

Debris Removal and Restoration Sub-Committee Agenda



Diversions Authority Debris Removal and Restoration Sub-Committee

June 24, 2026 @ 3:00pm CST

This meeting will be in-person at Fargo City Hall Commission Chambers (225 4th St N, Fargo ND 58102).

1. Call to Order
 - a. Roll call of Members
2. Approve Order of Agenda
3. Committee Member Introductions
4. Request Nomination for Chair for the Debris Removal and Restoration Sub-Committee and then conduct election
5. Request Nomination for Vice Chair for the Debris Removal and Restoration Sub-Committee and then conduct election
6. Debris Removal and Restoration Plan Introduction and Overview [Attachment 01.00] (Pg. 2)
7. Other Business
8. Next Meeting: July 22, 2026
9. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at www.TVFargo.com
- View the Meeting on the City of Fargo's Facebook.



Debris Removal and Restoration Sub-Committee

**Post-Operation Debris Removal and Property
Damage Restoration and Clean-Up Program
for Private Lands**

June 24, 2026



Sub-Committee Members



1. Jenny Mongeau (MCCJPA, Clay County)
2. Ken Loughheed (CCJWRD)
3. Jake Gust (Land Management Committee, CCJWRD)
4. Bob Zimmerman (Land Management Committee, Moorhead)
5. Nathan Boerboom (Land Management Committee, Fargo)
6. Riley Miller (RWJPA, Wilkin)
7. Craig Hertsgaard (RWJPA, Richland)

Meeting Objectives

- ➔ Introduce the purpose and need for the program
- ➔ Review the proposed operational framework
- ➔ Discuss implementation considerations and key decisions
- ➔ Obtain Sub-Committee feedback to refine the program



Purpose
Goals
Background





Purpose of the Program



Required by Article XIX of the Settlement Agreement



Aid producers/farmers getting into their fields after project operation



Provide debris clean-up and restoration of eligible non-structural damage



Applies to eligible private property within the UMA and event-specific Area of Eligibility

Settlement Agreement



Section 19.01 POST-OPERATION DEBRIS REMOVAL AND RESTORATION.

The MFDA will implement and fund a Debris Removal and Property Damage Restoration and Clean-up Plan to provide for the cleanup of debris and restoration of property arising out of the operation of the comprehensive project.

- The Debris Removal and Property Damage Clean-up Plan shall provide that debris shall be removed by the MFDA, and non-structural property damage shall be repaired, remedied, and restored at its cost, within ten days of the completion of comprehensive project operation, upon notification by property owners that floodwaters have receded from affected properties and permission from property owners to the Diversion Authority to enter their land, as long as local conditions permit such removal.
- If debris or non-structural property damage is not removed or repaired/remedied and restored within ten days of notification that floodwaters have receded, the landowner or tenant may arrange for such removal to the side of a township or county road/highway and submit the costs of removal to the MFDA for reimbursement.
- The MFDA will make available a list of pre-qualified contractors who can perform the work.
- The Post-Operation Debris Clean-up and Restoration Plan will include a provision that allows landowners and/or tenants to repair/remedy/restore damaged non-structural property and/or remove the debris and receive reasonable compensation for such activities before or after said ten day period.
- The parties recognize that the amount of debris that will need to be removed will depend upon specific conditions, including prior years' crops, size, and duration of operations in the staging area and other factors. As such, the parties recognize that, over time, having an adaptive program for debris removal will be beneficial to landowners and the parties.

Section 19.02 POST-OPERATION DEBRIS REMOVAL AND RESTORATION SUB-COMMITTEE.

The MFDA will create and support a **Debris Removal and Restoration Sub-Committee** to adaptively manage debris clean up and non-structural property damage repair, remediation, and/or restoration. The RWJPA agrees to **secure two full-time Agricultural Producers from the Staging Area** to be voting members of a Debris Removal and Property Damage Sub-Committee to assist in further clarifying and refining the Debris Removal and Restoration Program over time. The MFDA shall **provide an update on the status of the Post-Operation Debris Clean-up and Restoration Plan to the parties every six months** commencing on the Effective Date of this settlement agreement until termination of the comprehensive project.

Goals of the Program



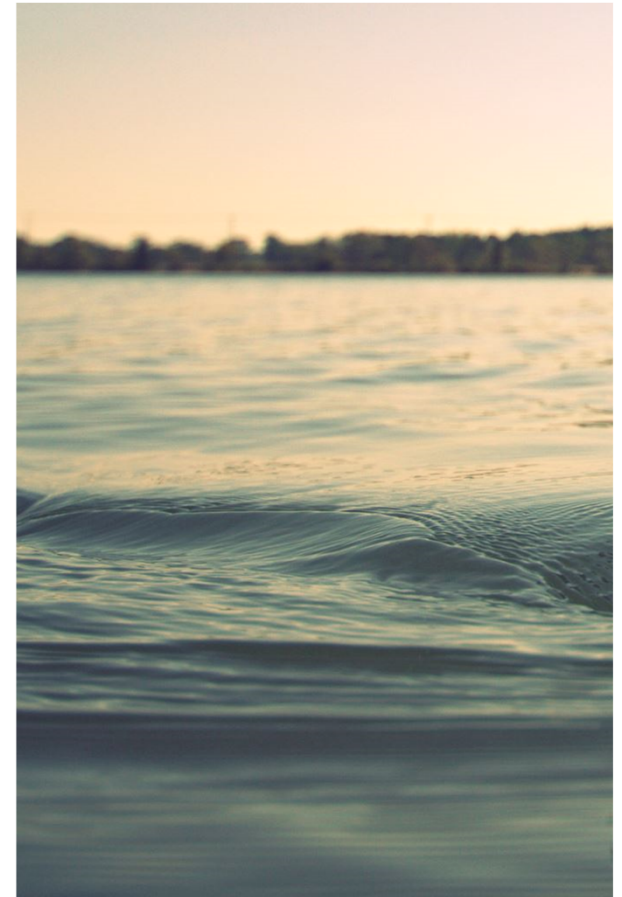
- Get farmers into their fields
- Respond quickly after project operations
- Support fair and efficient cleanup and restoration
- Maintain fiscal accountability and consistent administration
- Adapt and improve the program over time



Program Challenges and Planning Considerations



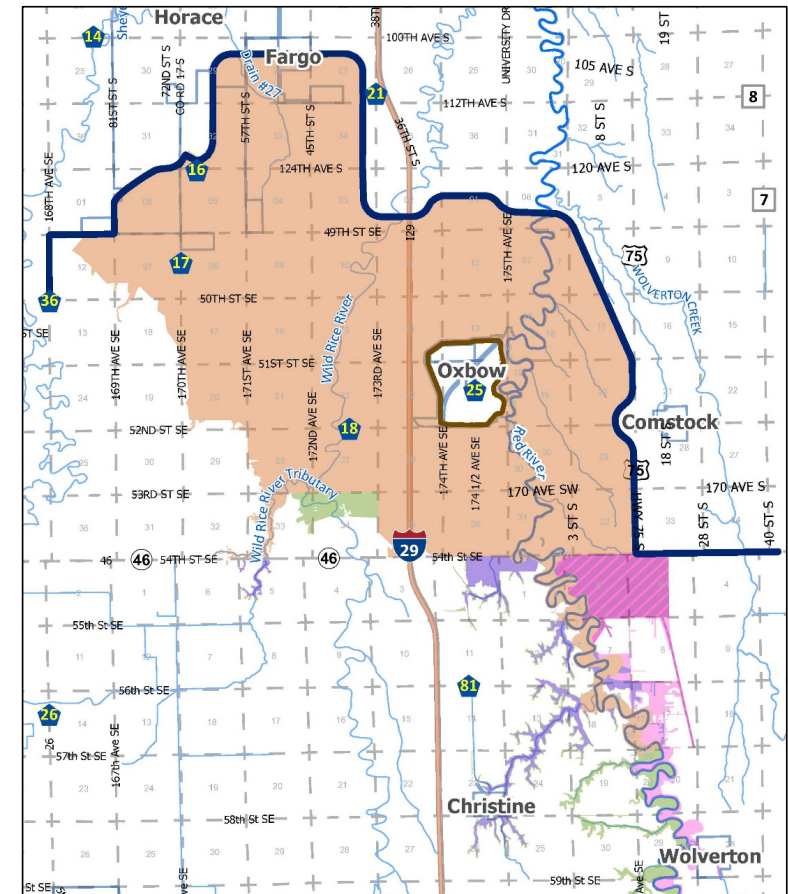
- Variety of unknowns
- Flooding events are infrequent and highly variable
- Debris and damage types will vary by event and location
- Timing and accessibility may differ across the UMA
- Agricultural operations require timely response and restoration
- Program must balance speed, flexibility, and fiscal responsibility
- A structured framework improves readiness and response



Balancing Speed, Flexibility, and Budget Controls



- Design for timely post-operation response
- Allow self-performed work or MFDA contractor support
- Use standard billing rates, documentation, and reimbursement procedures
- Balance flexibility with cost control and accountability



Proposed Program Framework



Informed Development of Proposed Program Framework



High-Level Program Framework



- 1 Project operation occurs
- 2 MFDA defines Area of Eligibility and notifies landowners
- 3 Landowners choose self-performed or contractor assistance
- 4 Debris removal and restoration work is completed
- 5 MFDA reviews documentation and processes reimbursement/payment
- 6 Records kept and lessons learned to inform future program updates

Determining Area of Eligibility



- MFDA defines an event-specific Area of Eligibility after each operation
- Eligibility determined using hydraulic modeling, field observations, aerials, and flood records
- Program applies to eligible private lands within the UMA
- MFDA may adjust mapped areas to include entire fields or roadway segments (to simplify and expedite the eligible area determination)
- Disputes handled through the Alternative Dispute Resolution process





Eligible vs Ineligible

- **Eligible:**
 - Flood-related debris removal from tillable agricultural lands
 - Restoration of non-structural damage such as culverts, approaches, and crossings
- **Ineligible:**
 - Structural damage, personal property damage, fencing damage, drain tile system damage, or non-project flooding
 - Water pumping, saturated soils
 - Historic debris
- **Special eligibility requests may be reviewed by MFDA**

Program Delivery Options



- **Self-performed work:**
 - Landowner or authorized producer/tenant completes work and seeks reimbursement
 - MFDA reimburses eligible costs and documented labor and equipment
 - Standard forms required
- **MFDA-assisted work:**
 - Landowners request help from pre-qualified contractors
 - Requires right-of-entry form
 - MFDA manages contractor framework and payments
- **Both options support responsiveness with limited oversight**

Contractor & Staging Site Framework



- MFDA maintains a roster of post-operation assistance contractors
- Contracts activated based on flood forecasts
- Landowners allowed to select their preferred contractor
- Right-of-entry (ROE) form and process required for contractor involvement
 - ROE must be signed by landowner and contractor, and supplied to MFDA
- Temporary debris staging sites established in ND and MN
- Sites used for sorting, storage, disposal, composting, or burning where permitted
- Standard billing rates (based on Davis Bacon wages and FEMA equipment) create consistency across the program

Timeline Expectations After Water Recedes



Days

Expectation



Define area of eligibility



Send notices to landowners and contractors



Landowners request assistance or self-perform



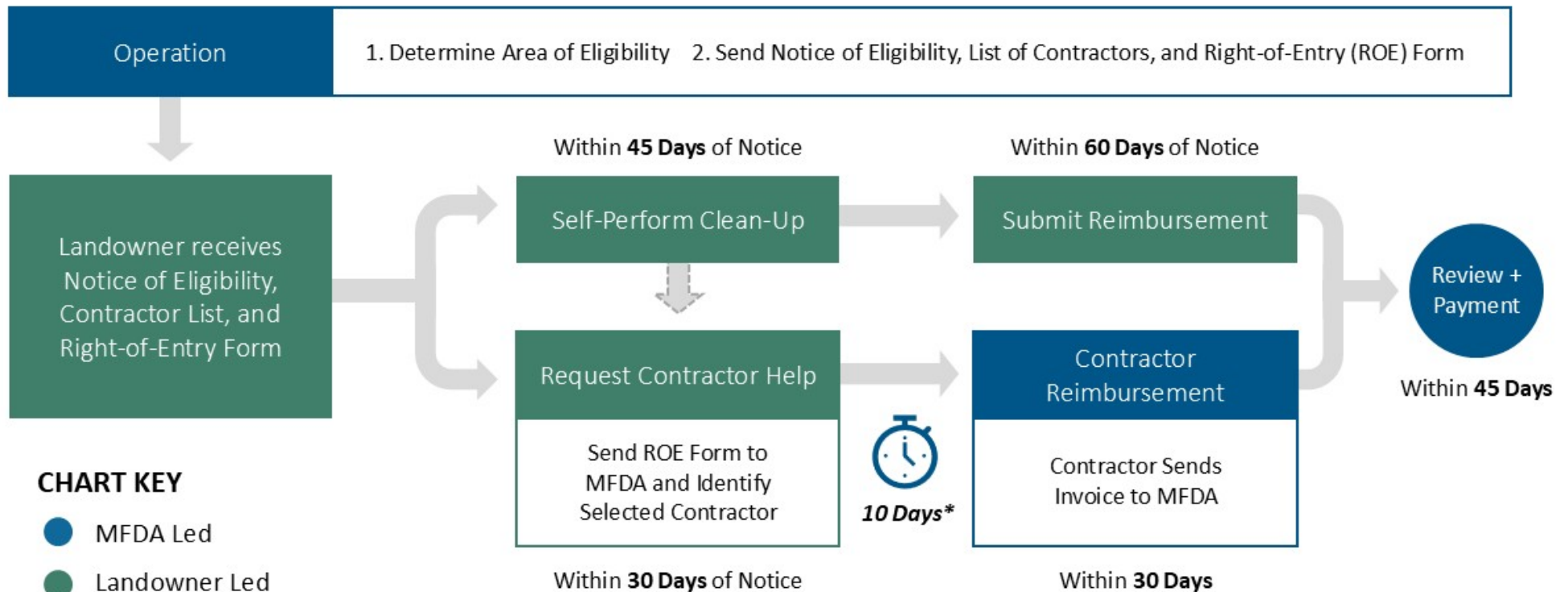
Submit reimbursement applications



MFDA review and payment target after applications submitted



High-Level Program Process



**Pending Suitable Site Conditions and start date on signed ROE*

Documentation & Accountability



Required forms include reimbursement applications, logs, photos, and close-out forms (online forms for accessibility)



Before-and-after photo documentation required



Hour logs, hauling records, invoices, and receipts support reimbursement



MFDA maintains records for auditability and adaptive management



Program designed to support transparency and defensible decision-making

Adaptive Management Approach



- Program reviewed after major flood events
- Processes and rates may evolve based on lessons learned
- Landowner and producer feedback will shape future updates
- Sub-Committee intended to guide refinement and continuous improvement



Key Take Aways



Proposed Program Framework

- Fulfills settlement obligations
- Provides a practical approach for post-operation cleanup and restoration
- Designed to be fast, flexible, and accountable
- Reflects the infrequent and uncertain nature of flooding



Sub-Committee Feedback



Key Decisions & Input Requested



- Are the proposed eligibility criteria clear and practical?
- Does the program balance flexibility with accountability?
- Are timeline expectations realistic for landowners and contractors?
- Are reimbursement and documentation requirements reasonable?
- What operational risks or gaps should be addressed before implementation?



Discussion Topic: Contractor Support Model



- Should MFDA maintain a standing contractor roster annually?
- How should contractors be matched with landowners?
- How should contractor performance and responsiveness be evaluated?
- What level of contractor coordination/management should MFDA provide?
- Are there preferred approaches for local contractor participation?

Discussion Topic: Landowner Experience



- How can the process be simplified for landowners and producers?
- What communication methods will be most effective after an event?
- Are the reimbursement deadlines and requirements achievable?
- What additional guidance or tools would improve participation?



Discussion Topic: Long-Term Program Administration



- How should MFDA evaluate program success over time?
- What metrics should be tracked and reported?
- How often should billing rates and procedures be updated?
- What issues should automatically trigger program revisions?

Next Steps



- Additional details presented to sub-committee
 - Flood operations & durations
 - Forms, Rates, Processes
- Obtain and incorporate sub-committee feedback into the draft program
- Refine operational procedures, forms, and guidance documents
- Finalize contractor and staging site framework
- Prepare for future implementation and periodic updates
- Sub-committee approval of program by November 2026
- MFDA approval of program by December 2026
- Ongoing coordination with stakeholders and affected landowners

Questions & Open Discussion



- What concerns or opportunities should be prioritized?
- What additional information would help support future decisions?
- Open discussion and feedback

