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10TH ANNUAL INTERNATIONAL

LEGISLATORS FORUM

JUNE 21 – 23, 2010 – MOORHEAD, MINNESOTA

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Reception

The tenth annual meeting of the Legislators Forum began with a reception at the Courtyard by Marriott in Moorhead Minnesota. There to greet delegates, presenters, spouses, and staff were co-hosts of this year's meeting, Representative **Morrie Lanning** (Moorhead) and Senator **Tom Saxhaug** (Grand Rapids). The Honourable **Rosann Wowchuck**, Deputy Premier and Minister of Finance (Swan River), provided a history of the forum over the years and noted her pride in being part of the process since the beginning.

Tuesday, June 22, 2010

Breakfast

Over breakfast, the delegates engaged in an informal discussion of the past accomplishments of the Forum and identified potential topics of concern for consideration at future meetings.

Opening

The formal portion of the meeting began on Tuesday, June 22. Following self-introductions the delegates reviewed and approved the meeting agenda and materials, the consensus-based decision-making process and the ground rules. All presentation materials are posted and available on the Consensus Council website: www.agree.org.

The focus of this year's meeting was water issues—specifically, flood control, quality and supply and overall management of the Red River Basin. Other items on the agenda included cross-border issues – specifically, commerce, tourism and security, and media differences.

Each session featured a panel presentation provided by individuals distinguished by their knowledge and expertise. For the most part, the presentations were offered in a PowerPoint format and the delegates and observers were provided with printed copies of each presentation. Presentations were followed by an opportunity for the delegates to engage in a question and answer period with the presenters. **All presentation materials are posted and available on the Consensus Council website: www.agree.org**

The Delegates to the 10th Annual International Legislators' Forum Gratefully Acknowledge the Support of the Following Sponsors:

- Consulate General of Canada
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- 2 Fools Winery
- Minnesota Twins

Session I: Red River Basin Commission Panel

- **Lance Yohe**, Executive Director Red River Basin Commission (RRBC) (lance@redriverbasincommission.org)
- **Steve Topping**, Executive Director, Regulatory and Operational Services Division, Manitoba Water Stewardship (steve.topping@gov.mb.ca)
- Senator **Tom Fischer** (ND) (tfischer@nd.gov)
- Representative **Morrie Lanning** (MN) (rep.morrie.lanning@house.mn)
- **Charlie Anderson**, President, JOR Engineering (charlie.anderson@joreng.com)
- **John Jaschke**, Director, MN Board of Water and Soil Resources (BWSR) (john.jaschke@state.mn.us)

Lance Yohe, Executive Director of the Red River Basin Commission, moderated the panel that included presentations and reports from **Steve Topping**, Executive Director, Regulatory and Operational Services Division, Manitoba Water Stewardship, **Charlie Anderson**, JOR Engineering in Alexandria, MN, **John Jaschke,** MN Board of Water and Soil Resources, **Senator Tom Fischer** (ND) and **Representative Morrie Lanning** (MN).

The Commission members reviewed their report on *"Sharing a River: Three States, One Province, Two Countries, One Red River Basin"* including a basin-wide flood flow reduction strategy, the 2010 Agricultural Water Enhancement Program (AWEP) proposal, flood protection goals and long-term flood solution principles. As a reminder of the hard work done by many community leaders and citizens, delegates formed a sandbagging line simulating a brief slice of Red River Basin life that occurs in preparing for rising waters.

John Jaschke presented the "Solutions Menu" of the RRBC presentation, reviewing both short- and long-term solutions for flood damage reduction. Short-term solutions, such as sandbags, evacuation, and temporary dikes are obviously important, but are also reactive and temporary. Long-term solutions are equally important and could help prevent much of the flood damage. One such solution is simply relocating those people residing in areas likely to flood and/or elevating or flood-proofing those areas. Walls can serve to protect land and homes from floodwaters, but if water levels were to surpass these walls, there are often few secondary protections.

Diverting/redirecting the water is another option, one that has been pursued on the Red River already with the Red River Floodway around the city of Winnipeg, as well as in other areas in MN and SD. This can be a time-consuming process, involving not only the building of a floodway, but continual management and maintenance. Slowing down the water or storing it by using dams and both on- and off-channel storage can help regulate the release of water. Other solutions include creating flood storage wetlands, the restoration of wetlands and river corridors, creating riparian buffer strips, storage easements, and building ring dikes and gating ditches. Building setback levees, dredges and channels are more structural solutions. Another solution is to increase the sinuosity of a channel by causing it to wind more and increasing the distance the water has to travel. Other solutions involve the land itself, including re-evaluating land use and perhaps retiring certain lands.

Charlie Anderson spoke briefly about the use of models to help set flow reduction goals. Using a model based on the 1997 flood, it was determined that a storage plan would reduce peak flow by 20%.

The theme of **Steve Topping's** presentation was flood protection in Manitoba and lessons learned in the 2010 flood. The presentation discussed the history of the development of the provincial flood control infrastructure. As Fargo and Moorhead are considering constructing a floodway the presentation dealt with levels of protection for the City of Winnipeg, unique features of the Red River Floodway, floodway operation rules, construction management issues in expanding the floodway, maintenance and operational experiences in operating a floodway. The presentation also dealt with programming and legislation that support floodway operations. These include the Red River Floodway Act, the Diking Commissioner Act, the Red River Designated Flood Area regulations of the Water Resources Administration Act, hydrometric data collection, the City of Winnipeg Act and the ice jam mitigation program. The new flood fighting equipment (flood tubes and steamers) that was purchased for the 2009 flood was also introduced.

The RRBC members requested guidance and participation as they continue their work into the future. They presented an extensive list of questions and requests that they hoped would provide a better focus and clearer understanding of their needs, and asked the delegates to consider them in their deliberations. A complete list of the discussion questions and requests is included within the RRBC PowerPoint presentation. The following is an abbreviated list:

Discussion Questions:

- ❖How can the unique challenges in the Red River Basin be best addressed?
- ❖How can we best manage the Red River Basin together?
  - Are current mechanisms adequate: RRBC, MN-ND Joint Water Boards, International Joint Commission (IJC), International Red River Board?
  - Are there models that can be explored that allow for more authority without interfering with states' rights, power, and authority?
  - Is there any model to explore

that could link Manitoba?
  - How can the Basin Vision "Unified Voice" be best achieved?
  - What can the Legislators' Forum do to help address these challenges?
- ❖Are MB and SD interested in joining the Long Term Flood Solutions (LTFS) Project currently underway?
  - How can MB and SD join in the LTFS Project that MN and ND have funded through the RRBC?
- ❖Will legislators commit the funds necessary to address long-term flood reduction goals?
- ❖Will legislators continue to fund retention even after the larger metropolitan centers have diversion and levee protection?

Requests for Action:

- ❖That the Legislators communicate regularly during their legislative sessions.
- ❖That the Legislators consider using the RRBC as a communication mechanism.
- ❖That the Legislators follow the LTFS Project and review the final report to the MN and ND legislatures.
- ❖That Legislators in each jurisdiction work to pass legislation to address the flooding problem.
- ❖That SD Legislators work with their Governor to appoint their RRBC Board delegate.

Current:

- That Manitoba consider providing funding in this phase.
- That South Dakota consider jurisdictional participation.

Future:

- That all jurisdictions (MB, MN, ND, & SD) consider participation and funding of the next phase (implementation activities related to the LTFS Project recommendations).

- ❖That the Legislators' Forum adopt the following:
  - Basin Principles.
  - Basin Levels of Protection Goals.

Post-presentation Questions and Discussion

Note: Delegate comments and questions are identified in italics while presenter comments and responses are presented in standard face print.

As part of the panel discussion, delegate Tom Fischer emphasized the historic nature of the upcoming report on long-term flood solutions, which was called for and funded by both the ND and the MN legislatures. The impetus for this report was the 2009 Red River flood; the report will address causes of flooding, long-term solutions to reduce area flooding, and various flooding issues, including ice jams which played a major role in the 2009 flood. Fischer would like to see both Manitoba and South Dakota be more involved with the Long-Term Flood Solutions project and the Red River Basin Commission.

Delegate Morrie Lanning echoed this desire for further partnerships when dealing with all kinds of water issues, including flooding of Devils Lake, Lake Winnipeg water quality, and the Fargo/Moorhead diversion, as well as future water supply issues. The RRBC has no statutory authority to manage water issues, and Lanning has proposed bills in the MN Legislature that would manage water by basin, rather than by watersheds. Lanning also expressed the need for Manitoba and South Dakota to be further involved with regional flood management, but acknowledged the problems of governance, boundaries, etc. that will arise with increased partnerships.

Panelists also reminded delegates of the high costs associated with the next step/phase of implementation of the recommendations, estimated to be $2 billion.

Can you address why the stage at Halstead only reduced by 1 foot, as opposed to the other locations?

That has to do with the nature of the flood plane in the vicinity of the station. Halstead is located on a wide flood plain, where one would

see less of a reduction.

Would this flood-reduction work be effective downstream and upstream, specifically near Winnipeg?

Absolutely. For example, by working on tributaries upstream near Pembina, a 20% flow reduction was seen in Emerson. And as a consequence of work in Emerson, there was a 10% flow reduction in Winnipeg.

Do you have the ability to use the flood control storage for other purposes when it is not flooding?

Yes, there are several ways to use that storage, including improving water supply and water quality, for habitat enhancement, and perhaps farming the land after drainage.

In reference to the 20% reduction in Emerson causing the 10% reduction in Winnipeg, what reduction would be necessary to avoid flooding coming to Winnipeg? And what work has been done to identify storage areas in Winnipeg?

The intent is to complete this model in Manitoba, and Winnipeg specifically, and to look for storage sites. By the end of the year, we want to have identified sites along the entire river. Flow-reduction benefits the whole region and serves as a nice foundation for flood damage reduction, but it does not solve the whole problem. Communities will need to continue to employ levees and diversions based on their needs. To get a 20% reduction on the main stem, it takes a 35% reduction on the tributary peak flow, by storing about 13% of each tributary's volume.

We developed a plan to store the Bois de Sioux share, which is in North and South Dakota, but mainly in Minnesota. There were 26 project sites identified in that watershed where water was stored, the biggest of which was 18,000 acre-feet of storage. We were able to reach the 20% reduction goal, with the most effective form of storage being gate storage.

Is there a place where this process has been done completely – using all the available water storage, etc. – from which we could see a before and after comparison?

Not in the Red River Basin. In Manitoba, on Tobacco Creek (a sub-watershed of the Red River basin), they've seen flood reduction, improved water quality and better habitat conditions. By the end of the year, we expect to have information on identifying storage areas for the whole basin and obviously sharing those with Manitoba. We can then discuss how realistic the 20% goal is – would 10% be more realistic, or could we increase to 30%?

We all know that water is very cyclical. Can you address the idea that what we're doing now will also be good for us during a drought?

One of the things the RRBC is working on is a drought strategy. We know that North Dakota, South Dakota, Minnesota and Manitoba do not have a process in place to share water when a drought comes and the Red River is the primary water source in that area. So we are working on a jurisdiction water supply project, an agreement on how to share water over time, as well as what the public needs to know in case of a drought, ways they can be involved in water conservation. For these specific projects, flood control is the primary benefit, but you are right to ask how the location, design and other aspects of flood projects can promote multiple purposes and benefits for these projects.

What about storing water for irrigation purposes? I remember talking about upstream irrigation pilot projects, where we captured water upstream before entering Devils Lake and used it for irrigation purposes.

These projects were successful, but not continued. Might this be something to look at? What are the immediate and future environmental effects of the relocation and storage of water?

The Devils Lake irrigation projects were stopped because they have had so much precipitation in that area that irrigation projects aren't being needed. There's been talk of working upstream on the Sheyenne, but at the moment, irrigators just aren't moving because of increased rain.

When it comes to upper basin storage, every slough and wetland is filled to capacity right now. There is virtually no storage available unless more is built – more dams, etc. The Basin is extremely wet right now,

very saturated.

During the flooding in 2009, Fargo was hit very hard, while Grand Forks was mostly spared. What were the differences between the 1997 and 2009 floods in Fargo and Grand Forks?

Part of the difference is that one million dollars went into flood prevention in Grand Forks after 1997. Every flood is different; that is the challenge of retention, getting the right prevention methods in the right place at the right time. The big difference is the flood control project in Grand Forks, and Fargo has yet to do something similar.

In 2009 in Grand Forks, the federal and state governments had spent a lot of money protecting that area. There were also precipitation differences - in 1997, the flood was more basin-wide.

There was a difference between the investments that were made in the floodway and equipment since 1997. We've bought out land, so people are not living in the same areas they used to live. We still have to think long-term, and view the flood as part of the cycle – we have to manage the water in all conditions.

You referenced the International Boundary Waters Treaty Act. What flow has to continue on the Red River and what flow has to flow into Canada? What role does the treaty have in this process? What kinds of agreements are there between the states that regulate how the water flows between states?

There is a formula wherein Manitoba is guaranteed some flow from Alberta and Saskatchewan. North Dakota does not have something similar to Minnesota, but perhaps does with Manitoba and South Dakota. The International Joint Commission (IJC), which consists of three US members and three Canadian members, and which monitors the bodies of water on the whole border, does not have an apportionment agreement on the Red River between the two nations. The International Red River Board monitors aquatic system health and hydrology, as well as apportionment.

There are 23 federal agencies that deal with the River. If that is true, no wonder we can't get anything accomplished. Is there any one that is in charge?

The Environmental Protection Agency (EPA) has regional offices in Chicago and Denver, and their boundary is the Red River. Some agencies exist only in North Dakota, not in Minnesota; some have an office in each state. Canada is a little more organized. The Red River Basin Commission tries to get them together and keep in contact with each other – some of the agencies do not engage in dialogue, even though they may deal with the same issues. The Legislators Forum delegates are invited to the upcoming meeting of these agencies.

I think it's important for everyone to understand how divided we are in terms of governments. The river creates the water, country, jurisdictional, and federal boundaries. The reason we have been able to make progress is the local consensus that we need a basin-wide approach for any success in flooding and water quality issues. In order to make a basin-wide approach work, the states and Manitoba have to share some authority. We are all affected by the problems in Lake Winnipeg and Devils Lake and can all be involved in efforts in those areas, but first, we need to be willing to share some authority.

What's happening on the US side is that North Dakota Senator Byron Dorgan is talking about the need for a federal authority to bring these projects to fruition. The two local Water Resource Boards – ND and MN – have been working together and formed a joint powers agreement (JPA) and are going to have a governance recommendation to the ND and MN legislatures. But we also need Manitoba and South Dakota policy people to join the RRBC and the governance discussion.

One of the things the Manitoba government has tried to do is rely on scientists and engineers – when it comes to the situation in Devils Lake, I would like to see a process in

which the science is really followed. Could we agree on having one party ask the IJC to have scientists look at the situation, agree on standards and come up with recommendations?

In Minnesota about 12 years ago, we were having a difficult time getting projects built –no one could decide where, how, etc., so we created a joint, mediated process to get to the goal of having projects built with federal and local agencies. And you don't get the funding until the project gets through that process. It brought transparency to the process and encouraged people and agencies to work together.

In the discussion of governance, looking at the basin-wide approach, are you looking at the long-term availability of management as well? It is easy to start a project,

appropriate money, etc., but there has to be a management component.

That's a key question and the answer is "Yes" - we have to look at this in the long-term, especially when it comes to funding. We can't expect the federal and state governments to pay for whatever is needed – we have to be able to have a basin-wide approach to also raise revenues locally.

I do not understand what we're trying to do here. In our jurisdictions, we have people who have the authority to raise money when it's needed; I don't want to take authority from those people. We should be working with them. The local people will still be there after the initial project plan is implemented.

We need to have a recommendation in our report. The federal system can work across states, but this would not address the International boundary issues. We'd like more help in shaping a governance recommendation.

A lot of local authorities are telling us that they don't have the kind of authority or revenue they need to address these problems. If we have a Basin Authority, we need a way to fund that authority. But first we have to agree that a basin-wide authority is what we want. It is also important to give the current authorities the revenue they need to work with their projects.

If there was a project and a willingness to do it, I think there are people there to do the project. If you create another authority that raises money, they're still getting it from the same people. Why would we need a new authority? There are currently limits on state authorities as to what they can raise.

One of the problems when it comes to storage issues is that the US Army Corps of Engineers is not an authority or able to raise funds, and unless there's another federal authority, all that funding has to come from state and local areas. I still don't know how Manitoba would fit into that.

I see two different parts for this. There are a lot of areas where we already have groups that are trying to look at combinations and getting solutions. Funding seems like a

separate issue. Are we looking for input from all the jurisdictions into finding these solutions? I don't see the funding as being tied to the finding of solutions – funding mechanisms should come into the picture after solutions have been presented.

The report at the end of the year will identify sites that can be used for storage in pursuit of the 20% goal. Funding will then come on line for creating those sites. The Devils Lake issue is another issue in and of itself. In our report, we identify that as a growing problem.

I appreciate you talking about Devils Lake, as it is a growing problem. Talking about spending money for solutions, we're already spending money to store water in Devils Lake. It's about $80 million a year to the agricultural community.

LUNCHEON

- **Welcome -** Mayor **Mark Voxland** of Moorhead, MN (mark.voxland@cityofmoorhead.com)
- **Presentation by 2 Nation Tours - David Bergman**, Regional Tourism Manager, Explore Minnesota Tourism (david.bergman@state.mn.us)
- **Mayor Mark Voxland** of Moorhead, MN, warmly welcomed delegates and guests to the City of Moorhead and he noted that the city continues to grow and prosper. The Courtyard by Marriott and Moorhead City Conference Center, where the forum was held, was a long-time

dream of many community leaders and, through that vision, and the leadership of then-Mayor Morrie Lanning, the dream was realized. Having a venue like the Conference Center enhances economic and tourism opportunities for the city and surrounding area.

Mayor Voxland noted that same community spirit being exhibited in nearby Wadena, MN, following a destructive summer storm that has decimated the small community. Many volunteers from the Moorhead community traveled to Wadena to lend a hand in recovery and rebuilding efforts.

David Bergman, Regional Tourism Manager, Explore Minnesota Tourism, provided an update on the 2 Nation Tours effort including the high level of regional cooperation, cost-effective marketing,

increased number of visitors to the area and the partnership organization approach to growth. The 2 Nation Tours goals include increasing multi-state/province tours and awareness of the region as a travel destination, cross-promotion of tourism attractions, events and destinations and maximizing of limited tourism budgets by joint marketing approaches.

The 2 Nations Tours will begin a strategic planning effort in July to continue to map out plans for 2010 and 2011 that will include further website development, launching of new itineraries and expanding the inventory of festivals and events. 2 Nations Tours remains "The Best of Both Worlds."

Session II: Floodwater Diversion Issues Panel

- **Dr. Tim Mahoney**, Deputy Mayor and Fargo City Commissioner, Co-Chair, Metropolitan Flood Study Group (irishsurgeon@MSN.com)
- **Kevin Campbell**, Clay County Commissioner, Co-Chair, Metropolitan Flood Study Group (kevinc@macshardware.com)
- **Aaron Snyder**, Project Manager, U.S. Army Corps of Engineers (aaron.m.snyder@usace.army.mil)
- **Steve Topping**, Executive Director, Regulatory and Operational Services Division, Manitoba Water Stewardship (steve.topping@gov.mb.ca)
- **Mark Bittner**, Fargo/City Engineer
- **April Walker**, Fargo/Senior Engineer

Delegates were provided with an overview of the history of flooding and diversion efforts throughout the basin including a comprehensive report from the City of Fargo: "40 Feet and Rising." Also presented was the Fargo Moorhead Metro Flood Risk Management report, the Fargo Moorhead Metropolitan Feasibility Study (Cities of Fargo, Moorhead and the United States Army Corps of Engineers (USACE) and detailed documentation of flood mitigation initiatives in Manitoba.

Post-presentation Questions and Discussion

If the floodway was not already operating, in today's environment, it would be built very differently. Can you speak to what might happen today?

All these projects would require a greater level of environmental scrutiny and greater attention to the issues relating to First Nations impact and so forth.

If you were to build a floodway today, would the licensing process be longer?

Yes. It took from 1962-1968 to build the floodway. They looked at all the alternatives, and the most cost-effective solution was also the one with the most impact. So the floodway option was selected and the licensing process was very straightforward.

For the Fargo-Moorhead area, can you condemn property to force the acquisition? And what is the source of funding for paying for that property?

The acquisition has been voluntary up to this point. We have been using local funds to purchase those properties – the states and counties put funding into it.

Once the Corps evaluates the benefits, we will be in a better position to determine the price sharing that will take place. The downstream impacts are not part of the cost-share numbers yet, and the states will have to look at how they will offset those additional costs.

As far as the ability to condemn goes, the City of Fargo has the authority to condemn and acquire land (Home Rule), as does the city of Moorhead, though they don't have the same kind of funding.

Once the diversion is built around the Fargo-Moorhead area, are there any predictions about the speed and flow in that channel and what the downstream impact will be?

The velocities aren't that high in the diversion channel. The model hasn't shown much.

Forecasting is critical. Has the forecasting model changed since the flood events have become more frequent? Is there a different model in the US than in Canada?

There has been a change in the US model of forecasting to the probabilistic model and then to the deterministic model.

In Canada, they've always gone with the probabilistic model, but once they get into operational mode, they get a more deterministic model with a range of numbers. The forecasts have turned out to be fairly accurate, but the weather can play a big role and have tremendous impact on the flood levels, sometimes in a positive way such as rain or timely freezing.

Session III: Impoundment and Retention of Floodwater Panel

- **LeLoni Scott**, Director, Alternative Land Use Systems (ALUS)
- (leloni.scott@gov.mb.ca)
- **Aaron Synder**, Project Manager and Planner, U.S. Army Corps of Engineers (USACE) (aaron.m.snyder@usace.army.mil)
- **John Jaschke**, Director, Minnesota Board of Water and Soil Resources (john.jaschke@state.mn.us)

The presentations focused on the Alternate Land Use Services (ALUS) program in Manitoba, the USACE Red River Basin Wide Feasibility Study and the Minnesota report, "Why We Flood Determines the Response" (cooperative effort between the MN Board of Water and Soil Resources and the International Water Institute).

Post-presentation Questions and Discussion

We've been talking about the value of detention/retention, impoundment, etc., and we've also talked about the wildlife/habitat value.

Could you say something about water supply? The drought will come and we are a semi-arid region. The Red River has stopped flowing. Can you talk about detention/retention/ impoundment and the potential for supply?

You can operate our current reservoirs for flood control, but that involves drying a reservoir. It's not as simple to manage water supply and flood control at the same time, as well as environmental control.

If we're going to have a comprehensive plan, linking things together is something we should be thinking about now rather than later. The RRBC work on drought strategy should be studied further.

We should also focus on maintaining natural landscapes – nature is able to manage water best. The maintenance of wetlands as a water supply and other natural areas will be critical, especially to buffer future climate scenarios.

What are the goals for the facilities of structural/non-structural water supply? The water supply emphasis is put in the backseat.

My concern is that not only do we need these structures, but we also need to be concerned about what the operational goal is once the structures are in place. We have a long way to go before we can be sure we can handle the next big drought.

That's one of the challenges of promoting multiple benefits, but I'm confident we can achieve both things. We do need to be thinking about water supply and have redundant options when it comes to supply.

Alternative Land Use Services is often portrayed as a 'win-win' situation, but in my experience, a high water table combined with being unable to get water off the farming land has caused agricultural land quality to decrease because of increased salt. I don't see that it is a win-win for the farmer, who still has to pay taxes on that land with a reduced amount of productivity. The program does provide money, but in the long haul, the salt will cause the land quality to decrease.

Obviously nothing is perfect. There should be an importance placed on local decision-making and maybe society has a responsibility to invest in our wetlands – it can be good for society to offset the costs of maintaining those wetlands. I understand about salinity issues, and we tried to use some new grass plants to mitigate that sort of thing. But it's true that nothing is perfect and individual situations should be looked at and addressed.

If you can time the soil saturation to be low when flooding is expected and control the release, we can mitigate the effects of all that. We have to keep the land in production and balance the need for farmable land into that equation as well.

In the retention areas you planned on using, is any of the retained water let go in the spring or held under the ice?

Each one of these structures will operate under a plan that has been approved, whether it's supposed to be a dry facility or a wet facility. It's going to take all different kinds of those things under a big plan, functioning as a unit. All of those things are a part of it, and those projects need to be coordinated.

Social/ Dinner

The delegates, special guests and staff attended a social/dinner held at the Heritage Hjemkomst Center and sponsored by the Consul General of Canada and the Consul of the United States. This event featured a welcome by Senator **Tom Saxhaug** (MN) and Representative **Morrie Lanning** (MN); special remarks by **Martin Loken** Canadian Consul General (Minneapolis) and **Michelle**

Jones American Consul and Principal Officer (Winnipeg); and a recognition ceremony honoring the Hounorable Minister **Rosann Wowchuck** (Swan River), and **Dick Gross**, former Deputy Director of the Consensus Council Staff.

The event included a video chronicling the voyage of the historic Viking longboat and Center tours.

The delegates and guests were privileged to have the opportunity to hear the insights and perspectives of Canadian Consul General **Martin Loken** (martin.loken@international.gc.ca) and American Consul and Principal Officer **Michelle Jones** (jonesml@state.gov) in remarks that they addressed to the group.

Consul Loken offered his congratulations and shared his personal satisfaction at joining the delegates at the Hjemkomst Center and helping to celebrate the 10th anniversary of the Legislators Forum. He acknowledged the Legislators positive efforts and accomplishments over the past 10 years and noted their continued efforts to address some significant issues. He stressed the unique and unparalleled partnership that the United States and Canada share and its significance in the Midwest and provided specific examples of the economic, cultural, security, educational, and other ties between the two nations. **Consul Loken** pointed to a number of the specific challenges to this relationship, but was optimistic that the historical friendships and connections, hard work and best efforts of the parties involved will work in favor of ever improving opportunities and agreements to address and resolve these issues. Additionally, he cited the potential role and requested the assistance of the Legislators involved in the Forum to be active in their support of joint endeavors and efforts to enhance the Canada/US relationship in any way possible. In closing he offered his appreciation and continued support (the full text of his presentation is available on the Consensus Council's website: www.agree.org).

Consul Jones titled her remarks "What We Get Right" and her comments focused on the positive aspects of the relationship between our two countries and their people – a relationship that we tend to take for granted, but is unlike anything we see between any other countries. **Consul Jones** used the words "harmonize," "interdependence," and "integration" to illustrate her point and noted the many shared experiences and the cultural and economic ties that hold us together. She shared her view that we are more than great neighbors, good allies, business partners or even friends – we are family. And that analogy allows for the possibility, even the probability that there will be disagreements, but also demonstrates an innate ability to maintain those "…. deep connections across the continent….. for generations." She acknowledged the changes, demands, and threats that confront us, but stressed the desire and opportunity to use our experiences and connections to be creative in our response to improve and preserve what is valuable to us. She urged everyone's continued respect, congratulated the participants on their accomplishments to date, and encouraged renewed and ongoing efforts for a "…. sustained effort to listen to each other; to learn from each other; to respect one another; and to seek common ground" (the full text of her presentation is available on the Consensus Council's website: www.agree.org).

Recognition
Honored at the dinner for her long years of service to the Legislators' Forum was the Honourable **Rosann Wowchuck**, Deputy Premier and Minister of Finance (Swan Lake), who has served as a forum delegate and a member of the forum's Steering Committee since its inception.

Dick Gross, the recently retired Consensus Council Deputy Director and Legal Counsel was also honored. **Mr. Gross** provided planning and facilitation for the Legislators' Forum since it began. He was also an integral part of the staffing of the International Flood Mitigation Initiative (IFMI), out of which the forum came to life. Special guests accompanying Dick were his wife, Elizabeth, Former ND Governor George Sinner, Jim Eldridge (a long time friend of the Legislators Forum), and Bonnie Barley.

Both of the honorees thanked the Forum delegates and staff for the many years of collaborative work, successes and accomplishments and for keeping the momentum going for finding cross-border/jurisdictional consensus on solutions to difficult issues.

Wednesday, June 23, 2010

Topical Breakfast Table Discussions
During breakfast of the second day of the Forum, delegates and panelists held discussions about specific topic areas including: Non-structural Water Retention & Restoration; Structural Water Retention (including dry dams); Comprehensive Water Management Planning; and Energy Development and Sustainability. The discussion points, comments, observations, and statements identified by

each group were presented to the full Forum as a component of the "Recommendations and Conclusions" portion of the agenda. These materials became an integral part of the discussions and were considered in the development of the Forum's recommendations (see sidebar).

Session IV: Cross Border Issues Panel

Commerce
- **Tim Feduniw**, Senior Manager, Economic Development Winnipeg Inc. (tim@economicdevelopmentwinnipeg.com)
- **Klaus Thiessen**, President and CEO, Grand Forks Regional Economic Development Corporation (klaust@grandforks.org)

Tourism, Security and Media
- **Jason Schmelz**, Assistant Area Port Director, U.S. Customs and Border Protection (Jason.schmelz@dhs.gov)
- Senator **Tom Saxhaug** (MN) (sen.tom.saxhaug@senate.mn)
- **Mike Jacobs,** Editor and Publisher, Grand Forks Herald (mjacobs@gfherald.com)

Mr. Thiessen and **Mr. Feduniw** provided an overview of "CONNECT: A Bi-National Regional Framework for Economic Development."

Mr. Schmelz presented "Customs and Border Patrol 101: How We Secure the Borders While Facilitating Legitimate Travel and Trade" and the mission and role of the U.S. Customs and Border Patrol.

Senator Saxhaug offered an update on the status and function of the MN Enhanced Driver's License.

Mike Jacobs offered his perspective on the media in cross-border issues.

Post-presentation Questions and Discussion

You spoke of counterfeit products crossing the border – is there a particular area where a majority of these products come from?

Most of the products come from China. Another source is companies who try to use Canada as their country of origin in order to have duty-free status.

People have been crossing the border less often than they used to. Minnesota has tried to make a concentrated effort to make it easier and more convenient for citizens to cross using the voluntary enhanced drivers' licenses. They're prefect for people who cross the border often and more casually, say for recreational purposes. How often are those renewed? Who is involved with getting ready for those – the Department of Transportation?

They are renewed every 5 years through the Department of Public Safety. It costs an additional $15 for placement of the chip in the driver's license.

I'm interested to see if Canadians agree with the media analysis. How come local media in North Dakota and the states don't cover more about what is happening in Canada, both for the US citizens and for visiting Canadians?

The practical problem is that the Associated Press (AP) is organized along national lines, so US newspapers get the US news feed, just as Canadians get the Canadian feed. I too am mystified as to why the Fargo Forum does not take more of an interest in Canada. In Grand Forks, we subscribe to a Canadian weekly news service and to the Canadian press; we also have a relationship with the Winnipeg Free Press and we exchange information daily. It's common to see political and cultural events in Canada covered in our papers and vice versa. The current issue is mosquitoes – Grand Forks uses different chemicals to kill mosquitoes than Winnipeg, and these happen to be chemicals that aren't licensed in Canada.

On the issue of pesticides, we have been trying to get the federal governments to harmonize, but it's interesting that the mosquito issue is such a big deal when we have so many other important issues. Maybe it's an easier story to write about? Just recently, Manitoba got a new Premier and the ND press ignored it. I get the sense that some political issues are taboo. It's very hard for Canadians to get information when they come to the states.

Devils Lake is an important issue to us too, as is Lake Winnipeg. I wouldn't want you to get the impression that we're not interested in that issue.

I wanted to raise the point that we don't know enough about economic development and we don't share enough economic information, unless it's a negative story. It's sensationalism.

It's not sensationalism. It's journalism.

Same thing.

In many ways, Grand Forks and the Herald are unique in that so much of our economy is tied to Winnipeg and Manitoba. The situation in all media at the moment is very stressed, and I think there is an opportunity for all people to provide material that would be useful. We're thinking about starting a news release service online where, for a small fee, we'll get your message out for you, in print and online.

I'm a little hesitant to ask this pointed question, but you stated earlier that conflict sells papers. But these water issues we're struggling with, it appears that consensus solves the problems a lot better. So when information is being disseminated, and we're trying to get the public to get behind the consensus, doesn't that paper and the media, who is focusing on the conflict, have a responsibility to help us solve these issues as a community?

Yes, of course. There are two ways to sell newspapers. One is consistent, quality day-to-day coverage of the community – but a little crime helps, too. I appreciate your opinion, but I have another point of view. Very often, it's political figures that ignite this kind of thinking. Politicians use conflict to make themselves look more dedicated to their constituents. Both politicians and the media are responsible for the lack of progress.

We're missing the point that the face of media is changing across the industry. The means with which we get a message out is completely different; it's about instant; it's about being somewhat controlled in terms of content. Effectively, Internet viewership is higher than TV watching. Facebook and Twitter and the rest are very much affecting the media and each of our jurisdictions has to look at new ways to get our message out.

Well, those are fighting words and I'd like to respond. Newspaper readership has never been higher. Newspapers are responsible for much of the reliable content on the Internet. I would much rather own a newspaper today than a TV station.

We came here today with a notion of regionalism that makes a lot of sense for the area, and we think there's an opportunity to do something really special. In all seriousness, we really encourage those that are interested to dip their toe in the water.

This conversation is right on target with Tim's ideas. There is growing interest in the life science alley and, as policy makers, we need to think about how to advance this work and remove obstacles. It may be premature to talk about specific legislation but we need to work now to start bringing people together.

Legislators Forum Recommendations And Conclusions

Comprehensive Water Management

Discussion started with specific acknowledgement of the urgency of the situations in Devils Lake and Lake Winnipeg. There was much discussion about the need for a basin-wide approach to dealing with water management issues, not only flood reduction, but dealing with the inevitable drought as well. There were several calls for greater involvement from South Dakota and Manitoba on the Red River Basin Commission, and in regional water issues in general. However, it was noted Manitoba already has several mechanisms and existing infrastructure in place to deal with their water issues, and suggested that those options be examined before new ones are implemented.

The participants expressed concerns about the type of decision-making body that might arise from this new basin-wide effort and the governance issues that could accompany it. Some believe that the work should be centered in the existing bodies, while others believe a new body with full participation from all jurisdictions and fund-raising capacity was necessary. It was agreed that local input and participation would be important to the success of any future efforts.

From the Canadian view, there is concern with the water quality issues. Lake Winnipeg is a huge fishery, which employs many aboriginal people. Canadians are worried about the commercial impact.

There are two basic themes here: the Devils Lake issue, which is urgent. Either we'll have to find a solution or deal with that on an emergency basis. And it's always a better approach to find a solution, be preventative. It is not just a North Dakota issue. The other theme is the basin-wide approach to strategy related to flood and drought and the need to decide how to approach those on a basin-wide level. A working group with representatives from all jurisdictions that would be in constant discussion was suggested to provide an ongoing avenue to consider and address basin-wide issues.

The situation in Devils Lake is dire, and if a proactive approach cannot be taken, it will be dealt with on an emergency basis. There is an agency taskforce that's looking at solutions and is expected to provide a report in 90 days.

In regard to the basin-wide approach, people are working together and they are being represented. Manitoba

is advanced when it comes to flood management; I think we can work with the committee that exists. I'm not sure that governance is something that we're ready to talk about, but we are interested in working on a basin-wide approach.

Manitoba has a very strong representation on the Red River Basin Commission, several people sit on that body, and the Premier is involved. If there were quick fixes, we would've done them years ago. These are complex issues and Manitoba is always willing to come to the table. We have come far in our water issues, but we have far to go. These discussions need to continue.

South Dakota is currently not represented on the RRBC, but the RRBC request will be pursued.

It's become apparent to me that the only way our watershed regions will solve problems is on a larger basis – smaller programs never seem to happen. If we're going to make progress on water, it has to be on a larger basis, and we need to be willing to have some give and take. Bring forward district-wide proposals that have a number of components, and start to share the responsibility and the dollars. I am strongly supportive of a basin-wide approach. Not only does it make more sense, but also practically we'll get more done. I think there is a consensus that a basin-wide approach is the way to go, and we already have something like that with the RRBC, though that needs to include South Dakota representation. What the Minnesota and North Dakota legislators have done is to commission the RRBC to come up with a flood plan, as well as receiving help from the US Army Corps of Engineers. Is there a more active role that Manitoba and South Dakota might want to play in the development of that plan? There is going to be a certain amount of participation by the RRBC, but the question is do Manitoba and South Dakota want to have more of an involvement in the final product?

Does that include funding?

Well, we wouldn't turn down money, but funding is not required for participation. Rather, we are looking for just more active involvement.

Maybe I'm being a little defensive. I know that our former governor (SD) was involved in this. The request for a board member has not come to me, but I do think there is an interest in having a board member and I will work on that.

As a South Dakotan, I think it's important that we are involved. I'm surprised it's come up at this meeting, but what we need to do is go to the governor's office and see what is the best timing for that appointment – before or after the election. I'd like to hear what part you're anticipating South Dakota will play. If anyone could give us information before we leave today, that would be appreciated. We will move that forward, and hopefully by next year's meeting, that person will already have been a part of that process.

South Dakota is hopeful to do that, and wishes they had more advanced information. This group supports their involvement. Does Manitoba have another representative on the RRBC other than Steve Topping?

I'll give the same comment: this is the first time this has been raised, and there hasn't been any official documentation sent to me. At this point we cannot make any commitment to that, but we are at the table.

Manitoba has already done a lot of this work – we're a little bit ahead of the curve, and we should be looking at what we've done already, rather than reinventing the wheel.

There needs to be some recognition that jurisdictions are at different levels, specifically Manitoba. What I'm hearing in regard to the RRBC is that there's uncertainty and more information needs to be exchanged, though people here want to be involved.

There have been a lot of good things done in all jurisdictions and no one wants to undo any of that. Manitoba is concerned with finding solutions to Devils Lake and Lake Winnipeg – do you want to be involved with the Devils Lake issue and have us involved with Lake Winnipeg through the RRBC? What might we be better able to do together to solve these problems?

So you want a basin-wide approach, a vehicle, you want to look at planning, etc. Are you comfortable with the RRBC being the vehicle that is going to get you there? Is the RRBC the vehicle to pursue those things?

In answer to that question, we all need to be ready to take information back to our committee hearings, etc. We all need to be aware of the information.

I'm not sure if you're aware, but two weeks ago the RRBC announced that it's not dealing with Devils Lake. From what I understand, the agenda of the RRBC is to work on cooperative issues, and Devils Lake would not be on their plate.

As we move forward and create a solution that is bigger than any county or state, this group needs to be a part of the continuing discussion.

In regards to the Red River Basin,

there's been a lot of discussion about diversion and we've done a lot of work with that in Manitoba. I think it would be good for the IJC to look at this as an outside group and make recommendations. On the other hand, we can't leave this up to presidents, prime ministers, governors and premiers. I think there's a real opportunity to involve the local people more in decisions. There are issues in the Basin other than Devils Lake, and we can't wait for the IJC to review and make those decisions.

There needs to be a mechanism for dealing with these issues – is it the IJC? The RRBC? This group is saying that what is needed is a basin-wide, long-term approach and everyone needs to be at the table. The consensus of this group seems to be that it is a basin-wide problem that needs a basin-wide approach, but we're not sure which vehicle it is. We need to deal with the cyclical issues as they are. We've identified some detention/retention issues and are encouraging the use of those and staged release. Governments should have a role, but planning and local input needs to happen first. We need to evaluate or analyze existing infrastructure – some jurisdictions are further ahead, at different levels. Local involvement is important, getting input of those who are involved day to day. Some of the smaller locations don't have the planning capacity, and a basin-wide approach offers some opportunities there. That's what I hear you saying in terms of a planning process.

I just want to clarify a few points. The IJC's job is not to plan for basins; it's to deal with conflicts dealing with rivers flowing North of the 48th parallel. Both parties have to ask for a reference from that, and we have not had a partner with North Dakota on that. When you talk about a basin-wide planning group, it is the RRBC. What we're talking about here is having political involvement. Is that what we want? Having political individuals involved, and having jurisdictions put more money in? It's talking about changing the RRBC by having elected officials sit on the commission in addition to the current representatives.

All the jurisdictions are doing their own planning right now. We're not talking about duplicating that planning. What we want is for the RRBC to come up with a comprehensive water management plan that covers the whole basin that puts together all the plans and comes up with a comprehensive basin plan that is available to all jurisdictions to critique and there'll be a process of trying to come to a consensus on that plan. But then the question becomes who is going to do it? RRBC doesn't want to get involved with the conflict in Devils Lake, but we need a solution. Devils Lake is a shared problem. The question is - we're working on the plan, we'll come to a consensus on the plan – but the problem then is who will work on it and how will conflict be dealt with?

Does the RRBC appear to be that basin-wide body?

I don't think we can decide everything today. The RRBC is coming up with a plan, lets wait for that plan – we don't have to agree to that plan right away. We can sit down again when the plan comes out and discuss it, but there's no point in agreeing or disagreeing on that now.

I'm not asking anyone to make a decision today, but we have a consensus on a basin-wide plan, and hopefully there's a consensus that we'll all work together to improve and implement that plan. Are we willing to make a commitment to have a basin-wide approach and to find a consensus on the plan and how to implement it?

I understand that you would like to have language in the plan that displays the urgency surrounding both the Devils Lake and the Lake Winnipeg issues.

The participants identified the following principles:

- There must be recognition of and efforts to address the issues and concerns related to both Devils Lake and Lake Winnipeg.
- Management and planning should be focused on a process that's basin-wide.
- Governance is at varying levels within each jurisdiction. Any approach that is used should promote consensus with shared authority and common goals.
- It should be non-duplicative.
- Planning should be long-term to address cyclical needs.
- It must recognize and capitalize on local knowledge.
- Plans should create and provide incentives for landowners.
- Plans must utilize best practices and scientific review (staged releases).
- Plans should involve cost sharing, be benefits-based, and provide revenue-raising options.
- Efforts must be sustainable.
- Plans should be as affordable, efficient and practical as possible utilizing and integrating existing infrastructure.
- The process should be systematic – gathering input, identifying solutions, and then seeking funding.

Comprehensive Water Management:

The delegates recommended that:

- **A basin-wide, long-term approach to water management be developed, with all jurisdictions participating (the appropriate vehicle was not identified - it may or may not currently exist).**
- **Local involvement in water management be stressed at all levels beginning with research and plan development and prior to seeking federal government involvement/funding.**
- **Detention/Retention methods (including staged releases) be considered as an integral component of flood management planning.**
- **Existing infrastructure be inventoried, examined and employed whenever/wherever possible and practical.**
- **The Legislators' Forum will await and consider the Red River Basin Commission's final report prior to developing specific recommendations.**

Structural Water Retention

Discussion included the current state of structural water retention in the jurisdictions. The main issue discussed was that of the need for a uniform permitting system across the region. The delegates agreed that a basin-wide approach was appropriate.

We started with a brief discussion about whether holding back water was the best approach. We didn't resolve that, but moved on to the structural water holding discussion. Is this part of each jurisdiction's solution? North Dakota was not at our table, so we're not sure about them. In South Dakota, there is some planning being done. It's less important in Manitoba, where they have done a lot of diversion and raising structures. In Minnesota, they're looking at different structures.

We discussed that this is one of the most difficult issues when it comes to permits, costs, landowner opposition, etc. We need to demonstrate the positive effects to the people living both upstream and downstream. We had some discussion about permitting – there is no overall process for permitting; the process is cumbersome and hard.

What are the costs of these projects? Is there some way, at the least, that the federal agencies could have conformity? There was thought that the basin-wide process needed to be simplified.

Generally, people want the retention done in other areas and landowners

oppose permitted projects. For effectiveness, a basin-wide approach is good, but the challenges are great. How do you achieve basin-wide goals without a basin-wide body?

So a recommendation relative to the permitting process is that there be a

focus on uniformity of regulations. Also, there is agreement that these issues are basin-wide and that the basin-wide approach is needed.

The delegates identified the following principles:

- The current permitting processes are complex and cumbersome. They lack uniformity and consistency across jurisdictions.
- The issues and concerns are basin-wide and the approach and solutions should be basin-wide.

Structural Water Retention

The delegates recommended that:

- **The four jurisdictions and the two federal governments explore the options for and potential of developing and implementing a consistent, uniform permitting process.**

Energy Development and Sustainability

Discussion included the fact that, while the region has a lot of diverse energy capacity, there are a shortage of conservation efforts and transmission mechanisms – pipelines, etc. Because there is so much capacity, there needs to be an inventory of what energy opportunities exist in the region, as well as who will need the energy we can produce, within and without the region. Energy is a big market, and the region has the opportunity to play a big role, if we can come up with innovative ways to use our sources and transmit the energy we can produce. There was also discussion on the classification of Manitoba's hydro-energy as renewable, and Manitoba would

like the states to agree to this classification.

The region has a lot of energy capacity, but there is a shortage of pipelines and energy use-conservation. An example of effective energy use we discussed was a scenario in Asia where they pump water back into a reserve at night, and then let it flow out again.

The cost of energy production is going up, and a lot of expectations relate to the environmental condition, carbon regulations, etc. Again, there is a lot of diversity in the region, but we need to update the capacity and start thinking in innovative ways. Regulatory issues are becoming more complex and more demanding. Also, transmission is a huge issue, and becoming more predominant. There's some neat technology out there to look at for creating more energy, cost-effectively, green, etc.

It would be helpful to look at the whole energy picture, including how to manage the energy input piece. How can we turn the issue of CO2 into an asset? How can it be used in a utilitarian, big picture sense? What can this region do to recognize that there are certain users that might be best for this region?

Last time we talked about electrical energy, we hadn't had our economic downturn yet. It's a new economic climate. We need to do an inventory – evaluate who can produce energy and who will need energy.

We need to think ahead to the kind of energy we'll need. We also need to be thinking more about conservation of energy; perhaps look to the program Manitoba has to conserve energy. They don't have to be big projects, but smaller ones to try and create community self-sufficiency. Some of the things we think of as waste are actually valuable resources.

Transmission is something we need to talk about more –this should be on the agenda next year.

I agree. How are we going to make use of the energy we have if we don't have a way to get it out? How can we attract someone who wants cheap energy? We need to look at cheap energy and power as an asset.

We are all energy producers and exporters; we are all trying to figure out ways to grow our economies and populations and are on the cusp of a great opportunity. Everyone needs energy, and we need to focus on bringing the businesses here. In North Dakota we're lowering taxes to be competitive and it's worked – we've dropped taxes and increased revenue.

Add the need to look at regulations and permitting processes. Perhaps we're putting up obstacles – this should also be a future topic.

From the Manitoba perspective, the elephant in the room is that only Vermont accepts Manitoba hydro-energy as renewable. We consider the product to be renewable. We want this project to be classified as renewable by states.

Do you want to add a recommendation that Manitoba hydro-energy be classified as a renewable source of energy?

Agreed.

I'm hearing from this group that recommendations should include a regional approach to energy development and more work is needed to expand and increase capacity to produce (including transmission); exploring more renewable sources; doing an inventory of what energy sources and reserves are here and what is being produced; emphasizing energy as an economic driver; and encouraging states to classify Manitoba hydro-energy as a renewable source of energy.

The delegates identified the following principles:

- The basin is energy-rich and concerns, solutions and opportunities should be addressed from a basin-wide perspective.
- Sustainability should be an important goal.
- Production is increasing, but so is demand.
- "Smart energy" and "conservation" are important components of any plan.
- The regulating process is difficult and complex.
- Transmission and transport are challenges.
- CO2 should be considered an asset, not a liability.

Energy Development and Sustainability

The delegates recommended that:

- **Energy be recognized, embraced, and emphasized as an economic driver in the region.**
- **A basin-wide approach be utilized in identifying problems, implementing solutions and building a sustainable regional platform from which the basin's rich energy resources can be developed and shared to meet the ever-increasing energy needs.**
- **The four jurisdictions and the two federal governments explore the options for and potential of developing and implementing a consistent, uniform permitting and regulatory process that addresses siting, transmission, upgrades, new technologies and innovation.**
- **Efforts to expand and increase production capacities be linked to effective methods and models of transport and transmission.**
- **Planning and initiatives include the identification, development and expansion of renewable energy sources, and the promotion of "smart" and "efficient" energy technologies and pathways (this includes**

the classification of Manitoba hydro-energy as a renewable energy source).

- **The four jurisdictions should join together in completing a comprehensive energy inventory to establish a baseline of the region's existing resources and production capabilities.**

Non-Structural Water Retention

Discussion included the need to look at natural areas of water storage and how to sustain those areas. Without relying too heavily on the federal government, we need to create incentives for private landowners and organizations to maintain natural landscapes. There was brief discussion about pumping excess water into wells, but there was not much information available about the effects of that.

We need to identify historic areas of where water has been stored naturally. If it's not being done, how can we re-establish those areas? There need to be incentives to seek long-term easement, and not just rely on the government. We should look to places like Ducks Unlimited who want this land and explore how to help them.

We talked a lot about the lack of knowledge concerning how much land there is available. These are Mother Nature's smaller projects – how much water can this land hold? There are some studies in Manitoba and in the US. I would suggest that these studies be reported on next year, and we can discuss whether there would be a pay-off.

If we can retain water for certain amounts of time, flooding can be stopped and crops can be helped. I don't believe we should be passing those costs back to the farmer. How is that valuable to the rest of us? How can we make it worth it to farmers to store that extra water?

Recommendations that I'm hearing are: incentives should be used; costs should not fall on the landowner; and we should avoid long-term dependence on federal funding.

We're talking about excess water – have we considered driving the water into the ground, into wells and replenishing the aquifers?

How do we get the water from where it is to the aquifer?

I don't know how you would do that.

If you pump water down a well, what happens? The sand has the ability to take on water.

I think one of the problems is that you run a risk of contaminating the well and the sub-terrestrial water. So unless you could filter it before you pump it down, you'd run the risk of contamination.

This is about water management – we're trying to get rid of the water, but we need to be able to retain the water for a period of time.

The delegates identified the following principles:

- This is a basin-wide issue that seems to have the potential for the most positive impact if it is addressed in a basin-wide approach.
- The use of non-structural water retention is not the solution, but a part of a broader array of options that will become the solution.
- Retention options for landowners and communities have a better chance of acceptance and success if used in conjunction with incentives.
- The land that is available needs to be identified and a cost-versus-benefit analysis needs to be done.
- The costs of retention efforts must be shared and not imposed upon landowners and/or individual communities. Likewise, long-term dependence upon federal funds should be avoided.

Non-Structural Water Retention

The delegates recommended that: Non-structural water retention initiatives be explored and developed throughout the basin. This should be done in conjunction with:

- **An inventory of available lands and a critical assessment of their practicality and affordability; and**
- **The development of a comprehensive cost-sharing approach that emphasizes incentives and avoids the tendency to depend upon long-term federal funding.**

The 11th Annual International Legislators Forum

Delegates agreed that energy will be an important topic for discussion at the 2011 forum and suggested that the Steering Committee develop an agenda around issues of transmission, inexpensive power as an asset, users of energy and value-added energy. Additionally, they identified a list of potential topics, observations and suggestions for next year's Forum (see website materials).

Representative Carol Pitts (SD) thanked the Minnesota sponsors for their hospitality and invited all delegates to South Dakota in 2011 for the 11th annual meeting. The dates and location are to be determined.

Adjourn

All of the participants and presenters were thanked for their attendance and participation, and the 10th Annual International Legislators Forum was adjourned by consensus of the group.

Press Conference

Immediately following the Forum, representatives of each of the four jurisdictions participated in a press conference. They outlined the purpose of the Forum, the process and recommendations and responded to general and specific questions from the media.

Achievements of the Legislators Forum (LF) 2001-2010

The international Legislators Forum (2001 through 2010) has discussed, developed agreements and taken action on:

- Securing a Memorandum of Understanding (MOU) from respective legislative leaders in all four jurisdictions to continue the annual meetings.
- Learned about differences in structure and process in the respective states and provinces.
- Learned that the delegates share many of the same issues and values and wish to learn more from each other about best practices for addressing them together.
- Interacted annually with the Canadian Consul General, based in Minneapolis, and the US Consul and Principal Officer in Winnipeg, both of whom have been significant supporters of the LF efforts for several years and will be again in 2011.
- Through these Consuls, information and agreements reached at the LF meetings have been passed on to the respective federal governments in both countries.
- Sponsored and helped initiate what has become "2Nation Tours," involving the travel and tourism agencies of all four jurisdictions.
- Broad support of the Conservation Reserve Enhancement Program (CREP), especially in the states because it is aimed at enhancing the Conservation Reserve Program (CRP) in the US.
- Indicated strong support for the establishment of a 600-mile "Greenway" from the source of the Red River and on its tributaries to its termination in Lake Winnipeg. The efforts to develop it have expanded and continue today.
- Supported the Prairie Public Television/Radio "RiverWatch" program, which was linked to the Greenway and other flood control and mitigation efforts throughout the region and helped to secure multiple years of funding for that program from the Otto Bremer Foundation as well as the Greenway.
- Discussed mutual water quality issues and increased understanding of how many water quality problems are shared among the jurisdictions and that it will be essential to work together to address those issues.
- Advanced the discussion about and enhancement of renewable fuels and energy transmission capacity in the region, which was responsible, in significant part, for the work done by the Great Plains Initiative (GPI), Powering the Plains (PTP) process and Midwest Governors Association work.
- Encouraged agricultural harmonization legislation and regulation at the national levels in both countries and contacted the US Environmental Protection Agency (EPA) and the Canadian Pest Management Regulatory Agency (PMRA) in support of the work of the Agriculture Harmonization Working Group and broadening, expediting and prioritizing that work.
- Supported pilot projects for pesticide labeling applicable across US and Canadian borders - now applied to 3 pesticides.
- Written letters of support to appropriate agencies in the US and Canadian federal governments to encourage the adoption of a regional inter-jurisdictional action process in case of disease outbreak to ensure the containment and quick eradication of these outbreaks in the region.
- Encouraged the adoption of regional inter-jurisdictional action to ensure food safety and security in an economical and efficient manner by using inter-jurisdictional expertise and scientific technology, and brought responsible agency people from all four jurisdictions together between several annual LF meetings to begin their work together in this area.
- Supported an emergency management mutual aid agreement and emergency management experts working together across borders.
- Brought the four Attorneys General and Justice Minister together to provide updates on inter-jurisdictional criminal justice issues, progress on dealing with methamphetamine issues and to sign an agreement to develop an "Amber Alert" system throughout the four jurisdictions to assure quick, coordinated service in the event of child abductions.
- Delegates have supported inter-jurisdictional sharing of best practices in "healthy living."
- Supported greater rural access to medicine to ensure access to appropriate health care for all citizens in the region.

- Encouraged the public and private sectors in this region to work together to enhance broadband technology and other infrastructure, especially in rural areas.
- Supported a regional effort to enhance rural and community development, beyond simply economic development and including support for immigration.
- Contacted the Department of Homeland Security, other relevant agencies and states' Congressional offices to request that they do all they can to ensure border crossings for citizens in the US and Canada remain as seamless as possible, expressing the belief that the two countries share so much in terms of history, culture, mutual relations and issues that, "Whatever decisions are made with regard to implementation (of cross-border identification requirements), there needs to be sufficient time to develop a thorough, comprehensive and accurate cost-benefit analysis of all proposed solutions; sufficient time to implement the regulations; and sufficient time to ensure that all privacy concerns are adequately addressed. Finally, the regulations need to be affordable by states and provinces and their citizens." The delegates share a belief that their input has had a significant impact on achieving the delay and reconsideration of many border-crossing identification regulations.

Annual Highlights

During all annual meetings of the Legislators Forum, water issues have been a topic of conversation in the context of flooding, drought and water quality. In addition, each year had at least one highlight issue. Those issues include:

MB 2001—Sponsorship of 2 Nations Tours, a program among the four jurisdictions that continues today.

MN 2002—Memorandum of Understanding among legislative leaders in the four jurisdictions to meet annually and substantial support for Conservation Reserve Enhancement Programs (and analogous programs in Canada) in order to address flooding, drought and water quality issues.

SD 2003—Establishment of a regional renewable fuels working group called Powering the Plains (PTP) and beginning efforts to bring emergency management officials from the four jurisdictions together to enhance cooperation and coordination across borders.

ND 2004—Beginning of significant efforts to address methamphetamine and pharmaceutical issues across borders in order to address addiction issues and alternatives to incarceration.

MB 2005—Building on the agreements to address methamphetamine issues across the borders, broadened the discussion to include addressing all inter-jurisdictional criminal justice issues together.

MN 2006—Emphasized the importance of basing water related public policy issues on sound science and heard from and supported the efforts of the four jurisdictions' Attorneys General to address methamphetamine and criminal justice issues and their signing of an inter-jurisdictional Amber Alert MOU.

SD 2007—Provided broad support for the Regional Energy Roadmap that had been developed by the PTP participants, supported the enhancement of broadband technology, especially in rural areas of the four jurisdictions and expressed significant concerns to the US Department of Homeland Security and other relevant US and Canadian entities about the implementation of the Western Hemisphere Travel Initiative (WHTI).

ND 2008—Highlighted issues related to rural community development, health and infrastructure, including the need for further enhancement of broadband technology in the region and continued the ongoing discussions of water (LIDAR mapping), energy and cross-border identification.

MB 2009—While specifically focusing on Lake Winnipeg, the delegates developed agreements to address regional water quality and quantity issues, regional energy issues and cross-border security, identification and tourism.

MN 2010 – Discussions centered on water issues in the Red River Basin and included recommendations and requests from the Red River Basin Commission regarding management, impoundment, retention and diversion. Energy, commerce, border security and the media were also highlighted.

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