



**DIVERSION AUTHORITY
Land Management Committee
City Commission Chambers
Fargo City Hall
Wednesday, February 27, 2019
3:00 p.m.**

1. Introductions
2. Agenda Review
3. Approve January 23, 2019 Minutes (item A)
4. Property Acquisitions Program Update (item B)
5. Appraisal Services RFP Results (item C)
6. Lands Outreach (item D)
7. Upstream Mitigation Plan (item E)
8. Farm Impacts Working Group (item F)
9. CCJWRD Update
10. MCCJPA Update
11. Other business
12. Next meeting March 27, 2019

These minutes are subject to approval.

**DIVERSION AUTHORITY
Land Management Committee
Old City Commission Room
Fargo City Hall
Wednesday, January 23, 2019
3:00 p.m.**

Present: Clay County Commissioner Kevin Campbell, Moorhead City Engineer Bob Zimmerman, Fargo Division Engineer Nathan Boerboom, Fargo City Administrator Bruce Grubb, Cass County Commissioner Mary Scherling (via conference call), Clay County Commissioner Jenny Mongeau (via conference call), Cass County Joint Water Resource District Manager Rodger Olson and City of Horace Mayor Kory Peterson.

Others present: Eric Dodds, AE2S, John Shockley, Ohnstad Twichell, Moorhead City Councilman Chuck Hendrickson and Cass County Commissioner Duane Breitling.

Absent: Cass County Representative Chad Peterson, Fargo City Commissioner John Strand.

The meeting was called to order by Mr. Campbell.

Agenda Review

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

Minutes Approved

Mr. Zimmerman moved the minutes from the December 19, 2018 meeting be approved. Second by Mr. Boerboom. All the members present voted aye and the motion was declared carried. Mr. Dodds said the minutes do a good job of summarizing the presentation and discussion at that meeting.

Property Acquisitions Program Update

Mr. Dodds said the injunction was placed on the project in 2017, followed by the process of working through the Minnesota Department of Natural Resource's environmental review on Plan B. While the injunction may not have applied to the process of buying land, he said out of respect for the environmental review process and recognizing that the project may change, the land acquisition program was put on hold. He said at the end of 2018, there were phone calls and inquiries from impacted landowners and a variety of impacted properties listed for sale, so after the permit was issued it was possible to quickly ramp the lands program back into gear and there has been an uptick in activity the last few weeks. The CCJWRD is still willing to serve in the role of being the acquiring entity in North Dakota, he said, and at their meeting two weeks ago they moved forward with signing purchase agreements for roughly \$4 million of property impacted by the project. A Request for Proposal has been issued and questions have been coming in from appraisers, he said, with responses due back February 6th, he said, and it is expected to have a number of appraisal firms to recommend at the February 12th CCJWRD Board meeting. He said the intention is to have a group of qualified appraisers under contract

on the project so different appraisal packages can be assigned, with a master agreement in place to expedite processing of appraisal work.

Lands “Green Light” (PMC Lands Task Order No. 4)

Mr. Shockley said Task Order No. 4 is between the project management consultant Jacobs (formerly H2M) and the Diversion Authority and it covers a host of activities, which Mr. Dodds will explain. He said in addition to Mr. Dodd’s report, work is being done on the Minnesota side to form the entity that will be responsible for negotiation with landowners, comprised of the City of Moorhead and Clay County. There has been some discussion of perhaps having one or two members from the Buffalo Red River Watershed District Board as members also, he said.

Mr. Dodds shared a PowerPoint presentation on the Property Acquisition Program and Structure, including FM Area Diversion Project Organizational Structure and highlighting components related to the lands program. He said the CCJWRD is the entity that has the statutory authority over the entire geography of the project in North Dakota to buy land and has power through the Century Code to use eminent domain in the unfortunate event that is needed. He said the primary function of Task Order No. 4 is being considered today at this committee, the Finance Committee and Diversion Authority, for mitigation management. He said Ohnstad Twitchell is providing the legal services necessary to sign purchase agreements and other acquisition services.

He shared the workflow of land acquisition:

- Design
- Diversion Authority Approval to Begin (Land Acquisition Directive Approved)
- Boundary Survey Completed
- Determination of Fair Market Value (Appraisal Approved)
- Offer of Just Compensation
- Negotiate with Property Owner
- Relocation and Re-establishment of Benefits Established
- Purchase Agreement Signed
- Property Closed

He said the decision structure has five levels:

- CCJWRD (acquiring entity)
- Land Management Committee (focus on policy)
- Strategic Negotiating Team (3rd level advisory)
- Administrative Advisory Team (2nd level advisory)
- Lands Coordination Team (1st level advisory)

There are 1,200 to 1,400 parcels to acquire, he said, and to bring each one through multiple committees and processes becomes cumbersome. This structure in place seems to be working well. He shared a map showing the property rights needed for the project coded to indicate parcels owned, parcels in negotiation, parcels awaiting closing and pending or in negotiations. He said it seems getting land rights is on the critical path component of the project and property rights must be acquired prior to construction. He said the diversion channel is a priority due to the P3 portion, and the Corps is anxious to move forward with the design of the southern embankment, followed by property acquisition. There are some environmental mitigation sites scattered throughout that require property rights, he said. The project involves over 1,200 parcels and about \$500 million in land rights, he said, and it is anticipated to take more than eight years to have

all the land rights secure. The lands program is part of the overall \$2.75 billion estimate with a significant amount done to date, he said, and a significant amount left to do.

Mr. Shockley said Task Order No. 4 is probably the most significant. It is sizable, he said, and having all the land in place for the channel prior to commencement of construction mitigates the Diversion Authority's risk so all right-of-way is accessible to the contractor at the time the contract is awarded. Having all right-of-way guaranteed for the P3 developer has been estimated save close to \$50 million, he said, and given the large scale of the channel, it would allow the ability to relocate equipment from one area to another if needed due to weather conditions or flooding. He said a critical piece of Task Order No. 4 is outreach to all impacted property owners. He said an issue surrounding the DNR's permitting process was the request to not pursue land acquisitions during the permit application process, so it is critical to start in early 2019 on that process and outreach to landowners. Early acquisitions will focus on the right-of-way needed for construction of the actual infrastructure, the right-of-way under the channel and southern embankment, he said, while taking advantage of opportunistic acquisitions that may occur within the staging area and ultimately obtaining flowage easements within the staging area. The task order includes language that mirrors that in the Master Service Agreement, so in the event the Master Service Agreement is terminated, the task order would also be terminated, he said. There are also some yearly requirements for meeting with and keeping the Board up to date on budgeting and other issues, he said, as well as keeping the process of information flowing from the PMC to the Board. The task order also includes management of impacted property mitigation, he said, such as determining the valuation of flowage easements. The intent is that the staging area would not have water in it year-round, he said, it would only be staged during operation of the project, and now with the increased flow through town it is estimated it would only be only once every 20 years with inundation lasting 7 to 9 days. He said the closer to the southern embankment, the higher the inundation. The task order has been vetted through legal, the co-executive directors and some of the Diversion leadership, he said, and the intent for Minnesota is to follow a similar process as North Dakota's, although there may need to be some nuances added due to Minnesota's eminent domain law and the requirements for appraisals in Minnesota and negotiations with landowners. The process would be very similar, with a significant amount of outreach and negotiation with property owners, he said,

In response to a question from Mr. Olson about how the process would work with an executive director, Mr. Shockley said if an executive director were hired, that role is supplemental to the task of actually acquiring property. While an Executive Director may be involved, property acquisition is a huge task requiring a firm to manage it, he said. It would be difficult to staff 10-15 people at the height of land acquisition, he said, or to retain a staff in later years when only 1 or 2 are needed. From an entity standpoint, this may not be the task for full-time people, he said.

In response to a question from Mr. Campbell on whether the numbers for the Phase I flowage easements study still fall within the scope of the \$500 million project cost for lands, Mr. Dodds said that the budget assumptions that built the \$500 million and the \$2.75 billion are not inconsistent with the findings from Phase 1. There will be variations within the categories of flowage easements, he said; however, in total, he feels comfortable the budget assumptions are in line with Crown Appraisal's work. He said

this is a federal project, therefore federal laws must be followed, as well as state laws. One of the big things is the Uniform Relocation Act requires the relocation of displaced people, he said.

Ms. Scherling said the presentation really helps clarify the process going forward and is a good refresher for everybody.

Mr. Olson moved the approval and acceptance of Task Order No. 4 be recommended to the Diversion Authority. Second by Mr. Zimmerman. There was unanimous approval by all the members present.

Land Acquisition Directives

Mr. Dodds said he is bringing these two Land Acquisition Directives to the group for visibility since it has been awhile since any have been done. He said the first is for a variety of opportunistic acquisitions which are properties impacted by the project that are requesting action sooner than the property owners would be approached. He said the property owners have reached out and been advised it is not a quick process. There are a few complex commercial properties included, he said, and those require a significant amount of time, especially on the relocation side of things. The second LAD is related to the remaining parcels on the diversion channel, he said. The channel was split into three phases, he said, and LAD's have already been authorized for Phase 1 and Phase 2 and this is Phase 3, for parcels south of I-94 down to about the Horace /Sheyenne River area. He said doing a directive now would put things in place to authorize appraisal work as a next step.

In response to a question from Mr. Zimmerman about the process for those properties in the directives that are in Minnesota, Mr. Dodds said the CCJWRD has purchased property in Minnesota and is willing to continue. He said this is on a voluntary basis, obviously a great time to buy property is when someone is selling. Ultimately, he said, the Minnesota entity will be established and the LADs would be funneled to that group.

CCJWRD Update

Mr. Olson said purchase agreements for four properties were approved and more are coming forward, all with willing sellers asking to be bought out. He said quick take and eminent domain are scary when a landowner hears of that happening; however, to put it into perspective, of about 200 properties so far, court action was started on five properties due to a stalemate and before actually going to court a price was negotiated on all but one. He said that reinforces that land purchases are being handled in a fair, flexible way.

Moorhead Clay County Joint Powers Agreement Update

Mr. Campbell said work is being done in forming an entity on the Minnesota side and on a draft for a Moorhead Clay County Joint Powers Agreement that would function much like the Cass County Joint Water Resource District Board. He said an invitation has been sent to the Buffalo Red River Watershed District Board to have one, possibly two members join the group and get involved early as the agreement is being drafted. This gives them an opportunity to be part of this to make sure they can feel the process is fair. He said the goal in all the land acquisition has been to make sure everyone is treated fairly. As Mr. Shockley said, there are some differences in how law works in each of the two states, he said.

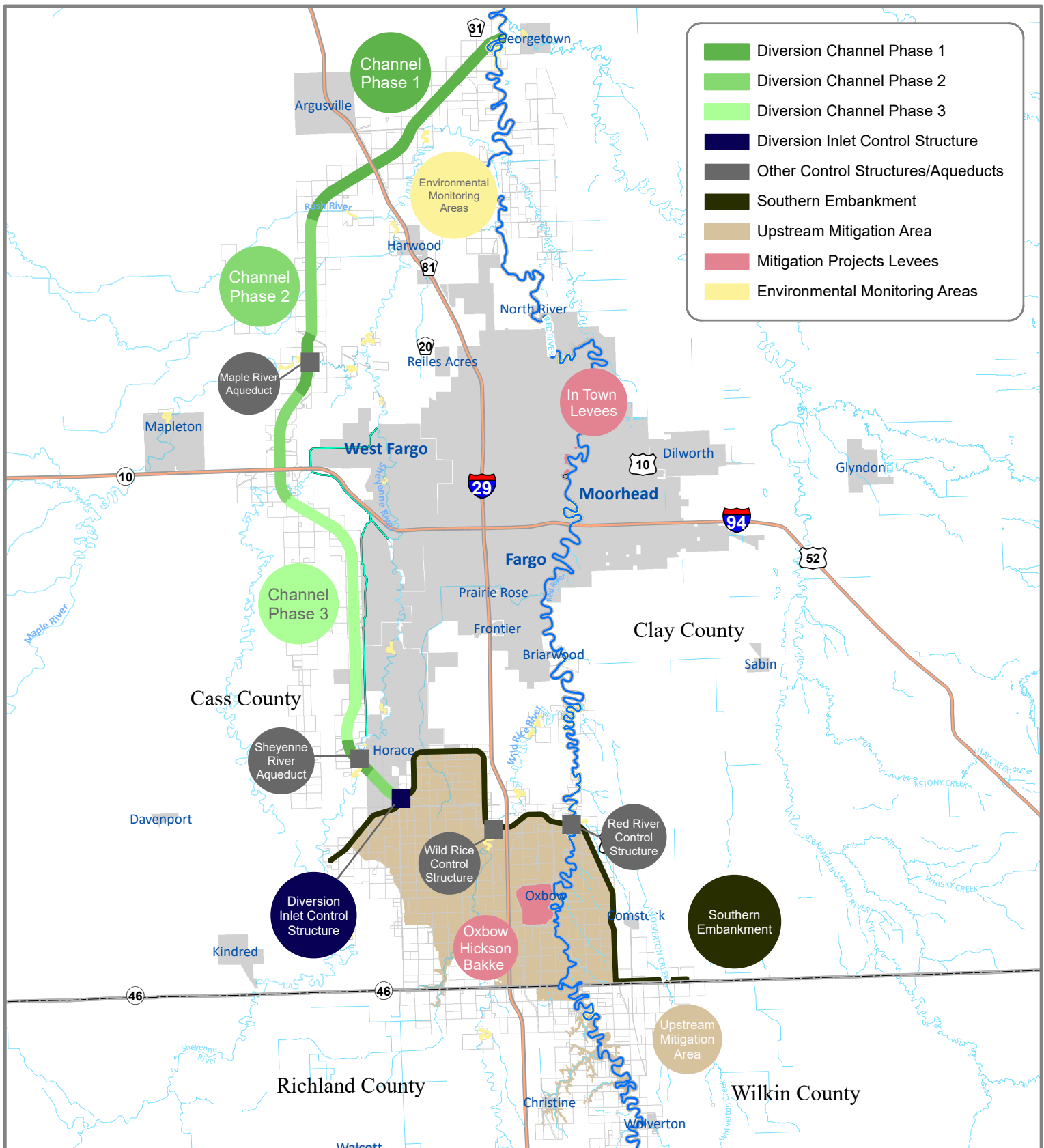
Mr. Shockley said there are some different laws in Minnesota and North Dakota, most notably eminent domain. There is also a condition for property acquisition in Minnesota that a noncommercial property can have an appraisal on their own, he said, with an opportunity for reimbursement from the acquiring entity. He said the JPA will cover unique and special issues. The entity being formed is ultimately there to negotiate the land purchases and if unable to make a resolution with a property owner, it would go back to the entity that has jurisdiction over the area for eminent domain, he stated.

Mr. Campbell said Mr. Hendrickson is also part of that. He said the goal is certainly to establish a JPA and hopefully include the members of the BRRWD Board.

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

The meeting adjourned at 3:48 p.m.

The next meeting will be February 27, 2019.

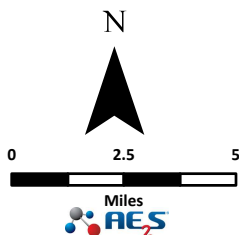


Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.

Coordinate System: NAD 1983 UTM Zone 14N | Edited by: cwickenheiser

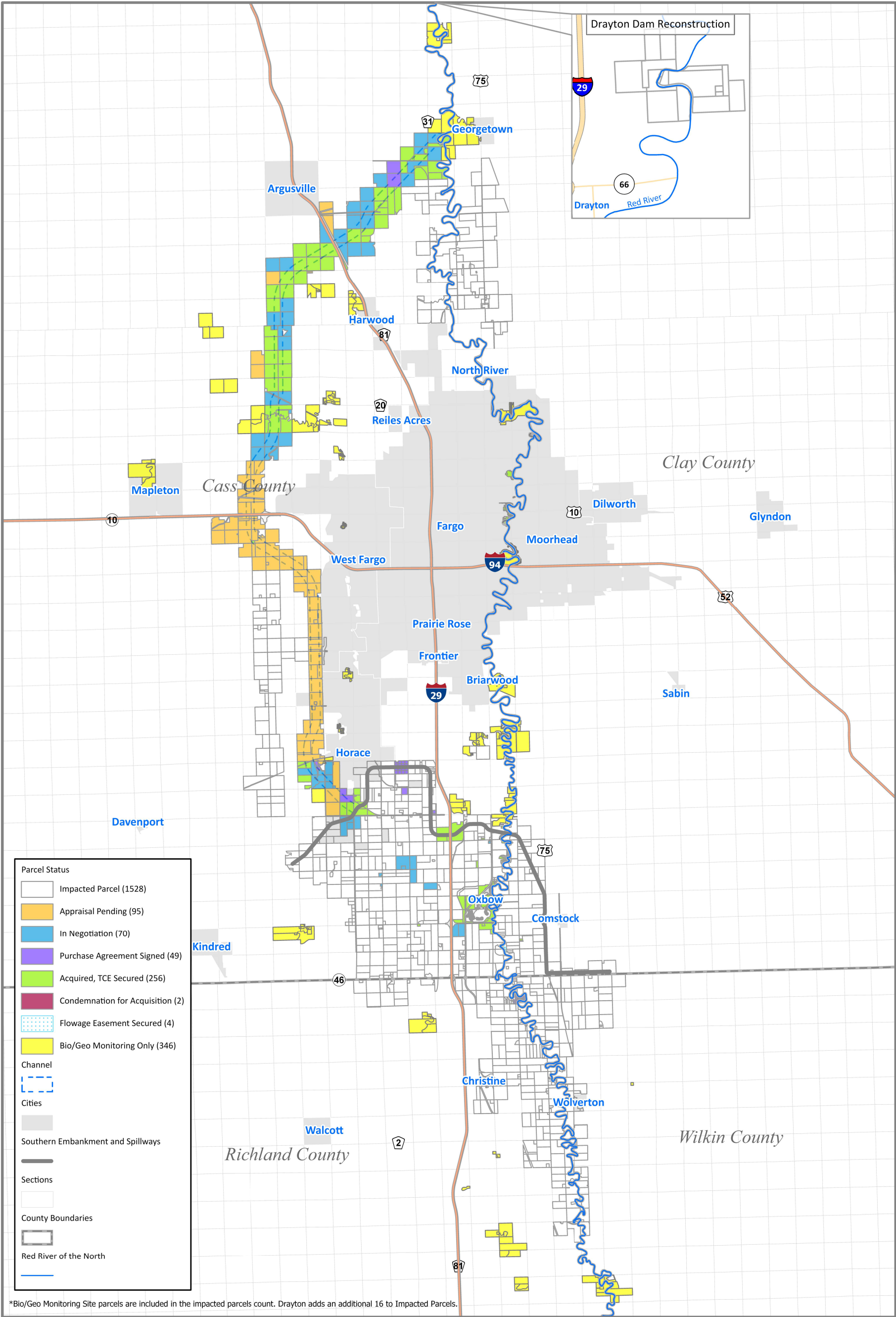
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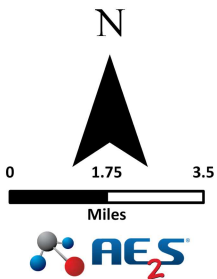
FM AREA DIVERSION KEY ACQUISITION AREAS

Map Date: 2/22/2019





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PROPERTY ACQUISITION STATUS REPORT

Date: 2/22/2019



FM Area Diversion Project

APPRAISAL SERVICES PROPOSAL REVIEW AND RECOMMENDATION AND CONTRACTING ACTIONS

Introduction:

The Cass County Joint Water Resource District (CCJWRD), as a member of the Flood Diversion Authority, requested information and proposals from qualified appraisal firms for the valuation of the necessary rights-of-way for the construction and operation of the federally-supported Fargo-Moorhead Metro Area Flood Diversion Project (the Project). The RFP sought to obtain statements of qualifications and proposals for initial blocks of tract appraisal assignments, but also serves to verify appraiser credentials for future on-call assignments.

The CCJWRD bundled a number of individual tract appraisal assignments into five (5) initial appraisal packages based on geographic proximity and current land use. These five (5) initial appraisal packages contain 10-30 parcels each. The specific number of tract appraisal reports within each appraisal package will vary based on identification of the larger parcel for each tract. The initial appraisal packages focus on lands necessary for the Diversion Channel portion of the Project. Future appraisal package assignments will be defined for the property rights needed for the Southern Embankment and the structures in the Upstream Mitigation Area. The extent of appraisal work for the Project includes approximately 120 parcels for the Diversion Channel, approximately 110 parcels for the Southern Embankment in ND, approximately 33 parcels for the Southern Embankment in MN, approximately 186 structure sites in ND, and approximately 63 structure sites in MN.

Interested appraisal firms were encouraged to submit a statement of qualifications in accordance with this RFP. It was noted that qualified firms would be asked to enter into a Master Services Agreement (MSA) for work on the Project. In addition, proposers were encouraged to provide a proposal on one or more of the five (5) initial appraisal packages as described within this RFP. Appraisal firms who are deemed qualified to provide services on this Project, but are not selected for any of these initial appraisal packages, may still be invited to enter into an MSA.

Proposals were due by 5:00 PM on February 6, 2019. Proposals were received from eight (8) Appraisal Services Firms. A list of the proposals received and summary of interest in each appraisal package is presented in the following table.

Appraisal Firm	MSA	Appraisal Package				
		1	2	3	4	5
Compass Land Consultants, Inc.	X	-	X	X	-	-
Crown Appraisals, Inc.	X	X	X	X	X	X
GEB Appraisals and Triebwasser Appraisal Service	X	-	-	X	-	-
Integra Realty Resources	X	X	X	X	X	X
Patchin Messner Valuation Counselors	X	-	-	-	-	-
Point Value Appraisal & Consultation	X	-	X	X	X	-
Sutton Group Appraisals Co.	X	X	-	-	X	-
Tinjum Appraisal Company, Inc.	X	-	-	X	X	-

Proposal Review

A review team evaluated all proposals based on the criteria outlined within the RFP:

Criteria	Points
<ul style="list-style-type: none"> Knowledge of local sales and market data 	10
<ul style="list-style-type: none"> Experience and qualifications of key personnel assigned to this Project, including experience performing service of similar nature 	30
<ul style="list-style-type: none"> Ability and availability to meet the anticipated workload and schedule 	30
<ul style="list-style-type: none"> Cost effectiveness and value 	30

Following evaluation of the proposals, the review team ranked the firms for selection of MSAs and for selection of the five (5) initial appraisal packages. The review team then tabulated all proposal rankings. A tabulation of scoring is attached to this Report of Action.

Recommendation

Based on the tabulated ranking, the review team recommends the following as the preferred Appraisal Service Firms for MSA and initial appraisal packages:

		Appraisal Package				
Appraisal Firm	MSA	1	2	3	4	5
Compass Land Consultants, Inc.	Yes			X \$69,000		
Crown Appraisals, Inc.	Yes	X \$33,000	X \$123,000			
GEB Appraisals and Triebwasser Appraisal Service	Yes					
Integra Realty Resources	Yes				X \$60,000	X \$15,000
Patchin Messner Valuation Counselors	Yes					
Point Value Appraisal & Consultation	Yes					
Sutton Group Appraisals Co.	Yes					
Tinjum Appraisal Company, Inc.	Yes					

Appraisal Services Contracting Actions for February 2019

The following contracting actions by the Cass County Joint Water Resource District (CCJWRD) are required to secure the services of appraisal firms per the recommendation.

1. Compass Land Consultants, Inc.
 - a. Master Services Agreement (MSA)
 - b. Task Order #1 with Compass Land Consultants, Inc. for Appraisal Package 3 in the amount of \$69,000
2. Crown Appraisals, Inc.
 - a. Master Services Agreement (MSA)
 - b. Task Order #1 with Crown Appraisals, Inc. for Appraisal Package 1 in the amount of \$33,000
 - c. Task Order #2 with Crown Appraisals for Appraisal Package 2 in the amount of \$123,000
3. GEB Appraisals and Triebwasser Appraisal Service
 - a. Master Services Agreement (MSA)
4. Integra Realty Resources
 - a. Master Services Agreement (MSA)
 - b. Task Order #1 with Integra Realty Resources for Appraisal Package 4 in the amount of \$60,000
 - c. Task Order #2 with Integra Realty Resources for Appraisal Package 5 in the amount of \$15,000
5. Patchin Messner Valuation Counselors
 - a. Master Services Agreement (MSA)
6. Point Value Appraisal & Consultation
 - a. Master Services Agreement (MSA)
7. Sutton Group Appraisals Co.
 - a. Master Services Agreement (MSA)
8. Tinjum Appraisal Company, Inc.
 - a. Master Services Agreement (MSA)



211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-298-2381

February 25, 2019

<<Name>>

<<Address 1>>

<<Address 2>>

Dear <<Name>>,

The Diversion Authority is contacting all property owners whose land is affected by the Fargo-Moorhead Area Diversion Project (Project). Our records indicate that you own property that is necessary for construction of the Diversion Channel portion of the Project. We are contacting you to provide preliminary information related to the acquisition of property rights needed for the Project.

Living in the Red River Valley, we all have witnessed the devastation flooding can inflict upon our residents. We also keenly understand this Project directly impacts the people of this region. We understand that parts of the Project may cause hardship and we want to be clear that we appreciate the sacrifices we are now asking of you so that flood protection for others can be provided. The acquisition of property rights for the Diversion Channel portion of the Project is a top priority and will need to be completed in phases before construction of each phase can start.

We apologize for the delay in providing details to the people whose lands and livelihoods may be changed by the Project. We would have liked to be in contact with you sooner, but the Project has undergone continuous refinement. These refinements are ongoing as we establish the necessary bounds of the Project area by working with permitting agencies. There are still a few issues to settle before finalizing the Project area, but we feel that the Project is at the point where the need to provide information outweighs the risk of providing incomplete information.

The Fargo-Moorhead Diversion Authority is committed to limiting impact on properties, and fairly compensating for the Project's impacts. Following the conditions recently included in the Minnesota Department of Natural Resources' (DNR) Dam Safety & Public Waters Work Permit (Permit Number 2018-0819), we have created a process to treat all property owners fairly and to define a value for impacts to your property.

The Cass County Joint Water Resource District (CCJWRD) is the entity that is responsible for acquiring the necessary property rights in North Dakota for the Project. The CCJWRD will be following up with additional information that will include the name and contact information for a land agent (project representative) assigned to your property, along with the steps in the acquisition process, which includes appraising the property. Enclosed with this letter is a map showing the alignment of the Diversion Channel of the Project where property rights will need to be acquired for construction. Based on the current Project schedule, the acquisition of property for the Diversion Channel will resume immediately and will need to be completed by spring 2020.

We also want you to be aware of additional resources available to you online at www.fmdiversion.com/lands where all the information related to Property Acquisition and Mitigation for the Project is located. Included amongst the online resources are:

- An online, interactive web map that details the Project.
- The Property Rights Acquisition & Mitigation Plan, which includes detailed individual plans for acquiring property rights as well as mitigating the impacts to farmland, organic farmland, cemeteries, and residential and commercial properties. This plan is subject to change due to ongoing refinements through additional input and coordination with state and federal agencies.
- Maps showing the estimated property rights needed to construct and operate the Project.
- Information to help explain the acquisition process.
- Contact information for the Cass County Joint Water Resource District (701-298-2381), the acquiring entity for the Diversion Board of Authority.

If you have any immediate questions, please feel free to contact our property acquisition management team from Advanced Engineering and Environmental Services, Inc. (AE2S) at 701-364-9111. Also, please note that services of land agents (project representatives) will be available to work with you during the land acquisition process.

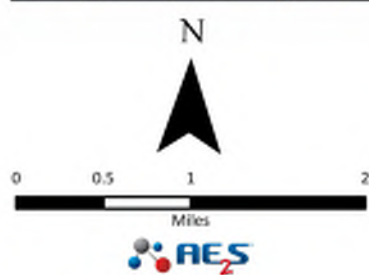
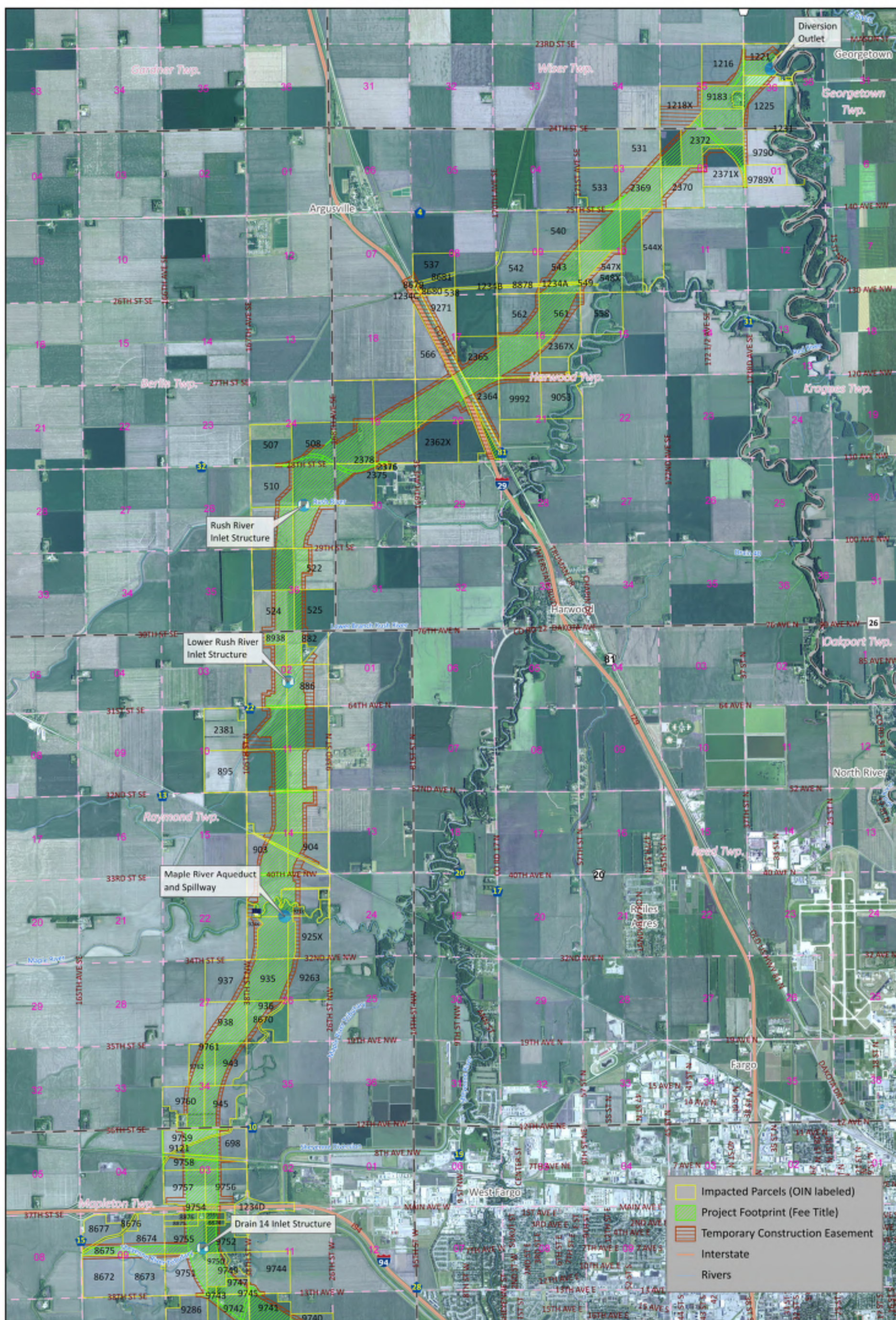
We want to work cooperatively with you to find a fair solution and to address your questions as they relate to the potential impacts the Project may have on your property.



Mary Scherling
Cass County Commission
FM Diversion Authority, Chair



Dan Jacobson
Cass County Joint Water Resource District



FM AREA DIVERSION PROJECT DIVERSION CHANNEL (NORTH) ESTIMATED RIGHTS OF WAY

Date: 02/22/2019





211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-298-2381

February 25, 2019

<<Name>>

<<Address 1>>

<<Address 2>>

Dear <<Name>>,

The Diversion Authority is contacting all property owners whose land is affected by the Fargo-Moorhead Area Diversion Project (Project). Our records indicate that you own property that may be necessary for construction of the Southern Embankment portion of the Project. We are contacting you to provide preliminary information related to the acquisition of property rights needed for the Project.

Living in the Red River Valley, we all have witnessed the devastation flooding can inflict upon our residents. We also keenly understand this Project directly impacts the people of this region. We understand that parts of the Project may cause hardship and we want to be clear that we appreciate the sacrifices we are now asking of you so that flood protection for others can be provided. The acquisition of property rights for the Southern Embankment portion of the Project will take several years and will need to be completed in phases before construction of each phase can start.

We apologize for the delay in providing details to the people whose lands and livelihoods may be changed by the Project. We would have liked to be in contact with you sooner, but the Project has undergone continuous refinement. These refinements are ongoing as we establish the necessary bounds of the Project area by working with permitting agencies. There are still a few issues to settle before finalizing the Project area, but we feel that the Project is at the point where the need to provide information outweighs the risk of providing incomplete information.

The Fargo-Moorhead Diversion Authority is committed to limiting impact on properties, and fairly compensating for the Project's impacts. Following the conditions recently included in the Minnesota Department of Natural Resources' (DNR) Dam Safety & Public Waters Work Permit (Permit Number 2018-0819), we have created a process to treat all property owners fairly and to define a value for impacts to your property.

Enclosed with this letter is a preliminary map that details the area along the Southern Embankment of the Project where property rights will need to be acquired for construction. Finalization and acquisition of these property rights will commence as design is completed by the U.S. Army Corps of Engineers, which we anticipate will be completed in phases over the next two years. In order to complete the design, it is possible that soil borings and other surveys will be necessary as this design work is completed.

We also want you to be aware of additional resources available to you online at www.fmdiversion.com/lands where all the information related to Property Acquisition and Mitigation for the Project is located. Included amongst the online resources are:

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If you have any immediate questions, please feel free to contact our property acquisition management team from Advanced Engineering and Environmental Services, Inc. (AE2S) at 701-364-9111. Also, please note that the CCJWRD will retain the services of land agents (project representatives) that will be available to serve as your designated point of contact through the acquisition process.

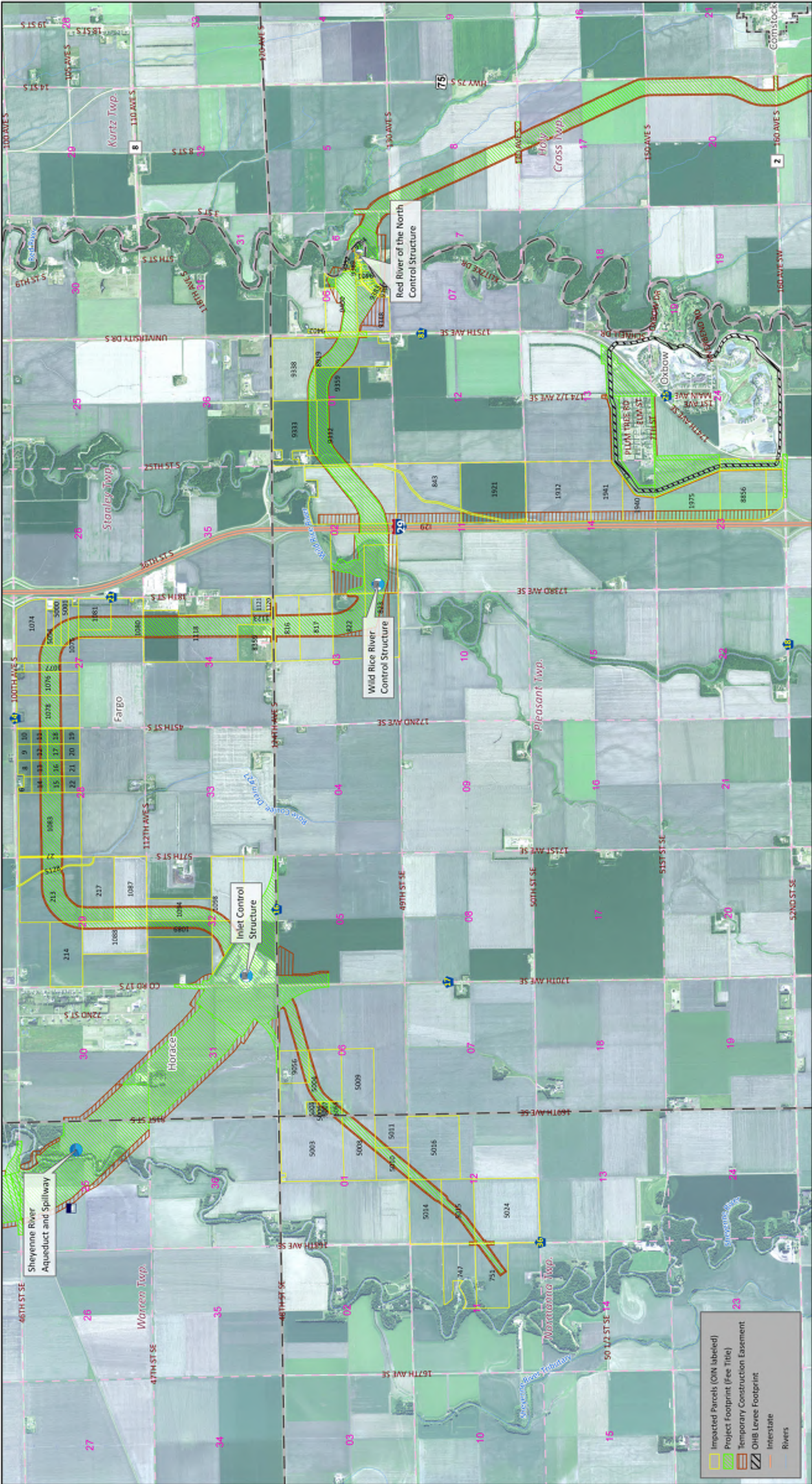
We want to work cooperatively with you to find a fair solution and to address your questions as they relate to the potential impacts the Project may have on your property.



Mary Scherling
Cass County Commission
FM Diversion Authority, Chair

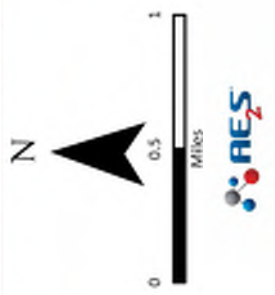


Dan Jacobson
Cass County Joint Water Resource District



FM AREA DIVERSION PROJECT SOUTHERN EMBANKMENT (ND) AND I-29 ESTIMATED RIGHTS OF WAY

Date: 02/22/2019





Item D

211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-298-2381

February 25, 2019

<<Name>>

<<Address 1>>

<<Address 2>>

Dear <<Name>>,

The Diversion Authority is contacting all property owners whose land is affected by the Fargo-Moorhead Area Diversion Project (Project). Our records indicate that you own property that may be necessary for construction of the Southern Embankment portion of the Project. We are contacting you to provide preliminary information related to the acquisition of property rights needed for the Project.

Living in the Red River Valley, we all have witnessed the devastation flooding can inflict upon our residents. We also keenly understand this Project directly impacts the people of this region. We understand that parts of the Project may cause hardship and we want to be clear that we appreciate the sacrifices we are now asking of you so that flood protection for others can be provided. The acquisition of property rights for the Southern Embankment portion of the Project will take several years and will need to be completed in phases before construction of each phase can start.

We apologize for the delay in providing details to the people whose lands and livelihoods may be changed by the Project. We would have liked to be in contact with you sooner, but the Project has undergone continuous refinement. These refinements are ongoing as we establish the necessary bounds of the Project area by working with permitting agencies. There are still a few issues to settle before finalizing the Project area, but we feel that the Project is at the point where the need to provide information outweighs the risk of providing incomplete information.

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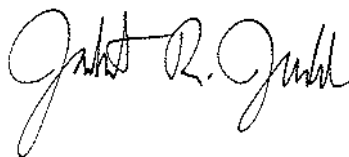
- An online, interactive web map that details the Project.
- The Property Rights Acquisition & Mitigation Plan, which includes detailed individual plans for acquiring property rights as well as mitigating the impacts to farmland, organic farmland, cemeteries, and residential and commercial properties. This plan is subject to change due to ongoing refinements through additional input and coordination with state and federal agencies.
- Maps showing the estimated property rights needed to construct and operate the Project.
- Information to help explain the acquisition process.
- Contact information for the City of Moorhead and Clay County, which will enter into a Joint Powers Authority to acquire property rights for the Diversion Board of Authority in Minnesota.

If you have any immediate questions, please feel free to contact our property acquisition management team from Advanced Engineering and Environmental Services, Inc. (AE2S) at 701-364-9111. Also, please note that the Moorhead-Clay County JPA will retain the services of land agents (project representatives) that will be available to serve as your designated point of contact through the acquisition process.

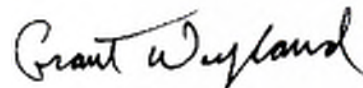
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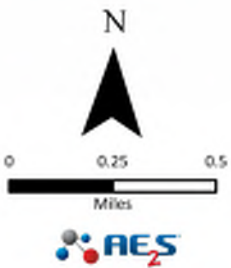
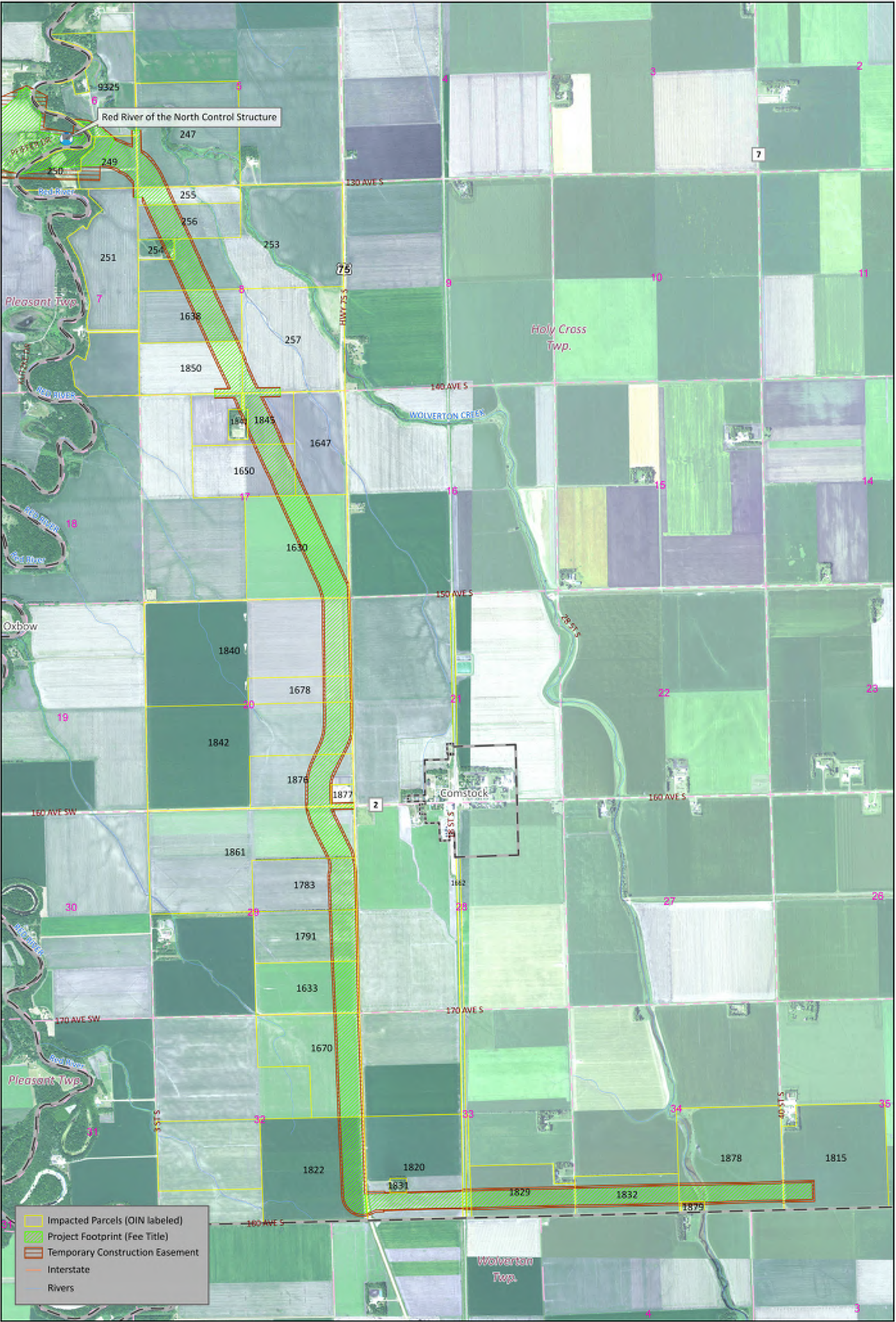
Mary Scherling
Cass County Commission
Diversion Authority Chair



Johnathan Judd
City of Moorhead Mayor
Diversion Authority Board



Grant Weyland
Clay County Commission
Diversion Authority Board



FM AREA DIVERSION PROJECT
SOUTHERN EMBANKMENT (MN)
ESTIMATED RIGHTS OF WAY

Date: 02/22/2019





211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-298-2381

February 25, 2019

<<Name>>

<<Address 1>>

<<Address 2>>

Dear <<Name>>,

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Enclosed with this letter is a preliminary map that details the area upstream of the Project where we expect property rights will need to be acquired. Finalization of the maps, the Property Rights Acquisition & Mitigation Plan, and acquisition of these property rights is expected to begin after approval of the Conditional Letter of Map Revision by the Federal Emergency Management Agency (FEMA), which we anticipate to occur in summer 2019.

We also want you to be aware of additional resources available to you online at www.fmdiversion.com/lands where all the information related to Property Acquisition and Mitigation for the Project is located. Included amongst the online resources are:

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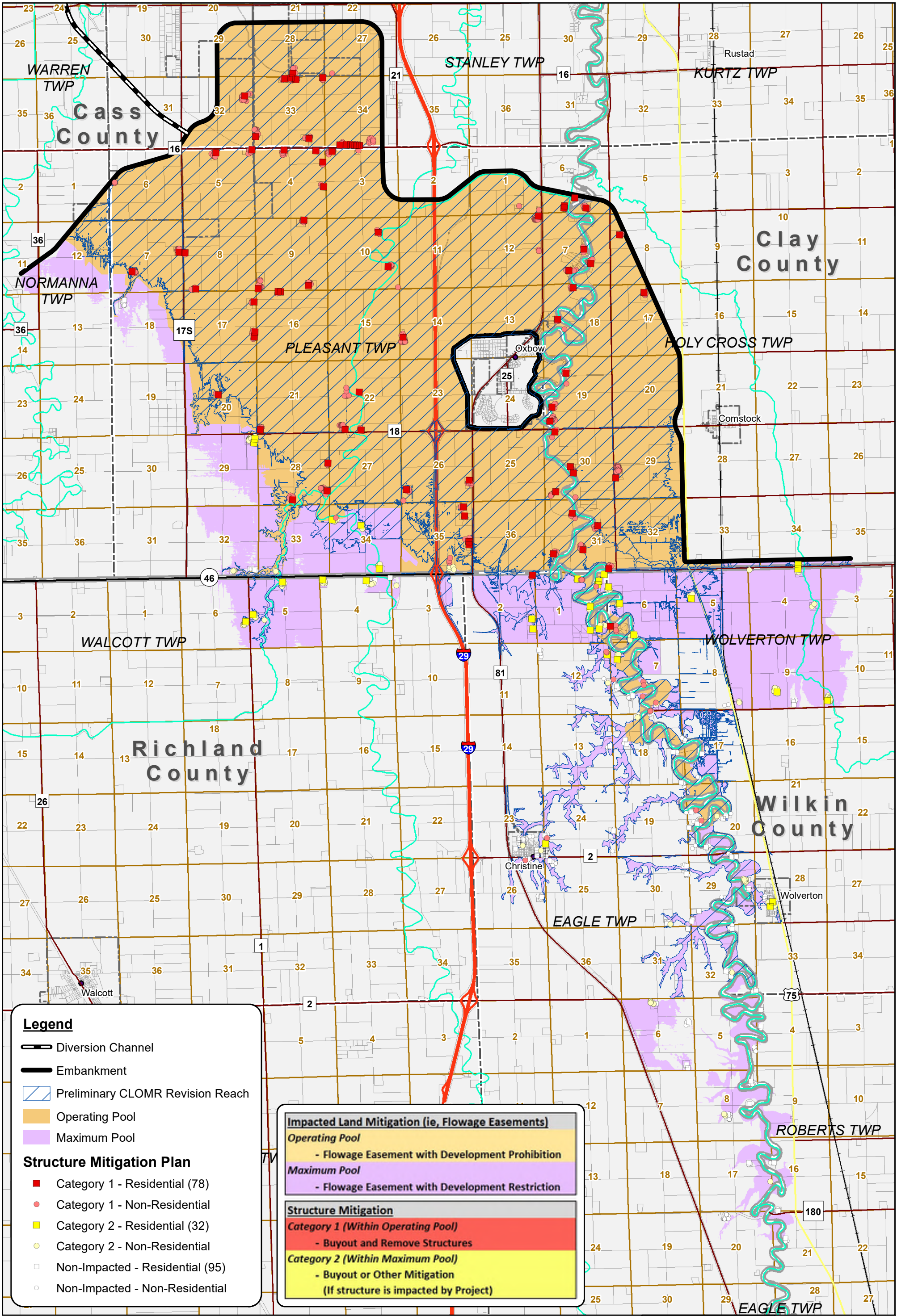
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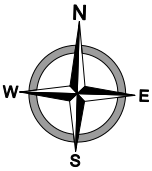
Mary Scherling
Cass County Commission
FM Diversion Authority, Chair



Dan Jacobson
Cass County Joint Water Resource District



**FM AREA DIVERSION PROJECT
POTENTIALLY IMPACTED STRUCTURE
AND LAND MITIGATION PLAN**



0 0.6 1.2 2.4 Miles

Preliminary





211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-298-2381

February 25, 2019

<<Name>>

<<Address 1>>

<<Address 2>>

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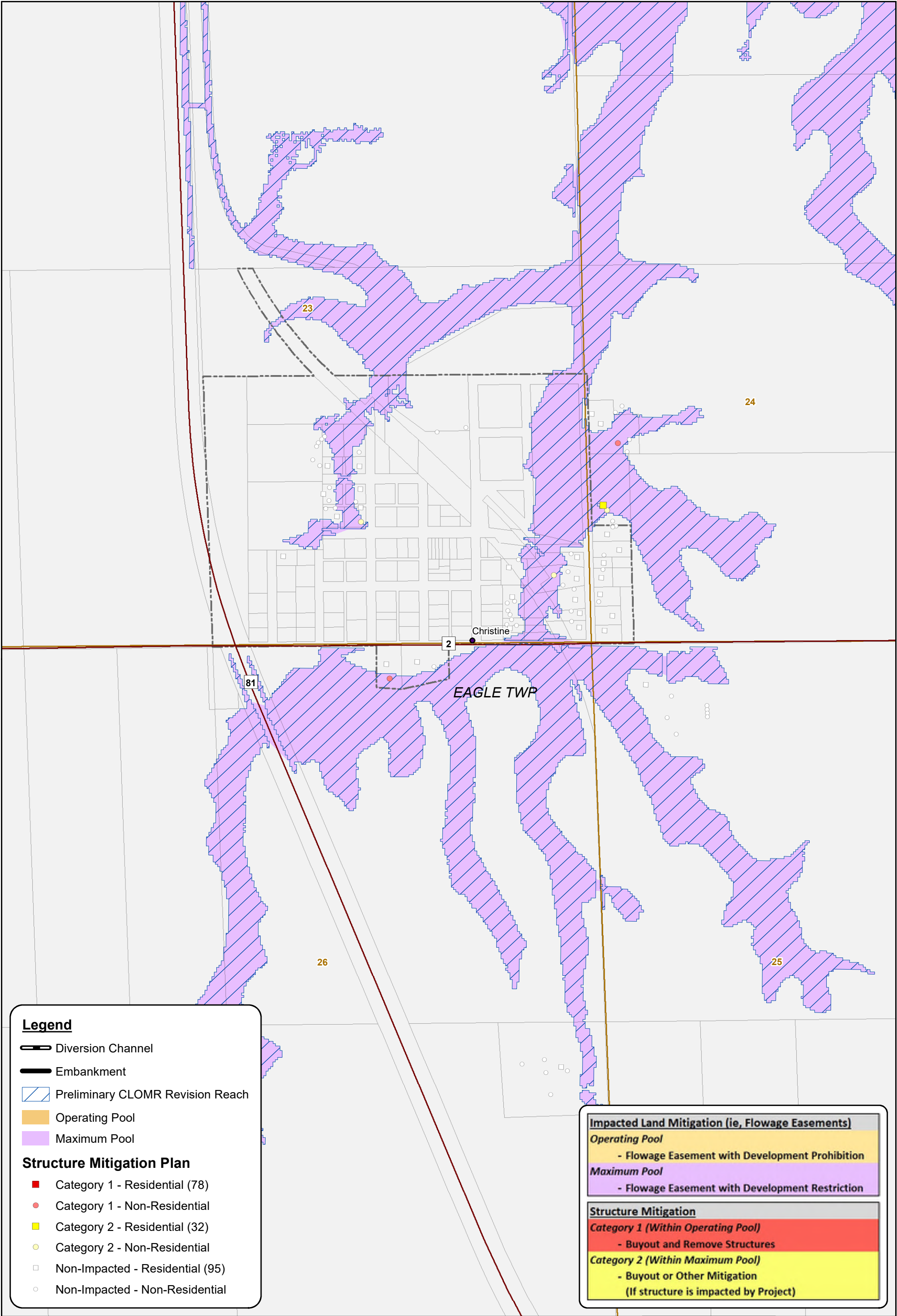
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Mary Scherling
Cass County Commission
FM Diversion Authority, Chair



Dan Jacobson
Cass County Joint Water Resource District



Legend

- Diversion Channel
- Embankment
- Preliminary CLOMR Revision Reach
- Operating Pool
- Maximum Pool

Structure Mitigation Plan

- Category 1 - Residential (78)
- Category 1 - Non-Residential
- Category 2 - Residential (32)
- Category 2 - Non-Residential
- Non-Impacted - Residential (95)
- Non-Impacted - Non-Residential

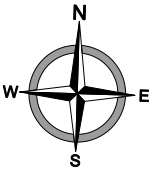
Impacted Land Mitigation (ie, Flowage Easements)

- Operating Pool**
 - Flowage Easement with Development Prohibition
- Maximum Pool**
 - Flowage Easement with Development Restriction

Structure Mitigation

- Category 1 (Within Operating Pool)**
 - Buyout and Remove Structures
- Category 2 (Within Maximum Pool)**
 - Buyout or Other Mitigation (If structure is impacted by Project)

**FM AREA DIVERSION PROJECT
POTENTIALLY IMPACTED STRUCTURE
AND LAND MITIGATION PLAN - MINNESOTA**



0 300 600 1,200 Feet

Preliminary



Created By: KMV Date Created: 06/18/18 Date Saved: 02/21/19 Date Exported: 02/21/19
Plotted By: kyle.volk Parcel Date: Varies Aerial Image: N/A Elevation Data: 2008 Lidar
Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
T:\Projects\19100\19116\19116_Structures_Plan_B_100yr_PMF_Bounds_2019_01_31_MN_Christine.mxd



CITY OF CHRISTINE 100YR FLOOD IMPACTS

FM Area Diversion Project
Date: 02/22/2019





211 Ninth Street South, Box 2806, Fargo, ND 58108-2806
Phone 701-298-2381

February 25, 2019

<<Name>>

<<Address 1>>

<<Address 2>>

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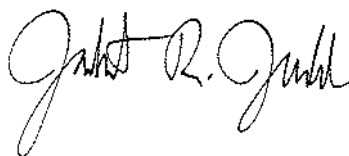
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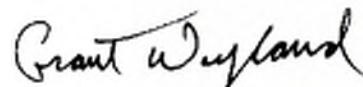
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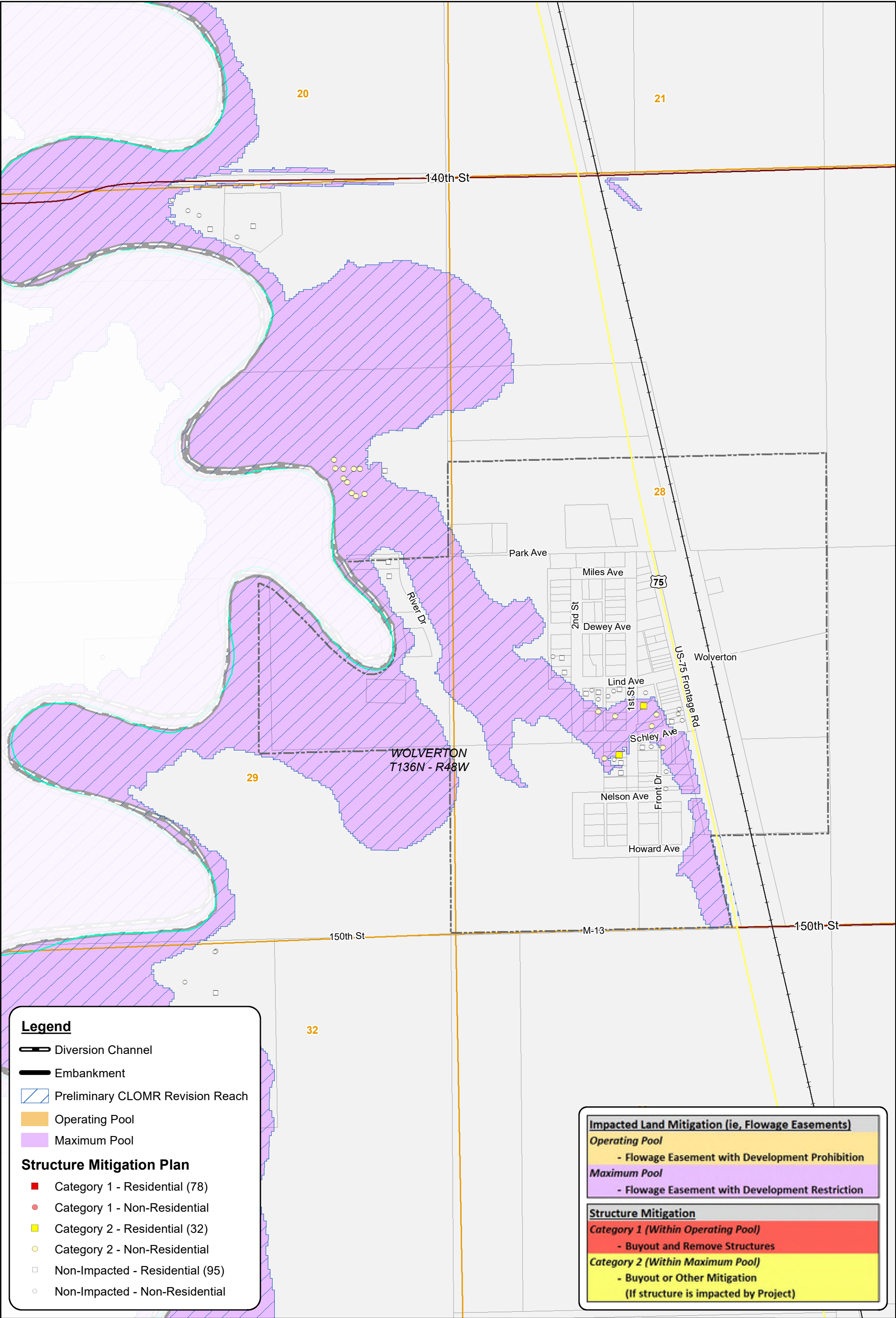
Mary Scherling
Cass County Commission
Diversion Authority Chair



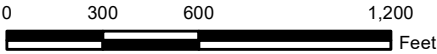
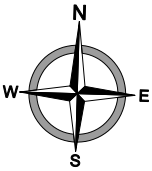
Johnathan Judd
City of Moorhead Mayor
Diversion Authority Board



Grant Weyland
Clay County Commission
Diversion Authority Board

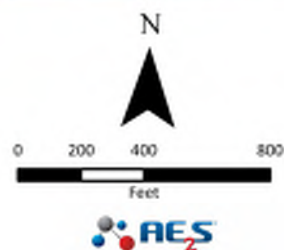
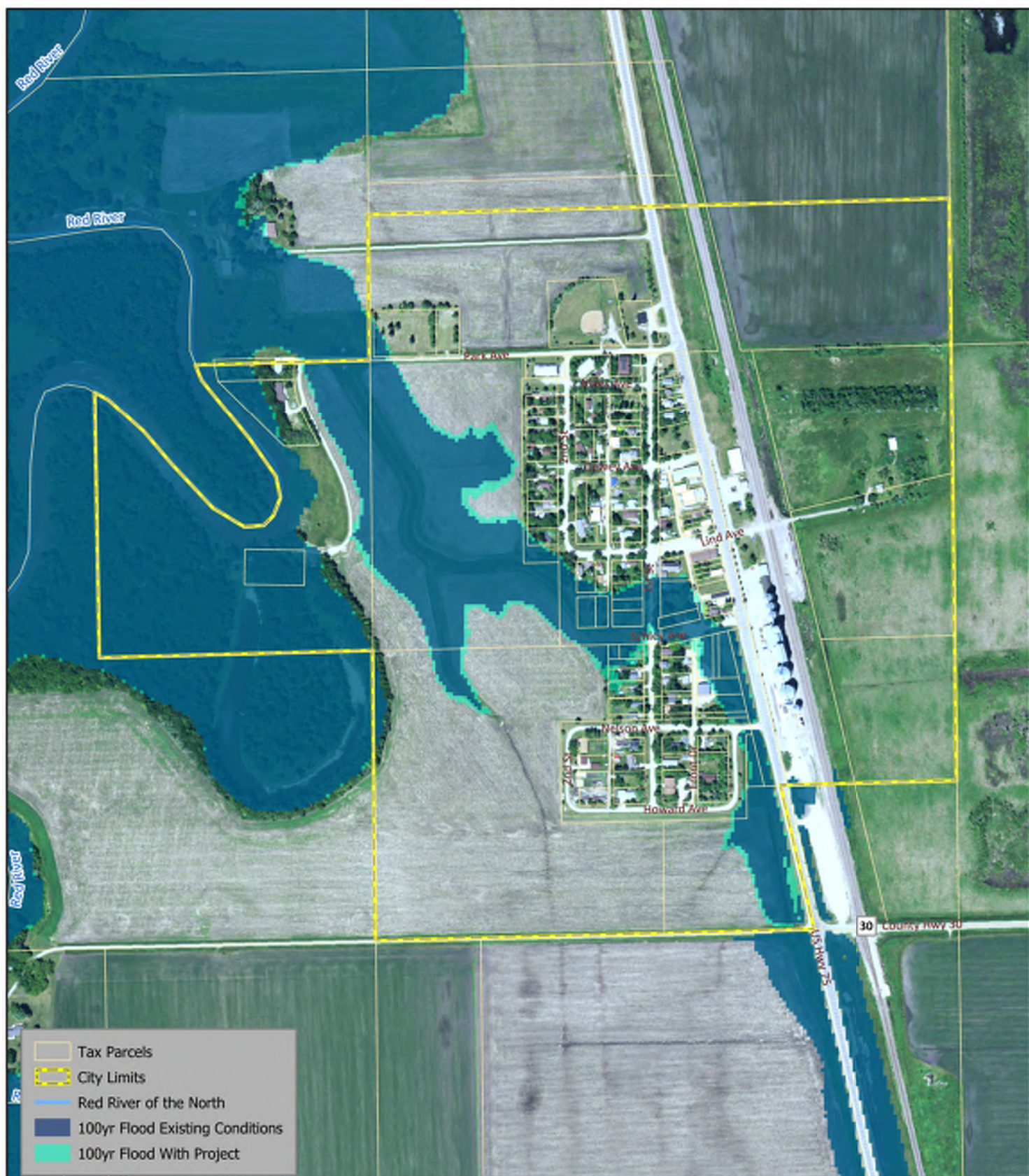


FM AREA DIVERSION PROJECT
POTENTIALLY IMPACTED STRUCTURE
AND LAND MITIGATION PLAN - MINNESOTA



Preliminary





CITY OF WOLVERTON 100YR FLOOD IMPACTS

FM Area Diversion Project
Date: 02/22/2019



FM Area Diversion Project

Definitions for Upstream Impacted Land and Structure Mitigation

The mitigation requirements for the Project are governed by two general rules:

1. The 100-year flood event (one percent annual chance event) is used to establish the regulatory floodplain boundary for the Project. The floodplain will be updated when the Project is completed within an area that is also referred to as the Revision Reach. The Revision Reach has been defined through the FEMA/USACE (Federal Emergency Management Agency / US Army Corps of Engineers) Coordination Plan using a six-inch tie-in between existing and with-Project 100-year flood events. The Coordination Plan also outlines floodplain management requirements for the Project and the Conditional Letter of Map Revision (CLOMR) process that will be followed for floodplain map revisions and FEMA-related Project mitigation.
2. The probable maximum flood (PMF) event is used for dam-safety purposes (this event is 204,000 cubic feet per second (cfs), or nearly seven times larger than the 2009 flood of record).

Impacted Land Mitigation

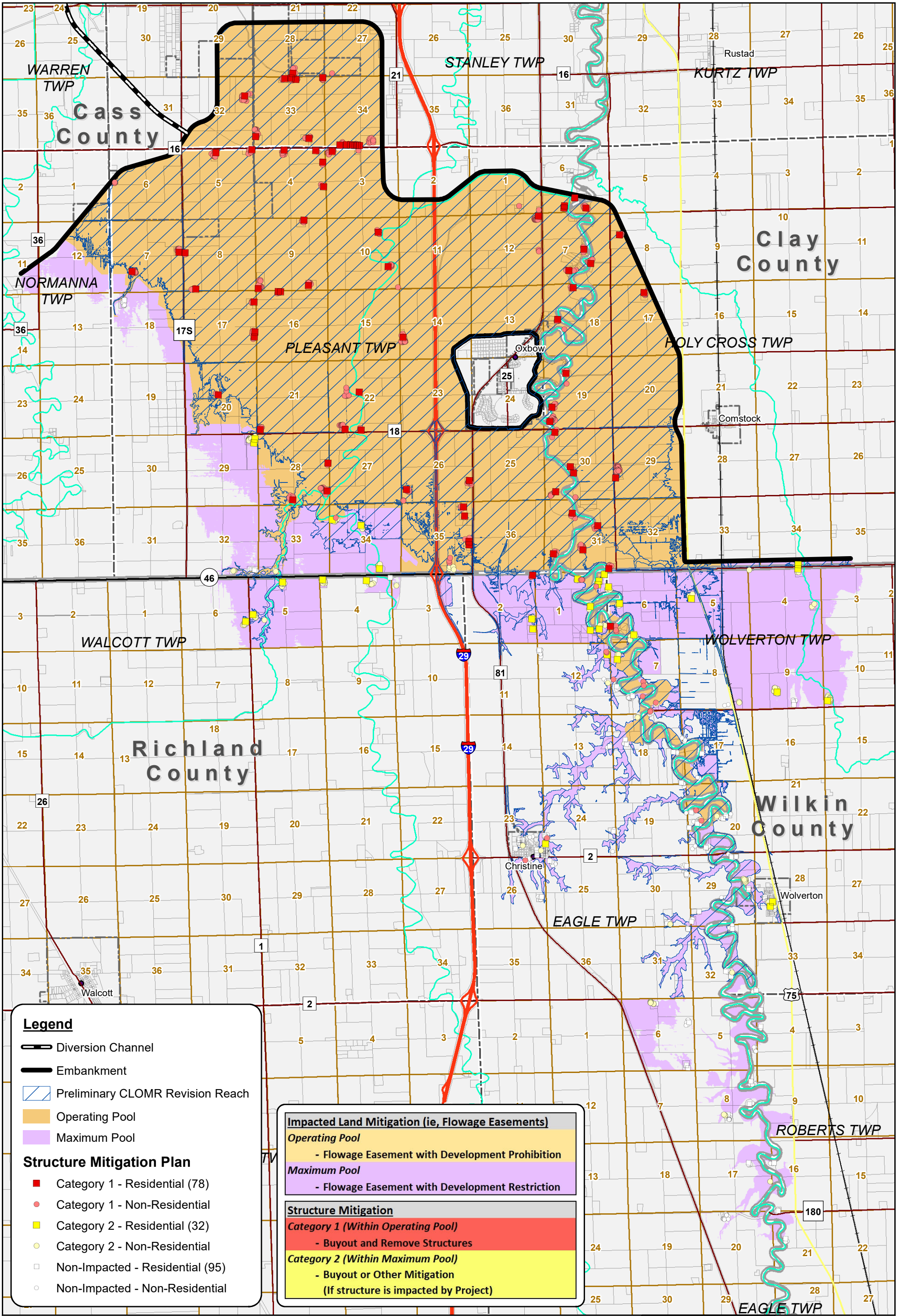
Two distinct areas are defined and will be used to acquire property rights on lands impacted by the Project.

- **Operating Pool.** This area contains the required volume of flood water necessary to safely operate the Project up to the 500-year (0.2 percent annual chance) flood event. The Operating Pool will be treated as a floodway.
 - Within the Operating Pool, the Diversion Authority will acquire flowage easements that prohibit future development or construction of structures.
- **Maximum Pool.** This area is defined as the area with flood water depth difference of 0.1-feet or greater under the 100-year or the PMF event.
 - Within the Maximum Pool, the Diversion Authority will acquire flowage easements that restrict future development. The flowage easements within the Maximum Pool will require that future development must be elevated above the flood level when the Project is in operation.

Structure Mitigation

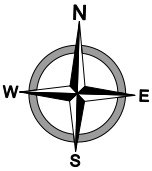
Two Categories are defined and will be used to acquire property rights for structures impacted by the Project.

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**FM AREA DIVERSION PROJECT
POTENTIALLY IMPACTED STRUCTURE
AND LAND MITIGATION PLAN**

Created By: KMV Date Created: 06/18/18 Date Saved: 02/21/19 Date Exported: 02/21/19
Plotted By: Kyle Volk Parcel Date: Varies Aerial Image: N/A Elevation Data: 2008 Lidar
Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
T:\Projects\19100\19116\19116_Structures_Plan_B_100yr_PMF_Bounds_2019_02_08.mxd



0 0.6 1.2 2.4 Miles

Preliminary



FM Area Diversion Project

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PMC Recommendation: Formation of Farm Impacts Working Group

DECISION PAPER NO.: **DP-00035**

Date: 2/27/2019

RECOMMENDATION FOR BOARD ACTION:

Motion is made that the Land Management Committee direct the PMC to formulate a Farm Impacts Working Group to advance discussions related to implementation of the mitigation plan. This directive shall be valid for one year from this date, and expire thereupon.

I. SUMMARY OF DECISION TOPIC:

A small group of highly engaged stakeholders will constitute an effective body to understand, inform, and advise on the implementation of the ag impacts mitigation plan. The group shall make all efforts to reach the objectives outlined in part IV within one year.

II. EVALUATION OF KEY FACTORS FOR DECISION MAKING:

1. Implementation of the farm impact mitigation programs, as outlined in the Property Rights Acquisition and Mitigation (PRAM) Plan, will require granular discussions.
2. An informal group structure fosters more open communication between representatives of the Authority and the impacted stakeholders. This would include nuanced discussions about implementation measures that are infeasible, impractical, or outside budget constraints.

III. KEY CHARACTERISTICS OF FARM IMPACTS WORKING GROUP

1. The main purpose of the Farm Impact Working Group is to examine and deliberate on the administration of the policy directives of the PRAM Plan.
2. The Farm Impact Working Group shall have no official chair, and no policymaking capacity. Working sessions will be organized and led by the PMC. The group may serve as an advisory body to the Land Management Committee and Cass County Joint Water Resource District.
3. Participation shall be limited to five (5) persons who are directly impacted by the FM Area Diversion Project. The group may include an additional one (1) member of the FMDA Land Management Committee OR one (1) Manager of the Cass County Joint Water Resource District's Board of Managers, and one (1) representative from Minnesota (Clay County Commission or Buffalo-Red River Watershed District Board).
4. To foster a candid atmosphere the meetings will be considered working group sessions. Participants will be encouraged to share information and solicit feedback from their friends and neighbors.
5. Makeup of the group shall proportionally reflect the geographic area of impact, as well as the severity of the impact.

IV. OBJECTIVES TO BE ACHIEVED BY FARM IMPACTS WORKING GROUP

1. Farm Relocation/Re-establishment policy
2. Flowage easement payment delivery
3. Agricultural risk management
4. Relocation and reestablishment for displaced farm tenants
5. Administration of the 'post-operation debris clean-up program'