



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

116 Veterans Service Building ♦ 20 West 12th Street ♦ Saint Paul, MN 55155

August 29, 2014

Mr. Darrell Vanyo  
Chairman  
Flood Diversion Authority  
211 – 9<sup>th</sup> Street South  
Post Office Box 2806  
Fargo, North Dakota 58108-2806

Dear Chairman Vanyo:

I am writing in response to your August 26<sup>th</sup> letter, in which you cite my August 21<sup>st</sup> letter to the U.S. Army Corps of Engineers. While your letter references a meeting between the Diversion Authority and the Minnesota Department of Natural Resources (DNR), it also acknowledges that the discussion at that meeting was unrelated to the concerns I raised in my letter.

Your letter states: “We had what I thought was a really productive meeting that led to an agreement on a goal for the schedule to complete the State’s EIS, a statement by the Diversion Authority that it would forebear from construction of the diversion channel until the scheduled goal for that completion, and that the Diversion Authority Board would hold a special meeting this week on August 28 to consider a request for significant additional funding from the MDNR.”

MDNR Commissioner Landwehr and his staff confirmed that the Diversion Authority agreed to make a statement forbearing construction of the diversion channel. However, my letter does not address the construction of this component of the project. Rather, my letter expresses my concerns that the Diversion Authority has begun construction of the ring levee around the Oxbow-Hickson-Bakke communities. I have been informed that at no time during the August 20th meeting, nor on any other occasion, have you agreed to halt construction of the ring levee. Therefore, your letter does not alleviate my concern about how this project’s construction is proceeding.

Your letter references your timeline for commencing construction of the diversion channel, which is another concern. You state that you agree to forebear construction only until after the date Minnesota is to complete its environmental review has passed. By your own admission, the Diversion Authority is not agreeing to wait until the environmental review is actually complete. I have been told that you asked the DNR to set July 1, 2015, as the date for completion of Minnesota’s environmental review — something the DNR is not able to do as many factors could cause it to take longer — most notably, the number of comments received during the public comment period.

Beyond the environmental review process, Minnesota state law requires that projects of this scope and magnitude secure all necessary permits before construction can begin. Your letter

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acknowledges that the Diversion Authority has no intention of abiding by our state laws, which is another concern I raised with the Army Corps.

I am aware you are considering additional funding for the MDNR. However, your characterization of this as a "request" from the DNR isn't entirely accurate. The MDNR did not approach the Diversion Authority seeking additional funding to expedite the environmental review. Rather, you asked the MDNR to submit a budget for your consideration, which would provide additional funding to complete the environmental review on a faster schedule. If you choose not to budget additional funds to accelerate the review, the MDNR will proceed on its current schedule.

The State of Minnesota and City of Moorhead have contributed \$105 million to protect the city up to 42 feet of river stage, plus one-and-a-half to two-feet of freeboard. I am committed to ensuring that residents can live and work near the Red River without the fear of losing their homes or businesses. However, I have serious reservations with how the Diversion Authority is proceeding with this project. The voting members of your Board consist of seven members from North Dakota, two members from Minnesota, and no members from the upstream areas that would suffer the worst consequences from the project. My goal is to ensure that all Minnesotans impacted have a full voice in the decision-making process.

Sincerely,



Mark Dayton  
Governor