

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Dam Safety and Public
Water Work Permit Application 2016-
0386 for the Fargo-Moorhead Flood Risk
Management Project, Clay and Wilkin
Counties, Minnesota, and Cass and
Richland Counties, North Dakota

**DECLARATION OF
MARK ASKEGAARD**

Mark Askegaard provides the following declaration under oath:

1. My great grandfather located his farm on the high ground in Holy Cross Township, and the Askegaard family has farmed this land ever since. He located his farm just two miles North of the city of Comstock, on the Minnesota side of the Red River just east of US Highway 75. If one travelled due west, one would arrive at the Oxbow, Hickson, Bakke communities in North Dakota.
2. My great grandfather picked this location wisely. The majority of farmland is currently above the 500-year FEMA floodplain. It does not presently flood and has never flooded in the past. I've included two farm pictures taken by the Minneapolis Tribune for a feature story below.
3. In 1995, we decided to transition our farm to organic agriculture. Like all farmers, we have a tremendous investment in our operation, but organic farming also requires meticulous efforts to keep the farm chemical free. Its location on high ground was a key component of that decision. The farm consists of 950 certified organic acres and an on-farm packaging facility for our certified organic crops.
4. I've been active with other Minnesotans and North Dakotans whose land has been

targeted by the Fargo Moorhead project to be used as flood water storage to facilitate development of the rural low ground south and northwest of Fargo. We have advocated that Fargo has no reason to project its development into the frequently flooded low ground and to move that water onto high ground further upstream.

5. I want to explain how damaging it is to our business and family, to be confronted with multiple simultaneous project configurations. When the Corps of Engineers announced its choice of a \$1 billion diversion with a Minnesota diversion channel there was tremendous support for that project. The project would not flood our region, nor would it flood the region across the river including Oxbow, Hickson and Bakke. The plan fairly preserved the essential characteristics of the land as my great grandfather found it. Our high ground would remain flood free, as it occurred in nature. The folks who owned floodplain south of Fargo would still own floodplain.
6. When the Diversion Authority members announced that they were rejecting USACE's recommended configuration, there was no indication that the project would impact any of us upstream. Then, in 2011, it was announced that the proposed North Dakota diversion would remove so much floodplain storage that the project would have to dam the Red River and flood our farm to depths of 8 feet during flood events. Those of us targeted to be flooded urged that the Diversion Authority, go back to the Minnesota diversion, but the Diversion Authority refused to consider that alternative. The application under consideration in this contested case would inundate all of our farmland and our farmstead at depths of up to 8 feet.
7. Now there is a second application pending. The second application will include tie back levees on portions of our land.


8. The original NED plan and the JPA North Dakota diversion option have no impact to our farmstead or farmland and provide flood protection for the currently developed Fargo-Moorhead, West Fargo communities.
9. Both proposed plans by the DA increase 100-year flood elevations for the region, which will place our farmstead and farmland into the FEMA 100-year flood plain. The plans will either eliminate or limit development on our farm, decreasing the valuations of our property and limit business expansion.
10. This practice, adopted by the Diversion Authority of running multiple applications simultaneously creates an aura of uncertainty for our business and its financial future and of course for our family's lifelong connection to the land. Many other families are similarly impacted.
11. We understood Minnesota law to require that a proposal with major environmental consequences must show that it is the least impact solution. However, from the perspective of those of us impacted, the process that has been followed for this project has focused on one project alternative at a time. When USACE discovered that developing Fargo's floodplain would produce more flooding instead of less, I and others impacted by the proposal to dam the Red River urged that the application process should compare the LPP to the original Minnesota diversion, which does not flood us at all. However, the USACE process looked only at project alternatives that would promote development of the floodplain. There seems to be no process for citizens like myself to advocate consideration of the actual least impact flood control solution.
12. After the Commissioner issued his order denying the permit, Diversion Authority submitted a new application which continues to develop the floodplain. So now there

are two pending applications, each of which inflict more or less damage to our property. If the new application is better than the previous one, I don't feel that it is fair to those of us who would be flooded by the first application, to have both applications hanging over our future. And, it seems to us that a process that allows the applicant to rule out superior alternatives creates the prospect that we will face one revised application after another until an application is found to meet state requirements.

13. It has been difficult to make short or long-term plans for both our family and farm business with the DA's proposed plans "hanging over our head" for approximately the last decade, and it has placed a great deal of emotional stress onto all members of our family. After years of speculation about what other people (DA) are going to do to impact the future of our business, it would be immensely helpful if there was closure put to both of these permit applications so that we can move on with our lives.
14. The burden of flood plain development/encroachment by the DA should not be placed onto those who do not currently experience flooding.

I declare under penalty of perjury, pursuant to Minn. Stat. §358.116, that everything I have stated in this document is true and correct.

Executed this 31st day of May, 2018, in the County of Clay, State of Minnesota.



Mark Askegaard
Owner/Operator Askegaard Organic Farm

