

MINUTES

NORTH DAKOTA ATMOSPHERIC RESOURCE BOARD MARCH 26, 2003

The meeting of the Atmospheric Resource Board was called to order by Chairman Jay Sandstrom at 9:00 a.m., Wednesday March 26, 2003, in the lower level conference room of the State Office Building, Bismarck, North Dakota.

ROLL CALL

Roll call was taken and members present were Jay Sandstrom, Hattie Melvin, Judith DeWitz, Dave Schmidt, Dale Frink, Gary Ness, and Steven Weber. Staff members present were Darin Langerud, Director; LeNor Dollinger, Business Manager; Aaron Gilstad, Chief Meteorologist; Dawn Feist, Project Assistant; and Andrew Clausen, Assistant Meteorologist. Other present were Dr. Harry Orville, Panel Chairman, Distinguished Professor Emeritus of Meteorology, Institute of Atmospheric Sciences, South Dakota School of Mines & Technology.

APPROVAL OF MINUTES

Dave Schmidt moved to accept the minutes of the October 24, 2002 meeting as presented with the insertion of the officers elected. Seconded by Gary Ness. Members Hattie Melvin, Judith DeWitz, Dave Schmidt, Dale Frink, Gary Ness, and Steven Weber voted aye. There were no nay votes. Motion carried.

FINANCIAL STATUS REPORT

Ms. LeNor Dollinger reviewed the financial status report for February 28, 2003. There were no questions.

LEGISLATIVE UPDATE

Mr. Darin Langerud and Mr. Dale Frink updated the board on the State Water Commission and ARB's appropriation bill (SB 2022). Mr. Frink reported that the Governor's executive recommendation originally had the agency's budget funded from special fund. The Senate modified the SWC/ARB bill to where the agency would be funded with general and special monies. Mr. Langerud noted that Ms. Dollinger has been tracking some other bills pertaining to state employees and human resources.

ARB APPOINTMENTS

Mr. Langerud informed the board that as of July 1, 2003 the terms for Districts I, III, V, and VII members of the Board are up for reappointment. Mr. Langerud has sent letters to the county authority members in Districts I and VII asking them to submit a letter to the governor's office by March 31, 2003 with three candidates

names listed. The governor will then appoint one of the three candidates to serve on the board. Districts III and V don't have cloud seeding operations so the governor appoints at large.

APPLICATIONS FOR NORTH DAKOTA WEATHER MODIFICATION OPERATOR'S LICENSE AND PERMITS

LICENSES

Mr. Langerud informed the board the both Weather Modification, Inc. (WMI) and Atmospheric, Inc. has submitted license renewal applications for the calendar year 2003. Mr. Langerud recommended that the board approve the licenses for both WMI and Atmospheric, Inc.

Hattie Melvin moved to approve the license renewal for Weather Modification, Inc. and Atmospheric, Inc. for the calendar year 2003. Seconded by Dave Schmidt. Members Hattie Melvin, Judith DeWitz, Dave Schmidt, Dale Frink, Gary Ness, and Steven Weber voted aye. There were no nay votes. Motion carried.

PERMITS

Mr. Langerud informed the board that Weather Modification, Inc. has submitted permit applications for District I and II. Mr. Langerud has one exception that the bid bond in not noted correctly. There is a discrepancy in the value of the figure of the performance bond. The discrepancy of the performance bond does not affect the permit. Mr. Langerud recommended that the board approve the permits contingent upon public response. Mr. Langerud informed the board that there is some uncertainty to the number of townships in Slope County that will be involved in the 2003 project. Mr. Langerud informed the board that since there is an uncertainty the permit will include the township for now. If that township decides not to be involved in the 2003 project then the permit will be amended accordingly.

Judith DeWitz moved to approve the permit application for District I and II contingent upon public response. Seconded by Dale Frink. Members Hattie Melvin, Judith DeWitz, Dave Schmidt, Dale Frink, Gary Ness, and Steven Weber voted aye. There were no nay votes. Motion carried.

REPORT OF THE OPERATIONS & SAFEGUARD COMMITTEE

Mr. Langerud commented to the board that the last time the board convened an Operations and Safeguard Committee was back mid 80's. Mr. Langerud informed the board that both committees have recommended that the program be reviewed more frequent than fourteen years. The recent committee conducted the review of the program in January, 2003 in Bismarck. Mr.

Langerud introduced Dr. Harry Orville, Chairman of the Operations and Safeguard Committee.

Dr. Orville discussed the findings and recommendations the committee presented to the board. Dr. Orville answered questions asked by the board pertaining to the recommendations by the committee.

The other panel members were Ms. Denise Banaszewski, Attorney, Stokes Lawrence P.S., Seattle, WA, Dr. James A. Heimback Jr., Emeritus Professor of Atmospheric Sciences, University of North Carolina at Asheville, Mr. Leon Osborne, Professor of Atmospheric Science, University of North Dakota, Dr. Paul L. Smith, Professor Emeritus of Meteorology, Institute of Atmospheric Sciences, South Dakota School of Mines & Technology, and Dr. William L. Woodley, President, Woodley Weather Consultants.

Gary Ness moved to accept the report as presented by the Operations and Safeguard Committee. Seconded by Judith DeWitz. Members Hattie Melvin, Judith DeWitz, Dave Schmidt, Gary Ness, and Steven Weber voted aye. There were no nay votes. Motion carried.

STATUS OF MONTANA BUFFER ZONE INITIATIVE

LICENSE

Mr. Langerud informed the board that he and Mr. Aaron Gilstad were licensed to perform weather modification operations in the state of Montana for the calendar year 2003. Although without a permit we still can not perform weather modification operations in Montana.

MONTANA LEGISLATION (HB 644)

Mr. Langerud informed the board that there was a bill introduced in the 2003 Montana legislative session pertaining to the law dealing with weather modification. The bill originated from public meetings that the Montana Farmers Union conducted. The bill would remove the permitting process, which included the requirement for the EIS and liability insurance. However, the bill does have restricted dates that any weather modification activity may not start before November 1st or end after March 15th. That would still exclude North Dakota from acquiring a buffer zone. The bill does allow the governor to change the term of operation in drought emergency. Mr. Langerud traveled to Helena to testify for the bill on the House side in February. There has been some efforts to have the dates removed from the bill.

STATUS OF THE WEATHER DAMAGE MODIFICATION PROGRAM

Mr. Langerud reviewed with the board that Congress approved \$2 million for the Weather Damage Mitigation Program (WMDP) for fiscal year 2002. The WMDP was placed in the Bureau of Reclamation (BOR) budget. The ARB research proposal was submitted to the Bureau in October, 2002. The BOR approved NDARB's proposal as it was received and the financial assistance award was signed effective February 14, 2003. NDARB will be sub-contracting with the University of North Dakota and South Dakota School of Mines to do the research as proposed. The research will include rainfall and case study analysis and cloud condensation nuclei measurements. There is a 50% cost requirement match. ARB will use operational program monies for the required match.

Mr. Langerud informed the board that Congress has appropriated \$2 million for the fiscal year 2003. The language in the bill restricts it to five states. North Dakota is not one of those five states named in the bill. Mr. Langerud is working with the North American Interstate Weather Modification Council's (NAIWMC) lobbyist in Washington and the Bureau to solve this situation. Mr. Langerud mentioned a letter needs to come from either from the House or Senate to clarify their intentions, and then possibly we could be eligible for funds.

Mr. Langerud informed the board that there has been a proposal submitted for \$3.5 million for fiscal year 2004. In the past a proposal has been submitted for \$3.5 million but the last two years that has been cut to \$2 million.

DEVELOPMENT OF AN NDCMP ELECTRONIC RECORDKEEPING SYSTEM

Mr. Aaron Gilstad informed the board the staff has been working on electronic reporting for the NDCMP. The meteorological paperwork is still in the planning stage. Staff is working towards having all meteorological paperwork available in the database. The information will be searchable in the database and easily accessed for research purposes. Mr. Langerud commented that the information will be on the database at the NDARB office.

Mr. Gilstad demonstrated the new electronic method for aircraft crew documentation of operations. The electronic method consists of a PalmPilot and a GPS that are connected together. Mr. Paul Moen has programmed and designed the system for NDARB. For the 2003 project the board has purchased two PalmPilots and GPS to use this summer on a trial basis. Staff plans to have the electronic recordkeeping system completely implemented by the 2004 project.

Mr. Gilstad reported that staff is in the process of working on electronic means for the forecaster.

NDCMP PROJECT REVIEWS

Mr. Andy Clausen reviewed with the board the NDCMP studies he has been working on. Mr. Clausen has been comparing the launch to seeding time, the atmospheric stability index study, and the HAILCAST forecast model evaluation.

2003 ARBCON NETWORK

Ms. Dawn Feist distributed a map of the Atmospheric Resource Board Cooperative Observer Network (ARBCON) volunteer locations throughout North Dakota. The ARBCON volunteers begin reporting rainfall data April 1st and will continue through September. There are approximately 773 volunteer observers for the 2003 season.

Being no further business, the meeting was adjourned at 2:10 p.m.

MARY CICHOS, SECRETARY

JAY SANDSTROM, CHAIRMAN

Transcribed by Dawn Feist