

**DEVILS LAKE BASIN
WATER MANAGEMENT PLAN
2009 Update**

**PREPARED BY:
Devils Lake Basin Joint Water Resource Board
And the
North Dakota State Water Commission**

2009

I. SUBJECT COMMITTEES

The 32 Subject Committee representatives were appointed by their respective counties and the Joint Board for the 2009 update of the Water Plan. The fundamental concept behind the Water Plan is to have a plan that is representative of the interests of the citizens of the Basin. As a result, the majority of the Subject Committee Representatives were private citizens who had an active interest and expertise in one of the four subject areas: agriculture, recreation, wildlife and fisheries, or economic development. These hard-working citizens devoted many hours of their time for the betterment of the Basin.

A. Subject Committee Representatives

CAVALIER COUNTY:

Agriculture-Richard Flanders
Wildlife & Fisheries-Harold Nowatzki
Recreation-Kenneth Nelson
Economic Development-Carol Goodman

EDDY COUNTY:

Agriculture-William Starke
Wildlife & Fisheries-Corey Longnecker,
Recreation- Aaron Labrenz
Economic Development- OPEN

NELSON COUNTY:

Agriculture-David Thompson
Wildlife & Fisheries-Dale Varnson
Recreation-Larry Johnson
Economic Development-Denise Hendrickson

PIERCE COUNTY:

Agriculture-Robert Fritel
Wildlife & Fisheries-Kermit Peters
Recreation-Dondi Sobolik
Economic Development-OPEN

RAMSEY COUNTY:

Agriculture-Dan Webster
Wildlife & Fisheries-Kyle Blanchfield
Recreation- Duaine Ash
Economic Development-Richard M. Anderson

ROLETTE COUNTY:

Agriculture-Dan Boe
Wildlife & Fisheries-Lee Lewis
Recreation-Scott Mitchell
Economic Development-George Youngerman

TOWNER COUNTY:

Agriculture-Dale Anderson
Wildlife & Fisheries-Curtis Juntunen
Recreation-John Elsperger
Economic Development-Joanne Rodenbiker

WALSH COUNTY:

Agriculture-Jack Karas
Wildlife & Fisheries-Dale Zahradka
Recreation-Cory Kouba
Economic Development-Mike Hodny

II. SUBJECT COMMITTEE RECOMMENDATIONS

Through a series of meetings in 2008 and 2009, the Subject Committees reviewed recommendations developed in the previous plan, and reevaluated them based upon current conditions.

A. AGRICULTURE

i. Goals

- 1. Ensure that the rights of property owners are protected.*
- 2. Increase both the economic and environmental benefits of agriculture through the implementation of better land and water management practices.*
- 3. Provide flood protection for private and public lands sufficient to protect against a specific flood event.*
- 4. Develop specific plans and goals, for the Joint Board and the sub-basin advisory boards, in order to promote better conservation management practices.*
- 5. Identify local, state and federal regulations that can help or hinder implementation of the Water Plan.*
- 6. Increase farm income through increased commodities production using better water management practices, such as the development of the Upper Basin Water Utilization Test Project.*

Goal 1: Ensure that the rights of property owners are protected.

Objectives:

- Analyze all Water Plan activities, in order to determine if private property owners' rights are being protected.
- Take into consideration the needs of agriculture for Township and/or County zoning regulations, and encourage counties and townships to be aware of the need to have guidelines in place prior to the development of enterprises such as Confined Animal Feeding Operations (CAFO's) developed in consultation with companies that are involved in said areas.
- The Joint Board should continue the development and utilization of a Devils Lake Basin Watershed Maintenance Program, which will emphasize management of water quality issues, such as conservation and best management practices on coulee cleanouts, and CAFO's.

Goal 2: Increase both the economic and environmental benefits of agriculture through the implementation of better land and water management practices.

Objectives:

- Develop mechanisms to address the problem of basin soils that are considered to be saline, and continue the research of techniques used to identify the various water management practices effects on salt movement and accumulation. Utilize information gathered through the Devils Lake Basin Water Utilization Test Project in order gain a better understanding of the relationship between water quality and soil salinity.
- Support Natural Resource Conservation Service funding of the Emergency Watershed Protection (EWP) program to help explore compensation alternatives for inundated agricultural acres around Devils Lake. Utilize the program's "farm when you can" acreage. Also consider providing funding through the "Preventive Planting" program, or any other possible alternatives.
- Urge the Joint Board and other relevant agencies to work closely with the farming community to distribute information gathered through the Devils Lake Basin Water Utilization Test Project during the three years of its operation (2006—2010), and incorporate that information into the 2011 update of the Water Plan.
- Continue to work with local, state and federal officials on the economic impact of flooding in the Basin in the agricultural sector, using information

contained in “A Blueprint for Economic Recovery and Revitalization” and other studies. Update this plan to reflect changes in the situation.

5. Ensure that the Devils Lake Outlet Operating Committee takes into account private lands and production losses when setting lake operation levels, such as the efforts currently being pursued by Senator Conrad.

6. Encourage appropriate entities to work together on developing land compensation solutions for inundated acres in the basin.

7. Encourage the Joint Board to continue its work to secure local, state, federal, and non-profit funding for various water management projects, including; the Devils Lake Basin Watershed Maintenance Program; and a method for providing payments for inundated agricultural land, as was described in the 2008 U.S. Farm Bill.

Goal 3: Provide flood protection for private and public lands to protect against a specific flood event.

Objectives:

1. Continue to promote upper basin water storage through programs such as Extended Storage Acreage Program, and organizations such as the U.S. Fish and Wildlife Service, North Dakota Game and Fish, Natural Resource Conservation Service, and others.
2. Continue to develop management practices for water storage and handling in the basin to minimize crop losses (i.e., Grand Harbor Watershed Management Project.) This could be accomplished by encouraging sub-basin advisory boards to assist in the development and enforcement of plans to manage various size rain events in order to minimize local losses and to help manage water flows for the benefit of downstream entities, and demonstration projects tailored to individual watersheds in the basin, thereby creating interest in individual farmers for better management practices. Further, the committee urges the grassing all major coulees in the Basin by 2010. A pilot project would be an important first step.
3. Develop procedures that address those issues that arise from the use of private and public lands to alleviate flooding.
4. Pursue a coordinated watershed maintenance program, through the development of improved communication using the Joint Board, and standard

practices that utilizes existing methodologies with adequate funding for sub-basins using NDCC 61-16.1-09.1 authorization. The committee urges the Joint Board to gain sufficient funding, in order to establish a demonstration site that would showcase the effectiveness of this approach.

5. Strongly encourage that the Joint Board and its member counties maintain the road crossings inventory provided to the counties and Joint Board at no cost. The committee recognizes the value in this information in accomplishing important tasks such as coulee maintenance, and understands that keeping this information up to date is of vital importance to the basin.

Goal 4: Develop specific plans and goals, for the Joint Board and the sub-basin advisory boards, in order to promote better conservation management practices.

Objectives:

1. Encourage the development assessment methods that accurately determine the costs that result from different land management practices (i.e. no till, conventional till, etc...) on the maintenance of basin coulees and water conveyances.
2. Encourage the Joint Board and sub-basin advisory boards to work with Natural Resource Conservation Service “Local Work Groups” (Soil Conservation Districts, County Farm Service Agency, and County Extension Agents) with the goal of securing funding for specific projects and programs.
3. Use both Natural Resource Conservation Service and other agency programs developed through future farm bills to help fund those conservation practices enacted by individual farmers.

Goal 5: Identify local, state and federal regulations that can help or hinder implementation of the Water Plan.

Objectives:

1. Provide adequate input from both the agricultural community and affected property owners, in order to establish a lake level that provides for continued production or compensates property owners.
2. Develop mechanisms whereby payment-in-lieu-of-taxes that are made on land in the basin, are equal to the full amount of property taxes that were paid prior to a public or non-profit gaining ownership of that

land. This should be pursued in the 2011 North Dakota legislative session.

3. Discourage the purchase of private lands by any sovereign nation, in order to ensure the amount paid to local taxing authorities remains the same.

4. Provide better education on the value of wetlands to basin residents including current regulations and/or voluntary wetland agreements.

5. Ensure that local entities have input into any future wetland regulations that would impact the basin, such as the Oberstar-Feingold bill.

6. Balance the needs of agricultural producers with the goals of regulatory agencies for the protection of wildlife and fisheries.

7. Investigate the development of a basin-wide “wetlands bank” for use in mitigating acres of wetlands being altered by either private or public entities.

Goal 6: Increase farm income through increased commodities production using better water management practices, such as the development of the Upper Basin Water Utilization Test Project.

ii. Specific Actions To Be Accomplished Or Initiated Prior To 2011 DLBWMP

1) The Joint Board should take the lead role in working with all appropriate entities to achieve the goal (mentioned in 3.2) of planting all of the major coulees in the basin with buffer strips where it is appropriate based upon the physical characteristics of the coulee.

2) Secure funding to compensate landowners for inundated acres in the basin.

3) Strongly oppose the passage of the Oberstar-Feingold bill, which would seek to expand the federal Odefinition of a wetland.

4) Develop an additional 1,000 acre-feet of floodwater storage in the basin.

iii. Accomplishments Since the 2006 Plan

1) The Joint Board, in cooperation with the congressional delegation and others, successfully worked to get funds allocated for the compensation of landowners with inundated land in the basin.

2) The Devils Lake Basin Water Utilization Irrigation Test Project successfully completed three years of irrigation and data collection.

3) The Joint Board, in cooperation with the State Water Commission, successfully convinced the United States Bureau of Reclamation to conduct a stream-crossing inventory of the Stump Lake Coulee in the basin.

B. ECONOMIC DEVELOPMENT

i. Goals

1. *Capitalize on the economic resources of the Basin regardless of water levels.*

2. *Create a basin-wide economic development effort utilizing existing basin economic development organizations.*

Goal 1: Capitalize on the economic resources of the Basin regardless of water levels.

Objectives:

1. Adjust marketing efforts, from a business development standpoint, based upon the opportunities available at various lake levels.

2. Encourage basin residents to explore economic activities through improved water management (including fee hunting, public access hunting and continuing to promote educational programs on available economic opportunities.)
3. The Joint Board should work with the small business development center (SBDC) and other local, state, and federal agencies in order to secure funding and staff from the North Dakota university system to study the economic benefits available through proper use of public and private lands such as Delta Waterfowl and the United States Fish and Wildlife Service on the local economy. Incorporate the setback map being developed by Cavalier, Ramsey, Rolette, and Towner counties.
4. Increase the agriculture sector's net return through improved water management in the basin.
5. Utilize information gained through the Devils Lake Basin Water Utilization Test Project to guide the development of the Devils Lake Pilot Project.
6. Encourage the development of non-traditional income producers such as bed & breakfasts, bird watching, rural vacation packages, and a trail system.
7. Utilize the expertise and information available from North Dakota State University Research and Extension Centers that serve the basin, to develop value added opportunities in agriculture.
8. Ensure that the basin-wide community's infrastructure capabilities are adequate to support increased economic development activities and ensure a quality of place for current and future residents of the basin (including, but not limited to: specialty crops; adequate roads, including future maintenance needs; adequate airport, airline and charter services; motel and resort facilities; medical and educational facilities and

services; potential uses of crops in the pharmaceutical industry; community and rural utilities.)

9. Support the Devils Lake Basin Water Management Plan's Recreation Committee recommendations on increasing tourism related activities throughout the Basin.
10. Support the efforts of the State Internship Program.
11. Maximize the utilization of available natural resources in the basin.

Goal 2: Create a basin-wide economic development effort utilizing existing basin economic development organizations.

Objectives:

1. Promote increased communication and cooperation between basin economic development groups.
2. Develop a closer working relationship with other economic development groups throughout the basin.
3. Hold annual meetings of the representatives of all basin economic development organizations to set priorities in the implementation of plans and projects. This effort can be accomplished by holding annual meetings between the various communities in the basin, starting in 2009. The goal of these meetings will be to exchange ideas between different communities and develop a closer working relationship among basin economic interests, to continue to encourage cooperative ventures and projects; including, but not limited to: labor market studies, regional and national trade shows and ND Department of Commerce programs, and to investigate the possibility of other counties in the basin to become financial partners in this partnership.

ii. Specific Actions To Be Accomplished Or Initiated Prior To 2011 DLBWMP

- 1) Hold annual economic development meetings between economic entities of the Basin annually.
- 2) Continue efforts to bring value added enterprises into the basin.
- 3) Continue development of the agricultural strategic plan in cooperation with North Dakota State University.

iii. Accomplishments Since the 2006 Plan

- 1) A small business center developed in the (get info Rick Anderson)
- 2) Completed campground facilities for the Lake Upsilon recreational area in Rolette County.
- 3) Created of ten new internships in the Basin annually prior to the 2008 update of the DLBWMP with the dual purposes of creating jobs in the basin, and making people more interested in living there. The program was so successful that it was adopted by the State of North Dakota.

- 4) Developed agricultural strategic plan in cooperation with North Dakota State University.
- 5) Wind power generation in Towner County has grown tremendously, with several hundred turbines in place.
- 6) Several CAFO's have been developed in Towner County.

C. RECREATION

i. Goals:

1. *Stabilize Devils Lake to enhance recreational opportunities in the Basin.*
2. *Develop recreational opportunities in the Basin.*

Goal 1: Stabilize Devils Lake to enhance recreational opportunities in the Basin.

Objectives:

1. Continue to operate the state outlet for the stabilization of Devils Lake, and continue to investigate other avenues for water stabilization, such as the Upper Basin Water Utilization Test Project.
2. Establish a variance level for Devils Lake to enhance recreational development.
3. Encourage basin wide establishment of 'water rights' for basin waters, and water permitting that will have an effect on the waters of Devils Lake and also with emphasis on the waters of the Sheyenne River (upstream.)
4. Strongly encourage the Joint Board to be informed and actively involved in County Water Board projects that have the potential to impact recreational opportunities on Devils Lake basin.

Goal 2. Develop recreational opportunities in the Basin.

Objectives:

- 1) Address the lack of sufficient overnight camping facilities, area parks with adequate swimming

facilities, camping and picnicking facilities with adequate road access for all types of vehicles around Devils Lake.

- 2) Investigate the legality and feasibility of the creation of a "Regional Recreation Authority", using the basin's watershed boundaries, and working through each of the nine county commissions. Ideally, this commission would use tax dollars levied to help leverage other state and federal funds for park projects needed in the Basin.
- 3) Maintain and expand all-season lake access and parking, public boat launching facilities with adequate parking, improved shoreline fishing access, fish cleaning stations, handicap access, rest rooms and docking.
- 4) Support private or other expansions of marina facilities with slip space availability, tie-ups, and investigate other boat storage facilities.
- 5) Continue to encourage and support the stocking of basin lakes as needed by type and species, in order to help maintain the nationwide reputation of Devils Lake basin fisheries.
- 6) Promote "customer satisfaction and service" through programs developed by Lake Region State College, Chambers of Commerce and other similar organizations.

- 7) Support the economic development of Devils Lake through encouraging a private feasibility study of a convention or conference center located on the lake, with or without a hotel attached, including potential uses. Study to include funding sources for construction and operation and management.
8. Assist in the reshaping of public perception so that all sportsmen feel welcome.
9. Continue efforts to educate general public about courtesies relating to hunting and fishing in the Basin.
10. Promote landowner's perception of waterfowl as an "asset" rather than a "liability", through support of the Economic Committee's proposal to develop a study on this subject.
11. Increase non-consumptive wildlife recreational in the Basin, such as the Sullys Hill birding festival, and efforts by Delta Waterfowl in Towner County through the use of promotion, education, increased viewing sites, other marketing efforts and infrastructure investment.
12. Promote expansion of agricultural 'tourism' with local farmers including crop tours, farm and ranch vacation packages including suitable marketing materials.
13. Secure support for expanded recreational opportunities in the basin by providing economic benefit information to State Legislators, farm organizations, financial institutions and other involved parties.

14. Work to develop basin wide recreational information brochure that will provide an inventory of recreational opportunities in the Basin including: golf, community celebrations, bike trails, snowmobile trails, cross country skiing areas, museums, historical sites, bird watching opportunities and other recreational activities.
15. Coordinate information transfer and studies done by state agencies to determine economic benefits to Basin recreational programs.
16. Encourage state agencies to cooperate with basin recreational organizations in the promotion of international tourism, such as local chambers of commerce working with potential travel agencies.
17. Hold annual meetings of the representatives of all basin recreational promotional organizations to set priorities and discuss plans and projects. These meetings should be initiated and coordinated by the Joint Board. Such meetings should be held at various recreational sites throughout the Basin, such as Grahams Island State Park, Stump Lake Park, or the Lake Upsilon Recreation Area.
18. The Recreation Committee fully supports the efforts of the Joint Board, and Wildlife and Fisheries Committee on dealing with Aquatic Nuisance Species (ANS) issues in the basin because the Recreation Committee recognizes the possible significant impacts to recreation throughout the basin.

ii. Specific Actions To Be Accomplished Or Initiated Prior To 2011 DLBWMP

- 1) Maintain knowledge of, and active involvement where possible in future water permitting issues that have the potential to impact the waters of the basin. This should be pursued with the long-term goal of water management at the basin level.
- 2) Encourage the assembly of information related to the development of a Devils Lake recreational district.
- 3) Encourage the holding of annual meetings, beginning in 2009, where recreational opportunities can be discussed.
- 4) Encourage the creation of a regional a master list of recreational opportunities throughout the basin, possibly through the use of the summer internship program.

iii. Accomplishments Since the 2006 Plan

1) Economic Development and Finance, a division of the State Department of Commerce, has begun to take a stronger role in promoting tourism throughout North Dakota.

3) Joint recreational groups, patterned on the groups that resulted from the recommendations of the 2002 Economic Development Committee, were adopted by North Dakota state government.

4) Development of Grahams Island and Stump Lake State Parks has continued since the last plan update, with facilities being improved and increased in size.
5) Construction on the Heart of Dakota Trail system has begun.

6) The Devils Lake Basin Water Stewardship Award has been rewarding water management efforts in the basin for six years

D. WILDLIFE AND FISHERIES

i. Goals:

- 1. Enhance grassland, woodland and wetland acreages for the betterment of wildlife and fisheries production in the Basin.*
- 2. Manage water quality for the benefit of Basin fisheries and wildlife.*
- 3. Encourage continuation and intensification of agricultural conservation practices that are beneficial to agriculture, wildlife and fisheries in the Basin.*
- 4. Implement programs that encourage increased youth participation in hunting, fishing and outdoor recreation.*
- 5. Improve communication between agricultural and outdoor interest groups.*
- 6. Joint Board should endorse, support and promote ANS control efforts as it relates to Basin waters.*

Goal 1: Enhance grassland, woodland and wetland acreages for the betterment of wildlife and fisheries production in the Basin.

Objectives:

1. Estimate, on a regular basis, the acreage of quality habitat available, utilizing Natural Resource Conservation Service where possible, along with United States Geological Survey and North Dakota State University LandSat information to track land use trends.
2. Continue to explore and develop methods that will enhance the quality of existing habitat (i.e., PLOTS program and WaterBank.) Examine the potential for converting CRP into pasture land when the contract expires while providing sufficient water supply for animal production without additional fencing working with basin county agents, the Natural Resource Conservation Service, soil conservation districts, and other agencies to get information out to the public.

3. Ensure that private and public land ownership rights are respected.
4. Determine the impact of water levels, in the basin, on wildlife and fisheries habitat, coordinating with data gathered by North Dakota Game and Fish. This data should be made readily available to the public.
5. Ensure public input on issues regarding wetland retention.
6. Fund existing voluntary programs and create new incentives to improve the quality and diversity of habitat on private lands and encourage the use of conservation practices, such as will be developed through the Basin Watershed Maintenance Program.
7. Maintain existing programs designed to monitor and test established enhancement methods, while working to secure funding and sources of useful information on various programs already in place in the Basin (i.e. predator exclusion programs in Towner County, and fish stocking in basin lakes.)

8. Continue to encourage the management of federal, state, non-profit, and private lands to improve production of wildlife and fisheries.

9. Encourage the stocking of fish in viable lakes within the basin through North Dakota Game and Fish, and the measurement and evaluation of current stocking programs to guide future stocking efforts.

10. Encourage appropriate entities to work with county water resource district boards and the Joint Board in the replanting of formerly flooded and other areas in the basin with trees.

Goal 2: Manage water quality for the benefit of Basin fisheries and wildlife.

Objectives:

1. Maintain a basin-wide water quality monitoring program. Utilize information gathered through the water quality and trend analysis study that is currently underway and being funded cooperatively by the United State Geological Survey, ND State Water Commission, Red River Joint Board, and the Joint Board to help determine what programs need to be updated or changed.
2. Identify land management practices that affect and improve water quality, such as sewage systems in small rural communities, agricultural practices, the North Dakota Department of Health community action programs, and CAFO's. Continue to expand on the implementation of high residue tillage, nutrient management, erosion control, livestock waste management and other sound agricultural management practices.
3. Continue to develop and implement programs that inform the community of the importance of water quality initiatives and continue developing strategies to implement water quality practices, through programs such as; Project WET (Water Education for Teachers) workshops; Annual Joint Board Tour for water boards and county commissioners; work with North Dakota Water Education Foundation on summer basin tours; and the North Dakota Rural Water Systems "well head protection program."

Goal 3: Encourage continuation and intensification of agricultural conservation practices that are beneficial to agriculture, wildlife and fisheries in the Basin.

Objectives:

1. Identify and coordinate efforts with potential funding sources such as county soil conservation districts, the Red River Riparian Project, the Regional Planning Council, and the Natural Resource Conservation Service, that will provide greater incentives for conservation practices.

Goal 4: Implement programs that encourage increased youth participation in hunting, fishing and outdoor recreation.

Objectives:

1. Identify methods designed to increase interest in hunting, fishing and outdoor recreation, through work with organizations such as the Lake Region Anglers, local county agents, and North Dakota Game and Fish, who focus on promoting existing and helping to create new programs in the basin.
2. Encourage youth educational and safety programs.
3. Encourage creation and expansion of programs that are intended to facilitate youth hunting, fishing, and trapping.

Goal 5: Improve communication between agricultural and outdoor interest groups.

Objectives:

1. Establish basin-wide, landowner and outdoor interest organizations, and investigate the possibility of working with Game and Fish to become involved in their regional meetings in the Basin.
2. Identify reasons for conflict, and promote the need for compromise where possible between local residents and others.
3. Address methods designed to resolve conflicts through increased communication, by using programs such as Project WET, in order to aid in the dissemination of information on the basin to educators and others.
4. Promote the education of community residents and visitors about the respect and courtesies required for good landowner and outdoor interest organization relations.

Goal 6: The Joint Board should endorse, support, and promote ANS control efforts as it relates to basin waters.

Objectives:

1. Work with state, federal, private agencies, tourism groups, chambers of commerce, and other interested entities to increase awareness of, and develop educational materials on the risks of biota transfer.
2. The Joint Board should continue its work with local groups, state and federal agencies, in order close off likely areas of hydrologic connections between the Devils Lake and other basins, in order to avoid the

introduction of unwanted aquatic species in the valuable fisheries of the basin.

3. Help to educate local organizations and governmental agencies on the value of the Devils Lake fishery to the local and state economy.
4. Work with local organizations and agencies in order to promote Devils Lake as a "national" fishery, while providing education and practical measures to prevent the introduction of ANS.
5. Continue to investigate and inventory potential interbasin transfer points in all of the nine Basin counties.

ii. Specific Actions To Be Accomplished Or Initiated Prior To 2011 DLBWMP

- 1) Support the efforts of various agencies and groups to prevent the possible introduction of ANS into the basin via the Billings Lake area connection or any other interbasin water transfer points.
- 2) The Joint Board should work with the North Dakota Game and Fish and other agencies to secure the appointing of a representative from the Joint Board on the State ANS Task Force.

iii. Accomplishments Since the 2006 Plan

- 1) Additional perch were stocked in Devils Lake in 2008 at the request of local angling interests.
- 2) Regular estimates of habitat quality and acreage are being conducted.
- 3) Water quality data has been collected on the Edmore and Mauvais coulees, and other areas, to determine a baseline on conditions in areas that might potentially be affected by CAFO's.

CONTACT INFORMATION

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