



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

116 Veterans Service Building ♦ 20 West 12th Street ♦ Saint Paul, MN 55155

July 15, 2016

Shaun Donovan  
Director  
Office of Management and Budget  
725 17<sup>th</sup> Street NW  
Washington, DC 20503

Dear Director Donovan:

I want to convey my personal concern with the Department of the Army's decision to execute a Project Partnership Agreement (PPA) for the proposed Fargo-Moorhead Flood Risk Management Diversion Project. I view this action as premature and inconsistent with the guidance your office issued when allocating \$5 million in funding for FY 2016 to the project.

Specifically, your guidance required the Assistant Secretary of the Army for Civil Works to determine that the Army Corps of Engineers "is likely to resolve any outstanding regulatory issues that could affect the prospects for completing construction of the project" *before* signing the PPA or initiating construction. We've been told that Assistant Secretary Darcy's decision to sign the PPA represents her determination that regulatory issues are likely to be resolved.

Respectfully, I must take issue with her decision. Minnesota was not consulted prior to the Assistant Secretary's determination, nor have we been provided with any written explanation of the basis for her determination. Minnesota has been abundantly clear that the Fargo-Moorhead project as proposed presents very significant issues relative to our threshold permit regulations. Commissioner Landwehr summarized some of those issues in his July 8, 2016 letter to Assistant Secretary Darcy, which is attached.

We are in the process of carefully evaluating the proposed Fargo-Moorhead Diversion Project under our permitting rules. It is premature to conclude that outstanding regulatory issues are likely to be resolved.

Thank you for your consideration of my concerns.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton".

Mark Dayton  
Governor

Enclosure

Voice: (651) 201-3400 or (800) 657-3717  
Website: <http://mn.gov/governor/>

Fax: (651) 797-1850

MN Relay (800) 627-3529  
An Equal Opportunity Employer