

CEMVP-PM-A

June 23, 2009

MEMORANDUM FOR RECORD

SUBJECT: Feasibility Scoping Meeting (FSM) – Fargo-Moorhead Metro Feasibility Study, Red River of the North.

1. Subject meeting was held on 19-May-09 via teleconference. The primary purpose of the meeting was to discuss the future without project, discuss the plan formulation strategy, and resolve any policy issues through the involvement of the sponsors and Corps vertical team. The primary project purpose is to reduce flood risk.
2. Attendance during the Feasibility Scoping Meeting: **MVP**: Aaron Snyder, Craig Evans, Mike Wyatt, Molly McKegney, Jon Sobiech, Mike Leshner, Jeff McGrath, Kurt Heckendorf, Michael Bart. **MVD**: Robert Petersen, Susan Smith, David Vigh, Frankie Griggs, Bitsy Sloan, and Larry Kilgo. **HQ**: Zoltan Montvai, John Lucyshyn, Tom Hughes, Scott Murphy, Lee Ware. **City of Fargo**: April Walker. **City of Moorhead**: Bob Zimmerman.
3. MVP received written comments from MVD. Comments and responses are included in Enclosure 1.
4. A list of 7 possible policy issues were identified by the Project Delivery Team and provided to the vertical team in advance of the meeting. See Enclosure 2. Additional topics are included in the “Issues and Discussions” below.
5. The team will take a 4-pronged approach for formulation: they will develop stand alone levee/floodwall, diversion, non-structural, and internal drainage measures which will be combined and then screened as part of the initial screening.
6. Issues and Discussions
  - a. Future without project conditions – The city of Fargo’s “Southside Flood Control Project” is on a parallel track with the Corps Metro feasibility study, and it would provide protection for a portion of the Corps study area. The city intends to implement their project only if there is no Federal project, or as a locally preferred plan within a larger Federal project. MVP considered having two future without-project conditions. The vertical team advised against this and recommended having one future without condition and then using the other as a sensitivity analysis. **The vertical team indicated that the team should assume that the southside project is not in place for the future without-project condition.** This

appears to be consistent with guidance in IWR 88-R-2, National Economic Development Procedures Manual - Urban Flood Damage, Volume 1, Page VI-3, paragraph 6 which states: "If local action is planned to occur only as the result of no Federal action, the project should not be assumed as part of the "without" condition. Local interests should not be penalized for their own incentive." **MVP understands that the economic analysis should assume no southside project in place. MVP will assess alternatives to the proposed southside project in order to define the NED plan, and impacts of the southside project will be assessed as a potential locally preferred plan.**

**NOTE:** During the NEPA scoping meeting that was held on 20-May-09 with state and federal agencies, EPA commented that the Fargo Southside project and the feasibility study appear to be connected actions, so they think it is not appropriate to develop two separate EIS analyses. The city of Fargo wants to continue independently in case the Corps study stalls or does not find a Federal interest. The city and FEMA are considering how to resolve the issue, but it is unresolved at this time.

**OCT 2009 Status: FEMA withdrew its support for the Fargo-Southside project, because the project had grown beyond the scope of the original FEMA grant from 1997. The city of Fargo put the Southside project on hold pending the results of the Corps Feasibility study. Depending on what the NED plan looks like, the City may ask to include portions of the Southside project as a locally preferred plan.**

- b. Flood fights and Emergency Levees – During the ATR and some previous project discussions it was suggested that credit be given to the emergency flood fighting activities that have been successful in the past. MVP indicated that past successful flood fights are not reliable over the long term, they are reliant on predictions from the National Weather Service, the project area is in the upper portion of the basin with short times to respond, FEMA does not give credit to emergency measures under 44 CFR 65.10, and no insurance company is willing to credit those measures. HQ stated that the efforts in an emergency are one time justified events and those measures are removed following the event, so no long term reliability can be given. MVD indicated that credit should not be given to the emergency measures, however some justification should be given as to why this is the case. **MVP should have discussions with the ATR team regarding the minimal probability of success. It should be acknowledged that the probability is not 0 but is very low, and MVP should discuss this in the report. A sensitivity analysis should also be conducted to provide the decision makers with the information. The analysis should include residual damage, prevention of future flood fighting costs, and loss of life.**

OCT 2009 Status: Econ analysis did not give credit for flood fights. ATR issues will be addressed when we revise the draft report.

- c. Credit to existing levees – MVP completed the credit to existing levees based on ETL 1110-2-556 which was rescinded, and MVP was looking for guidance on what should be done. This was coordinated with MVD and the PCX prior to the meeting. **The vertical team concurred that MVP should use the analysis that it had already conducted and should continue to follow ETL 1110-2-556.**
- d. Climate Change – MVP was looking for guidance on how to incorporate climate change or climate variability into the analysis. MVP proposed using expert elicitation to determine the best way to proceed. There appears to be a 40-year trend of increasing peak flows in the basin, and this should be addressed. HQ indicated this can be handled with a sensitivity analysis. IWR is leading the Corps climate change and MVP should contact Lynn Martin. **The vertical team concurred with seeing expert elicitation to determine the best path forward and the use of a sensitivity analysis.**

OCT 2009 Status: An Expert Opinion Elicitation panel was convened on 28-30 Sep 2009. Discussion was good, but results are unclear. Currently working with HEC to determine how to use the EOE panel results and to refine other aspects of the hydrology that have arisen during the study.

- e. Loss of Life – MVP was seeking guidance on how loss of life should be addressed. MVP plans to do an analysis on the statistical loss of life that could be expected during existing and proposed conditions, with a focus on failure of emergency levees. The Corps currently uses population at risk for budgeting purposes. ASA(CW) has not been willing in the past to quantify a benefit associated with potential loss of life. **MVP should conduct a loss of life analysis for the future without project condition (assuming flood fighting) and for the tentatively recommended plan; however no dollar value should be attributed to this. The report should describe qualitatively any changes to the population at risk caused by our project and describe the effectiveness of evacuations.**

OCT 2009 Status: MVP is waiting for the tentatively recommended plan to be defined before proceeding with loss of life analyses.

- f. Study Scope –
  - 1) Geographic Scope - This study is focused on the Fargo-Moorhead Metropolitan region. There is some interest in looking at the whole RRN basin. This is a regional plan for FRM and is not considering a holistic solution for the entire RRN basin. MVP proposes to use the Fargo-Moorhead Upstream Feasibility study to analyze upstream storage and use

that existing analysis for this feasibility study. **The vertical team concurred with the current approach.**

2) Ecosystem Restoration – The draft report identifies planning objectives to restore degraded riverine and riparian habitat, provide additional wetland habitat, and provide recreational opportunities in conjunction with other project features. MVP does not plan to propose stand-alone ecosystem restoration features, but some FRM alternatives will provide opportunities to meet these objectives. See comment #2 in Enclosure 1. **The vertical team concurred with this approach.**

- g. **Executive Order 11988 – MVP will develop federal alternatives to reduce flood risk south of Fargo as part of the plan formulation and should consider future development pressures. Executive order 11988 indicates that we are not supposed to encourage development in a floodplain unless there is no practicable alternative. The city of Fargo anticipates that the area within the proposed southside project will be developed over time even if no flood project is built. Checklist item #43 – MVP should take all reasonable measures to eliminate/mitigate impacts, there is no special cost sharing. Any locally preferred plan would need to be approved by the ASA(CW), and we expect EO 11988 to be a factor in making that decision. The report will discuss development that is expected to occur over time in the absence of a flood control project**

**OCT 2009 Status: EO 11988 is still expected to be an issue. The currently proposed diversion alternatives need to be further refined to minimize impacts on the existing floodplain. We expect Fargo may request a locally preferred plan that may follow closely the earlier proposed Fargo Southside flood control project which takes additional land out of the floodplain.**

- h. Non-Structural – Checklist item #46 – No special action is necessary from MVP. **MVP will work with the non-structural flood proofing committee and the feasibility documentation will be sufficient.**
- i. Changes to the P&G – MVP was looking for guidance on changes to the P&G. The vertical team indicated those impacts are unknown at this time and that MVP should not worry about it.
- j. MVP requested Vertical Team assistance to streamline the planning process to meet our aggressive schedule. We are assuming that a capability level of funding will be provided (FY10 appropriations will be a test). Vertical Team suggested that we keep Eric Thaut and the FRM PCX involved, especially regarding the Independent External Peer Review.

**OCT 2009 Status: It appears that FY 2010 funding will be sufficient to complete the feasibility study. Schedule remains extremely aggressive.**

7. The Feasibility Scoping meeting was very productive and it helped to clarify the direction of the study and what needs to be done moving forward. The next scheduled vertical team meeting is the Alternative Formulation Briefing scheduled for April 2010. MVP may request earlier in-progress reviews as this project progresses and will welcome Vertical Team assistance and guidance at any time deemed appropriate by MVD or the MVD-RIT.

Craig Evans  
Project Manager

Aaron Snyder  
Project Manager

Enclosure 1: MVD comments and MVP responses

Enclosure 2: Fargo-Moorhead Metro FSM – Issues to Discuss