

MINUTES OF MEETING
DIVERSION AUTHORITY PUBLIC OUTREACH COMMITTEE
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
MAY 7, 2014

The Diversion Authority Public Outreach Committee met on May 7, 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; Kevin Campbell, Clay County Commissioner; Ken Pawluk, Cass County Commission; Brad Wimmer, Fargo City Commissioner; Mike Thorstad, West Fargo City Commissioner; Brenda Elmer, Moorhead City Commissioner; Gerald Van Amburg, Buffalo-Red River Watershed District; and Jacob Gust, ad hoc Committee Member.

Also present were Darrell Vanyo and Vern Bennett, Cass County Commissioners; 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; Jason Benson, Cass County Engineer; and Don Nelson, property owner in the Comstock area.

Rodger Olson called the meeting to order.

Minutes

It was moved by Mike Thorstad, seconded by Jacob Gust and unanimously carried to approve the minutes of the April 9, 2014, meeting.

Right of Entry Committee report

Lyndon Pease updated the Committee on access issues relating to the Metro Flood Diversion Project. He displayed a map showing where access has been acquired, and where access is needed on the proposed project alignment and in the staging area.

Geotechnical surveys regarding the Wild Rice River Dam project near Cass County Highway 14 will start this week. They may not be able to do the work as the dam is inundated at this time. Cultural resources surveys will be conducted this summer on the in-town levees. Phase I cultural resources surveys will be done in the area northwest of West Fargo this fall. Mr. Pease added that the Corps of Engineers has completed raptor surveys looking for habitats and identified an eagle's nest.

Rocky Schneider informed the Committee that the letters and *Access Agreements* for the Minnesota side of the project have yet to be sent. The matter is on the next Moorhead City Council meeting agenda for discussion.

Metro Flood Diversion Project – in-town levees – property acquisition

Mr. Schneider distributed information regarding in-town levee acquisitions for the Metro Flood Diversion Project. He discussed communication with the owner of the Park East Apartments property, which is required for the project. He said the apartment is home to approximately 200 tenants, and relocation assistance for tenants will be offered. The Committee wants to prioritize keeping tenants informed with the timeline of relocation. Mr. Schneider said each tenant will be met with individually in the next few weeks.

Federal authorization / WRDA update

Mr. Schneider updated the Committee on issues relating to Federal funding and the status of authorization of the project. He said the Senate has sent a compromised version of the Water Resources Reform and Development Act (WRRDA) bill to the House. He said the bill is expected to be on the floor within the next week for a vote.

Lawsuit update

Mr. Schneider updated the Committee on information regarding the Federal hearing for the Metro Flood Diversion Project held on April 3. He said the Judge has granted more time to the Richland-Wilkin Joint Powers Authority (JPA) and the Diversion Authority to come to an agreement on the amendment to the complaint filed by the JPA.

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

Kevin Campbell will forward the response to the Minnesota DNR made by the Minnesota side of the project regarding the EIS to the Diversion Authority members. Mr. Schneider said the local project design team continues to have communication with the Minnesota DNR and provides design updates periodically. He added that the Mayors of Oxbow and Comstock, as well as Cass County Commissioner Darrell Vanyo, have kept up communication with the Minnesota DNR.

Policy on public responses to incorrect information

The Committee discussed developing a policy regarding public response to incorrect information about the Metro Flood Diversion Project. Ken Pawluk stressed the Committee has a responsibility to correct false information. Brad Wimmer said a combination of multiple media outlets may be used to respond to incorrect information regarding the project.

Mr. Pawluk added he would like the Red River Basin Commission to clarify any incorrect public statements made by others regarding detention. Mr. Schneider will work to set up a meeting with the Red River Basin Commission to discuss the matter.

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 include a Federal authorization update, discussion on how the in-town levees will improve the Metro Flood Diversion Project, updates on in-town acquisitions and the Minnesota DNR EIS 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 than an article on why retention alone could not take the place of the Metro Flood Diversion Project, which was in the April e-newsletter, saw a lot of activity on the website.

Rodger Olson suggested that more information on the reason for and importance of the staging area be available to the public.

Flood risk reduction / development of retention projects

Sharon Josephson said the Red River Retention Authority is working for recognition as one of the 8 Critical Conservation Areas designated by the United States Secretary of Agriculture the last week of May.

The Committee discussed how retention would complement the project. Mr. Campbell said retention has the potential to minimize future impacts in the proposed staging area.

Mr. Pawluk added that Cass County has committed flood sales tax dollars for flood control in rural Cass County.

Diversion Project Assessment Committee (DPAC) update

Mr. Schneider reported that outreach efforts to local communities will begin in July to introduce the proposed special assessment district for the Metro Flood Diversion Project developed by the DPAC. He hopes a vote on the assessment district will take place at the end of the year.

Adjournment

There being no further business to be considered, it was moved by Mr. Pawluk, seconded by Mr. Campbell and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

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