



**DIVERSION AUTHORITY  
Land Management Committee  
City Commission Room  
Fargo City Hall  
Wednesday, August 23, 2017  
3:00 p.m.**

1. Agenda Review
2. Approve July 26, 2017 Minutes (**item A**)
3. Property Acquisition Report (**item B**)
4. CCJWRD Update
5. USACE Rights of Entry Request (**item C**)
6. USACE ROW Request for Wild Rice Control Structure (**item D**)
7. Cultural Mitigation Update
8. Other business
9. Next meeting September 27, 2017

*These minutes are subject to approval.*

**DIVERSION AUTHORITY  
Land Management Committee  
City Commission Room  
Fargo City Hall  
Wednesday, July 26, 2017  
3:00 p.m.**

Present: Cass County Commission Representatives Mary Scherling and Chad Peterson; Clay County Representatives Kevin Campbell and Jenny Mongeau; Moorhead Mayor Del Rae Williams; Moorhead City Engineer Bob Zimmerman; Fargo City Commissioner John Strand; Fargo Division Engineer Nathan Boerboom; Fargo City Administrator Bruce Grubb; Oxbow Mayor Jim Nyhof.

Others Present: Eric Dodds - AE2S (via teleconference); Dean Vetter - AE2S; Mark Brodshaug - Cass County Joint Water Resource District.

Absent: Moorhead City Council Representative Heidi Durand; Cass County Joint Water Resource District Representative Rodger Olson

The meeting was called to order by Chair Mary Scherling.

Agenda Review

Mr. Campbell moved to approve the agenda. Second by Mr. Grubb. All the members present voted aye and the motion was declared carried.

Minutes approved

Mr. Strand moved the minutes from the June 21, 2017 meeting be approved. Second by Mr. Zimmerman. All the members present voted aye and the motion was declared carried.

Property Acquisition Report

Mr. Vetter reviewed the Property Acquisition Status Report dated 7/19/2017. He pointed out the diagrams showing acquired property and properties with purchase agreements in hand. He said since the report was printed, three parcels (921, 924 and 925) are scheduled to close at the end of the month. He said the appraisal review on the Drain 14 Phase 2, Stu Johnson property, is due to be brought forward.

In response to a question from Mr. Boerboom regarding timing of the Corps completion of cultural mitigation work on the Phase 3 lands, Mr. Vetter said those should be done this year; however, there were some contract issues on one of the two.

In response to a question from Mr. Strand about categorizing these sites as cultural mitigation areas and if they are Native American sites, Mr. Vetter said they are listed

under Cultural Mitigation due to some details being found these sites needed a higher level of survey and required a closer look.

Mr. Dodds said the cultural mitigation areas are where different phases of cultural investigation work have been done, typically involving 3 phases. He said the entire project requires a Phase 1, and if artifacts are found it goes to a Phase 2, and if there are substantial artifacts found it goes to Phase 3. He said the Phase 3 process can involve unearthing artifacts and the work is done closely with the State Historical Preservation Office (SHPO) and the Corps archeological office. He believes there are some Native American artifacts and, he said, there have been discussions with the Corps about doing more outreach. The Corps has been in contact with the ND SHPO and the tribes, he said, and he expects as that work comes close to starting in late summer or early fall, there will be a ramp-up of outreach activity. More details will be brought forward in the next month or two about those outreach plans, he stated.

Mr. Strand said the sooner communication begins the better. He said it would be best to avoid a situation with Native American tribes where it can be said the SHPO officers do not recognize cultural sites for what they may be; however, Native Americans might. He said he sits on the Native America Commission and if he can connect in any way or help with connections with other tribal leaders, he is willing to help.

In response to a question from Ms. Scherling on the progress of negotiations and appraisals, Mr. Vetter said the lands in the Phase 1 area have been gaining momentum. He said even in the inlet area and with the eminent domain activity, communication continues and due diligence is being done to find resolutions. He said requests for voluntary acquisitions are becoming more prevalent.

Mr. Brodshaug said in the past three to four weeks there has been agreements for about \$8 million to \$9 million worth of land, so things are moving. He said it takes time and a lot of negotiation to get to the point where people are agreeing to settle.

In response to a question from Ms. Scherling about whether opportunities to acquire land for trade are actively being sought, Mr. Vetter said in areas where an acquisition is needed, remnants are considered and that land would not necessarily be sold right away, it may be retained for potential trade or sale later.

Mr. Brodshaug said the position has been to not buy property strictly to have in inventory for trade, or to buy land to trade as part of a negotiation. He said the purchase of a whole parcel is considered and remnants not needed could be sold or traded off. It is difficult to match parcels up, he said; however, efforts are made to make an exchange easier as far as legal language and timeframes.

In response to a question from Ms. Williams about tax deferrals on exchanges, Mr. Brodshaug said language could be worked into a purchase agreement for IRS 1033 tax deferred exchanges, which apply when there is a threat of eminent domain. He said all the acquisitions now could theoretically end in eminent domain even though all efforts are being made to avoid that.

In response to a question from Ms. Scherling about whether there is pressure to move forward quickly with any properties, Mr. Brodshaug said the one cultural site left to acquire has some urgency to be completed before construction of various stages can begin.

Mr. Boerboom said there is a deadline early next year for financial close for the P3 developer. He said at some point in the upcoming months a decision needs to be made on Phase 1 acquisitions and whether to move forward with quick take on some of those properties.

#### CCJWRD Update

Mr. Brodshaug said CCJWRD is reducing the expense for the security patrol in Oxbow; however, security will be retained at other project owned property.

#### Flowage Easement Valuation Request for Qualifications:

Mr. Dodds said there have been discussions on the importance of determining the value of flowage easements, including a review of the proposal from Crown Appraisals, Inc., and given its importance and the potential fees, there is value in doing an RFQ to solicit proposals from different appraisal companies. He said there is comfort with Crown's work; however, it is important to get the right company onboard and to search out whether there are other appraisal firms that may have other good ideas or other technology to use. The draft RFQ has been through several rounds of review, he said, and includes selection criteria and a schedule.

Mr. Strand said he feels it is important to weigh whether or not there is a long-term valuation change on lands relative to easements being placed on the properties.

Mr. Dodds said appraisers will have challenges since the easement needs to be obtained today and is intended to be a perpetual easement with a one-time payment. He said there may be scenarios where an annuity-type payout or other mechanism could be contemplated; however, appraisers will be looking at market value today and will have to take long-term impacts into account. Development restrictions and ag production both play a role in long-term value impact, he said.

In response to a question from Ms. Mongeau about how much weight inundation amounts carry, Mr. Dodds said the maps he shared show the extent of flooding at the different frequency events; however, the hydraulic model and the NDSU study also look at the time component of how long the water will be on the land. He said those maps are digital-type information and very large, making them difficult to convey in an agenda packet.

In response to a question from Ms. Williams asking if the appraisal firm would be licensed and experienced in both states and have knowledge on the rules in each, or whether there would be a firm for each side, Mr. Dodds said the intention is to hire one firm licensed to work in both North Dakota and Minnesota. He said the RFQ will be

helpful in showing the capabilities and strength of a firm for both sides of the river. He said he anticipates hiring one firm; however, depending on the proposals received, that path could be altered.

Mr. Campbell pointed out that in the draft, the request is for a firm to be licensed to work in Minnesota and North Dakota. He said he feels that needs to go a step further to require it, not just request it. Not being properly licensed in one of the two states should be grounds for disqualification, he stated.

Mr. Strand said programs such as the federal crop insurance program may be at risk and it would be wise to keep that on the radar, not knowing how such programs will affect dialogue.

Mr. Dodds said he has heard concerns from producers about the future of the crop insurance program. He said while that is another factor to consider, those concerns exist with or without this project. It is best to look at what the project is responsible for, he said, and what can be controlled. He said he would like this committee to make a recommendation to the CCJWRD Board to solicit and hire an appraisal firm.

Mr. Campbell said from past discussions he has heard there is a comfort level from producers with Crown Appraisals, Inc. and he hopes they will actively pursue this work. In fairness, and in dealing with public dollars, he said he feels it is good to send out this RFQ.

Mr. Campbell moved the recommendation to solicit and hire an appraisal firm through a RFQ be forwarded to the CCJWRD Board with changes as discussed. Second by Mr. Peterson. All the members voted aye and the motion was declared carried.

#### Use and Access of Project-Owned Lands

Mr. Dodds said this agenda item is related to hunting access. Much of the project-owned land is being managed by Pifer's, he said, and those farmland rental agreements currently require the tenant be responsible for posting the land and controlling access. Generally that course will be followed for 2017, he said; however, later this year and early in 2018, a hard look will be taken at all of the farmland rental agreements in anticipation of dirt being turned starting in 2018.

Ms. Scherling said it could be a can of worms to let people onto property for hunting if they do not live right next to it, and she sees no good reason to do it.

Mr. Vetter said most tillable land is being farmed right now and managed by Pifer's. He said a renter has hunting rights to an entire parcel, not only the area being farmed.

Mr. Brodshaug said a couple years ago there was a request to cut dead trees for firewood and at that time a policy was developed for a license agreement allowing a third party access for something like that. He said the language was left somewhat vague to be used for a variety of access; however, hunting is different which is why the policy is being looked at specifically address hunting.

### Other Business

In response to a request from Mr. Strand for an update on the auction on the property south along the river by Oxbow, Mr. Vetter said the sale exceeded expectations selling for \$127,500.00, roughly over \$4,500.00 per acre.

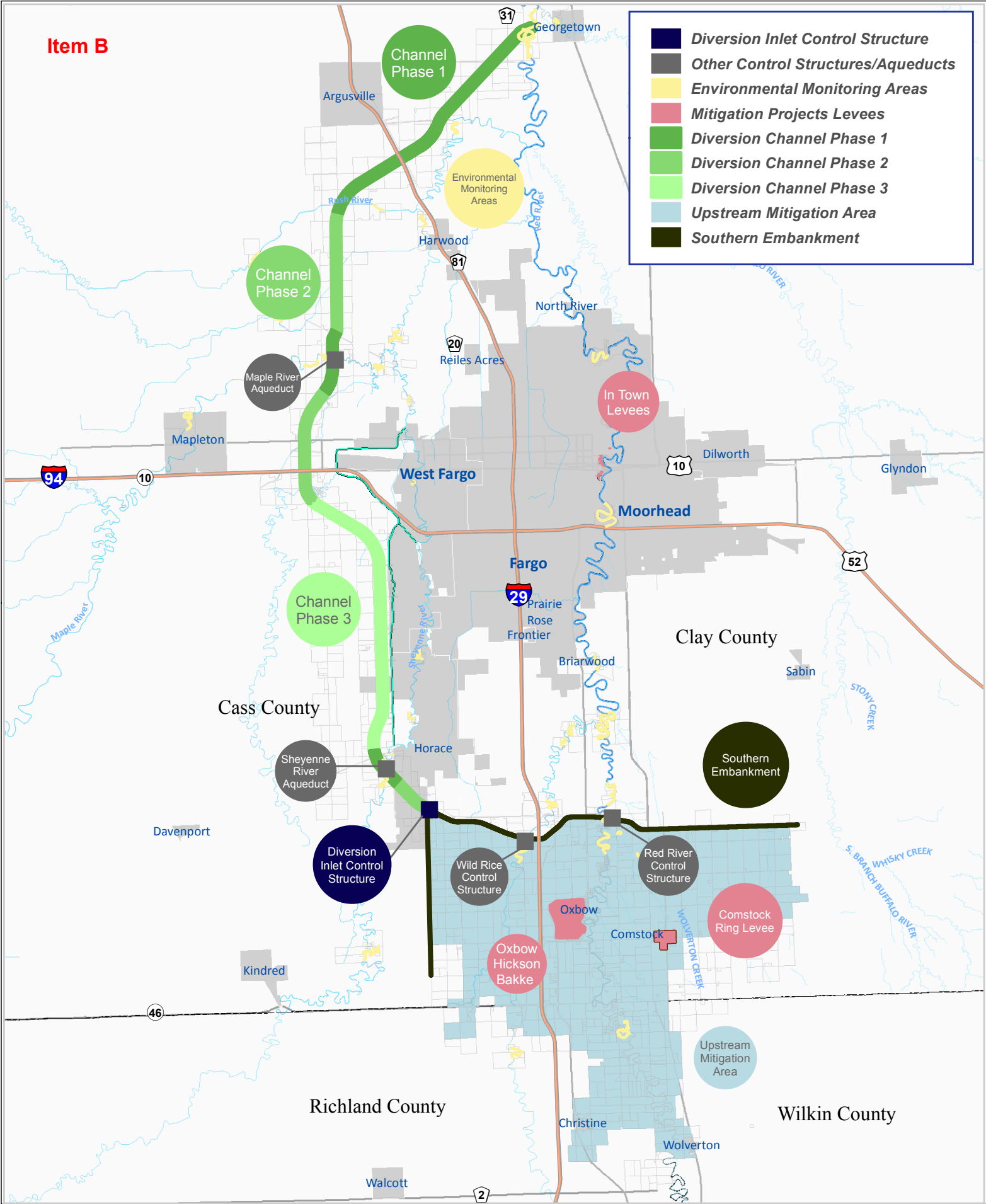
Mr. Peterson moved the meeting be adjourned. Second by Mr. Campbell. All the members present voted aye and the motion was declared carried.

The meeting adjourned at 3:36 p.m.

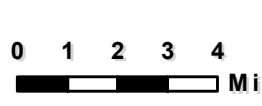
The next meeting will be August 23, 2017 at 3:00 p.m.

**Item B**

-  **Diversion Inlet Control Structure**
-  **Other Control Structures/Aqueducts**
-  **Environmental Monitoring Areas**
-  **Mitigation Projects Levees**
-  **Diversion Channel Phase 1**
-  **Diversion Channel Phase 2**
-  **Diversion Channel Phase 3**
-  **Upstream Mitigation Area**
-  **Southern Embankment**

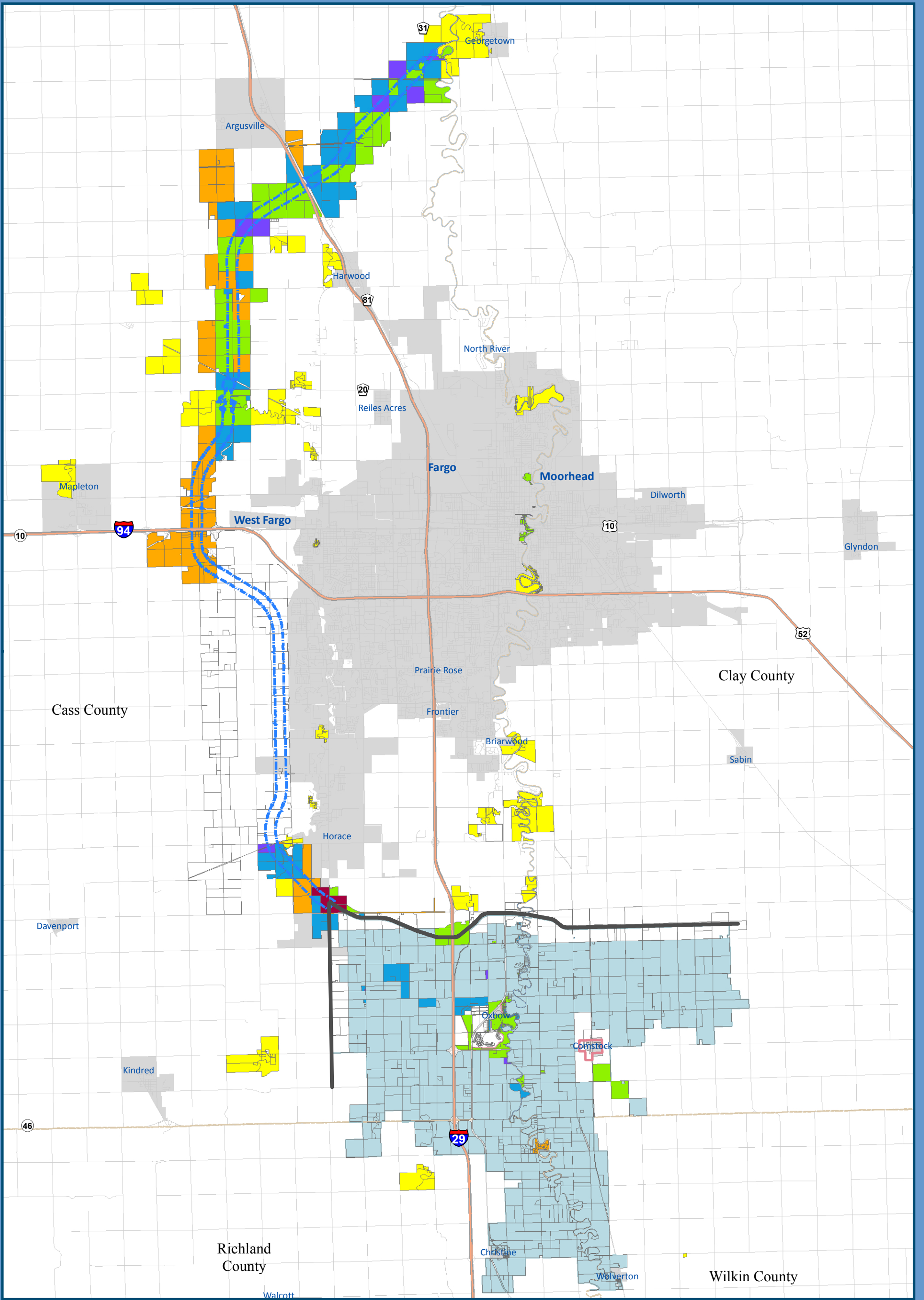


Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable, The Diversion Authority does not guarantee the accuracy of the information, and waives any warranty or guarantee of any kind, express or implied. The data involved in the project is continuously refined and revised; you should not rely on this information for technical purposes or accuracy.



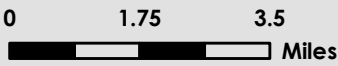
**FM Area Diversion  
Key Acquisition Areas**





Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.  
 Date: 8/16/2017 | Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet

STATUS	
	Appraisal Pending (108)
	In Negotiation (107)
	Purchase Agreement Signed (16)
	Acquired; Easement Secured (181)
	Condemnation for Acquisition (6)
	Future Acquisitions (351)
	Future Flowage Easement (688)
	Bio/Geo Monitoring Only (356)
	<b>Total Parcels (1,813)</b>



## Property Acquisition Status Report

08/16/2017





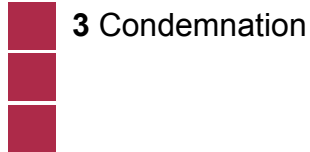
# Diversion Inlet Area



## Diversion Inlet Control Structure

(WP 26)  
Targeted Completion: Complete

### Parcel Status



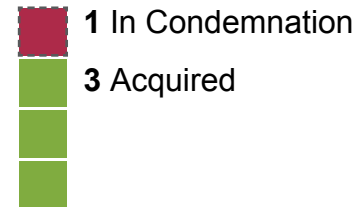
**3 parcels total**

- Appraisal Pending
- In Negotiation
- Agreement Signed
- Acquired Parcel
- Condemnation
- Change from last report

## County Roads 16 & 17 Roundabout

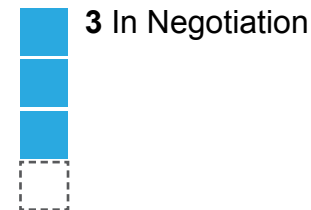
(WP 28A)  
Targeted Completion: Complete

### Parcel Status



**Roundabout**

(WP 28B)  
Targeted Completion: Complete



**Re-route after Channel Construction**

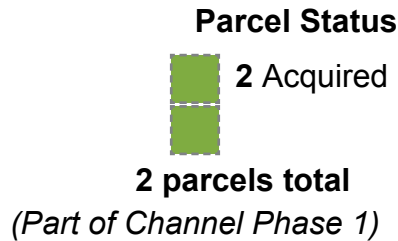
**7 parcels total**

- Appraisal Pending
- In Negotiation
- Agreement Signed
- Acquired Parcel
- Condemnation
- Change from last report

# Cultural Mitigation Areas

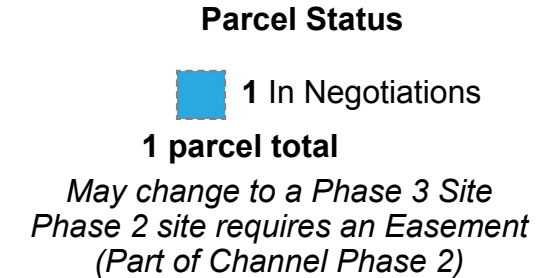
## Sheyenne River Phase 3 Sites

(32-CS-201) Target Completion: Complete



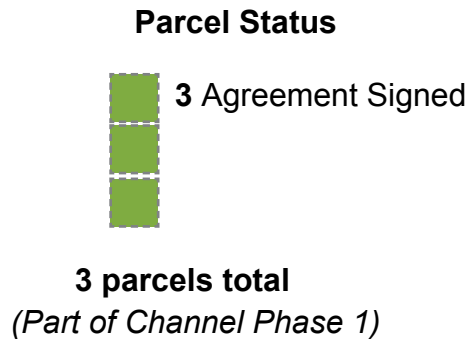
## Drain 14 Phase 2 Site

(32-CS-5135) Target Completion: Fall 2017



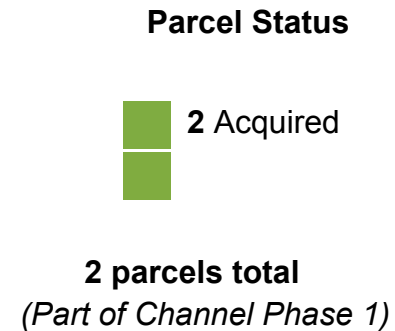
## South of Maple River Phase 3 Site

(32-CS-5127) Target Completion: Complete



## North of Maple River Phase 2 Site

(32-CS-5139) Target Completion: Complete

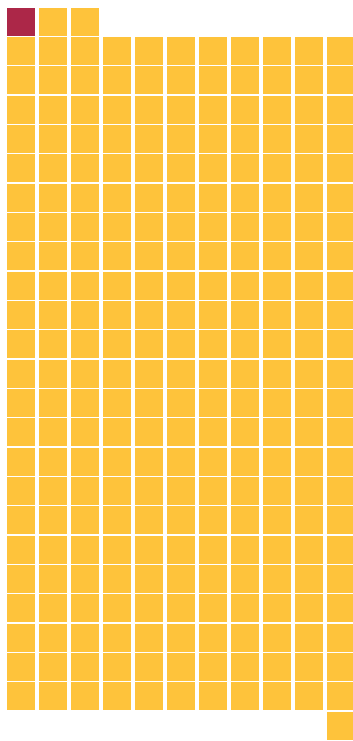


-  Appraisal Pending
-  In Negotiation
-  Agreement Signed
-  Acquired Parcel
-  Condemnation
-  Change from last report

# Environmental Monitoring Areas

## Cass County

Parcel Status

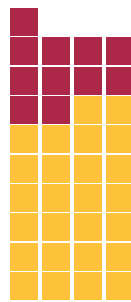


257 parcels total

- Letters Sent/Communication Initiated - Mailed 02/03/17
- 256 Signed ROE - Expires 12/31/18
- 1 Filed for Court Action
- Signed Easement
- Change from last report

## Richland County

Parcel Status

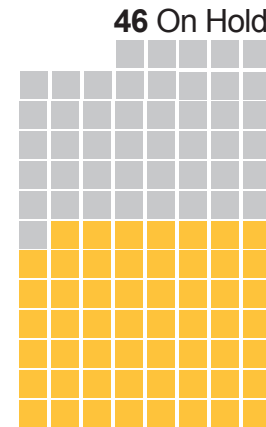


37 parcels total

- Letters Sent/Communication Initiated Mailed 02/23/17
- 26 Signed ROE - Expires 12/31/18
- 11 Filed for Court Action - Hearing 07/25/17
- Signed Easement
- Change from last report

## Clay County

Parcel Status

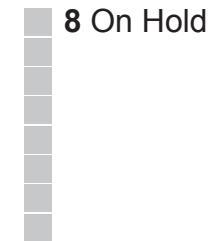


101 parcels total

- Letters Sent/Communication Initiated
- 55 Signed ROE (City of Moorhead/Clay County)
- Filed for Court Action
- Signed Easement
- Change from last report

## Wilkin County

Parcel Status



8 parcels total

- Letters Sent/Communication Initiated
- Signed ROE
- Filed for Court Action
- Signed Easement
- Change from last report

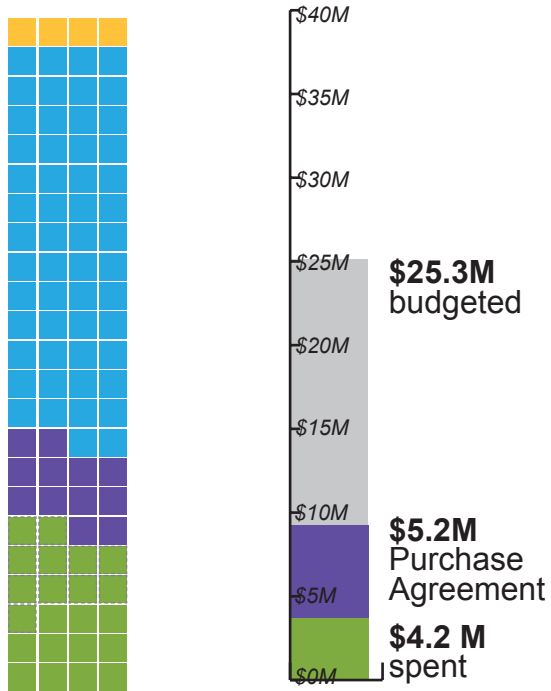
# Diversion Channel

## Phase 1

Target Completion: Feb. 2018

Parcel Status

Hard Costs paid to Property Owners



92 parcels total

- 4 Appraisal Pending
- 54 In Negotiation
- 12 Agreement Signed
- 22 Acquired Parcel
- Condemnation
- Change from last report

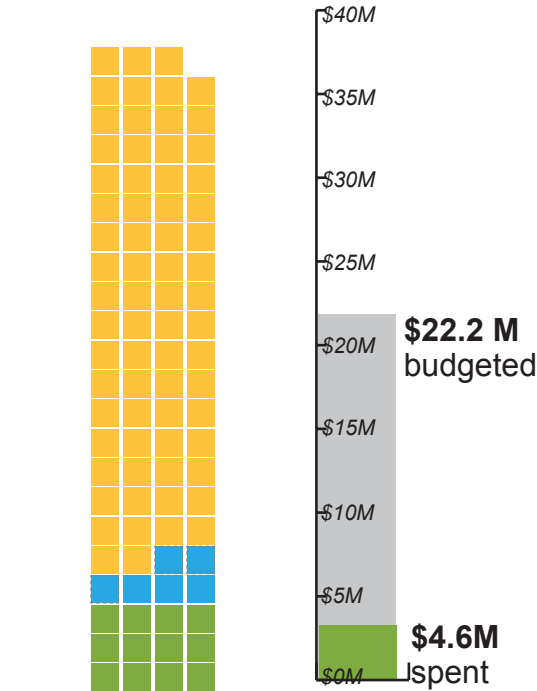
- Budgeted
- Purchase Agreement
- Spent

## Phase 2

Target Completion: Aug. 2018

Parcel Status

Hard Costs paid to Property Owners



87 parcels total

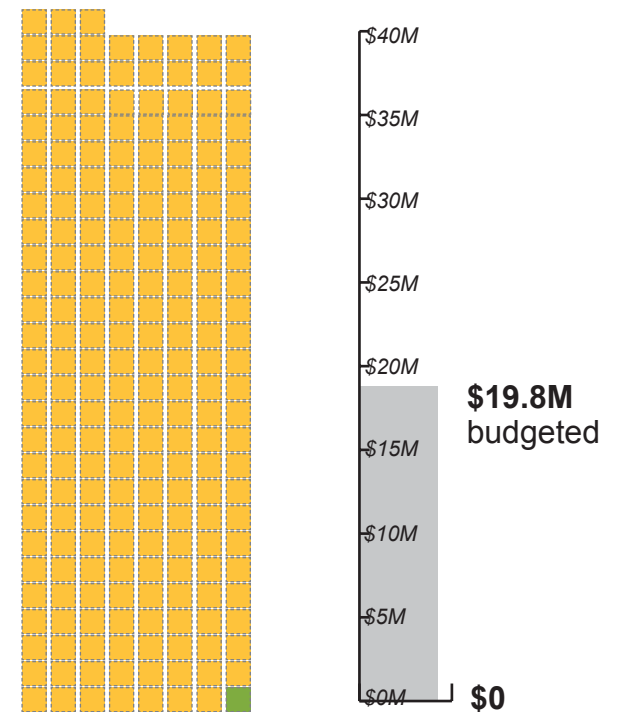
- 70 Appraisal Pending
  - 6 In Negotiation
  - Agreement Signed
  - 11 Acquired Parcel
  - Condemnation
  - Change from last report
- Budgeted
  - Purchase Agreement
  - Spent

## Phase 3

Target Completion: April 2019

Parcel Status

Hard Costs paid to Property Owners



187 parcels total

- 186 Appraisal Pending
  - In Negotiation
  - Agreement Signed
  - 1 Acquired Parcel
  - Condemnation
  - Change from last report
- Budgeted
  - Purchase Agreement
  - Spent

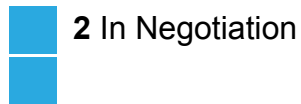
# Mitigation Projects



## Wild Rice Dam Removal

(WP 36)  
Targeted Completion: Not in 2017 Budget

### Parcel Status



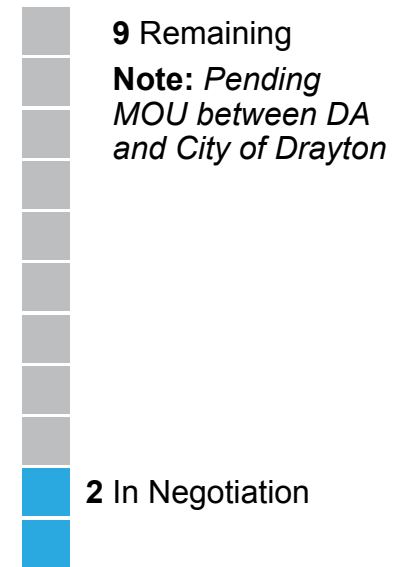
2 parcels total

- In Negotiations
- Signed ROE
- Signed Easement

## Drayton Dam Replacement

(WP 40)  
Targeted Completion: Not in 2017 Budget

### Parcel Status



11 parcels total

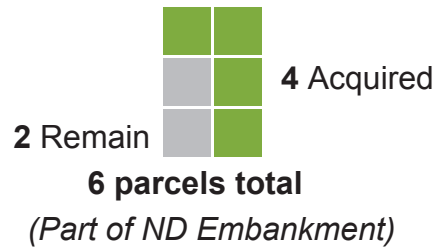
- In Negotiations
- Signed ROE
- Signed Easement

# Southern Embankment

## Wild Rice Control Structure

Target Completion: May 2018

### Parcel Status



## ND Embankment

Target Completion: May 2019

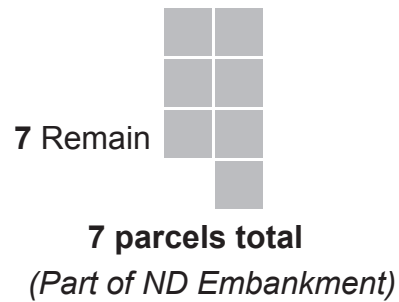
### Parcel Status



## Red River Control Structure

Target Completion: May 2019

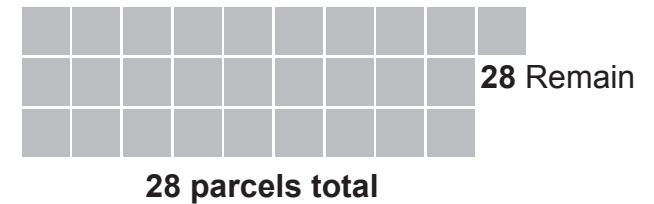
### Parcel Status



## MN Embankment

Target Completion: May 2020

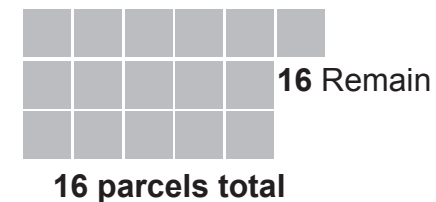
### Parcel Status



## Limited Service Spillway

Target Completion: May 2021

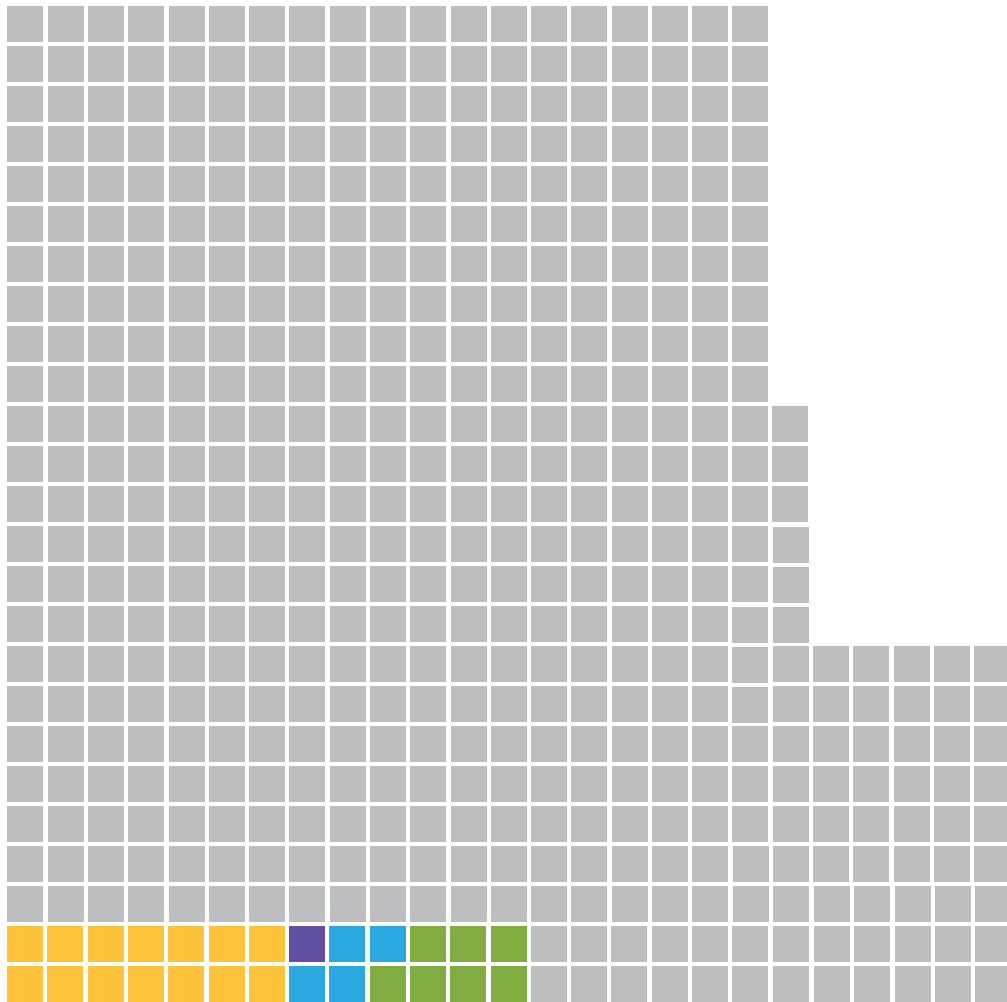
### Parcel Status



- Appraisal Pending
- In Negotiation
- Agreement Signed
- Acquired Parcel
- Condemnation
- Changed from last report

# Upstream Mitigation Area

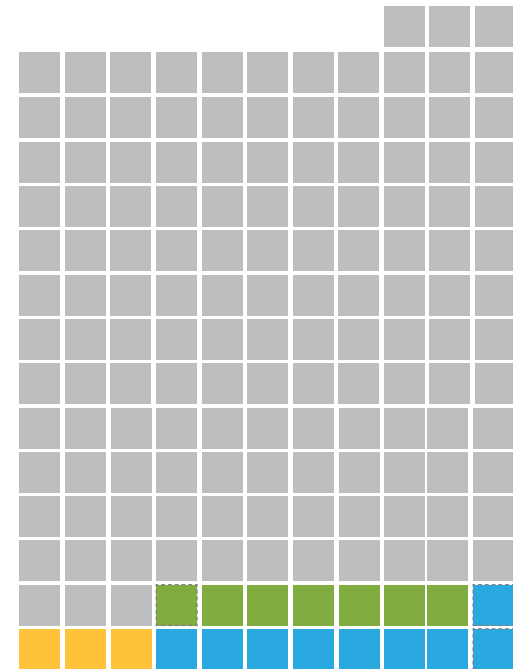
## Flowage Easements



**Approximately 531 parcels total**

- 14 Appraisal Pending
- 1 Agreement Signed
- Condemnation
- 4 In Negotiation
- 7 Easement Acquired
- Changed

## Structure Sites



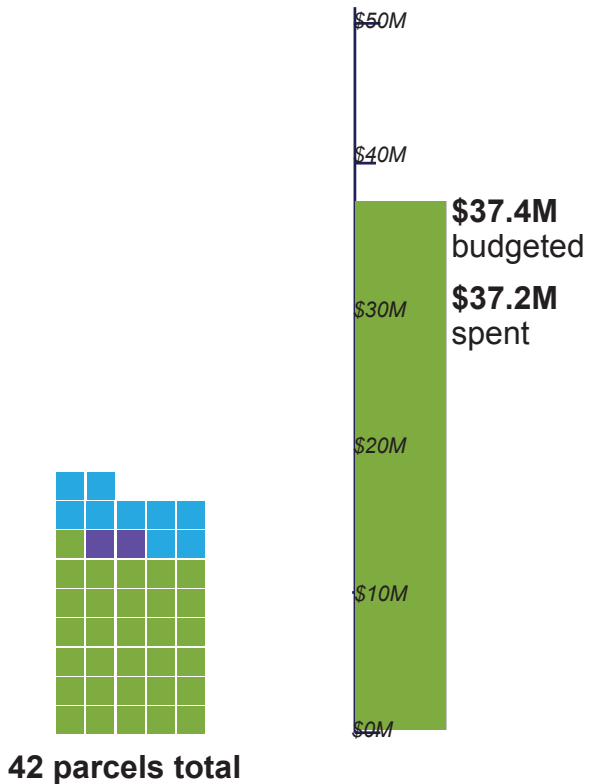
**Parcel Status  
Approximately 157 parcels total**

- 2 Appraisal Pending
- 10 In Negotiation
- Agreement Signed
- 7 Easement Acquired
- Condemnation
- Changed

# Levee Projects

## In Town Levees

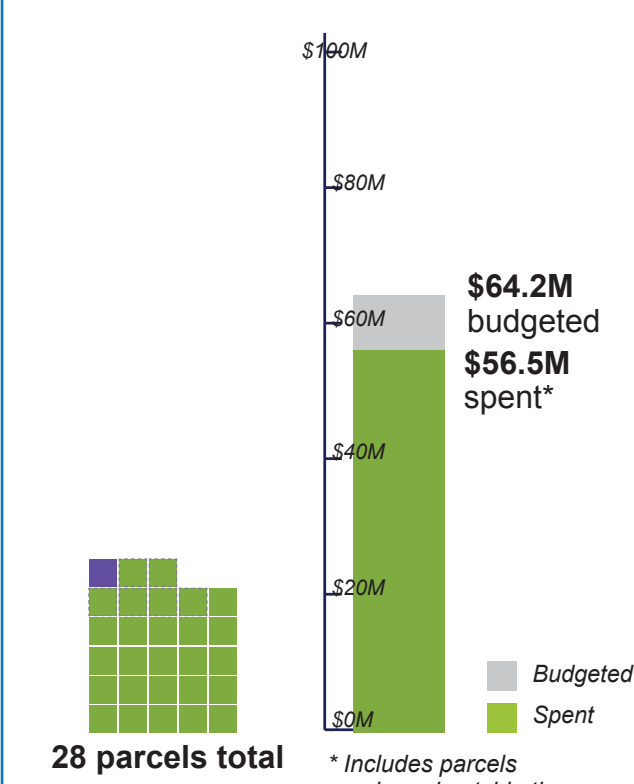
Parcel Status      Hard Costs paid to Property Owners



- Appraisal Pending
  - In Negotiation
  - Agreement Signed
  - Acquired Parcel
  - Condemnation
  - Changed from last report
- Budgeted
  - Spent

## OHB Ring Levee

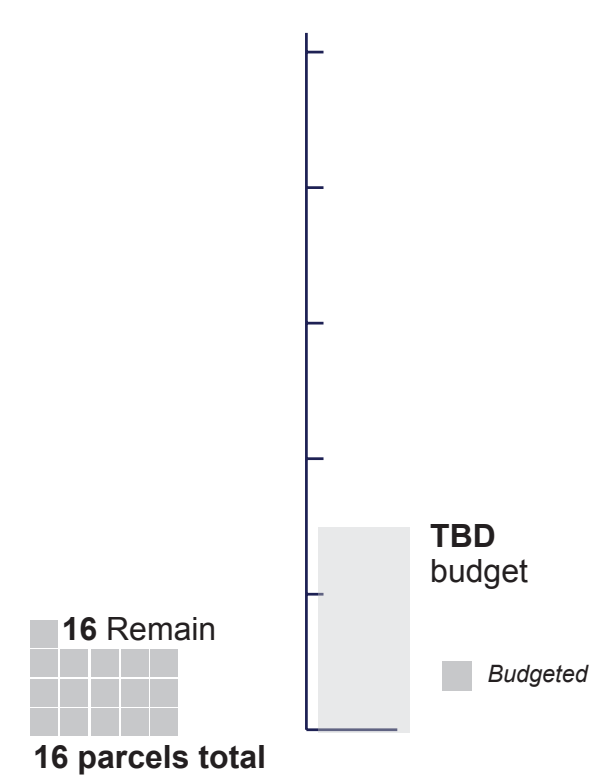
Parcel Status      Hard Costs paid to Property Owners



- Appraisal Pending
  - In Negotiation
  - Agreement Signed
  - Acquired Parcel
  - Condemnation
  - Changed from last report
- Budgeted
  - Spent

## Comstock Ring Levee

Parcel Status      Hard Costs paid to Property Owners

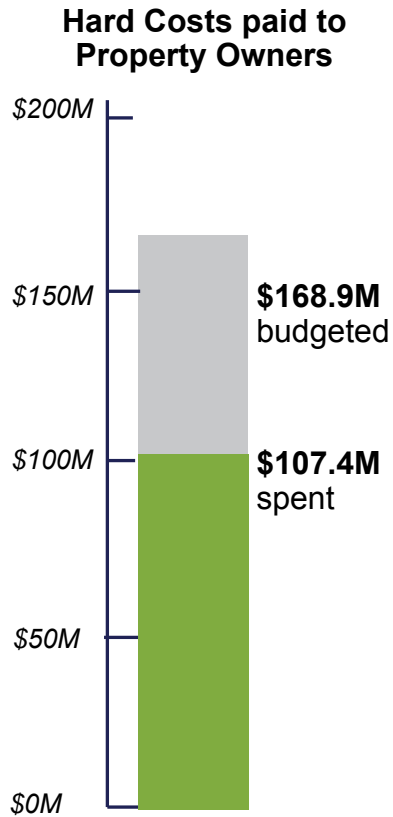


- Budgeted

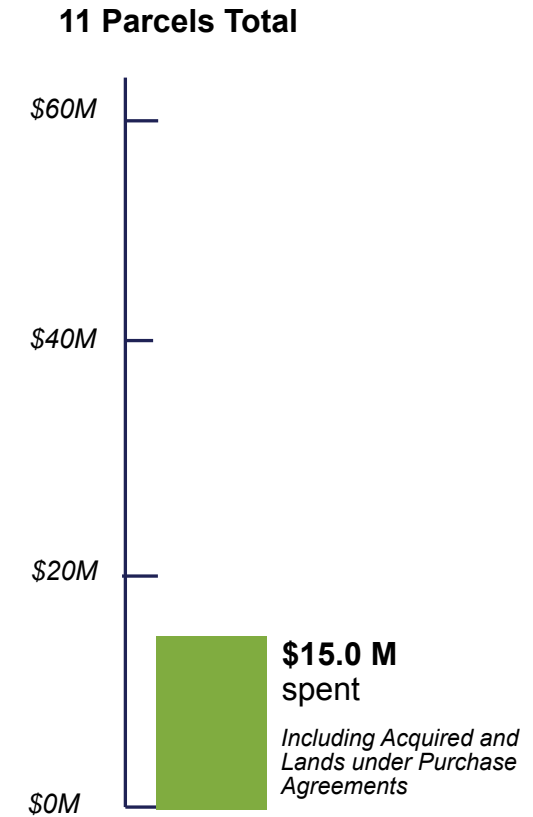


# Overall Budget

## Diversion Channel, In Town Levees, OHB Ring Levee



## Land Assets



■ Budgeted  
■ Spent



**DEPARTMENT OF THE ARMY**  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

Real Estate

Chairman Tim Mahoney  
Metro Flood Diversion Authority  
Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58108-2806

SUBJECT: Fargo-Moorhead Metropolitan Area Flood Risk Management— 2018 Right of Entry Request for Southern Embankment Features located in Minnesota

Dear Chairman Mahoney:

On October 17, 2011, the local sponsors assumed the duties of maintaining and updating the right of entry (ROE) database and sending letters to landowners requesting ROEs requires for surveys. Please consider this ROE access request for the 2018 calendar year. As detailed design progresses, there may be additional needs identified for parcels associated with transportation and road raise features.

The Corps will be focusing survey efforts on the Southern Embankment in Minnesota. These surveys had previously been deferred and are needed as we progress into detailed design. The Corps is requesting ROEs for land, topsoil, Phase 1 Cultural (as well as Phase 2 and Phase 3, if they are required), historic buildings/visual impacts, geotechnical borings, topsoil surveys, and hazardous, toxic, radioactive waste (HTRW) surveys (see enclosure 1). Land surveys could be conducted on any parcel included in this request. A description of each type of survey is also enclosed (enclosure 2). Shapefiles will be provided upon request.

We request that ROEs be obtained by May 1, 2018. To allow for at least two field seasons for survey work to be completed, we request that ROEs have an expiration date of December 31, 2020.

The Corps will keep the local sponsor team involved in the process and will inform the team if there are any changes to the request. In addition, our real estate office requires a copy of all ROEs granted. Please continue to provide copies of all ROEs. Copies should be sent to the St. Paul District at the same time as the weekly database update. We also request that the database be updated quarterly with the most current county data.

We look forward to continuing to work with you and your staff on this project and appreciate all of your efforts in gaining access to property for this project. If additional information or assistance is needed, please contact Peter Cray at 651-290-5397 or [peter.b.cray@usace.army.mil](mailto:peter.b.cray@usace.army.mil).

Sincerely,

Enclosures

Peter Crary  
Realty Specialist  
Planning & Acquisition Branch  
MVP, Regional Real Estate Division North

Cc Plus Enclosures:

Mayor Del Rae Williams

Mike Redlinger

Robert Wilson

Mary Scherling

Nathan Boerboom

Jason Benson

Joe Herbst

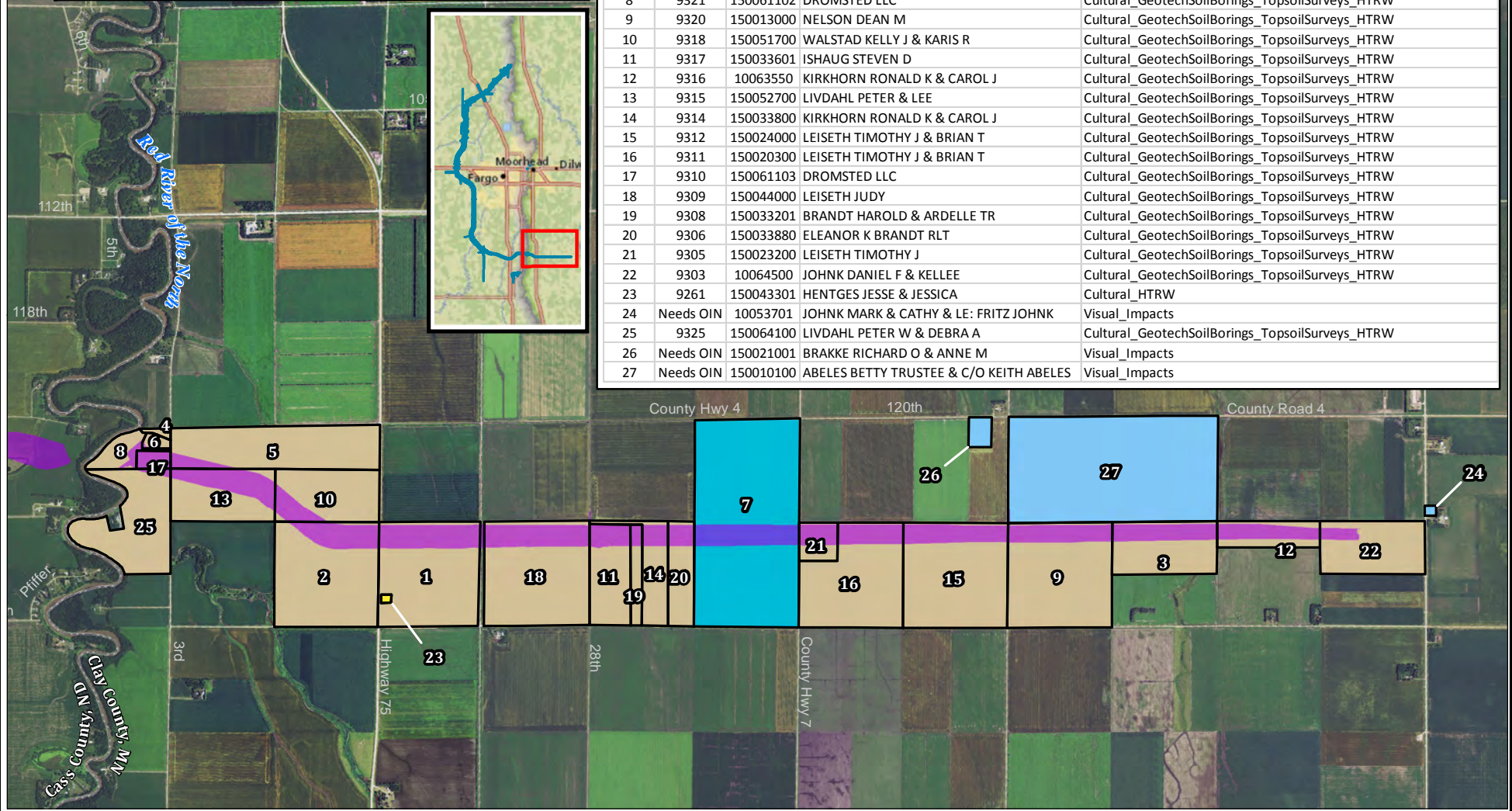
# Enclosure 1

**Southern Embankment Footprint**

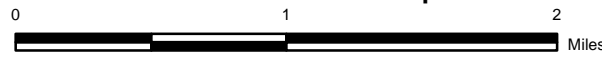
**Survey Type**

- Cultural, Geotech Soil Borings, Topsoil Surveys, HTRW
- Cultural, Geotech Soil Borings, Topsoil Surveys, HTRW, Visual Impacts
- Cultural, HTRW
- Visual Impacts

Map ID	OIN	PARCEL_ID	Name	SurveyType
1	246	150043000	ROLAINE ASKEGAARD	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
2	248	150054000	CLIFFORD J & BARBARA WALSTAD	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
3	9328	150014500	ANDERSON MARK T	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
4	9327	150061101	DROMSTED LLC	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
5	9324	150050150	LARSON CAROL M	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
6	9323	150061100	DROMSTED LLC	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
7	9322	150030400	OLSGAARD KEVIN	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW_VisualImpacts
8	9321	150061102	DROMSTED LLC	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
9	9320	150013000	NELSON DEAN M	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
10	9318	150051700	WALSTAD KELLY J & KARIS R	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
11	9317	150033601	ISHAUG STEVEN D	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
12	9316	10063550	KIRKHORN RONALD K & CAROL J	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
13	9315	150052700	LIVDAHL PETER & LEE	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
14	9314	150033800	KIRKHORN RONALD K & CAROL J	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
15	9312	150024000	LEISETH TIMOTHY J & BRIAN T	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
16	9311	150020300	LEISETH TIMOTHY J & BRIAN T	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
17	9310	150061103	DROMSTED LLC	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
18	9309	150044000	LEISETH JUDY	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
19	9308	150033201	BRANDT HAROLD & ARDELLE TR	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
20	9306	150033880	ELEANOR K BRANDT RLT	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
21	9305	150023200	LEISETH TIMOTHY J	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
22	9303	10064500	JOHNK DANIEL F & KELLEE	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
23	9261	150043301	HENTGES JESSE & JESSICA	Cultural_HTRW
24	Needs OIN	10053701	JOHNK MARK & CATHY & LE: FRITZ JOHNK	Visual_Impacts
25	9325	150064100	LIVDAHL PETER W & DEBRA A	Cultural_GeotechSoilBorings_TopsoilSurveys_HTRW
26	Needs OIN	150021001	BRAKKE RICHARD O & ANNE M	Visual_Impacts
27	Needs OIN	150010100	ABELES BETTY TRUSTEE & C/O KEITH ABELES	Visual_Impacts



## 2018 Southern Embankment ROE Request - Minnesota



Base Image:ESRI WMS World Imagery



**Survey Descriptions for Fargo-Moorhead Metropolitan (FMM) Flood Risk Management Project**

**Geotechnical Soil Borings:**

The purpose of soil exploration (borings) is to characterize the physical properties of the soils and/or groundwater around the site of the proposed project. The data gathered will be used to design earthworks (dams or levees) and the foundations of proposed structures. Standard methods to be used to gather this data will include the use of soil augers and/or rotary drilling, along with possibility of cone penetration testing (CPT). Property access for a drilling rig, 2-3 crew members and service trucks will be necessary as well. A local survey crew will need to access the site prior to the start of any borings to stake the site and gather ground surface elevations. Explorations are usually completed within 2-3 days' time, but occasionally may take longer. The work is scheduled to occur between 1 May 2018 and 1 May 2019. Every attempt will be made to minimize any disturbance to the property and, if possible, all work will be scheduled when no crops are in the fields.

All boreholes will be filled to within 2-feet of ground surface per applicable state regulations and then topped with natural soils. Auger cuttings will be scattered so that no soil piles remain on site. A vacuum truck can be available to collect any excess drilling mud if this becomes necessary. The estimated total area to be disturbed per boring site is approximately 50 feet in diameter plus any access path to the site. After completion of the borings the site can be used as it was previously. Corps staff will be on site at all times to ensure that proper procedures are followed.

**Topsoil Surveys:**

The purpose of the topsoil surveys is to characterize the topsoil in regards to color, composite, and depth. Hand augers will be used to gather this data. Property access will be made on foot or by service truck. Individual hand augers will be completed within 1/2 day. All hand augers will be filled with the cuttings removed to examine the topsoil. The work is scheduled to occur between 1 May 2018 and 1 May 2019. Every attempt will be made to minimize any disturbance to the property and, if possible, all work will be scheduled when no crops are in the fields.

## **Hazardous, Toxic, Radiological Waste (HTRW) Phase 1 Environmental Site Assessment (ESA):**

A Phase 1 ESA is a report prepared for a real estate holding which identifies potential or existing environmental contamination liabilities. The analysis, often called an ESA, typically addresses both the underlying land as well as physical improvements to the property. The Contractor needs access to any parcels in order to visually inspect for signs of environmental contamination. The national standard for this requires that access to fields, grounds, and buildings be granted. It may not be necessary to enter all structures on a given piece of property (usually family homes are excluded on the basis that they are not typically areas of industrial or commercial endeavors), but barns, sheds, and other out-buildings are typical of the types of facilities that may require access. The Contractor will determine on-site if outbuildings may require inspection. The Contractor will request access at that time from the landowner and will only inspect if the landowner consents. Ditches and drainages were used as disposal areas routinely until the 60s and 70s so those may need to be inspected as well. These visual inspections, in conjunction with historical data searches and personal interviews with property owners, form the basis for any recommendation for future, more intrusive investigations (Phase 2 ESAs). For example, if during the course of an interview or review of historical documents it is revealed that an underground storage tank was discovered leaking, or that it even exists, then the Phase 1 report may recommend additional investigations to determine if any contamination exists and to what degree. During the Phase 1 ESA, soil samples are not collected. Phase 1 work, which is highly reliant on visual inspection, should be conducted in the fall (after the leaves and grass are gone), but before snow fall, or in the spring after the snow has melted but before the foliage is too abundant.

### **Land Surveys:**

Existing condition land surveys that are going to be completed will be conducted within the footprint of the Southern Embankment. The purpose of these surveys is to generate an accurate depiction of the existing ground surface from which to design the control structures. The survey crews will be accessing the subject areas by ATV or by walking. Every effort will be made to use existing access points and there will be no earth removal/intentional damage to the land associated with the surveys.

### **Cultural Resources Surveys:**

Pedestrian Phase I cultural resources surveys are required to comply with Section 106 of the National Historic Preservation Act as amended (1966). Walkover of agricultural fields will be undertaken by teams of archaeologists who will document both prehistoric and historic artifacts as well as structural remains that are visible on the ground surface. Documentation of these debris scatters is accomplished using State Historic Preservation Office/Minnesota Historical Society (SHPO) site forms that include digital imagery. In the event that large concentrations of objects are located, the archaeological team may recommend and the SHPO requires Phase II

investigations at specific locations a limited number of shovel tests, or test units will be excavated to determine if there are intact site features below the ground surface. When intact prehistoric or historic features are located, SHPO typically requires a Phase III site mitigation, which may include an archaeological excavation, also known as a data recovery.

**Historic Buildings/Visual Impacts Survey:**

Architectural historians visit each farmstead, residence, commercial building, or standing structure location to evaluate if any buildings or structures present or the group of buildings as a whole are eligible for inclusion on the National Register of Historic Places. The architectural historian will interview the building owner (landowner) in regard to the various buildings' ages and history. In order to be eligible, the building or structure must be 50 years old or older, must retain its historic integrity (aspects of location, design, setting, materials, workmanship, feeling and association), and must meet one of more of the National Register eligibility criteria: Criterion A – association with significant historic events; Criterion B – association with historically significant persons; Criterion C – its architecture has the distinctive characteristics of a type, period or method of construction, or is the work of a master architect, or possesses high artistic values, or is a representative example of a historically-important but architecturally non-distinctive building or structure or related group; and, Criterion D – has the potential to provide important information on a region's history or prehistory. The significance may be on a local, regional, state or national level. If an eligible building or structure will be directly impacted by the Project either through construction or operation, the adverse effects will need to be mitigated prior to building or structure relocation or demolition and/or Project construction in that area. This evaluation of historic buildings is needed to comply with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation, 36 CFR Part 800, Protection of Historic Properties.

In addition, the Programmatic Agreement for the FMM Project requires that indirect (visual) effects on historic properties also be taken into consideration. Therefore, those farmsteads, residences, commercial buildings and standing structures within one-half mile of the diversion channel's centerline or of other Project-related above ground features, whether inside or outside of the Project's work limits, need to have their eligibility for inclusion on the National Register evaluated using the above methods and criteria. The extent of visual impacts on the viewshed of any such National Register eligible buildings and structures will be determined (none, minor, moderate, or major) so said impacts can be minimized or mitigated through screening plantings or by other means.



**DEPARTMENT OF THE ARMY**  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678

AUGUST 11, 2017

Real Estate

Chairman Tim Mahoney  
Metro Flood Diversion Authority  
211 Ninth Street South  
PO Box 2806  
Fargo, North Dakota 58108-2806

**SUBJECT: FMM Wild Rice River Structure, Real Estate Acquisition**

Dear Chairman Mahoney:

The St. Paul District, Corps of Engineers is in partnership with the Cities of Fargo, North Dakota and Moorhead, Minnesota and The Metro Flood Diversion Authority for the construction of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. The Corps of Engineers has finalized the enclosed right of way (ROW) map drawing required for a portion of the project as set forth below. This ROW map delineates the acreage and estate interest required for the construction of the above referenced portion of the proposed project.

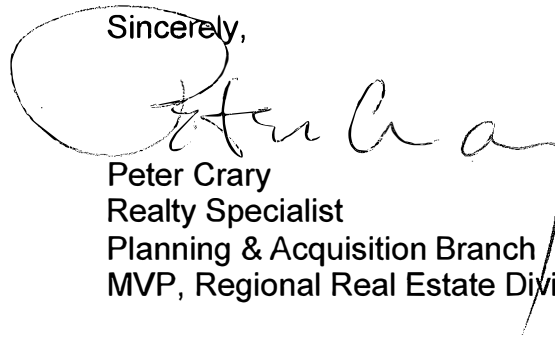
Enclosed are the Preliminary Right of Way Drawings for the FMM Wild Rice River Structure Project dated 8 August 2017: Each set is comprised of a Cover Sheet, Vicinity Map, Real Estate Map with control points and a real estate boundary Data Table Sheet; identified as sheets RR001, RR100, RR101, RR102, RR103 and RR601. If sufficient federal funding is provided in FY18, we will be awarding a construction contract no later than September of that year. It is requested you secure this 87.20 acres for fee and 38.95 acres for temporary work area easement on or before 25 April 2018 for a period of 60 months.

This letter is your official notification to proceed with the real estate acquisition of this parcel and a date of reference for further communications. For ease of future handling, an electronic copy of this letter coupled with the real estate map and the mentioned attachments are being emailed to both you and those listed below.



We look forward to continuing to work with you and your staff on this project and appreciate your cooperation. If additional information or assistance is needed, please contact Peter Crary at 651-290-5397 or [peter.b.crary@usace.army.mil](mailto:peter.b.crary@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Crary". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

Peter Crary  
Realty Specialist  
Planning & Acquisition Branch  
MVP, Regional Real Estate Division North

Enclosures

Cc

Mayor Del Rae Williams

Mike Redlinger

Robert Wilson

Mark Brodshaug

Nathan Boerboom

Jason Benson

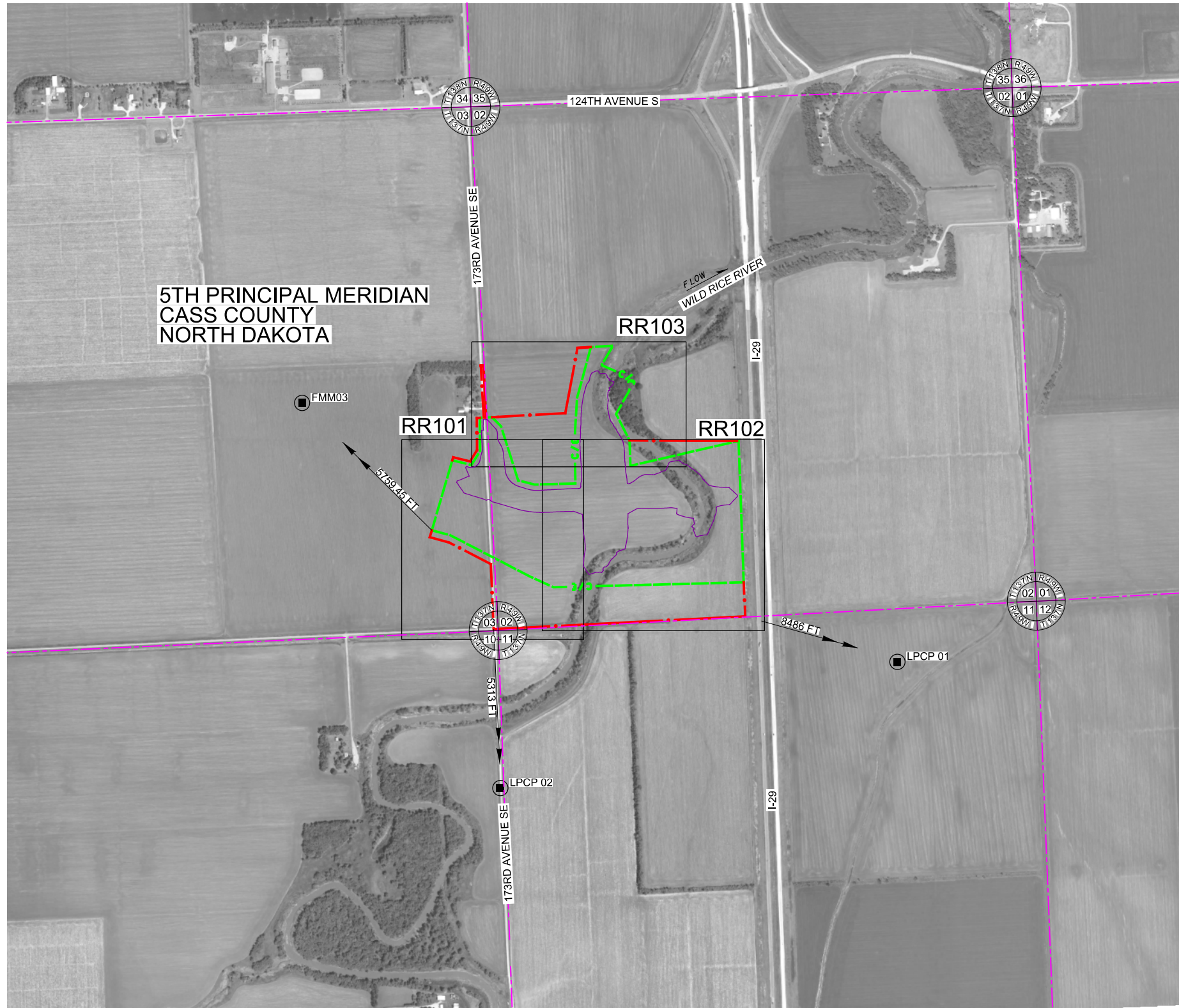
Joe Herbst

Terryl Williams

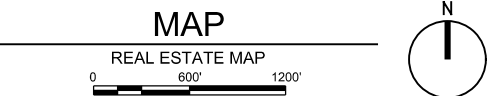
Bonnie Greenleaf



D  
C  
B  
A



5TH PRINCIPAL MERIDIAN  
CASS COUNTY  
NORTH DAKOTA



### GENERAL SHEET NOTES

1. THE MEASUREMENTS OF THE REAL ESTATE REQUIREMENTS SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY AND DO NOT REFLECT A LEGAL PROPERTY SURVEY. THE EXTENTS OF THE REAL ESTATE OWNERSHIP ARE DETAILED IN THE RECORDED CONVEYANCE DOCUMENTS. A LEGAL PROPERTY SURVEY SHALL BE CONDUCTED PRIOR TO THE CONSTRUCTION OF ANY PROJECT FEATURE IN ORDER TO ENSURE LEGAL OBSERVANCE.



### REAL ESTATE LEGEND

- TEMPORARY WORK AREA EASEMENT
- FEE
- P L - PROPERTY LINES
- TOWNSHIP/ SECTION/ RANGE LINES
- DESIGN FOOTPRINT
- ## CONTROL POINT

### REAL ESTATE DRAWING INDEX

SHEET REF.	DESCRIPTION	PRODUCT I.D.
RR001	REAL ESTATE DRAWINGS COVER SHEET	FMMWCRCRCS_RR001--.dgn
RR100	REAL ESTATE DRAWINGS MAP, INDEX & ACREAGE TABLE	FMMWCRCRCS_RR100--.dgn
RR101	REAL ESTATE DRAWINGS MAP - SHEET 1 OF 3	FMMWCRCRCS_RR101--.dgn
RR102	REAL ESTATE DRAWINGS MAP - SHEET 2 OF 3	FMMWCRCRCS_RR102--.dgn
RR103	REAL ESTATE DRAWINGS MAP - SHEET 3 OF 3	FMMWCRCRCS_RR103--.dgn
RR601	REAL ESTATE DRAWINGS DATA TABLES	FMMWCRCRCS_RR601--.dgn

VERTICAL AND HORIZONTAL CONTROL POINTS				
NAME	NORTHING	EASTING	ELEVATION	DESCRIPTION
FMM 03	404233.76	2881426.36	910.54	NGS PID DN4357
LPCP 02	393910.36	2886372.27	914.16	COE PID AC1174
LPCP 01	397019.51	2896749.41	911.91	COE PID AC1173

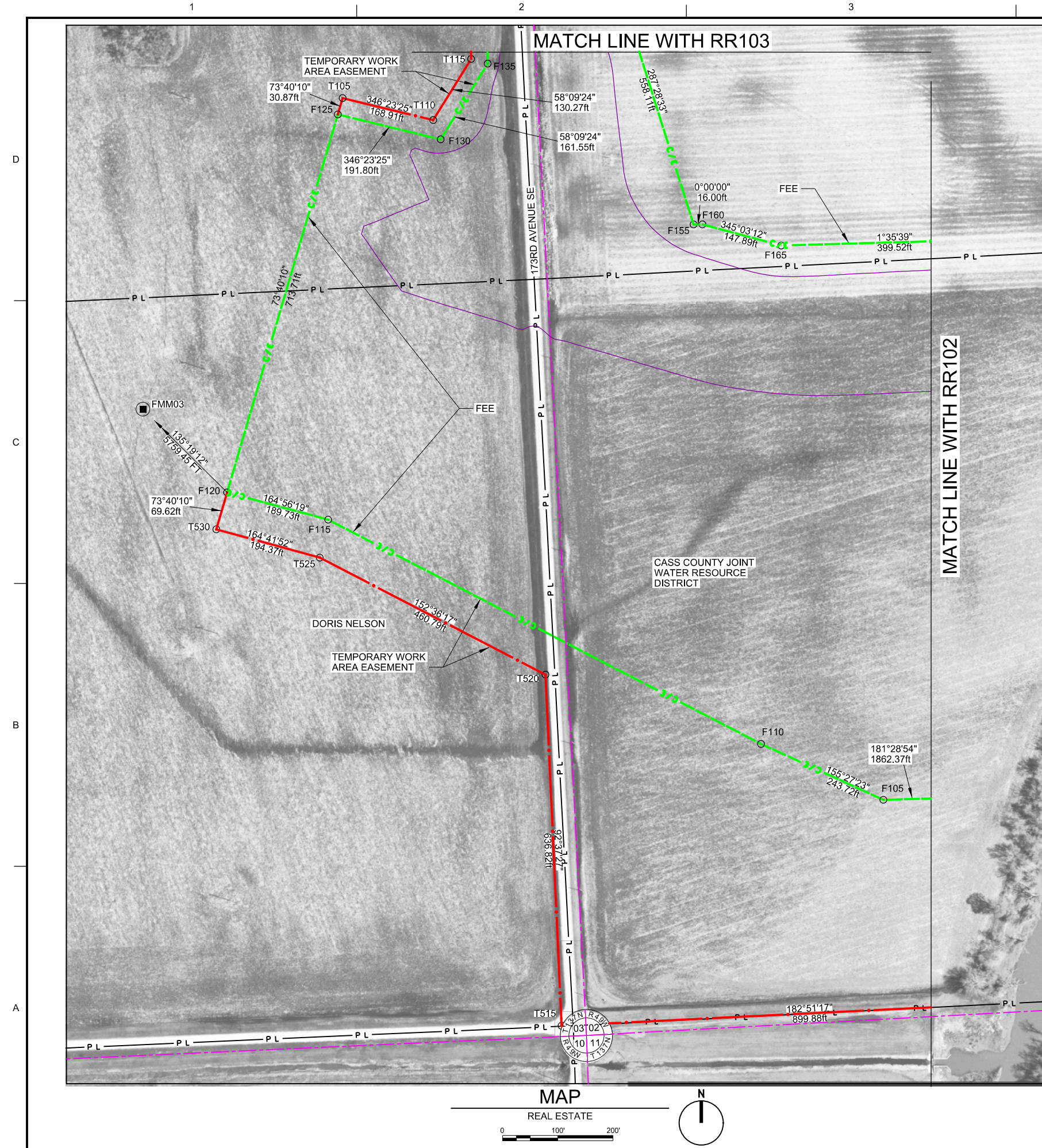
### ACREAGE TABLE

TEMPORARY WORK AREA EASEMENT	= 38.95 ACRES
FEE	= 87.20 ACRES

ELEVATION DATUM (VERTICAL CONTROL): COORDINATE SYSTEM (HORIZONTAL CONTROL):  
 NAVD 88 NAD 83 (2011)  
 GEOID12A ND SPCS, SOUTH ZONE-U.S. SURVEY FT.  
 COMBINED FACTOR (CF): 0.999956276

DESIGNED BY: U.S. ARMY CORPS OF ENGINEERS	DESIGNED BY: EPP	DATE: 01/16/10	DESIGNED BY: GCV	DATE: 8/10/2017
ST. PAUL DISTRICT	ST. PAUL, MINNESOTA	SUBMITTED BY: THOMAS SULLY	CONTRACT NO.:	FILE NUMBER:
FMM WILD RICE RIVER STRUCTURE RED RIVER OF THE NORTH RIVER BASIN FARGO-MOORHEAD FLOOD RISK MANAGEMENT FARGO, ND		REAL ESTATE DRAWINGS REAL ESTATE MAP, INDEX & ACREAGE TABLE		

Sheet ID  
**RR100**

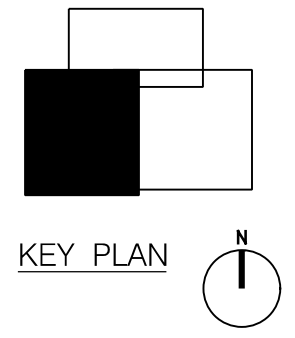


### GENERAL SHEET NOTES

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### REAL ESTATE LEGEND

- TEMPORARY WORK AREA EASEMENT
- - - - - FEE
- P L — PROPERTY LINES
- - - - - TOWNSHIP/ SECTION/ RANGE LINES
- — — — — DESIGN FOOTPRINT
- ## CONTROL POINT



MARK	DESCRIPTION	DATE	APPR.	MARK	DESCRIPTION	DATE	APPR.

DESIGNED BY: U.S. ARMY CORPS OF ENGINEERS	DATE: 8/10/2017	DESIGNED BY: EPP	DATE: 8/10/2017
DRAWN BY: THOMAS SULLY	DATE: 8/10/2017	DESIGNED BY: EPP	DATE: 8/10/2017
SUBMITTED BY: THOMAS SULLY	DATE: 8/10/2017	DESIGNED BY: EPP	DATE: 8/10/2017
FILE NAME: FMMWRCS_RR101.dgn	FILE NUMBER: FMMWRCS_RR101-4p1	DESIGNED BY: EPP	DATE: 8/10/2017

FMM WILD RICE RIVER STRUCTURE  
RED RIVER OF THE NORTH RIVER BASIN  
FARGO-MOORHEAD FLOOD RISK MANAGEMENT  
FARGO, ND  
REAL ESTATE DRAWINGS  
REAL ESTATE MAP  
SHEET 1 OF 3

Sheet ID  
**RR101**

ELEVATION DATUM (VERTICAL CONTROL): COORDINATE SYSTEM (HORIZONTAL CONTROL):  
 NAVD 88 NAD 83 (2011)  
 GEOID12A ND SPCS, SOUTH ZONE-U.S. SURVEY FT.  
 COMBINED FACTOR (CF): 0.999956276





