



East Dakota Water Development District

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MINUTES

November 15, 2007

The Board of Directors of the East Dakota Water Development District (EDWDD) held a regular meeting on November 15, 2007, at the EDWDD Office, 132B Airport Avenue, Brookings, SD. Chairman Dempsey called the meeting to order at 9:05 a.m. The following persons attended:

Directors Present

Lois Brown
Bill Dempsey
Curt Eggers
Doug Feten
Vincent Flemming
Martin Jarrett
Kay Kassube
Robert Todd
John Weidler

Others Present

Kelli Daberkow, Minnesota Pollution Control Agency

Staff Present

Lisa Bretsch
Jeanne Fromm
Jay Gilbertson
Angela Guidry

Administrative Items

Approval of Agenda - The manager proposed to amend the agenda, dropping the presentation on soil types and phosphorus erosion, and adding consideration of the 2008 joint funding agreement with the United States Geological Survey to support stream gaging activities. **Motion** by Weidler, seconded by Kassube to approve the agenda as amended. Motion carried unanimously.

Minutes - The Board reviewed the Minutes of the September 20 and October 18 meetings. The Manager proposed to amend the third paragraph on page four of the September minutes, clarifying the Board's agreements with landowners participating in the Central Big Sioux River Watershed Project. The change would add the underlined words to the following sentence: "**Motion** by Todd, seconded by Brown to authorize Chairman Dempsey to sign agreements with Chad Schooley, Leon Spartz and Greg Wellhouse that define the requirements and conditions under which the District will provide cost-share assistance for Project activities on their property, and to authorize disbursement of Project assistance funds as needed." **Motion** by Eggers, seconded by Feten to approve the September Minutes as amended and the October Minutes as presented. Motion carried unanimously.

Financial Reports - The Board reviewed the October 2007 Financial Report. **Motion** by Flemming, seconded by Todd to accept the October 2007 Financial Report. Motion carried unanimously. Chairman Dempsey then asked that the report be placed in the District files.

Report of Meetings and Conferences - Directors Jarrett, Todd and Weidler attended the Eastern South Dakota Water Conference in Sioux Falls on October 30 & 31.

Directors Jarrett and Todd attended meeting of the Interlakes Water Quality Committee in Madison on November 1 and 14.

The Manager briefly commented on the following meetings he attended:

1. October 22 & 23 - Carlton County, Minnesota. Field review of Minnesota Geological Survey mapping project.
2. October 24 & 25 - Rapid City. SD Association of Rural Water Systems Managers Organization.
3. October 30 & 31 - Sioux Falls. Eastern South Dakota Water Conference.
4. November 6 - Pierre. Discussion with DENR staff on Dakota Water Watch volunteer monitoring program.
5. November 7 - Miller. Central Plains Water Development District discussion of proposed WDD legislation.
6. November 8 - Brookings. SD Lakes and Streams Association Board of Directors.

He also reviewed the actions of the SD Board of Water and Natural Resources meeting on November 9 in Pierre.

Upcoming Meetings -

1. **November 15 - 7:00 p.m.** - Watertown. Upper Big Sioux River Watershed Project Board.
2. **November 19 - 12 noon** - Watertown. Sioux Valley County Commissioners Association.
3. **November 20 - 9:00 a.m.** - Brookings, Madison & Flandreau. Brookings County Commission @ 9:00 a.m., Lake County Commission @ 11:00 a.m. & Moody County Commission @ 1:00 p.m. - water topics/issues discussion.
4. **November 20 - 10:00 a.m.** - Armour. South-Central WDD Board of Directors.
5. **November 28 - 7:00 p.m.** - Centerville. Vermillion Basin WDD Board of Directors.
6. **November 29 - 9:00 a.m.** - Huron. James River WDD Board of Directors.
7. **December 4 - 9:00 a.m.** - Pierre. South Dakota Nonpoint Source Task Force.
8. **December 6 - 7:00 p.m.** - Madison. Interlakes Water Quality Committee.
9. **December 13 - 1:00 p.m.** - Brookings. SD Lakes & Streams Association Board of Directors.
10. **December 18** - Clear Lake & Milbank. Deuel County Commission @ 9:00 a.m. & Grant County Commission @ 10:30 a.m.- water topics/issues discussion.
11. **December 20 - 1:00 p.m.** - Brookings. December EDWDD Board of Directors.

Payment Requests - The Manager presented one payment request:

United States Geological Survey - At the December 2006 meeting, the Board agreed to provide District cost-share assistance totaling \$12,475 as cost-share for the operation and maintenance of three United States Geological Survey (USGS) gaging stations. The gages are located on the Big Sioux River below Watertown and near Bruce, and on Willow Creek near Watertown. The USGS has submitted it's a payment request for \$12, 475. **Motion** by Jarrett, seconded by Todd to authorize payment of \$12,475 as requested. The Manager noted that this payment would complete the District obligation under this agreement. Motion carried unanimously.

Equipment Purchase Authorization - The Manager requested Board approval to expend \$10,277 to purchase two water quality meters and related materials, and to upgrade the Districts water level monitoring equipment. **Motion** by Kassube, seconded by Weidler to expend the funds as requested. Motion carried unanimously.

Pending Director Vacancies - The Manager noted that at the end of December 2008, the current terms of the Directors from odd-numbered director area will expire. This would involve the Directors from Municipal Areas 1 (Jarrett) and 3 (Kassube), along with Rural Areas 1 (Flemming), 3 (Feten) and 5 (Eggers). Further, as Director Todd was appointed to fill a vacancy in Rural Area 4, that position would also be considered vacant at the end of December 2008. The Manager reviewed the time lines for petition circulation and filing, along with the election schedules. He indicated that nominating petitions would be available at the December meeting, but that the petitions could not be circulated until January 1, 2008.

Federal Fiscal Year 2008 USGS Gaging Station Agreement

The Manager reviewed the proposed joint funding agreement between the District and the USGS for support of stream gaging stations for Federal Fiscal Year (FFY) 2008 (October 2007 - September 2008). During FFY 2007, the District provided cost-share assistance for three gages: Big Sioux River near Bruce, Willow Creek, and the Big Sioux River below Watertown. The Manager recommended the Board authorize support for the following gaging stations for FFY 2008:

<u>Location</u>	<u>Cost</u>	<u>EDWDD % of Local Cost</u>
Big Sioux River near Bruce	\$6,700	100 %
Willow Creek near Watertown	\$1,100	50 % (shared with Watertown)
Big Sioux River below Watertown	<u>\$5,025</u>	75 % (shared with Watertown)
	\$12,825	

Motion by Flemming, seconded by Feten to approve the joint funding agreement for \$12,825 to continue support of District gaging station activities during FFY 2008. Motion carried unanimously. The Manager noted that he intended to meet with the USGS staff to review District support of these and other gages prior to developing an agreement for FFY 2009.

Minnesota Pollution Control Agency - 2008 List of Impaired Waters

Kelli Daberkow, with the Minnesota Pollution Control Agency (MPCA), gave a presentation on the DRAFT 2008 List of Impaired Waters in Minnesota. She reviewed the process by which water bodies in Minnesota are evaluated for impairments. As in South Dakota, a waterbody that does not fully support the designated beneficial uses is considered impaired, and corrective measures are warranted. The impaired water list is prepared biannually, in compliance with Section 303(d) of the Federal Clean Water Act.

Water quality data is used by MPCA to assess the impairment status of Minnesota waterbodies. Data can come from a variety of sources, but must meet certain quality assurance/quality control standards. Monitoring programs are also evaluated as to the sample plan design and the purpose for which the data was gathered. Finally, the number of times a particular standard is exceeded is factored into assessing impairment.

The impaired water list is organized by both waterbodies and impairment type. Waters may be listed for multiple impairments. The listing also includes a schedule for development of a total maximum daily load (TMDL) report. The TMDL report spells out the particular problem, and also includes likely measures

needed to restore the waterbody to full compliance. In some instances, statewide TMDL reports have been prepared, particularly when the pollution source is diffuse and/or attributed to factors outside a particular watershed. MPCA recently completed a single TMDL report for mercury in Minnesota water that addressed impairments in over 500 separate water bodies.

Ms. Daberkow reviewed the status of many of the waters along the Minnesota and South Dakota border. In that many of these rivers and streams start in one state and flow into the other, the opportunity for joint, cooperative remedial efforts seems reasonable. In most cases, these streams are failing to meet the beneficial use criteria in both states (Pipestone Creek and Split Rock Creek, for example). District staff have been exchanging water quality data on border waters for several years in an effort to minimize duplication of efforts. The Manager noted that the District has maintained a close and positive relationship with MPCA and other natural resources agencies in Minnesota for many years.

Possible Water Development District Legislation

The Manager reviewed a draft proposal to redraw the boundaries of water development districts (WDDs) in eastern South Dakota to follow major watershed boundaries. The draft proposal has been suggested by Representative Dale Hargens of Miller, and based in part on ideas originally put forth by a Legislative Summer Study in 1997. Representative Hargens notes that most water resources programs and activities at the state and federal level are directed at watersheds rather than political boundaries. The Manager concurred, citing numerous watershed-scale assessment and implementation projects that have been supported recently by both the United States Environmental Protection Agency (EPA) and South Dakota Department of Environment and Natural Resources (DENR).

Under the proposal, the revised East Dakota WDD would cover the entire Big Sioux River and Minnesota River watersheds in South Dakota, along with a portion of the headwaters of the Red River in the far northeast corner of the State. Those portions of the Vermillion River and James River basins that are now in the District would be moved to either the redrawn James River or Vermillion Basin WDDs. Additions would be the eastern halves of Day and Clark Counties, all of Roberts and Union Counties, and all but a portion of western Lincoln County. The District would likely “lose” most of Kingsbury and Miner Counties, along with 5 townships in western Lake County. The resulting District would traverse the State from north to south along its eastern edge. Chairman Dempsey noted that the addition of Lincoln and Union Counties would restore parts of the southern Big Sioux River watershed that were part of the original East Dakota Conservancy Sub-District (1963-1984).

Motion by Todd, seconded by Feten to support the concept of watershed-based water development districts, as proposed by the draft legislation. However, during discussion of the motion, it was the consensus of the Board that while there is support for the general concept proposed, it should not be construed as support for a particular version of the proposed legislation. The Board would review and take formal action on legislation only after a bill was up for consideration by the 2008 South Dakota legislature. Motion carried unanimously.

Project Updates

Watershed Assessment Projects - The Manager noted that Deb Springman, Assessment Projects Coordinator, is on extended leave, but that District staff were completing necessary project activities. Ms. Springman is scheduled to return on November 19.

The Manager reviewed the status of the final reports and the TMDL reports for the Central Big Sioux River and the North-Central Big Sioux River/East Oakwood Lake Watershed Assessments. He said that although the formal contracts for these two projects had been closed out several years ago, District staff have continued to respond to requests for updates and revisions made by either DENR or EPA. The costs of these additional efforts have been covered by the District. He noted that the District has consistently delivered any and all required reports and materials to the State and/or EPA on a timely basis. However, the same could not always be said for these two entities. Further complicating matters, EPA has repeatedly requested major revisions of the reports, using different analytical methods and procedures than those previously requested. EPA has recently submitted comments back to DENR that will require substantial revisions for the reports from both the Central Big Sioux River and the North-Central Big Sioux River/East Oakwood Lake Watershed Assessments Projects.

The Manager asked that the Board formally declare its intent to suspend any further efforts on behalf of these two projects. He said that the District has clearly demonstrated a reasonable willingness to support these two activities, without compensation, for too long, with no apparent end in site. **Motion** by Eggers, seconded by Brown to declare the Districts direct involvement Central Big Sioux River and the North-Central Big Sioux River/East Oakwood Lake Watershed Assessment Projects closed. The Manager noted that District staff would provide anyone with access to the data, materials and interpretations developed to date, but any additional data collection or evaluation and report writing would only take place under new contractual agreements which provide compensation for District efforts. Motion carried unanimously.

Central Big Sioux River Watershed (Implementation) Project - Project Coordinator Angela Guidry gave a presentation on the various landowners and activities the Central Big Sioux River Watershed Project (Project) has worked with. This presentation included maps of the Project area, and examples of the various practices being promoted and implemented.

The Manager brought forward an agreement by South Dakota State University staff would develop public education and outreach materials for use by the Project to increase the implementation of best management practices (BMPs) in the study area. Efforts will include evaluating barriers to BMP adoption, developing county-specific reference guides and BMP tools for county Cooperative Extension Educators, and BMP education and promotion by Cooperative Extension Educators. The agreement would utilize Project funds already in place, and would be completed by December 2009. **Motion** by Kassube, seconded by Flemming to enter into an agreement with the SDSU Plant Science Department to develop and implement public outreach and education efforts on behalf of the Central Big Sioux River Watershed Project. Motion carried unanimously.

Dakota Water Watch - Jeanne Fromm, Dakota Water Watch Coordinator gave an update of her efforts over the past month. She noted that the Bacteria Testing Project was wrapping up, and she would be giving a detailed presentation on that effort in December. She and the Manager met with staff from DENR to go over a long-range plan to support volunteer monitoring in the state. She also met with State Game, Fish and Parks Department staff to learn about efforts to address invasive species problems. She continues to

meet with the Interlakes Water Quality Committee, and provides technical assistance their volunteer monitors.

Adjournment

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

Doug Feten, Secretary

East Dakota Water Development District
Custom Summary Report
 October 2007

	Oct 07
5570 · Conservation Management Plans	
5571 · Conservation Easement	3,910.00
5572 · Ag Waste Mng Sys Engineering	11,023.32
5573 · Ag Waste Mng Sys Construction	29,585.94
Total 5570 · Conservation Management Plans	44,519.26
Total 5500 · CBSRWIP State Expenditures	46,979.81
5700 · Lake Campbell Assessment	
5710 · Water Quality Analysis LCAP	2,916.00
5720 · Travel LCAP	22.64
Total 5700 · Lake Campbell Assessment	2,938.64
6050 · Vehicle Expense	
6052 · Lease Expense	321.59
6054 · Maintenance/Cleaning	47.27
6056 · Vehicle Mechanical/Parts	437.10
Total 6050 · Vehicle Expense	805.96
6070 · BOD Travel & Ent	
6072 · BOD Travel	631.44
Total 6070 · BOD Travel & Ent	631.44
6080 · Capital Outlay Items	
6084 · Other Capital Outlay	26.46
Total 6080 · Capital Outlay Items	26.46
6240 · Equipment Rental	
6241 · Copier Lease/Rental	182.17
Total 6240 · Equipment Rental	182.17
6530 · Miscellaneous	81.74
6540 · Maintenance	
6541 · Office Maintenance	465.80
Total 6540 · Maintenance	465.80
6550 · Supplies	
6551 · Office Supplies	220.63
Total 6550 · Supplies	220.63
6560 · Payroll Expenses	
6163 · Payroll Taxes	1,583.95
6561 · Retirement	162.82
6562 · Health Insurance	2,444.46
6564 · Retirement Admin Co. 2	198.84
6560 · Payroll Expenses - Other	6,545.08
Total 6560 · Payroll Expenses	10,935.15
6565 · Payroll Expenses for Board	790.00
6566 · Payroll Expenses Technical	
6570 · Retirement Technical Asst. - Co	616.02
6571 · Technical Asst. Employ. 2 Co.	198.84
6566 · Payroll Expenses Technical - Other	14,467.35
Total 6566 · Payroll Expenses Technical	15,282.21
6610 · Postage and Delivery	750.00
6620 · Printing and Reproduction	0.98
6640 · Professional Fees	
6645 · Temporary Service	42.56
6640 · Professional Fees - Other	270.00
Total 6640 · Professional Fees	312.56
6690 · Rent	
6691 · Office Rent	1,500.00
6692 · Postage Meter	430.36
Total 6690 · Rent	1,930.36

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Custom Summary Report
October 2007**

	Oct 07
6880 · Telephone	
6881 · Cell Phone	135.12
6882 · Office Phone	314.09
	449.21
Total 6880 · Telephone	449.21
6900 · Travel & Ent	412.01
6940 · Utilities	
6970 · Trash Removal	51.30
	51.30
Total 6940 · Utilities	51.30
6980 · Water Quality Expenses	
6982 · WQ Supplies	73.42
	73.42
Total 6980 · Water Quality Expenses	73.42
Total Expense	94,318.92
Net Ordinary Income	178,232.59
Other Income/Expense	
Other Expense	
8050 · Project Expenditures	
8059 · City of Gary 06	3,393.00
8061 · Dell Rapids/Rate Maker 05	1,000.00
	4,393.00
Total 8050 · Project Expenditures	4,393.00
Total Other Expense	4,393.00
Net Other Income	-4,393.00
Net Income	173,839.59