

MINUTES

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

January 15, 1988

The North Dakota State Water Commission held a telephone conference call meeting on January 15, 1988 at the State Office Building, Bismarck, North Dakota. Lt. Governor, Lloyd Omdahl, called the meeting to order at 2:00 p.m., and requested State Engineer and Secretary, Vernon Fahy, to present the agenda.

MEMBERS PRESENT:

Lt. Governor Lloyd Omdahl, Chairman
Kent Jones, Commissioner, Department of Agriculture, Bismarck
Richard Backes, Member from Glenburn
Joyce Byerly, Member from Watford City
Jacob Gust, Member from West Fargo
William Guy, Member from Bismarck
William Lardy, Member from Dickinson
Daniel Narlock, Member from Oslo, MN
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Governor George A. Sinner
Jerome Spaeth, Member from Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
News Media

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

NORTHWEST AREA WATER SUPPLY STUDY -
CONSIDERATION OF RESULTS OF
SELECTION AND EVALUATION PROCESS
CONCERNING HIRING OF CONSULTING
FIRM TO PERFORM PRELIMINARY
ENGINEERING REPORT FOR STUDY
(SWC Project No. 237-4)

preliminary study of the development of water resources within the study area.

The State Water Commission and the Garrison Diversion Conservancy District have initiated the Northwest Area Water Supply Study. The objectives of the study are to determine the needs and interest in development of a water supply study in northwestern North Dakota and a

Preparation of the study requires the services of an engineering firm, and Chapter 54-44.7 of the North

Dakota Century Code sets forth the procedures to be used by state agencies for the procurement of engineering services. Secretary Fahy stated that on November 10, 1987, a five-member engineering selection committee to assist in the selection process was appointed and that the procedures as set forth by State law have been followed in the selection of an engineering firm to conduct the Northwest Area Water Supply Study. The procedures were outlined in a January 4, 1988 memorandum to the State Water Commission.

Secretary Fahy summarized the engineering selection and evaluation process and indicated that on January 14, 1988 interviews were held with the three highest rated firms. Following the interview with each of the firms, the selection committee again rated the firms and a final total score based on both proposals and the interview was determined for each firm. The final rating of the three interviewed firms is as follows:

- | | |
|--|---------|
| 1) Houston Engineering, in joint venture with James M. Montgomery and American Engineering | - 4,260 |
| 2) KBM Engineering | - 3,893 |
| 3) ND ₄ | - 3,643 |

The Northwest Area Water Supply Study Selection Committee recommended that the State Water Commission, or its designee, negotiate a contract with Houston Engineering in joint venture with James M. Montgomery and American Engineering. Should the State Water Commission, or its designee, be unable to negotiate a satisfactory contract with that firm, negotiations shall be formally terminated. Negotiations shall commence in the same manner with the second and third most qualified firm until a satisfactory contract has been negotiated. If no agreement is reached, three additional firms in order of their competence and qualifications shall be selected after consultation with the Selection Committee, and negotiations shall be continued in the same manner until an agreement is reached.

It was moved by Commissioner Jones and seconded by Commissioner Byerly that the State Water Commission negotiate a contract with Houston Engineering, in joint venture with James M. Montgomery and American Engineering, to conduct the Northwest Area Water Supply Study. Should the State Water Commission be unable to negotiate a satisfactory contract with the above-named firm, negotiations shall be formally terminated, and shall commence in the procedure recommended by the Selection Committee stated above.

In discussion of the motion, Commissioner Narlock expressed concerns relative to the selection process.

Commissioner Lardy inquired if State law, which provides for a five percent preference clause for North Dakota contractors, would be applicable for this study since federal funds will also be used.

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Secretary Fahy responded that the State law providing a five percent preference clause to North Dakota contractors does not meet federal requirements for cost sharing in water projects and, therefore, if federal funds are to be appropriated for this study the five percent preference clause must be waived.

Commissioners Backes, Byerly, Gust, Guy, Lardy, Jones, and Chairman Omdahl voted aye. Commissioner Narlock voted nay. The recorded vote was 7 ayes; 1 nay. The Chairman declared the motion carried.

CONSIDERATION OF DEVILS
LAKE OUTLET COMMITTEE FINAL
RECOMMENDATIONS REPORT
(SWC Project No. 1712)

Commissioner Backes, Chairman of the Devils Lake Outlet Committee, summarized and commented on the Devils Lake Outlet Committee Final Recommendations Report, dated January,

1988. Chairman Backes indicated that the Committee has adopted the Corps of Engineers preliminary recommended plan with three amendments as the State-preferred plan. The plan will consist of a 200 cfs outlet channel with two pumping stations from the West Bay of Devils Lake to the Sheyenne River, a 50 cfs gravity flow connecting channel from East Devils Lake to the Stump Lakes, and an outlet with one pumping station from the Stump Lakes to the Sheyenne River. The outlet channel from the Stump Lakes would be operated such that downstream water quality standards would not be violated and it would not interfere with the operation of the flood-control outlet from West Bay of Devils Lake. Devils Lake would have a target elevation around 1430 msl. The Stump Lakes would be at 1400 msl with the stipulation they could only be raised if Devils Lake would have reached its natural overflow elevation as determined by a water balance model or if additional water became available to the Basin.

Chairman Backes indicated the draft report was circulated to the Committee members and the comments which were received were reviewed and included in an appendix to the report. Chairman Backes also made reference to a letter received from the Chief of the Environmental Policy Branch of the U.S. Environmental Protection Agency that was not received in time for inclusion in the report. He indicated the letter would be forwarded to the State Water Commission office and requested it be made a part of the report.

It was moved by Commissioner Backes and seconded by Commissioner Guy that the State Water Commission approve the Devils Lake Outlet Committee Final Recommendations Report, dated January, 1988, and authorize transmittal of the report to the appropriate individuals and agencies.

In discussion of the motion, Commissioner Narlock expressed his congratulations to the Committee for a job well done. (See Minutes of March 17, 1988 for amendment, page 8)

Commissioners Backes, Byerly, Gust, Guy, Lardy, Narlock, Jones, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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STATUS REPORT ON INTER-
BASIN BIOTA TRANSFER STUDY
(SWC Project No. 1828)

Commissioner Guy reported on a meeting held in Fargo on January 7, 1988 which was attended by himself, Gene Krenz, and Dr. Craig Schnell

and Dr. Jay Leitch from the North Dakota State University Water Resources Research Institute. The purpose of the meeting was to discuss the progress of the work Dr. Leitch is doing relative to soliciting research proposals on inter-basin water transfer and its effect on foreign biota and fish pathogens; to discuss the review and evaluation process of 11 research proposals received; to determine which proposals will be most pertinent to the inter-basin transfer of water; and, to discuss funding for the research proposals.

Commissioner Guy stated that a request for funding the research program was presented to the Garrison Diversion Conservancy District Board of Directors for its consideration to pledge up to \$50,000 for calendar year 1988 and that the budget process for establishing priorities for appropriating money consider \$100,000 for the following calendar year for the research program. Commissioner Guy indicated that at its meeting on January 8, 1988, the Garrison Diversion Conservancy District Board of Directors approved the request to pledge up to \$50,000 for calendar year 1988.

In order to strengthen the Inter-Basin Biota Transfer Research Study, Commissioner Guy urged that the State Water Commission also consider pledging funds for calendar year 1988, and requested this item be placed on the agenda for discussion at the Commission's next meeting.

It was moved by Commissioner Lardy, seconded by Commissioner Guy, and unanimously carried, that consideration of funding for the Inter-Basin Biota Transfer Research Study be placed on the agenda for the next meeting of the State Water Commission.

CONSIDERATION, AND APPROVAL
OF RESOLUTION - LYNN ROSE,
DIRECTOR OF WEATHER
MODIFICATION BOARD
(SWC Resolution No. 88-1-427)

Lynn Rose, Director of the North Dakota Weather Modification Board for the past 11 years, has resigned to accept another position. A draft resolution was read for the Commission's consideration which expressed its appreciation to Mr. Rose.

It was moved by Commissioner Byerly, seconded by Commissioner Narlock, and unanimously carried, that the State Water Commission approve Resolution No. 88-1-427 which expresses the Commission's appreciation to Lynn Rose. (SEE APPENDIX "A")

UPDATE ON SOUTHWEST
PIPELINE PROJECT
(SWC Project No. 1736)

David Sprynczynatyk, Director of Engineering for the State Water Commission, stated that the final 1988 appropriation for the Garrison

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Diversion MR&I Program is still unknown to date, but he said it appears as though there will be sufficient funds to allow the bidding of Reach 2-3A in January, 1988 for the Southwest Pipeline Project. This reach of the project involves approximately 12 miles of pipeline at an estimated cost of \$4.2 million.

STATUS REPORT ON
RED RIVER DIKING
(SWC Project No. 1638)

At the December 9, 1987 Commission meeting, a motion was adopted approving a revised Agreement, effective until February 1, 1988, to

allow payment of dike modification work for farmers that had not previously signed an Agreement with the State Water Commission.

Rosellen Sand, Assistant Attorney General for the State Water Commission, indicated 24 revised Agreements were mailed to landowners and to date three Agreements have been returned. Ms. Sand stated that a letter will be sent to those landowners who have not returned their Agreement reminding them of the February 1, 1988 deadline.

STATUS REPORT ON
SOURIS RIVER FLOOD
CONTROL PROJECT
(SWC Project No. 1408)


Secretary Fahy responded to a concern expressed by the Commission members relative to a motion passed by the North Dakota Wildlife Federation requesting that a moratorium be placed on the construction of the Rafferty-Alameda Dams.

Secretary Fahy stated staff is addressing this concern and noted that it involves both fisheries and water quality.

There being no further business to come before the Commission at this time, it was moved by Commissioner Lardy, seconded by Commissioner Backes, and unanimously carried, that the telephone conference call meeting adjourn at 2:25 p.m.


George A. Sinner
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

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RESOLUTION 88-1-427
IN APPRECIATION TO
LYNN ROSE, DIRECTOR
NORTH DAKOTA WEATHER MODIFICATION BOARD

APPENDIX "A"

WHEREAS, Lynn Rose has served as Director of the North Dakota Atmospheric Resource Board for the past 11 years and has now decided to accept another position; and

WHEREAS, Lynn has demonstrated outstanding management skills in maintaining a viable program in the State under difficult circumstances; and

WHEREAS, he brought to this position outstanding technical skills which he applied effectively in the day-to-day management of the program; and

WHEREAS, his professional approach to program management earned the respect of those with whom he dealt including members of the State Legislative Assembly, the Executive Branch of Government, and his co-workers.

NOW, THEREFORE, BE IT RESOLVED that the State Water Commission and its Chairman, Governor George A. Sinner, the State Engineer and the staff of the agency do hereby express thanks to Lynn Rose for a job well done and wish him good fortune in his new endeavor.

Passed and Adopted this 15th day of January, 1988.

SEAL


George A. Sinner
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary