

MINUTES

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

December 22, 1997

The North Dakota State Water Commission held a telephone conference call meeting in the Governor's conference room, State Capitol, Bismarck, North Dakota, on December 22, 1997. Chairman, Edward T. Schafer, called the meeting to order at 2:40 PM, and requested State Engineer, and Chief Engineer-Secretary, David A. Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

MEMBERS PRESENT:

Governor Edward T. Schafer, Chairman
Roger Johnson, Commissioner, Department of Agriculture, Bismarck
Mike Ames, Member from Williston
Florenz Bjornson, Member from West Fargo
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
David A. Sprynczynatyk, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

MEMBER ABSENT:

Judith DeWitz, Member from Tappen

OTHERS PRESENT:

State Water Commission Staff
Dave Koland, North Dakota Rural Water Systems, Bismarck
Dale Wetzel, Associated Press, Bismarck

The attendance register is on file with the official minutes.

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

APPROVAL OF AGENDA

An item relating to the Devils Lake Awareness Project manager position was included under 'Other Business'. The Chairman declared the agenda approved and requested Secretary Sprynczynatyk to present the agenda.

**GARRISON DIVERSION PROJECT -
APPROVAL OF FISCAL YEAR 1998
MR&I BUDGET
(SWC Project No. 237-03)**

The Garrison Diversion Unit federal appropriation for Fiscal Year 1998 is \$25.9 million, which includes \$12.23 million for the MR&I Water Supply program.

On December 15, 1997, the MR&I committees of the State Water Commission and the Garrison Diversion Conservancy District met to review the Fiscal Year 1998 MR&I budget, and how projects could utilize the various funding sources to best serve the MR&I water needs while helping as many projects as possible.

The committees received a status report from the North Valley Water Association on its expansion project that would add rural users and the city of Neche to the North Valley Water system at an estimated cost of \$3,500,000. This option would satisfy the requirements of the Surface Water Treatment Rule of the Safe Drinking Water Act for the city of Neche. The Association requested MR&I funding of \$2,275,000, or an additional \$855,000 above the scheduled \$1,420,000 as shown on the funding schedule of September 29, 1995 for the expansion project. In an effort to work with the MR&I program when funding is below expectations, the Association submitted a revised request for MR&I funding in the amount of \$585,000.

North Valley Water Association submitted an application to the Rural Utilities Service requesting a grant of 45 percent (\$585,000) for adding the city of Neche to North Valley if MR&I funding is not available.

Ransom-Sargent requested additional MR&I grant funding for the cultural resources survey in the amount of \$36,500, and for a water supply study. The feasibility study had an estimated cost of \$200,000, which included \$27,000 for the cultural resources survey, \$6,200 for environmental coordination, and \$34,000 for a water supply study. The file search was completed to obtain the Class I cultural resource inventory. The archeologist's inventory report identified areas of high, medium, or low potential/probability for the discovery of undocumented cultural resources. Based on the report, the North Dakota State Historic Preservation Office and the Bureau of Reclamation determined 300 miles of the proposed pipeline routing required Class III surveys (walking the route) and 420 miles of the proposed pipeline routing required Class II surveys (driving the route). The new cost estimate for NEPA requirements is based on current contracts and is \$73,500, including the cultural resources surveys at \$63,500 and \$10,000 for environmental coordination.

The MR&I committees recommended an additional 65 percent MR&I grant, in the amount of \$500,000, for North Valley Water Association that would be funded by reducing the Garrison Diversion

operation and maintenance budget for the McClusky Canal. The committees recommended an additional 65 percent MR&I grant, in the amount of \$23,725, for Ransom-Sargent.

Secretary Sprynczynatyk presented the following breakdown for the proposed funding budget for the Fiscal Year 1998 MR&I program for the Commission's consideration:

Southwest Pipeline	D&C	\$ 3,710,000
North Valley/Neche	D&C	1,920,000
Ransom-Sargent	F,D&C	1,523,725
Missouri West	D&C	1,400,000
Northwest Area Water Supply	D&C	3,000,000
All Seasons (Benson/Interior)	D&C	1,000,000
Feasibility Studies	F	26,275
Administration	F	<u>150,000</u>
Total Available in Fiscal Year 1998		\$12,730,000

It was the recommendation of the State Engineer that the State Water Commission approve the proposed \$12.73 million Fiscal Year 1998 MR&I Water Supply program budget, contingent upon the availability of federal funds and subject to future revisions.

It was moved by Commissioner Olin and seconded by Commissioner Johnson that the State Water Commission approve the recommendation of the State Engineer of the proposed \$12.73 million Fiscal Year 1998 MR&I Water Supply program budget as presented, contingent upon the availability of funds and subject to future revisions.

Commissioners Ames, Bjornson, Hillesland, Johnson, Olin, Swenson, Thompson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**NORTH DAKOTA WETLANDS
TRUST ALLOCATION FOR
FISCAL YEAR 1997
(SWC Project No. 1826)**

program and the Wetlands Trust. Both features are widespread programs benefitting much of the state.

In 1986, the Garrison Diversion Project was reformulated by Congress. Two new features of the project were the Municipal, Rural, and Industrial (MR&I) Water Supply

The Wetlands Trust is a program that provides for the preservation, enhancement, restoration, and management of wetlands and associated wildlife habitat in the state. The Wetlands Trust operates off of the interest from a trust fund that will eventually reach \$13.2 million. Of the \$13.2 million, \$12 million is to come from the federal government and \$1.2 million from the state.

In 1993, the Garrison Diversion Conservancy District, the State Water Commission, and the North Dakota Game and Fish Department entered into a memorandum of agreement in which the three entities agreed to share equally the state's commitment, in accordance with terms set out in a February 14, 1991 agreement between the State of North Dakota, the Bureau of Reclamation, and the North Dakota Wetlands Trust. That agreement provides that the state's share shall be based on 0.15 percent of the federal Garrison Diversion Unit (GDU) appropriation. The Fiscal Year 1997 GDU appropriation was \$24.3 million; therefore, the state's commitment would be \$36,450. The State Water Commission's share is \$12,150.

It was the recommendation of the State Engineer that the State Water Commission approve the obligation of \$12,150 for one-third of the state's Fiscal Year 1997 Wetlands Trust contribution, contingent upon an equal contribution by the Garrison Diversion Conservancy District and the North Dakota Game and Fish Department.

Commissioner Johnson explained that the 1997 Legislature appropriated \$500,000 from the North Dakota Game and Fish Department for the State Waterbank program. The Wetlands Trust passed a motion at its October, 1996 meeting to provide \$100,000 to match the money provided by the Legislature. However, in December of 1997, the Trust informed the North Dakota Commissioner of Agriculture that they were not going to provide the \$100,000 to the Waterbank Program because they felt the state appropriation should not have come from the North Dakota Game and Fish Department funds. Commissioner Johnson expressed concerns relative to the Trust's involvement in the state's Waterbank program and whether or not the Trust is in a position to match the funds appropriated by the Legislature.

During discussion, the Commission members expressed support to provide the requested funds to the Wetlands Trust, as the Commission has done in the past. The Commission voiced concurrence that representatives of the Wetlands Trust be invited to the next meeting of the Commission to provide a report on the Trust's programs and activities, including acquisition, land management, and involvement with the state's Waterbank program. Governor Schafer tabled action on the request for the North Dakota Wetlands Trust allocation for Fiscal Year 1997 until the next meeting of the State Water Commission.

**APPROVAL OF FUNDS FOR
DEVILS LAKE OUTLET
AWARENESS PROJECT MANAGER
(SWC Project No. 416-01)**

A request from the Devils Lake Joint Board was presented for the State Water Commission's consideration to cost share in the proposed Devils Lake Outlet Awareness project.

The project objectives include:

- 1) Establish and maintain contacts with counties, cities, townships, water resource districts, and other groups such as civic, wildlife, and agricultural organizations in North Dakota, Minnesota, and Manitoba to identify those that have expressed an interest or concern with the Devils Lake emergency outlet project.
- 2) Develop and implement a program that will provide timely and accurate information to groups and individuals demonstrating an interest in the outlet project. That information will describe the need for the outlet project, the details of the project, and its potential impacts.
- 3) Maintain a clear monthly record of any concerns or suggestions in regard to the outlet project that are expressed in the contacts made through this agreement and convey that information to the State Water Commission, the Garrison Diversion Conservancy District, and the Devils Lake Basin Joint Board.
- 4) Maintain a clear monthly record of any concerns or suggestions in regard to the potential use of the Sheyenne River as a conduit for moving treated Missouri River water to eastern North Dakota that are expressed in the contacts made through this agreement and convey that information to the Commission and the District.

The total contract for a 12-month period is \$45,000. Secretary Sprynczynatyk explained the following proposed contract cost share arrangements:

- 1) The State Water Commission shall pay up to \$15,000 (33 percent)
- 2) The Garrison Diversion Conservancy District shall pay up to \$15,000 to the Commission upon billing (33 percent)
- 3) The Devils Lake Joint Board shall pay up to \$10,000 (22 percent) to the Commission upon billing plus provide up to \$5,000 of in-kind services
- 4) The Forward Devils Lake Corporation shall pay up to \$5,000 (12 percent) to the Commission upon billing

The State Water Commission would administer the proposed program, and office space would be made available for the manager in the Devils Lake Joint Basin Board's office in Devils Lake.

It was the recommendation of the State Engineer that the State Water Commission approve cost share from the Contract Fund up to \$15,000 for the Devils Lake Outlet Awareness Project manager's position for one year, contingent upon the availability of funds.

It was moved by Commissioner Bjornson and seconded by Commissioner Olin that the State Water Commission approve cost share up to \$15,000 from the Contract Fund for the Devils Lake Outlet Awareness Project manager for a period of one year. This motion is contingent upon the availability of funds.

Commissioners Ames, Bjornson, Hillesland, Johnson, Olin, Swenson, Thompson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

There being no further business to come before the State Water Commission, Governor Schafer adjourned the meeting at 3:00 PM.

/S/ Edward T. Schafer _____
Edward T. Schafer
Governor-Chairman

SEAL

/S/ David A. Sprynczynatyk _____
David A. Sprynczynatyk
State Engineer, and
Chief Engineer-Secretary

