



Diversion Authority Public Outreach Committee
AGENDA
2 P.M. - Wednesday, January 27, 2021
Virtual Meeting Only

Permanent, Reliable Flood Protection

This meeting will be held online only.

1. Call to order
 - Roll Call of Members
2. Approve minutes from previous meeting [Attachment 00.01] (Pg. 2)
3. Approve order of agenda
4. Other Business
 - MFDA Communications Approach [Attachment 01.00] (Pg. 5)
 - DA Program Information Points [Attachment 02.00] (Pg. 9)
 - Enhanced Branding and Templates [Attachment 03.00] (Pg. 15)
 - Legislative Session Update [Attachment 04.00] (Pg. 17)
 - Visual Progress Tracker Update
5. Next Meeting: February 24, 2021
6. Adjournment

Media and Public Participation Information

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at www.TVFargo.com
- View the Meeting on the City of Fargo's Facebook or Twitter feed.
- View the Meeting at FMDiversion.gov/Meeting
- View the Meeting at [Twitter.com/FMDiversion](https://twitter.com/FMDiversion)
- Listen to the meeting by calling the conference call number
 - Call in number: 1 (701) 404-2769
 - Conference Code: 425 090 435#



**Diversion Authority Public Outreach
Committee Meeting Minutes
2:00 PM – Wednesday, December 16, 2020
Virtual Meeting
Fargo, ND**

Permanent, Reliable Flood Protection

A virtual meeting of the Diversion Authority Public Outreach Committee was held on December 16, 2020. The following committee members were present: Bernie Dardis, Mayor, City of West Fargo; Jake Gust, Cass County Joint Water Resource District; Katie Mastel, Fargo Moorhead West Fargo Chambers; Kevin Campbell, Clay County Commissioner; Rick Steen, Cass County Commissioner; Rodger Olson, Cass County Joint Water Resource District and John Strand, Fargo City Commissioner.

The following committee members were absent: Gerald VanAmburg, BRRW Manager; Grant Weyland, Clay County Commissioner; Jim Kapitan, Cass County Commissioner and Shelly Carlson, Moorhead City Council Member.

1. MEETING TO ORDER AND AGENDA REVIEW/APPROVAL

Mr. Olson called the meeting to order at 2 pm. Roll call was taken and a quorum was present.

Mr. Steen moved to approve the agenda as presented and Mayor Dardis seconded the motion. Motion carried.

2. APPROVAL OF MINUTES

Mr. Strand moved to approve the November 2020 minutes and Mr. Campbell seconded the motion. Motion carried.

3. PROJECT NEWS AND OUTREACH ACTIVITIES REVIEW

BRRWD Permit Litigation Dismissal

The lawsuit with the BRRWD has been dismissed and the permit has been issued, allowing the Project to move forward.

Contested Case Hearing

Mr. Paulsen indicated that we expect to hear from the MN DNR early in 2021 when they will grant the permit.

ND Water Conference Presentation

Mr. Paulsen presented at their conference highlighting the successes that the Diversion had in 2020.

Chamber Podcast with Executive Director

Mr. Paulsen did a podcast with the Chamber addressing the settlement parameters and what it means for the Project moving forward.

OTHER REPORTS

Communications Plan Review and Schedule

January 27, 2021, is the timeline to share the final communications plan with the committee.

The DA will be working in conjunction with the chosen P3 developer regarding communications to the public and the entities that are involved. Protocols will be put into place to carry the communications plan forward.

Mr. Olson commented that communications to the public should be relayed in a timely manner to keep ahead of the rumor mill and to help eliminate frustration and complaints.

Website and Social Media Analytics for November

Web Map

361 items viewed this month

12.45 average items per day

Website

2,990 sessions from 1,787 visitors

Average time on the site = 2:06 minutes

7,287 page views

YouTube

4:56 minutes of watch time

780 views

1 new subscriber in the month of November

Twitter

6 tweets with 4,027 impressions

238 profile visits

LinkedIn

6 posts with 808 impressions

Project Podcast

36 total plays

Construction Update

Two videos were viewed of the drone flyovers at the Diversion Inlet Control Structure and the Wild Rice River Control Structure. The videos showcase the progress that has been made to date.

Mr. Campbell asked if there will be issues with the demand on products and where will we be getting product from with all of the other projects in the area that are currently underway; especially with the high demand for concrete. Mr. Paulsen indicated that we already have a shortfall and it needs to be determined how this will be addressed.

Mr. Gust commented that the shortage of product sends a good message that we are moving forward as planned.

4. COMMITTEE INPUT ON OUTREACH ACTIVITIES PLAN FOR UPCOMING MONTHS

Litigation Resolution

With the settlement of the litigation, we will continue to build momentum for the Project.

Legislative Session

Mr. Schneider is working with Ms. Darling and Mr. Paulsen to prepare a plan for the upcoming session.

New Elected Officials and Committee Members

Mr. Jim Kapitan is our newest committee member and will be joining our meetings going forward.

Suggestions for January

Mr. Strand suggested that it would be good to have a visual method to display our progress to date; perhaps with a marquee.

5. APPRECIATION FOR OUTGOING MEMBERS

Mr. Olson thanked and expressed his gratitude to Mr. Pawluk and Mr. Weyland for their service to the Project over the years.

6. EXECUTIVE DIRECTOR COMMENTS

With the litigation behind us, we are having productive conversations with the upstream folks and we are working on action plans as to how we can work together as we transition into construction,

We are currently reaching out to the cemeteries that are being affected and working with them to help resolve any issues that might arise as a result of the Project.

7. ADJOURNMENT

Mr. Campbell moved for adjournment and Mr. Strand seconded the motion. Motion carried and the meeting adjourned at 2:43 pm.

Communication Approach 2021



Purpose

As the Metro Flood Diversion Authority (MFDA) moves from preparation to construction, communication will drive each of the upcoming stages:

- **SUCCESS:** securing the crucial funding commitment from the ND Legislature, along with continued funding appropriations from the federal government and the State of Minnesota in order to keep all components of the project to stay on track.
- **BUILD:** supporting the crucial interactions to enable the safe and rapid construction of MFDA – listening to and addressing the expectations of community and various stakeholders to enable performance within the project itself
- **DELIVER:** seamless transition from construction to long-term operation and maintenance of the project

Communication Principles

- **INTERACTIVE:** transparent base communications on what we learn from our conversations with leaders and the community while staying true to our commitment to safe and rapid delivery
- **STRATEGIC:** focus efforts on an efficient portfolio of channels and interventions that reinforce positive views of MFDA with key constituencies, as opposed to “communication for communication’s sake”
- **PROACTIVE:** be aware, responsive, and accurate in the communications we generate and in our engagement with community, political and media stakeholders

Stage 1: Success

Securing the funding package from the ND Legislature to deliver the lifesaving and economy-saving benefits of flood prevention to the region.

To secure a successful outcome, we plan to:

- **POLL**

We will conduct an ND statewide + affected Minnesota counties poll addressing public attitudes towards MFDA, the credibility of our core messages, and perceptions of other current political concerns, priorities, and actors in the region. The Poll will allow us to identify those messages which move citizens (and thus, legislators) positively, particularly those ND citizens outside the immediate Fargo region where the project’s benefits may seem less obvious.

The initial poll will be followed by future tracking to allow us to assess the impact of our communication efforts on an ongoing basis.

- **CONNECT**

Our legislative outreach will be driven by a one-to-one approach engaging leadership with key members of the ND Legislature to stimulate engagement between our core allies and their peers and colleagues from other areas of the state.

- **CIRCULATE**

Supporting the lobbying effort would be a one-page bulletin (tentatively “Diversion Update”) distributed on paper inside the State Capitol and electronically to selected media outlets and other key stakeholders.

The “Diversion Update” would serve to focus the week’s messaging and conversation about the legislative package on issues highlighted by the polling.

It would contain these components:

- **News and Insights**
3-4 bullet points
- **Quote of the day**
Quote from legislator, community leader or poll participant, preferably relevant to next vote or decision
- **Project facts**
3-4 facts reinforcing project positives or addressing common misconceptions

- **EDUCATE**

The legislative effort will be complemented by an active media effort to educate the legislature and key influencers around ND through proactive and reactive media engagement - particularly on messaging intended to secure support for the Diversion outside of the immediate Fargo area,

Elements would likely include:

- Poll release
- Social media posting amplifying planned messaging
- Op-eds from Diversion leadership
- Op-eds from legislators and community leaders outside of the Fargo area
- Commentary on upcoming legislative action
- Commentary on completed legislative action
- Commentary on anticipated next steps
- Radio and TV interviews
- Talk radio appearances
- Update of relevant content on the MFDA website

Releases from MFDA and relevant articles by us or others will be amplified through social media updates.

Stage 2: Build

Immediately following the conclusion of the legislative session, the communication focus will turn towards a very different range of activities - those required to enable and then support the safe construction of MFDA and to keep its stakeholder universes informed.

Strategically, the landscape changes considerably. North Dakota taxpayers will need to feel reassured about their tax spend. The MFDA construction effort will need to be connected with its internal audiences (contractors and staff in particular) and with its broader community of suppliers, neighbors, and civic and business leaders. Clay County and, to an extent, the Minnesota legislative and media world, needs to be connected to the conversation.

There also needs to be concern about the realities - and the optics - when the progress of the project may appear upsetting to some. Those that are unavoidable like evictions require context and a coherent, consistent approach. Those that are avoidable - like workplace safety incidents - require an unwavering commitment to avoid them.

To support the construction phase, we intend to:

- Focus on two main stakeholder universes: one composed of those working for MFDA (internal), and one comprising the larger ecosystem in which MFDA is operating (regional).
- Form a long-term narrative about the project, its rationale, and how it will progress to completion
- Stick closely to our communication principles:
 - **Interactivity:** continue the poll tracking program and add ongoing qualitative and quantitative research in the internal universe to track alignment with project priorities
 - **Strategic:** focus on ensuring interaction with key regional stakeholders through a limited portfolio of owned channels and a media outreach program tailored to a longer timeline
 - **Proactive:** identify issues quickly and address them proactively even if they may appear to be unflattering on the surface.

Stage 3: Deliver

Moving from construction to operation and maintenance requires yet another different approach - a sustainable approach for supporting a very focused multi-municipal entity over the course of its working life.

The number of people involved will be far smaller, the mechanics of its operation will be known and established, and its communication efforts will focus mainly on operations, according to its stakeholders the appropriate level of information for effective oversight and maintaining the confidence of the public in its function and safety.

The main focus of this stage will be to develop a long-term charter for a communication role or function, whether it is standalone or as part of another entity, and in ensuring that this role is adequately and sustainably staffed and serviced.

In Closing

While there are certain elements and processes which remain to be fleshed out, particularly in terms of the day-to-day flow and agenda for the ND Legislative Session, this approach reflects the elements needed to drive effective, professional, and responsive communication. All of these are within our bailiwick to either provide directly or to find appropriate specialist support.

The main thing is this reflects is an evolution from the previous stage of MFDA's effort - which emphasized maintaining the visibility of the project prior to its ability to start building. It is not that this approach represents an "improvement.": It's that it has been designed to achieve different objectives in a new context.



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FARGO, NORTH DAKOTA 58102



MFDA Informational Points

Current as of January 21, 2021

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Construction

Public-Private Partnership (P3) Components (Diversion Channel and Associated Infrastructure)

- The Diversion Authority will contract with a P3 Developer for construction of the Diversion Channel and Associated Infrastructure (DCAI), including bridges and aqueduct structures.
- P3 bids are expected to be received on March 26, 2021, with award of the P3 Agreement scheduled for April 22, 2021.
- Completion of the P3 construction is expected in 2027.
- The P3 delivery model encourages design innovation and will deliver the project faster and more efficiently by apportioning risk to the entity best positioned to manage it.

US Army Corps of Engineers (USACE) Components (Southern Embankment and Associated Infrastructure)

- USACE is responsible for construction of the Southern Embankment and Associated Infrastructure (SEAI), which includes the earthen embankment, the Wild Rice River and Red River Control Structures, the Diversion Inlet Structure, and the tie-back levees.
- USACE is currently progressing on construction of:
 - The Diversion Inlet Structure (~\$46M)
 - Contract awarded to Ames Construction of Minnesota
 - The Wild Rice River Control Structure (~\$59M)
 - Contract awarded to Ames Construction of Minnesota
- USACE is preparing to award construction contracts for the I-29 grade raise and Southern Embankment Reach 1 projects in 2021.
 - The “road raise” project, expected to cost more than \$25 million, is required to elevate the stretch of I-29 above water in the staging area during the times the Comprehensive Project is operating, which could occur in 2028 depending upon spring time flooding.
- Final real estate needs have been developed for the Red River Control Structure. Final design of the structure is ongoing, incorporating the findings from the physical model.

In-town Components

- Additional in-town construction to allow 37-feet of floodwaters to safely flow through the Red River is necessary as a result of the Plan B compromise developed as a result of the Governor’s task force. The additional work requires:
 - \$130M in North Dakota - Fargo (\$126M) and Cass County (\$4M). \$43M in Minnesota – Moorhead (\$40M) and Clay County (\$3M).

Permitting

Minnesota Permit

- The Minnesota Department of Natural Resources (MDNR) issued a Dam Safety & Public Waters Work Permit (Permit #2018-0819) for the Project on Dec 27, 2018.
- The Diversion Authority has reviewed the permit and all permit conditions and finds them achievable. A permit compliance team is meeting regularly to ensure compliance with permit conditions.

- Most of the permit conditions involve construction monitoring and reporting requirements that are routine and customary during construction. There are a minimal number of conditions that must be adhered to prior to construction, such as acquiring necessary property rights and obtaining other required permits. These are items that are typical to projects of this nature

North Dakota Permit

- The North Dakota Office of the State Engineer has issued permit approvals for the Diversion Inlet Structure, the Wild Rice River Structure, Oxbow-Hickson-Bakke Ring Levee Project, for in-town work and for the Diversion Channel and Associated Infrastructure.
- Permits from the State of North Dakota include a number of conditions, which have been reviewed by the Diversion Authority and all have been deemed achievable.

Buffalo-Red River Watershed District (BRRWD) Permit

- The BRRWD issued their permit with conditions, as part of the Settlement Agreement on October 26, 2020.

Settlement Agreement

The Settlement Agreement includes:

- A joint submittal to dismiss all litigation with prejudice related to the Diversion Project, including:
 - The federal lawsuit before Chief Judge John R. Tunheim and any pending appeals,
 - The Minnesota Contested Case related to Minnesota DNR Dam Safety and Public Waters Work Permit No. 2018-0819, and
 - The case in Minnesota state court related to the BRRWD permit.
- Creation of an Economic Impact Relief Fund (Relief Fund) to compensate and mitigate political subdivisions located within Richland County, ND and Wilkin County, MN for potential impacts from the Diversion Project. The Relief Fund will be funded with an initial deposit of \$35 Million and will include additional deposits over time after construction of the project is completed by the Authority until the total reaches \$75 Million.
- Funding to complete or construct infrastructure related to flood risk reduction projects for the cities of:
 - Christine, ND
 - Comstock, MN
 - Georgetown, MN
 - Wolverton, MN
- Provisions for mitigation of potential impacts related to:
 - Upstream cemeteries,
 - A crop insurance program,
 - A post operation debris removal program,
 - Relief for impacted businesses, and
 - Further discussion related to the flexibility within the mitigation requirements on upstream structures.

- The Agreement does not specifically include the MDNR or the USACE, both who are also parties to the previously expressed lawsuits. Nothing in the agreement is an attempt to diminish the regulatory or permitting authority of either party.

Financial – WIFIA Loan

- The Diversion Authority applied and has been approved for a for a \$569 Million low-interest Federal Water Infrastructure Finance and Innovation (WIFIA) loan, which is scheduled to close in late April/early May of 2021.
- On January 15, 2021, the Authority and US EPA formally signed a WIFIA Loan Term Sheet establishing the terms of the WIFIA Loan. The Authority and US EPA are currently working on finalizing all of the financing documents associated with the WIFIA Loan.
- The Financial Plan for the FM Area Diversion Project includes a long-term, low interest WIFIA loan to help provide funds during the land acquisition and construction portions of the project.
- Three voter-approved sales and use taxes would provide for the re-payment of the WIFIA loan.
- A WIFIA loan will lower the cost of capital for the project and result in significant interest savings. The estimated interest rate for the WIFIA loan is between 1.7% to 2.0% interest for a term of forty years which will be locked in on the scheduled closing date of the loan.

Financial

State of North Dakota Funding

- The 2019 Legislature committed \$750M, which is a \$180M increase from the previous commitment.
 - To date, the State Legislature has appropriated \$414.5M of the \$750M.
 - The Diversion Authority agreed to defer \$22.5M in funding from the total amount eligible in 2019 legislation to assist the State Water Commission in managing available resources due to a downturn in oil revenue into the Resources Trust Fund.
- The P3 procurement is expected to be completed with the selection of a preferred proposer (acceptance of a bid) before the end of the 2021 legislative session.
- The current legislative session is underway, and a bonding bill has been introduced that if enacted, would be favorable to the Project. The Diversion Authority is tracking the bill closely and are hopeful it is enacted.
- We appreciate the Legislature's commitment to the Project, and we will continue to coordinate with the Legislature.

Federal Funding

- On March 19, 2019 an amended Project Partnership Agreement (PPA) was signed by the cities of Fargo and Moorhead, the Diversion Authority, and the U.S. Army Corps of Engineers. The PPA amendment increased the federal construction participation to \$750M in total construction funding.
- Federal funding to date has come in three categories of funding (only construction funding is counted against the PPA amount):
 - Construction (2016 – present) = \$313M

- PED Funds (2011-2014) = \$29M
- Feasibility (2008-2013) = \$11M

State of Minnesota Funding

- Moorhead and Clay County have formed a Joint Powers Authority (MCCJPA) to acquire property rights in Minnesota, and to request funding from the State of MN.
- The MCCJPA submitted a cost-share request to the MDNR for \$46M, which is in addition to the \$40M request by the City of Moorhead for Plan B related work. A total commitment has been made by Moorhead and Clay County to request \$86M in State of MN funding.
 - \$9M has been secured for construction to date.
- With an approved MDNR permit, we are confident the remaining State of MN funds will be available when needed for construction and mitigation efforts in MN.

Local Funding

- Local funding has been secured through voter approval of three half-cent sales taxes, two in Fargo and one in Cass County. These sales taxes were extended until 2084 in a 2016 vote.
- The City of Fargo has also dedicated ¼ of its 1-cent infrastructure sales tax, which is voter-approved through 2028.
- No additional sources of local revenue are anticipated to fund construction.

Maintenance Costs

- Maintenance of Project features is expected to be paid through excess revenues on existing sales taxes or through a small maintenance levy on an already-established Maintenance District in North Dakota, similar to other area flood protection projects.
- The Joint Powers Agreement that created the Diversion Authority allocated two percent (based on the socioeconomic analysis from the Minnesota EIS) of the comprehensive Project's maintenance costs to the City of Moorhead and Clay County.

Special Assessments

- The Special Assessment District that was created to obtain more favorable financing terms for the projected P3 financing, sales tax bonds, and the WIFIA Loan. The Assessment District is not to be counted on as a source of revenue in the finance plan.

Audit

- An audit was conducted by an independent third-party on the Diversion Authority's financials, and a separate independent third-party audit was conducted on the Cass County Joint Water Resource District's financials. The results are contained in a written report and no corrective actions were needed or material deficiencies noted.
- Regular audits are required as part of the WIFIA Loan.

Land Acquisition & Property Mitigation

Post Conditional Letter of Map Revision (CLOMR) Outreach

- CLOMR received from FEMA in September 2020
- CLOMR Confirms Project Protection; without the Project in place

- 11,000 Homes in North Dakota are at risk of being in the future FEMA floodplain
 - An estimated \$3,000 - \$5,000 annual payment per home
 - Approximately \$30-\$50 Million in total annual insurance premiums
- Diversion Authority has sent letters, including individual maps, to all upstream impacted property owners.
 - 700+ Upstream parcels
 - ~350 property owners

Land Acquisition

- The North Dakota State Engineer approved the Diversion Authority's Property Rights Acquisition and Mitigation Plan in June 2020.
- The Diversion Authority is moving forward with all land acquisition necessary for the Project. A phased approach will be used as designs are completed on Project features. The acquisition of all property for the Diversion Channel is the top priority.
- The Cass County Joint Water Resource District is the local entity responsible for acquiring property rights in North Dakota.
- The Moorhead Clay County Joint Powers Authority is the local entity responsible for acquiring property rights in Minnesota.
- Property owners will be fairly compensated, based on an independent appraisal.
- The Diversion Authority will cooperate with landowners who make reasonable requests, including rent-back of property until needed for the project and offering a right to re-purchase property if it ends up not being needed for the Project.
- Eminent Domain will only be used as a last resort.
- Land Acquisition in Minnesota will follow Minnesota Law.
- Land Acquisition in North Dakota will follow North Dakota Law.

Flowage Easements

- The Project includes an upstream mitigation area where acquisition of flowage easements is required. The value of the flowage easements will be determined through an appraisal.
- The Diversion Authority has contracted with Crown Appraisals to develop the value of the easements.
 - Phase 1B of the study was complete in August 2020
 - Phase 2 of the study will start now that FEMA has approved the CLOMR

Additional Mitigation

- The Diversion Authority has developed and committed to additional mitigation above and beyond the requirements established by state and federal agencies.
- The additional programs include
 - Post-operation debris clean-up and damage repair
 - Summer flood supplemental crop loss program



LOGO

STRATEGY

Symbolism of color:

Dark blue (trust, loyalty, wisdom, confidence, intelligence, stability)

Bright blue (sky, water, tranquility, reliability, sincerity)

Combination suggests synchronicity and easy of change.

Font:

Simplicity of font for enhanced legibility and the ability to shrink and enlarge logo across marketing collateral.

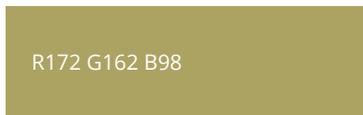
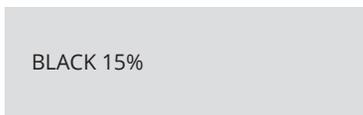
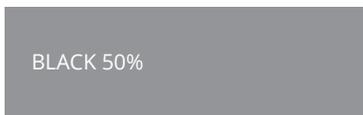
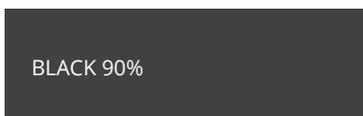
Elements:

River elements pulled from previous logo, continuing recognition. Movement and depth of the river element are now encircled to imply focused attention on water diversion.



COLORS

primary



FONTS

Headlines:
Open Sans light
24pt. Dark blue

**SUBHEAD: OPEN SANS BOLD
12PT ALL CAPS DARK BLUE**

Paragraph body text:

Open Sans regular 10pt. 90% gray

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Sidebar text: Open Sans regular
11pt. Dark blue

CAPTIONS: OPEN SANS REGULAR 8PT

DECORATIVE ELEMENTS

lines



circles

dotted lines



rounded corners

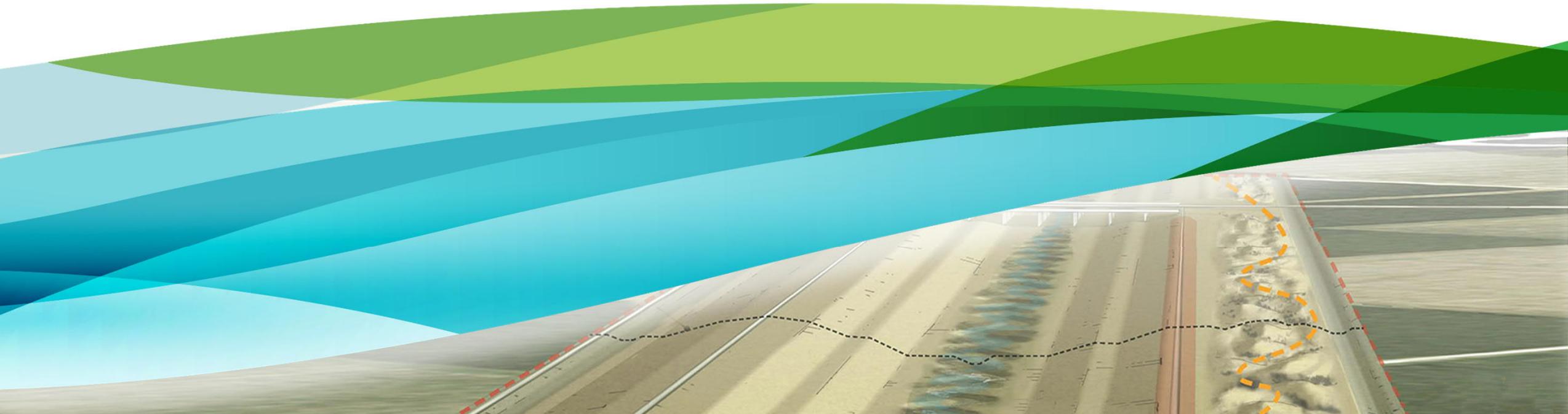


gradients



Diversion Authority Public Outreach Committee Meeting

Legislative Session Update
January 27, 2021



Legislative Session Update

- Testimony
- Newsletter
- Lobbying Group
- FAQs
- Baseline Communications Survey



A stylized blue river logo consisting of a thick, wavy blue line that curves from the top right towards the bottom left, enclosed within a thin blue circular outline.

FM AREA
DIVERSION
PROJECT