

DIVERSION AUTHORITY
Land Management Committee
Thursday, November 8, 2012
2:00 p.m.
City Commission Room
Fargo City Hall

Committee Members Present: Fargo Mayor Dennis Walaker, Cass County Commissioner Darrell Vanyo, Cass County Joint Water Resource District Representative Rodger Olson, Buffalo-Red River Watershed District Representative Gerald Van Amburg, Fargo City Administrator Pat Zavoral, Cass County Administrator Keith Berndt, Moorhead City Administrator Michael Redlinger, Clay County Administrator Brian Berg, Moorhead City Engineer Bob Zimmerman, Fargo City Engineer - April Walker, Tom O'Hara - CH2M.

Others present: U.S. Army Corps of Engineers Project Managers Aaron Snyder, Brett Coleman and Terry Williams, Eric Dodds - AE2S, Jon Diebel – CH2M, Lee Beauvais – Moore Engineering, Mark Lambrecht - AE2S, Dirk Draper - CH2M.

Approve October 11, 2012 Minutes

Bob Zimmerman moved the minutes of the October 11, 2012 meeting be approved as written. Darrell Vanyo seconded the motion. All the members voted aye and the motion was declared carried.

Purchase of Properties Under Hardship Policy

Eric Dodds said appraisals have been done on the three properties approved under the Hardship Policy and presented to the property owners. Two of the property owners have agreed with the appraisal amounts, he said, and work is underway to offer the third property owner an opportunity for a second appraisal later this winter. He said the purchase prices are \$217,000.00 and \$347,000.00, and includes an allowance of \$6,000.00 for relocation. The closing on the two properties is planned for November 30th and the Diversion Authority will take possession 30 days from the closing, he said. The property management firm, Coldwell Banker First Realty, is prepared to start managing the bought-out properties, he said.

Keith Berndt moved the recommendation to purchase two properties under the Hardship Policy be approved and forwarded to the Diversion Authority. Pat Zavoral seconded the motion. All the members voted aye and the motion was declared carried.

Oxbow Area Levee Information Update

Tom O'Hara said action was taken at a special meeting on October 23rd requesting that the U.S. Army Corps of Engineers conduct an analysis of the ring levee concept for Oxbow, Hickson and the Bakke Subdivision.

Brett Coleman said the Project Delivery Team was provided a document of items to consider from the City of Oxbow, some of which are the Corps' responsibility, some the Diversion Authority's responsibility and some would be split between the two. He said as part of the EA (Environmental Assessment) and NEPA (National Environmental

Policy Act), support to include ring levees would be sought from the Diversion Authority in February, followed by a 30 day public comment period, with NEPA review completion expected in July of 2013. He said more information will come to this committee as the process moves toward the February and July decisions.

Mayor Walaker said he is somewhat disappointed the communities were not receptive to the ring levee concept that was provided as an opportunity for protection. Now that the Corps will study that concept, he said, it is a step in the right direction and would provide protection much faster than waiting for authorization.

Pat Zavoral said it is important for the Corps to explain alternatives that exist if the communities choose not to accept a ring levee option. He said buyouts would not be approached with the immediacy of ring dikes.

Brett Coleman said buyouts are not required until a project is operational and, at the discretion of the Diversion Authority, could be one of the last things completed. He said while a ring levee is now under consideration, the existing plan is for buyouts.

In response to a question from Gerald Van Amburg about why a ring dike can be built prior to authorization, Pat Zavoral said it is a mitigation option that would be funded locally.

Rodger Olson said, based on conversations he has had with people from those areas, they may have been caught off guard to learn that a ring levee was even a possibility and were under impression that they needed to make a decision quickly. He said the initial 'no' response was arrived at without all the information and the response may change once more information is absorbed.

Agricultural Policy Subcommittee Update

Mark Lambrecht said the October 23rd Agricultural Policy Subcommittee Meeting was well attended and discussion centered on operational characteristics of the project moving forward. He said the presentation by the Houston/Moore Group included a computer simulation of 10, 50 and 100-year flood events demonstrating how water begins to fill, then decline, and showed virtually no impact at the 10 year level. That information was well received, he said, and prompted good discussion. He said there was also discussion on the soil/crops impact alternatives for land acquisition and flowage easements, recognizing that one solution does not fit all.

Upcoming Outreach Meetings - Horace and Drayton

Jon Diebel said a Public Outreach Meeting will be held in Horace on November 14th with an open house at 6:30 p.m. and a presentation at 7:00 p.m. followed by a question and answer session. Another Outreach Meeting will be held in Drayton on November 15th, he said.

Brett Colman said the \$6-12M Drayton dam reconstruction is part of the project, but it is not a feature that would be built prior to authorization.

Real Estate Cost Estimate Task Order

Jon Diebel said a task order will be taken to the Board today due to changes since the feasibility study. He said real estate costs will be updated because the design is

narrower in places, has different structures, changes in property valuations and reduced impacts.

ROE Team Update and Cultural Resources Easement Acquisition Status

Lee Beauvais said the overall effort for rights-of-entry has reduced in comparison to several months ago with the team currently seeking rights-of-entry with landowners for transportation improvements in the Rush River area. He said there were a dozen to fifteen parcels to start with and now that number is about half, with the remaining to be filed in court soon. The overall database is being updated due to ownership changes and the like, he said. If the Corps needs additional borings in Reach 1, he said, there will be a need to verify that the ROE's have not expired. Easements needed for nine instrumentation sites for Corps access are down to one remaining, he said, and there is a verbal agreement for that.

He said the Cultural Resources Easement Acquisition is ongoing with signed easements for all four areas where work is being done. The Corps team has completed survey work in Reach 1 and is close to completion with Reach 2, he said. Reach 3 will follow and Reach 4, which is not on agricultural land, is not expected to be completed until next spring, he said.

Other Business

Pat Zavoral said he has heard concerns from Harwood and Argusville area residents and farmers about how the wet side of the diversion will be and what kind of drainage system will work. He said past experience with the Interstate highway system during flood events gives cause for concern. He suggested farmers in that area be included as part of the outreach and said it would be a good idea to educate the public on what is happening outside the staging areas.

Rodger Olson said the water boards are able to bring farmers in and can be good avenues for providing information.

Tom O'Hara said following today's Diversion Board of Authority meeting the alignment should be determined. He said future meetings of this Committee will include impacts on drainage.

Eric Dodds said there were good discussions at previous Agricultural Subcommittee Meetings on drainage impacts on the northern reaches of the project. He said that information is readily available and could be presented to water board groups and this committee.

Lee Beauvais said modeling shows the Interstate will stay out of the water in that area.

Tom O'Hara introduced Dirk Draper who is part of the Program Management Consultant Team. He said Mr. Draper will be taking over as the lead in land management issues, transitioning with Jon Diebel. He said Mr. Diebel will still be involved and his experience and expertise will be utilized, but we will see much more of Mr. Draper.

The next meeting will be Thursday, December 13, 2012 at 2:00 p.m.

The meeting adjourned at 2:37 p.m.