

**Audio Conference Call Meeting
Governor's Conference Room - Ground Floor
State Capitol
Bismarck, North Dakota**

**September 7, 2011
4:00 P.M., CDT**

AGENDA

- A. Roll Call
- B. Consideration of *Agenda* - Information pertaining to the agenda items is available on the State Water Commission's web site at <http://www.swc.nd.gov> (select 'News and Information')
- C. *Tolna Coulee Control Structure Project - Additional Funds of \$1,000,000*** **
- D. Other Business:
 - 1) Next State Water Commission Meeting - September 21, 2011
- E. Adjournment

**** BOLD, ITALICIZED ITEMS REQUIRE SWC ACTION**

To provide telephone accessibility to the State Water Commission meeting for those people who are deaf, hard of hearing, deaf and/or blind, and speech disabled, please contact Relay North Dakota, and reference ... TTY-Relay ND ... 1-800-366-6888, or 711.

MINUTES

North Dakota State Water Commission Audio Conference Call Meeting Bismarck, North Dakota

September 7, 2011

The North Dakota State Water Commission held an audio conference call meeting in the Governor's conference room at the State Capitol, Bismarck, North Dakota, on September 7, 2011. Governor Jack Dalrymple, Chairman, called the meeting to order at 4:00 P.M., and requested Todd Sando, State Engineer, and Chief Engineer-Secretary to the State Water Commission, to call the roll. Governor Dalrymple announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor Jack Dalrymple, Chairman
Doug Goehring, Commissioner, North Dakota Department of Agriculture, Bismarck
Arne Berg, Member from Devils Lake
Maurice Foley, Member from Minot
Larry Hanson, Member from Williston
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
Douglas Vosper, Member from Neche

OTHERS PRESENT:

Todd Sando, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck
State Water Commission Staff
Jennifer Verleger, Assistant Attorney General, Office of Attorney General, Bismarck
Dale Wetzel, Associated Press, Bismarck
Leo Walker, Maddock, ND - via telephone
Madeline Luke, Valley City, ND - via telephone
Mary Massad, Southwest Water Authority, Dickinson, ND - via telephone
Jeff Frith, Devils Lake Basin Joint Water Board Manager, Devils Lake - via telephone
Jeffrey Hruby, Montgomery Associates: Resource Solutions, Bismarck - via telephone
Paul Riemerman, Valley City Times Record, Valley City, ND - via telephone

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF AGENDA

There being no additional items for the agenda, Governor Dalrymple announced the agenda approved as presented.

TOLNA COULEE CONTROL STRUCTURE PROJECT - APPROVAL OF ADDITIONAL STATE COST PARTICIPATION (\$1,000,000) (SWC Project No. 416-13)

The U.S. Army Corps of Engineers and the State Water Commission are developing the Tolna Coulee control structure project that would allow the natural erosion of the divide between

Stump Lake and the Tolna Coulee while protecting the downstream communities from an uncontrolled release of the water in Stump Lake. The project consists of a combination of sheet pile, embankment, and a steel stop log weir structure. The structure is designed to allow flow in the Tolna Coulee to cause erosion the same as would occur naturally while providing the ability to lower the lake elevation in a controlled manner as the divide erodes. It is not the purpose of this project to impound water in Stump Lake above the natural outlet elevation as it exists now or what it may become in the future. The Corps of Engineers intends to open bids for the project on September 13, 2011, with project completion anticipated in the spring of 2012.

The Corps original estimate of the total project cost was \$9,100,000, with \$8,200,000 being cost shared 75 percent federal/25 percent state, and the remaining \$900,000 being 100 percent state. This resulted in a net cost allocation rate of 32.8 percent to the state for actual project costs of \$3,000,000.

On June 21, 2011, the State Water Commission passed a motion to approve a 32.8 percent state cost participation not to exceed an allocation of \$3,000,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the design and construction of the Tolna Coulee control structure project. The State Water Commission also authorized the secretary to the State Water Commission to negotiate and finalize the agreement between the U.S. Army Corps of Engineers and the North Dakota State Water Commission (the agreement would be executed by Governor Dalrymple, chairman of the State Water Commission).

The total project cost estimate and the cost share allocations from the Corps of Engineers for this project have been modified since the Commission's actions of June 21, 2011. The revised total project cost is presently estimated at \$8,980,000, with a non-federal proportionate share of 38.4 percent, resulting in a net cost of approximately \$3,500,000 to the state for the actual project costs. The state is responsible for costs relating to land acquisition at the project site, wetland acreage replacement, and contingency costs (estimated at \$500,000). This sums the additional project costs to \$1,000,000, resulting in a total non-federal share of \$4,000,000.

The Devils Lake City Council recently voted to deny the state's request to purchase the land for the Tolna Coulee control structure project. If the city officials refuse to allow the construction, the state would force the land sale.

Governor Dalrymple explained that there has been continuing misunderstanding about the purpose and the function of the structure which will regulate the coulee water flows that otherwise would happen naturally to ensure that they do not cause severe flooding downstream. The project is not a dam, and it is not designed to hold water in Devils Lake for any significant period of time. Although the City Council refused to sell the land, Governor Dalrymple emphasized that the project should not be delayed.

It was the recommendation of Secretary Sando that the State Water Commission approve a 38.4 percent state cost participation not to exceed an additional allocation of \$1,000,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020); and that Governor Dalrymple execute the agreement between the U.S. Army Corps of Engineers and the North Dakota State Water Commission for the design and construction of the Tolna Coulee control structure project. The Commission's affirmative action would increase the total state cost participation in the non-federal share to \$4,000,000.

It was moved by Commissioner Olin and seconded by Commissioner Berg that the State Water Commission approve a 38.4 percent state cost participation not to exceed an additional allocation of \$1,000,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020); and that Governor Dalrymple, State Water Commission chair, execute the agreement between the U.S. Army Corps of Engineers and the North Dakota State Water Commission for the design and construction of the Tolna Coulee control structure project. This action is contingent upon the availability of funds.

This action increases the total non-federal share to \$4,000,000 for the design and construction of the Tolna Coulee control structure project.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Swenson, Thompson, Vosper, and Governor Dalrymple voted aye. There were no nay votes. Governor Dalrymple announced the motion unanimously carried.

OTHER BUSINESS

The State Water Commission members were extended an invitation to participate in the *Devils Lake Solutions: East End Flood Control Infrastructure* tour on September 8, 2011 sponsored by the North Dakota Water Education Foundation.

It was announced that the next meeting of the State Water Commission is scheduled for September 21, 2011 beginning at 1:30 P.M. in the Commission's lower level conference room, Bismarck, ND.

There being no additional business to come before the State Water Commission, Governor Dalrymple adjourned the audio conference call meeting at 4:25 P.M.



Jack Dalrymple, Governor
Chairman, State Water Commission

Todd Sando, P.E.
North Dakota State Engineer,
and Chief Engineer-Secretary
to the State Water Commission