

# Fargo-Moorhead Area Flood Diversion Task Force

## Summary of Meeting

Monday, Nov. 13, 2017

Fargodome, Fargo, ND

### PRESENT

- Gov. Doug Burgum – Governor of North Dakota
- Gov. Mark Dayton – Governor of Minnesota
- Del Rae Williams – Mayor of Moorhead, MN
- John Strand – Fargo City Commissioner
- Ron Bergan – Fargo business leader and entrepreneur
- Tim Fox – Former Wilkin County Attorney
- Jason Benson – Cass County Engineer
- Joel Paulsen – Moorhead City Council member
- Nathan Berseth – Richland County Commissioner
- Heidi Durand – Moorhead City Council member
- Tami Norgard – Natural resources attorney
- Mark Anderson – Treasurer of Buffalo-Red Watershed District
- Curt Johannsen – Mayor of Hendrum, MN
- Ken Vein – Grand Forks City Council member
- Jenny Mongeau – Clay County Commissioner
- Bernie Dardis – Greater North Dakota Chamber Board Chair
- Steve Jacobson – Norman County Commissioner
- Craig Hertsgaard – Richland County farmer
- Barb Naramore – Minnesota Department of Natural Resources Assistant Commissioner
- Tom Landwehr – Minnesota Department of Natural Resources Commissioner

### WELCOME

The meeting was called to order at 10:05 a.m.

#### ***Governors' Welcome***

- Governors thanked the members for attending

#### ***Meeting Minutes***

- Gov. Burgum noted that task force members had two sets of meeting minutes to review. Mayor Johannsen motioned to approve the minutes from the Oct. 23 and Nov. 1 meetings. Mr. Benson noted on page six his comments should be corrected to 8,000 residents. Gov. Burgum noted an extra 0 in the third bullet on page 6 and an extra c in the third bullet on page 2. Commissioner Strand seconded the motion to approve the minutes with the corrections. Motion approved unanimously. Later in the meeting, Mr. Kent Lokkesmoe noted that the statue referenced on page 2 of the Nov. 1 minutes should be 103G.245 instead of 246.

### FEDERAL AUTHORIZATION REQUIREMENTS

#### ***Presentation by U.S. Army Corps of Engineers Col. Sam Calkins***

- Col. Calkins presented on the existing authorization. The authorization was included in the Water Resources Reform and Development Act (WRRDA) in 2014. That was based off the Chief's Report of 2011.

- The authorization includes a diversion channel capable of moving 20,000 cfs, embankments, tie back levees and mitigation. A final EIS was completed in 2011.
- Generally speaking, increasing or decreasing a project scope by 20% is allowable. A project would also need to have the benefit exceed the cost to retain authorization. Col. Calkins noted that there had been changes made to the project in the past including moving the southern embankment to the north and adding control structures. A project that includes a diversion channel in North Dakota, a southern embankment, upstream storage and mitigation of impacts would likely be able to retain authorization.
- Changing the scope of a project requires a General Reevaluation Report (GRR) that has several layers of approval. Col. Calkins said the U.S. Army Corps is committed to finding a solution that will work.

**Questions for Col. Calkins and Program Manager Terry Williams**

- Gov. Dayton asked how the 20% allowance in changes to a project is quantified. USACE Project Manager Terry Williams said the Supplemental Environmental Assessment is a good guide to where some flexibilities could be. Attorney Fox questioned how the project could proceed with only changing 20% of it. Col. Calkins said the Corps would be happy to be a part of the Technical Advisory Committee (TAC) discussions. Commissioner Berseth asked if the Corps was stating they needed a state permit. Col. Calkins said the Corps wants to receive a state permit and to operate, will need to have buy in from both states, upstream and downstream.
- Commissioner Jacobson asked if the Corps included the control structure on the Red River when talking about the Southern Embankment. Col. Calkins confirmed the embankment included control structures on the Red River, Wild Rice River and at the Diversion Inlet.
- There was discussion about what parts of the project could be flexible. Attorney Norgard asked for the DNR's perspective of specific components of the project and if they could be permitted. Commissioner Landwehr noted elements within themselves could be permissible.
- Mr. Hertsgaard asked about federal funding and the 20% project alteration. Col. Calkins said the 20% is more of a scope measurement instead of funding. He noted that the Project Partnership Agreement (PPA) may have to be redone if the project changes significantly. Ms. Williams said construction was split because it was more efficient for delivery, but the whole project was still considered a federal project. Mr. Hertsgaard asked if the Southern Embankment was smaller, could the federal money be used in another part of the project? Ms. Williams said the PPA would have to be amended. Attorney Fox asked if the 20% was statute or regulation. Col. Calkins understood it to be regulation.
- Gov. Dayton asked what the Corps role would be if the project was permitted. Ms. Williams said the Corps would work on design and creating operational plan. Local sponsors are required to maintain project.
- Mr. Hertsgaard asked if the federal government share could be \$850 Million. Ms. Williams said that could be revisited, but would require a new Project Partnership Agreement (PPA). Gov. Burgum noted that the authorization and appropriation were two separate things.

- City Council Member Vein asked, if the project changed more than 20%, how long it would take to be reauthorized through WRRDA. Col. Calkins said WRRDA is supposed to happen every two years, but it has been between two and seven. He noted that there are many more projects that are authorized than those that are authorized and have an appropriation. Mr. Hertsgaard asked if any authorizations have ever been done more quickly. Ms. Williams noted the process relies on WRRDA and may additionally require more feasibility studies.
- Attorney Fox asked how much money has been allocated to date. Ms. Williams noted that \$5 million was received in 2016 and \$20 million in 2017 specifically for construction. Gov. Burgum noted Sen. John Hoeven has expressed support for flood protection efforts.
- Commissioner Strand asked how cost benefit ratios relate to authorization. Ms. Williams said that benefits have to exceed costs to maintain authorization. Commissioner Mongeau asked if internal storage would improve cost benefit ratio. Ms. Williams said internal cells were looked at in a feasibility study. Commissioner Berseth asked much undeveloped land was factored into the cost benefit ratio. Ms. Williams said the alignment and embankment for project was selected for technical reasons. Mr. Hertsgaard asked if the analysis assumed everything inside the diversion channel was developed. Ms. Williams said yes but noted that the benefits outside the Fargo-Moorhead metro area didn't significantly contribute in the decision making. Commissioner Berseth asked what the current cost/benefit ratio was. Ms. Williams noted it is around 7% and has to be more than 1%.
- Commissioner Landwehr asked for a breakdown of cost between the different project components and the difference between an embankment and levee. Col. Calkins said those numbers could be provided and a levee was parallel to water while an embankment was perpendicular.
- Mayor Johannsen asked if the Corps would accept the period of record adopted by the Task Force at the last meeting. Col. Calkins confirmed they would.
- Gov. Burgum asked if there were additional benefits from being a federal project. Ms. Williams noted the Corps has expertise in engineering and planning. She also noted there are several federal guidelines that protect landowners and other processes for implementing projects. Council Member Durand noted that the Davis Bacon wage scale would be utilized and that is seen as a benefit.
- City Council Member Vein asked if the \$450 million included inflation. Ms. Williams said it was in 2015 dollars and rises with inflation. Mr. Benson noted the greatest threat to cost is time.
- Assistant Commissioner Naramore asked who is liable when the project operates. Ms. Williams said the local sponsors are, but insurance coverage is easier to get with an operating plan from the Corps.
- Gov. Dayton asked how the Corps concluded the project met National Environmental Policy Act standards for protecting the environment. Ms. Williams said upstream retention reduced impacts downstream. The goal was to minimize impacts then mitigate those that are impacted.

- Mr. Anderson asked if the budget would cover land acquisition and flowage easements. Ms. Williams said the cost estimate is updated every year.

## **RED RIVER BASIN OVERVIEW: CONSIDERATIONS FOR POTENTIAL ALTERNATIVES**

### ***Presentation by Lance Yohe of the Red River Basin Commission***

- Mr. Yohe presented about the creation, work and studies of the Red River Basin Commission. He noted that if Fargo and Moorhead flood, it would cost an estimated \$10 to \$12 billion. Winnipeg has 700 year protection.
- He noted that variables make it difficult to predict flooding. Variables include amount of snow, wetness of snow, soil wetness and thaw rate.

### ***Questions for Lance Yohe***

- Gov. Dayton asked if 500 year protection should be a target. Mr. Yohe said yes.
- Commissioner Landwehr asked which data was used. Mr. Yohe said the report in 2011 was based of Corps data and that would match with what the Task Force is discussing. He noted that the federal government suggests protection up to 100-year event, but communities need to decide how much risk they are willing to take noting other communities where that protection has not been adequate.
- Commissioner Strand asked about the impact of agriculture practices on flood levels. Mr. Yohe said managing drainage is tricky because the spring presents a tight window. Drainage plays a part, but he didn't know what that was.
- Mr. Bergan asked if based on what happened in Minot, if the Corps estimate was too low. Mr. Yohe noted that planning for such large amounts of water can be difficult and the Red River Valley is notorious for flooding.

### ***Presentation by Charlie Anderson***

- Mr. Anderson presented information about temporary flood storage and the impact on flooding. He noted that a Minnesota Diversion would travel through higher ground and a North Dakota Diversion removes natural floodplain because of the location. He also noted that removing storage is increasing downstream peaks.
- He suggested ways to minimize the impact would be to consider a diversion on the Minnesota side or move the alignment east to allow floodplain to remain. He suggested the staging area can move north.

### ***Questions for Charlie Anderson***

- Commissioner Strand asked if straightening river channels would be an option. Mr. Anderson said during a flood most of the water is above the channel.

## **EXPLORING UPSTREAM RETENTION AND DISTRIBUTED STORAGE**

### ***Presentation by Chad Engels of Moore Engineering***

- Mr. Engels noted that distributed storage is a good tool for watershed management but there are capabilities and using it to get certifiable flood protection for a community would be difficult.
- Mr. Engels described the three types of storage. Options include something on-channel like the Maple River Dam, off-channel like the North Ottawa Impoundment Project and the third option would be enhancing an existing wetland such as Manston Slough.
- He noted the Farm Bill had \$12 Million for regional conservation partnerships.

***Presentation by Zach Herrmann of Houston Engineering***

- Mr. Herrmann detailed a watershed study of the area upstream of Halstead, MN. He noted that some of the upstream areas of Halstead would contribute to upstream of the Fargo-Moorhead area, but not all.
- He explained that a 20% flow reduction could be achieved by operating 96 distributed storage sites. There was discussion about the volume of water that could be stored in these sites and the effect that would have on river stage in town. Attorney Fox asked if the models were encroached or unencroached. Mr. Herrmann noted they were unencroached.
- Mr. Engels noted that timing is critical for every site. Mr. Herrmann said every amount of water you take out of the system is beneficial, but if it's not timed properly it may not affect the flows causing the damage.
- Commissioner asked if the dam on the Red River was moved four miles north, how long would modeling the impacts take.

***Presentation by Bruce Albright of the Buffalo Red Watershed District***

- Mr. Albright explained how the Manston Slough project south of Barnesville provides drainage for a site 27 square miles, and took 13 years to build. He noted that projects can be done but take time and money.

Gov. Burgum summarized the presentations noting that retention has its challenges and that it is unlikely distributive storage a long way from the metro area would lead to certified flood protection, but the concept should be added as an element to enhance any project. He added that the distributed storage is part of the broader solution but is not an immediate fix.

**TECHNICAL ADVISORY COMMITTEE (TAC)**

***Presentation by Jill Townley about previous alternatives***

- Ms. Townley noted the TAC had alternatives from previous studies and reviews. Mr. Lokkesmoe noted the work was done as part of the Minnesota DNR Environmental Impact and the group will look at what combination of ideas from those studies and the task force could be put forward.

***Discussion about guidance for TAC***

- Gov. Burgum noted that maintaining federal authorization should be included in the design criteria. It was discussed. Mayor Johannsen noted that trying to maintain authorization unless a more low cost option would work would be good, but all options should remain on the table.

- Council Member Vein noted the group should look at storage in the north and south, as well as other ways to mitigate.
- Mr. Hertsgaard asked if the group could start with ideas, instead of starting with the previous plan. Mr. Bob Zimmerman noted that some options can be narrowed down and that there is a time constraint.
- Council Member Paulsen suggested coming to a consensus on criteria so the TAC can work on options. Gov. Dayton noted that significant environmental impacts could be a criteria. Council Member Paulsen noted he was in favor of the federal authorization criteria.
- Attorney Norgard suggested removing options that include a Minnesota Diversion. This was discussed, including a discussion about the impact on the aquifer, and the option was removed.
- Mr. Anderson asked about diverting the Wild Rice River into the Sheyenne.
- Mr. Hertsgaard suggested starting with levees and how high they can be built, then moving on to other options like a diversion channel or distributed storage. He suggested adding distributive storage as an important piece of any puzzle.
- Commissioner Mongeau noted that ordinances and statutes should be a criteria. Gov. Burgum noted those would be under land use plans and regulations.
- Attorney Norgard asked about how much water should be run through town. Mr. Zimmerman said that would need to be evaluated.
- Gov. Burgum noted the design should consider how a larger than 100-year event flood would be fought.
- Commissioner Landwehr noted the TAC could look at the amount of floodplain and status of floodplain in their discussions.
- Mr. Lokkesmoe noted the TAC would meet at 8 a.m. on Tuesday, Nov. 14 at the Cass County Highway Department. All task force members were invited.

## **MEETING CONCLUSION**

- Both Governors thanked the task force members, staff, media, and those who attended the meeting for their involvement.

The meeting adjourned at 3:33 p.m.