



FM Area Diversion Project Update

Jason Benson, Cass County Engineer

Panelists: Mayor Dardis, Mayor Mahoney, Commissioner Campbell



Governors' Task Force

Why the Governors' Task Force was Formed?

- ▶ The Richland/Wilkin County JPA filed a lawsuit against the U.S. Army Corps of Engineers in 2013. The lawsuit was later joined by the Fargo-Moorhead Diversion Authority and by the State of Minnesota.
- ▶ State of Minnesota denied a permit for the Project in Oct. 2016
- ▶ An injunction stopping construction was ordered in Sept., 2017

“It is time for all parties to work together to find common ground.”

- Chief Judge John A. Tunheim



Governors' Task Force



- ▶ Governors Dayton (MN) and Burgum (ND) agreed to form and co-chair a 16-person Task Force
- ▶ 5 full day meetings between October – December, 2018
- ▶ **Purpose:** To develop design principles and concept-level engineering solutions to achieve balanced flood risk management for the Fargo-Moorhead region
- ▶ **Key Parameters:**
 - ▶ 1) Find solutions within the law
 - ▶ 2) Maintain Federal authorization and funding; accreditation by FEMA under the NFIP



Governors' Flood Task Force

Thank you for your service

Front Row (L to R): Bernie Dardis – Greater North Dakota Chamber Board Chair, Tami Norgard – Natural resources attorney, Tim Fox – Former Wilkin County Attorney, Jenny Mongeau – Clay County Commissioner, Del Rae Williams – Mayor of Moorhead, MN, Gov. Mark Dayton – Governor of Minnesota, Gov. Doug Burgum – Governor of North Dakota, Heidi Durand – Moorhead City Council member, Barb Naramore – Minnesota Department of Natural Resources Assistant Commissioner, Mark Anderson – Treasurer of Buffalo-Red Watershed District

Back Row (L to R): Curt Johannsen – Mayor of Hendrum, MN, Ken Vein – Grand Forks City Council member, Craig Hertsgaard – Richland County farmer, John Strand – Fargo City Commissioner, Tom Landwehr – Minnesota Department of Natural Resources Commissioner, Jason Benson – Cass County Engineer, Steve Jacobson – Norman County Commissioner, Nathan Berseth – Richland County Commissioner, Joel Paulsen – Moorhead City Council member, Ron Bergan – Fargo business leader and entrepreneur



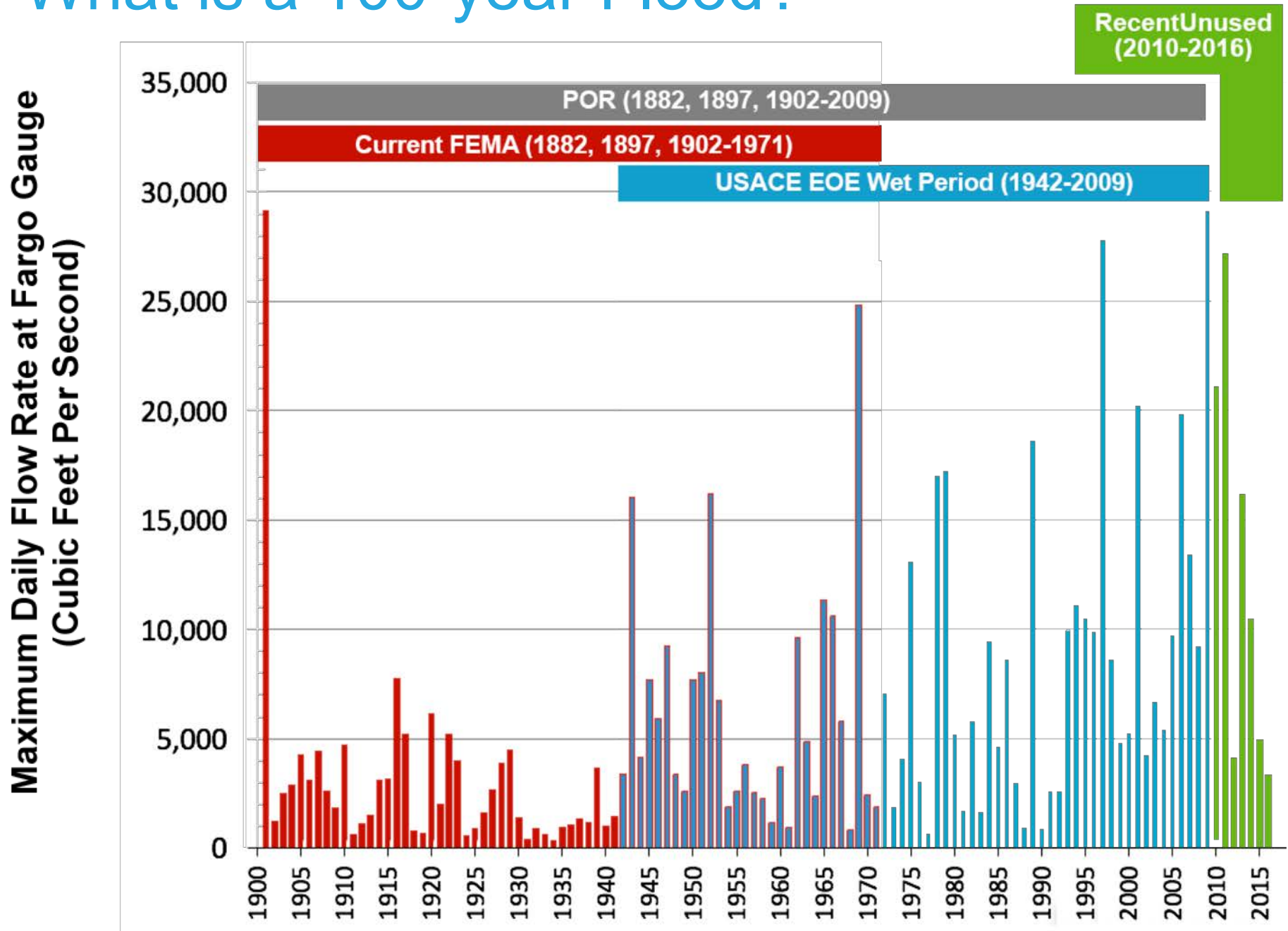
Task Force Consensus



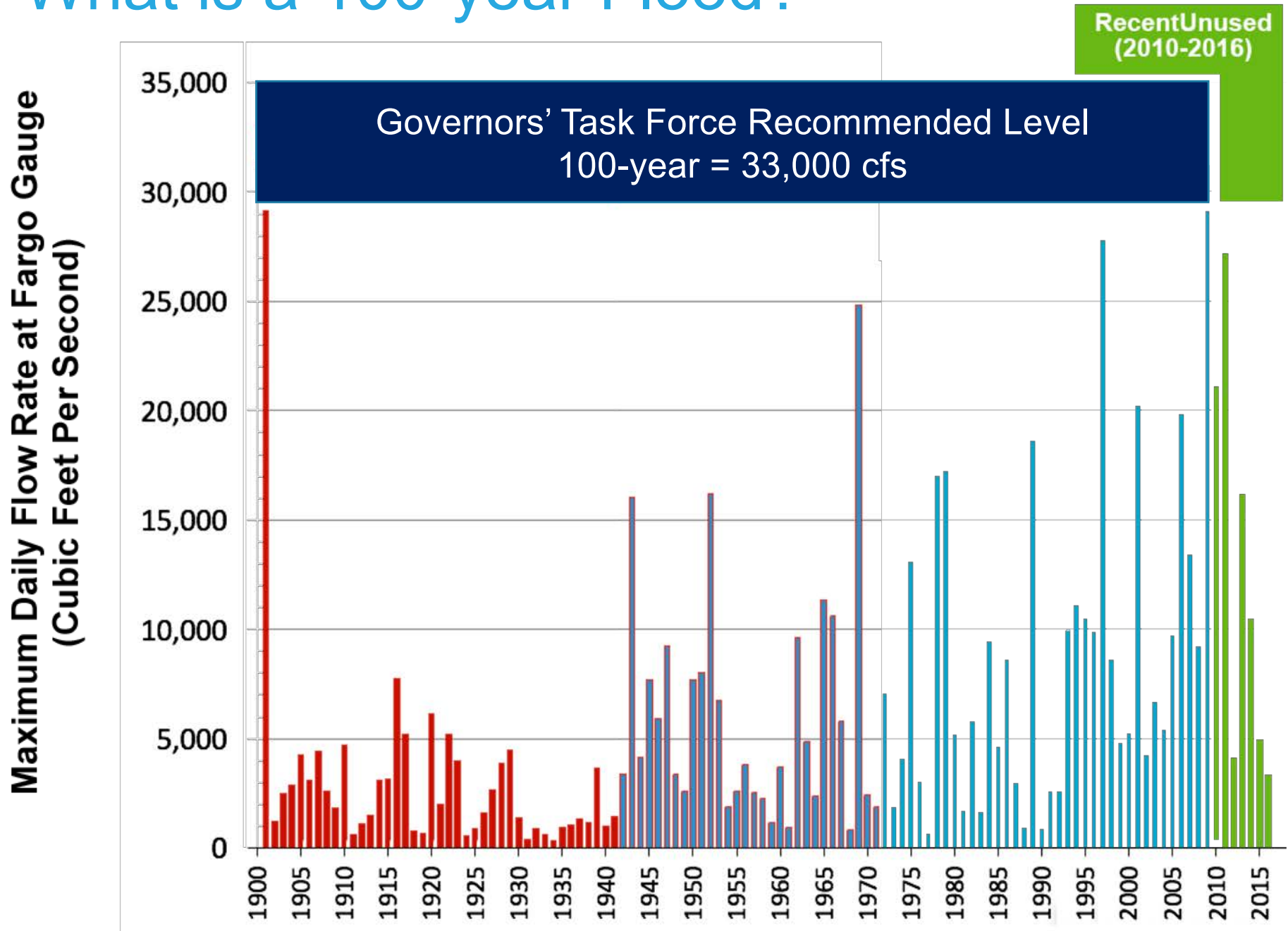
- ▶ Utilize full Period of Record hydrology
 - ▶ 100-yr flood = 33,000 CFS
- ▶ Allow control of flood water flows through town to 37-feet during a 100-yr flood event
- ▶ New Western Tie-back Levee alignment in North Dakota
- ▶ Revised the embankment alignment in Minnesota
- ▶ Distributed storage is valuable for long-term risk management; however, it is not a component of the near-term Project that needs to provide 100-year flood protection for the F-M Metro



What is a 100-year Flood?



What is a 100-year Flood?



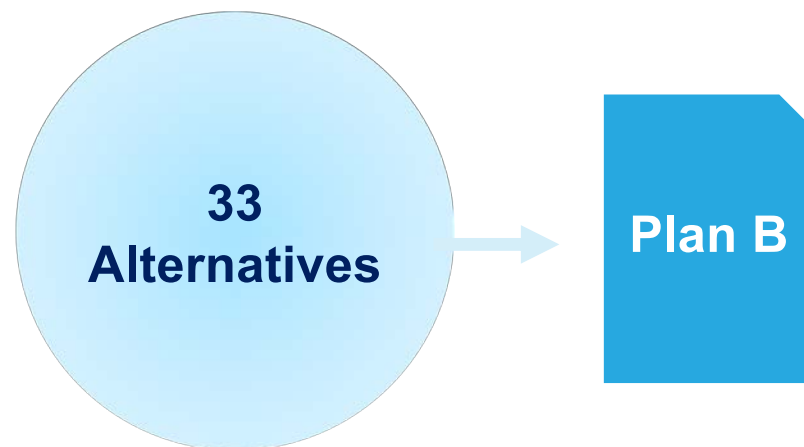


New Permit Application (Plan B)

Permit Submittal for Plan B

- ▶ The Diversion Authority accepted all recommended Project changes from the Governors' Task Force
- ▶ March 2018: New permit application submitted to State of Minnesota
 - ▶ A Supplemental Environmental Impact Statement (EIS) was completed in Nov. 2018
 - ▶ Environmental review included screening of 33 Project Alternatives

“Plan B” is the **only** Project that was not screened out by the Minnesota DNR



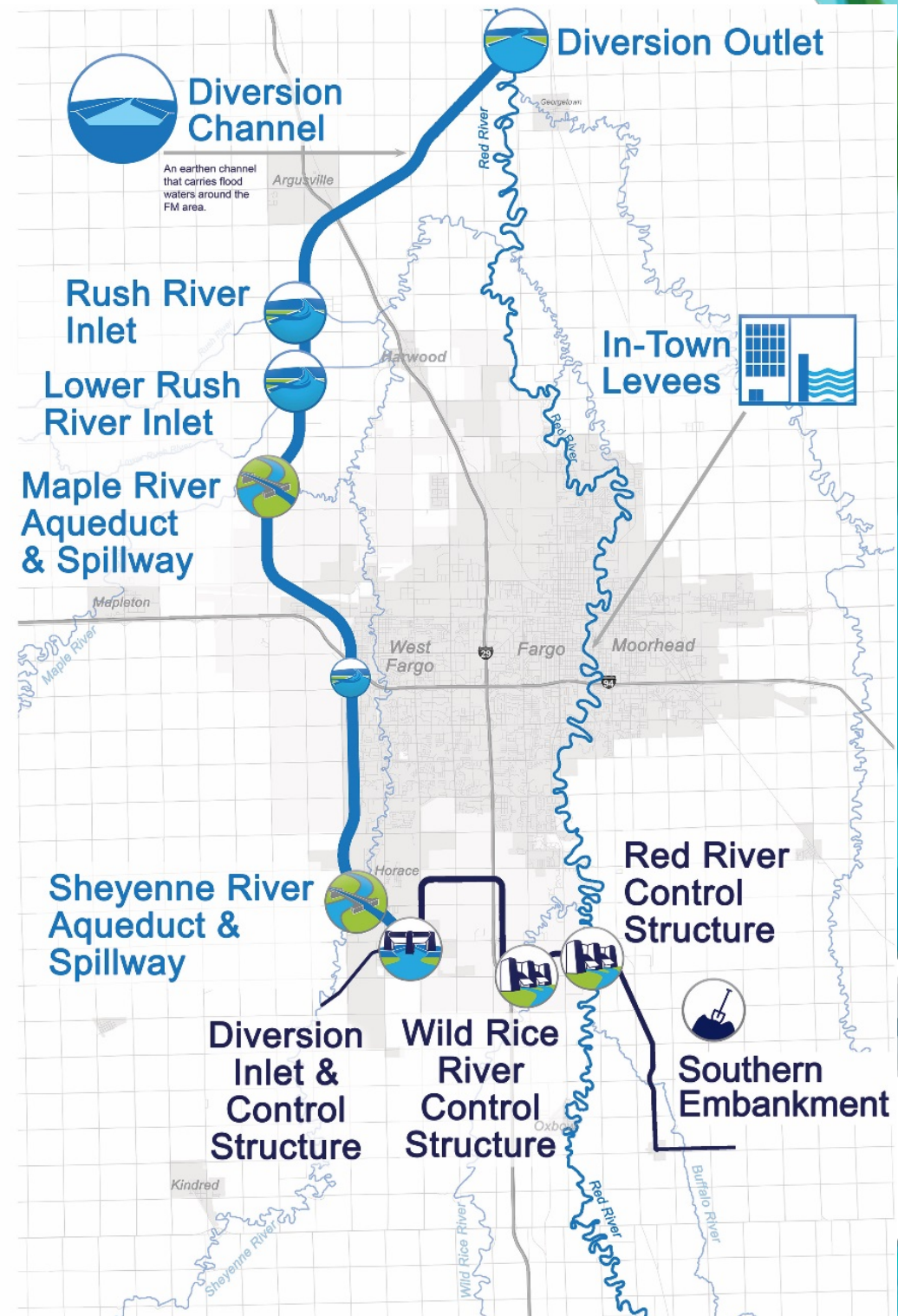
Permit Approved!

- ▶ On Dec. 27, DNR granted a Dam Safety and Public Waters Permit for the Project (Permit #2018-0819)
- ▶ The permit includes 54 conditions governing project design, construction, operation, and maintenance.
 - ▶ For reference: two other dam safety permits issued in Nov. 2018 included 46 and 51 conditions respectively
 - ▶ Conditions were expected, even requested, by the DA to ensure implementation goes as planned
- ▶ The DNR, like the SWC, will have an ongoing role through design, construction and operation



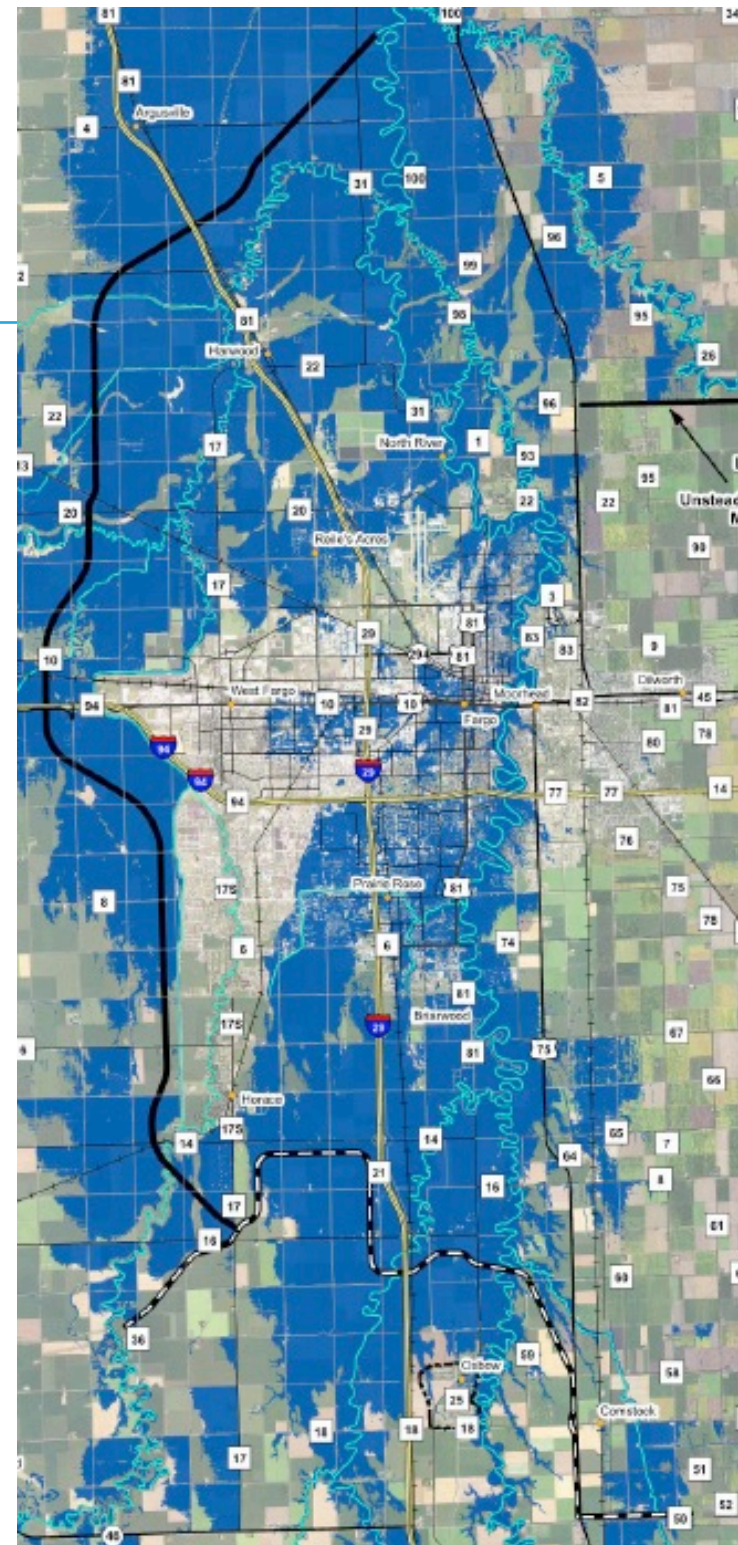
Plan B Features

- ▶ 100-year Flood Protection
 - ▶ Some features designed to PMF (Probable Maximum Flood) as required by State and Federal Dam Safety Requirements
- ▶ Diversion Channel
- ▶ Southern Embankment and Control Structures
- ▶ Temporary Staging of Flood Waters Upstream
- ▶ In-town Levees through Fargo-Moorhead



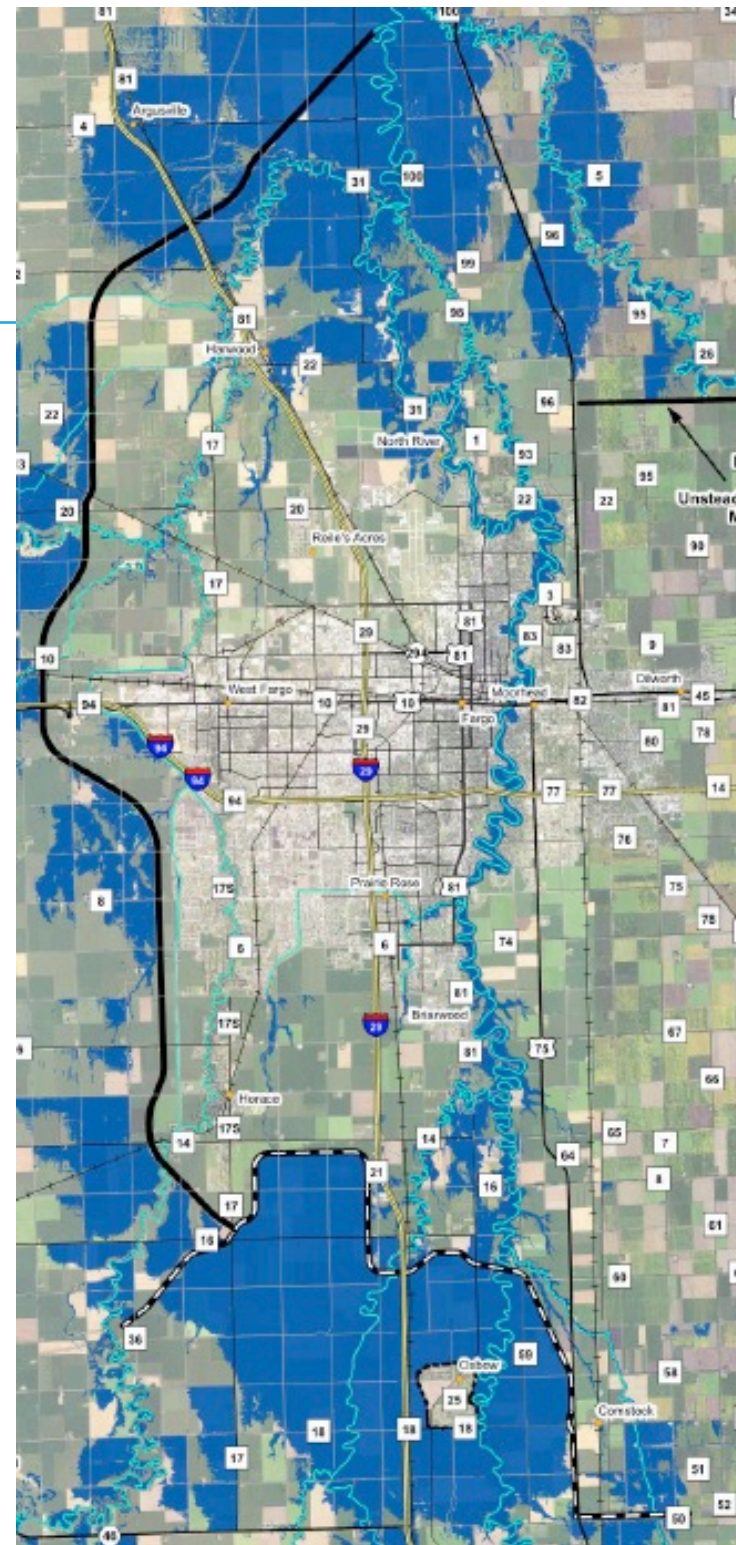
Existing Conditions

- ▶ 100-year floodplain shown in Blue



With Project

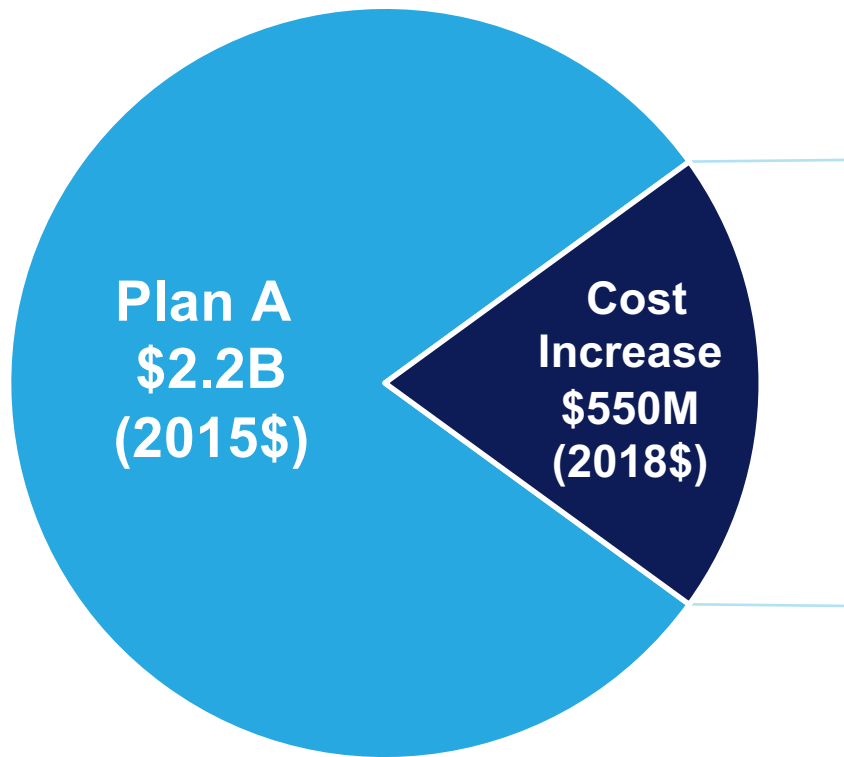
- ▶ 100-year floodplain with project shown in Blue
- ▶ Project also gives the ability to defend against a 500-year flood





Diversion Project Financial Overview

Current Opinion of Estimated Cost is \$2.75B in 2018 dollars

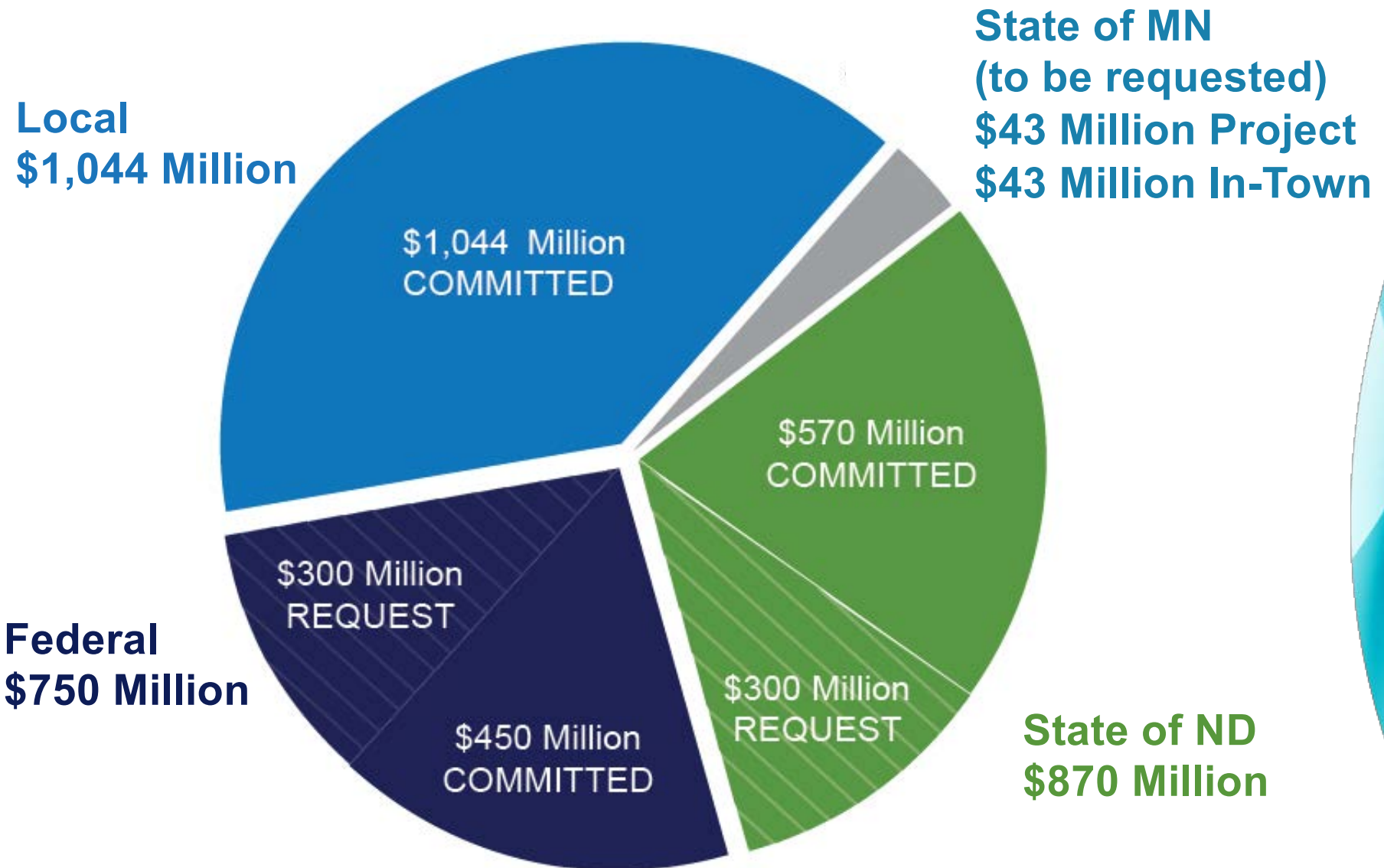


Increases

Escalation	\$ 150M
Plan B	\$ 210M
Utility Relocates in Channel	\$ 50M
Contingency and Risk	<u>\$ 140M</u>
Total	\$ 550M



Proposed Funding to Balance Financial Plan



ND Funding Request

- ▶ An additional \$300M in grant funding, for a total of \$870M
 - ▶ Request is for \$166.5M appropriation in the 2019-21 biennium
 - ▶ Legislative intent for \$166.5M in 2021 and 2023 bienniums
- ▶ A long-term, low-interest loan program (\$250M), to be paid back with local sales tax
- ▶ Legislative intent of the State's commitment to provide timely assurance for the P3 Procurement process





Legal Update

Litigation Update

- ▶ The Richland/Wilkin County JPA filed a lawsuit against the U.S. Army Corps of Engineers in 2013. The lawsuit was later joined by the Fargo-Moorhead Diversion Authority and by the State of Minnesota.
 - ▶ A majority of the claims were previously dismissed
- ▶ All remaining claims should be dismissed soon:
 - ▶ Minnesota has granted a permit for Plan B
 - ▶ Plan B means the current litigation is moot
- ▶ Diversion Authority is working with the Minnesota DNR on process for dismissing



Other 2019 Priorities

- ▶ Mitigating Project Impacts
- ▶ Acquiring Land Rights Necessary for the Project
- ▶ Continuing Project Design
- ▶ Restarting Procurement for Public-Private Partnership





FM Area Diversion Project

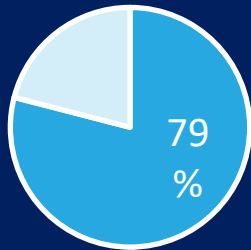
Mayor Tim Mahoney, City of Fargo

REGIONAL *and* STATEWIDE BENEFITS



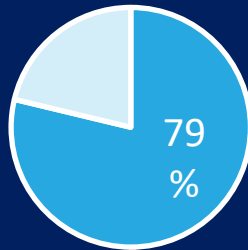
FLOOD CONTROL PROJECTS

Valley City



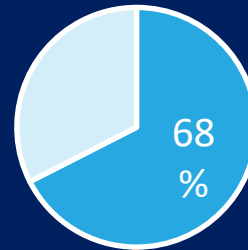
\$113 M

Lisbon



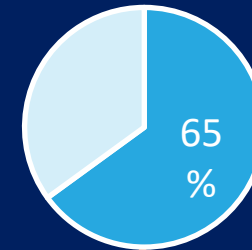
\$18 M

Grafton



\$32 M

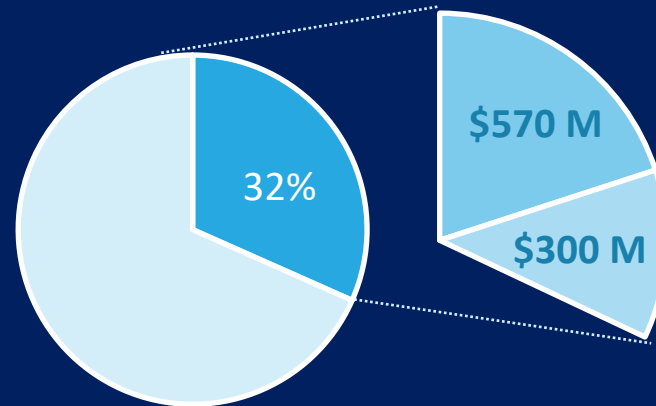
Minot



\$480 M

 State Share
of Total Cost

Cass
County



\$870 M

Source: State Water Commission

STATE INVESTMENT TO PROTECT \$1 OF PROPERTY

Valley City



\$1.24

Lisbon



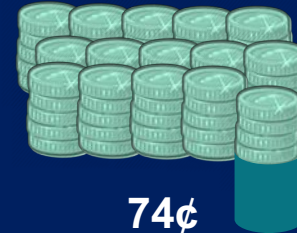
\$2.84

Grafton



57¢

Minot



74¢

Cass County



7¢

Source: State Water Commission

COST PER ACRE PROTECTED

\$488,055



Valley City

\$279,413



Lisbon

\$24,778



Grafton

\$481,723



Minot

\$40,765



Cass County



Questions?

FMDiversion.com

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