

MINUTES OF MEETING  
DIVERSION AUTHORITY PUBLIC OUTREACH COMMITTEE  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
APRIL 9, 2014

The Diversion Authority Public Outreach Committee met on March 12, 2014, at 2:00 p.m. at the Cass County Highway Department, West Fargo, North Dakota

The following Committee members were present: Rodger Olson, Cass County Joint Water Resource District; Brad Wimmer, Fargo City Commissioner; Mike Thorstad, West Fargo City Commissioner; and Gerald Van Amburg, Buffalo-Red River Watershed District. Absent were Ken Pawluk, Cass County Commissioner; Kevin Campbell, Clay County Commissioner; Brenda Elmer, Moorhead City Commissioner and Jacob Gust, ad hoc Committee Member.

Also present were Eric Dodds, Rocky Schneider and Daron Selvig, Advanced Engineering and Environmental Services, Inc.; Lyndon Pease, Moore Engineering, Inc.; Carol Harbeke Lewis, Cass County Joint Water Resource District Secretary-Treasurer; Brittany C. Moen, Cass County Joint Water Resource District Administrative Assistant; Sharon Josephson, Congressman Collin Peterson's Office; Justin Forde, Senator John Hoeven's Office; Don Nelson, property owner in the Comstock area; Melissa McCannon and Pat Champller, NDSU College of Environmental Engineering.

Rodger Olson called the meeting to order.

**Minutes**

It was moved by Mike Thorstad, seconded by Brad Wimmer and unanimously carried to approve the minutes of the March 12, 2014, meeting.

**Right of Entry Committee report**

Lyndon Pease updated the Committee on access issues relating to the Metro Flood Diversion Project. Geotechnical surveys regarding the Wild Rice River Dam project near Cass County Highway 14 will be performed the second week of May, and the work should take 2 weeks.

Mr. Pease said cultural resources visual impact surveys have yet to be done in a half mile zone around the in-town levees footprint downtown.

Access will no longer be required to 2 of the 7 properties originally needed for cultural resources visual impact surveys in a half mile zone around the Oxbow-Hickson-Bakke Subdivision Ring Levee project after discussions with the landowners.

### **Lawsuit update**

Rocky Schneider distributed a news release regarding the Federal hearing for the Metro Flood Diversion Project held on April 3 in Duluth, Minnesota. The Diversion Authority made a motion to dismiss three of the four counts of a complaint filed by the Richland-Wilkin Joint Powers Authority (JPA). The Magistrate Judge heard arguments and gave the JPA 14 days to amend its complaint to exclude the 3 defective counts, and to obtain approval of the amendment from all parties.

Eric Dodds said the Magistrate Judge will make a recommendation to the District Court Judge, who will then make a ruling. Mr. Schneider said all parties can ask for more time if necessary to come to an agreement on the amendment to the complaint.

### **Federal funding and authorization update**

Mr. Schneider updated the Committee on issues relating to Federal funding for the project and the status of authorization. He explained that no Federal dollars will be allocated until the project is authorized. The project is currently in the Conference Committee, and they hope to see a decision made by the first week of May.

### **Public meeting in Oxbow – Oxbow-Hickson-Bakke Ring Levee Project**

The Corps of Engineers has expressed interest in hosting another public meeting with the local design team in Oxbow to discuss the Oxbow-Hickson-Bakke Ring Levee Project by the end of June. Mr. Dodds said these meetings will be directed towards residents who plan to relocate within Oxbow.

### **Minnesota Department of Natural Resources Environmental (DNR) Impact Study (EIS) update**

Mr. Schneider said the local project design team has been providing the Minnesota DNR with project design updates periodically. Mr. Van Amburg said the Minnesota DNR has agreed the Oxbow-Hickson-Bakke Ring Levee is a separate utility from the Metro Flood Diversion Project, and is now focusing their efforts in Minnesota.

### **Maple River aqueduct physical model visit**

Mr. Schneider said the \$7 million effort to construct a physical model of the Maple River aqueduct has been completed in Rosemount, Minnesota. The aqueduct will convey water from the Maple River over the top of the diversion and allow connectivity of the river. Excess water would flow into the diversion channel. Plans are underway for an open house to see the model sometime in August. Mr. Pease said a second model may be constructed for the Sheyenne River in the future.

### **Local candidates briefings**

Mr. Schneider said local candidates frequently request information on the Metro Flood Diversion Project, and he anticipates more informational meetings in the future.

**E-Newsletter /FMDiversion.com update**

Daron Selvig said an e-newsletter is scheduled for distribution the middle of next week. Articles included in the e-newsletter will review the Federal hearing on the Metro Flood Diversion Project, discuss why retention alone is not enough, provide historical information regarding spring flooding in the area and give an overview of the discussion at tomorrow's Diversion Authority meeting.

Mr. Selvig distributed an Analytics and Public Comments Report from the project website for the Committee's review. He pointed out that the site continues to get new viewers.

**Flood risk reduction / development of detention projects**

Mr. Olson updated the Committee on Cass County Joint Water Resource District meetings held in Casselton regarding the development of detention projects for the Rush River, Buffalo and Swan Creek watersheds. He said funding possibilities were presented to landowners, and landowners were given the opportunity to ask questions and provide input.

**Public Outreach Committee – new member**

Mr. Schneider said Craig Whitney, President and CEO of the Fargo Moorhead West Fargo Chamber of Commerce, will be joining the Public Outreach Committee as a representative for the Business Leaders for Permanent Flood Protection Task Force.

**Adjournment**

There being no further business to be considered, the meeting adjourned without objection.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Cass County Joint Water Resource District  
Secretary-Treasurer