

Devils Lake Outlet Management Advisory Committee Meeting Minutes

Wednesday, May 17, 2023; 1:00 pm

In Person/Virtual Meeting

**Committee Members Present:**

Andrea Travnicek, Ph.D., Director, ND Dept. of Water Resources (DWR)  
Ben Varnson, Nelson County  
Joel Anderson, Towner County  
Dan Portlock for Bruce Grubb, City of Fargo (joined via Teams)  
Bill Mertens, Ramsey County  
Gwendolyn Crawford, City of Valley City  
Jeff Frith, Devils Lake Basin Joint Water Resource Board  
Dick Johnson, City of Devils Lake  
Representative Dennis Johnson  
Senator Terry Wanzek (joined via Teams)  
Nicole Armstrong, Manitoba, Canada (joined via Teams)  
Kenneth Vein, City of Grand Forks (joined via Teams)

**Committee Members Absent:**

Tim Meyer, City of Lisbon  
Douglas Sr. Yankton, Spirit Lake Nation  
Katrina Kessler, MN Representative  
Michael Steffan, Benson County  
Cindy Schwehr, Barnes County

**Others Present:**

Commissioner April Walker, State Water Commission  
Jim Moe, Mayor of Devils Lake  
John Reiten, Policy Advisor, Governor's Office  
Ryan Norrell, General Counsel, Governor's Office  
Chris Korkowski, Chief of Investigations Section, DWR  
Sindhuja S.Pillai-Grinolds, Director of Water Development Division, DWR  
Amanda Lee, Service Hydrologist, National Weather Service  
Karl Rockeman, Water Quality Division Director, Department of Environmental Quality  
DWR Staff  
Approximately 50 people in person and online

**Introduction**

DWR Director, Andrea Travnicek called the meeting to order at 1:04pm. Ryan Norrell, General Counsel, Governor's office, gave opening remarks. DWR Director, Andrea Travnicek informed the Devils Lake Outlets Management Advisory Committee that DWR recently received two resolutions: One from Ramsey County Water Resource District and another one from Devils Lake Joint Basin. She also informed that DWR has seen the petition that was submitted by a group of landowners.

### **2022 Operational Summary**

A PowerPoint titled “Devils Lake Outlet Advisory Update 2023” was presented by Chris Korkowski. The lake is expected to raise about a foot in 2023 to approx. 1450.5. Through last season 1.3 million acres of water was removed through the outlet operation. In 2022, the outlets operated for 121 days. Chris apprised the advisory committee about the equipment repairs that occurred during the 2022 operating season. The Round Lake pump number 3 had a drainage pipe failure. This failure resulted in shutting down the West End Outlet for a short time while repairs were done.

In August 2022 the West End Outlet encountered an electrical issue that occurred in a switch gear. As a result, the discharges needed to be decreased to 175 cfs. During that time, the East End Outlet continued to run. The East End Outlet needed to be decreased due to water quality issues. The outlets continued to run until October when the West End Outlet experienced a canal drainage failure which forced the outlets to be shut down for the season. Repairs have been made and they are back up and running for the 2023 season, with the west end outlet operation started at 50 cfs and increased to 175 cfs on the day of the meeting.

Sulfate levels are being monitored on a weekly basis.

### **Update on Devils Lake West End Capital Improvement Project**

After having the issues occur at the West End Outlet, DWR staff wanted to make sure that the infrastructure on the West End outlet could be maintained and used for many years. DWR entered into an agreement with Bartlett and West/AECOM Joint Venture to complete a capital improvement plan for the Devils Lake West End Outlet. This plan will help identify infrastructure that needs to be updated and the timeline of what it will take to update this infrastructure. DWR met with some of Bartlett and West’s staff and they stated given the age of the structure that it looks really good and should have their final report completed by early summer 2023.

### **2022 Water Quality Review**

Karl Rockeman, Water Quality Division Director for the ND Department of Environmental Quality, presented information about water quality during the 2022 outlet operating season.

### **Outlook for 2023 Outlet Operations**

Chris Korkowski stated the plan for 2023 is to continue to operate the outlets. The West End Outlet was started on May 15 with 50 cfs. On May 17<sup>th</sup> the discharges from the West End Outlet was increased to 175 cfs which is its current operating capacity until the switch gear is repaired. That repair is expected to be completed in July once parts arrive. The goal is to remove as much water as possible given the constraints of downstream flooding and water quality. DWR will continue to maintain and operate the outlets during the 2023 season. During the months of October and November, DWR closely monitors the overnight temperatures, which can fall below freezing. Once that happens, the outlets will need to be shut down to protect the infrastructure.

### **National Weather Service Update and Seasonal Outlook**

Amanda Lee, Service Hydrologist for the National Weather Service in Grand Forks, presented an update on climatological and weather forecast.

In 2022, the Devils Lake Basin (Basin) experienced average temperatures. The precipitation in 2022 during October and November was above normal. In the Devils Lake basin, the winter precipitation was above normal and the temperatures were below normal. Spring temperatures in 2023 were very cold and precipitation was less in the basin. The drought monitor for May 2023 shows the basin to have no current drought conditions.

No significant precipitation is predicted through June.

Probability outlook for Devils Lake includes the outlets discharging 350 cfs from June 1 to November 10. During the 2023 season, we can expect the lake to drop about .75 of a foot with the outlets operating and with normal precipitation.

### **Status by Committee Members**

Joel Anderson, Towner County, stated that there is a lot of land under water. If the outlet was cleaned out, the pumps may not need to be run. He concurs the pumps should be run to get the lake down to 1446 or clean out the outlets so it can drain naturally.

Bill Mertens, Ramsey County, would like to get the water down as low as the pumps can pump it down. The recreational industry is concerned that if the lake gets down to 1446 that they won't be able to use their major assets that have been built. Also concerned about property being lost due to the higher water level.

Dick Johnson, City of Devils Lake, expressed the need to get water off the lake for producers. He believes the answer is to stabilize the lake at a certain elevation so farmers and the recreation industry can meet their obligations. He also expressed concern that there is only 2 million appropriated for state owned projects for the Devils Lake outlet which is down from the 10 million that had been budgeted previously for the outlet operations. He stated that if there will be a lot of expenses coming up for repairs that this amount will not be enough.

DWR Director, Andrea Travnicek informed that there is operational funds in addition and 9 million in discretionary funds is also available if needed for any repairs. The outlet is a very high priority and requests that might be needed will be presented to the State Water Commissioners.

Representative Dennis Johnson stated that the lake level should be brought down to 1446. He also concurred that the equipment needs to be updated so that it can be kept operating. The sulfate levels need to be brought down so that the East End Outlet can be started up sooner to bring the lake level down.

Gwen Crawford, City of Valley City, stated that being down the river from Devils Lake she understands the significance of keeping landowners happy, tourism and recreation on the lake. Stabilizing the lake level would help the situation.

Ben Varnson, Benson County, stated that the Devils Lake Joint Water Resource Board as well as the other joint water resource boards have been very supportive and following the operation plan quite well.

Jeff Frith, Devils Lake Basin Joint Water Resource Board, stated that both Devils Lake Basin Joint Water Resource Board and Ramsey County passed resolutions supporting the operation of the state outlets at full capacity for the 2023 operating season. He agrees with Dick Johnson's comment about stabilization and stated that it would be a boom for the economy not only for this region but for the entire state.

Dan Portlock for Bruce Grubb, City of Fargo did not have any comments.

Ken Vein, City of Grand Forks, appreciated all the information presented and concurred that Grand Forks is supportive of the operation. They observe the water quality as that has an impact on their source water and their water treatment plant. He acknowledged Dick Johnson's comment about stabilizing the lake level and stated that is very challenging and that he shared some very good information pertaining to stabilization.

Nicole Armstrong, Manitoba, Canada, acknowledges the challenge to manage lake levels and impacts for those who are flooded as well as those who are impacted by declining lake levels. Manitoba's interest in potential impacts on water quality downstream especially to the people who rely on the Red River as a drinking water source can be impacted by the sulfate concentrations. Manitoba is supportive of the current operating plan.

Senator Terry Wanzek mentioned that being a farmer he empathizes with the producers trying to regain their land. He indicated that since he is new to this committee and needs to review information about the Devils Lake Outlets and operation plan so that he can learn more about the outlet operations.

### **Other Comments**

Jim Moe, Mayor of Devils Lake mentioned that he is not on either side at this point as he has a lot to learn about the Devils Lake Outlet operation. He concurs stabilization sounds like the best solution.

Representative Jon Nelson mentioned that he was recently at a meeting at Churchs Ferry with the Mayor of Devils Lake and has 3 points of clarification. Sulfate level contributing factors from the Red River. Heard from Nicole about flows going into Canada. He believes that there is a little bit of room to push those levels a little bit harder for the landowners. He inquired how much the sulfate level is a contributing factor in the Red River part of the operation plan.

Karl Rockeman informed that contributing factors that lead to the higher sulfate levels were operational challenges due to equipment issues and the amount of rain.

Representative Nelson stated that his summary from the Churchs Ferry meeting was that the landowners in the upper Devils Lake Basin need the lake level brought down more than what has been done. Jon inquired if the 750 mg/L sulfate level could be exceeded. Karl informed that due to the Federal Clean Water Act being based on 750 mg/L to protect the aquatic life use of that stream that the sulfate level cannot be exceeded past 750 mg/L. Increasing from 750 mg/L will need clear justification.

Representative Nelson commented that it is unfortunate that the pumps cannot operate the pumps to their full capacity because of age and the condition. He inquired about a capital improvement plan being put in place where the pumps would be able to be used when they are needed. He also wanted to know what the strategy is to achieve this plan.

DWR Director, Andrea Travenicek stated that is why staff needs to take a hard look at the data. A team will inspect the outlet to assess what needs to be done to prevent the pumps from failing and will also modernize them so they can operate well into the future. This fall we hope to have some options laid out so that we can look at what we can do to improve operations well into the future.

Paul Christenson, resident of Churchs Ferry, held a meeting and got 55 signatures of people in favor to decrease the water level to 1446. He also directed letters of support to DWR Director, Andrea Travnicek from the City of Cando, the water board in Cando, Economic Development and Towner County. He would like to see the local landowners and farmers receive some help.

Karen Hausman and her husband farm by Churchs Ferry. She would like the pumps improved so that they could pump more water out of the lake. She also brought up about the road that is interfering to keep the pumps running. She would like that road taken care of so that it does not interfere with the pumps being able to operate.

Bill Wood is a resort owner. He would like the lake level to get stabilized. He feels if the lake level cannot be brought down further that the farmers need to be bought out for their flooded land and buy out the resort owners.

Karen Anderson farmer, rancher and resort owner indicated that she has lost a lot of land. She would like to see compensation for land lost and to get the lake level stabilized.

Ken, a landowner, wants the lake level stabilized.

A flooded landowner from Webster would like to see compensation for lost land.

Lee Gessner, Ramsey County commissioner and farmer mentioned that the committee needs to take into consideration the water quality constraints given how close the lake would have been the naturally overflowing the control structure. He stated the that if the control structure would overflow around 1200 cfs, mother nature would have changed those numbers. If a plug let loose, the flow would be over 850 cfs which is the flow that the river runs. He believes there needs to be some mitigation between those levels if it were to drain naturally. The landowners that would not talk about compensation in the past are now ready to talk now. The state constitution needs to be amended and that process should be looked at by the legislatures so that it gets done appropriately.

Lee also discussed the rock and sand filter on the original outlet that was done by gravity to clean up the water which was presented by Byron Dorgan in 1999. It was a little costly and the State balked at it so it never happened. He believes it would be beneficial to review this for the operation.

Lee discussed moving the meeting up about 3 or 4 weeks so more people could attend as quite a few are busy in the field right now.

Rollie Bjornstad, from Cando, informed there is a lot of water in the Cando area. He sees fisherman doing very well and does not see a need to keep the water level any higher for the fishing and other recreational purposes.

It was suggested that if DWR is going to redo the west end pumps why not design them to pump all winter long like Baldhill Dam does.

DWR Director, Andrea Travnicek informed that running the pumps through the winter has been looked at in the past. As DWR develops the capital improvement plan they will look at what some of the options might be. They must be cognizant of what the Sheyenne River level is as all of these pieces come into play. This will be discussed as they work on developing the capital improvement plan.

DWR Director, Andrea Travnicek acknowledged the comments that had been made and will be presenting them to the governor for further discussion. She mentioned that the legislative session was meeting this spring which is partly why the meeting needed to be scheduled in May. She will look into moving the meeting up next year since the legislature will not be in session.

Meeting adjourned at 3pm.