

Corps says construction of F-M diversion to begin this week

By [Tu-Uyen Tran](#) on Feb 14, 2017 at 5:42 p.m.

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FARGO – Construction will start this week on the first component of a controversial dam that’s part of the Fargo-Moorhead flood diversion project, according to the U.S. Army Corps of Engineers.

The contractor, Ames Construction of Burnsville, Minn., was checking the frost depth at the construction site southeast of Horace Tuesday, Feb. 14, according to Shannon Bauer, a corps spokeswoman.

The agency is building a \$46 million inlet structure here as part of a dam straddling the Red River. The dam’s purpose is to reduce impact to downstream communities by limiting the flow of flood water into the diversion channel and river using inlet structures.

Fargo Mayor Tim Mahoney said this is the start of the \$2.2 billion project to protect the entire Fargo-Moorhead metro area. The corps had earlier announced construction would start in the spring, but the mayor said the weather's so mild the contractors wanted an early start.

Work has started on other structures that would be a part of the project. Workers are building new, higher dikes through Fargo-Moorhead to take a load off the diversion channel. But the dikes will also provide protection on their own independent of the diversion.

The inlet structure to be built this week is the first structure that is unambiguously part of the diversion project, which is why it's now the focal point of a longstanding lawsuit.

Upstream residents and landowners represented by the Richland-Wilkin Joint Powers Authority filed suit in 2013 against the corps and Fargo-Moorhead Diversion Authority. The Minnesota Department of Natural Resources, which has said it won't issue a dam permit for the project, also joined the suit.

Both insist the project must first get approval from Minnesota regulators.

U.S. District Judge John R. Tunheim had earlier dismissed all complaints against the corps, leaving the Diversion Authority the sole defendant.

The corps noted that the judge had recognized that, as a federal agency, it's immune to state regulations. In fact, the agency never applied for the dam permit; it was the Diversion Authority that applied.

But because the corps is pushing ahead on the inlet structure, the Richland-Wilkin group and the DNR have asked Tunheim to bring the corps back into the lawsuit. They argued that when the judge dismissed complaints against the corps, the DNR had not refused to issue a permit and the corps had not signed a contract to start work on the inlet structure. Now it has.

The judge has not yet weighed in while all parties submit their arguments.

If built as planned, the dam would stretch 12 miles west from an area near the South Branch Buffalo River in rural Clay County, across the Red River to Horace. From Horace, it would turn south to connect with high ground about six miles away.

The inlet structure controlling the flow into the diversion channel is one of three that will be part of the dam. The others are on the Red and Wild Rice rivers.

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