

## **MINUTES**

### **North Dakota State Water Commission Audio Conference Call Meeting Bismarck, North Dakota**

**November 1, 2005**

The North Dakota State Water Commission held an audio conference call meeting in the Governor's conference room, Bismarck, North Dakota, on November 1, 2005. Governor John Hoeven, Chairman, called the meeting to order at 2:30 PM, and requested State Engineer, and Chief Engineer-Secretary, Dale L. Frink, to call the roll. Governor Hoeven announced a quorum was present.

#### **STATE WATER COMMISSION MEMBERS PRESENT:**

Governor John Hoeven, Chairman  
Jeff Olson, representing Roger Johnson, Commissioner,  
North Dakota Department of Agriculture, Bismarck  
Charles Halcrow, Member from Drayton  
Elmer Hillesland, Member from Grand Forks  
Curtis Hofstad, Member from Devils Lake  
Jack Olin, Member from Dickinson  
Harley Swenson, Member from Bismarck  
Robert Thompson, Member from Page  
Dale L. Frink, State Engineer, and Chief Engineer-Secretary,  
North Dakota State Water Commission, Bismarck

#### **STATE WATER COMMISSION MEMBER ABSENT:**

Larry Hanson, Member from Williston

#### **OTHERS PRESENT:**

State Water Commission Staff  
Matthew Sagsveen, Assistant Attorney General, Bismarck  
Dave Koland, General Manager, Garrison Diversion Conservancy District, Carrington  
Gordon Weixel, Bismarck Tribune, Bismarck  
Jerry Sorrells, University of Mary, Bismarck  
Ryan Bussick, University of Mary, Bismarck

The attendance register is on file with the official minutes.

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

## **CONSIDERATION OF AGENDA**

the agenda approved as presented.

### **RED RIVER VALLEY WATER SUPPLY STUDY - ENDORSEMENT OF PREFERRED ALTERNATIVE (SWC Project No. 237)**

Valley in North Dakota and possible options for meeting those needs. The DWRA identified two project-related studies which need to be completed: the *Report on the Red River Valley Water Needs and Options*, and the *Red River Valley Water Supply Environmental Impact Statement (EIS)*. The Bureau of Reclamation (BOR) is the sole preparer of the *Report on the Red River Valley Water Needs and Options*. Congress designated the State of North Dakota as a joint lead to work cooperatively on an EIS with the Bureau of Reclamation. Governor Hoeven designated the Garrison Diversion Conservancy District (District) to represent the state in this endeavor. The preparation of these reports essentially began in January, 2003, which are scheduled for completion in December, 2005.

The Bureau of Reclamation distributed the draft *Report on the Red River Valley Water Needs and Options* on May 27, 2005 to states that may be affected by possible options to meet the identified needs and to federal agencies with relevant expertise. Public comments on the draft report were due prior to October 3, 2005. The draft report is a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota through the year 2050 and seven possible options to meet those needs.

Dave Koland, general manager, Garrison Diversion Conservancy District, reviewed the study process and explained that throughout the study process the District and the Bureau have actively consulted with the affected communities and state agencies. Detailed study information relating to the scope and design of alternatives, needs and options information, environmental impact information, legal obstacles, project costs, financing options, and mitigation was presented to the Lake Agassiz Water Authority, which is the official governing body representing the affected communities.

The DWRA allows for the ultimate selection of the preferred alternative to be determined by the Secretary of the Interior in consultation with the State of North Dakota and the affected communities. Mr. Koland stated that the Lake Agassiz Water Authority and the Garrison Diversion board of directors voted unanimously on October 4 and October 7, 2005, respectively, to select the Garrison Diversion Unit (GDU) Import to the Sheyenne River alternative as their preferred alternative. The State Water Commission members were provided an extensive presentation on the alternatives on October 18, 2005 in Carrington, ND.

The GDU import to the Sheyenne River alternative would use a combination of the Red River, other North Dakota in-basin sources, and Missouri River water to meet future water demands. The principal feature of this option would be a pipeline from the McClusky Canal to Lake Ashtabula that would release treated Missouri River water into the Sheyenne River. The pipe would be sized so peak day demands could be met by Lake Ashtabula releases. The option would include a biota treatment plant at the McClusky Canal and a buried pipeline to serve industrial water demands in southeastern North Dakota. The biota treatment process would use coagulation, flocculation, sedimentation, and ultraviolet disinfection. The cost of building the project ranges from an estimated \$500 to \$660 million, with annual estimated operating and maintenance costs of \$1.2 million. Pending federal review, construction of the project could begin in 2009.

Mr. Koland stated that a water shortage is a serious problem for the eastern part of the state, there are limited ways to solve it, and it appears that the GDU Import to the Sheyenne River is the best option as it meets the valley's water supply needs. It provides environmental benefits, allows the flexibility to serve the 27 water systems in the valley, has no significant negative environmental impacts, and is the least costly alternative. This alternative also has the ability to enhance aquatic needs and provide minimum instream flows.

Commissioner Swenson commented that Lake Ashtabula is already a regulating reservoir and, therefore, the releases downstream should not impact the Sheyenne River any more than normal because it would be used only as a supplement during a period of extreme drought. The use of Lake Ashtabula could also provide time for repairs, should damage occur to the pipeline delivery system, without interrupting the water supply to the valley. Commissioner Swenson inquired whether the system can be expanded sufficiently should the Red River Valley demands exceed the projections.

Mr. Koland responded that the McClusky Canal has sufficient capacity but the pipeline could be a limiting factor. He suggested either a parallel pipe could be built or the gravity pipeline could be pressurized substantially increasing the water flow.

Commissioner Halcrow questioned whether one treatment plant should be built or whether all of the treatment plants currently in service should be repaired to handle the water.

Mr. Koland explained that the estimated cost of using a buried pipeline to deliver treated water to every water system in the Red River Valley is estimated at \$2.5 billion. To repair every water treatment plant currently in service could cost in excess of \$30 billion.

Commissioner Olin stated that the project specifics will be determined at a later date, but the State Water Commission's endorsement of its preferred alternative at this time supports the studies indicating that the Red River Valley water supply would be threatened during times of drought, and that the GDU Import to the Sheyenne River appears to be the best alternative that will provide the most benefits to the water users in the valley.

It was the recommendation of the State Engineer that the State Water Commission endorse the GDU Import to the Sheyenne River alternative as the preferred option to meet the comprehensive water quantity and quality needs of the Red River valley.

***It was moved by Commissioner Thompson and seconded by Commissioner Hillesland that the State Water Commission endorse the Garrison Diversion Unit (GDU) Import to the Sheyenne River alternative as the preferred option to meet the comprehensive water quantity and quality needs of the Red River Valley.***

***Commissioners Halcrow, Hillesland, Hofstad, Jeff Olson representing Commissioner Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.***

(Note: On November 1, 2005, Governor Hoeven executed a letter to Honorable Gale A. Norton, Secretary, U.S. Department of the Interior, indicating the State of North Dakota's selection of the Garrison Diversion Unit (GDU) Import to the Sheyenne River as its preferred alternative in the draft Environmental Impact Statement, which is scheduled for distribution in December, 2005. Governor Hoeven's letter is attached to these minutes as **APPENDIX "A"**.)

***SWEETBRIAR CREEK DAM,  
MORTON COUNTY - APPROVAL  
OF ADDITIONAL STATE COST  
PARTICIPATION FOR ENGINEERING  
SERVICES (\$20,000)  
(SWC Project No. 642)***

Sweetbriar Creek Dam is located in Morton county approximately 17 miles west of Mandan, ND. In the spring of 2002, a major crack in the upstream face of the concrete drop inlet spillway was discovered by personnel from the North Dakota Department of Transportation (DOT).

A joint inspection by staffs of DOT and the Commission was conducted in May, 2002, to determine the extent of the damage. Based on the inspection, it was determined the structure needed to be repaired, and it was agreed the most feasible method to make the repairs was to include the work into

the reconstruction of U.S. Interstate 94, which was scheduled for the 2003 construction season at this location. On March 5, 2003, the State Water Commission approved a cost share allocation of \$43,333, of which \$25,333 was from the funds appropriated to the State Water Commission in the 2001-2003 biennium, and \$18,000 was for in-kind services provide by the Commission. On May 11, 2005, the State Water Commission approved an additional allocation of \$4,010.33, increasing the total state contribution to \$45,546.27, of which \$16,202.94 was for in-kind services provided by the Commission, and \$29,343.33 was to be expended from the funds appropriated to the State Water Commission in the 2003-2005 biennium.

Secretary Frink stated a contract was executed with GEI Consultants, Inc. to inspect Sweetbriar Creek Dam, Epping Dam, and Big Coulee Dam, which have similar designs as Mount Carmel Dam. The field investigation indicated significant seepage problems with Sweetbriar Creek Dam. Materials located downstream indicated holes were being created under the embankment forming the dam, which lies beneath U.S. Interstate 94. Secretary Frink stated the dam appears to be stable and that there is no imminent threat to U.S. Interstate 94.

A request for engineering services was advertised for additional repairs and modifications. Bartlett and West/Boyle Engineers, Inc. was selected as the consulting engineers for Sweetbriar Creek Dam. Additional drilling of the embankment to determine the extent of the holes is anticipated this fall, and it is expected to have an engineering design in place with construction for repairs in 2006.

Secretary Frink explained that the engineering design could cost up to \$200,000, which is an indication construction costs could approach \$2,000,000. He said the large expense is because of the dam's association with U.S. Interstate 94. Efforts are being pursued with the Department of Transportation, the North Dakota Game and Fish Department, and Morton county for cost share participation.

The Department of Transportation built Sweetbriar Creek Dam in 1960. Morton county, the North Dakota Game and Fish Department, and the State Water Commission are responsible for maintenance of the dam. Sweetbriar Lake, which was created by the damming of Sweetbriar Creek Dam, has a surface area of 250 acres, is approximately 40 feet deep, and has a volume of 2,000 - 3,000 acre-feet of water. The lake was drawn down several feet earlier this year to alleviate pressure on the dam.

On August 13, 1998, the State Water Commission authorized the State Engineer to approve and expend funds up to \$20,000 to develop and manage the water resources of the state. In order to proceed with the

engineering process, Secretary Frink suggested that the State Engineer's discretionary funding limitation not to exceed \$20,000 be considered by the State Water Commission. It is anticipated that additional information relating to the project scope, cost estimate, and cost share arrangement will be provided at the December 9, 2005 State Water Commission meeting.

***It was moved by Commissioner Olin and seconded by Commissioner Swenson that the State Water Commission authorize the State Engineer to proceed with the engineering process for the Sweetbriar Creek Dam, and that the State Engineer's discretionary funding limitation not to exceed \$20,000 be authorized from the funds appropriated to the State Water Commission in the 2005-2007 biennium. This motion is contingent upon the availability of funds.***

***Commissioners Halcrow, Hillesland, Hofstad, Jeff Olson representing Commissioner Johnson, Olin, Swenson, Thompson, and Governor Hoeven voted aye. There were no nay votes. Governor Hoeven announced the motion unanimously carried.***

**NEXT STATE WATER  
COMMISSION MEETING**

The next meeting of the State Water Commission is scheduled for December 9, 2005, convening at 9:00 AM at the Ramkota Hotel, Bismarck, ND.

There being no further business to come before the State Water Commission, Governor Hoeven adjourned the audio conference call meeting at 3:10 PM.

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John Hoeven, Governor  
Chairman, State Water Commission

SEAL

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

