

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, March 10, 2016

A regular meeting of the board of directors of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley on Thursday, March 10, 2016, in the Community Room of the Minot City Auditorium in Minot, North Dakota. Joint Board members attending the meeting were Dave Ashley, Clif Issendorf, and Tom Klein. Roger Sauer participated by telephone. A quorum was declared. A roster of those attending the meeting are listed on Attachment A.

The Joint Board discussed the proposed Agenda for the meeting. David Ashley stated that two additional items would be discussed under "Other Business." The first additional item relates to a "Letter of Information" provided to the State Water Commission by Clif Issendorf which identifies water problems between Bottineau County, North Dakota and Manitoba, Canada. The letter is attached as Attachment B. The second additional item relates to the Silver Jacket Program at the North Dakota State Water Commission. Mike Hall from the Silver Jacket Program was in attendance. Tom Klein moved to approve the Agenda with the additions; Clif Issendorf seconded. The motion was approved unanimously.

The Minutes of the February 11, 2016, meeting were discussed. Tom Klein made a motion to approve the Minutes of the February 11, 2016, meeting, and Clif Issendorf seconded the motion. The motion was carried without opposition.

The Joint Board reviewed and approved invoices as follows:

1. It was moved by Tom Klein, seconded by Clif Issendorf, that the invoice from Barr Engineering for Environmental and Design in the amount of \$466,538.32 be approved. Ryan Ackerman indicated that Dan Jonasson reviewed the invoices prior to the meeting, and had approved the invoices. The motion was unanimously approved by roll call vote.
2. It was moved and approved by Tom Klein, seconded by Clif Issendorf, that Houston Engineering's invoice for Environmental and Design be approved in the amount of \$342,329.44. The motion was approved by roll call vote.
3. It was moved and approved by Tom Klein, seconded by Clif Issendorf, that the invoice from Ackerman Estvold for administrative services in the amount of \$19,721.26 be approved. The motion was approved by a roll call vote.

Ryan Ackerman reported on the USACE Feasibility Study Agreement, which was provided in the Board Packet. The Agreement sets forth the obligations of the USACE and the Souris River Joint Board in pursuit of a "Study" meant to identify a coordinated and implementable solution for the Mouse River Enhanced Flood Protection Project (Project), and to develop a "Project Management Plan," which describes the scope, cost, and schedule for the Study. Ryan Ackerman reported that the Study has an

estimated cost of \$3,000,000, which would be split 50/50 between the USACE and the SRJB, according to the Agreement. Ryan Ackerman reported that, in order to move forward with the Agreement, the Joint Board would need to provide an executed Feasibility Study Agreement and funds in the amount of \$25,000. It was moved by Clif Issendorf, seconded by Tom Klein, that the Feasibility Study Agreement be approved. A discussion ensued. David Ashley reported that the timeline for completing the Study was typically three years, but that the parties were hopeful that the Study could be streamlined. Ryan Ackerman indicated that the timeline would depend in large part on federal appropriations; \$200,000 was appropriated for 2016, and \$500,000 was appropriated for 2017. The motion was approved unanimously.

Ryan Ackerman questioned whether the motion to approve the Feasibility Study Agreement included the authorization to develop a cost share agreement for the obligation of the SRJB under the Feasibility Study between the SRJB and the ND State Water Commission. It was decided that the Joint Board should adopt a separate resolution regarding the local cost share for the SRJB's obligations under the Feasibility Study. Clif Issendorf made a motion to approve the development of a local cost share for the SRJB's obligations under the Feasibility Study. Roger Sauer seconded the motion. David Ashley indicated that the timing of executing and funding the Agreement was appropriate.

The Joint Board discussed the STARR program. Ryan Ackerman reported that the ND SWC had agreed to fund the STARR program as part of the Mouse River Enhanced Flood Protection Project. Ryan Ackerman indicated that the program would be implemented as soon as the USACE provides an inventory for the properties to be covered under the program. Ryan Ackerman reported that Dwyer Law was providing templates for the program. The Joint Board provided its gratitude to Maurice Foley of the State Water Commission, who was in attendance.

Jerry Bents from Houston Engineering provided an update to the Joint Board for Phase 1 of the Project. Jerry Bents reported that the 60% design submittal was near completion. Although the submittal was approximately 6,000 pages long, which includes voluminous calculations, specifications, and designs, the main body, which is approximately 100 pages long, provides a summary of Phase I. Jerry Bents indicated that Houston was working on standardizing specifications for the Project to ensure consistency across the Project. Jerry Bents indicated that Houston Engineering was working on permitting with FEMA and USACE to work within the Souris River flood plain, which will require a Conditional Letter of Map Revision be issued by FEMA as a result of any rise in floodplain resulting from the Project.

Jason Westbrook provided an update to the Joint Board for Phase 2 and Phase 3 of the Project. Jason Westbrook indicated that Barr Engineering was close to 90% completed with the design for Phase II and Phase III, and that Independent External Peer Review (IEPR) was underway for both Phase 1 and Phases 2 and 3. Jason Westbrook indicated that the Barr team had been working recently with the parks and golf courses affected by the Project. It was reported that Wee Links could be closed for a period of two years.

The Joint Board discussed Phase 2A Plans and Specifications (Perkett Ditch Improvements). Ryan Ackerman reported that Phase 2A was independent of the Environmental Impact Statement (EIS),

therefore construction of Phase 2A can commence independent of the status of the EIS. Ryan Ackerman reported that the first step was to seek a railroad permit which is necessary prior to construction of Phase 2A. Ryan Ackerman asked the Joint Board to approve the Plans and Specifications for Phase 2A, and to authorize advertisement for bids, subject to a railroad permit being obtained. Tim Fay questioned whether any SWC permits were required. Ryan Ackerman does not anticipate that an appropriations permit, sovereign lands permit, or dike or dam permit will be required for Phase 2A, as Phase 2A would be categorized as a stormwater retention project. Clif Issendorf questioned the timing of construction of Phase 2A. Ryan Ackerman reported that he anticipated that the SRJB would obtain a railroad permit by midsummer 2016, and that construction would be coordinated with Project appropriations. Tom Klein moved to approve Phase 2A plans and specifications and to authorize advertisement for bids, subject to obtaining a railroad permit. Roger Sauer seconded the motion. The motion was approved unanimously.

The Joint Board discussed the Borrow Agreement presented in the Board Packet. Ryan Ackerman reported that the Borrow Agreement had been reviewed prior to the meeting by Dan Jonasson, David Ashley, and Jack Dwyer, and that the Borrow Agreement was consistent with a borrow agreement utilized by ND Department of Transportation. The property described by the Agreement is owned by Don Erickson. A map showing the borrow site was provided during the meeting, and is attached as Attachment C. The borrow site was reported to have approximately 1,000,000 cubic yards of suitable fill material available, which largely exceeds the estimated fill required for Phases 1, 2, and 3 of 500,000. The site could potentially provide fill material that could be critical in a potential flood fight. Tim Fay questioned whether cultural clearance had been obtained. Ryan Ackerman indicated that the cultural assessment was underway. Clif Issendorf moved to approve the Borrow Agreement and to authorize the Chairman to sign the Borrow Agreement on the SRJB's behalf. Tom Klein seconded the motion. Shelly Wepler questioned whether site would utilize a frontage road to promote safety at the intersection at which trucks using the borrow site will access Highway 2. Ryan Ackerman indicated the DOT controlled the subject intersection, and that a traffic control plan had been initiated. The motion was approved unanimously by a roll call vote.

The Joint Board discussed the ND DOT Memorandum of Understanding that was provided in the Board Packet. Jerry Bents reported that the ND DOT was in the process of making improvements to US Highway 83 Bypass and US 83 Broadway Viaduct, and that the Department of Transportation would facilitate additional improvements to accommodate Project features. Under the terms of the Memorandum of Understanding, the SRJB would be paying the increase in the DOT improvement project resulting from the enhanced flood protection features. Jerry Bents reported that the cost to the SRJB was estimated at \$2.417 million, but that the SRJB would save a significant amount of money by coordinating these flood protection features with the current DOT project. Tom Klein moved to approve the Memorandum of Understanding and Authorize the Chairman to sign the agreement of the SRJB's behalf. Roger Sauer seconded the motion. Clif Issendorf inquired about the additional bridge extension required. Jerry Bents indicated that the bridge would need to be an additional 120 feet. Ryan Ackerman indicated that the DOT would maintain the bridge following construction. The motion passed unanimously.

Abby Dorn provided an update to the Board regarding the System Wide Improvement Framework (SWIF). The 90% draft has been submitted to the USACE, who is currently in a holding pattern.

The Joint Board discussed a recent International Souris River Board (ISRB) meeting, held February 24th. The Board called on Shelly Weppeler to provide feedback about the ISRB meeting. Ryan Ackerman reported that Canada is currently concerned about a potential lack of water. Frank Durbian reported that the US Fish and Wildlife Service has made a little progress toward funding a Plan of Study. David Ashley indicated that Melinda Hammond had become a new member of the ISRB. Ryan Ackerman indicated that, during a wet period, the chance of enduring a storm event equal to the 2011 flood is 2%. A discussion ensued.

Allen Schlag from the National Weather Service (NWS) provided an update to the Joint Board regarding the NWS' efforts to standardize river gauge datums along the Souris River. Allen Schlag reported that river gage data along the Souris River in North Dakota have been a mixture of stage data above a designated zero datum and stage data reported as feet above mean sea level using the National Geodetic Vertical Datum of 1929 (NGVD 29). Due to a request from Souris River Joint Board through the North Dakota Silver Jackets Program, as of January 1, 2016, all river gage data within the Souris River Basin of North Dakota will be converted to the North American Vertical Datum of 1988 (NAVD 88) and presented as feet above mean sea level. Allen Schlag provided a Service Change Notification for the Joint Board's review, attached as Attachment D. Roger Sauer requested that the NWS include CFS data in the future, as an additional measuring tool. Allen Schlag indicated that the Cubic Feet per Second (CFS) data was recently removed due to misunderstanding of the CFS data by the public, but that he would bring CFS concerns to the NWS. Allen Schlag indicated that the biggest step to implement this change is public outreach. Mike Hall from the Silver Jackets Program issued his gratitude to Allen Schlag and the NWS for their efforts in standardizing this information.

The Souris River Joint Board discussed the letter Clif Issendorf provided to Todd Sando, North Dakota State Engineer. Clif Issendorf reported that the State Water Commission had tabled any discussion on the matter due to lengthy discussion on other topics. Clif Issendorf identified several different Canadian drainage or detention projects that impacted lands in North Dakota. Tim Fay suggested that Clif Issendorf provide his letter to John Paczkowski from the SWC Regulatory Division.

Clif Issendorf reported that Todd Sando had resigned as State Engineer.

Mike Hall provided information to the Joint Board relating to the Silver Jackets Program of the SWC and Department of Emergency Services (DES). According to Mike Hall, the Silver Jackets team up with federal and state partners to reduce flood risks, including United States Army Corps of Engineers (USACE), Natural Resources Conservation Service (NRCS), United States Geological Survey (USGS), North Dakota Geological Survey (NDGS), United States Fish and Wildlife Service (USFWS), and National Weather Service (NWS). Mike Hall reported that the Silver Jackets Coalition have focused on the following initiatives: funding Lidar data for all of North Dakota west of the Red River, developing SWIF for MREFPP, developing an Emergency Action Plan, developing revised Inundation Mapping, establishing

USACE inventory mapping, and coordinating US/Canada modeling. The Joint Board issued its thanks to Mike Hall and the Silver Jackets Program for its support.

There being no further business, the meeting was adjourned.



Jack Dwyer, Legal Counsel