

Devils Lake Outlet Management Advisory Committee Meeting Minutes

Wednesday, May 12, 2021; 2:00 pm

Virtual Meeting

Committee Members Present:

Joel Anderson – Towner County
Nicole Armstrong – Province of Manitoba, Canada
Representative Bill Devlin – ND House of Representatives
Jeff Frith – Devils Lake Joint Water Resource Board
Troy Hall (For Bruce Grubb) – City of Fargo
Dick Johnson – City of Devils Lake
Bill Mertens – Ramsey County
Tim Meyer – City of Lisbon
John Paczkowski – Chairman
Cindy Schwehr – Barnes County
Michael Steffan – Benson County
Ben Varnson – Nelson County
Ken Vein – City of Grand Forks
Jim Ziegler (For Katrina Kessler) – State of Minnesota

Committee Members Absent:

Mary Lee Nielson – City of Valley City
Senator Dave Oehlke – ND State Senate
Douglas Yankton Sr. – Spirit Lake Nation

Note: All lake elevations discussed refer to NGVD 29 vertical datum.

Introduction

Committee Chairman and Interim State Engineer, **John Paczkowski** called the meeting to order at 2:00 pm. He provided opening remarks and explained that several committee member terms will be expiring in July 2021. He noted that additional information regarding membership applications would be sent to committee members in the near future.

Presentation

A PowerPoint titled “Devils Lake Outlet Advisory Update 2021” was presented. The presentation is available on the State Water Commission’s Devils Lake Outlet webpage. **Jon Kelsch**, State Water Commission (SWC) Development Division Director, presented introductory and background information. This included historical information regarding lake elevations, inflows, precipitation, and the Jerusalem channel elevation.

Amanda Lee, Service Hydrologist for the National Weather Service in Grand Forks, presented a climatological and forecast update. She also presented gage data information and an update regarding the recently updated climate normals which reflect the time period from 1991 through 2020. She noted

that the most recent lake simulation is indicating a 50% chance that the lake could reach an elevation of 1447 feet by November without outlet operation.

Tim Dodd, SWC Water Resource Engineer, continued the presentation with information regarding past outlet operation, outlet maintenance, and mitigation. He highlighted how the outlets were operated in 2020 and provided information on three outlet mitigation projects that were approved in 2020.

Karl Rockeman, Water Quality Division Director for the ND Department of Environmental Quality presented information about water quality during the 2020 outlet operating season. He noted that 453 water quality samples for outlet monitoring were collected in 2020.

Kelsch finished the presentation by providing information on the Devils Lake area-volume relationship, the current conditions in the Upper Sheyenne River, and potential low-flow outlet discharge scenarios for consideration. He noted that the water quality limitation in the Upper Sheyenne River could prevent steady East Outlet operation in 2021 unless there is a change to wetter conditions. Kelsch then opened the discussion regarding 2021 outlet operation to the committee.

Committee Member Status Updates

Joel Anderson – Commented that there are still tens of thousands of acres of private property underwater. He also noted that the drought conditions may lead to poorer water quality in the rivers and that the Devils Lake water may be helpful for downstream, he would like to see the pumps turned on as soon as they can.

Nicole Armstrong – Noted that the comments from a Province of Manitoba perspective are consistent with past comments regarding concerns of exceedances of International Joint Commission water quality objectives at the US/Canada border. She noted that a potential move to limit East Outlet discharge will help to protect the water quality downstream and recommended prioritizing West End Outlet operation over the East End Outlet because of the better water quality. She also commented that considering the drought conditions there could be benefits to the Devils Lake Basin by not operating the outlets.

Representative Bill Devlin – Agreed with Joel Anderson. He noted that there continues to be frustration with all the private property that is impacted by flooding in the basin.

Jeff Frith – Agreed with the noted concerns of regarding the long-term flooding situation and added that his opinion is consistent with previous years that outlets should be operated whenever the downstream water quality and quantity conditions allow.

Dick Johnson – Agreed that there are concerns regarding inundated private property and added that the connection of Stump Lake and Devils Lake is also an important aspect to consider. Johnson asked Jon Kelsch about the connection elevation at which Devils Lake and Stump Lake are connected.

Jon Kelsch – Responded that a survey was performed by the SWC survey crew, and it was determined that the lakes are expected to become disconnected at approximately 1446.5 feet.

Dick Johnson – Added that the agricultural and recreational considerations should both be considered because they are both very important. With that in mind he would like to find a balance that takes both into consideration. He noted that a lake elevation of 1447 feet could potentially serve that purpose.

Jim Ziegler (for Katrina Kessler) – Reiterated the State of Minnesota's continued concerns about the downstream impacts to water quality, especially sulfate. Ziegler added that past discussions of the committee have included an agreement that the committee would engage in a water quality discussion when Devils Lake reaches an elevation of 1448 feet and he would like that to occur. Ziegler also informed the committee that he is planning to retire this year and introduced **Theresa Haugen** who will be taking over for him as an alternate for Katrina Kessler at future committee meetings.

Bill Mertens – Noted that he has seen the lake go up and down and believes that the outlets should be operated to their minimum intake elevation as long as the outlet water is not harming those downstream. He added that continued operation of the outlets could help to regain approximately 15,000 acres in Ramsey County which would result in \$225,000 in tax revenue.

Tim Meyer – Commented that the Sheyenne River through Lisbon is very low for this time of year, and they have constant effort to stabilize eroding riverbanks. He understands both sides of the argument regarding outlet operating and the effect of lower lake levels on recreation in Devils Lake. Overall, he supports continued operation of the outlets.

Cindy Schwehr – Also commented that the river is very low below Baldhill Dam. She supports continued outlet operation if the water quality is acceptable. With the current low flow, she has concerns about the water quality below the dam. She asked if **Rich Schueneman** from the Army Corps of Engineers was on the call to provide an update on Baldhill Dam.

Rich Schueneman – (Corps of Engineers) Noted that they have been releasing minimum discharge from Baldhill Dam for 7 or 8 weeks and Lake Ashtabula recently reached an elevation of 1265.8 feet. Once the lake reaches 1266 feet, they will plan release additional flow to match the inflow. Rich also commented that they are planning to perform spillway repairs which could result in some temporary shutdowns later in the summer.

Mitch Weier – (Corps of Engineers) Added that a flow of 9 cubic feet per second will be continuously released during the repairs. He noted that the Corps will be coordinating with the SWC and US Fish and Wildlife Service regarding the flow conditions. The construction is tentatively scheduled for the August to October timeframe and some steady inflow would be helpful during that time.

Michael Steffan – Cited the concerns of continued inundated private property and believes that the outlets should be operated whenever they can.

Ben Varnson – Commented that there are concerns regarding the inundated private property and the recreational perspective which would like to maintain the connection between Devils and Stump Lakes. He believes that the outlets should be operated whenever water quality allows.

Ken Vein – As a downstream water user, he is also concerned of water quality impacts and he would support operation of the West End Outlet only to minimize the impacts. He also commented that the issue should be reviewed when a lake elevation of 1448 feet is reached.

Jon Kelsch – Clarified that Devils Lake will likely reach 1448 feet in a few weeks so the committee should consider potential changes to outlet operation today. He invited any suggestions for discussion from the committee.

Ben Varnson – Commented that the existing water quality limitations should be used to control how the outlets are operated.

Jon Kelsch – Responded that the East Outlet will be difficult to run within the water quality standards, but it could be possible to blend some water from the East End if conditions were to change.

Bill Mertens – Noted that 9 members have commented that the outlets should run at some capacity.

Jim Ziegler – Reminded the committee that the water quality standards were changed in ND to allow operation of the outlets and that the operation does lead to exceedances of Minnesota's water quality standards of sulfate and total dissolved solids in the Red River. He posed the question of whether or not the 1448 foot lake level still constitutes the emergency situation that has been discussed in previous years. He noted that using the West Outlet only would help to preserve the water quality downstream.

John Paczkowski – Asked Jim to remind the committee of Minnesota's water quality standards in the Red River.

Jim Ziegler – 250 mg/L for sulfate and 100 NTU for turbidity.

Jon Kelsch Opened the Discussion for Public Comment

Karen Hausmann – (Farmer near Churchs Ferry) Inches of lake level make a difference in accessing and reclaiming flooded property. She added that there is a cemetery in De Groat Township that is inaccessible, and the flooding conditions have reduced land values by 50% because of inaccessibility. She requests that the outlet projects be operated as they were designed.

Paul Christenson - (Mayor of Churchs Ferry) Reiterated the fact the long-term flooding has been devastating to communities and individuals who have been affected for decades. He is concerned that heavy precipitation events in the future have the potential to re-flood recently dried areas. He would like the outlets to run at the maximum allowable capacity.

Dan Webster – (Farmer Near Penn) Added comments that many of the farmers in his area continue to be impacted by Devils Lake. He noted record commodity prices and that Devils Lake will still cover over 132,000 acres at a lake elevation of 1446. He believes that the outlets should continue to be operated.

Ben Varnson – Asked about the minimum outlet intake elevation of 1445 feet.

Jon Kelsch – Noted that the West End Outlet was constructed with a minimum intake elevation of 1445 feet. He added that the flow into Round Lake could become an issue that would have to be addressed for the outlet to operate down to that level.

Ben Varnson – Asked about the Jerusalem Channel high point length and asked what it would take to remove 1 -1.5 feet in the high areas to keep the lakes connected for longer.

Jon Kelsch – Was not sure about the total cleanout length that would be required. He noted that a 1.5 foot lowering of the would only keep the lakes connected to about 1445 feet and there could be some permitting issues with that idea.

Joel Anderson – Reminded the Committee about the history of the Minnie H. Steamboat. The steamboat operated on Devils Lake for 25 years from 1883 to 1908. During that time, the lake elevation was between 1435 feet and 1425 feet which is significantly lower than 1446 feet.

Ben Varnson – Asked Jon Kelsch to clarify the committee's role.

Jon Kelsch – Clarified that the role of the committee is to advise the Governor and SWC regarding operation of the Devils Lake Outlets. A recommendation with ten votes will be a majority recommendation or five votes will be considered a minority recommendation. Jon invited additional public comment or a committee member to provide a recommendation to vote on.

George Herman – (Benson County Farmer and Resort Owner) Noted that the falling lake level has had a negative impact on boat ramps and lake accessibility. He asked if any consideration has been given to provide assistance to those who are impacted by the lowering of the lake level.

Jon Kelsch – Responded that the Devils Lake Outlet Mitigation program has been used for downstream impacts that are directly attributable to outlet operation and that the program has not been available for lake access concerns. He added that the reality of Devils Lake is a fluctuating lake level. He noted that ND Game and Fish Department does have a plan to maintain access as the lake level changes.

George Herman – Responded that the state has invested a lot of money to lower the lake level and asked if consideration has been given to ensure that lake access is available.

Terry Steinwand – (Director of ND Game and Fish) Added that NDGF tries to ensure boating access around Devils Lake, but they face challenges with optimal ramp slope and private property access. NDGF will continue to monitor the conditions as the lake level goes up or down in the future.

Michael Steffan – Made a motion for a recommendation to run both outlets whenever possible to their minimum intake elevation, as designed.

Bill Mertens – Second

Discussion Regarding the Motion

Discussion between Vein, Varnson, Kelsch, Steffan and Johnson – Clarified that the recommendation would allow for operation of both outlets if the water quality conditions allow. It was noted that the current conditions would not support steady operation of the East Outlet. The motion would also allow the outlets to operate past 1448 without another meeting of the committee.

Vote on a motion to recommend “continued operation of both Devils Lake Outlets within the existing downstream water quality and quantity limitations.”

Joel Anderson – Yes

Nicole Armstrong – No, opposed for concerns of water quality standard exceedances at the border

Rep. Bill Devlin – Yes

Jeff Frith – Yes

Dick Johnson – Yes

Jim Ziegler – No

Bill Mertens -Yes

Tim Meyer – Yes

Cindy Schwehr – Yes

Michael Steffan - Yes

Ben Varnson – Yes

Ken Vein – Yes

John Paczkowski – Yes

Troy Hall (for Bruce Grubb) – Yes

The motion received 12 yes votes and is submitted as a majority recommendation.

Jon Kelsch – Reiterated that the committee will not be called to convene at an elevation of 1448 feet and suggested that the committee plan to reconvene in spring 2022 to discuss the situation at that time.

Ben Varnson - Asked if the SWC can provide any additional information to help ensure that the concerns of the committee members from Manitoba and Minnesota are being addressed.

Jon Kelsch – Responded that notifications are typically provided regarding major outlet operational changes and additional information can be provided throughout the year to help inform the committee of the conditions.

Nicole Armstrong – Agreed that more frequent updates on water quality conditions would be helpful to review when changes are made in outlet operation.

John Paczkowski – Invited any final comments and thanked the committee for their attendance. He reminded the committee of the upcoming information regarding term expirations and adjourned the meeting at 3:40 pm.