

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Richland/Wilkin Joint Powers Authority, a
Minnesota-North Dakota Joint Powers
Authority,

Civil File No. 0:13-cv-02262-JRT-LIB

Plaintiff,

Minnesota Department of Natural
Resources,

Plaintiff-Intervenor,

vs.

United States Army Corps of Engineers;
Robert M. Speer, Acting Secretary of the
U.S. Army Corps of Engineers (in his
official capacity); Assistant Secretary of
the Army for Civil Works (in her official
capacity); and Col. Sam Calkins, District
Commander, St. Paul District, U.S. Army
Corps of Engineers (in his official
capacity),

**DNR'S MOTION FOR
PRELIMINARY INJUNCTION**

Defendants,

and

Fargo-Moorhead Flood Diversion Board
of Authority,

Defendant-Intervenor,

and

City of Oxbow,

Defendant-Intervenor.

Plaintiff-Intervenor, the Minnesota Department of Natural Resources (“DNR”), requests the Court grant its motion for preliminary injunction and enjoin construction by Defendant-Intervenor, Fargo-Moorhead Flood Diversion Board of Authority (“Diversion Authority”), and, the United States Army Corps of Engineers (“Corps”), on the Fargo-Moorhead Flood Risk Management Project (“Project”). The Diversion Authority lacks the required permits to carry out the Project and construction of the Project will cause a material adverse impact on Minnesota natural resources in violation of the Minnesota Environmental Rights Act. The Court should issue a preliminary injunction enjoining construction by the parties and anyone in active concert with them until the DNR issues a work in public waters and dam safety permit.

Date: April 21, 2017

OFFICE OF THE ATTORNEY GENERAL

State of Minnesota

/s/ Colin O’Donovan

MAX KIELEY
Assistant Attorney General
Atty. Reg. No. 0389363

COLIN P. O’DONOVAN
Assistant Attorney General
Atty. Reg. No. 0396349

445 Minnesota Street, Suite 900
St. Paul, MN 55101-2127
Telephone: (651) 757-1244
Fax: (651) 297-4139
colin.odonovan@ag.state.mn.us

ATTORNEYS MINNESOTA DEPARTMENT
OF NATURAL RESOURCES