Flood Risk Management: Fargo-Moorhead Metropolitan Area, North Dakota and Minnesota

Contact
Terry Williams, Program Manager
(651) 290-5517 (651) 290-5258 (fax)
terryl.l.williams@usace.army.mil

Location/Description
Fargo, North Dakota and Moorhead, Minnesota are on the west and east banks respectively of the Red River of the North, approximately 150 miles south of the Canada-United States border. The Wild Rice, Sheyenne, Maple and Rush rivers in North Dakota and the Buffalo River in Minnesota also cross the project area.

Background
The Fargo-Moorhead metropolitan area is a major health, education, cultural and commercial center. The area is prone to flooding. The Red River of the North has exceeded the National Weather Service flood stage of 18 feet in 55 of the past 118 years (1902 through 2019), with seven of the top 10 floods occurring in the last 30 years. A 500-year event would flood nearly the entire city of Fargo, a large portion of the city of Moorhead and several smaller communities in the area. Flooding occurs not only from the rivers but also from large rainfall events that overwhelm storm drainage systems. Average annual flood damages are estimated at approximately $238 million. Although emergency flood fights have been very successful, the area has a significant risk of catastrophic flooding.

Status
The project is a 20,000-cubic foot per second diversion channel in North Dakota with upstream staging. A feasibility study was initiated in 2008 and completed in 2011. A record of decision was signed April 3, 2012. The Metro Flood Diversion Authority, the city of Fargo, North Dakota and the city of Moorhead, Minnesota are the non-federal sponsors (NFS). The Project Partnership Agreement, executed on July 11, 2016 and as amended March 2019, limits the federal share to $750 million plus inflation. The total project cost is currently estimated to be $2,841,062,000.

Fargo-Moorhead is the first U.S. Army Corps of Engineers project to use a public private partnership (P3). Non-federal construction of the diversion channel using a P3 is expected to begin in 2021. The first federal contract was awarded on December 6, 2016, for the Diversion Inlet Structure; construction began in spring 2017. The second federal contract was awarded November 27, 2019, for the Wild Rice River Structure. Both contracts are located in North Dakota.

Legal
In October 2016, the state of Minnesota denied an initial permit application submitted by the sponsors. The Minnesota Department of Natural Resources intervened in a lawsuit previously filed by the Richland/Wilkin Joint Powers Authority, alleging that Minnesota permits are required prior to construction. On September 7, 2017 the court issued an injunction against the Corps and the sponsors requiring all construction efforts cease. The litigation was then stayed while the North Dakota and Minnesota governors assembled a task force to find a solution permissible by Minnesota while maintaining federal authorization. “Plan B” was developed, which balances impacts and benefits between the two states. In December 2018, the state of Minnesota issued the Dam Safety/Public Waters Permit and signed the Record of Decision for the supplemental environmental impact statement. The St. Paul District signed a Finding of No Significant Impact for a Supplemental Environmental Assessment in February 2019. On April 8, 2019, the court modified the injunction to allow limited construction work in North Dakota, including the Diversion Inlet and Wild Rice River structures and the Western Tieback, and non-construction work in both North Dakota and Minnesota.

Federal (Construction)
FY 2016 – FY 2020 $198,049,996

Authority
Water Resources Reform and Development Act of 2014. Received new start/construction funding in the fiscal year 2016 work plan.