



WATER TOPICS OVERVIEW COMMITTEE

Thursday, September 12, 2024
Fargo City Commission Chamber, 225 Fourth Street North
Fargo, North Dakota

Senator Ronald Sorvaag, Chairman, called the meeting to order at 8:30 a.m.

Members present: Senators Ronald Sorvaag, Larry Luick, Jeffery J. Magrum, Jim P. Roers; Representatives Mike Beltz, Jared Hagert, Jorin Johnson, Donald W. Longmuir, Anna S. Novak, Jeremy Olson, Steve Swiontek

Members absent: Senators Michael Dwyer, David Hogue; Representatives Bob Martinson, Jon O. Nelson, Todd Porter, Matthew Ruby

Others present: Kris Bakkegard and Tony Grindberg, Metro Flood Diversion Authority; Bob Banderet, Paul Matthews, Luke Siemieniewski, Todd Stein, Brian Vculek, and Roger Zetocha, Sargent County; Sean Fredricks and Christopher McShane, West Fargo; Brian Fuder, Red River Retention Authority; Benjamin Holen, Game and Fish Department; Chris Kadrmas and Andrea Travnicek, Department of Water Resources

See [Appendix A](#) for additional persons present.

It was moved by Representative Swiontek, seconded by Representative Olson, and carried on a voice vote that the minutes of the June 5-6, 2024, meeting be approved as distributed.

The committee was invited to tour the FM Area Diversion Project, including the Maple River aqueduct, the southern embankment, and the Red River structure.

Mr. Kris Bakkegard, Director of Engineering, Metro Flood Diversion Authority, provided an update ([Appendix B](#)) regarding the FM Area Diversion Project. He noted:

- The FM Area Diversion Project remains a critical infrastructure initiative designed to protect the Red River Valley from catastrophic flooding. The project is expected to safeguard 260,000 residents and \$18 billion of property by providing protection from a 100-year flood event, with the capability to protect from a 500-year flood.
- Construction on the stormwater diversion channel began in August 2022 and remains on schedule for completion in 2027. The structure will feature 24,000 cubic yards of riprap and more than 450 boulders to facilitate fish passage and ensure the stability of the channel.
- The Maple River and Sheyenne River aqueducts are scheduled for completion by 2025. The aqueducts are essential for managing river flow while maintaining ecological balance and are among the northernmost aqueducts in the world.
- The diversion inlet structure is expected to be completed by early 2024, with 99 percent of construction finished. The structure features three 50-foot-wide gates to regulate water flow during flood events.

Mr. Tony Grindberg, Cass County Commissioner and Metro Flood Diversion Authority Vice Chairman, provided an update ([Appendix C](#)) regarding the FM Area Diversion Project, Metro Flood Diversion Authority, and dispute regarding epoxy-coated reinforcing steel. He noted:

- On February 24, 2024, the authority notified a developer of the developer's noncompliance with the requirement to use epoxy-coated reinforcing steel.
- On March 15, 2014, the developer referred the dispute to the alternative dispute resolution board.
- The board is consulting with the Attorney General's office regarding the alternative dispute resolution hearing process.

In response to questions from committee members, Mr. Grindberg noted the alternative dispute resolution board is comprised of one member appointee from each party and expert members in the field of the dispute.

Dr. Andrea Travnicek, Director, Department of Water Resources, provided an update ([Appendix D](#)) regarding the State Water Commission cost-share programs and the department's expected funding needs. She noted the total funding needs are estimated at \$1.05 billion for the 2023-25 biennium and \$1.41 billion for the 2025-27 biennium.

Mr. Chris Kadrmaz, Director, Administrative Services Division, Department of Water Resources, provided a financial update ([Appendix E](#)) regarding the department's budget. He noted:

- Section 20 of Senate Bill No. 2020 (2023) authorized the department to transfer up to \$9.9 million between the operating expenses and capital assets line items.
- The department directed the Office of Management and Budget to transfer \$425,000 from operating expenses to capital assets for the purchase of construction equipment and equipment for Devils Lake.
- The department submitted an emergency commission request to transfer \$375,000 of federal funds from the capital assets line item to the discretionary funding line item. The transfer will facilitate department funds to Minot for purchase of equipment for the operation of the Biota Water Treatment Plant.

The committee discussed the importance of the \$9 million discretionary purpose fund and the authorization of a line-item transfer for capital assets due to the size and complexity of water-related issues.

Mr. Brian Fuder, Executive Director, Red River Retention Authority, presented testimony ([Appendix F](#)) regarding an overview of the Red River Retention Authority.

Mr. Benjamin Holen, Aquatic Nuisance Species Coordinator, Game and Fish Department, presented testimony regarding an overview of aquatic nuisance species in the state. He noted:

- Aquatic nuisance species are nonindigenous, obligate aquatic species of plant or animal which are injurious to native and desirable aquatic species and their environments.
- Aquatic nuisance species can be spread using docks, barges, tugboats, or watercrafts for commercial or recreational activities.
- North Dakota has 33 species on the state's aquatic nuisance species list. The department's main objectives include communication and coordination with the public, educational outreach, prevention and control, and extensive sampling and monitoring of water bodies throughout the state.

Mr. Luke Siemieniewski and Mr. Todd Stein, Sargent County, and Mr. Sean Fredricks and Mr. Christopher McShane, West Fargo, provided comments ([Appendix G](#)) regarding the ongoing dispute relating to an improvement project for Sargent County Drain 11 resulting in eminent domain proceedings and related North Dakota Supreme Court cases.

Mr. Brian Vculek, Sargent County, provided comments regarding Drain 11.

Mr. Roger Zetocha, Sargent County, provided comments regarding the history and purpose of the Drain 11 improvement project.

Mr. Bob Banderet, Sargent County, provided comments regarding the lack of a landowner vote for the improvement project on Drain 11.

Mr. Paul Matthews, Sargent County, provided comments regarding his experiences with the Sargent County Water Resource Board.

It was moved by Representative Swiontek, seconded by Senator Roers, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report to the Legislative Management.

It was moved by Representative Beltz, seconded by Representative Novak, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Sorvaag adjourned the committee sine die at 4:19 p.m.

Austin Gunderson
Counsel

ATTACH:7