

MINUTES

North Dakota State Water Commission Audio Conference Call Meeting Bismarck, North Dakota

August 11, 2005

The North Dakota State Water Commission held an audio conference call meeting in the Governor's conference room, Bismarck, North Dakota, on August 11, 2005. Governor John Hoeven, Chairman, called the meeting to order at 2:45 PM, and requested State Engineer, and Chief Engineer-Secretary, Dale L. Frink, to call the roll. Governor Hoeven announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor John Hoeven, Chairman
Roger Johnson, Commissioner, North Dakota Department of Agriculture, Bismarck
Charles Halcrow, Member from Drayton
Larry Hanson, Member from Williston
Elmer Hillesland, Member from Grand Forks
Curtis Hofstad, Member from Devils Lake
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
Dale L. Frink, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff
Matthew Sagsveen, Assistant Attorney General, Office of Attorney General, Bismarck
Lonnie Hoffer, North Dakota Department of Emergency Services, Division of
Homeland Security, Bismarck
Lance Gaebe, Office of the Governor, Bismarck
Dale Wetzel, Associated Press, Bismarck
Nelson County Water Resource Board Members, Lakota, ND (via phone)
Richard Urvand, Nelson County Road Superintendent, Lakota, ND (via phone)
Joe Belford, Devils Lake Downstream Acceptance Coordinator, Devils Lake (via phone)

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF AGENDA

the agenda approved as presented.

There being no additional items for the agenda, Governor Hoeven announced

APPROVAL TO OBLIGATE \$500,000 FOR WATER-RELATED DAMAGE IN NELSON COUNTY, OF WHICH ALLOCATION APPROVAL OF \$250,000 FOR ROAD MAINTENANCE (SWC Project No. 1294)

House Bill 1021, the State Water Commission's 2005-2007 biennium appropriation bill, authorizes the State Water Commission to provide up to \$500,000 for water-related damage to infrastructure in Nelson county.

Secretary Frink explained that a review of the legislative intent by staff of the Office of the Governor and the Office of Attorney General indicate these funds can be used for roads and normally non-eligible items such as land, legal expenses, and a higher than normal cost share.

Requests from the Nelson County Water Resource District and the Nelson County Commission were presented for the State Water Commission's consideration to expend \$250,000 on road maintenance, and to use the remaining \$250,000 for eligible and non-eligible portions for water projects in the flood problem areas. According to the Nelson County Highway Department and the District, \$87,610 is needed for emergency road graveling projects due to water problems within the county that are causing road closures and increased traffic on adjacent roads. A presidential disaster was declared for Nelson county on July 22, 2005. State Water Commission funds will be used with any FEMA funds received as part of the disaster declaration.

Because the Nelson County Water Resource District has not submitted water project proposals for the Central-Hamlin Project No. 101, Petersburg and Michigan spillways, and debris removal at flood control problem sites, Secretary Frink said specific water project funding (\$250,000) of the eligible and non-eligible costs will be presented for the State Water Commission's consideration at a later time. It is anticipated the District may also request state cost participation on the eligible items for the water projects.

It was the recommendation of the State Engineer that the State Water Commission obligate \$500,000 for water-related damage to infrastructure in Nelson county and, of that amount (\$500,000), approve an allocation of \$250,000 for road maintenance in Nelson county.

It was moved by Commissioner Thompson and seconded by Commissioner Halcrow that the State Water Commission obligate \$500,000 for water-related damage to infrastructure in Nelson county and, of that amount (\$500,000), an allocation of \$250,000 for road maintenance in Nelson county shall be approved from the funds appropriated to the State Water Commission in the 2005-2007 biennium. This motion is contingent upon the availability of funds.

Commissioners Halcrow, Hanson, Hillesland, Hofstad, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

Governor Hoeven is scheduled to meet with city and county officials in Nelson county on August 16, 2005 and tour the local communities to see firsthand the impact of long-term flooding on public infrastructure such as roads and bridges.

***NORTH DAKOTA DEVILS LAKE
OUTLET PROJECT STATUS
(SWC Project No. 416-07)***

The State of North Dakota has pursued an emergency phased outlet project from West Bay to the Sheyenne River.

The project was based on a three-year construction timeline, with construction commencing in the fall of 2002.

(Note: The State of North Dakota Devils Lake outlet project progress is documented in State Water Commission meeting minutes dated 2001 through June 22, 2005.)

Secretary Frink reported that the North Dakota Devils Lake outlet project is nearly completed. The pump tests were conducted on August 4, 2005, and the project's initial operation revealed the need for minor modifications. A concrete structure close to the downstream end of the outlet, which includes a gate that will be used to regulate water flow, had water seeping beneath it. Secretary Frink said the problem is being corrected and the outlet is not operating while the work is being done.

The North Dakota Department of Health's permit that governs the outlet's operation specifies that the water may not have an average weekly sulfate concentration of more than 300 milligrams per liter. Secretary Frink explained that the sulfate levels in west Devils Lake and the Sheyenne River are both high enough to restrict discharges into the river and, therefore, the outlet's water flow into the Sheyenne River will be reduced to avoid water quality problems. He described the water's quality as typical for the summertime and said it was not attributable to water runoff from farmland.

The Department's permit also specifies that the 14-mile channel cannot pump water from December through April, and cannot put more than 50 cubic feet per second (cfs) of water in 2005 into the Sheyenne River. The maximum rate then increases to 100 cfs in 2006.

Joe Belford, Devils Lake Downstream Acceptance Coordinator, briefed the State Water Commission members on a meeting held August 9, 2005 in Selkirk, Canada, with representatives of North Dakota and Manitoba to discuss the Devils Lake outlet project. Mr. Belford commented the meeting was productive and alluded to the respectful manner in which the meeting was conducted.

**LAKE METIGOSHE/BOTTINEAU
COUNTY FLOODING
(SWC Project No. 330-01)**

Bottineau county experienced significant rainfall events in May and June, 2005, which caused extensive damage within the county. On July 7, 2005, state and

local officials met to discuss short and long-term options to address the issue, financial assistance, and the appointment of a task force by Governor Hoeven.

Secretary Frink explained that in order to react to emergencies and cost overruns and to complete small projects in a timely manner, on August 13, 1998, the State Water Commission authorized the State Engineer to approve and expend up to \$20,000 to develop and manage the water resources of the state. A contract was executed between the State Engineer and the Oak Creek Water Resource District to provide technical assistance in an amount not to exceed \$20,000 from the funds appropriated to the State Water Commission in the 2005-2007 biennium. The District hired Wold Engineering, Bottineau, ND, to perform the scope of work outlined in the contract.

Secretary Frink stated that Lake Metigoshe has receded to one foot of its normal operating elevation, and the emergency dam at School Section Lake is continuing to be drawn down. Additional culverts have been installed in roads where water was being backed up. The flow in Oak Creek through the city of Bottineau is decreasing and sandbags are being removed. Willow Creek and the Souris River are continuing to drop in elevation, although Willow Creek is still above flood stage.

**NEXT STATE WATER
COMMISSION MEETING**

The next meeting of the State Water Commission is scheduled for August 30, 2005 in Bismarck, ND, convening at

1:30 PM in the State Office Building lower level conference room.

There being no further business to come before the State Water Commission, Governor Hoeven adjourned the audio conference call meeting at 3:25 PM.

John Hoeven, Governor
Chairman, State Water Commission

SEAL

Dale L. Frink
North Dakota State Engineer, and
Chief Engineer-Secretary to the
State Water Commission

