



East Dakota Water Development District
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MINUTES
June 17, 2010

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on June 17, 2010 at the EDWDD office in Brookings. Chairman Eggers called the meeting to order at 9:05 a.m. The following persons attended:

Directors Present

Lois Brown
Curt Eggers
Doug Feten
Vincent Flemming
Martin Jarrett
Robert Todd
John Weidler

Directors Absent

John Johnson
Kay Kassube

Others Present

Shirley Flemming, Florence
Darrell Raschke, James River Water Development District
Barb Telkamp, Brookings

Staff Present

Jay Gilbertson
Jeremy Hinke
Roger Strom
Kristi Thielen

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Administrative Items

Approval of Agenda - **Motion** by Feten, seconded by Weidler to approve the agenda as presented. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the May 20, 2010 meeting. The Manager distributed an addendum to the May 2010 Minutes. He noted that he had failed to include formal funding of the District's Conservation District Support Grants Program (text below):

2010 EDWDD Conservation District Support Grants Program - *At the January 2010 meeting, the Board agreed to fund the 2010 EDWDD Conservation District Support Grants Program. A total of \$100,000 was set aside, to be allocated at the rate of \$10,000 per whole county, with the assistance is to be applied toward covering administrative expenses of the conservation districts. The Manager reported that most of the Memorandums of Understanding (MOUs) with the conservation districts have been received, and several have submitted the initial reimbursement request. He requested Board authority to distribute the first half of the funding (\$50,000) to those CDs that have, and will, file the requisite paperwork. **Motion** by Kassube, seconded by Weidler to authorize payments as requested by the conservation districts for the 2010 EDWDD Conservation District Support Grants Program. Motion carried unanimously.*

Motion by Weidler, seconded by Todd to approve the Minutes as amended. Motion carried unanimously.

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Financial Reports - The Board reviewed the May 2010 financial statements. **Motion** by Flemming, seconded by Todd to approve the May 2010 financial statements. Motion carried unanimously. Chairman Eggers directed that the approved financial statements be placed in the District files.

Report of Meetings and Conferences - Director Flemming attended the Upper Big Sioux River Watershed Advisory Board meeting in Watertown on May 20th, the Watertown Flood Risk Management Stakeholder Input Group Meeting on June 2nd in Watertown, and the Lake Pelican Water Project District meeting on June 16th in Watertown.

Chairman Eggers and Directors Brown, Flemming and Weidler attended the Annual Meeting of the Lewis and Clark Rural Water System in Sioux Falls on May 27th.

Director Jarrett attended the May 27th meeting of the lake County Clean Water Committee in Madison.

The Manager briefly commented on the following meetings he attended:

1. **May 21** - Brookings DDN Site. South Dakota Board of Water and Natural Resources Meeting.
2. **May 25** - Watertown. SD Department of Game, Fish and Parks discussion of Mickelson Wetland.
3. **May 26** - Rapid City. West Dakota water Development District Board of Directors.
4. **June 1** - Ortonville, MN. Big Stone County Soil & Water Conservation District.
5. **June 1** - Madison, MN. Lac qui Parle/Yellow Bank Watershed District.
6. **June 2** - Watertown. Watertown Flood Risk Management Stakeholder Input Group.
7. **June 10** - Brookings. SD Lakes & Streams Association Executive Committee.

The Manager also reported that he is on the Search Committee for a new Water Resources Engineer faculty position at South Dakota State University. The Committee met several times during the past month, and is reviewing 31 applicants.

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Upcoming Meetings -

1. **June 16 - 7:00 p.m.** - Minnehaha County Commission Room, Sioux Falls. Minnehaha County Drainage Task Force meeting.
2. **June 21 - 1:00 p.m.** - Sioux Valley Energy Building, Brandon. Vermillion/Big Sioux SDACD Area Meeting.
3. **June 23 - 7:00 p.m.** - Dell Rapids Middle School. Minnehaha County Drainage Task Force meeting.
4. **June 24 - 25** - Matthews Training Center, Pierre. South Dakota Board of Water and Natural Resources.
5. **June 24** - Arlington. Kingbrook RWS Source Water Planning Team meeting.
6. **June 29 - 6:00 p.m.** - Madison, MN. Lac qui parle/Yellow Bank TMDL meeting.
7. **June 5 - 1:00 p.m.** - Big Sioux CWS Brant lake Treatment Plant. Open house.
8. **July 7 - 7:00 p.m.** - Minnehaha County Commission Room, Sioux Falls. Minnehaha County Drainage Task Force meeting.
9. **July 15 - 10:00 a.m.** - EDWDD Office, Brookings. July EDWDD Board of Directors Meeting.

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Appointment of EDWDD Standing Committees - Chairman Eggers appointed the following Directors to the District's Standing Committees:

Finance	Planning	Legislative	Personnel
Kassube, Chair	Brown, Chair	Feten, Chair	Jarrett, Chair
Feten	Jarrett	Flemming	Brown
Flemming	Kassube	Johnson	Johnson
Weidler	Todd	Weidler	Todd

Payment Request (Corson Village Sanitary District) - At the January 2010 meeting, the Board agreed to provide District cost-share assistance of fifty percent (50%) of the costs, up to a maximum of \$1,550, for the cleaning and televising of the waste water collection lines of the Corson Village Sanitary District (CVSD). The work has been completed, and facility plan has been completed, and CVSD has submitted a request for the District's portion of the costs. The Manager noted that the final cost for the work was \$3,800, so the District share would be the maximum payment of \$1,550. **Motion** by Jarrett, seconded by Brown to authorize payment of \$1,550 to CVSD as requested. The Manager noted that this would complete the District's obligation to this activity. Motion carried unanimously.

Travel Authorization - The Manager requested Board authorization to attend the 2010 Western States EPA Source Water Protection Forum to be held in Estes Park, Colorado, on September 21-23. The organizers (EPA Region 8 GW Program) have requested he speak about the history and current status of the District's ground water protection efforts. **Motion** by Todd, seconded by Feten to authorization the Manager's attendance as requested. Motion carried unanimously.

Schedule for Personnel and Finance Committee Meetings - The Manager noted that in order to develop the 2011 District Fiscal Budget, meetings of the Personnel and Finance Committees will need to be held. The Personnel Committee needs to meet to go over evaluations of the Manager and District staff, and to develop recommendations for 2011 staff compensation. The Finance Committee needs to meet after the Personnel Committee to develop a draft 2011 budget, which would contain the recommendations for staff compensation. The full Board would review the draft budget, and then set the date for a formal public hearing in August.

The meeting of the Finance Committee was tentatively set for 9:00 a.m. on July 15th at the District Office in Brookings. Personnel Committee Chair Director Jarrett indicated that he would arrange a meeting prior to July 15th. The Manager distributed Manager Evaluation forms to each Director, along with a stamped envelope so they could be sent to Director Jarrett.

EPA Nutrient Presentation to the SD Nonpoint Source Task Force

The Manager indicated that on April 20th, staff from the United States Environmental Protection Agency (EPA) Region 8 Office in Denver were in Pierre to press for the development of numeric water quality standards for nutrients, specifically phosphorus and nitrogen. These nutrients continue to be major sources of impairment to lakes and rivers across the country, Region 8 and South Dakota. He went through the presentation given by Bert Garcia, Ecosystems Protection Program Director, which DENR has available on it's website. To date, efforts to reduce nutrient loadings have largely been voluntary, although a few states have established numeric standards for some nutrients. They noted that EPA is coming under increasing pressure to establish numeric standards in all states, and the April presentation to the State Nonpoint Source Task Force was intended to encourage collaboration and cooperation in the development of such standards for South Dakota. They noted that EPA has recently established numeric nutrient standards in Florida, and

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that legal efforts to require similar efforts in states without such standards are expected. The Manager noted that there seemed to be limited interest or support for establishing such standards in South Dakota by DENR or many of the stakeholder groups in attendance. He suggested that short of a major policy shift at the state level, outside legal action and/or an explicit directive from EPA would be required for this matter to advance.

On a related note, the Manager distributed a letter recently sent to EPA Administrator Lisa Jackson on behalf of an environmental group in Kansas. It was a 60-day notice of intent to sue the EPA Administrator for failure to perform nondiscretionary duties to impose numeric water quality criteria for nutrients in Kansas. It contends that in 1998 EPA determined that such numeric water quality standards were necessary to adequately address ongoing pollution from these sources. EPA is ultimately responsible for protecting water quality, so they are the target of legal action for effectively sanctioning inaction by the State of Kansas. Similar efforts have taken place in Florida and Wisconsin. In both instances, standards are now being set, suggesting that EPA has demonstrably failed in their responsibility.

The Manager was asked if these legal actions might result in the development of numeric nutrient standards in South Dakota. He indicated that he had spoken with several attorneys, and they think that the legal basis for the letter appears sound. However, such actions are typically directed at a single state, and a requirement/agreement by EPA to establish standards for one state does not directly translate into a similar requirement for any other state. It was the consensus of the Board that the Manager continue to monitor this issue and to report back on the status of any efforts by EPA and/or DENR to develop comparable standards for South Dakota. They believe that numeric nutrient standards are going to ultimately necessary to address water quality impairments. Further, while legal efforts such as have been pursued in other states are not the best approach, if other approaches fail, they can not and should not be ruled out entirely.

Project Updates

Central Big Sioux River Watershed Implementation Project - Roger Strom reviewed activity on this project. Work on the final riparian easement project continues. The Hamlin County landowners have enrolled their property in the USDA Conservation Reserve Program, and have opted for a 30-year easement agreement. An offer has been made, and is expected to be acted on by mid-July. Mr. Strom has completed a first draft of the Project Final Report, which is under review by the Manager and DENR Project Officer Jeremy Schelhaas.

Adjournment

There being no further District business, Chairman Eggers declared the meeting adjourned at 11:25 a.m.

Doug Feten, Secretary

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