

Fargo-Moorhead Metropolitan Area Flood Risk Management

Fargo-Moorhead Diversion Project

Proposed Changes To
Federal Projects:
USACE Processes



November 2017



US Army Corps of Engineers
BUILDING STRONG

Purpose

- **Corps is committed to working with both states to implement flood risk management for the metro area**
- **Here to provide information on**
 - **The existing federal authorization**
 - **Process for seeking project changes within the federal authorization**
 - **Process for seeking new federal authorization**



Existing Authorization

- **Section 7002(2) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Public Law 113-121**
 - **References Chief of Engineers Report dated December 19, 2011**
 - **Report recommended “a plan to reduce flood risk in the Fargo-Moorhead metropolitan area by constructing a diversion channel within North Dakota combined with upstream floodwater staging and storage.”**
 - **The plan consisted of:**
 - **A 36-mile, 20,000 cfs diversion channel**
 - **Embankments and tie-back levees at the south end of the project**
 - **Environmental mitigation**

One Hundred Thirteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday,
the third day of January, two thousand and fourteen*

An Act

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Water Resources Reform and Development Act of 2014”.

TITLE VII—WATER RESOURCES INFRASTRUCTURE

Sec. 7001. Annual report to Congress.
Sec. 7002. Authorization of final feasibility studies.
Sec. 7003. Authorization of project modifications recommended by the Secretary.
Sec. 7004. Expedited consideration in the House and Senate.



National Environmental Policy Act (NEPA)

- **NEPA requires federal agencies assess the environmental effects of proposed actions in decision making**
- **Critical process when evaluating alternatives**
- **Environmental documentation for the authorized project was included in the Final Feasibility Report and Environmental Impact Statement (FEIS) dated July 2011, with a Record of Decision signed April 3, 2012**
- **The September 2013 Supplemental Environmental Assessment (SEA) documented several modifications to the project**

Final Feasibility Report and
Environmental Impact Statement

Fargo-Moorhead Metropolitan Area
Flood Risk Management

July 2011
with Errata dated November 2011



**US Army Corps
of Engineers®**

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Scope Changes Requiring Reauthorization

- **Changes to project scope requiring reauthorization are documented using a General Reevaluation Report (GRR)**
 - This is a reanalysis of a previously completed study, using current planning criteria and policies, which is required due to changed conditions and/or assumptions. The results may affirm the previous plan; reformulate and modify it, as appropriate; or find that no plan is currently justified.
 - Approval by HQUSACE
 - Requires appropriate NEPA documentation
 - The GRR would be reviewed by the Assistant Secretary of the Army for Civil Works (ASA(CW)) and coordinated with the Office of Management and Budget (OMB) prior to submission to Congress for reauthorization



Scope Changes Requiring Reauthorization

- **Steps to reauthorization:**
 - Prepare GRR and appropriate NEPA documentation
 - Review by independent external reviewers
 - Review by Division
 - Review by HQUSACE
 - Review by ASA(CW), coordination with OMB
 - ASA(CW) includes summary of GRR in annual report to Congress required under Section 7001 of WRRDA 2014
 - Submission of GRR to Congress
 - A new WRDA is enacted
 - New construction appropriations may be required for the reauthorized project
- **Time frame for reauthorization:**
 - Preparation, review and approval of the GRR could be completed in a time frame consistent with that of a feasibility study, approximately 3 years
 - Time frame for Congressional authorization is unknown; WRDAs are typically enacted every two years but can be much longer



Summary

- **The interpretation of the project authorization is complex and depends upon the specific facts of the project, its authorizing documents, and any proposed changes.**
- **There is flexibility within the authority and we are eager to work with the Task Force and Technical Advisory Committee to find a solution.**



End of Presentation

