



# Flowage Easement Informational Meetings

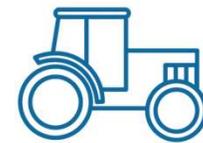
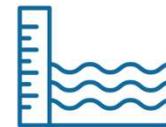
March 14 - 22, 2022

# Welcome!



## Thank you for joining us!

The Cass County Joint Water Resource District, Moorhead-Clay County Joint Powers Authority, and the Metro Flood Diversion Authority are dedicated to answering your questions about the Project

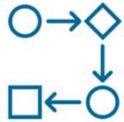


# Agenda for Open House Meeting



- Presentation (6:15)
- Question & Answer Session (15-30 minutes)
- Open House – Meet with Land Agents (until 9:00)
- Arrange Follow-Up Meeting with Land Agents

# Presentation Outline



Flowage Easement Development



Flowage Easement Frequently Asked Questions



Mitigation Zones and Impacts Summary



Flowage Easement Appraisal Process



Crop Insurance Programs



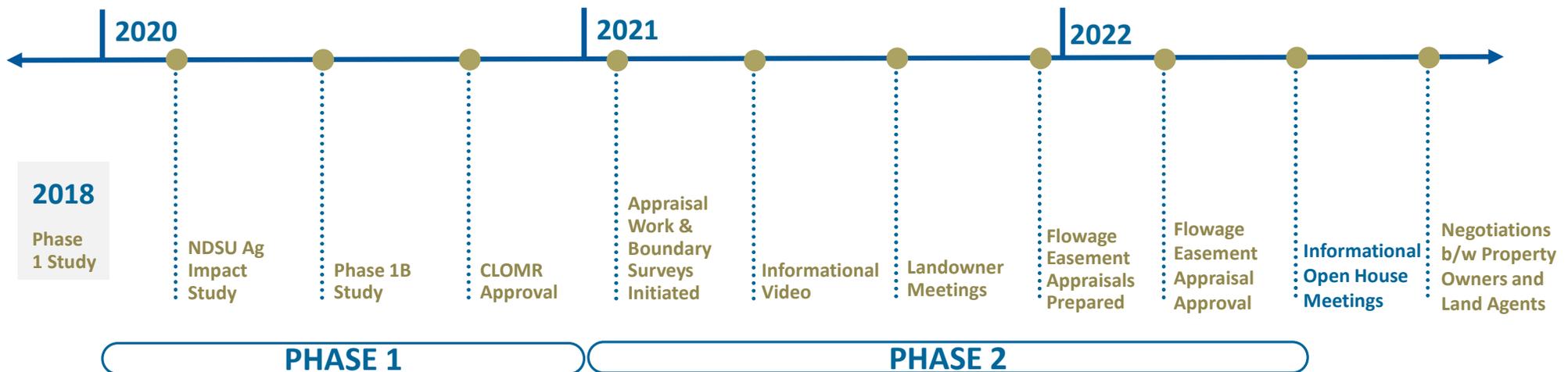
Post-Operation Programs

# Flowage Easement Development

# Flowage Easement Appraisal Process

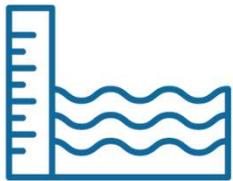


## History of Flowage Easement Development



# Frequently Asked Questions

## Frequently Asked Questions



### What is a Flowage Easement?

- Agreement between a landowner and one of the member entities of the Metro Flood Diversion Authority (MFDA)
- Payment to landowner
- Right to periodically and temporarily store floodwater during Project operation

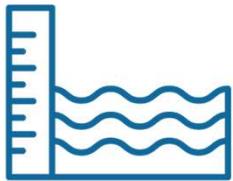
### What does the Flowage Easement payment cover?

- Legal right to periodically and temporarily store floodwater during Project operation
- Restriction on development rights

# Flowage Easement Information



## Frequently Asked Questions



### Why does there need to be a Flowage Easement on my property?

- Required by federal and state regulatory agencies
- Property right needed

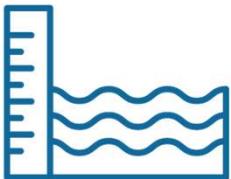
### Who will be obtaining the Flowage Easements?

- North Dakota, the Cass County Joint Water Resource District (CCJWRD)
- Minnesota, the City of Moorhead, Clay County, or Moorhead Clay County Joint Powers Authority (MCCJPA)

# Flowage Easement Information



## Frequently Asked Questions



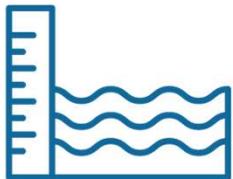
### When can I expect the payment?

- CCJWRD or MCCJPA will provide an “Agreement to Acquire a Flowage Easement”
- Agreement includes payment terms
- Compensation for a Flowage Easement is a one-time payment
- Payment at closing

# Flowage Easement Information



## Frequently Asked Questions



### How often is floodwater going to be stored on my property?

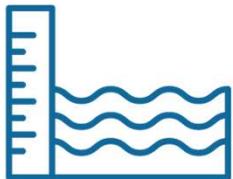
- The USACE and the MFDA determined how much operation of the Project would increase the depth of floodwater on each property (“depth difference”)
- See the **Depth Duration and Frequency Table** (available on website at [www.FMDiversion.gov/FlowageEasements](http://www.FMDiversion.gov/FlowageEasements))

# Flowage Easement Information



## Depth, Duration, Frequency Impact Table by OIN

### Depth Duration Frequency Table



OIN	*Approx Min Field Elevation	ELEVATIONS WITHOUT DIVERSION (Existing Conditions)								ELEVATIONS WITH DIVERSION (With-Project Conditions)							
		20-Year Flood		50-Year Flood		100-Year Flood		500-Year Flood		20-Year Flood		50-Year Flood		100-Year Flood		500-Year Flood	
		Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation
23	910.0	905.5	0.0	910.7	4.5	911.7	10.0	912.5	15.0	912.7	9.5	918.7	10.0	920.9	11.0	922.0	14.5
24	909.0	905.5	0.0	910.7	7.5	911.7	12.5	912.5	17.5	912.7	11.0	918.7	10.5	920.9	12.0	922.0	15.0
27	907.0	905.5	0.0	910.7	11.5	911.7	15.5	912.5	20.5	912.7	12.5	918.7	11.5	920.9	13.0	922.0	17.5
28	906.0	905.5	0.0	910.7	13.0	911.7	16.5	912.5	22.0	912.7	13.0	918.7	12.5	920.9	13.5	922.0	18.5
29	908.0	906.1	0.0	910.8	11.0	911.8	15.0	912.6	19.5	912.7	11.5	918.7	11.5	920.9	13.0	922.0	16.0
30	912.5	909.9	0.0	913.7	5.5	914.0	9.5	914.5	13.5	912.7	2.5	918.7	9.0	920.9	10.5	922.0	13.0
176	924.0	915.5	0.0	918.4	0.0	921.1	0.0	925.7	6.0	915.7	0.0	920.4	0.0	923.1	0.0	925.9	9.0
213	905.0	905.0	1.0	910.7	13.5	911.7	17.0	912.5	23.0	912.7	31.5	918.7	31.5	920.9	32.0	921.9	32.0
232	915.5	915.4	0.0	916.1	5.5	916.3	9.0	916.8	12.0	914.9	0.0	918.7	8.5	920.9	10.5	922.0	13.0
249	908.5	910.3	27.5	912.4	29.0	913.6	29.5	915.1	31.0	910.8	6.5	918.5	12.0	921.0	16.0	922.4	31.5
250	912.0	910.3	0.0	912.3	3.0	913.6	7.5	915.0	25.5	910.8	0.0	918.5	9.5	921.0	11.5	922.4	27.5
251	910.0	910.6	3.0	913.0	9.0	914.5	13.5	916.5	31.0	911.1	4.0	918.6	11.5	921.1	14.5	922.6	31.0
255	905.5	910.0	9.5	912.0	14.5	913.3	22.0	914.7	32.5	910.7	37.5	918.6	37.5	921.1	37.5	922.5	37.5
809	900.0	910.4	15.5	912.6	21.0	913.9	32.0	915.5	33.5	910.9	16.0	918.6	21.0	921.0	32.0	922.4	33.5
816	910.0	911.5	8.5	913.8	15.0	914.0	18.0	914.5	23.5	912.7	11.0	918.7	13.0	920.9	14.5	922.0	19.5
817	910.5	911.5	8.5	913.8	15.0	914.0	18.0	914.5	23.0	912.7	8.5	918.7	10.0	920.9	11.0	922.0	15.0
818	910.0	911.5	8.5	913.8	15.0	914.0	18.0	914.5	23.5	912.7	11.0	918.7	13.0	920.9	14.5	922.0	19.5
821	911.0	911.5	6.5	913.8	13.5	914.0	16.5	914.5	22.0	912.7	7.5	918.7	9.5	920.9	11.0	922.0	14.5
824	911.0	909.9	0.0	913.7	8.0	914.0	11.0	914.5	15.5	912.7	7.5	918.7	10.0	920.9	12.5	922.0	15.5
825	911.0	909.9	0.0	913.7	8.0	914.0	11.0	914.5	15.5	912.7	7.5	918.7	10.0	920.9	12.5	922.0	15.5
827	911.0	909.9	0.0	913.7	8.0	914.0	11.0	914.5	15.5	912.7	7.5	918.7	10.0	920.9	12.5	922.0	15.5
828	911.0	909.9	0.0	913.7	8.0	914.0	11.0	914.5	15.5	912.7	7.5	918.7	10.0	920.9	12.5	922.0	15.5
829	912.0	909.9	0.0	913.7	6.5	914.0	10.0	914.5	14.5	912.7	4.5	918.7	9.5	920.9	10.5	922.0	13.5
830	913.0	912.5	0.0	913.7	4.5	913.9	8.5	914.5	13.0	914.6	5.0	918.7	13.5	920.9	15.0	921.9	16.5
832	915.0	912.5	0.0	913.7	0.0	913.9	0.0	914.5	0.0	914.6	0.0	918.7	7.5	920.9	9.0	921.9	11.5
833	915.5	912.5	0.0	913.7	0.0	913.9	0.0	914.5	0.0	914.6	0.0	918.7	7.0	920.9	8.5	921.9	11.0
835	916.0	915.4	0.0	916.1	2.0	916.3	5.5	916.8	9.0	914.9	0.0	918.7	7.5	920.9	9.0	922.0	12.0
836	916.0	915.4	0.0	916.1	2.0	916.3	5.5	916.8	9.0	914.9	0.0	918.7	7.5	920.9	9.0	922.0	12.0
838	917.0	915.4	0.0	916.1	0.0	916.3	0.0	916.8	0.0	914.9	0.0	918.7	5.5	920.9	8.0	922.0	10.5
840	908.5	915.1	12.0	915.9	19.0	916.1	21.5	916.6	30.5	913.8	13.0	918.7	19.0	921.0	21.5	922.1	31.5

Data based on the hydraulic model that was approved by FEMA as part of the 2020 Conditional Letter of Map Revision (CLOMR). FEMA Case Number 19-08-0683R.  
\*Approximate Minimum Field Elevation may not represent the elevation of the entire parcel (OIN).

# Flowage Easement Information



## Depth, Duration, Frequency Impact Table by OIN

Locate your property OIN

Follow the horizontal data

		ELEVATIONS WITHOUT DIVERSION (Existing Conditions)								
		20-Year Flood		50-Year Flood		100-Year Flood		500-Year Flood		
OIN	*Approx Min Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Ma Wat Surf Eleva
23	910.0	905.5	0.0	910.7	4.5	911.7	10.0	912.5	15.0	912
24	909.0	905.5	0.0	910.7	7.5	911.7	12.5	912.5	17.5	912
27	907.0	905.5	0.0	910.7	11.5	911.7	15.5	912.5	20.5	912
28	906.0	905.5	0.0	910.7	13.0	911.7	16.5	912.5	22.0	912
29	908.0	906.1	0.0	910.8	11.0	911.8	15.0	912.6	19.5	912
30	912.5	909.9	0.0	913.7	5.5	914.0	9.5	914.5	13.5	912
176	924.0	915.5	0.0	918.4	0.0	921.1	0.0	925.7	6.0	915
213	905.0	905.0	1.0	910.7	13.5	911.7	17.0	912.5	23.0	912

Example:

OIN 176

Approx Min Field Elevation = 924.0

Existing Conditions

20 year

- Max Water = 915.5
- Approx Days = 0.0

50 year

- Max Water = 918.4
- Approx Days = 0.0

100 year

- Max Water = 921.1
- Approx Days = 0.0

500 year

- Max Water = 925.7
- Approx Days = 6.0

# Flowage Easement Information



## Depth, Duration, Frequency Impact Table by OIN

Locate your property OIN

Follow the horizontal data

		ELEVATIONS WITH DIVERSION (With-Project Conditions)							
		20-Year Flood		50-Year Flood		100-Year Flood		500-Year Flood	
OIN	*Approx Min Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation	Max Water Surface Elevation	Approx Days Above Field Elevation
23	910.0	912.7	9.5	918.7	10.0	920.9	11.0	922.0	14.5
24	909.0	912.7	11.0	918.7	10.5	920.9	12.0	922.0	15.0
27	907.0	912.7	12.5	918.7	11.5	920.9	13.0	922.0	17.5
28	906.0	912.7	13.0	918.7	12.5	920.9	13.5	922.0	18.5
29	908.0	912.7	11.5	918.7	11.5	920.9	13.0	922.0	16.0
30	912.5	912.7	2.5	918.7	9.0	920.9	10.5	922.0	13.0
176	924.0	915.7	0.0	920.4	0.0	923.1	0.0	925.9	9.0
215	905.0	912.7	31.5	918.7	31.5	920.9	32.0	921.9	32.0

Example:

OIN 176

Approx Min Field Elevation = 924.0

With-Project Conditions

20 year

- Max Water = 915.7
- Approx Days = 0.0

50 year

- Max Water = 920.4
- Approx Days = 0.0

100 year

- Max Water = 923.1
- Approx Days = 0.0

500 year

- Max Water = 925.9
- Approx Days = 9.0

# Flowage Easement Information



## Frequently Asked Questions



### Why are my restrictions different from others going through this process?

- USACE, North Dakota, and Minnesota have different flowage easement requirements
- The Upstream Mitigation Area (UMA) has been divided into four mitigation zones

### Will I need to clean up my land after the water recedes?

- MFDA has committed to assisting property owners with cleanup from impacts caused by Project operation

# Flowage Easement Information



## Frequently Asked Questions



### Can I still farm or lease my land?

- Yes, the Flowage Easement allows farming to continue
- Development will be restricted
- Landowners retain right to farm, lease the land, and install drainage

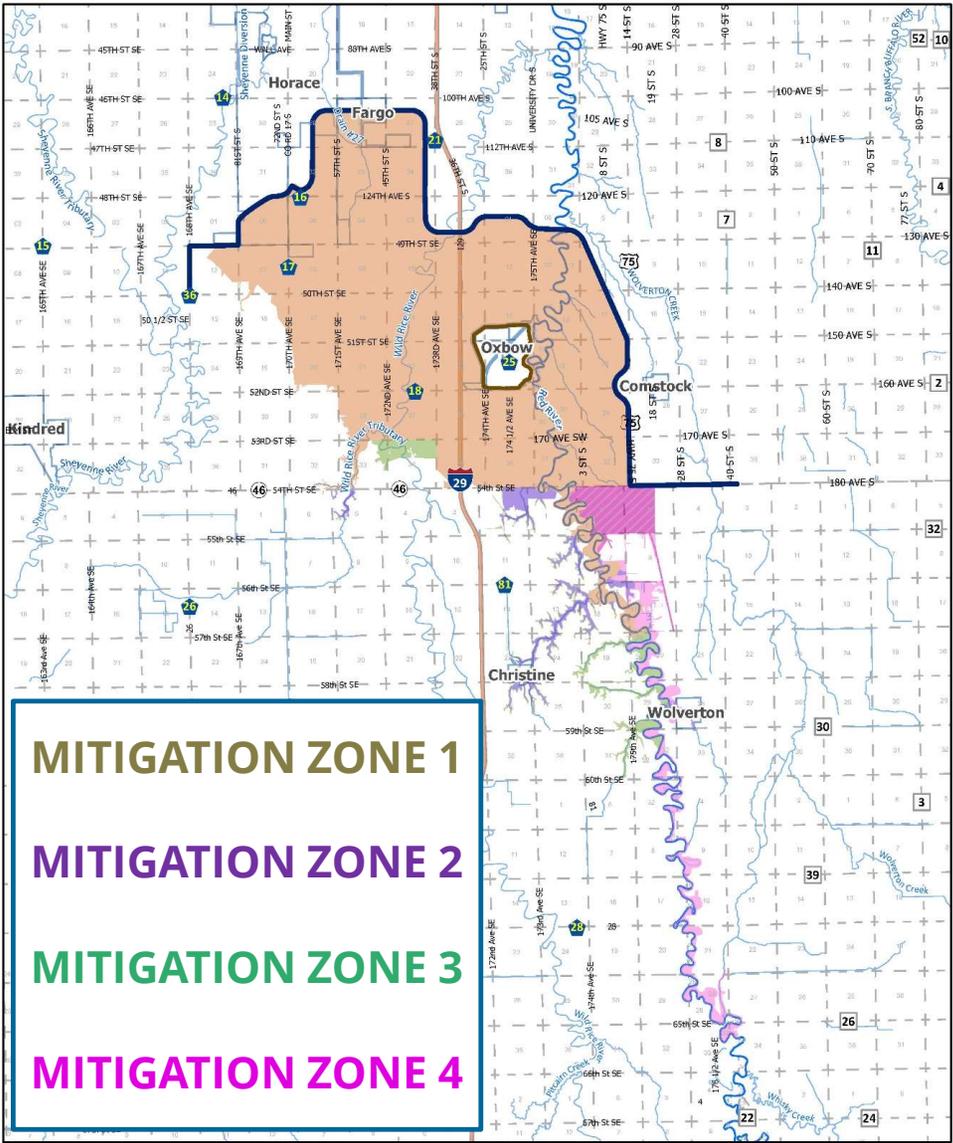
### Will this impact my crop insurance?

- No, ability to purchase federal crop insurance remains unchanged
- MFDA agreed to providing supplemental crop loss protections not covered by federal crop insurance

# Mitigation Zones and Impact Summary

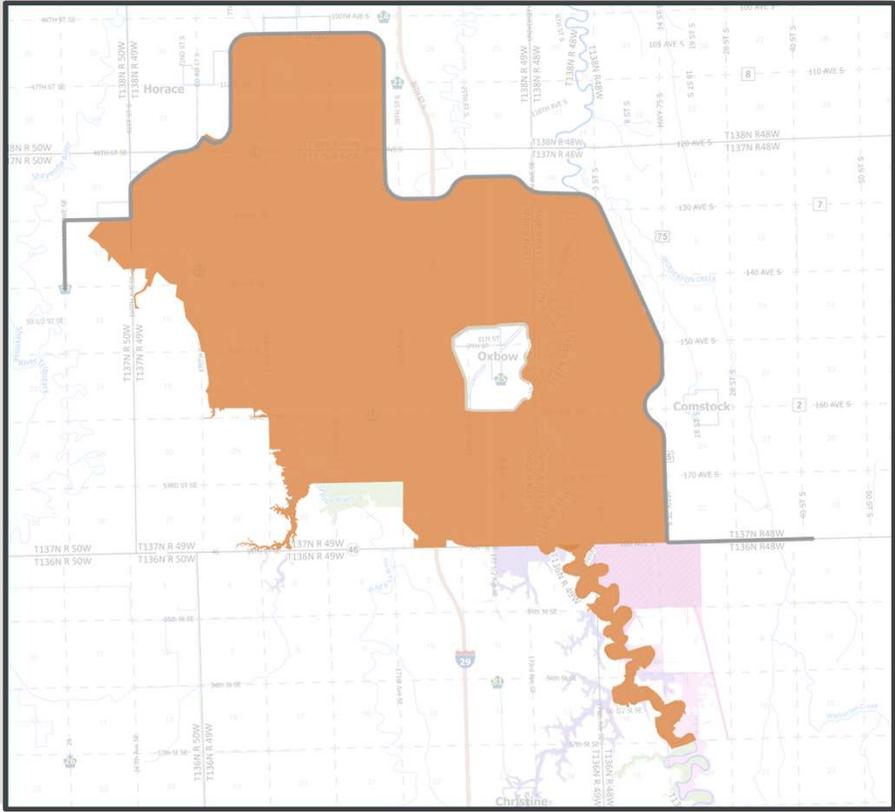
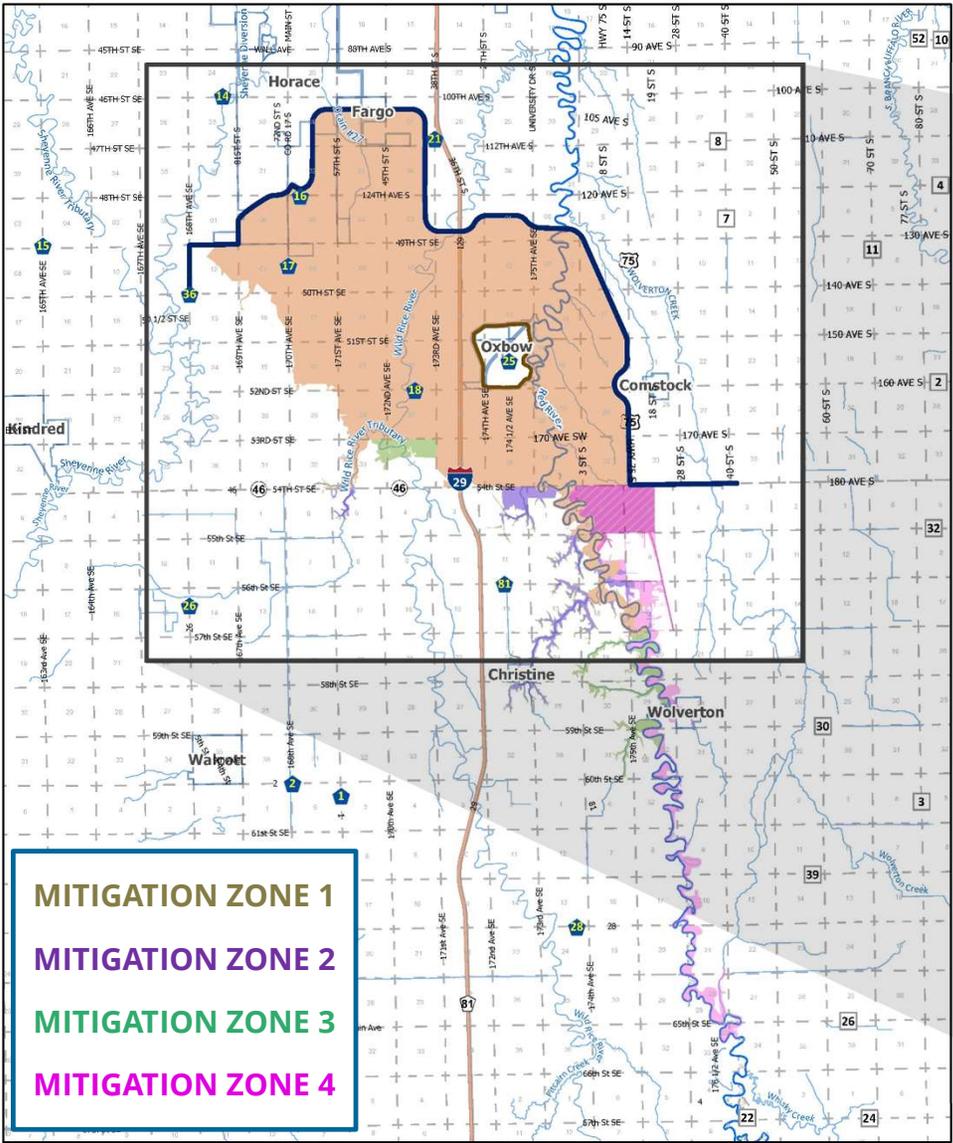
# Upstream Mitigation Zones

- USACE, North Dakota, and Minnesota each have different Flowage Easement requirements



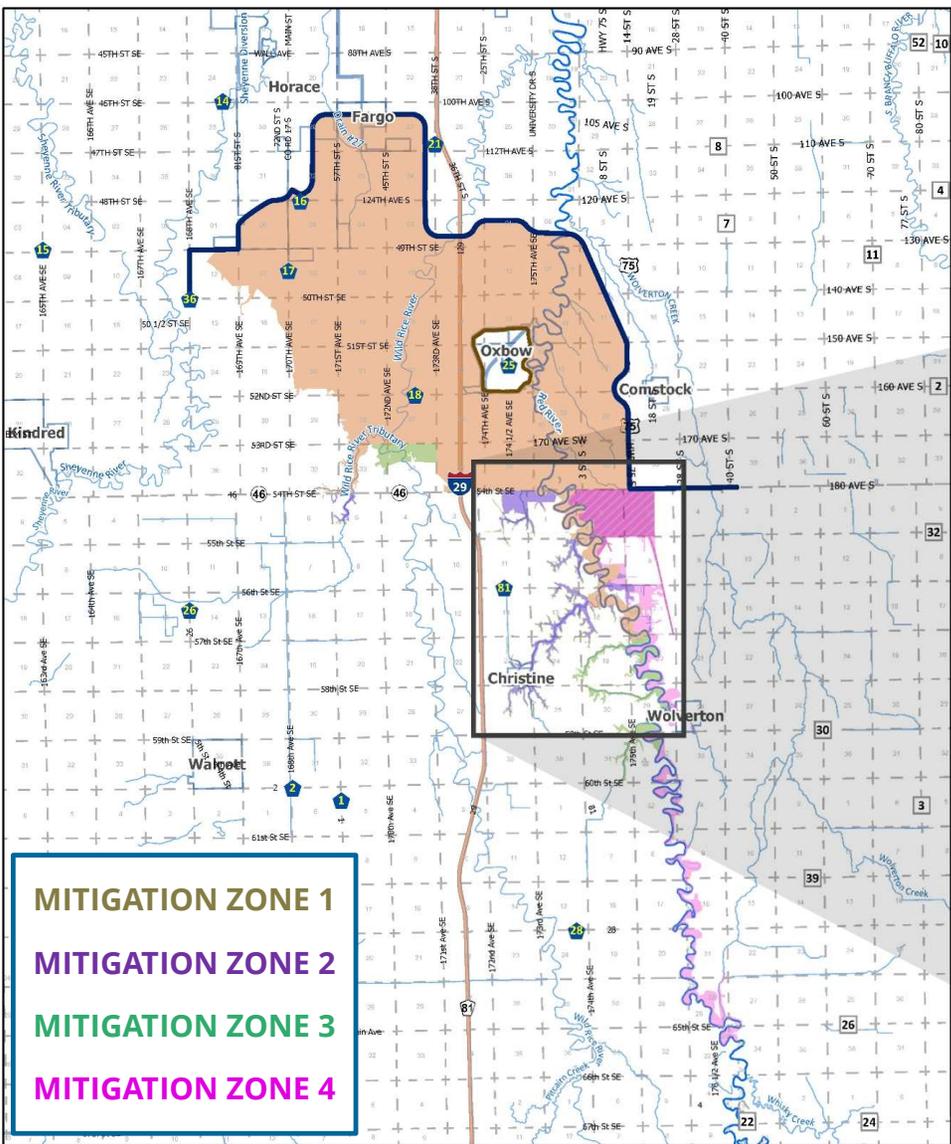
# Upstream Mitigation Zones

## MITIGATION ZONE 1

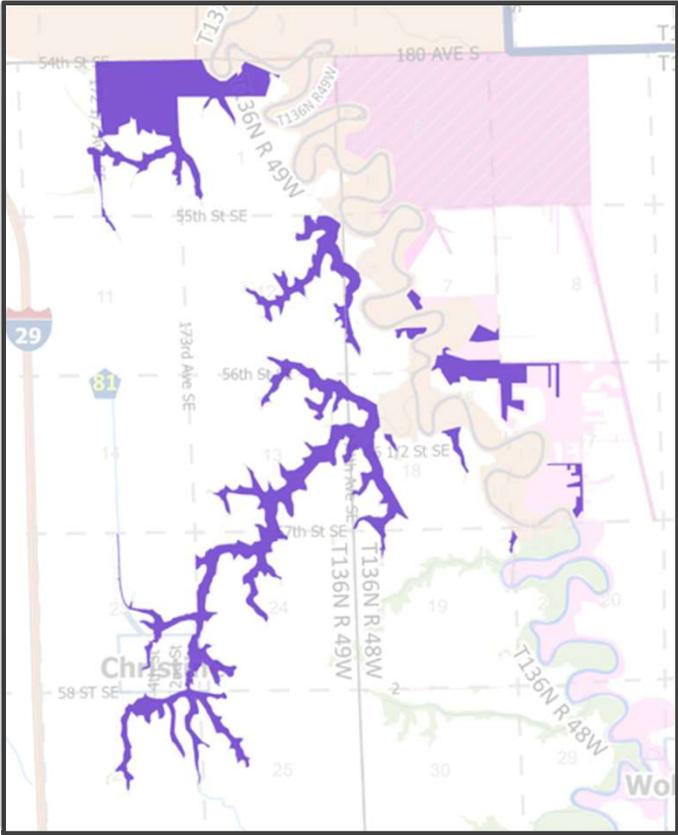


Information depicted may include data supplied by GPS. Any reliance upon such data is at the user's own risk. GPS does not warrant the map or its features in either quality or timeliness of any manner.

# Upstream Mitigation Zones

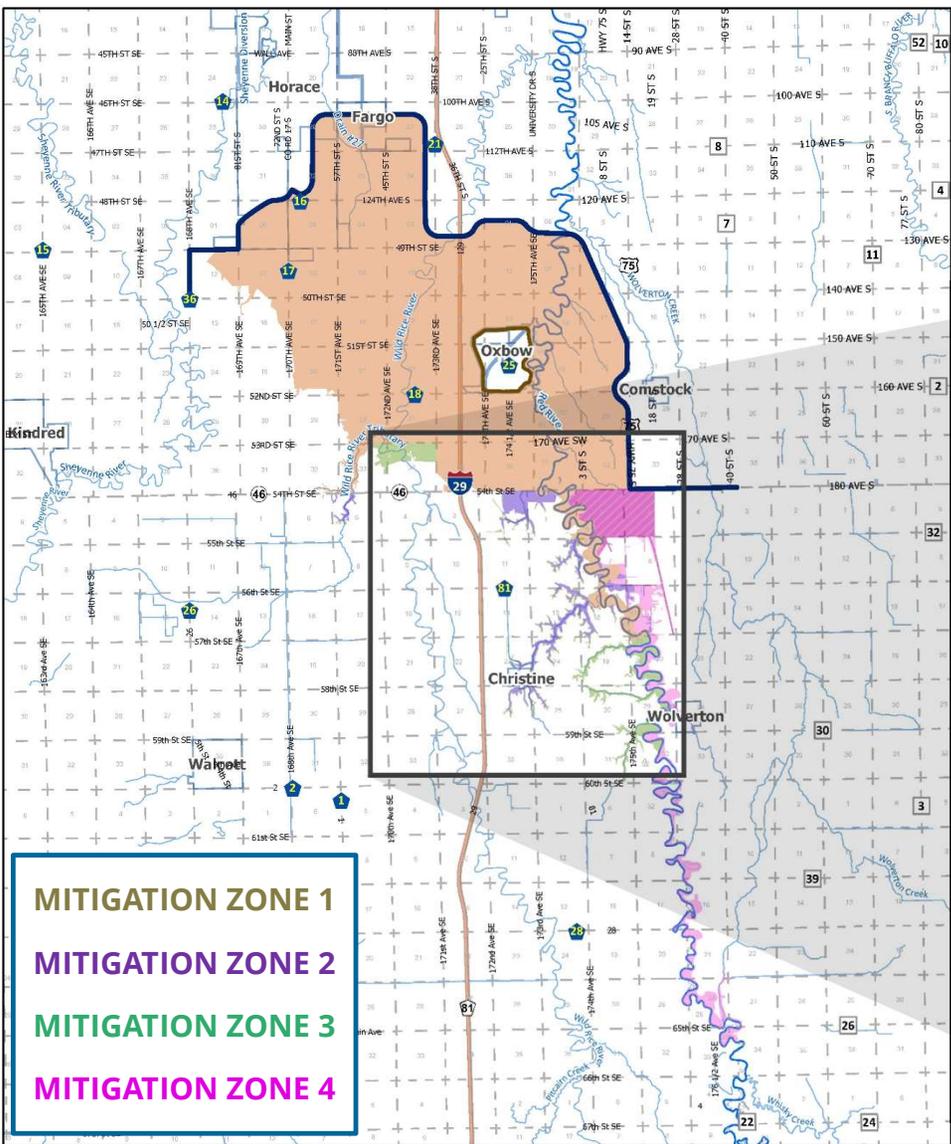


## MITIGATION ZONE 2

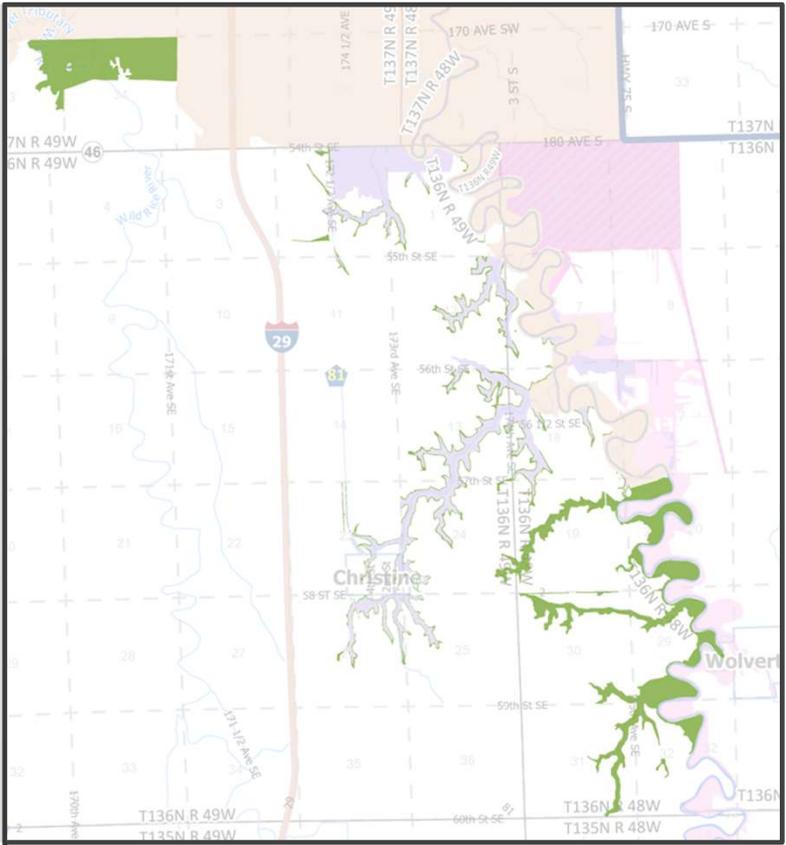


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# Upstream Mitigation Zones



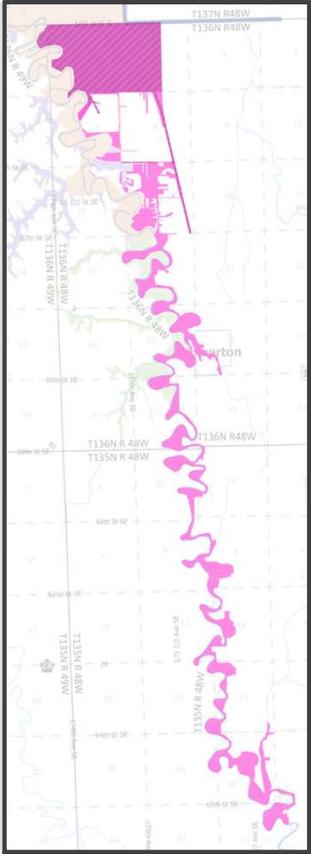
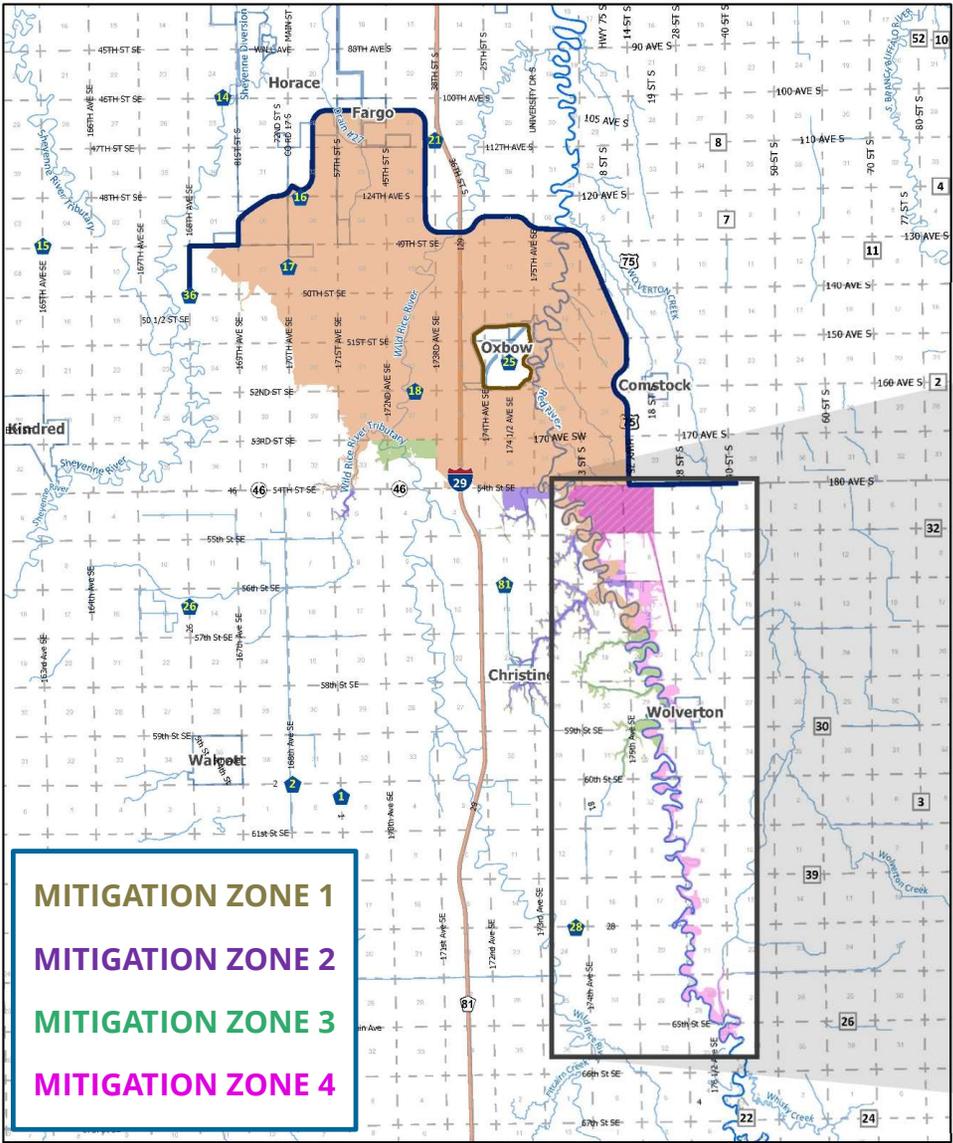
## MITIGATION ZONE 3



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# Upstream Mitigation Zones

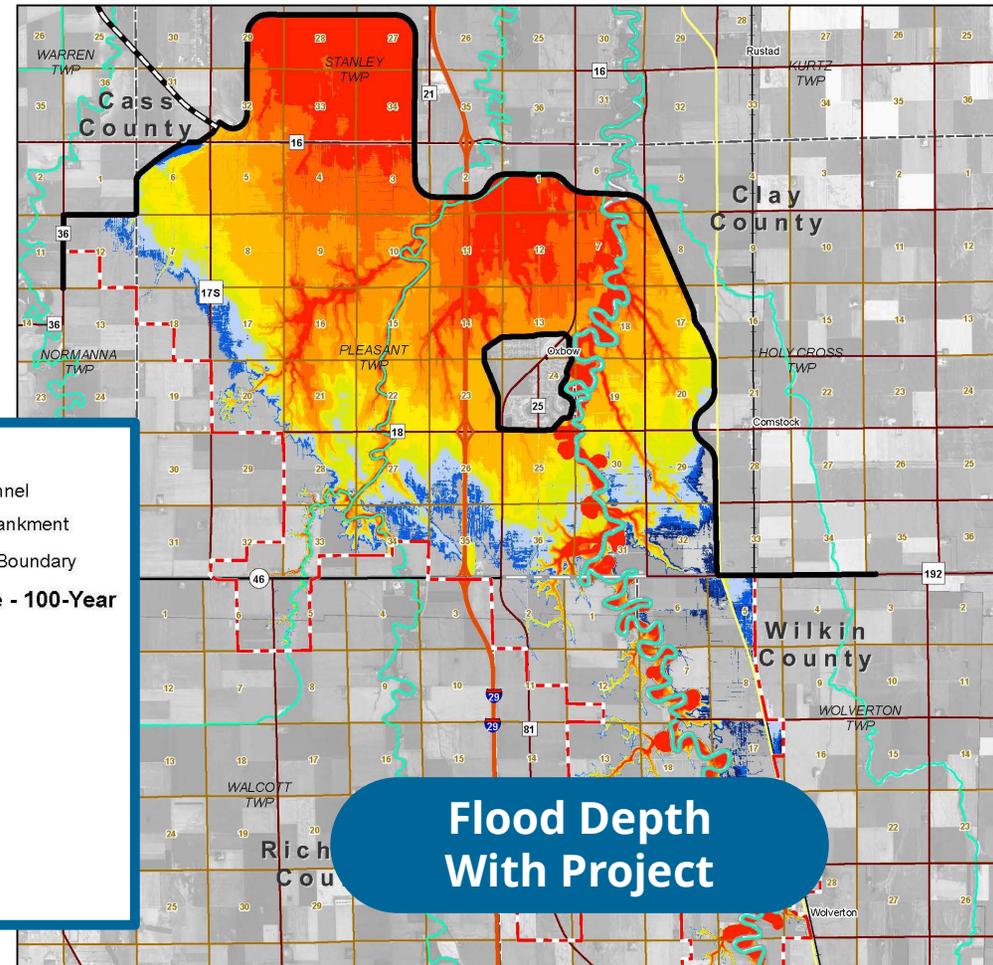
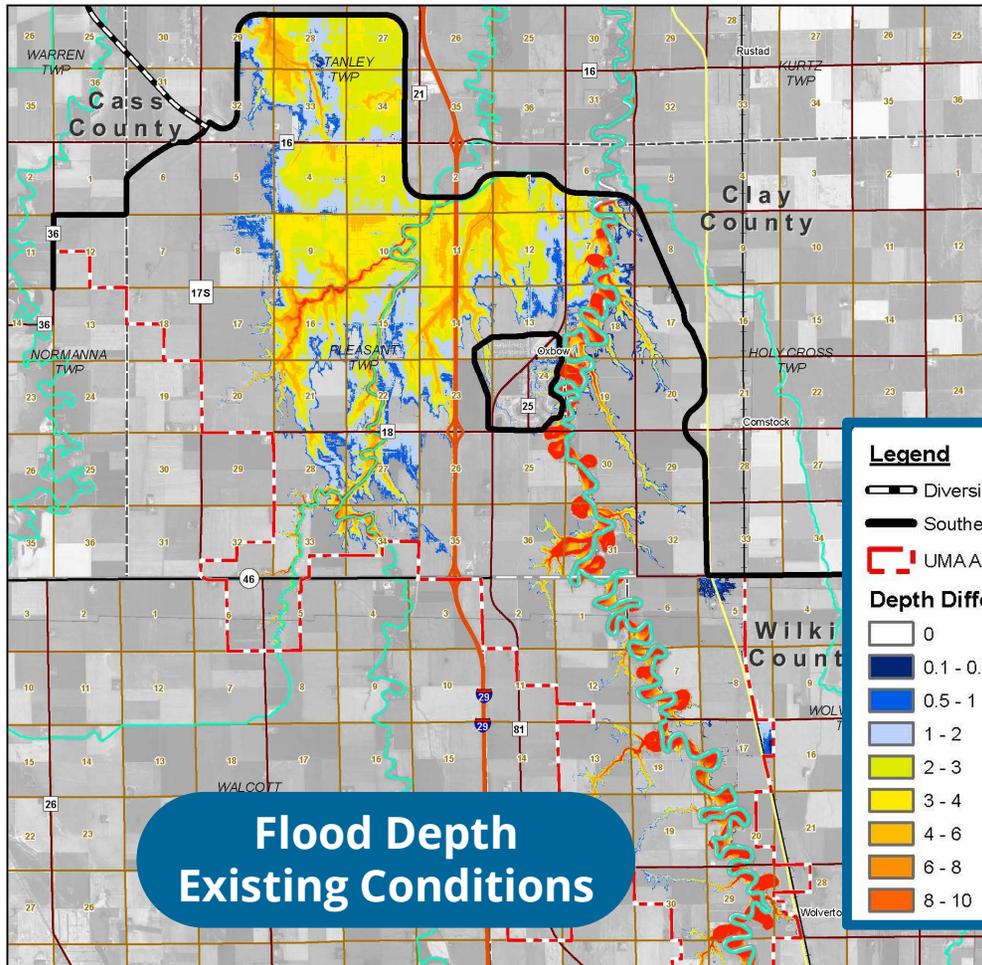
## MITIGATION ZONE 4



Information depicted may include data supplied by GPS. Any reliance upon such data is at the user's own risk. GPS data with accurate time stamp or its features are neither quality nor accuracy.

# Upstream Mitigation Zones - 100 Year Flood Event

2009 is Comparable to a 50 Year Flood Event



**Legend**

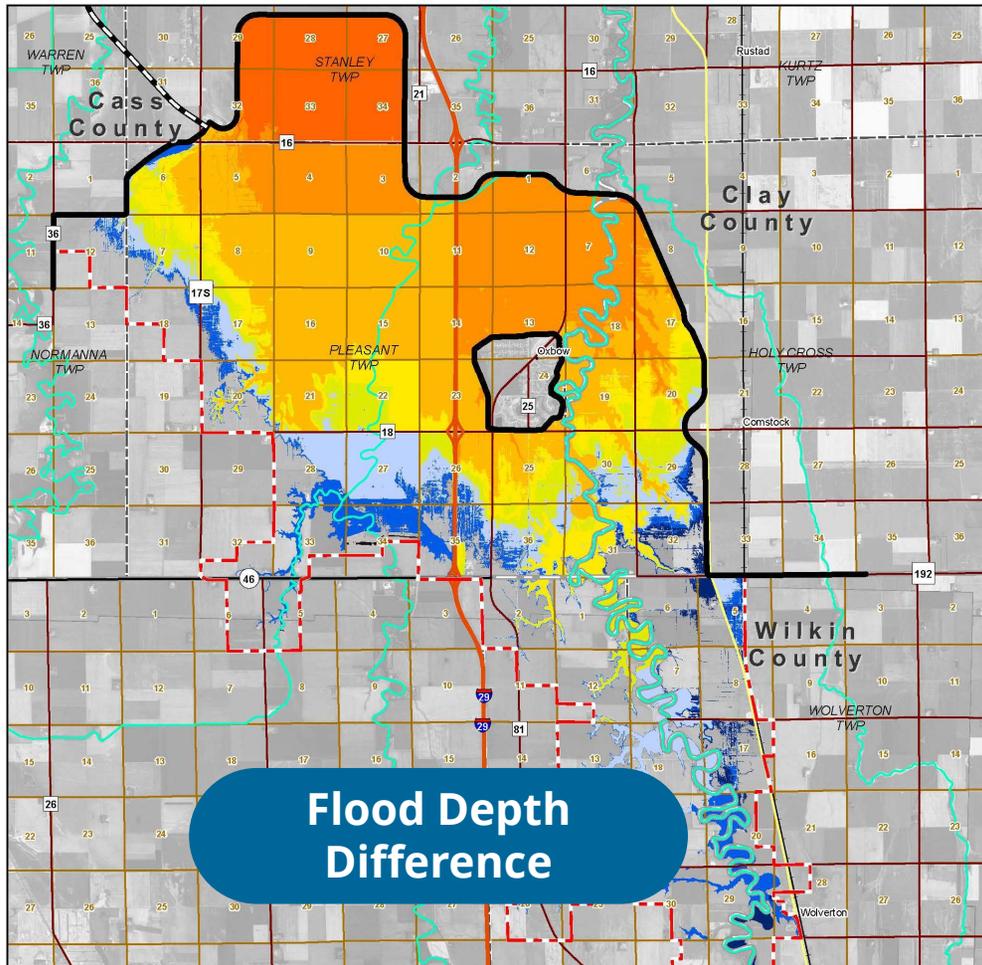
- Diversion Channel
- Southern Embankment
- UMA Analysis Boundary

**Depth Difference - 100-Year**

0
0.1 - 0.5
0.5 - 1
1 - 2
2 - 3
3 - 4
4 - 6
6 - 8
8 - 10

# Upstream Mitigation Zones - 100 Year Flood Event

2009 is Comparable to a 50 Year Flood Event



**Legend**

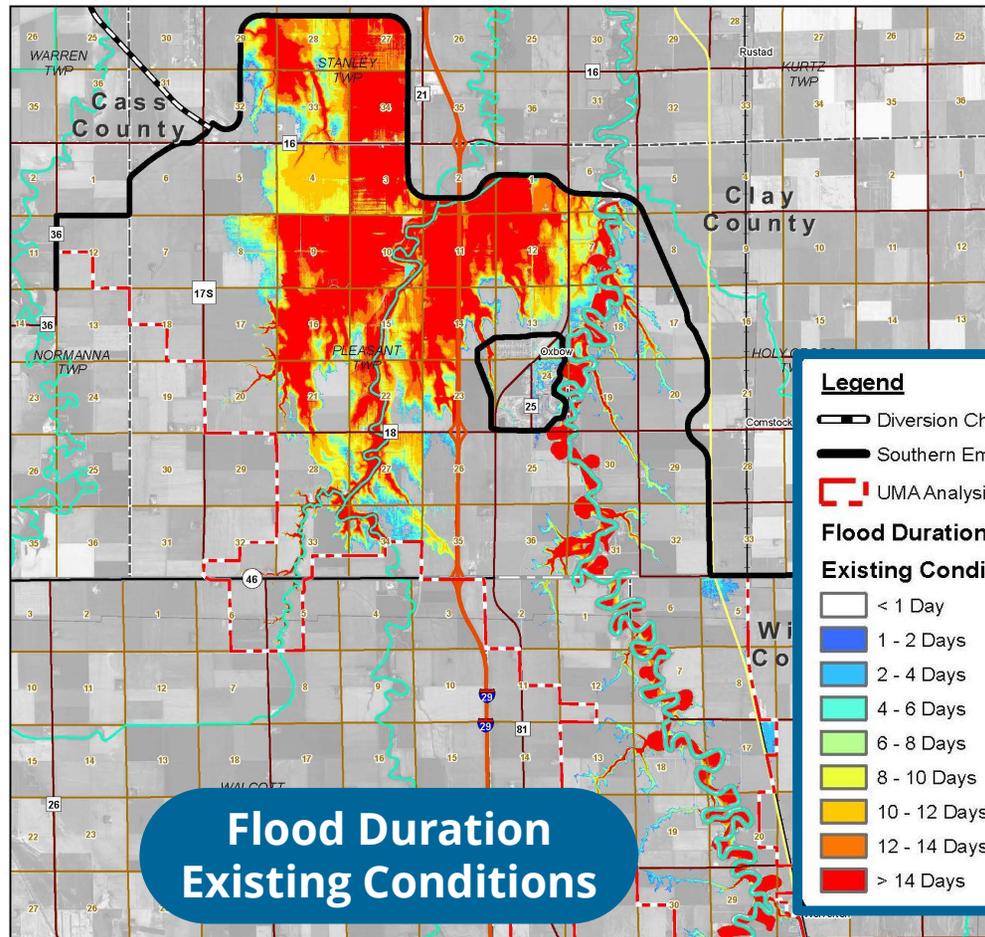
- Diversion Channel
- Southern Embankment
- UMA Analysis Boundary

**Depth Difference - 100-Year**

- 0
- 0.1 - 0.5
- 0.5 - 1
- 1 - 2
- 2 - 3
- 3 - 4
- 4 - 6
- 6 - 8
- 8 - 10

# Upstream Mitigation Zones - 100 Year Flood Event

2009 is Comparable to a 50 Year Flood Event

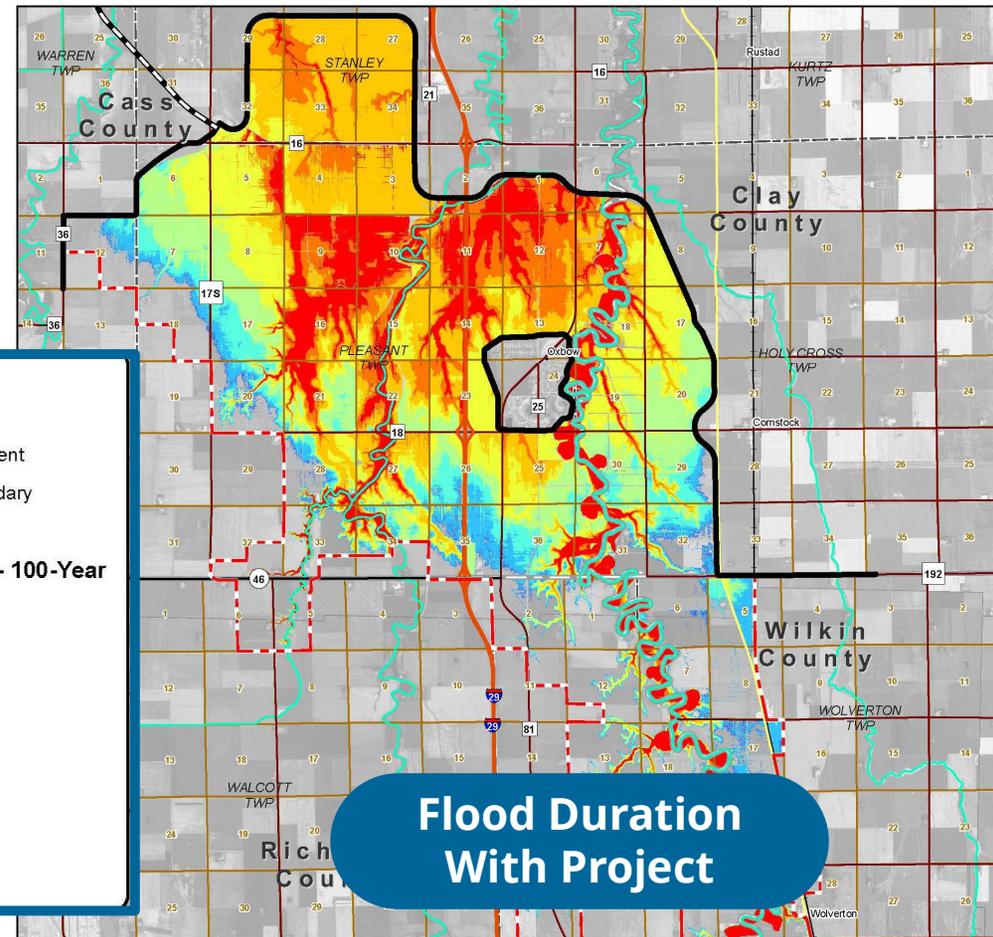


**Legend**

- Diversion Channel
- Southern Embankment
- UMA Analysis Boundary

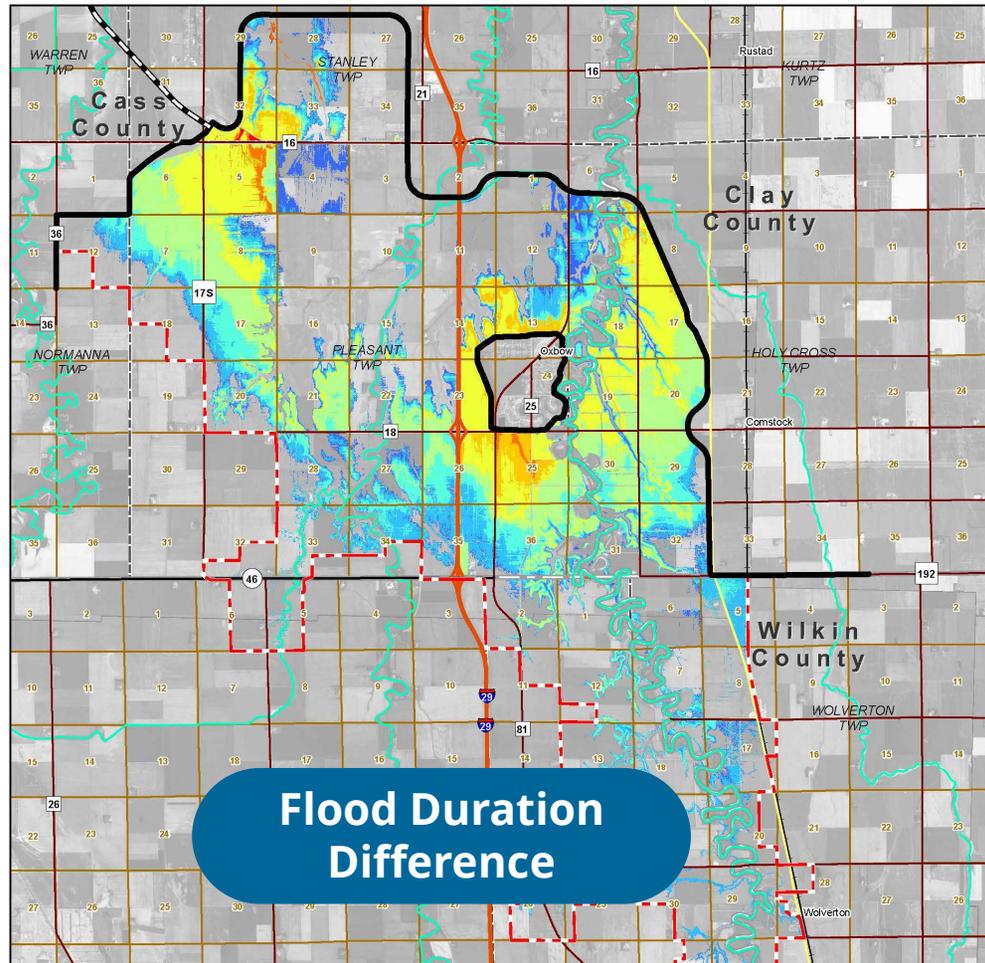
**Flood Duration Existing Conditions - 100-Year**

- < 1 Day
- 1 - 2 Days
- 2 - 4 Days
- 4 - 6 Days
- 6 - 8 Days
- 8 - 10 Days
- 10 - 12 Days
- 12 - 14 Days
- > 14 Days



# Upstream Mitigation Zones - 100 Year Flood Event

2009 is Comparable to a 50 Year Flood Event



**Legend**

- Diversion Channel
- Southern Embankment
- UMA Analysis Boundary

**Flood Duration**

**Existing Conditions - 100-Year**

- < 1 Day
- 1 - 2 Days
- 2 - 4 Days
- 4 - 6 Days
- 6 - 8 Days
- 8 - 10 Days
- 10 - 12 Days
- 12 - 14 Days
- > 14 Days

# Appraisal Process Summary

# Flowage Easement Appraisal Process



## Property Rights Today

- Farm the property
- Lease the property
- Install drainage
- Construct buildings
- Incur only natural flood risk



## Property Rights After the Project

- Farm the property
- Lease the property
- Install drainage
- Construct buildings
- Incur only natural flood risk



**LOSS OF DEVELOPMENT  
RIGHTS**

**+**

**FLOOD  
RISK**

**=**

**FLOWAGE  
EASEMENT**

## Applying Findings to Farmland

**8% to 10%**    ◀ Loss of Development Rights (depending on Zone)

**+ 7% to 30%\***    ◀ Increased Flood Risk (typical range)

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**= 15% to 40%**    ◀ Total Reduction in Value (percentage of Ag Land)

\*Depends on depth, duration and frequency

# Flowage Easement Appraisal Process



## Example Appraisal Report

December 22, 2021  
 Cass County Joint Water Resource  
 1201 Main Avenue West  
 West Fargo, ND 58078

RE:

Task Order Dated: January 1, 2021

Dear CCFWRD Board:

According to your request on 1/1/2021 this appraisal is classified as rest: production.

Page 2  
 CCFWRD  
 12/16/2021

The client and intended user of this report are the intended user of this appraisal flowage easement acquisition. The report and subject property are included by a flowage easement acquisition. The report and subject property are included by a flowage easement acquisition. The report and subject property are included by a flowage easement acquisition.

The definition of market value published in this report and subject property are included by a flowage easement acquisition. The report and subject property are included by a flowage easement acquisition. The report and subject property are included by a flowage easement acquisition.

Crown Appraisals has provided an appraisal of the subject property under the hypothetical conditions or assumed conditions or issues regarding the

Following is a list of identifying information regarding the property:

Property owner: 1  
 Property GSN: V 3000 1.0000  
 Property PIN: E12 W12 NE14 & GOVT  
 Components appraised: LOT 3  
 Legal description: Sec 18 136S 48W  
 Full Sample  
 Property interest appraised: 12/1/2021  
 Effective date of appraisal: 9/7/2021  
 Date of interview: \$1,243.78  
 Real estate tax - payable 2021: Agricultural  
 Zoning: Agricultural  
 Highest and Best Use: Agricultural  
 Parcel size: 86.65 ac

Acreage breakdown:	
Tillable:	61.16 ac
Wood/Wet/Grass:	25.00 ac
Building Site:	0.00 ac
Road/waste:	0.49 ac
Deeded Acres:	86.65 ac
UMA Zone :	
Zone 1 Acres	23.00 ac
Zone 2 Acres	7.14 ac
Zone 3 Acres	2.95 ac
Zone 4A Acres	0.00 ac
Zone 4B Acres	0.00 ac
Zone 4C Acres	0.00 ac
Total Easement Acres	33.09 ac

Access to property: Gravel  
 Crop Productivity Index: 66  
 Drainage: Average  
 Drain Tile: No  
 Salinity: No  
 Rocks: No  
 Field Shape: Minor Irregular

Market sales data from surrounding townships was collected and analyzed for a period of three years prior to the effective date of this report. Several land sales were compared to the subject property for a land value estimate. Please note that the deeded acreage may differ from the acreage measured by county GIS. The owner needs to be compensated for all physical acres. Therefore, the GIS measured acreage is utilized if necessary.

### Parcel Acre Breakdown

#### Acreage breakdown:

Tillable:	61.16 ac
Wood/Wet/Grass:	25.00 ac
Building Site:	0.00 ac
Road/waste:	0.49 ac
Deeded Acres:	86.65 ac

### Zone Acre Breakdown

#### UMA Zone :

Zone 1 Acres	23.00 ac
Zone 2 Acres	7.14 ac
Zone 3 Acres	2.95 ac
Zone 4A Acres	0.00 ac
Zone 4B Acres	0.00 ac
Zone 4C Acres	0.00 ac
Total Easement Acres	33.09 ac

# Flowage Easement Appraisal Process



Sales Comparison Approach	\$469,000		
Income Approach (Tillable only)	\$405,000		
<b>Reconciled Current Value</b>	<b>\$469,000</b>		
<b>Value Per Tillable Acre</b>	<b>\$6,647/ac</b>		
<b>Value Per Wood/Wet/Grass Acre</b>	<b>\$2,500/ac</b>		
	Zone 1	Zone 2	Zone 3
Development Right %	10.0%	9.0%	8.0%
Increased Flood Risk %	<u>7.0%</u>	<u>7.0%</u>	<u>7.0%</u>
<b>Total Diminution %</b>	<b>17.0%</b>	<b>16.0%</b>	<b>15.0%</b>
<b>Tillable Acres Per Zone</b>	<b>0.00 ac</b>	<b>7.14 ac</b>	<b>2.95 ac</b>
<b>W/W/G Acres Per Zone</b>	<b>23.00 ac</b>	<b>0.00 ac</b>	<b>0.00 ac</b>
<b>Opinion of Easement Value</b>	<b>\$20,308</b>		

**Current Market Value**

**Diminution Percentage (percent of farmland value)**

**Flowage Easement Offer Amount**

Page 3  
CCFWRD  
12/16/2021

An effective method of calculating the value of an easement is a "Before and After" technique, which measures value before placement of the easement and after placement of the easement. The difference between the two is the dollar cost to measure just compensation for the owner for sale of the easement. In one Phase 1 study, we researched sales in a region with flowage easements and a statewide flood event, as well as two regions with no flowage easements and only general flooding. Parcel sales analysis along with before/after analysis provided very strong market evidence of the economic impact on land values caused by flooding. Because of the lack of local sales of land with flowage easements along with statewide flooding, a traditional "before and after" analysis was not feasible. Rather, we chose to apply the economic damage data revealed in our research to the current market value of land in this area. Conclusions in this brief flowage easement report are supported by a large volume of market data.

Please note that this appraisal does not differentiate value between areas currently encompassed by typical easements and areas currently unencompassed. Common easements existing on the property may include right-of-way, utilities, access, etc. Although they exist, we have not researched such easements' exact provisions and restrictions. There may be some overlap in property right provisions between the existing easements and the flowage easement, but impact on land regions of just compensation concluded in this report would be minimal. The same easement applies for current building code restrictions.

The flowage easement to be purchased will restrict building construction (development) and allow water to be temporarily stored on the subject property when the diversion project is opened. The property owner must be compensated for these rights. Please refer to our Phase 1A & 1B market studies for detailed explanations of the impact on value attributable to these rights. It is also important to mention that a portion of the Phase 1A and 1B studies was submitted in a highly respected academic journal. The article and methodology underwent a rigorous peer review process prior to acceptance. The article titled "Flowing and the Value of Agricultural Land" was published in the February 2021 issue of Land Economics.

Other easements and various approaches to value have been utilized in preparation of this report. All

compensations are included in the appraiser's file. Value indications for the parcel were as follows:

Sales Comparison Approach	\$469,000		
Income Approach (Tillable only)	\$405,000		
<b>Reconciled Current Value</b>	<b>\$469,000</b>		
<b>Value Per Tillable Acre</b>	<b>\$6,647/ac</b>		
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<b>Opinion of Easement Value</b>	<b>\$20,308</b>		

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Page 4  
CCFWRD  
12/16/2021

Subject to the contingent and limiting conditions attached to this appraisal, our final opinion of just compensation for the flowage easement acquisition on the subject real estate, as of December 1, 2021 is:

**\$20,308**

Thank you for this opportunity to be of service.

Sincerely,

*Jeffrey L. Berg*  
Jeffrey L. Berg, ARA, ASA  
Appraiser License # 322-012044

Sincerely,

*Brian Field*  
Brian Field, ARA, MAI  
Appraiser License #221-20586763

Subject to the contingent and limiting conditions attached to this appraisal, our final opinion of just compensation for the flowage easement acquisition on the subject real estate, as of December 1, 2021 is:

**\$20,308**

Thank you for this opportunity to be of service.

Sincerely,

*Jeffrey L. Berg*  
Jeffrey L. Berg, ARA, ASA  
Appraiser License #: MN 4002404;  
ND #: CG-1050

Sincerely,

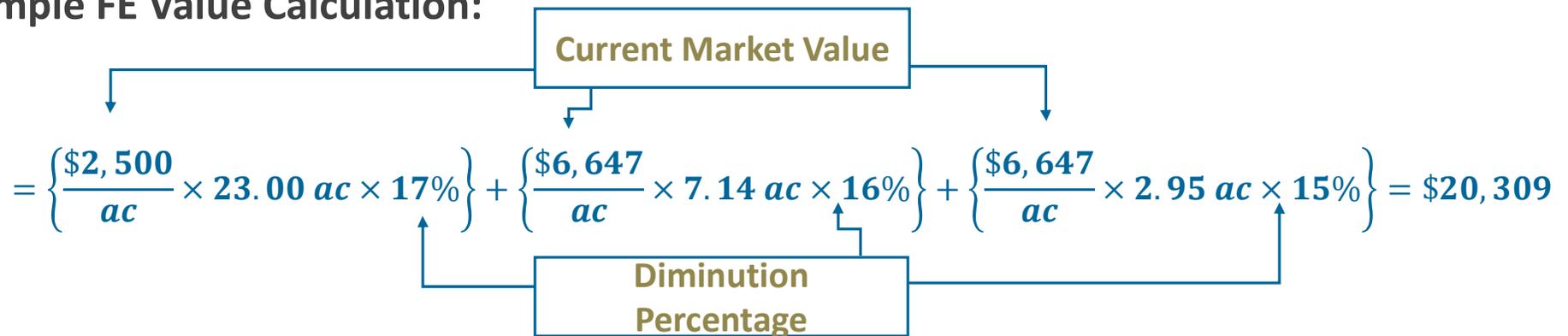
*Brian Field*  
Brian Field, ARA, MAI  
Appraiser License MN #: 20586763  
ND #: CG-21016

**Flowage Easement Offer Amount**

# Flowage Easement Appraisal Process



## Example FE Value Calculation:



$$= \$9,775 + \$7,593 + \$2,941 = \$20,309$$

Zone 1

Zone 2

Zone 3

Total

# Mitigation Programs for Landowners and Ag Producers



## **THE MFDA IS COMMITTED TO EASING POTENTIAL BURDENS ON LANDOWNERS AND AGRICULTURAL PRODUCERS IN THE UMA**

- All existing farmland in the Upstream Mitigation Area (UMA) remain arable and eligible for federal crop insurance
- Additional mitigation programs to further protect agricultural producers
  - Supplemental Crop Insurance Programs
  - Debris Removal after Project Operation



## MFDA RETAINED WATTS & ASSOCIATES (W&A)

- Develop supplemental insurance policies to compensate producers for losses
- New supplemental crop insurance policy to compensate producers for:
  - Prevented Planting
  - Summer Crop Losses as a result of operation of the Project
- W&A has begun working with a producer focus group to walk through the design process, address concerns, and customize the design



## **POLICY MATERIALS ARE IN DEVELOPMENT**

- Project is not expected to be fully operational until the 2027 crop year
- Policy materials are in development now and will be made available to producers in draft form by the end of the 2022 crop season
- It is important for farmers to understand that crop risk is dynamic



## PREVENT-PLANT CROP INSURANCE PROGRAM

- Will apply if, due to operation of the Project, producers are unable to plant crops by the established late-planting dates set by federal crop insurance
- Reimburse at the same coverage level that producers purchased through federal crop insurance
- Will be provided at no cost to producers
- Ensure producers' Actual Production History (APH) yield is not adversely affected by a reduced yield caused by Project operation



## **GROWING SEASON SUPPLEMENTAL CROP LOSS PROGRAM**

- During the growing season when the Project operates this will cover 100 percent of resulting crop loss for any crop type



## **ELIGIBILITY FOR CROP PROGRAMS**

- Producers in the Upstream Mitigation Area (UMA) must be growing agricultural crops and participating in federal crop insurance prior to any losses
- To participate in these programs, growers will work through their crop insurance agent to signup via a no-cost rider made available by the MFDA



## DEVELOPMENT PROCESS

- How will farmers enroll each year?
- How are farmers determined?
- How much are premiums and who pays them?
- How will claims function?
- When to farmers get indemnified and who is the payee?
- How are disputes addressed and what recourse exists?

## COVERAGE SCOPE EXAMPLES

### Who Pays (MPCI, Supplemental Coverage, Someone Else)?

<ul style="list-style-type: none"><li>• Torrential sleet and a biblical-scale downpour destroys crops after they have emerged.</li></ul>	Regular Crop Insurance
<ul style="list-style-type: none"><li>• Crop land is submerged throughout the planting season, the diversion gates are closed through the final planting dates.</li></ul>	Supplemental Crop Insurance
<ul style="list-style-type: none"><li>• Crop land is submerged throughout the planting season, the diversion gates are never closed.</li></ul>	Regular Crop Insurance
<ul style="list-style-type: none"><li>• There is an early spring flood and gates are closed. Water recedes and the crop is planted about two weeks later than it would be in a typical year. The crop is about 10% less than average.</li></ul>	Supplemental Crop Insurance

## POST-OPERATION DEBRIS REMOVAL AND PROPERTY DAMAGE RESTORATION AND CLEANUP PLAN

- **For private lands** - defines cleanup boundaries based on flood event, notify property owners, MFDA will retain contractors to implement the program
- **On public lands** - mirrors FEMA's disaster assistance, allow government entities to contract for repair and cleanup

### ADDITIONAL MITIGATION PROGRAM INFORMATION

Please contact your land agent and visit [www.FMDiversion.gov/Lands](http://www.FMDiversion.gov/Lands) for additional details



## ALTERNATIVE DISPUTE RESOLUTION BOARD

- The Alternative Dispute Resolution Board was created as an independent board
- Hears claims against the MFDA if real property was damaged by operation of the Project
- Modeled after a process created by the North Dakota Department of Water Resources for the Devils Lake outlet Project

Next Steps

# Flowage Easement Appraisal Process



## Next Steps



Project Website  
Additional Information

Additional information is found  
on the website

[www.fmdiversion.gov/lands](http://www.fmdiversion.gov/lands)

# Project Website



## Lands Information

### FLOWAGE EASEMENT ACQUISITION PROCESS AND SCHEDULE



- Why does the MFDA need a flowage easement on my property?
- Frequently Asked Questions

GO →

### PROPERTY RIGHTS ACQUISITION AND MITIGATION PLANS/PROGRAMS



- What are my rights?
- What mitigation programs are available?

GO →

### PROPERTY ACQUISITION PROCESS AND SCHEDULE



- What happens when my land is needed?
- Overview of current property acquisition schedule

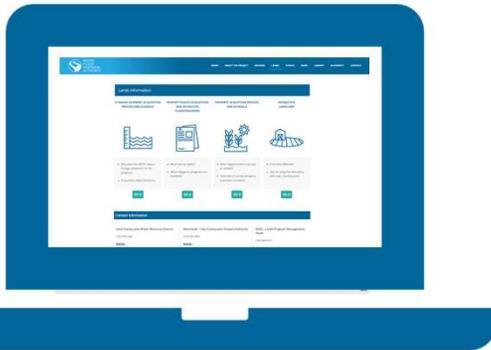
GO →

### INTERACTIVE LANDS MAP



- Is my land affected?
- Tips on using the interactive web map. (coming soon)

GO →



# Project Website



Within the Flowage Easement page, you'll find information regarding:

- Acquisition Process and Schedule
- Upstream Mitigation Area Maps
- Land Agents
- Frequently Asked Questions
- Background Information and Development

Additional downloadable information:

## Sample Flowage Easement Template

This sample document outlines the components and requirements of flowage easements. Flowage easements will be customized to each specific property and will be recorded.

[Flowage Easement Template ND](#)

[Flowage Easement Template MN](#)

## Sample Agreement To Acquire A Flowage Easement

This sample document contains the terms of the flowage easement purchase, including the payment terms. The Agreement will be customized for each transaction.

[Agreement to Acquire a Flowage Easement - ND](#)

[Agreement to Acquire a Flowage Easement - MN](#)

The screenshot displays three sections of the website:

- Flowage Easement Appraisal Process:** Features a thumbnail of a field and a presentation slide titled "Flowage Easement Appraisal Process Presentation". A "Download Presentation Slides" button is visible.
- Flowage Easement Valuation Presentation:** Features a thumbnail of a river and a presentation slide titled "Flowage Easement Valuation Presentation". A "Download Presentation Slides" button is visible.
- Depth, Duration, Frequency Impact Table by OIN:** Features a thumbnail of a data table titled "Depth, Duration, Frequency Impact Table by OIN". A "Download Impact Table" button is visible.

# Contact Information

# Land Agent Contact Info



- Oly Olafson [Oly.Olafson@hdrinc.com](mailto:Oly.Olafson@hdrinc.com)  
701-353-6106
- Wade Whitworth [Wade.Whitworth@hdrinc.com](mailto:Wade.Whitworth@hdrinc.com)  
701-353-6112
- Kelsey Lee [Kelsey.Lee@hdrinc.com](mailto:Kelsey.Lee@hdrinc.com)  
701-353-6135

The logo for Ulteig, featuring the word 'Ulteig' in white, bold, sans-serif font on a red square background.

Ulteig

- Lisa Brekkestran [Lisa.Brekkestran@ulteig.com](mailto:Lisa.Brekkestran@ulteig.com)  
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- Andrew Nicklay [andrew.nicklay@ulteig.com](mailto:andrew.nicklay@ulteig.com)  
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763-249-6759

The logo for ProSource Technologies, featuring the word 'ProSource' in a large, bold, white, sans-serif font above the word 'TECHNOLOGIES' in a smaller, bold, white, sans-serif font, all on a black rectangular background.

ProSource  
TECHNOLOGIES

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- Dale Ahlsten [dahlsten@prosourcetech.com](mailto:dahlsten@prosourcetech.com)  
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Questions / Discussion