

Debris Removal and Restoration Sub-Committee

August 31, 2026 @ 8:00 am CST

This meeting will be in-person at the Cass County Highway Department Vector Control Training Room (1201 Main Avenue W, West Fargo, ND 58078).

1. Call to Order
 - a. Roll call of Members
2. Approve minutes from July 22, 2026
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. Continued Discussion on Program Development & Review of Draft Plan
[Attachment 02.00] (Pg. 7)
5. Other Business
6. Next Meeting: To be determined.
7. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

This meeting will be in-person only at the Cass County Highway Department (1201 Main Avenue W, West Fargo, ND 58078)

Debris Removal & Restoration Sub-Committee



Debris Removal & Restoration Sub-Committee Meeting Minutes

10:30 AM July 23, 2026

Clay County Commission Chambers

The second meeting of the Metro Flood Diversion Authority Debris Removal & Restoration Sub-Committee was held on July 23, 2026. Members present: Jenny Mongeau, Clay County Commissioner; Jake Gust, CCJWRD Commissioner; Nathan Boerboom, City of Fargo Assistant Engineer; Bob Zimmerman, City of Moorhead, Director of Engineering; Ken Lougheed, NCWRD & CCJWRD Commissioner; Craig Hertsgaard, Richland-Wilkin Producer and Riley Miller, Richland-Wilkin Producer.

Others Present or on Microsoft Teams: Diversion Authority – Madeline Daudt & Justin Fisher; AE2S – Eric Dodds; Ohnstad Twitchell Law – John Shockley; SRF Consulting – Katie Laidley; and Clay County Staff – Sarah Hellem.

1. CALL TO ORDER

Ms. Mongeau, Chairperson, called the meeting to order at 10:30 AM. Roll call was taken and all members were present.

2. APPROVE THE ORDER OF THE AGENDA

Mr. Zimmerman moved to approve the order of the agenda as presented and Mr. Boerboom seconded the motion.

3. APPROVE OF MINUTES FROM JUNE 24, 2026

Mr. Zimmerman stated there was an error in the minutes and that on item #4, it was Mr. Hertsgaard who nominated Ms. Mongeau as the Chair of the committee.

Mr. Zimmerman moved to approve the minutes from June 24, 2026, with the correction of the error, and Mr. Lougheed seconded the motion.

4. FOLLOW-UP DISCUSSION FROM SLIDE DECK PRESENTED AT PRIOR MEETING

Eric Dodds, AE2S, referenced the packet and discussed the key decisions and input requested, including:

- 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?

Mr. Dodds stated we're hoping to get the committee's input and feedback from those of you who have dealt with debris and those situations in the past.

Mr. Lougheed stated it's going to be difficult and in our particular case, we have some land that gets flooded where we're completely inundated with the Red River covering acres of land, and every year will be different. We have a variety of weather conditions from currents to high tides and ideally you want that land to dry out before figuring out what to do with the debris. In some cases, it can be burned but you have to make sure it won't go anywhere else. Ms. Mongeau stated the flexibility component really plays into the expectations. Our promise to landowners is to be in the fields as soon as feasible, but we don't want to initiate things against a producer's wish. Mr. Hertsgaard stated there's going to be different categories of recovery of the plan, the staging area won't be a huge thing, but the next issue is going to be silt that's deposited and if you get areas of your field where the moving water moves silt on top of the ground, that will have a real impact on planting for that landowner. Nothing really grows in that, and it plugs

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culverts, runs over minimum maintenance roads and approaches, and there's going to be silt in the ditches which will need to be removed. The most difficult will be crop residue. When you get south of Fargo, almost half of the property is corn, and in our case, we leave all our corn on top of the ground, we don't bury it, and that stuff all moves with water. Ms. Mongeau referenced a piece of land that is east of the Wild Rice Bar that always floods and stated it would make sense to burn it early but for whatever reason, didn't have the opportunity to do that, so that becomes a mitigation piece. Mr. Hertsgaard discussed compaction and how it's going to be wet underneath and it's not going to dry off, it would have to go through a drying process, and that can be tricky depending on rainfall. But someone's going to have to make that call, and if someone goes out in the fields with bulldozers and bobcats, the ground will get rutted up and it will be unproductive that year. Ms. Mongeau asked how accountability is balanced for something like that. In terms of the Diversion Authority (DA), if there's a recommendation period for a field needing to be cleaned off, the responsibility is under the DA umbrella, but there shouldn't be any assumptions as to who is going to do what. Mr. Loughheed stated there's going to be individuals who want to do it themselves, and that's a good thing. On that same note lining up contractors, you want to be sure it's the right conditions and the right equipment is used.

Mr. Dodds asked if most of the debris had been left on the ground or if it was removed from the site. Mr. Loughheed stated in most cases it's easiest to push the debris into the trees near the river, and in other cases we carefully burn it. Mr. Miller stated where the water sits is where the majority of the trash accumulates, and we push it into the trees. Mr. Dodds asked if the landowners would take advantage of an option to haul the debris away or is that more of a headache compared to just pushing the debris into the trees. Mr. Miller stated for a majority of people, that's more of a headache. Ms. Mongeau stated the references that we're talking about are fields with a river/tree component. There are areas of the staging area that will have deep retention that are not near shelter belts and/or rivers, so you're not going to want a 25-foot stack of wood that has floated in your area. Therefore, to that piece, if you didn't have space for it, you'd want it gone. Mr. Miller stated if there was an option to leave it in a ditch for someone to come pick it up, he would agree with that. Mr. Dodds stated we've anticipated that some of the debris would be best pushed into the trees or incorporated into the ground or capturing organic value if it's there. And in other situations, the debris is too much, and there are no trees available, so it needs to be hauled away, so having that flexibility or option seems important and we're just trying to validate that. Ms. Mongeau discussed the burning of debris and stated if you have a space where there is no shelter belt to push the debris into, landowners aren't going to want to have a huge bonfire as there will be residue that will challenge growing too, so when discussing the burning piece, that is in regard to crop residue, rather than debris necessarily. Mr. Hertsgaard stated the crop residue is going to go back towards the ditch this spring, and you have to burn out the ditches, or excavate around the culverts, which is only one piece. When you look at the staging area and depending on how much they use, they'll need that 50-yard-wide strip of corn stock that's going to be diagonally across every quarter of the staging area and that's going to be really wet. But there's going to have to be some consideration about how the crop insurance program is going to deal with situations like this because you're going to have to let the grower/operator make the call on whether they want you rutting up the field, or whether or not there's going to be some mechanism to determine how crop insurance will apply. Mr. Hertsgaard stated in terms of how the Diversion prepares for this is there will have to be an assessment made within a relatively short period of time about what needs to be done and what can be done within the timeframe.

John Shockley, Ohnstad Twitchell, asked if there were opportunities for the producers to meet with the DA staff to start the initial discussion as to what needs to be done. Is there a process we can put in place, so the producers are meeting with the staff and coordinating some of that. Mr. Dodds asked if Mr. Shockley meant for the DA staff to schedule a meeting with producers once flood waters start to recede. Mr. Shockley stated that was correct, because the water's not going to recede all at the same time so you could start with some of the properties that are farther away which can help make informed decisions for the properties that are closer to the structures. Ms. Mongeau stated that the outreach goes to the landowners, so the first thing to do would be to identify who the producer is. Mr. Dodds stated he and Mr. Hertsgaard had a similar conversation and stated there are some absent landowners that may be snowbirds, who don't want to be bothered, and they just assume their tenant is taking care of these

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situations. Therefore, relying on landowners is probably an easier and more dependable approach for the DA, but it could also be a real challenge for the producers in certain situations. We talked a little bit about the crop loss program and how we'll be specifically dealing with the producers for that program, and we'll have to identify which producers are farming which fields. So, through the crop loss program, if we know who's farming which fields, we can translate that data over to the debris clean-up program and make sure we're working with the right people. In other situations, we suspect that landowners would want to be involved and so there needs to be some mechanism in place to determine the order of who to contact. Ms. Monguea stated this was exactly why she brought this up and feels that there needs to be a working document that combines the crop loss program and the debris clean-up program that indicates this information and the first point of contact. Mr. Hertsgaard stated for the crop loss program, that will be tied to federal crop insurance corporation, so they'll need to know who the producers are, so that data should be available. Mr. Lougheed stated all the property owners need to know what's going on, and you have to keep a relationship with them to find out who the producers are. Discussion ensued regarding the order of contact.

Ms. Mongeau discussed items that haven't been talked about such the coordination with the Township Officials, the Buffalo-Red River Watershed District (BRRWD), and the County Highway department in terms of popping culverts loose. Mr. Hertsgaard asked how the DA is going to work with the BRRWD and Township Officials to determine what needs to be done with the drainage pattern. Mr. Shockley stated we're working through the notification process with the Townships, and we have Memorandum's of Understanding (MOU's) in place. Ms. Mongeau stated there is a level of coordination. Mr. Dodds stated right now, the concept for the clean-up of public land is that we would encourage the local government (Townships, County, Watershed Districts, Cemeteries) to do their clean-up and the DA would reimburse them for their efforts. The general concept is that the local township leadership will know when it's dry enough, what equipment is needed, what debris needs to be removed quickly and what debris can wait until June. The DA will then be the reimbursing agency after receiving paperwork and documentation. Ms. Mongeau raised the question regarding property that isn't near the river where debris needs to be moved and what the process looks like from moving debris from the Right-of-Way to the public land, and if that's truly what should be conveyed to some of these landowners. Mr. Hertsgaard discussed the sequence in determining what happens and stated as a farmer, the first thing he's concerned about is getting the culverts open and asked whose responsibility that will be. There are a lot of farmers that will be digging culverts out if the local government entities don't do it in a timely fashion, because if not, farmers won't be able to plant if the field doesn't drain off. Then comes the removal of the debris such as the logs, sticks, tires, etc.

Mr. Gust stated he thinks the eligibility criteria needs to be looked at and asked if they were going to be responsible for the debris removal no matter how small the flood may be, or are the farmers going to have to pick that up on their own. Mr. Dodds stated the settlement agreement indicates that this program would trigger when the project operates. Mr. Gust stated he has a problem with the individuals whose land is in the holding area and no matter how small the flood is if there's debris getting on their land, they're not going to be happy if we don't go out there and remove it for them or pay them for it to be removed. So, we need to look at the eligibility criteria pretty carefully. Mr. Zimmerman went back to the culvert discussion and stated historically that has been the responsibility of the Township or the Watershed District, but it sounds like that isn't happening. Mr. Hertsgaard stated they don't have any equipment and as farmers, we'll do it immediately because we can't do anything until the water is off the field and if the culvert is plugged then farmers have to take care of that. Ms. Mongeau stated there's definitely some gray area and not sure we should operate that way. Mr. Lougheed stated if a farmer spent their time waiting to go through the steps, nothing would get done.

Mr. Boerboom questioned how many culverts are being discussed, what the magnitude of this looked like and asked if there was something that could be set up to address this where the DA works on the township base level and assigns a contractor to each township, and the first thing they do is to go around and clean culverts, which takes care of the problem right away. Mr. Boerboom discussed possibly having a contractor on retainer and have that individual go out several hours a day and continue to keep culverts clean. Mr. Hertsgaard asked how many townships would be

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involved. Mr. Dodds stated on the Minnesota side it would include Holy Cross and Wolverton Townships and on the North Dakota side it would include Stanley, Pleasant, Eagle and Walcott Townships. Mr. Boerboom stated then that's where the DA will be working with the producers and they can call and ask for a contractor to be sent out to address the culverts. Discussion ensued regarding the number of contractors per township could poetically be needed. Ms. Mongeau stated she thinks this is a good starting point. Mr. Hartsgaard asked if the DA would rather deal with the townships or the County Engineers, in terms of an assessment. Ms. Mongeau stated to that point, she wants to avoid a mass special assessment to the landowners from the Watershed District. Mr. Dodds stated to Mr. Gust's point, it's pretty clear that this program and the crop loss program would trigger when the gates move. We're all aware that there will be lower flood events that might occur, therefore if we abide by that and set up contractors, like Mr. Boerboom suggested, to be available for cleaning culverts when the gates trigger, what will happen in other years when the gates don't trigger? Will the landowners revert back to the 'begging for forgiveness' model in terms of debris and culvert clean-up. Mr. Dodds stated it's just an interesting dynamic. Discussion ensued regarding crop loss and insured units of crop.

Mr. Dodds referenced the packet to discuss the contractor support model and stated what he's heard today so far during this discussion is definitely the need for contractors to help primarily with culverts and the larger scale tasks and assigning the contractors by geography. In the scenarios that we talked about before with farmers pushing the debris into the trees and out of the tillable area, it seems like that's something producers would prefer to do themselves. But in other scenarios there is a possibility where you would need contractor help. Therefore, Mr. Dodds asked how those services and contractors should be available. Should there be a list of contractors for fair market choosing, or should there be someone specifically assigned to the geography of the land, or is there another model that could work. Mr. Zimmerman stated one of the concerns he has after listening to this conversation is that there seems to be a fair amount of skill and finesse to do this work and unfortunately some of the contractors that he's worked with aren't very good at that. Mr. Hartsgaard stated in his experience, whoever is paying the contractor is the one who needs to be in contact with them. Mr. Miller asked how many contractors would potentially be hired. Mr. Dodds stated as many as needed. What we've conceptualized is we would issue a request for interest and see how many contractors would respond. And frankly, when this project operates, it's going to be a pretty significant flood, meaning there's going to be a lot of people knowing that there's flood activity and it's our suspicion that there will be an uptick in contractor engagement. Ideally, the number needed would be between 5 or 6 contractors. Ms. Mongeau stated the list also may not be exclusive either, but it's a starting point for folks. Mr. Gust stated in a large event there won't be enough contractors, and there will be a lot of unhappy people. Ms. Mongeau asked if there was anything we didn't cover in terms of the contractor support piece. Mr. Dodds stated no, we've received good feedback today.

Mr. Dodds next discussed the reimbursement process for this program and stated although this part might be somewhat of a headache, it could become a requirement for landowners to take photos and submit receipts and other documentation for reimbursement purposes, unless there's some other creative way to go about it. Ms. Mongeau asked where the weed control component comes into play and if that's a crop insurance piece or debris. Because if you get river silt on the land it will result in a lot of weed growth. Mr. Dodds stated that hasn't been contemplated here, but if it were to cause a crop loss, there might be a component that way. Mr. Loughheed stated the thing with weeds is they're going to be come up no matter what. Ms. Mongeau asked if it would be a reimbursable expense in a time when the project is in operation. Mr. Hartsgaard stated he didn't think there was anything in the Joint Power Agreement (JPA) that dealt with that issue. Discussion ensued regarding weed control. Mr. Shockley asked for a more concrete plan in terms of reimbursement. Discussion ensued regarding established rates, equipment rates, etc., and making an assessment at the start. Mr. Gust stated he thinks we need to be more generous to the landowners to ensure better relations. Mr. Mongeau discussed self-move reimbursement claims that the Moorhead-Clay County Joint Powers Authority (MCCJPA) Board receive and stated based on what she's seen there, we need to also be cautious because we want people to be truthful.

Ms. Mongeau discussed additional debris such as tires and trash and how a site location on each side of the river was

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possibly identified for those items and there needs to be a level of coordination with the landfills. Mr. Dodds stated the DA still owns a couple small pieces of land, and the thought was to use those parcels for the debris, which will then be sorted through to determine whether it can be burned, what really needs to go to the landfill, and what can be composted, etc.

Mr. Miller asked as far as pictures go for reimbursement, how is someone supposed to show their progress. Mr. Dodds stated the reimbursing entity would want to know if there is evidence that the was debris caused by the operation of the project and if it was cleared up. Therefore, we'll probably have aerial photography during a flood event. It wouldn't be something extensive like a photo every 10 yards, but evidence that shows that there was debris, it was cleaned up and no longer on the field. Mr. Boerboom asked if there was any consideration in using app-based features. This could be something that the DA creates for the farmers to use that would have the ability to take and upload photos as well as entering in a quick description, it could all be GPS referenced and everyone involved could then be using the same database. It could help with efficiency for the farmers, as well as the DA for reimbursement purposes. Ms. Mongeau stated she thinks that would be helpful. Mr. Dodds stated he'd like to think that there could be something on the DA website where producers could go to, to download an app, to try and automate the process as user-friendly as possible.

5. OTHER BUSINESS

Ms. Mongeau stated although a lot was discussed today, she thinks it's best to solidify this program sooner than later and hammer things out this fall and have good framework before it operates. Mr. Shockley agreed and stated we need to have the program in place by January 1, 2027.

Mr. Gust suggested getting the word out about these meetings in the event that there are landowners that want to attend.

Mr. Dodds and Ms. Mongeau discussed upcoming meeting dates and that maybe for the sake of time, the allotted time for this meeting should be an hour and a half.

6. NEXT MEETING

The next meeting will be August 31, 2026, at 8:00 a.m., Vector Control Training Room – Cass County Highway Department.

7. ADJOURNMENT

The meeting adjourned at 11:53 a.m.



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

August 2026 – **DRAFT for Sub-Committee Review**

1. BACKGROUND & INTRODUCTION

The Metro Flood Diversion Authority (MFDA) is implementing this Post-Operation Debris Removal and Property Damage Restoration and Clean-Up Program for Private Lands (the “Program”) to address clean-up and restoration needs on private properties located within the Upstream Mitigation Area (UMA) following operation of the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the Comprehensive Project). This document outlines the Program plan to fulfill the requirements of Article XIX of the Settlement Agreement dated February 1, 2021 (see Appendix A) and the Post-Operation Debris Clean-Up Plan described in the Property Rights Acquisition and Mitigation Plan (PRAM) dated June 1, 2020.

This Program supports private Landowners through either MFDA-contracted clean-up services or reimbursement for qualified, Landowner/Tenant-completed clean-up work. It ensures debris and non-structural damage from Comprehensive Project-induced flooding are addressed efficiently and fairly.

2. ROLES & RESPONSIBILITIES

****MFDA**:** Oversees the Program, provides notifications, verifies eligibility, retains and manages contractors, and processes reimbursement applications. MFDA will also distribute an annual newsletter with Program updates, notification procedures, deadlines, summaries of prior activity, and guidance on the reimbursement processes.

****Landowners**:** Notify MFDA of debris or damages resulting from Comprehensive Project Operation, provide access if applicable, perform or arrange clean-up, submit documentation for reimbursement, and authorize Tenant eligibility, if applicable.

****Tenants**:** Tenants will not be eligible for Program benefits or direct reimbursement without authorization from the Landowner.

****Contractors**:** Hired by the MFDA to assist in providing debris removal and repair of non-structural damage in the UMA resulting from Comprehensive Project operation.



3. ELIGIBILITY

Eligible:

- Private property within the UMA that is also within the Area of Eligibility, as defined by MFDA after each Comprehensive Project Operation event.
 - Tillable agricultural land used to grow and produce corn, beans, sugar beets, hay, or other crops.
 - Other agricultural lands used to produce perennial crops such as tree farms or fruits.
 - This program does not include removal of saturated soil or excess water in waterways and/or field drains.
- Removal of flood-related debris that was deposited on eligible private property due to Comprehensive Project Operation and which negatively impacts farming operations.
- Repair and restoration of flood-related non-structural property damage resulting from Comprehensive Project Operation, such as washed-out field approaches, culverts, or crossings.

Ineligible:

- Non-tillable lands are not eligible for this program.
- Removal of non-flood-related debris such as:
 - Historic debris that existed before Comprehensive Project Operation
 - Non-flood-related debris
 - Non-floatable debris
- Other ineligible items:
 - Structural damage (e.g., damage to buildings).
 - Damage to personal property (e.g., items not affixed to the real estate, grain bins, mechanical equipment, fencing, vehicles, machinery, etc.).
 - Damage from non-project-related flooding.
 - Properties outside the Area of Eligibility.
 - Work or measures taken to remove water from farmland or other property, such as pumping water off fields, are not eligible under this program.
 - Work completed by the Authority's representatives.

If a Landowner or Tenant wishes to request eligibility for items or situations not explicitly designated as eligible under this program, the Landowner or Tenant shall contact the MFDA's Executive Director to request a site inspection and special review. The MFDA Executive Director and other staff will respond as quickly as possible to these requests but may not be able to make a determination within a set timeframe. The MFDA may direct Landowners or Tenants to the Alternative Dispute Resolution Board ([Resolution-Establishing-the-Alternative-Dispute-Resolution-Board-1.pdf](#)) to address special requests.



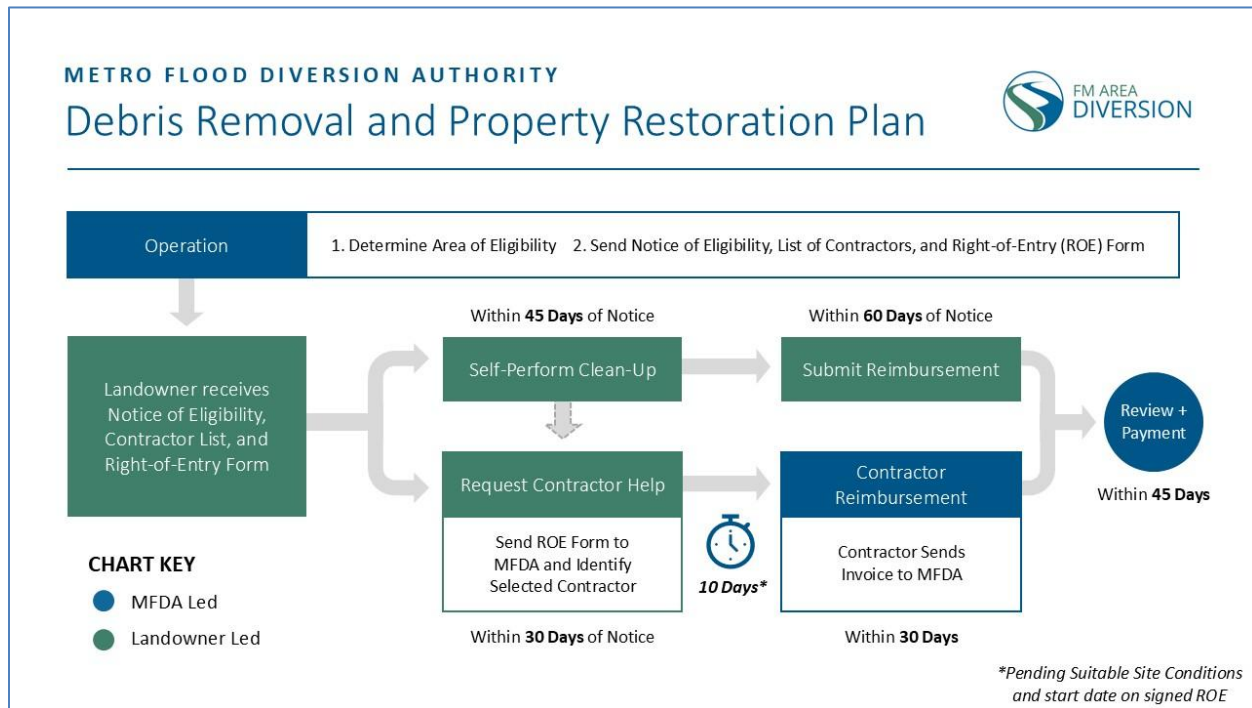
4. SUMMARY OF PROGRAM PROCESS

A summary of the Program process is outlined below. Additional details for each step are included in the following sections of this plan.

1. MFDA monitors flood forecasts in January of each year and determines if Comprehensive Project Operation is likely. If so, MFDA begins process of implementing this Program.
2. Pre-Operational Program activities
 - a. MFDA will utilize county tax databases to update property ownership records and make introductory contact with landowners and request Points of Contact.
 - i. Landowner indicates who will serve as the Point of Contact
 - ii. The identified Point of Contact shall be the eligible party for benefits under the Program.
 - b. MFDA will review and update the forms that will be used for this Program. MFDA will consider current technology solutions that may aid in administering this Program.
 - c. MFDA enters into contracts with debris removal Contractors for private lands.
 - d. MFDA assists LGUs (i.e., Townships) with retaining contractors to focus on removing debris from culverts to allow fields to drain faster.
3. Program activities after Comprehensive Project Operation occurs.
 - a. MFDA defines the Area of Eligibility based on the Comprehensive Project Operation extents and boundary.
 - b. MFDA sends Notice of Eligibility and Right-of-Entry form to Points of Contact (Landowners or Tenants) within the Area of Eligibility.
 - c. MFDA sends Area of Eligibility map to Contractors.
 - d. MFDA hosts a town hall meeting to share information and instructions about the Post-Operation Debris Removal and Property Damage Restoration and Clean-Up Program for Private Lands.
4. Debris removal work is completed.
 - a. The Point of Contact (Landowner or Tenant) self-performs debris removal work and then submits reimbursement applications to the MFDA.
 - b. The Point of Contact (Landowner or Tenant) requests assistance from one or more of the MFDA Contractors and submits to the MFDA a Right-of-Entry Form signed by the Point of Contact (Landowner or Tenant) and the MFDA Contractor and then submits reimbursement applications to the MFDA.
 - i. The Point of Contact (Landowner or Tenant) is able to both self-perform and utilize MFDA Contractor services to complete the debris removal work, provided there is no duplication of efforts or charges.
 - ii. Reimbursement applications shall be signed by both the Point of Contact (Landowner or Tenant) and the Contractor.
5. Reviews, Reimbursements, and Records
 - a. MFDA reviews reimbursement applications, invoices, and supporting documentation, and verifies work was completed and eligible.
 - b. MFDA issues reimbursement to the Point of Contract and/or the MFDA Contractor.



c. MFDA records and files Program documentation.



5. MONITOR FLOOD FORECASTS

The MFDA will monitor the early spring flood forecasts issued by the National Weather Service and other agencies to determine if Comprehensive Project Operation is likely. If Comprehensive Project Operation is deemed likely, the MFDA will initiate efforts to implement this Program. Each year, typically in mid-January, the National Weather Service releases its initial spring flood forecast.

6. PRE-OPERATIONAL ACTIVITIES

a. Introductory Contact with Landowners, Identification of Points of Contact

Upon determination that Comprehensive Project Operation is likely, the MFDA will make introductory contact with Landowners. The MFDA will use property ownership records from County tax databases to identify Landowners and initiate the determination of Points of Contact for farmlands in the UMA. See Appendix B for instructions on obtaining County parcel data, selecting impacted parcels, and creating a notification list.

The introductory communication will inform the Landowners of the likely Comprehensive Project Operation and about this Program. In addition, the MFDA will request from the Landowners who shall serve as the Point of Contact for this program. Due to the time-sensitivity of removing debris from farmland, it is important for the MFDA to communicate with the correct individuals



responsible for farming on each parcel. The Point of Contact will be eligible for Program benefits and be responsible for submitting complete reimbursement forms to the MFDA.

1. Introductory letter to Landowners shall include an indication that Comprehensive Project Operation is likely, a summary of this Program, a Point of Contact form, a prepaid return envelope, and a map figure of all lands in the UMA.
2. Landowner shall complete the Point of Contact form(s) for each parcel of land owned by Landowner.
 - a. If a Landowner does not return a Point of Contact form, a second notification will be sent. If the Landowner does not return a Point of Contact form after the second notification, the Landowner will be assumed to be the Point of Contact.
3. Point of Contact shall be the beneficiary of the Program and shall be responsible for submitting an Application for Reimbursement to MFDA.
4. Communications from the MFDA to the Points of Contact will be performed via electronic means (email or text message).
5. Point of Contact forms shall be submitted electronically to MFDA by email to XXXXX@fmdiversion.gov.

b. Review and Update Forms

Upon determination that Comprehensive Project Operation is likely, the MFDA will review and update the forms necessary for administering this Program. Current versions of the forms are located in Appendix C. Given that the Comprehensive Project will operate when flood levels exceed the 20-year flood event, there is a potential that Comprehensive Project Operation will be highly infrequent, and therefore utilization of this Program may also be highly infrequent. As part of reviewing and updating the forms, the MFDA will also consider the use of available technology solutions to assist with administering this Program. Technology solutions could aid in distributing information and instructions, submitting reimbursement applications, georeferencing photos, spatial record keeping, and more.

c. Selection of MFDA Contractors

The MFDA will retain a number of contractors to serve on a roster to assist with removal of flood-related debris and repair or restoration of flood-related non-structural property damage. The Post-Operation Clean-Up Services (POCUS) contracts will be issued for a one (1) year term, with the potential for up to two (2) additional one (1) year extensions. The POCUS roster will provide the MFDA and Points of Contact (Landowners or Tenants) a flexible approach to obtain assistance from contractors for performing the work under this Program.

In recognition that Comprehensive Project Operation will be intermittent and largely dependent on spring flooding conditions, the MFDA will monitor the early spring flood forecasts each year and be prepared to issue a request for proposals (RFP) by late January of each year to initiate the contractor selection process if the spring flood forecast indicates a likelihood of Comprehensive Project Operation. The RFP will outline the requirements for this Program and encourage contractors to submit a Statement of Interest to participate in the Program. Responses to the RFP will generally be due by late February, which will allow the MFDA to review responses and make



contract award recommendations to the MFDA board in early March, well in advance of historical flooding timelines.

The MFDA will utilize standardized billing rates (see Appendix D) to compensate Landowners and contractors who perform work under this Program. The standard rate sheet will be updated annually, or as necessary to reflect any adjustments needed, such as rate changes, billing category changes, and other changes learned through the adaptive management aspect of this Program. The annually updated rate sheet will be shared with each contractor on the roster to confirm that the contractors are still interested and available to provide services if the Comprehensive Project operates.

The contracts will be developed and follow the MFDA's contracting policy for O&M activities.

d. Township Contractors

It is recognized that removing debris and unclogging culverts under township roads is a critical aspect of returning farmland to a productive status that must be completed as early as possible after flood events occur. It is also recognized that Township authorities own and maintain certain infrastructure, such as culverts throughout the UMA. And the Townships may not be readily prepared to clean-out culverts within the timeline desired by growers or within the timeline established in this Program. As such, the MFDA will assist Townships with soliciting and entering into contracts with Contractors who will be retained specifically to clean-out culverts in a timely fashion after Comprehensive Project Operation.

The assistance from MFDA to each Township will include:

- Providing a contractor solicitation template
- Providing a contract template
- Providing reimbursement rates

7. PROGRAM ACTIVITIES AFTER COMPREHENSIVE PROJECT OPERATION

a. Determination of Area of Eligibility

The MFDA will define the Area of Eligibility for this Program after each Comprehensive Project Operation event. The Area of Eligibility will be determined by the MFDA with the use of multiple tools and data sources including hydraulic modeling, streamflow measurements and records, aerial photography, field surveys, and field observations. The MFDA will utilize these tools and data sources to produce an outline of the extent or boundary of the area within the UMA that was affected by Comprehensive Project Operation for the specific flood event.

MFDA staff will review the mapped area along with parcel boundaries and local roadway locations to potentially square-off the land/parcel area of eligibility to include full fields and full stretches of local roadways. The MFDA may also elect to declare the entire UMA eligible for this Program.



The MFDA will publish the Area of Eligibility map and display the boundary in the online WebMap on the MFDA website (www.fmdiversion.gov).

The MFDA will establish the Area of Eligibility as soon as practical after each Comprehensive Project Operation event, considering that the southern end of the UMA will most likely become free of floodwater sooner than the northern portions of the UMA.

Disputes related to the Area of Eligibility will be handled via the MFDA's Alternative Dispute Resolution Board, which can be found on www.fmdiversion.gov.

b. Notifications

Upon Comprehensive Project Operation and after determination by the MFDA of the Area of Eligibility, the MFDA shall send a Notice of Eligibility along with supporting information to the Points of Contact within the Area of Eligibility. In addition, the MFDA will send the Area of Eligibility map to its Contractors.

Upon Comprehensive Project Operation, the MFDA shall utilize electronic communication methods to streamline the notification process to the appropriate individuals completing clean-up efforts and applying for reimbursement.

c. Town-Hall Meeting

After Comprehensive Project Operation but before debris removal work is completed, the MFDA will host a Town-Hall style meeting to share information and instructions about this Program to Landowners, Tenants, Points of Contact, and Contractors. Notices and communications regarding the town-hall meeting will be distributed electronically to the Points of Contact and Contractors.

Upon Comprehensive Project Operation, the MFDA shall utilize electronic notification to all Points of Contact within the Area of Eligibility. The Points of Contact will have already been determined prior to Comprehensive Project Operation to streamline the notification process through electronic notifications directly to the appropriate individuals completing clean-up efforts and applying for reimbursement.

8. DEBRIS REMOVAL WORK and PLAN OF OPERATION

The intent of this Program is to encourage the Points of Contact (Landowners or Tenants) to self-perform the debris removal and non-structural property repair or restoration work on their property, but also provide a simple contractual mechanism whereby the Points of Contact (Landowners or Tenants) can obtain assistance from MFDA Contractors to complete the debris removal and non-structural property repair or restoration work.

a. Self-Performed Debris Removal and Restoration Work

If a Point of Contact (Landowner or Tenant) self-performs the debris removal and/or non-structural property damage repair work, the following process will be utilized.



1. MFDA will send a Notice of Eligibility to the Points of Contact (Landowner or Tenant) for lands within the Area of Eligibility. The notice will include a map showing the Area of Eligibility, the location of temporary debris staging sites, and a list of available contractors. See the draft Notice of Eligibility letter in Appendix C.
2. MFDA will identify and maintain designated temporary debris staging sites in and around the UMA.
3. MFDA will pay the Points of Contact (Landowners or Tenants) using two methods:
 - (1) based on time and equipment use for removing debris from tillable lands or for restoration of non-structural property damage, as well as hauling the debris to the MFDA's temporary debris staging sites, following the standard billing rate sheet, and
 - (2) based on actual expenses with receipts or invoices for restoration of non-structural property damage.
4. For on-site debris removal and non-structural property damage repair or restoration work, the MFDA will reimburse the Points of Contact (Landowners or Tenants) who submit an Application for Reimbursement (see Appendix C for forms) upon completion of work, along with hour logs and before and after photo evidence of the debris removal and/or non-structural property damage repair or restoration work completed. Payment will be made following the standard billing rate sheet.
5. For hauling eligible debris to designated temporary debris staging sites, defined by the MFDA, the MFDA will provide payment based on the number of loads of hauled materials to the temporary debris staging sites along with mileage from each property to the temporary debris staging site. Payment will be made following the standard billing rate sheet.
6. For actual expenses incurred in performing repair or restoration of non-structural property damage, the MFDA will provide payment based on receipts or invoices for services, equipment, or materials purchased for or used in completing the work.

b. MFDA Contractor Assisted Debris Removal and Restoration Work

The following procedure and details will be utilized for conducting debris removal and non-structural property damage repair or restoration when a Point of Contact (Landowner or Tenant) requests assistance from the MFDA.

1. MFDA will enter into post-operation assistance contracts with a number of Contractors. The contracts will be active in years when Comprehensive Project Operation is likely or anticipated.
2. MFDA will identify and maintain designated temporary debris staging sites in and around the UMA.
3. MFDA will send a Notice of Eligibility electronically (email) to the Points of Contact within the Area of Eligibility. The notice will also include a link to a Webmap showing the Area of Eligibility, the location of temporary debris staging sites, the Right-of-Entry form, and a list of available MFDA Contractors along with their contact information.
4. MFDA will send an electronic notice (email) to the Contractors with a link to the same Webmap showing the Area of Eligibility, the location of the temporary debris staging sites, and the current standard billing rate sheet.



5. The Points of Contact (Landowners or Tenants) who desire assistance will contact one or more of the MFDA Contractors to request assistance with debris removal and non-structural property damage repair or restoration. The Points of Contact (Landowners or Tenants) should coordinate with the MFDA Contractors on the type of equipment they will allow on their fields to limit the chance of damaging the fields due to clean-up operations. The Points of Contact (Landowners or Tenants) and MFDA Contractors should work together to meet the desired schedule for debris removal. Once a Point of Contact (Landowner or Tenant) and MFDA Contractor has come to an agreeance on the scope of work and the start date, the Point of Contact (Landowner or Tenant) and MFDA Contractor shall jointly complete, sign, and submit the Right-of-Entry form to the MFDA. The Right-of-Entry form shall identify the Point of Contact (Landowner or Tenant), MFDA Contractor, the scope of work for the MFDA Contractor, and start date.
6. MFDA shall promptly review the Right-of-Entry form and issue a Notice to Proceed to the MFDA Contractor if the scope of work meets the eligibility guidelines.
7. The POCUS contracts will enable MFDA Contractors to perform debris removal and non-structural property damage repair or restoration work within the Area of Eligibility as requested by the Points of Contact (Landowners or Tenants), within the limits of each contract.
8. The Points of Contact (Landowners or Tenants) will be required to sign the Completed Work Close-Out and Certification Form indicating that the MFDA Contractor work is complete and satisfactory.
9. MFDA will pay contractors using two methods:
 - (1) based on time and equipment use for removing debris from tillable lands or for restoration of non-structural property damage, as well as hauling the debris to the MFDA's temporary debris staging sites, following the standard billing rate sheet, and
 - (2) based on actual expenses with receipts or invoices for restoration of non-structural property damage.
10. For on-site debris removal services, MFDA Contractors will submit invoices for payment upon completion of work, in accordance with the contract, which will require hours logs, before and after photo evidence of the debris removal and/or non-structural property damage repair or restoration work completed, and the Completed Work Close-Out and Certification Form signed by the Point of Contact (Landowner or Tenant). Payment will be made following the standard billing rate sheet.
11. For hauling eligible debris to the Temporary Debris Staging Sites, MFDA will provide payment to Contractors based on the number of loads of hauled materials to the Temporary Debris Staging Sites along with mileage from each property to the Temporary Debris Staging Site. Payment will be made following the standard billing rate sheet.
12. For actual expenses incurred in performing repair or restoration of non-structural property damage, the MFDA will provide payment based on receipts or invoices for services, equipment, or materials purchased for or used in completing the work.



c. Township Assisted Public Culvert Clean-Out

The following procedure and details will be utilized for conducting debris removal from plugged culverts within the statutory right-of-way (does not include private approach culverts) when a Point of Contact (Landowner or Tenant) requests assistance from a Township.

1. MFDA will assist the townships in retaining contractors for on-call culvert clean-out services for plugged culverts within statutory right-of-way.
2. The MFDA will coordinate with the Townships about the potential need for contractor help after an operation event and the importance of unplugging culverts in a timely matter to drain private lands quickly. The MFDA will offer to prepare the contract templates for utilization by Townships to retain contractor services.
3. The Townships will receive requests from Points of Contact (Landowners or Tenants) to clean-out culverts, and the Townships then direct the Contractors to clean-out the plugged culverts within 24-hours.
4. Township Contractors will complete work upon direction from a Township and submit their reimbursement applications to the Township.
5. Townships will then submit reimbursement applications to the MFDA under the public-lands clean-up program. The reimbursement applications must identify the culverts that were cleaned along with records of the requests and directions.

d. Temporary Debris Staging Sites

The MFDA will retain ownership of at least two (2) sites in North Dakota and at least one (1) site in Minnesota for operational purposes for this Program and other purposes. The MFDA will utilize these Temporary Debris Staging Sites to receive and process flood-related debris from Landowners and contractors. Maps of the temporary debris staging sites are attached in Appendix E.

The MFDA will be responsible for handling and processing the debris at the Temporary Debris Staging Sites, and ultimate disposal of the debris. The MFDA will likely need two staff members at each Temporary Debris Staging Site – one member for sorting and another member to track hauled debris entering site via hauling tickets. The tickets can be used as a check against hours submitted by MFDA Contractors for reimbursement. The MFDA may retain a contractor to provide services necessary to sort and handle the debris, which may include sorting items that must be brought to the landfill, items that could be burned on site, items that could be brought to a compost facility, and other materials. The MFDA may elect to issue a defined scope of work for handling and processing the debris at the Temporary Debris Staging Sites for contractors to bid on.

1. MFDA will staff the Temporary Debris Staging Sites during daylight hours to monitor the site and record debris hauling records. MFDA will staff the Temporary Debris Staging Sites for 45 days following the Notice of Eligibility being sent to Landowners. After the 45-day period, MFDA representatives will be available upon request to staff the Temporary Debris Staging Sites.
2. MFDA intends to utilize the Temporary Debris Staging Sites to temporarily store and sort the debris before ultimate disposal. Materials will be sorted and organized to meet size



criteria for landfilling, sorted for burning, sorted for hauling to a landfill, sorted for composting, and other sorting classifications.

3. MFDA may obtain permits to burn select materials at the Temporary Debris Staging Sites.
4. MFDA intends to haul select materials to landfills (Fargo and Clay County) and to area compost sites. Note that the Fargo landfill does not accept wood debris larger than eight inches (8") in diameter or hazardous materials (asbestos, etc). The Gwinner landfill accepts hazardous materials. The Clay County landfill will accept flood related debris.
5. MFDA may retain a contractor to assist in sorting materials at the Temporary Debris Staging Sites and for hauling materials from the Temporary Debris Staging Sites to landfills. Since there will be more time to complete the debris sorting and final disposal work, the MFDA may solicit competitive bids from contractors for this work.

9. REVIEWS, REIMBURSEMENTS, AND RECORDS

a. Reimbursement Submittal and Review Process

The Application for Reimbursement submittal and review process is a critical component of this Program. The following forms and supporting documentation (found in Appendix C) must be submitted by the following representative(s) to receive reimbursement. Applications for Reimbursement shall be submitted electronically via email to XXXXXXXX@fmdiversion.gov. Incomplete submissions will be rejected.

- Representatives able to submit an Application for Reimbursement:
 - Point of Contact (Point of Contact receives reimbursement)
 - For self-performed work only
 - Point of Contact + MFDA Contractor Signature (Point of Contact receives reimbursement)
 - For Self-performed work + MFDA Contractor-assistance
 - MFDA Contractor + Point of Contact Signature (MFDA Contractor receives reimbursement)
 - For MFDA Contractor-performed work only or for MFDA Contractor-assisted work
- Forms/data to be submitted to receive reimbursement:
 - Application for Reimbursement
 - Debris Clean-Up Report
 - Photo Log
 - Receipts/Invoices Table

Upon receipt of an Application for Reimbursement from an eligible representative, the MFDA will review for completeness, making sure the forms are fully completed and all supporting documentation is provided. The MFDA will also review the forms and supporting documentation to confirm that the debris and work is eligible and was from the Area of Eligibility. If the Application for Reimbursement is complete and eligible, the MFDA staff will process the reimbursement and



report the financial actions to the MFDA Board of Authority in accordance with payment and expenditure policies.

Payment to contractors will be made following the payment terms and conditions within each post-operation assistance contract.

b. Records Keeping

MFDA will maintain detailed records of reimbursements, verification steps, and correspondence for accountability and auditing purposes. Records that will be maintained include the Area of Eligibility, Notice of Eligibility, selected contractors, right-of-entry forms, applications for reimbursement, payments made to Landowners, payments made to contractors, volume of debris collected, categorization of collected debris, and other pertinent information. The goal and purpose of record keeping is to track how the program is working, utilizing the data for making program adjustments, if needed.

10. ADAPTIVE MANAGEMENT

This plan will be reviewed periodically, including after each major flood event. MFDA may revise eligibility, processes, or documentation standards based on program performance and Landowner feedback.

11. TIMELINE FOR PROGRAM PROCESS

The MFDA understands that timing of debris removal is critical for agricultural activities in the UMA. The following timeline of actions will be adhered to for this Program.

Action	Responsible	Timeline (any given year)
Monitor flood forecasts to determine likelihood of Comprehensive Project Operation	MFDA	January
Introductory Landowner Notice and Determination of Points of Contact of UMA lands	MFDA and Landowner or Tenant	End of February
MFDA Contractor Solicitation	MFDA	Late January to Mid-February
Assist Townships with Contractor Solicitation	MFDA	Late January to Mid-February
Host Town-Hall meeting(s) to provide information and instructions to Points of Contact (Landowner or Tenant) and Contractors on Program	MFDA	During Comprehensive Project Operation (event specific)
Comprehensive Project Operation occurs	MFDA	Based on floodwaters and in accordance with the water control manual



Define Area of Eligibility	MFDA	Within seven (7) days after water recedes from UMA
Send Electronic Notice of Eligibility to Points of Contact	MFDA	Within 10 days after water recedes from UMA
Debris Removal Work – Self-Performed	Landowner or Tenant	Within 30 days after Notice of Eligibility date
Debris Removal Work performed with MFDA Contractor Services (Requires coordination of work, timeline, and signed Right-of-Entry form)	Landowner or Tenant and Contractor	Within 30 days after Notice of Eligibility date
For Contractor Supported Work, send Notice to Proceed to MFDA Contractors	MFDA	Within 2 days of receiving Right-of-Entry form from Point of Contact
Landowner or Tenant hauls flood debris to Temporary Debris Staging Sites	Landowner or Tenant	Within 30 days after Notice of Eligibility date
Contractors haul flood debris to Temporary Debris Staging Sites	Contractor	Within 10 days after receiving Notice to Proceed
Landowner or Tenant submits Application for Reimbursement	Landowner or Tenant	Must be submitted within 60 days after Notice of Eligibility date
Contractor submits Invoice	Contractor	Must be submitted within 30 days after completing work
MFDA review and approval of invoices and reimbursements	MFDA	Within 45 days after receiving complete application

12. FORMS

See Appendix C for a copy of the following forms.

- Introductory Contact Letter (Draft Template)
- Point of Contact Designation Form
- Notice of Eligibility Letter (Draft Template)
- Right of Entry and Contractor Work Authorization Form
- Notice to Proceed (Draft Template)
- Application for Reimbursement Forms
 - Hours and Equipment Log
 - Photo Log
 - W-9 Tax Form Transmittal
- Completed Work Close-Out and Certification Form



13. CONTRACTS AND STANDARD BILLING RATE SHEET

See Appendix E for a copy of the following documents.

- Post-operation assistance contract (template) (MFDA will maintain a list of preapproved contractors available on the MFDA website or upon request.)
- Standard Billing Rate Sheet

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14. DEFINITIONS

****Area of Eligibility**:** The area determined by the MFDA where the Post-Operation Private Lands Repair and Clean-Up Program will apply after Comprehensive Project Operation.

****Comprehensive Project**:** The Fargo-Moorhead Metropolitan Area Flood Risk Management Project.

****Comprehensive Project Operation**:** Operation of the Red River Structure and/or Wild Rice River Structure, causing upstream water storage in the UMA.

****Eligible Debris**:** Flood-deposited debris, including crop residue, brush, sticks, branches, silt, fencing, plastics, and non-structural materials not present pre-operation.

****Tenant**:** The individual or entity responsible for farming property within the UMA. The Tenant may be eligible for benefits under this Program, if authorized by the Landowner.

****Project Operation Boundary**:** The area within the UMA where actual water storage occurred due to a flood event that resulted in Comprehensive Project Operation.

****Point of Contact**:** The individual (or entity) designated by the Landowner who will be the beneficiary of benefits under this Program.

****Landowner**:** The individual or entity owning property within the UMA eligible for participation and benefits under this Program.

****MFDA Contractor**:** The contractor(s) retained by the MFDA to provide debris clean-up and non-structural property damage restoration services.

****Non-Structural Property Damage**:** Non-structural property damage is limited to damage caused to culverts or field approaches by floodwaters resulting from Comprehensive Project Operation.

****Right-of-Entry**:** Voluntary authorization by a Landowner or Tenant granting an MFDA Contractor access to private property for clean-up.

****Temporary Debris Staging Sites**:** The properties owned and managed by the MFDA which will be utilized for temporary storage, sorting, and management of flood related debris.

****Township Contractor**:** The contractor(s) retained by Townships to focus on clean-out of blocked culverts within statutory rights-of-way along Township roadways.

****UMA (Upstream Mitigation Area)**:** The area where MFDA must obtain flowage rights to store floodwater.



Appendix A – Settlement Agreement, ARTICLE XIX.

POST-OPERATION DEBRIS REMOVAL AND PROPERTY DAMAGE RESTORATION AND CLEAN-UP PLAN

Section 19.01 POST-OPERATION DEBRIS REMOVAL AND RESTORATION.

The Diversion Authority will implement and fund a Debris Removal and Property Damage Restoration and Clean-up Plan to provide for the clean-up 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 Diversion Authority, and non-structural property damage shall be repaired, remedied, and restored at its cost, within ten (10) 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 (10) 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 Diversion Authority for reimbursement. The Diversion Authority will make available a list of pre-qualified contractors who are available to 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 (10) 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 Diversion Authority 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 (2) 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 Diversion Authority shall provide an update regarding the status of the Post-Operation Debris Clean-up and Restoration Plan to the Parties every six (6) months commencing on the Effective Date of this Settlement Agreement until termination of the Comprehensive Project.



Appendix B: Landowner Identification and Notification SOP



Appendix C – Forms

1. Introductory Contact Letter (Draft Template)
2. Point of Contact Designation Form
3. Notice of Eligibility Letter (Draft Template)
4. Right of Entry and Contractor Work Authorization Form
5. Notice to Proceed (Draft Template)
6. Application for Reimbursement Forms
 - a. Hours and Equipment Log
 - b. Photo Log
 - c. W-9 Tax Form Transmittal
7. Completed Work Close-Out and Certification Form



Appendix D – Contacts & Rates

1. Post-Operation Assistance Contract (template)
2. Standard Billing Rate Sheet



Appendix E – Temporary Debris Staging Sites Maps

- North Dakota Sites
 - OIN 2002
 - OIN 8919Y
- Minnesota Site
 - OIN 1840Y