

MINUTES OF VIRTUAL / CONFERENCE CALL SPECIAL MEETING
RED RIVER RETENTION AUTHORITY
ORIGINATING AT THE RED RIVER WATERSHED CENTER
1120 28TH AVENUE N, SUITE C
FARGO, NORTH DAKOTA
JUNE 21, 2023

The Red River Retention Authority (RRRA) held a virtual / conference call special meeting on June 21, 2023, at 10:00 a.m.

Participating were John Finney, Greg Holmvik, Bill Petersen, Rodger Olson, Ben Varnson, Gary Thompson (alternate for Josh Ihry), Board members; Theresa Ebbenga and Ted Preister, non-voting members; Keith Weston and Brian Fuder, Executive Directors; Carol Harbeke Lewis, Secretary-Treasurer; Nina Stone, Accountant; Melissa Hinkemeyer, Administrative Assistant; Christi Fischer, Natural Resources Conservation Service (NRCS); Randy Gjestvang, North Dakota Department of Water Resources (NDDWR); Bruce Anderson, Barnes County Water Resource District; Mike Opat, Houston Engineering, Inc.; Alexa Ducioame, Moore Engineering, Inc.; and Morrie Lanning, Barr Engineering Co.

Gary Thompson called the meeting to order and introductions were made.

Agenda

It was moved by Bill Petersen, seconded by John Finney and unanimously carried to approve the order of the agenda, as presented.

Minutes

It was moved by John Finney, seconded by Ben Varnson and unanimously carried to approve the minutes of the March 16 and April 27, 2023, meetings.

Bills

It was moved by Ben Varnson and seconded by Bill Petersen to approve the wire transfers, as presented. Upon roll call vote, the following Board members voted in favor: John Finney, Greg Holmvik, Bill Peterson, Ben Varnson and Gary Thompson. Rodger Olson was absent. The motion carried unanimously.

Financial Report and 2024 Budget

It was moved by Rodger Olson and seconded by Bill Peterson to approve the Financial Report and 2024 Budget, as presented. Upon roll call vote, the motion carried unanimously.

NRCS report

Christi Fischer updated the Board on the status of ongoing Regional Conservation Partnership Program (RCPP) Plans in the Red River Basin in North Dakota. Ms. Fischer informed the group that Dan Hovland is the new NRCS State Conservationist for North Dakota. Keith Weston noted he and the new Executive Director, Brian Fuder, have scheduled a meeting with Mr. Hovland to discuss various topics such as staffing needs for NRCS to assist in moving forward with the ongoing RCPP Plans in the Red River Basin. Mr. Weston will also invite Mr. Hovland to the September RRRRA meeting.

Outreach – Red River Basin Flood Impacts Survey

Mr. Weston discussed conducting a survey to gain insights into farmer and landowner views toward flood control in the Red River Basin in North Dakota and Minnesota. The Board discussed the draft survey questions in more detail. Mr. Weston said the survey would also be available at the RRRRA booth during Big Iron and at other conferences the RRRRA attends in the Red River Basin. Discussion was held on potentially inquiring about working with various agricultural commodity or coalition groups to assist in distributing the survey to farmers and landowners in the Red River Basin.

A motion was made by Ben Varnson and seconded by Bill Petersen to approve and authorize the RRRRA Executive Director to finalize and distribute the Red River Basin Flood Impacts Survey, as discussed. Upon roll call vote, the motion carried unanimously.

RRRA Executive Director

Mr. Weston reported Brian Fuder has accepted the RRRRA Executive Director position. The Board discussed the terms of the *Independent Contractor Agreement* with Mr. Fuder. Mr. Fuder plans to assume the position on July 6, 2023. Prior to assuming the position, Mr. Fuder will need to execute the *Independent Contractor Agreement* and satisfy the insurance requirements as described in the *Agreement*.

It was moved by John Finney and seconded by Greg Holmvik to approve and authorize the Co-Chairs to sign the *Independent Contractor Agreement* with Brian Fuder regarding the RRRRA Executive Director position. Upon roll call vote, the motion carried unanimously.

Mr. Weston indicated he will move into an advisory role as Mr. Fuder transitions into the RRRRA Executive Director position. The Board indicated they will revisit the *Independent Contractor Agreement* with Mr. Weston at a future meeting.

It was moved by Bill Petersen and seconded by Ben Varnson to authorize the RRRRA Attorney to review the terms of the *Independent Contractor Agreement* with Mr. Weston regarding Mr. Weston moving into an advisory role under the *Agreement*. Upon roll call vote, the motion carried unanimously.

U.S. Fish and Wildlife Service (USFWS) proposed drain tile setback rule

Discussion was held on USFWS proposed drain tile setback rule on property with USFWS wetland easements. The proposed regulations will be separate from NRCS drain tile setbacks and setbacks will be determined on an individual basis using best-available science. The proposed regulations indicate no effects to property with a USFWS wetland easement are allowed from drain tile. The USFWS is accepting comments on the proposed regulations until June 27, 2023. The Board discussed submitting the following comments:

- To request the USFWS use the same science as the NRCS uses in determining tile drain setback distances from a wetland boundary.
- To recommend the USFWS establish an interagency Technical and Scientific Advisory group to ensure fair and unbiased science is used in setting drain tile setback rules.
- To request the proposed rule further clarify and address how public infrastructure projects (flood retention and flood control) implemented by watershed districts and water resource districts adjacent to USFWS easements can be implemented.
- To request USFWS setbacks be measured from in-field inventoried wetland boundaries and not the legal description of the easement area.

A motion was made by Ben Varnson and seconded by Rodger Olson to approve and authorize the Executive Director to submit comments to the USFWS on the proposed drain tile setback rules on property with USFWS wetland easements. Upon roll call vote, the motion carried unanimously.

Regional Conservation Partnership Program (RCPP) FY 2023 sign-up and NRCS Inflation Reduction Act (IRA) funding in 2024

Mr. Weston informed the group that RCPP FY 2023 sign-up is due by August 18, 2023.

Mr. Weston discussed an upcoming opportunity for potential project funding through the NRCS IRA. Discussion was held on potential projects that could qualify for the funding.

Brian Fuder introduction

Brian Fuder, the new Executive Director of the RRRRA, introduced himself to the Board. The Board welcomed Mr. Fuder to the RRRRA.

Agency and partner reports

Theresa Ebbenga reported on recent updates from the Minnesota Department of Natural Resources (MDNR) and funding allocated by the Minnesota legislature.

Randy Gjestvang updated the Board on the NDDWR. Discussion was held on funding allocated by the North Dakota legislative session. Mr. Gjestvang noted the recent changes to the State Water Commission's cost-share policy will be in effect beginning July 1, 2023. The next State Water Commission meeting is August 10, 2023.

Ted Preister reported on recent activities of the Red River Basin Commission (RRBC). The Corps of Engineers is anticipating conducting the bathymetry of the Red River mainstem project this fall. Mr. Preister also discussed pursuing a grant through the NRCS IRA program for a large soil health project that would remove barriers from producers who want to make changes to their property to improve soil health. The RRBC will be meeting with NRCS soon to discuss the potential project.

Meeting schedule

The next RRRA meeting was re-scheduled for September 21, 2023, at 10:00 a.m. at the Red River Watershed Center in Fargo, North Dakota.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Josh Ihry
Co-Chair

John Finney
Co-Chair

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer