

MINUTES

North Dakota State Water Commission Bismarck, North Dakota

May 22, 2001

The North Dakota State Water Commission held a meeting at the State Office Building, Bismarck, North Dakota, on May 22, 2001. Governor-Chairman, John Hoeven, called the meeting to order at 1:30 PM, and requested Interim State Engineer, Dale L. Frink, to call the roll. Governor Hoeven announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor John Hoeven, Chairman
Roger Johnson, Commissioner, Department of Agriculture, Bismarck
Judith DeWitz, Member from Tappen
Larry Hanson, Member from Williston
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
Dale L. Frink, Interim State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

STATE WATER COMMISSION MEMBER ABSENT:

Florenz Bjornson, Member from West Fargo

OTHERS PRESENT:

State Water Commission Staff
Approximately 50 people interested in agenda items

The attendance register is on file with the official minutes.

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

CONSIDERATION OF AGENDA

There being no additional items for the agenda, Governor Hoeven announced the agenda approved as presented.

**STATE ENGINEER'S
SEARCH COMMITTEE**

Commissioner Jack Olin, Chairman of the State Engineer's search committee, reported the closing date for accepting applications for the position of the North Dakota State Engineer was April 2, 2001. Ten applications were received. The search committee met on April 9, 2001 to review the resumes and recommendations, and selected five candidates for the interview process. Three candidates have been selected for additional interviews. The search committee will make its recommendation to the State Water Commission during a telephone conference call meeting scheduled for May 30, 2001. It is anticipated that the 16th North Dakota State Engineer will be appointed by June 1, 2001.

**CONSIDERATION OF DRAFT
MINUTES OF DECEMBER 8, 2000
STATE WATER COMMISSION
MEETING - APPROVED**

The draft minutes of the December 8, 2000 State Water Commission meeting were approved by the following motion:

It was moved by Commissioner Johnson, seconded by Commissioner DeWitz, and unanimously carried, that the draft minutes of the December 8, 2000 State Water Commission meeting be approved as prepared.

**CONSIDERATION OF DRAFT
MINUTES OF MARCH 6, 2001
STATE WATER COMMISSION
TELEPHONE CONFERENCE
CALL MEETING - APPROVED**

The draft minutes of the March 6, 2001 State Water Commission telephone conference call meeting were approved by the following motion:

It was moved by Commissioner Johnson, seconded by Commissioner DeWitz, and unanimously carried, that the draft minutes of the March 6, 2001 State Water Commission telephone conference call meeting be approved as prepared.

**FINANCIAL STATEMENT -
AGENCY PROGRAM BUDGET
EXPENDITURES**

Interim Secretary Frink presented and discussed the Program Budget Expenditures for the period ending March 31, 2001, reflecting 88 percent of the 1999-2001 biennium. **SEE APPENDIX "A"**

**FINANCIAL STATEMENT -
RESOURCES TRUST FUND**

Interim Secretary Frink reported that the oil extraction tax deposits into the Resources Trust Fund continue to be above the amounts in the agency budget. The budget is based on oil extraction revenues of \$5,296,218. The State Water Commission requested and received an additional \$1 million of spending authority in June, 2000. Revenues received through April, 2001 total \$8,288,005, with an additional \$637,040 projected for May and June, 2001.

Interest accruing to the Resources Trust Fund is also above the amount included in the agency budget. Interim Secretary Frink explained this is partly due to higher interest rates, but the main reason is that certain projects are not spending much of their allocated money. Through March, 2001, \$775,884 of interest had accrued in the Resources Trust Fund, exceeding the \$145,886 included in the agency budget.

As a result of these combined increases, the Resources Trust Fund will have about \$3.2 million more revenue than the State Water Commission has in its current biennium spending authority.

The Projects-Contract Fund spread- sheet, attached hereto as **APPENDIX "B"**, is based on the agency's current authorized funding appropriation from the Resources Trust Fund.

**FINANCIAL STATEMENT -
WATER DEVELOPMENT
TRUST FUND**

Interim Secretary Frink indicated the revenues into the Water Development Trust Fund total \$23,795,778. He said no additional revenues are anticipated in the current biennium. The Office of Management and Budget has prepared revised settlement estimates based on actual volume reductions through 1999 and assuming three percent annual declines in tobacco consumption and a maximum inflation rate of three percent thereafter. The revised estimates project that the Water Development Trust Fund will receive \$23,882,800 of new funds in the 2001-2003 biennium.

**FINANCIAL STATEMENT -
2001-2003 BIENNIUM
AGENCY BUDGET**

Interim Secretary Frink reported the State Water Commission's budget for the 2001-2003 biennium, as passed by the 2001 legislative session, closely aligns with the executive recommendation with the following exceptions:

- 1) \$9,733,820 from the Water Development Trust fund will be transferred to the General Fund to provide funding for the operations of the State Water Commission.

- 2) \$5.5 million was included for a Fargo flood control project. Funding for this project will come from the Water Development Trust Fund, the Resources Trust Fund, or bond proceeds.
- 3) \$5 million was included for Devils Lake levee protection. Funding for this project will come from the Resources Trust Fund, or bond proceeds if no other sources of money are available. Currently, sources of money outside of the State Water Commission are being sought for all, or part, of this need.
- 4) \$200,000 was included for projects authorized under Section 319 of the federal Water Pollution Control Act. Funding for these projects will come from the Water Development Trust Fund, the Resources Trust Fund, or bond proceeds.
- 5) \$99,756 from the Water Development Trust Fund will be transferred to the North Dakota Department of Health. This money will be used to develop total maximum daily loads and pollution control plans in targeted watersheds throughout the state.

The potential projects that could receive funds in the 2001-2003 biennium from the Water Development Trust Fund and the Resources Trust Fund are included herewith as ***APPENDIX "C"***.

2001 LEGISLATIVE SESSION

Interim Secretary Frink provided a 2001 legislative session status report, which is summarized in a staff memorandum, dated May 15, 2001, and attached to these minutes as ***APPENDIX "D"***.

Senate Bill 2285, which provides an \$800,000 appropriation from the Water Development Trust Fund to the State Water Commission to assume jurisdiction over and administer the Section 404 program of the Clean Water Act, was discussed. The appropriation will be available when the State Engineer certifies to the Governor that the State Engineer has designed a program to effectively assume the 404 program and that the State Water Commission is ready to assume those responsibilities.

APPROVAL OF REQUEST FROM CITY OF BELFIELD FOR ADDITIONAL COST SHARE IN BELFIELD WATERSHED PROJECT, PHASE 1 - REGIONS ONE AND TWO (SWC Project No. 1803)

A request from the city of Belfield was presented for the Commission's consideration for an additional cost share in the Belfield Watershed project.

Todd Sando, Director of the State Water Commission's Water Development Division, presented the request. The city is requesting funds for the Regions One and Two portions of Phase I of the project to include the relocation of a street, water and sewer utilities, and a pedestrian bridge. These relocations must be completed prior to the proposed Heart River realignment work to be undertaken during Phase II of the project. He noted that it is the intention of the city to request funding for the remaining utility relocation work to be completed under Phase I at a later date when cost estimates have been completed.

On December 20, 1991, the State Water Commission approved cost participation in the non-federal portion of Phases I and II of the project at 40 percent of the eligible costs, not to exceed \$38,800. An agreement for cost share between the Commission and the city has been extended through June 30, 2001.

The engineer's cost estimate for Phase I - Regions One and Two, is \$340,000, with no federal funds involved in this portion of the project. Of this amount, \$330,000 is considered eligible for a 40 percent cost share. Forty (40) percent of the \$330,000 current estimate of eligible items for Phase I - Regions One and Two, is \$132,000. This amount, less the \$38,800 previously granted by the Commission, results in the request before the State Water Commission to cost share in the remaining eligible costs of \$93,200.

Susan Heck, Mayor of the city of Belfield, provided information relative to the project, and expressed appreciation to the State Water Commission for its support.

It was the recommendation of the Interim State Engineer that the State Water Commission approve an additional cost share of 40 percent of the eligible items, not to exceed \$93,200 from the Contract Fund in the 1999-2001 biennium, for the Belfield Watershed Project, Phase I - Regions One and Two, contingent upon the availability of funds.

It was moved by Commissioner Johnson and seconded by Commissioner Swenson that the State Water Commission approve cost share of 40 percent of the eligible items, not to exceed an additional \$93,200 from the Contract Fund in the 1999-2001 biennium, for the Belfield Watershed Project, Phase I - Regions One and Two. This motion is contingent upon the availability of funds.

This action increases the State Water Commission's total cost share contribution to \$132,000.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**APPROVAL OF REQUEST FROM
NORTHWESTERN DAIRY, LLLP
FOR COST SHARE IN WATER
SUPPLY SYSTEM
(SWC Project No. 1293)**

A request from NorthWestern Dairy, LLLP was presented for the Commission's consideration for cost share to install a water pipeline in Mountrail County from Parshall, ND to an emergency dairy located four miles north of the city.

Kenton Onstad, NorthWestern Dairy's Managing General Partner, requested an audience before the State Water Commission to provide information to support NorthWestern Dairy's cost share request. The water supply system consists of a 3 1/2-mile pipeline from the city of Parshall's reservoir to the dairy. It is possible the dairy's pipeline could be incorporated into a rural water project, although it may be several years before funds become available. A bid opening is scheduled for May, 2001, and the dairy anticipates being operational in the fall of 2001.

Mr. Onstad explained that the dairy is part of economic development for southern Mountrail county. The leaders of this community-based project believe it will enhance the agricultural, rural, and community tax and employment base, and will develop jobs and opportunities in Mountrail county. The project has received broad support from various public and private sector entities. This facility will create about 15-20 jobs for Mountrail county and will create a market for locally produced feeds.

The North Dakota Department of Health granted NorthWestern Dairy a permit to allow the milking of up to 1600 cows. The proposal is designed for starting with 400 head this summer and

gradually building to 800 head by the 20th month of operation. In the initial phase, the water requirements will be approximately 25,000 gallons of quality water per day with the needed ability to expand with the dairy to 80,000 gallons of quality water per day. Mr. Onstad explained that construction of the pipeline is the only feasible option to supply water to this dairy.

The engineer's cost estimate for the water supply is \$190,000, of which \$182,480 is considered eligible for a 50 percent cost share. The request before the State Water Commission is to cost share in the amount of \$91,240.

Interim Secretary Frink explained the State Water Commission's past involvement in providing cost share assistance to the larger processing plants in North Dakota including ProGold and the sugar beet plants at Wahpeton and Hillsboro.

It was the recommendation of the Interim State Engineer that the State Water Commission approve a 50 percent cost share of the eligible costs, not to exceed \$91,240 from the Contract Fund in the 1999-2001 biennium, for the water supply facilities to NorthWestern Dairy, LLLP, contingent upon the availability of funds. He said if the State Water Commission acts affirmatively on the request, a review and determination by the Assistant Attorney General is warranted to ensure that providing state funds is consistent with state law.

It was moved by Commissioner Hanson and seconded by Commissioner Johnson that the State Water Commission approve a 50 percent cost share of the eligible items, not to exceed \$91,240 from the Contract Fund in the 1999-2001 biennium, for the water supply facilities to NorthWestern Dairy, LLLP, in Mountrail county. This motion is contingent upon the availability of funds; and a determination by the Assistant Attorney General to ensure that providing state funds is consistent with state law.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**2001-2003 BIENNIUM
FUNDING REQUESTS
(SWC File ACT/BUD/01-03)**

Interim Secretary Frink provided a briefing on several cost share requests that have been received for funding during the 2001-2003 biennium. He

noted the following requests are unique compared to past requests, and the requests will be presented for the State Water Commission's consideration at a future meeting:

1) Section 319 Water Quality Funding

House Bill 1396 was introduced to allow the State Water Commission to cost share on water quality projects, in particular, the Environmental Protection Agency (EPA) Section 319 projects. The proponents indicated a \$1.5 million potential need for the 2001-2003 biennium. After considerable debate, state funding was limited to \$200,000 in the Commission's appropriation bill, and House Bill 1396 was defeated.

The Commission received a request for \$130,000 from the South Central Dakota Regional Council. A recommendation was made to the original bill proponents and the State Health Department that a plan be developed for using the \$200,000.

2) North Dakota Irrigation Development

The State Water Commission's appropriation bill included approximately \$3.2 million for irrigation development in North Dakota. In the past, these funds were given to individual projects. The North Dakota Irrigation Caucus requested that the funds also be used on different approaches to enhance irrigation development statewide. As a result, it was recommended that a task force be formed to provide a recommended distribution of these funds. The Irrigation Caucus recommended the task force include the State Water Commission, Garrison Diversion Conservancy District, North Dakota Irrigation Caucus, irrigation business representatives, and others.

3) Irrigation Hydropower Promotion

The Dakota Water Resources Act included a provision providing for federal power for limited irrigation projects. Although this would provide a great boost to irrigation development, there are significant differences of opinion of what this provision means. Some initial interpretations require projects to meet federal feasibility standards before hydropower could be made available. The North Dakota Irrigation Caucus has requested funding assistance for hiring consultants in the hydropower field and includes an extension of the

Will & Carlson contract to aid in securing annual appropriations and other needs in Washington.

APPROVAL TO INCREASE COST SHARE ASSISTANCE FOR RURAL FARMSTEAD RING DIKE PROJECTS (SWC Project Nos. 1271, 1280, 1312, 1705)

At its meeting on December 8, 2000, the State Water Commission directed the State Engineer and staff to re-visit the rural farmstead ring dikes issue and research the options for increasing the state cost share assistance to 50 percent, with a cap for each farmstead and water resource district.

Todd Sando provided information relative to the North Dakota and Minnesota ring dike programs, and the Red River Joint Water Resource District cost share participation. A staff memorandum, dated May 22, 2001, provides technical information on the program, and is attached hereto as **APPENDIX "E"**.

The State Water Commission has granted funding at 25 percent of the eligible costs, not to exceed a total of \$400,000 from the Contract Fund, for cost share participation in rural farmstead ring dike projects in Walsh, Cass, and Grand Forks counties. To date, payments totaling \$25,816 have been made by the Commission toward the construction of two rural farmstead ring dikes.

At the July 14, 2000 meeting, the State Water Commission passed a motion approving an additional 15 percent cost share, contingent on a match by a local water resource district or a joint water resource district, for the construction of rural farmstead ring dikes. Mr. Sando stated that no further requests for reimbursement of rural ring dike construction costs have been received since the implementation of this policy and the Commission's action of July 14, 2000.

North Dakota state law mandates that ring dikes capable of retaining, obstructing, or diverting more than 12.5 acre-feet of water cannot be constructed within any district without first obtaining a permit from the State Engineer. The State Engineer is prohibited by law from allowing the construction of any unsafe dike that threatens to harm life or property. The minimum design requirements for ring dike construction permit approval by the State Engineer are based on guidelines provided in the *North Dakota Dam Design Handbook*. The guidelines include a minimum top width of 8 feet; maximum side slopes of 3:1; and compaction to an acceptable range for soils used. For ring dikes along the Red River, the State Engineer also requires a minimum height of 2 feet above the 1997 flood elevation or the 100-year flood, whichever is higher. No additional design requirements must be met in order to be considered for state cost share. These design criteria requirements represent

the minimum acceptable standards to reasonably ensure the safety of individuals and the protection of property, and are similar to construction requirements for ring dikes in Minnesota.

In order for the construction of rural ring dikes to be more affordable for North Dakota property owners, it was the recommendation of the Interim State Engineer that the State Water Commission increase its level of cost share participation to 50 percent of the eligible costs, not to exceed \$25,000 of state costs per farmstead. Affirmative action by the State Water Commission is contingent upon the availability of funds.

The State Water Commission members were in concurrence that the level of funding currently provided by the state is not adequate for the landowners to pursue the program. The options that could be made available for an increased state cost share, and the design criteria requirements for rural farmstead ring dikes were discussed. The Commission members also expressed the importance of involving a local entity cost share. The Interim State Engineer and staff were directed to review the design criteria requirements relating to the top width of the dike and the freeboard; and to determine the fiscal impact of the program which could result with an increase in the state's cost share as proposed.

It was moved by Commissioner Hillesland and seconded by Commissioner Johnson that the State Water Commission:

1) approve an increase to 50 percent state cost share of the eligible costs, not to exceed \$25,000 of state costs per farmstead, for individual rural farmstead ring dike projects; and

2) direct the Interim State Engineer and staff to review the design criteria requirements for ring dike construction relating to the top width and the freeboard; and to determine the fiscal impact of the program which could result with the increase in the state cost share.

This motion is contingent upon the availability of funds.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**SAFE DRINKING WATER ACT -
APPROVAL OF PROJECT
PRIORITY LIST IN FY 2001
INTENDED USE PLAN,
DATED FEBRUARY 28, 2001
(SWC File AS/HEA)**

The Drinking Water State Revolving Loan Fund was authorized by Congress in 1996 under the Safe Drinking Water Act with the intention of assisting public water systems in complying with the Act. Funding in North Dakota for public water systems is in

the form of a loan program administered by the Environmental Protection Agency through the North Dakota Department of Health. North Dakota Century Code chapter 61-28.1, Safe Drinking Water Act, gives the Department the powers and duties to administer and enforce the Safe Drinking Water program, and to administer the program.

Section 1452(b) of the Safe Drinking Water Act requires each state to annually prepare an Intended Use Plan. The plan is to describe how the state intends to use the funds to meet the program objectives and further the goal of protecting public health. A public review period is required prior to submitting the annual plan to the Environmental Protection Agency as part of the capitalization grant agreement. The North Dakota Department of Health held public hearings on the draft Intended Use Plan on February 15, 2001, with the comment period ending on February 22, 2001.

The State Water Commission's role in the program is defined in subsections 3 and 4 of section 61-28.1-12. Subsection 3 states that the Department shall administer and disburse funds with the approval of the State Water Commission. Subsection 4 states that the Department shall establish assistance priorities and expend grant funds pursuant to the priority list for the Drinking Water State Revolving Loan Fund, after consulting with and obtaining the approval of the State Water Commission.

Wayne Kern, North Dakota Department of Health, presented the Fiscal Year 2001 Intended Use Plan for the North Dakota Drinking Water Revolving Loan Fund, dated February 28, 2001, for the State Water Commission's consideration. The Intended Use Plan is attached hereto as **APPENDIX "F"**. The comprehensive project priority list includes 58 projects, with a cumulative total project cost of \$146.8 million. The expected available funds for loans is \$53,460,000 for fiscal years 1997 through 2001.

It was the recommendation of the Interim State Engineer that the State Water Commission approve the project priority list for Fiscal Year 2001 as listed in the Intended Use Plan, dated February 28, 2001, and authorize the Department to administer and disburse Fiscal Years 1997 through 2001 program funds pursuant to the Fiscal Year 2001 Intended Use Plan.

It was moved by Commissioner Olin and seconded by Commissioner Johnson that the State Water Commission approve the project priority list for Fiscal Year 2001 as listed in the Intended Use Plan for the North Dakota Drinking Water State Revolving Loan Fund, dated February 28, 2001; and authorize the North Dakota Department of Health to administer and disburse Fiscal Years 1997 through 2001 Drinking Water State Revolving Loan Fund program funds pursuant to the Fiscal Year 2001 Intended Use Plan.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
MR&I WATER SUPPLY PROGRAM
(SWC Project No. 237-03)**

Jeffrey Mattern, MR&I Water Supply program coordinator, provided the following program status report:

All Seasons Rural Water System 5 (Pierce County): The new rural water system would serve 373 rural users and the city of Willow City. The estimated project cost is \$8.15 million. The city of Rugby plans to supply System 5 with a bulk water supply based on receiving an additional water appropriation from the Pleasant Lake aquifer. The Bureau of Reclamation will complete the environmental assessment after the water permit process is completed.

System 5 is approved for Fiscal Year 2001 MR&I funding of \$3.5 million, which was based on a smaller service area. All Seasons has requested additional MR&I grant funding to allow the system to have a monthly minimum of \$40 to \$42 per month. A 70 percent MR&I grant requires \$5,710,000 and results in a monthly minimum of \$40. The non-federal share would be a USDA, Rural Development loan at 5 percent interest, a payment period of 38 years, and a reserve of 20 percent.

The MR&I committee of the State Water Commission and the Garrison Diversion Conservancy District recommended MR&I funding of 70 percent, not to exceed \$5,710,000, at its March 28, 2001 meeting.

Bottineau Water Treatment Plant: The city of Bottineau completed a study on the need of constructing a water treatment plant to address water quality problems. There is a potential for a combined treatment plant with All Seasons Water Users District Systems 1 and 2. Bottineau's water quality problems involve iron, manganese, total dissolved solids, sulfates, hardness, and possibly uranium.

The city considers the Northwest Area Water Supply project as a possible long-term alternative, but given the anticipated time frame of 10 or more years for delivery of water beyond Minot, the city is studying alternative solutions. The city may need to address an alternative for the near term. The alternatives ranged in cost from \$2.6 million to \$5.25 million. The recommended alternative is a \$4.8 million joint iron and manganese removal and membrane treatment facility with All Seasons Water Users District Systems 1 and 2.

Glenfield Water Supply/Storage: The overall plan is to bring a new water supply from Ramsey Rural Water at some future date. The city of Glenfield installed an 8,000 gallon reservoir and a high service pump to resolve the system's pressure problems. The new storage system would be used to provide Ramsey's bulk water supply to Glenfield. The cost estimate is \$85,000, with an approved 65 percent grant of \$55,250.

McKenzie Rural Water: The proposed McKenzie Rural Water System would serve the area around the city of Watford City. The city has the water treatment plant capacity to serve the proposed rural system and do the rural water billing. The project would serve 90 rural users, with a cost of \$1.7 million for the rural and \$0.9 million to serve the city of Alexander. The project received approval for a 65 percent MR&I grant of \$32,500 for completing the feasibility study.

McLean-Sheridan Rural Water: The existing rural water system is planning a Phase IV expansion to serve additional rural water users and providing bulk water service to the communities of Underwood and Wilton. The preliminary project cost is \$4.98 to \$8.62 million. The feasibility study is estimated to cost \$57,000, with a 65 percent MR&I grant of \$37,050.

Mountrail County Rural Water: The project engineer is completing a preliminary engineering report for a project proposed to service an area in southeastern Mountrail County. The service area extends from south of the city of Parshall to north of the city of Plaza. The system would need to coordinate with the Fort Berthold Indian Reservation's proposed water system. The city of Parshall could serve the majority of the service area with potentially the city of New Town serving a portion of the system.

The initial sign-up has 70 rural users, NorthWestern Dairy, LLLP, two campgrounds along Lake Sakakawea, the city of Plaza, and the United States Air Force.

The NorthWestern Dairy, LLLP, is trying to establish water service for a 1,600 dairy herd. The dairy is four miles north of Parshall. Due to time constraints in trying to construct the dairy this year, the engineer may

propose constructing the water pipeline to the dairy as Phase 1 of the rural project. The Indian MR&I program may fund the rural water portion of this project.

Northwest Area Water Supply, Phase 1 (Rugby Component): The upgrade of the Rugby water treatment plant has been completed. The next component for the Rugby water project is the installation of a new water transmission pipeline, which matches the 1,200 gallons per minute capacity of the water treatment plant. The water permit is being reviewed for an additional water allocation from the Pleasant Lake aquifer, which is from a different location than the current well field. A new location would require an additional 11,000 feet of pipeline. The estimated cost is \$2.8 million. The pipeline design will be finalized and the proposed MR&I grant of \$805,000 will be reviewed after the water permit process is finalized.

Northwest Area Water Supply, Phase 2 (Minot Component): On January 19, 2001, the Secretary of the Department of the Interior signed a determination that the Northwest Area Water Supply project would provide adequate treatment to meet the Boundary Waters Treaty of 1909. Recent discussions with the Department of the Interior, the Environmental Protection Agency, and the State Department have clarified the commitments of North Dakota in compliance with this determination. Final revisions to the project environmental assessment are underway to incorporate these commitments. Completion of the environmental process and execution of a Finding of No Significant Impact (FONSI) are anticipated in late May, 2001. The project will be formally submitted to the government of Canada after the FONSI is executed.

Construction bidding is anticipated for July, 2001. The final plans and specifications for the first phase of construction which, includes 7.5 miles of 36-inch and 30-inch pipeline from the Minot water treatment plant south to the intersection of Ward County Road No. 16 and U.S. Highway 83, are presently being updated.

Park River/Fordville Aquifer Hydrogeologic Study: Walsh county is interested in increasing the use of the Fordville aquifer as a water supply. The aquifer currently serves several irrigators, public water systems, and private users in the county. The city of Park River's current water supply is from the Homme reservoir. The city wants to determine the Fordville aquifer capacity with respect to the current users, existing appropriations, and pending applications.

The State Water Commission has a proposal to complete a comprehensive study of the aquifer in cooperation with the University of North Dakota. The estimated cost of the study is \$51,680, which is equally shared between the city and the State Water Commission, with each entity's cost being \$25,840.

The study may provide information for the Red River Valley Supply Study and would be completed in the summer of 2002. The Bureau of Reclamation has been requested to provide funding assistance towards 50 percent of the city's cost share.

Ramsey County Rural Water Expansion: The proposed expansion covers portions of Eddy, Foster and Ramsey counties, at an estimated cost of \$10.3 million. The portion to construct service to northern, eastern, and western Ramsey would cost \$8.6 million for 365 users. An engineering review was made of the service areas (including the cities of Glenfield, Grace City and McHenry) to determine the potential for the city of Carrington to provide bulk water service to 101 rural users surrounding Carrington. The remaining 247 users in Eddy and Foster counties would be served by Ramsey's existing water treatment plant. An additional \$532,000 in capital costs would be added if Ramsey provides water service to western Ramsey instead of Carrington. The city of Sheyenne has the potential to be served from the city of New Rockford.

The MR&I committee recommended future MR&I funding of 70 percent, not to exceed \$6,050,000. The project funding is as necessary, subject to the satisfactory completion of any required studies, contingent on the availability of funds, and subject to future ~~visions~~ ~~as necessary~~

Ransom-Sargent Rural Water: The total estimated project cost is \$20 million and would serve 850 rural users and the communities of Cogswell, Elliott, Fingal, and Marion. The final phase involves a water treatment plant expansion in Lisbon, a new well field, and a raw water transmission pipeline, with an estimated cost of \$7.55 million. The approved MR&I funding is \$13,985,975. The funding included \$1.3 million, if needed, to help lower the monthly minimum cost to \$45.

Southwest Pipeline Project: The next area scheduled for construction in the phased-development of the Southwest Pipeline Project is the Bowman-Scranton regional service area. The phase includes capacity upgrades to existing facilities as the project is expanded. These facilities include a second Davis Buttes reservoir, additional raw water pumps at the intake, Dodge, and Richardton pump stations.

**GARRISON DIVERSION PROJECT -
 APPROVAL OF REVISED FISCAL
 YEAR 2001 MR&I BUDGET
 (SWC Project No. 237-03)**

Interim Secretary Frink presented the following breakdown for the revised proposed funding budget for Fiscal Year 2001 MR&I Water Supply program for the Commission's consideration:

Project	Activity	FY 2001	
		Approved	Proposed
All Seasons System V (Pierce)	D&C	\$ 3,500,000	\$ 5,710,000
NAWS - Rugby	D&C	805,000	805,000
Glenfield Water Supply/Storage	D&C	55,250	55,250
McKenzie County Rural Water F		32,500	32,500
McLean-Sheridan Rural Water F		37,050	37,050
Other Projects		1,770,200	0
Administration		300,000	170,200
Total		\$6,500,000	\$6,810,000

F Feasibility Study
 D Design
 C Construction

It was the recommendation of the Interim State Engineer that the State Water Commission approve the revised proposed Fiscal Year 2001 MR&I Water Supply program budget as presented, contingent upon the availability of federal funds and subject to future revisions. The proposed Fiscal Year 2001 MR&I budget reduces the 'Other Projects' total and 'Administration' funding by \$1,900,000. An additional \$310,000 will come from year-end funding for funding the \$2,210,000 for All Seasons System V. On April 11, 2001, the Garrison Diversion Conservancy District executive board of directors approved the revised proposed budget for Fiscal Year 2001.

Commissioner Swenson suggested when future requests for MR&I funding exceed 65 percent, that staff provide consistent criteria and a recommendation for the committee's consideration.

It was moved by Commissioner Olin and seconded by Commissioner Hanson that the State Water Commission approve the recommendation of the Interim State Engineer of the revised allocation of \$6.810 million Fiscal Year 2001 MR&I Water Supply program budget as presented. This motion is contingent upon the availability of federal funds and is subject to future revisions.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
APPROVAL OF MR&I WATER
DEVELOPMENT AND RESEARCH
FUNDS FOR RAMSEY COUNTY
RURAL WATER SIX-MILE BAY
BRIDGE PIPELINE
(SWC Project No. 237-03)**

A request was presented for the Commission's consideration for the expenditure of \$167,250 from the MR&I Water Development and Research account funds for the Ramsey County Rural Water Six-Mile Bay bridge pipeline.

Jeffrey Mattern presented the request noting that the Highway 19 Six-Mile Bay is being raised for a second time due to the high water in Devils Lake. Ramsey County Rural Water has a pipeline crossing through the bridge and is responsible for any costs associated with the relocation of the pipeline if the bridge is relocated. In 1996, when the bridge was first raised, Ramsey County Rural Water did receive supplemental disaster assistance community development block grant funds to do the relocation, but that funding is no longer available. He said if the pipeline is abandoned, water service will not be provided to 7 existing users, Graham's Island State Park, and 30 potential users.

The North Dakota Department of Transportation opened bids on the bridge and requested Ramsey County Rural Water to make a commitment on relocating the pipeline. The estimated cost of relocating the pipeline on the new bridge is \$177,000. The North Dakota Parks and Recreation Department has agreed to provide funding of 12.5 percent, in the amount of \$22,100.

The original cost estimate was \$223,000. On March 28, 2001, the MR&I committee considered the special conditions of nature causing the pipeline relocation for a second time, and recommended a 75 percent grant, not to exceed \$167,250, from the MR&I Water Development and Research account funds.

It was the recommendation of the Interim State Engineer that the State Water Commission approve a 75 percent grant, not to exceed \$167,250 from the MR&I Water Development and Research account funding. As is the current practice, the State Water Commission and the Garrison Diversion Conservancy District must approve expenditures from the MR&I Water Development and Research account. The District's board of directors approved the request at its April 11, 2001 meeting.

It was moved by Commissioner Olin and seconded by Commissioner Hanson that the State Water Commission approve a 75 percent grant, not to exceed \$167,250, from the MR&I Water Development and Research account, for the Ramsey County Rural Water Six-Mile Bay bridge pipeline.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
APPROVAL OF MR&I WATER
DEVELOPMENT AND RESEARCH
ACCOUNT FUNDS FOR THE
SOUTHEAST AREA REGIONAL
EXPANSION STUDY
(SWC Project No. 237-03)**

A request was presented for the Commission's consideration for a 65 percent grant of \$60,450 from the MR&I Water Development and Research account funds for the southeast area regional expansion study.

Jeffrey Mattern presented the request and explained that the proposed and future regulations under the Safe Drinking Water Act could affect many water systems in southeastern North Dakota. Regional water service may be the long-term alternative to meet those regulations. Some of the water systems in southeast North Dakota are served by the Southeast Water Users District, the Ransom-Sargent Water Users District, and the Dickey Rural Water Association. In order to obtain an assessment, concept development, and opinions of probable costs for various phases of a southeast area regional expansion project, a study is proposed by the three existing regional water systems.

The primary tasks of the study involve examining the existing system challenges and the potential system expansions, the geographical information system development, and the integration needs assessment. The estimated cost of the study is \$93,000.

At its meeting on March 28, 2001, the MR&I committee considered the potential impact from the standards that may affect this area, and recommended a 65 percent grant of \$60,450 from the MR&I Water Development and Research account funds.

It was the recommendation of the Interim State Engineer that the State Water Commission approve a 65 percent grant, not to exceed \$60,450 from the MR&I Water Development and Research account funding. As is the current practice, the State Water Commission and the

Garrison Diversion Conservancy District must approve expenditures from the MR&I Water Development and Research account. The District's board of directors approved the request at its April 11, 2001 meeting.

It was moved by Commissioner Olin and seconded by Commissioner Hanson that the State Water Commission approve a 65 percent grant, not to exceed \$60,450 from the MR&I Water Development and Research account, for the southeast area regional expansion study.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
APPROVAL OF RESOLUTION
RELATING TO WATER NEEDS
OF THE RED RIVER VALLEY
(SWC Project No. 237)
(SWC Resolution No. 2001-5-493)**

The Dakota Water Resources Act of 2000 provides \$200 million for a Red River water supply study which includes an environment impact statement. The State Water Commission, the Bureau of Reclamation, and the Garrison Diversion Conservancy District are

cooperating to develop alternatives for meeting the water needs of the valley. The Act identifies possible in-basin and trans-basin alternatives, and additional alternatives may be devised by the cooperating agencies or through the NEPA public comment process.

Interim Secretary Frink explained the study and the NEPA process. To date, he said the State Water Commission does not have a preferred alternative identified and, therefore, the Commission and the staff should not evidence any preference to any alternative until the alternatives are fully analyzed through the NEPA process. The in-basin and trans-basin alternatives will be viewed equally throughout the NEPA process.

It was the recommendation of the Interim State Engineer that the State Water Commission adopt a resolution indicating its support for a fair, open, and objective Red River valley analysis in order to determine the best way to meet current and future water quality and quantity needs of the Red River valley. The Garrison Diversion Conservancy District executive board of directors adopted a similar resolution at its meeting on April 11, 2001.

***It was moved by Commissioner Swenson, seconded by Commissioner Olin, and unanimously carried, that the State Water Commission approve Resolution No. 2001-5-493, relating to the Water Needs of the Red River Valley.
SEE APPENDIX "G"***

**DEVILS LAKE
HYDROLOGIC UPDATE
(SWC Project No. 416-02)**

Interim Secretary Frink reported the spring runoff in the Devils Lake basin is almost complete. The current elevation of Devils Lake is 1447.7 msl. At this elevation, the lake covers 128,000 acres, and is storing 2.51 million acre-feet of water. The National Weather Service's latest 50 percent prediction is for Devils Lake to reach an elevation of 1448.1 msl by August 1, 2001. At this elevation, Devils Lake will have inundated an additional 13,000 acres this year and increased in volume by 250,000 acre-feet.

It has been determined that water is flowing from east Devils Lake to Stump Lake through Jerusalem channel. Commission staff gauged the divide area on May 10, 2001, and measured approximately 15 cfs flowing over the divide. Due to some available storage between the lakes, the U.S. Geological Survey gauge was reporting approximately 10 cfs, which is located three miles downstream of the divide.

It has also been determined that if Devils Lake reaches the predicted 1448.1 elevation, there will be approximately 100 cfs flowing through the Jerusalem channel. This would send approximately 37,000 acre-feet of water to Stump Lake over the course of the year. This volume of water would raise Stump Lake five feet above its current elevation of 1411.1 to approximately 1416 feet ml. If Stump Lake should reach this elevation, it will inundate approximately 600 acres this year.

Joe Belford, Devils Lake Downstream Acceptance Program Manager, appeared before the State Water Commission to provide an update on the efforts that are underway in the Devils Lake area. He alluded to problems that are being experienced relative to the water table and to the pursuit of efforts to maintain the Burlington Northern Santa Fe railroad. He also referenced efforts relating to bridge and road work involving the North Dakota Department of Transportation.

A meeting has been scheduled for June 25, 2001 with the director of FEMA and other federal, state and local representatives to discuss mitigation efforts for this year, as well as the status on the temporary and permanent outlets.

DEVILS LAKE STATE TEMPORARY EMERGENCY OUTLET UPDATE; APPROVAL TO SHIFT LOCATION OF EMERGENCY OUTLET FROM TWIN LAKES ROUTE TO PETERSON COULEE ROUTE; AND APPROVAL OF \$500,000 FOR HIRING AN ENGINEERING CONSULTANT FOR PRELIMINARY DESIGN AND LAYOUT OF OUTLET (SWC Project No. 416-01)

At its December 8, 2000 meeting, the State Water Commission approved \$500,000 for a Devils Lake temporary emergency outlet environmental review, land rights acquisition, engineering consultation, and other tasks associated with a state Devils Lake temporary emergency outlet project. The Commission staff proceeded with steps to develop an environmental review focused on the Twin Lakes route.

In the course of developing the scope of work and tasks outline, it became obvious that the Twin Lakes route would likely trigger the need for federal permits which, in turn, would trigger the need for an environmental impact statement.

Interim Secretary Frink said the Spirit Lake Nation has raised a number of concerns regarding the Twin Lakes outlet including using Twin Lakes and Thors Lake as pumping pools. Portions of the property adjoining these lakes and along the Sheyenne River are held in trust for the tribe and/or its members. Therefore, the tribe believes they have liability if they were to allow a state project to be constructed across their reservation. The Spirit Lake Nation and the Bureau of Indian Affairs both indicate a full NEPA process would be required if any land held in trust by the Bureau of Indian Affairs for either the tribe or individuals were to be impacted by a state outlet.

Interim Secretary Frink stated that after conferring with the Governor and other state agencies, a state constructed temporary emergency outlet along the Peterson Coulee route appears to be the most feasible short-term alternative available. A summary of the process for implementing the state temporary emergency outlet is attached hereto as **APPENDIX "H"**. He said a key part of this process includes using the \$500,000, which the State Water Commission approved at its December 8, 2000 meeting, for hiring an engineering consultant for the preliminary design and layout of the outlet.

It was the recommendation of the Interim State Engineer that the State Water Commission approve shifting the location of the state temporary emergency outlet from the Twin Lakes route to the Peterson Coulee route; and that the funds, in the amount of \$500,000 approved at the December 8, 2000 State Water Commission meeting, be made available for the preliminary design and other items necessary to reach the construction phase of a temporary outlet along the Peterson Coulee route in the shortest possible time frame.

It was moved by Commissioner Olin and seconded by Commissioner DeWitz that the State Water Commission:

1) approve shifting the location of the Devils Lake state temporary emergency outlet from the Twin Lakes route to the Peterson Coulee route; and

20 that the funds of \$500,000, approved at the December 8, 2000 State Water Commission meeting, be made available for the preliminary design and other items necessary to reach the construction phase of a temporary outlet along the Peterson Coulee route in the shortest possible time frame.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.

**CORPS OF ENGINEERS PERMANENT
DEVILS LAKE EMERGENCY OUTLET
(SWC Project No. 416-01)**

The Corps of Engineers is continuing with the environmental impact statement (EIS) for a permanent outlet project for Devils Lake. It is the intent of the Corps to have a draft EIS by February, 2002, a final EIS by July, 2002, and the Record of Decision by September, 2002. This schedule would potentially allow for construction of an outlet to begin in October, 2002. Concurrent with the EIS, the Corps will proceed with the design of the outlet to be prepared for construction if the EIS supports an outlet.

Interim Secretary Frink explained that unlike previous efforts, the Corps' current EIS acknowledges that there is a risk of Devils Lake spilling to the Sheyenne River naturally. As a result, the Corps has changed the purpose and need statement for the EIS as follows:

The purpose of the proposed action is to reduce the flood damages related to the rising lake levels in the flood-prone areas around Devils Lake and to reduce the potential for a natural overflow event.

The Corps will evaluate several alternatives including upper basin storage, expanded infrastructure protection, and several outlet alternatives. Scoping meetings for the EIS were held in Pembina, Devils Lake, Cooperstown, Valley City, Fargo, and at the Spirit Lake casino during the first week of April, 2001.

West Consultants completed the Devils Lake Upper Basin Storage Evaluation for the Corps. The purpose of the study was to assess the impacts of upper basin storage restoration on inflows into Devils Lake.

**SOUTHWEST PIPELINE PROJECT -
CONTRACT AND CONSTRUCTION
STATUS; AND PROJECT UPDATE
(SWC Project No. 1736)**

James Lennington, Project Manager for the Southwest Pipeline Project, provided the following contract, construction, and project status report:

Contract 7-6B - Rural Distribution System, Burt Service Area: This contract includes approximately 235 miles of pipeline serving about 167 service connections. The contract has an intermediate completion date of August 20, 2000 for 40 users in the vicinity of Elgin, and has a substantial completion date of July 1, 2001 for the remaining users. The interim completion date passed without service to any users, but 56 users were turned over to the Southwest Water Authority for service at the time water became available to New Leipzig and Elgin at the end of September, 2000. At this time, a total of 81 users have been turned over for service.

The contractor has completed pipe installation operations on this contract, and is currently installing service connections to the west of Carson, conducting pressure tests of pipeline segments, and starting up the two variable frequency drive booster pump stations.

Contract 7-6B - Rural Distribution System, Coffin Buttes Service Area: Contract 7-6B is the final contract of the Mott-Elgin regional service area and was awarded to Northern Improvement Company on April 9, 2001. The contract is for approximately 137 miles of pipeline serving about 83 rural water connections. Work on this contract is just getting underway. The contract has an intermediate completion date of October 12, 2001 for service to 30 users, and a final completion date of December 12, 2001.

Second New England Reservoir: USDA, Rural Development has indicated its approval to proceed with the design and construction of the second New England reservoir using excess Mott-Elgin funding, which could amount to \$1.1 million without the tank, depending on contingencies. Initially, this tank was to be included in the Bowman-Scranton phase of the project. The estimated cost of the tank, including engineering is \$760,000. Without the tank, there could be as much as \$400,000 in excess funding on Mott-Elgin. Bartlett & West is near completion with the design of the tank. It is anticipated that advertising for bids will occur in June, 2001, with a bid opening in mid-July, 2001.

Bowman-Scranton Regional Service Area: The next area scheduled for construction on the project is the Bowman-Scranton regional service area, serving the city of Scranton and approximately 195 rural water connections. This phase also includes capacity upgrades to existing facilities necessary as the project is expanded and new users are added. These facilities include a second Davis Buttes reservoir and additional raw water pumps at the intake, Dodge, and Richardton pump stations.

An application for funding this phase has been submitted to USDA, Rural Development. The State Water Commission budget for the 2001-2003 biennium includes \$7.3 million in state funding for the Southwest Pipeline Project from the Water Development Trust Fund. This state funding would be in addition to the Resources Trust Fund appropriation. The refined funding for the Bowman-Scranton phase is shown in the following table:

**Bowman-Scranton Phase Funding
(in million dollars)**

Year	State Grant	USDA Grant	USDA Loan	Yearly Total
2001	\$ 3,140,000	\$ 715,000	\$ 875,000	\$ 4,730,000
2002	\$ 3,710,000	\$ 845,000	\$ 1,035,000	\$ 5,590,000
Totals	\$ 6,850,000	\$ 1,560,000	\$ 1,910,000	\$ 10,320,000

Contract 2-4C - Twin Buttes Service Area Main Transmission Pipeline: This will be the first contract of the Bowman-Scranton regional service area. The contract is for approximately 32.5 miles of 4-inch to 10-inch pipeline running from the existing pipeline along Highway 22 south of New England west to the Twin Buttes reservoir located about 2 miles north of Bowman. The contract will also include service to the city of Scranton. Easements acquisition for this contract is underway. Bid opening for this contract has been scheduled for May 30, 2001. An alternate bid schedule has been included in the contract documents to increase the size and pressure class of a portion of this pipeline to provide for additional capacity in the future if it is needed.

Other Contracts in Bowman-Scranton Phase: An option to purchase the Twin Buttes reservoir site has been obtained. It is anticipated to advertise for bids on contract 5-8 in mid-June, 2001, with the bid opening in mid-July, 2001. The design of the rural water contracts is ongoing. The rural water distribution system has been broken into two contracts. It is anticipated to advertise for bids on the first contract, 7-7A, in late June, 2001, with the bid opening in late July or early August, 2001. The other rural water contracts will follow in 2002.

Mr. Lennington discussed the projected construction schedule and preliminary refined cost estimates for the Bowman-Scranton phase using the current rural water design criteria, which is shown in the staff memorandum, dated May 14, 2001, and attached to these minutes as **APPENDIX "I"**.

**NORTHWEST AREA WATER
SUPPLY PROJECT UPDATE
(SWC Project No. 237-04)**

On January 19, 2001, the Secretary of the Interior, in consultation with the Administrator of the Environmental Protection Agency, determined that the Northwest Area Water Supply Project meets the requirements of the Boundary Waters Treaty of 1909. The January 19, 2001 document, attached hereto as **APPENDIX "J"**, lists several commitments that the project would include to prevent interbasin biota transfer. This determination satisfies the requirements within the 1986 Garrison Diversion Reformulation Act for MR&I projects transferring water from the Missouri River into the Hudson Bay basin.

On March 20, 2001, a meeting was held in Washington, DC with the Environmental Protection Agency, the Bureau of Reclamation, the Department of the Interior, and the State Department officials to discuss the remaining steps for completing the environmental approval process and the details of the biota transfer commitments.

The Bureau of Reclamation is nearing completion on the final environmental assessment and drafting the environmental decision document - the Finding of No Significant Impact (FONSI). James Lennington reported the FONSI is anticipated to be executed by the end of May, 2001. When the NEPA process is completed, the project will formally be submitted to the government of Canada through a diplomatic note. Sixty days will be allowed for Canadian comments before construction can begin. If this process is successful, advertisement for the construction bids on the first phase of the pipeline to Minot could begin in late 2001.

**MISSOURI RIVER UPDATE
(SWC Project No. 1392)**

Todd Sando reported that on May 31 and June 1, 2001, the Missouri River Basin Association will sponsor its fourth basinwide meeting in Sioux Falls, South Dakota. The conference will focus on the structure and goals of a proposed committee that would spearhead efforts to prevent the extinction of the basin's three threatened and endangered species - pallid sturgeon, least tern, and piping plover. In addition, the committee would work to prevent other species from being added to the threatened and endangered list. The committee's broader goal would be to ensure the health and stability of the basin's entire ecosystem including the human population. The committee would address the needs of fish and wildlife but still consider the people who

would be affected by efforts to recover dwindling species. Mr. Sando said establishing a recovery committee is part of the Association's long-term plan to give the people of the Missouri River basin a voice in the way the watershed is governed.

Previous Association conferences have addressed ways to save water during droughts by adjusting releases from the basin's reservoirs. Information from those meetings helped the Association identify measures that would be most apt to help the basin's threatened and endangered species recover. Mr. Sando said the organization continues to support experimenting with a controlled spring rise below Fort Peck Dam in Montana; acquiring and enhancing a great deal more habitat throughout the basin; implementing a basinwide monitoring program; and forming a recovery committee.

Mr. Sando stated that a lack of snow this winter and reservoir depletions from last summer have left the Missouri River system with less water than normal, which could lead to minimum service for navigation and possibly a shorter navigation season.

Mr. Sando reported on the Corps' efforts to conserve water including holding the river at 3,000 cubic feet per second less than full service at the beginning of the season. If runoff drops to 19.5 million acre-feet (MAF) as expected (which would be 78 percent of the normal 25.2 MAF), the level of the river would be further reduced on July 1 to provide minimum service for navigation. Minimum service flows are 6,000 cfs less than full service flows. If the major reservoirs hold more than 52 MAF of water on July 1, the commercial season will be shortened by 14 to 25 days this fall to help restore the system to its normal levels. During last year's drought, he said the reservoirs were depleted 800,000 acre-feet more than required in the published guidelines for the Master Manual. The Corps released that water primarily to protect the endangered species.

In a final biological opinion released in November, 2000, the U.S. Fish and Wildlife Service continue to recommend a spring rise on the Missouri River and a period of low water during the summer to prevent the three species of birds and fish from becoming extinct. The scientific document was prepared by the Service in a formal consultation with the U.S. Army Corps of Engineers. The study was undertaken to fulfill the requirements of Section 7 of the Endangered Species Act, which mandates the endangered species must be protected. In addition to the spring rise and summer drawdown, the biological opinion also recommended substantially more habitat for fish and wildlife, adaptive management, unbalanced intrasystem regulation, and propagation of the pallid sturgeon. The Service said that the three species would probably remain in jeopardy unless all elements of the plan are adopted. Some of

the proposals in the biological opinion have generated controversy over the past few months because they have the potential to shorten the navigation season, increase the risk of floods, and increase the price of hydropower.

In response to the publication of the Service's biological opinion, the Corps of Engineers published a draft implementation plan which outlines ways that the Corps intends to address the ecological concerns detailed in the Service's document. Some of the recommendations in the biological opinion have been incorporated into the Corps' plan to revise the Master Manual which dictates how the river system is to be managed.

**APPROVAL OF RESOLUTION
OF APPRECIATION TO
DAVID A. SPRYNCZYNATYK,
NORTH DAKOTA STATE ENGINEER,
AND CHIEF ENGINEER-SECRETARY
TO THE STATE WATER COMMISSION
(SWC Resolution No. 2001-5-492)**

A resolution of appreciation to David A. Sprynczynatyk, North Dakota State Engineer, and Chief Engineer-Secretary to the State Water Commission, was presented for the Commission's consideration.

It was moved by Commissioner Olin, seconded by Commissioner Thompson, and unanimously carried, that the State Water Commission approve Resolution No. 2001-5-492, In Appreciation to David A. Sprynczynatyk, North Dakota State Engineer, and Chief Engineer-Secretary to the State Water Commission. SEE APPENDIX "K"

Mr. Sprynczynatyk said,“It has been a pleasure to have had the opportunity to serve the State of North Dakota on behalf of the State Water Commission. I believe the State Water Commission, the staff, and the water community are truly dedicated professionals and they believe in what is necessary to do what is right as they work for the people of North Dakota. I am thankful for the Commission staff who supported me and got the job done. It was the vision and the foresight of our former State Water Commissions and water leaders that got us to where we are today. Although it was a difficult decision when Governor Hoeven asked me to consider the Director's position of the North Dakota Department of Transportation, I saw that as another challenge and opportunity. Thank you all very much for the support you have given the Commission staff and I.”

There being no further business to come before the State Water Commission, Governor Hoeven adjourned the meeting at 3:50 PM.

John Hoeven
Governor-Chairman

SEAL

Dale L. Frink
Interim State Engineer, and
Chief Engineer-Secretary to the
State Water Commission