

Minutes of Meeting  
Souris River Joint Water Resource Board  
Thursday, June 9, 2016  
Minot City Auditorium Minot, North Dakota

A regular meeting of the Board of Directors of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley on Thursday, June 9, 2016 in the Community Room of the Minot City Auditorium. Joint Board members attending the meeting were Dave Ashley, Tom Klein, Cliff Issendorf, and Roger Sauer by telephone conference. Dan Jonasson was absent. A quorum was declared. A roster of those attending the meeting are listed on Attachment A. Tim Fay and Mike Hall also participated by telephone conference.

The board reviewed the agenda for the meeting. Chairman Ashley indicated there were no additional items under other business. It was moved by Tom Klein, seconded by Cliff Issendorf, that the agenda be approved. The motion was unanimously approved.

The board reviewed invoices.

It was moved by Tom Klein, seconded by Cliff Issendorf, that the invoice from Barr Engineering for environmental and design in the amount of \$130,382.90 be approved. The motion was unanimously approved by roll call vote.

It was moved by Cliff Issendorf, seconded by Tom Klein, that the invoice from Houston Engineering for environmental and design in the amount of \$170,939.01 be approved. The motion was unanimously approved by roll call vote.

It was moved by Cliff Issendorf, seconded by Roger Sauer, that the invoice from Ackerman-Estvold for administrative services in the amount of \$15,413.13 be approved. The motion was unanimously approved by roll call vote.

It was moved by Tom Klein, seconded by Roger Sauer, that the invoice from HDR for independent review in the amount of \$12,346.64 be approved. The motion was unanimously approved.

It was moved by Cliff Issendorf, seconded by Tom Klein, that the invoice from Apex Engineering for J. Clark Salyer mapping in the amount of \$4,353.00 be approved. The motion was unanimously approved.

The board discussed the J. Clark Salyer Nelson bridge replacement. After discussion, the board deferred this matter to the next meeting, and requested that Ryan Ackerman make a recommendation.

Emily Huettl of Ackerman-Estvold reported on the STARR Program. Emily indicated that the packet had been sent to 115 people, with 20 comments being received. She stated individual meetings were scheduled with 12 individuals. Cliff Issendorf inquired if there was any pattern of interest. Emily responded that no conclusions could be drawn from the limited number of responses and meetings. Emily stated that a form had been developed for an appeal to the joint board. Chairman Ashley appointed Ryan Ackerman, Cliff Issendorf, and Roger Sauer to review appeals to the joint board. It was a

consensus of the board that a procedure should be established for appeals to the joint board, and that a rural perspective was essential.

Jerry Bents reported on the Feasibility Study Process.

Jerry Bents reported on the engineering and design for Phase 1 of the project.

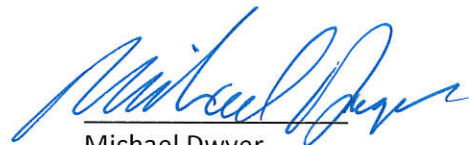
A written report on Phases 2 and 3 of the project was provided.

David Ashley inquired about permitting. Jerry Bents stated that the Corps had two tracks, one being 408 to modify the project, and one being 404 relating to impacts to waters of the U.S. Bents stated that the 408 is handled in St. Paul and 404 is handled in Omaha. The Joint Board letter to the Corps concerning regulation issues, dated June 2, is Attachment B.

The board discussed the 214 agreement, and it was stated that the Joint Board would have to pay for services on 408 modifications.

It was the consensus of the board to have the next meeting at the annual summer water meeting in Fargo on July 11 or 12.

There being no further business, the meeting was adjourned.



Michael Dwyer  
Legal Counsel

Souci JT Bel

Attachment A



Houston Engineering Inc.

June 9 2016

SUBJECT

Name

Representative

DATE

Mike Dwyer

Souci JT Bel

JERRY BENTS

HOUSTON ENG

Cliff Dissendorf

Bot. C. Water @ SRJB

Dave Ashley

Meltonby WPO

Tom Klein

Ward Co WRD @ SRJB

Emily Huetl

Pekerman-Estrod

Dusty Zimmerman

Pekerman-Estrod

Cindy Amphill

City, Minot

Maurice Jones

ND Water Comm

Shelly Weppner

Ward County

Roger Clay

Moore Engineering

Lee Strub

City of Minot

Souris River Joint Board  
PO Box 1516  
Minot, ND 58702-1516

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www.mouseriverplan.com

David Ashley  
Chairman – McHenry County  
dwasley56@gmail.com

Roger Sauer  
Member – Renville County  
rasauer@srt.com

Tom Klein  
Member – Ward County  
thokle@srt.com

Clif Issendorf  
Member – Bottineau County  
issbros@srt.com

Dan Jonasson  
Member – City of Minot  
dan.jonasson@minotnd.org



June 2, 2016

US Army Corps of Engineers – Omaha District  
Colonel John Henderson, Commander  
1616 Capitol Avenue  
Omaha, Nebraska 68102-4901

Attachment B

Re: **Mouse River Enhanced Flood Protection Project – Minot, North Dakota  
Section 404 Permitting**

Dear Colonel Henderson:

The purpose of this letter is to express concern on behalf of the Souris River Joint Water Resource Board (SRJB) and the City of Minot, North Dakota, regarding significant regulatory challenges that are surfacing for the Mouse River Enhanced Flood Protection Project (MREFPP) in North Dakota.

In the wake of the 2011 flood of record on the Mouse (Souris) River, the SRJB and the North Dakota State Water Commission led the development of a Preliminary Engineering Report that identified a series of levee and floodwall projects that would reduce the risk of life loss and property damage resulting from a flood of similar magnitude to what was experienced in 2011. Environmental review and design of elements of this plan has been ongoing, and the initial phases of the project are nearing construction.

Concurrently, the Federal Emergency Management Agency (FEMA) commissioned a restudy of the hydrology of the Mouse River basin, and have since determined that the 100-year discharge will double from 5,000 cubic feet per second (cfs) to 10,000 cfs. The result of this analysis and remapping effort is that the number of structures within the regulatory floodplain will skyrocket, mandating high-priced flood insurance premiums for residents that are currently strapped with significant financial burdens associated with recovering from the 2011 flood. The timing of decision-making and construction of improvements is critical to the continued recovery of the communities.

The SRJB has been very proactive in engaging the federal agencies, including the USACE, to maintain open lines of communication in an attempt to avoid potential roadblocks to the implementation of a project that is critically important to tens of thousands of people who live in the Mouse River valley. Nonetheless, it seems that a roadblock has been encountered, and we are requesting your assistance in navigating a path forward.

The lead agency in the development of the environmental document for the project has been the St. Paul District of the USACE, as there is an existing federal flood risk reduction project along the Mouse River that is proposed to be modified by the MREFPP. The Omaha District of the USACE is agency responsible for reviewing the project for compliance with Section 404 of the Clean Water Act.

During the initial scoping for the environmental document for the project, it was determined through close consultation with the USACE (St. Paul and Omaha Districts) and other federal agencies that a programmatic Environmental Impact Statement (EIS) would be developed that would allow the project to be constructed in phases, while identifying and addressing the cumulative impacts associated with implementing the overall project. Constructing the project in phases has been discussed since the project's inception and is absolutely necessary, given the project's total estimated cost of approximately \$1 billion.

It was recently brought to our attention by the USACE North Dakota Regulatory Office, however, that the Section 404 permits would not be issued by phase, and that the permits would only be issued if each phase was able to provide independent utility that ties back to the Purpose and Need Statement within the EIS. This is a significant change being mandated by the Regulatory Office at the eleventh hour – a change that is jeopardizing the project's schedule and potentially tens of millions of dollars that has been appropriated for the project by the North Dakota Legislature.

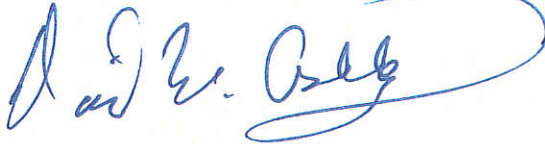
Our goal has been to begin construction of Phases 1, 2 and 3 of the MREFPP in the spring of 2017. This goal has been clearly communicated to the various federal agencies over the past several years. Securing the necessary Section 404 permits are critical to achieving that goal. We have been informed of similar projects within North Dakota that have been permitted in the phased approach that we are proposing.

This project is critically important to the people that live in the Mouse River valley. Implementing flood protection to withstand a flood similar to the one that devastated this region in 2011 is the top priority of every community along the river. We are committed to implementing the first three phases of this project and we are asking for your support in doing so.

Specifically, we are requesting that the USACE Regulatory Office permit each phase of the MREFPP, instead of requiring several phases to be permitted simultaneously. Each phase of the project is critical to meeting the overall purpose and need of the project (to reduce the risk of property damage and life loss in the most densely populated reach of the river from floods that approach the magnitude of the 2011 flood). Time is of the essence.

Sincerely,

SOURIS RIVER JOINT WATER RESOURCE BOARD



David Ashley, Chairman

Cc: US Senator John Hoeven  
US Senator Heidi Heitkamp  
US Representative Kevin Cramer  
ND Governor Jack Dalrymple  
Minot Mayor Chuck Barney  
Colonel Daniel Koprowski, Commander, USACE St. Paul District