

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

WATER-RELATED TOPICS OVERVIEW COMMITTEE

Tuesday, August 30, 2011
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Tom Fischer, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Tom Fischer, Randy Burckhard, George L. Nodland, Connie Triplett; Representatives Chuck Damschen, Bill Devlin, Lee Kaldor, Curtiss Kreun, Kenton Onstad, Jim Schmidt

Members absent: Senator Larry Luick and Representatives Curt Hofstad and Jon Nelson

Others present: See [Appendix A](#)

It was moved by Senator Burckhard, seconded by Representative Schmidt, and carried on a voice vote that the minutes of the July 12, 2011, meeting be approved as distributed.

STATE WATER COMMISSION

Chairman Fischer recognized Mr. Lee Klapprodt, Director, Planning and Education Division, State Water Commission, who presented an update concerning 2011 flood incidents in North Dakota:

- *Devils Lake Flood Facts* and *Devils Lake Outlets 2011 Mitigation Plan* August 2011 ([Appendix B](#)).
- Devils Lake Outlets and structure update as of August 26, 2011 ([Appendix C](#)).
- Draft conclusions of the Red River Basin Commission for long-term flood solutions ([Appendix D](#)).
- A factsheet concerning the 2011 Missouri River flood ([Appendix E](#)).

Mr. Klapprodt said Devils Lake reached a new record level of 1,454.4 feet mean sea level on June 27, 2011. He said this level surpassed the previous level of 1,452.05 feet set on June 27, 2010. He said Devils Lake has risen approximately three feet during the last three years and is approximately four feet shy of reaching its spill elevation of 1,458 feet mean sea level.

In response to a question from Senator Fischer, Mr. Klapprodt said the capacity of the upper reach of the Sheyenne River is 600 cubic feet per second, and thus flood easements will need to be acquired to permit a flow of 975 cubic feet per second. He said there is an uncontrolled release from Devils Lake through the Tolna Coulee, without a control structure in place it could result in a flow of up to 14,000 cubic feet per second into the Sheyenne River. He noted that the State Water Commission also has implemented a mitigation plan for the Devils Lake Basin.

In response to a question from Representative Damschen, Mr. Klapprodt said removing excess water from Devils Lake is an issue of water quality. He said the quality of the nation's water is governed by several federal environmental laws with which the state and local governments must comply. He said entities that are not directly impacted by Devils Lake flooding, such as downstream residents and political subdivisions, are ensuring compliance with federal environmental laws before releases from Devils Lake are increased.

DEVILS LAKE AND RAMSEY COUNTY ISSUES

Chairman Fischer recognized Mr. David Glatt, Chief, Environmental Health Section, State Department of Health. Mr. Glatt reviewed water quality issues in the Devils Lake Basin and the Sheyenne and Red Rivers. A copy of his written presentation is attached as [Appendix F](#).

In response to a question from Representative Kaldor, Mr. Glatt said the state has informed Minnesota, Canada, and the United States of the potential catastrophe if an uncontrolled release from Devils Lake occurs. In response to an additional question from Representative Kaldor, Mr. Glatt said technology exists to treat Devils Lake water so it is potable for downstream users. However, he noted, such treatment options as a membrane system would increase water treatment costs for these users.

In response to a question from Representative Kreun, Mr. Glatt said if North Dakota does not comply with its standards or Environmental Protection Agency standards, the Environmental Protection Agency will assume jurisdiction for the clean water program in North Dakota.

Chairman Fischer recognized Mr. Joe Belford, Chairman, Ramsey County Board of Commissioners, Devils Lake. Mr. Belford reviewed flooding in Devils Lake and Ramsey County. He said Devils Lake has increased dramatically and said 24 homes in Minnewaukan have been acquired and the school is being moved west of Highway 281. He said farmers are leaving, the tax base is eroding, and infrastructure costs are increasing to deal with flooding in the Devils Lake Basin.

In response to a question from Senator Nodland, Mr. Belford said approximately 150,000 acres of deeded land are under water in the Devils Lake Basin.

In response to a question from Representative Onstad, Mr. Belford said the city of Devils Lake is losing sales tax revenue not because of population loss but because people are avoiding Devils Lake due to transportation difficulties in accessing businesses in the city.

Chairman Fischer recognized Mr. Mike Grafsgaard, City Engineer, Devils Lake. Mr. Grafsgaard reviewed flood-associated impacts in the city of Devils Lake. He said the Devils Lake City Commission has adopted a resolution of support for any and all means necessary to remove water from Devils Lake.

In response to a question from Senator Nodland, Mr. Grafsgaard said the Spirit Lake aquifer is the source of drinking water for the city of Devils Lake. He said the city does not utilize Devils Lake because it is not a stable source of water supply.

Chairman Fischer recognized Mr. Jeff Frith, Manager, Devils Lake Joint Water Resource Board, Devils Lake. Mr. Frith said the joint board has signed on as a joint sponsor of the gravity outlet from Stump Lake. He said the board is working with local landowners to access the property and has applied for a drain permit.

MINOT AND WARD COUNTY ISSUES

Chairman Fischer recognized Mr. Bob Schempp, former city manager of Minot. Mr. Schempp reviewed flood issues in Minot. He said he served as city manager of Minot from 1960 to 1996 and experienced the 1969 flood as well as the current flood situation.

Mr. Schempp said that on August 17, 2011, the State Water Commission hired an engineer to develop a plan for the Souris River Valley. He said the city of Minot is proposing a state and local project with no federal involvement to address Mouse River flooding in Minot.

Chairman Fischer recognized Mr. Alan Walter, Director, Public Works Department, Minot. Mr. Walter updated the committee on the progress of flood reconstruction in Minot. He said the United States Army Corps of Engineers and the Federal Emergency Management Agency are working diligently to remove dikes in Minot and to begin the flood cleanup. Minot is really two cities, he said, South Hill and North Hill are booming with oil-related construction, while the Mouse River Valley is devastated as a result of the flood. He said Minot has experienced \$100 million in damage to infrastructure, and the flood of 2011 may be the new normal.

NATIONAL GUARD AND EMERGENCY SERVICES

Chairman Fischer recognized Mr. Greg Wilz, Director, Division of Homeland Security, Department of Emergency Services. Mr. Wilz discussed the impact of statewide flooding in North Dakota. A copy of his PowerPoint presentation is attached as [Appendix G](#).

BISMARCK ISSUES

At the request of Chairman Fischer, committee counsel distributed written testimony ([Appendix H](#)) submitted by representatives of the city of Bismarck concerning the impact of flooding in Bismarck.

MANDAN ISSUES

Chairman Fischer recognized Mr. Jim Neubauer, City Administrator, Mandan. Mr. Neubauer presented an update ([Appendix I](#)) concerning the impact of flooding in Mandan.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Chairman Fischer requested that the Legislative Council staff invite a representative of the United States Army Corps of Engineers to appear at a future meeting to report on 2011 flood incidents in North Dakota.

Representative Schmidt requested that the Legislative Council staff request representatives of Valley City, Jamestown, and Lisbon to address flooding in those communities at a future committee meeting.

Representative Devlin requested that representatives of Burleigh County and Morton County be requested to provide an estimate of flood damages in those counties at a future committee meeting.

Chairman Fischer requested that representatives of the Western Area Water Supply Authority report on progress of that project at a future committee meeting.

No further business appearing, Chairman Fischer adjourned the meeting at 1:35 p.m.

Jeffrey N. Nelson
Committee Counsel

ATTACH:9