

DIVERSION AUTHORITY
PUBLIC OUTREACH COMMITTEE
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
WEDNESDAY, MARCH 9, 2016
1:00 P.M.

The Diversion Authority Public Outreach Committee met on March 9, 2016, at 1:00 p.m. at the Cass County Highway Department, West Fargo, North Dakota.

The following Committee members were present: Kevin Campbell, Clay County Commissioner; Ken Pawluk, Cass County Commissioner; Mike Thorstad, West Fargo City Commissioner; Brenda Elmer; Moorhead City Council; and Jacob Gust, ad hoc Committee Member (by phone); and those whose names appear on the attached roster.

Absent were Rodger Olson, Cass County Joint Water Resource District; Melissa Sobolik, Fargo City Commissioner; Elly Peterson, Fargo-Moorhead West Fargo Chamber of Commerce and Gerald Van Amburg, Buffalo-Red River Watershed District.

Kevin Campbell conducted the meeting.

Right of Entry Committee report

Lyndon Pease gave an update on Right of Entry. Mr. Pease stated preparations are in progress for 90 meets and bounds surveys on property at the northern end of the diversion channel. Approximately 53 *Right of Entry Agreements* have been received from property owners in this area. Consultants have begun pre-acquisition activities.

Additional parcels are needed for surveys along the western alignment of the diversion channel and along embankments in the staging area in North Dakota and Minnesota for 2016 and 2017.

Brief discussion was held on obtaining surveys and information on the section corners needed in North Dakota and Minnesota for the diversion inlet structure.

North Dakota legislative update / federal appropriations information

Rocky Schneider presented and briefly reviewed the testimony given by Mayor Tim Mahoney, City of Fargo, and Colonel Daniel C. Koprowski, Corps of Engineers District Commander, to the Water Topics Overview Committee on March 8, 2016.

Mr. Schneider reviewed the Corps of Engineers *2016 Work Plan* that named the Metro Flood Diversion Project as one of six new construction starts in the country. Mr. Schneider explained the new start provision allows the Metro Flood Diversion Project to be included in future annual funding to the Corps of Engineers without specific Congressional action. The *2016 Work Plan* includes \$5 million to be obligated by September 30, 2016.

Mr. Schneider explained the Corps of Engineers *2016 Work Plan* includes restrictive language that precludes a Project Partnership Agreement for construction of the project, or use of federal funds for its construction, until the Assistant Secretary of the Army, Civil Works, determines that the Corps of Engineers is likely to resolve any outstanding regulatory issues that could affect the prospects for completing construction of the project. The Corps of Engineers will continue to work with the Minnesota Department of Natural Resources (DNR). They have also submitted permit applications to both the North Dakota State Water Commission and the Minnesota DNR.

Discussion was held on the federal appropriations, how appropriations are awarded, state funding, and an updated financial plan for the Metro Flood Diversion Project.

Minnesota Department of Natural Resources EIS review

Mr. Schneider stated the Minnesota Department of Natural Resources is planning to publish the final *Environmental Impact Statement* (EIS) in May 2016. Discussion was held on the EIS process, construction timelines, and permits needed to begin construction.

Mr. Schneider gave the Committee an update on the meeting with the Mayors of Fargo and Moorhead, Timothy Mahoney and Del Rae Williams; Clay County Administrator, Brian Berg; Moorhead City Administrator, Michael Redlinger; and Cass County Commissioner, Mary Scherling; to review the draft *Joint Powers Agreement*. He stated the meeting was very positive and focused on the support needed from Minnesota for the Metro Flood Diversion Project. Kevin Campbell and Brenda Elmer stated they would have appreciated an invitation to the meeting, but were not made aware of it. Mr. Campbell suggested for future meetings, it would be a good idea to make sure voting members are present.

ND Water Topics Overview Committee update

Mr. Schneider stated the legislature asked the Diversion Authority if they have heard from the Wilkin County Commission or Richland County Commission on the invitation to appoint an Upstream Member to the Diversion Authority Board. Mr. Schneider stated it was explained to the legislature that although many attempts have been made to discuss the invitation and board position, they have not responded and are unwilling to meet. Mr. Schneider told the Committee the Upstream Coalition was also asked to participate in cemetery mitigation, but he was told they would have to consult their attorney.

Discussion was held on the questions asked by the legislature regarding land acquisition for the Metro Flood Diversion Project. It was explained to the legislature the Diversion

Authority was approached by property owners who wanted to sell their land, and because the property was needed for the project, the opportunity was not lost to acquire the property. Committee members stressed land acquired for the Metro Flood Diversion Project will be responsibly and appropriately acquired and managed for the best interest of the property owners and the project.

Business Leaders Flood Taskforce

Mr. Schneider is continuing to work with the Business Leaders Flood Taskforce to schedule meetings congruent to the 6-Entity Diversion Authority monthly informational meetings. Brenda Elmer gave a few ideas on how the Business Leaders Flood Taskforce could reach out to local officials.

6-Entity Diversion Authority informational meeting

Mr. Schneider updated the Committee on the 6-Entity Diversion Authority informational meetings to be scheduled for the end of March 2016. Information will be presented on the draft *Joint Powers Agreement* and the updated project cost estimate.

Discussion was held on scheduling monthly 6-Entity Diversion Authority informational meetings and a request was made to schedule and send notice of the meetings in advance so they can be well attended. Mr. Schneider offered to record the meetings and provide a link to the recording on the FMDiversion.com website.

Discussion was held on the draft *Joint Powers Agreement* regarding the Metro Flood Diversion Project. Mr. Campbell stated there are many areas in the agreement he felt could be left up to interpretation. Mr. Schneider stated he and John Shockley will be available to present and review the draft *Joint Powers Agreement* at the Clay County Commission meeting on March 22, 2016. Mr. Campbell stated most of his concerns are to protect the interests of Clay County property owners and citizens in the City of Moorhead. He suggested a 3-Entity informational meeting to discuss the draft *Joint Powers Agreement* with Clay County, the City of Moorhead, and Buffalo-Red River Water Resource District.

E-Newsletter topics

Mr. Schneider stated AE2S has hired Tammy Jo Taft to help with the E-newsletter. The most popular article viewed in February provided information on the construction that will begin on the diversion inlet structure south of Horace by the Corps of Engineers.

FMDiversion.com

Many questions were submitted through the website from property owners on the potential impact from the Metro Flood Diversion Project.

Mitigation process for cemeteries

Mr. Schneider stated a local cemetery mitigation team will be formed to discuss mitigation options identified by the Corps of Engineers for cemeteries impacted by the Metro Flood Diversion Project. The local cemetery mitigation team will work to develop cemetery mitigation goals and solutions.

Western Cass Flood Insurance Study

A series of meetings will be held on March 16 and 17, 2016, at the Cass County Highway Department, Harwood and Mapleton Community Centers, with representatives from the Federal Emergency Management Agency (FEMA) and North Dakota State Water Commission to discuss preliminary products associated with the FEMA Risk MAP (mapping, assessment and planning) program.

Adjournment

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

APPROVED:

Rodger Olson
Chairman

ATTEST:

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