



East Dakota Water Development District  
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**MINUTES**  
**June 15, 2017**

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on June 15, 2017, at the EDWDD office in Brookings. Chairman Jarrett called the meeting to order at 9:05 a.m. The following persons attended:

**Directors Present**

Mark Anderson  
Lois Brown  
Mary Ellen Connelly  
Gary Duffy  
Martin Jarrett  
Kay Kassube  
John Moes  
Janelle Weatherly

**Director(s) Absent**

Dana Loseke

**Others Present**

Jeff Barth, Minnehaha County Commission  
Roger Hageman, Lake County Commission  
Brad Prehiem, Vermillion Basin Water Development District

**Staff Present**

Jay Gilbertson  
Jeremy Hinke  
Deb Springman

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**Administrative Items**

**Approval of Agenda**

**Motion** by Moes, seconded by Kassube to approve the agenda as presented. Motion carried unanimously.

**Minutes** - The Board reviewed the Minutes of the May 18, 2017, meeting. The Manager noted the following changes to the Minutes section (**in bold**):

**Motion** by **Connelly Duffy**, seconded by **Soholt Anderson** to approve the April 13<sup>th</sup>, 2017, Minutes as presented. Motion carried unanimously.

He also noted the following changes to the District Update section (**in bold**):

**25<sup>th</sup> Annual Big Sioux Water Festival** - Deb Springman reported on the 25<sup>th</sup> Annual Big Sioux Water Festival. It was held on Tuesday, May 9, 2017, on the campus of South Dakota State University, with over 1,100 fourth grade students from **28 29** area public, private, and

home schools in attendance. Thirty activity stations provided hands-on activities and experiments, including two large group assemblies featuring long-time favorite The Zoo Man and the Science Museum of Minnesota. The teacher resource room provided information from South Dakota Project Learning Tree, ~~Dakota Nature Park, Ground Works-Midwest, South Dakota Project WILD~~, and the Izaak Walton League. Representatives of each group were present to speak one-on-one with the teachers and to provide them with resources they could use in their classrooms. More than 200 volunteers helped out at this year's event. The festival is made possible by contributions from area businesses, organizations, rural water systems, municipalities, conservation districts, lake associations, and also through a small grant from the South Dakota Information and Education Program. The event is free to fourth grade classrooms within the District and the festival does provide a small stipend to help schools pay for a portion of their transportation costs.

**Motion** by Kassube, seconded by Weatherly to approve the Minutes as amended. Motion carried unanimously.

Financial Reports - The Board reviewed the May 2017 financial statements.

**Motion** by Anderson, seconded by Weatherly to approve the May 2017 financial statements. Motion carried unanimously. Chairman Jarrett directed that the approved financial statements be placed in the District files.

Report of Meetings and Conferences - Directors Brown and Weatherly attended the Lewis and Clark Regional Water System Annual Meeting in Tea on May 26<sup>th</sup>.

Director Connelly attended the June 5<sup>th</sup> meeting of the Friends of the Big Sioux River in Sioux Falls.

The Manager briefly commented on the following meetings he attended:

1. May 24 - Pierre. Regulation of Access to and Use of Non-Meandered Waters on Public and Private Property Study hearing.
2. May 30 - Sisseton. Roberts County Commission.
3. June 2 - Brookings. Regulation of Access to and Use of Non-Meandered Waters on Public and Private Property Study hearing (listened to on-line broadcast).
4. June 6 - Clear Lake. Deuel County Commission meeting.
5. June 6 - Sioux Falls. SD Legislature Executive Board.
6. June 6 - Dell Rapids. Big Sioux River Flood Information System informational meeting.
7. June 7 - Sioux Falls. Big Sioux River Flood Information System informational meeting.
8. June 13 - Brookings. US Environmental Protection Agency Pilot Project teleconference.

Upcoming Meetings -

1. **June 20 - 10:00 a.m.** - Eastern South Dakota Research Farm, Brookings. 23<sup>rd</sup> Annual Field Day.
2. **June 21 - 10:00 a.m.** - Brookings. Eastern SD Water Conference Steering Committee.
3. **June 21 - 11:00 a.m.** - Lake Area Technical Institute, Watertown. Environmental Technology Advisory Board.

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4. **June 22 - 10:00 a.m.** - Foss Training Center, Pierre. SD Board of Water & Natural Resources.
5. **June 23 - 9:00 a.m.** - Sioux Falls. Big Sioux River Watershed Project Steering Committee.
6. **June 27 - 9:00 a.m.** - Day County Courthouse, Webster. South Dakota Association of Conservation Districts Coteau Area meeting.
7. **July 18 - 9:00 a.m.** - Sioux Falls. South Dakota Association of Rural Water Systems (SDARWS) golf tournament.
8. **July 19 - 8:00 a.m.** - Sioux Falls. SDARWS Manager’s Group meeting.
9. **July 20 - 9:00 a.m.** - EDWDD Office, Brookings. EDWDD July Board of Directors Meeting.

Payment Request(s) - The Manager presented the Board with payment requests from the sponsors of several District-supported activities. He noted that the requests were in order, and consistent with provisions set by the Board at the time of award. He requested authorization to make payments on the following requests:

<u>Grant Recipient/Activity</u>	<u>Requested Amount</u>
SDSU/Conservation Drainage Practices to Remove NO <sup>3</sup> from drain water (McDaniel)	\$ 211.68
SDSU/Bioreactor impacts on <i>E. coli</i> and antibiotics resistance (McDaniel)	<u>\$ 6,558.26</u>
<b>Total</b>	<b>\$6,769.94</b>

**Motion** by Duffy, seconded by Connelly to authorize payments totaling \$6,769.94 as requested. Motion carried unanimously.

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**2017 Legislative Interim Water Issues**

Non-Meandered Waters on Public and Private Land Legislation - The Manager provided a section-by-section review of the legislation enacted on June 12<sup>th</sup> during a Special Session of the South Dakota Legislature. House Bill 1001, An Act to provide for public recreational use of certain waters overlying public and private property and to declare an emergency, passed both chambers of the Legislature and was signed by Governor Dugaard on that day. In that it contained an emergency clause, the legislation became effective immediately following the Governor’s signature. A copy of the bill as enacted can be found at:

[http://sdlegislature.gov/Legislative Session/Bills/Bill.aspx?Bill=1001&Session=2017s](http://sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?Bill=1001&Session=2017s).

The Manager noted one impact of the new legislation was the re-opening of boat landings managed by South Dakota Department of Game, Fish & Parks on numerous non-meandered lakes. The closing had prevented access to Twin Lake in Sanborn County, which is one of four lakes the District is sampling under contract with the South Dakota Department of Environment and Natural Resources (SD DENR).

River Basin Natural Resource District Oversight Advisory Task Force - The Manager reviewed the history of the River Basin Natural Resource District Oversight Advisory Task Force (Task Force),

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established under South Dakota Codified Law (SDCL) 46A-19. In late March, the Manager was appointed to the Task Force. To date, no meetings of the Task Force have been held in 2017.

Under SDCL 46A-19, the Task Force is charged with four specific tasks:

1. to establish specific boundaries for the newly established river basin natural resource districts (RBNRDs), using existing surveys or political subdivisions boundaries, but following as closely as possible the hydrologic patterns of the river basins (SDCL 46A-19-13);
2. to create a governing council structure for the RBNRDs utilizing three subdistricts of nearly equal population (SDCL 46A-19-14, -16);
3. to "work with the local governments in the Red River and Minnesota River Basin Natural Resource District to establish a pilot water management plan for the district that could be used as a guide for a water management plan in each of the remaining river basin natural resource districts" (SDCL 46A-19-13); and
4. to "review the provisions of chapter 46A-10A and determine which provisions need to be incorporated in legislation to assist in the implementation of this chapter" (SDCL 46A-19-15). The Manager noted that although not explicitly stated, this provision would suggest that the Legislature envisioned the RBNRDs would play a role in local drainage water management, which is the focus of SDCL 46A-10A (County Drainage).

The Task Force brought forward two bills during the 2017 Legislative Session. Senate Bill (SB) 9 addressed the RBNRD boundaries, and SB 10 addressed RBNRD governance and elections. Neither bill was adopted.

The Task Force was on the Agenda for the June 6th meeting of the Executive Board for the South Dakota Legislature. At that time, acting on the recommendation of the Chair (Speaker of the House Representative Mark Mickelson) and Vice-Chair (Senate President pro Tempore Senator Brock Greenfield), they voted to suspend the activities of the Task Force. The manager indicated that he was expecting formal notice of this action shortly, likely to include an action to rescind the recent appointments that re-populated the Task Force.

However, the Executive Board did acknowledge that the objectives assigned to the Task Force remained valid and necessary, and indicated an intent to work with interested parties to develop alternate approaches. The Manager indicated that he believed that it was the consensus of the Executive Board that the format chosen to address watershed-scale water management issues (Task Force) was not going to work, so it was time to explore alternate approaches.

[ \*\* Director Connelly left the meeting at 11:00 a.m. \*\* ]

### **Pilot Drainage Permit Technical Assistance Proposal**

The Manager briefed the Board on a proposal that he is developing that would provide technical assistance and advice to counties within the District that are issuing drainage permits under the authority of SDCL 46A-10A. At present, Deuel, Grant, Lake and Moody Counties issue drainage permits. Brookings, Hamlin, Kingsbury and Minnehaha Counties have previously issued drainage permits, but have abandoned the practice.

He noted that one of the tasks assigned to the River Basin Natural Resource District Oversight Advisory Task Force (Task Force) was to develop a pilot water management project in the Red River and Minnesota River Basins Natural Resource District River (NRD). In order to identify possible project activities, he had met with county officials in Deuel, Grant and Roberts Counties, which make up the majority of the target NRD. A recurring theme was the lack of local technical expertise when evaluating drainage permits, which these counties issue under the authority granted through SDCL 46A-10A.

Despite the suspension of the Task Force activities, the interest in obtaining technical assistance on drainage matters remains. The Manager discussed potential approaches to providing such assistance. The effort would likely include a cooperative agreement between the counties and the District wherein the District would provide counsel on the technical qualifications of individuals drainage application, but with the counties retaining final permitting authority. He also discussed potential changes to SDCL 46A-10A that would need to be amended in order for such an effort to succeed. It was the consensus of the Board that this was a worthwhile topic for consideration, and one that might lead other counties in the District and across the state to become more involved in drainage water management. The Manager indicated that he would keep the Board apprised of his efforts.

### **Punished Woman's Lake Association Assistance Request**

The Manager noted that at the February 2017 meeting, the Board considered a request from Jamie Dolan, President of the Punished Woman's Lake Association (PWLA). PWLA was seeking District cost-assistance to acquire herbicides to be used to perform targeted weed control in Punished Woman's Lake. Total projected chemical costs are \$12,600, and PWLA requested \$9,450, or seventy-five percent (75%) of the costs. PWLA would provide the balance of the funds. After considerable discussion, the Board opted to table the request.

**Motion** by Duffy, seconded by Anderson to take the PWLA assistance request off the table for further consideration. Motion carried unanimously.

**Motion** by Duffy, seconded by Kassube to award PWLA \$1,500 in District cost-share assistance to be applied toward the acquisition of herbicides.

**Substitute Motion** by Anderson to award PWLA District cost-share assistance to cover fifty percent (50%) of the costs of herbicide acquisition as requested, up to a maximum award of \$6,300. Motion failed for the lack of a second.

Duffy motion failed with Directors Duffy, Kassube and Moes in favor, and Directors Anderson, Brown and Weatherly, along with Chairman Jarrett, opposed.

**Motion** by Weatherly, seconded by Duffy to direct staff to 1) invite representatives of the South Dakota Department of Game, Fish and Parks Wildlife Division to discuss management of macrophytes in area lakes, and 2) to examine options for the physical removal of macrophytes from area lakes. Motion carried unanimously.

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**Adjournment**

There being no further District business, Chairman Jarrett declared the meeting adjourned at 12:20 p.m.

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John Moes, Secretary

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