



East Dakota Water Development District
132B Airport Drive
Brookings, SD 57006

605-688-6741

605-688-6744 Fax

MINUTES
March 21, 2013

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on March 21, 2013, at the EDWDD office in Brookings. Chairman Jarrett called the meeting to order at 9:02 a.m. The following persons attended:

Directors Present

Lois Brown
Mary Ellen Connelly
Gary Duffy
Martin Jarrett
Kay Kassube
John Moes
Jerry Soholt

Directors Absent

Mark Anderson
Roger Scheibe

Others Present

Dave Bartel, James River Water Development District
Christopher Hay, South Dakota State University
Jesse Johnson, SD Corn
Van Kelly, South Dakota State University
Dana Loseke, Sierra Club
John Maursetter, Lake county
LaDell Swiden, Lake Madison Development Association
Barbara Telkamp, Brookings
John Weidler, Kingbrook Rural Water System

Staff Present

Kevin Christenson
Jay Gilbertson
Kristi Thielen

Administrative Items

Approval of Agenda - The Manager requested that consideration of a policy statement on how concentrated animal feeding operations/dairies siting studies would be made available be added under Project Updates.

Motion by Brown, seconded by Kassube to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the February 21st, 2013.

Motion by Duffy, seconded by Soholt to approve the Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the February 2013 financial report.

Motion by Moes, seconded by Soholt to accept the February 2013 financial report. Motion carried unanimously. Chairman Jarrett then asked that the report be placed in the District files.

Report of Meetings and Conferences - Director Moes attended the Upper Big Sioux River Watershed Advisory Board meeting in Watertown on March 13th.

Director Brown attended the Sioux Empire Water Festival in Sioux Falls on March 12th & 13th.

The Manager briefly commented on the following meetings he attended:

1. February 25-28 - Pierre. 88th Session of the SD Legislature.
2. February 28th - Madison. Lake County Clean Water Committee.
3. March 5th - Watertown. Third Annual Mike Williams Memorial Lecture.
4. March 7th - Marshall, MN. Minnesota River Basin Projects AREA II Board of Directors Meeting.
5. March 11th - via teleconference. South Dakota Board of Water and Natural Resources.
6. March 11th - Hayti. Hamlin County Conservation District Board of Supervisors.
7. March 12th - Hayti. North Marsh Lake Watershed District Board of Supervisors.
8. March 12-14 - Deadwood. 36th Annual County Highway Superintendent's Short Course.
9. March 19th - Howard. Miner County Commission.
10. March 20th - via teleconference. West Dakota Water Development District Board of Directors.

Upcoming Meetings -

1. **March 25** - State Capitol, Pierre. Final day of the 88th Session of the SD Legislature.
2. **March 27 & 28 - 1:00 p.m.** - Foss Training Center, Pierre. South Dakota Board of Water and Natural Resources.
3. **March 28th - 7:00 p.m.** - Watertown. Upper Big Sioux River Watershed Advisory Board.
4. **April 2 - 6:30 p.m.** - Colman-Egan High School, Colman. Big Sioux Community Water System Annual Meeting.
5. **April 2 - 6:30 p.m.** - Community Center, Clear Lake. Brookings-Deuel Rural Water System Annual Meeting.
6. **April 4 - 9:00 a.m.** - ClubHouse Hotel & Suites, Pierre. South Dakota Association of Rural Water Systems Board of Directors Meeting.
7. **April 4** - Vermillion. Missouri River Institute 2013 Research Symposium.
8. **April 8 - 10:00 a.m.** - Holiday Inn City Centre, Sioux Falls. SD Nonpoint Source Task Force.
9. **April 8 - 6:30 p.m.** - Arlington High School, Arlington. KingBrook Rural Water System Annual meeting.
10. **April 9-11 - 1:00 p.m.** - Holiday Inn City Centre, Sioux Falls. NCERA217 Drainage Research and Extension Committee Symposium.
11. **April 18 - 9:30 a.m.** - South Dakota Association of Rural Water Systems Office, 203 Center Street, Madison. April EDWDD Board of Directors Meeting.

Payment Requests

South Dakota State University - The Manager presented the Board with a payment request from South Dakota State University. In October 2011, the District agreed to provide \$60,438 in cost-share assistance to South Dakota State University (SDSU) for a research project entitled, "Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota." The request is for project expenses for February 2013, totaling \$2,571.57.

DRAFT

Motion by Kassube, seconded by Moes to authorize payment of \$2,571.57 for the “Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota” project as requested. Motion carried unanimously.

Northern Prairies Land Trust - The Manager presented the Board with a payment request from Northern Prairies Land Trust. At the April 2012 meeting, the Board agreed to provide District cost-share assistance of up to \$160,820 in support of the “East Dakota Riparian Area Restoration and Protection Project”. The request is for recent project expenses, totaling \$771.93.

Motion by Brown, seconded by Connelly to authorize payment of \$771.93 for the ““East Dakota Riparian Area Restoration and Protection Project” project as requested. Motion carried unanimously.

Project Assistance Request

Lake County Clean Water Committee - John Maursetter, Lake County Clean Water Committee, presented the Board with a project assistance request for the printing and distribution of a series of five (5) flyers and related materials. The flyers address a variety of relevant water quality concerns of the Committee. The total cost of this effort is estimated at \$1,500, and the request of the District was for \$1,000, or approximately two-thirds of the costs. Mr. Maursetter and LaDell Swiden, Lake Madison Development Association, described the groups intent with the material.

Motion by Soholt, seconded by Kassube to provide District project assistance funds to the Lake County Clean Water Committee to cover one-third of the publication and distribution costs of its water pollution prevention/reduction brochures, up to a maximum of \$500. Motion carried unanimously, with Chairman Jarrett abstaining.

2013 Legislative Session Review

The Manager reviewed the results of the nearly completed 2013 South Dakota Legislative Session and summarized the status of the bills he had been following over the course of the session.

House Bill 1007, An Act to restrict the term of conservation easements. Tabled by the House Agriculture and Natural Resources Committee on January 24th.

House Bill 1059, An Act to repeal and revise certain obsolete and unnecessary statutes and rules relating to the Department of Environment and Natural Resources. Passed both legislative chambers without objection, and was signed by the Governor on March 12th.

House Bill 1120, An Act to allow regional intergovernmental cooperation for sewer utilities and to provide for the establishment of rates and charges. Passed both legislative chambers with nominal objection, and was signed by the Governor on March 12th.

House Bill 1135, An Act to regulate access to and use of public waters on public and private property. Passed the House of Representatives, but was deferred to the 41st legislative day (killed) by the Senate State Affairs Committee on February 20th.

House Bill 1235, An Act to continue the Regional Watershed Advisory Task Force under the supervision of the Executive Board of the Legislative Research Council in a manner to save public financial resources. Passed the House of Representatives, but was deferred to the 41st legislative day (killed) by the Senate State Affairs Committee on March 4th.

Senate Bill 59, An Act to prohibit the disposal of certain oil and gas field wastes. Passed both legislative chambers with only modest opposition, and was signed by the Governor on March 20th.

Senate Bill 115, An Act to increase the commercial fertilizer inspection fee for purposes of fertilizer-related research and to create the Nutrient Research Education Council to promote such research. Passed both legislative chambers over the objection of the Governor. Vetoed by the Governor on March 20th.

Senate Bill 153, An Act to clarify, remove inconsistencies from, and revise certain provisions relating to the formation and operation of watershed districts. Passed both legislative chambers with only modest opposition, and was signed by the Governor on March 14th.

Senate Bill 179, An Act to provide for a uniform county drainage permit application form and to remove the maximum limit for drainage permit fees. Deferred to the 41st legislative day by the Senate Local Government Committee on February 13th.

Senate Bill 189, An Act to make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes and to declare an emergency. Passed both legislative chambers with nominal objection, and was signed by the Governor on March 6th.

Senate Bill 241, An Act to make an appropriation for an invasive species research project conducted by South Dakota State University. Tabled by the Senate Appropriations Committee on February 19th.

South Dakota Water Resources Institute

Dr. Van Kelly, Director of the South Dakota Water Resources Institute (WRI), provided the Board with an overview of its role and function. The WRI is on the South Dakota State University campus, co-located with the Department of Agricultural and Biosystems Engineering. Dr. Kelly noted that the District has a long history of cooperative efforts with the WRI, including such ongoing activities as the Big Sioux Water Festival, Dr. Jeppe Kjaersgaard's assessment of the ability of bioreactors to lower the nitrate concentrations in water discharged from subsurface agricultural drains and Dr. Christopher Hay's research of the hydrologic impacts of subsurface drainage.

Dr. Kelly stated that the WRI provides leadership on evolving water concerns and problems being faced by South Dakota citizens through research, educational opportunities for students and professionals, and community outreach. The Institute is a federal-state partnership that:

1. plans, facilitates, and conducts research to aid in the resolution of State and regional water problems;
2. provides for the training and education of scientists and engineers through their participation in research and outreach;

DRAFT

3. promotes technology transfer and the dissemination and application of water related information; and
4. provides for competitive grants for students and researchers.

He reviewed a number of past and active WRI projects. Additional information can be found at the WRI website: <http://www.sdstate.edu/abe/wri/index.cfm>.

Project Updates

Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota - At the October 2011 meeting, the Board of Directors agreed to provide \$60,438 in cost-share assistance to South Dakota State University (SDSU) for a research project entitled, “Agricultural Subsurface Drainage Impacts on Hydrology in Eastern South Dakota.” Dr. Christopher Hay, SDSU Department of Agricultural and Biosystems Engineering, is the lead researcher, and presented the Board with an update on project activities. He explained that the effort is looking at the hydrologic impacts of subsurface agricultural drainage (tiling) at the field level using field-calibrated computer models. The projects has two major research objectives: evaluate the performance of the DRAINMOD drainage simulation model using estimated soil hydraulic parameters and estimate the hydrologic effects of drained fields compared to undrained fields under typical crop rotations for commonly drained soils in eastern South Dakota. In particular, changes to both the timing and overall volume of flows will be assessed.

Dr. Hay explained that in order to best appreciate the impact(s) of any landscape alterations, such as drainage, the annual water balance for an area must be understood. In a balanced system, the total amount water (precipitation) entering a system is equal to the amount of water leaving the system. In pre-European settlement time, water “left” the landscape in one of three general ways: 1) evaporation and transpiration (ET) back into the atmosphere, 2) surface runoff into lakes and streams and 3) seepage into the ground. With the conversion of land to agricultural usage, the relative amount of seepage has gone down with a resulting increase in runoff. Some of this increased runoff has been facilitated through the enhancement of surface drainage, including ditching. As sub-surface drainage (tiling) becomes more of a factor, its relative role in the overall water balance must be determined. Finding suitable mechanisms and procedures to adequately identify and measure each of these components of the water balance is a critical component of the investigation.

[Director Duffy left the meeting at 11:15 a.m.]

Updating/Implementation of Comprehensive Local Groundwater Protection for Shallow Aquifers in Eastern South Dakota - The Manager stated that within the Governors 2013 Omnibus Water Bill (Senate Bill 189) are funds directed toward a District-sponsored project to re-visit the well head protection delineations and accompanying county ground water protection ordinances. SB 189 was signed by Governor Dugaard on March 6th, and with it’s emergency clause, the funds are available now. The Board of Water and Natural Resources (BWNR) has scheduled time at it’s upcoming meeting to put the bulk of these funds (\$65,000) under contract with the District. He reviewed the final version of the project proposal and work plan. He further requested that the Board authorize the Chairman to execute a joint powers agreement with the BWNR so that the project activities can start in a timely manner.

Motion by Kassube, seconded by Moes to authorize the Chair to execute a joint powers agreement with the SD Board of Water and Natural Resources for the Updating /Implementation of

DRAFT
Comprehensive Local Groundwater Protection for Shallow Aquifers in Eastern South Dakota project
as requested. Motion carried unanimously.

Concentrated Animal Feeding Operations Siting Tool Pilot Project - The Manager stated that following completion (October 2012) of the Concentrated Animal Feeding Operations Siting Tool Pilot Project in Brookings and Moody Counties, there have been several inquiries about obtaining copies of the reports. This, plus the Board decision at the December 2012 meeting to support additional such efforts in Minnehaha and Lincoln Counties, had prompted him to develop a proposed policy statement regarding the distribution of such reports. He suggested the following policy with regard to the completed reports for Brookings and Moody Counties, and for any subsequent efforts in which the District has a role:

In that District funds used to cover the costs of development and preparation of the Brookings County and Moody County Concentrated Animal Feeding Operation/Dairy Site Analysis studies were public funds, derived from the District's general taxing authority under South Dakota Codified Law 46A-3E-1; and

The information contained within the reports was derived from either from open, public sources or was freely provided without restriction; therefore

It shall be the policy of the East Dakota Water Development District to make these reports available to any person or entity upon request in writing. As necessary, the District may require payment of any costs related to the printing and/or distribution of the reports. Further, the District shall provide a copy of the report to each county commission.

This policy shall apply to any comparable future investigations in which the District has a financial interest.

Motion by Connelly, seconded by Brown to adopt the policy regarding distribution of Concentrated Animal Feeding Operations/Dairy Site Analysis reports as presented. Motion carried unanimously.

Adjournment

There being no further District business, Chairman Jarrett declared the meeting adjourned at 11:55 a.m.

Roger Scheibe, Secretary

DRAFT