

Fargo-Moorhead Area Flood Diversion Task Force

Summary of Meeting

Monday, Oct. 23, 2017

Fargodome Room 203

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

DECISIONS AND SUGGESTIONS FOR ACTION

Charter review

- Item 1 under Key Parameters, project staff should consider changing “Find a solution” to “Find solutions,” based on comments from two Task Force members that “solutions” may be more appropriate.
- Item 2 under Key Parameters, removing “as defined by USACE” from the parenthetical reference to a 100-year flood to acknowledge Task Force discussions about the lack of clarity for what a 100-year flood means specifically and some questions about what data the Corps uses to set the 100-year flood mark.
- Under design principles, add one with language about operational topics, such as who carries out the work.
- Under Process and Protocol, the third bullet should be edited to read “Meetings will be weekly or biweekly,” instead of just “weekly,” given the schedule announced for the Task Force meetings.
- Suggestion to add a design principal relating to cost should be included in advisory group work.

Meeting Mechanics

- Project staff will explore the possibility of changing the planned Nov. 1 Task Force meeting to another date, if one works for all Task Force members, because both Fargo

City Commissioner John Strand and Hendrum Mayor Curt Johannsen have conflicts on that date.

- Project staff should provide Task Force members with maps of the watersheds that affect flooding in the region, including the Buffalo-Red River watershed, the Wild Rice River watershed.
- Suggested items to include on the agendas for future meetings:
 - Bring engineers back for a more detailed presentation to the Task Force on the alternative approaches considered for the Fargo-Moorhead project. The levee only option drew interest from Task Force members.
 - Invite officials from Winnipeg, Manitoba to present about water diversion efforts in that city.
 - Invite engineers to present on projects of relevant watersheds that would impact Fargo-Moorhead flooding.

During Task Force presentations about alternatives projects considered and the locally preferred option, members asked for summary information on key data points, and the governors suggested that staff compile a one-page “crib sheet” for Task Force members to have as a reference document.

INTRODUCTIONS

Governors Doug Burgum and Mark Dayton welcomed task force members, thanked them for their willingness to serve on this committee, and recognized the experience expertise and perspectives they bring to this important work. Gov. Burgum expressed optimism about finding a workable solution to the Fargo-Moorhead area flood division challenge. “What benefits one part of the region benefits the whole region,” said Gov. Dayton.

Task force members introduced themselves and shared their thoughts about what they hoped the task force will achieve. Many task force members talked about their personal experiences with past floods in the Red River valley, including damage to homes and businesses. Several have been involved in past studies of watershed and flooding issues. Members noted the importance of the flood impacts on the cities of Fargo and Moorhead and on residents in the broader Red River valley, both upstream and downstream from the Fargo-Moorhead urban area. Several members of the Task Force commented on the importance of balancing the interests of the urban communities and the upstream residents and the trade-offs involved.

REVIEW OF TASK FORCE CHARTER

Gov. Burgum walked through the sections of the Task Force charter, soliciting discussion and any suggestions for modification.

Discussion on Parameters

- Attorney Fox raised questions about the Corps' methodology, saying his reading of the record leads him to believe that the level was set to fit the cost-benefit ratio for the project rather than to reflect historical data. Mr. Benson noted FEMA's data for determining the floodplain only extend to 1971 and the Corps looked at data that is more current. Moorhead Council Member Paulsen said there is a scientific process for determining the 100-year level. Hendrum Mayor Curt Johannsen suggested striking “as

defined by USACE” from the wording given the uncertainty at present. There were no objections.

- Fargo City Commissioner John Strand suggested that “Find a solution” under parameter 1 be changed to “solutions.” Cass County Engineer Jason Benson agreed.
- Several Task Force members worried the language in parameter 2 to “maintain federal authorization and associated funding for permanent flood protection” in effect rules out suggestions by the Task Force for significant changes, because they believe language in the authorization says significant changes lead to a loss of authorization. Council Member Vein said the goal should be to try and maintain authorization even if in the end it can’t be preserved.

Discussion on Design Principals

- Commissioner Landwehr reminded the Task Force that it aims to compile a narrative for a feasible project, not the details for the project. The Task Force’s narrative will provide guidance to the engineers who will work on the details and build the plans.
- Fargo City Commissioner John Strand said the Task Force will consider issues that will involve operational considerations. For example, if the Task Force determines that a dam is needed, there will be operational questions about who builds the dam, operates it and who is impacted. He suggested adding a design principal that addresses operational topics. Gov. Burgum agreed. Gov. Dayton said the issue of who carries out the work is a key question.

Discussion on Requirements

- Based on a comment from Council Member Durand, Attorney Norgard clarified the language about a possible appeal of Judge Tunheim’s injunction is useful because it allows for an appeal and a stay of that appeal – within the court’s time frame for such an appeal – while the Task Force carries out its work and in this way sets asides worries by those who might advocate for an appeal that timing for the Task Force could rule out an appeal. Mr. Fox noted that the primary issue for such an appeal will be the State of Minnesota’s right to deny permits for the project and for that denial to stop the project.
- Gov. Burgum said that the governors appreciate the input of the Task Force members regarding the charter’s requirements and noted that these are indeed requirements, negotiated by the North Dakota and Minnesota, and must remain in the charter.

Discussion on Process and Protocol

- The third bullet should read “Meetings will be weekly or biweekly,” instead of just “weekly.”
- Gov. Burgum noted that while Task Force members have the First Amendment right to discuss the work of the Task Force with media and others, only the governors are authorized to speak on behalf of the Task Force.

Discussion about Advisory Groups

Gov. Burgum asked if the language in the charter was broad enough to encompass advisory groups that the Task Force members could envision needed. Suggestions were made to include

information about the Red River Floodway in Manitoba. Permitting questions would be addressed by the regulatory advisory group.

REVIEW OF MEETING MECHANICS

Discussion about dates

- Commissioner Strand and Mayor Johannsen have scheduling conflicts with the planned Nov. 1 meeting. Gov. Dayton said project staff would see if an alternative date could be found.
- A Task Force member requested that project staff provide Task Force members with maps of the watersheds that affect flooding in the region, including the Buffalo-Red River watershed, the Wild Rice River watershed.

Suggestions for additional information and agenda items

- Commissioner Strand suggested that the Task Force consider traveling to Winnipeg, Manitoba, to learn about Red River Floodway. Gov. Burgum suggested that alternatively officials from Winnipeg could be invited to present to the Task Force at a future meeting.
- Commissioner Jenny Mongeau suggested that representatives from relevant watersheds present information to the Task Force on projects of theirs that would impact Fargo-Moorhead flooding. Hendrum Mayor Curt Johannsen suggested that engineers with the watersheds do those presentations.

HISTORICAL CONTEXT PRESENTATION AND DISCUSSION

Fargo Mayor Tim Mahoney and Moorhead Mayor Del Rae Williams introduced the presentations on historical context and expressed hope and optimism about the Task Force and its work.

Presentation about flood background information for Moorhead

Moorhead City Engineer Bob Zimmerman presented on flood prevention and mitigation work that has been completed to date in his city. The presentation slides, and the printed version shared with Task Force members, included data on voluntary acquisitions, easements, miles of levees and floodwalls, removable floodwall closures, stormwater pump stations, floodwater gates, and sanitary pump station upgrades. Mr. Zimmerman also presented information on the impact of the work to date. He noted that the 2012 floodplain map is based on historical data through to 1971. This cleared up a point discussed early by Task Force members regarding which years of record were used to create the current FEMA floodplain. [Slides available.]

Selected questions and discussion included the following:

- Council Member Durand asked if development in Fargo has affected flooding.
 - Mr. Zimmerman said that can happen, but it would affect the flood height, not the flow. The effect would be the flood stage rises because river encroachment pushes the water level higher.
- Mr. Hertsgaard asked about levee levels and freeboard height for safety in the event of uncertain factors such as wave action, the hydrological effects of urbanization, and bridge openings.
 - Mr. Zimmerman noted that the tie-ins for the Moorhead levees happen at higher levels at the outskirts of the city.

- Commissioner Landwehr asked why data sets up to 2017 are not being used for flood planning purposes.
 - Mr. Zimmerman said the current analysis hasn't been updated with newer data, to his knowledge, but that updates certainly could affect the plans.

Presentation about flood background information for Fargo

Fargo City Division Engineer Nathan Boerboom presented on flood prevention and mitigation work in his city. His presentation slides, and the printed version, also included data on voluntary acquisitions, easements, miles of levees and floodwalls, removable floodwall closures, stormwater pump stations, and gates. Mr. Boerboom also presented information on the impact of the work to date. [Slides available.]

Mr. Boerboom noted seven miles of gaps in the emergency levees in Fargo. He said 11,000 structures are at risk of flooding. He also noted that Fargo is a flat area, so levee tie-ins to higher level areas are physically impossible.

Selected questions and discussion included the following:

- Mayor Johannsen asked if any structures could be removed from the floodplain through a Letter of Map Revision.
 - Mr. Boerboom said there is a limited opportunity to do that without large, long sections of levee.
- Commissioner Landwehr asked about FEMA's future 100-year floodplain and why Fargo was attempting 44-foot protection.
 - Mr. Boerboom noted the levees are 44 feet with three feet of freeboard.

OVERVIEW OF CONCEPTUAL PROJECTS INITIALLY CONSIDERED

Presentation about project alternatives considered

Mr. Gregg Thielman of the Houston Moore Engineering Group presented on the alternatives considered for the current Fargo-Moorhead flood diversion project, citing studies and initiatives leading up to the most recent project. Some 70 alternatives and combinations of alternatives were considered. [Slides available.] Throughout the presentation, Task Force members ask for more detail and specifics about the alternatives and about different combinations of approaches.

Selected questions and discussion included the following:

- Commissioner Mongeau asked if there was additional capacity in the West Fargo Sheyenne Diversion.
- Several Task Force members asked about ring dikes, soil conditions and their impacts on levee height, and costs. Task Force members were interested in the levee only option that had been considered.
 - Mr. Thielman said he could provide more detailed data to the Task Force on the alternatives. Gov. Burgum suggested that the engineers come back and present more detail on the alternatives that were considered, including if protection can be achieved without a diversion.

OVERVIEW OF DIVERSION AUTHORITY'S LOCALY PREFERRED PLAN AND PLAN B WORKING GROUP

Overview of Locally Preferred Plan

Mr. Boerboom presented information about the locally preferred plan. *[Slides available.]* Based on estimates for the plan, Mr. Boerboom said that for the last 100 years, if the plan had been in place, it would have been operated 11 times for a total of about 70 days.

Selected questions and discussion included the following:

- Commissioner Berseth asked if the model assumed all the culverts would be open when flooding occurred, and when told yes, he said that flooding happens in early spring when some of the culverts might be still be frozen.

Overview of Mitigation Plan

Mr. Zimmerman presented information about the 177-page mitigation plan. *[Slides available.]*

Overview of discussions with MDNR and Project Technical Team in Plan B working group

Mr. Kent Lokkesmoe from the Minnesota DNR talked about a Plan B Working Group of officials from Minnesota and from the Red River Valley that met briefly to talk about alternatives and potential resolutions to the project plan. He said that the group raised many of the questions that the Task Force has raised about the plan and the alternatives, including if the plan could be altered to run more water through town and reduce the need for diversion, what other storage options might be considered, and how the plan might further minimize impacts in staging areas. The group was examining both the issues raised by the State of Minnesota and local issues, he said. The group stopped meeting when litigation over the project began and so did not have time to make significant progress.

MINNESOTA AND NORTH DAKOTA PERMITTING REQUIREMENTS

Overview of Minnesota Permitting Requirements

Commissioner Landwehr briefly discussed his agency's permitting requirements, referring Task Force members to a handout with details on the Minnesota regulations and rules that are problematic for the current Fargo-Moorhead plan. He noted that Minnesota stresses non-structural methods for flood control and mitigation, to keep flood plains as flood plains.

Overview of North Dakota Permitting Requirements

North Dakota Assistant State Engineer Mr. John Paczkowski spoke briefly on North Dakota permitting and the process with the State Water Commission.

Gov. Dayton asked if projects are permitted at once, or one segment at a time. Mr. Paczkowski said the project is being reviewed in phases as the permit applications are being submitted. For example, a permit for the southern embankment and another for the diversion channel is expected.

MEETING CONCLUSION

The meeting adjourned at 2:29 p.m.