

McFeely: Diversion authority believes it has plan Minn. DNR will permit

By [Mike McFeely](#) on Mar 7, 2018 at 8:01 p.m.



The Fargo-Moorhead Diversion Authority and U.S. Army Corps of Engineers officials break ground Monday, April 17, 2017, on the flood diversion at the site of the dam inlet structure south of Horace, N.D. Michael Vosburg / Forum Photo Editor

The Fargo-Moorhead diversion is close to moving forward again. For supporters, the next week could see some juice pumped back into the project. For opponents, it won't be as enjoyable.

Is it a done deal?

No. Nobody would be crazy enough to say that. Until there is a ribbon-cutting ceremony dedicating the completed Red River diversion project to the the memory of late, great Fargo mayor Dennis Walaker, nobody should even begin to think about that.

But there is a meeting Thursday, March 8, in St. Paul that will include representatives from the F-M Diversion Authority, the Minnesota Department of Natural Resources, the U.S. Army Corps of Engineers and the Richland-Wilkin Joint Powers Authority at which

diversion supporters will present a flood-control plan they believe will be looked upon kindly by the DNR.

You remember that organization? It believes the current diversion plan requires a DNR permit because it calls for a large levee to be built south of Fargo-Moorhead to hold back floodwaters before diverting them to a 30-mile-long channel cut through North Dakota around the cities. The DNR believes the levee to be a high-hazard dam that requires a state permit and refused to issue a permit for the diversion.

While the Diversion Authority and Corps of Engineers disagree, arguing the federal government has jurisdiction over Minnesota on the project, a federal judge ruled in favor of the DNR in September.

The ruling essentially put the diversion on hold, spurring a task force led by North Dakota Gov. Doug Burgum and Minnesota Gov. Mark Dayton meant to find compromise among the project's stakeholders. While the task force didn't reach agreement on what changes should be made to the diversion, it did leave project supporters with a simple charge.

"The Diversion Authority now has the responsibility to take all of these views and recommendations and combine them into a permissible application to the Minnesota DNR," Dayton said in the task force's final report.

The authority believes it has done that, after its technical and policy teams met regularly for the last several months. The authority met Wednesday in executive session and agreed to present an updated diversion plan to the DNR. It is confident—but not certain—the DNR will find the new plan to be permissible.

Changes to the project will be made public Friday, March 9, but multiple sources say the result is that the water staging area will be moved almost entirely from Richland County, N.D., and Wilkin County, Minn., into Cass County in North Dakota. The inlet will not move from its original southern location near Horace, N.D., according to sources.

Diversion opponents have long pushed for the diversion inlet to be moved north, closer to Fargo, but every option explored after the task force meetings kept the inlet in its original

location. Opponents also suggested the diversion be moved to Minnesota, an idea that was rejected out of hand by Dayton.

Reaction from the diversion's most ardent opponents, the JPA from Richland and Wilkin counties, will be interesting to watch if the DNR agrees to issue a permit. Will they continue to oppose the diversion, even though changes allegedly remove most of the impacts from their constituents? It's expected Cass County commissioners and southern residents of that county will be less than enthusiastic about the changes.

Because the impacts of holding back water will be moved mostly to Cass County, the project will impact more people and cost more—although it will be nowhere near the \$4 billion price tag Minnesota U.S. Rep. Collin Peterson recently predicted. Cost estimates will likely rise from the current \$2.2 billion to about \$2.6 billion.

While the diversion authority does not believe its suggested changes are guaranteed to be permitted by the DNR, it is confident enough that it has scheduled presentations to the Fargo City Commission and Moorhead City Council on Monday, March 12. It also plans 20 informational meetings in surrounding communities over the next two weeks.

This is reason to celebrate for those who've supported the diversion since the need for one became evident in the spring of 2009. It is not the final word, but permission from the DNR is a massive step forward.