

Little Missouri Scenic River Commission Meeting

September 13, 2022
Cowboy Hall of Fame – Medora, ND

FINAL MINUTES

Chair Hestekin called the meeting to order at 2:27 pm MT and asked committee members to introduce themselves.

Those in attendance were:

Chair Pam Hestekin, Bowman County

Vice Chair, John Hanson, Slope County

Secretary, Paul Taylor, ND Parks and Recreation Department attended virtually

Nick Lonski, McKenzie County

George Weinreis, Golden Valley County

Joe Schettler, Dunn County

Dave Glatt, Department of Environmental Quality

Andrea Travnicek, Department of Water Resources attended virtually

Audrey Kroll, ND Parks and Recreation Department

Absent:

John Hild, Billings County

Chair Hestekin called for approval of the agenda and entertained a motion to accept the agenda as presented.

Motion to approve the agenda as presented made by John Hanson. Second by Joe Schettler. Motion carried.

Chair Hestekin called for approval of the September 7, 2021 minutes.

Motion to approve the minutes with corrections as noted made by Joe Schettler. Second by David Glatt. Motion carried.

Election of Officers

Chair Hestekin asked for nominations for the position of Chair. Joe Schettler nominated Pam Hestekin for the office of Chair. No additional nominations were presented. Joe Schettler made a motion to cast unanimous ballot for Pam Hestekin for president. Second by George Weinreis.

Pam Hestekin was elected Chair by unanimous ballot.

Chair Hestekin asked for nominations for the position of vice chair. Joe Schettler nominated John Hanson. Second by George Weinreis. No additional nominations were presented.

John Hanson was elected Vice Chair.

Reports

ND Department of Water Resources.

Bryce Klasen reported on the progress of the water projects currently underway around ND, as well as highlighting the 2021-2022 water flows. There are water level monitoring devices between each of the 3 USGS (United States Geological Survey) gauges on the Little Missouri River. The gauges are in place and in use in the spring as early as possible through the end of October. The data from the water level monitoring devices is online via the Department of Water Resources' website. Ground water measuring sites will be deployed to coincide with the water level monitoring devices. A USGS gauge was deployed near Cherry Creek that measures the water flow in cubic feet per second. The data from this gauge will allow better water management decisions as to when to use more water or store water when it is available and then when to limit it when water flow is low. This is one of 5 USGS sites that has a monitoring camera allowing for a visual monitoring of the creek water levels. This camera can help monitoring staff understand what is going on if gauges seem to be not working or are reporting odd data streams. Bryce explained storage of the water is seen almost exclusively for industrial purposes in the oil field area. Most of the storage would be in large off-stream reservoirs rather than in tanks.

Bryce updated the committee on the elevation of Lake Sakakawea. Currently it is about the same this year as last year at 1835 feet. The unprecedented rainfall event upstream in Wyoming and Montana this spring resulted in about 6 feet of elevation increase this spring.

George Weinreis asked if the deadlines for the ongoing water projects have a deadline per project or one overall deadline. Bryce indicated his understanding is the deadlines are per project. Joe indicated some of those projects were extended last year due to supply issues.

ND Parks and Recreation Department

Paul Taylor provided the ND Parks and Recreation Department Update remotely. He reviewed the overall park system managed by ND parks and Recreation and focused on the two state parks within the Little Missouri watershed. He noted that the department has had difficulty in hiring a full complement of seasonal staff – if anyone knows of students, teachers or semi-retired people who might be interested please feel free to pass on our contact information.

Sully Creek State Park just south of Medora has turned into a four-season park as of last year and has become one of the busiest parks. The department is looking at adjusting the layout of the park to allow for additional visitors over the next few years. Construction of a maintenance shop and housing for seasonal workers is being explored..

Little Missouri State Park is not a big footprint park, with a very small table land area able to accommodate campsites and structures. Leases with nearby landowners allows for a total of approximately 45 miles of trail opportunities. The department is also looking at the campsite layout. In addition, some of the smaller maintenance structures need to be moved before they are lost to erosion and slumping. Staff facilities also need to be addressed.

The MHA Nation has acquired land directly to the north and adjacent to Little Missouri State Park which connects to land they have near Hwy 22 to design and plan a park which is anticipated to be equivalent to a state park. Preliminary meetings have been held to share plans, how we can share resources and information, how to maximize trail access and eliminate duplication of services, etc.

Theodore Roosevelt Presidential Library

Amy McCann provided an update on the Theodore Roosevelt Presidential Library which will focus on the pillars of citizenship, leadership, and conservation. JLG Architects, a North Dakota firm, are the designers of the building and JE Dunn Construction are the construction managers. The design of the building is unique in blending into the area landscape. The structure's roof-line matches the roll of the surrounding badland landscape. It will be built with as much locally sourced natural materials from as close to the library site as possible. They are collecting native plant seeds and grasses that will be used to cover the proposed earth roof.

The Library will be two buildings attached with a breezeway. The east building includes classrooms a mezzanine level for office space and a 300 seat auditorium; the west building will have most of the museum space and a café. The museum experience reflects Theodore Roosevelt's life from birth to end of life. A mockup of the type of exhibit has been set up at the Chateau. The Library is expected to open July 4, 2026, which is also the 250th anniversary of the United States.

Amy indicated there was an in-depth business plan that was formed to address the staffing and maintenance needs of the building. She indicated there have been a lot of partnership conversations going on as well. The website medora150.com has more information on that planning process.

The entrance fee has not yet been decided. They will be approaching the Medora Wish Foundation which was put together as an endowment with earnings going to allow kids to go to the musical for free. Amy indicated that the content at the Library would support the ND studies curriculum for 4th and 8th graders, noting that if funding was found for transportation and accommodations, every student in ND could get to Medora as part of their ND studies to go to the Library.

Community Involvement

Pam explained the idea of getting community involvement in keeping the river clean and presentable. Nick asked where the problem areas are. Pam indicated that downstream of the Long X Bridge area is one of the biggest areas collecting trash. John feels the LMSR Commission could provide leadership of getting assistance from different groups to help keep the area cleaned up. John felt that there could be many civic groups that might like to assist and be a part of the upkeep of the river. Dave Glatt indicated there is an educational opportunity to for schools to test the water and promote clean ups. He will investigate the possibility of interest from the community in getting some Little Missouri group. John indicated some landowners may have some reservations of lots of people showing up to do clean up. Dave indicated there are some good models out there that can help address that. George indicated that the Oil companies may also be good to tap into. Jeff Simonson may be someone to contact. There may be a possibility of a 60/40 match/ partnership with an organization.

Commission Enacting Legislation

Paul Taylor provided an overview of the documents in the committee packets about the initial legislation establishing the commission as well as the attached 1989 attorney general's opinion. The 1989 opinion indicates that despite the wording around "...promulgating management policies..." read in its totality, the Commission operates solely in an advisory capacity. The Commission is required to have one meeting per year. Additional meetings can be held. Discussion ensued and it seems a consensus that it is clear with the attorney general's opinion that the commission doesn't have any regulatory role.

Nick indicated the attorney general's opinion of the Commission in an advisory role and to challenge that would take up a lot of time and effort. The Commission did in the past offer an opinion on a subject but did not try to regulate or change. Paul indicated to have regulatory authority, would come with the need to have access to attorneys, a staff, research, etc. Nick indicated it is okay that we are a group that cares about our communities, where we live, etc., and can form opinions on things that affect the community and not dealing with regulatory issues and all that come with that. John was wondering if the commission was an after-thought of the Enabling Act of 1975. The commission was set to go to work without much guidance.

Dave Glatt highlighted the Red River commission that is active in promoting the use of the land, recreation, etc. and that may be an opportunity the board can model after. The Commission would need to decide if this is something they want to take on, it would need to develop a strategic plan to move forward and know that individuals may need to be more active. It was noted that the Commission meets once a year and if this is something it want to do, it will need to meet more often, put together a strategic plan, etc.

Paul asked if it would be good to have some of the non-profit groups whose missions might align with stewardship of the river invited to the meetings to see if private groups might get involved and the commission could be a clearing house so to speak for thoughts, issues, concerns. David indicated we must be more sure about what direction the group wants to take. John indicated the Commission doesn't really have a direction. Dave can get some information together from other river protection groups that the Commission may be able to model after.

Dave indicated if we want to be more relevant/active it will take more involvement. Nick indicated being an advisory position is not a bad thing. If, for future generations, you want to make the Commission more of a regulatory organization people might have come to the Commission on controversial things

such as to ask for use of the water and it could potentially turn into a neighbor vs neighbor situation, and he felt this organization wouldn't want that. John feels this is a good reason we need to discuss guidance to make sure we are following the path we should.

Joe commented on the Century Code and how it states the Commission is to advise local or other units of government and the power of promulgating management policies. So, advice and suggesting policies are our duties.

Nick reflected on conversations indicating the vision of the establishment of the LMSRC was to bring people together as one voice to be able to advise on issues that may "change all of our livelihoods", "we could rally the neighbors just like we've done many times with our country schools" and show unity. Paul also noted that when push comes to shove, having an organization such as this where everyone involved – landowners, ranchers, water users – can all agree on a stance and having that stance voted upon by the Commission gives a lot more weight than just a half dozen neighbors showing up at the state Legislature.

Joe remembers that in the past there was a push to give the Little Missouri River a Wild Little Missouri River designation which meant no water for irrigation, ranchers, etc. John also remembers a group called the United Plainsmen was formed in the 1970s to push back on a big industrialization plan for western ND which would have included low head dams, large scale water projects, four coal gasification plants and open pit coal mines, in 10 counties in SW ND. The work of the United Plainsmen played a result in the action that created the Scenic River designation and combined with the Wild designation efforts, the Commission was formed.

Pam asked everyone continue to think about it. Dave will see if he can find additional information on the establishment of the Commission and what the original direction was.

Future meeting date:

Nick made motion to hold the next meeting on Tuesday September 12, 2023. Second by Joe. Motion carried.

Other

2022 Commission vacancies. John and Pam's terms will be ending October 2022. Audrey will send letters to the affected counties asking for appointment of new commissioners.

Public Comments

Pam asked if there were any comments from the public

A member of the public indicated it would be nice for the Commission to establish written stewardship guidelines for distribution on care of the river area. Nick indicated working with the ND Game and Fish representative to reinforce at their next local advisory community event the importance of cleaning up along the river.

Adjournment

John made motion to adjourn the meeting. Second by Joe. Motion carried.

Meeting adjourned at 4:45 pm.