Commission Approves New Floodway Property Acquisition Cost-Share Policy

With the catastrophic flooding experienced in 2011, and the resulting efforts to build flood control projects, many North Dakota communities found that floodway acquisitions and related costs were ineligible through the federal Hazard Mitigation Grant Program (HMGP). To aid communities such as Minot, Burlington, and Ward County, the State Water Commission (SWC) approved a cost-share policy for floodway acquisitions at their Feb. 2 conference call meeting.

Requirements for communities receiving cost-share include: providing justification for ineligibility to the HMGP; developing a voluntary acquisition program; and adopting a flood risk reduction plan that includes mitigated flows and developing perpetual restrictive covenants - the same as are required through the HMGP, excepting property being utilized for flood control structures and related infrastructure.

Items eligible for cost-share include purchase and removal of structures, including all directly associated costs, such as appraisals, legal fees, hazardous materials abatement, and site restoration. Salary and administrative costs of the local sponsor are ineligible.

Items eligible for cost-share include:

1) Flood-damaged property potentially needed for long-term flood control projects
2) Flood-damaged property potentially needed for temporary flood control projects
3) Property undamaged by the flood, but may be needed for long-term flood projects
4) Property undamaged by the flood, but may be needed for temporary flood control projects.

In addition to those funding priorities, the SWC recognizes that additional areas recovering from prior floods may also require assistance. Because of this, property in counties affected by floods in 2005 but not 2011 that qualified for FEMA Individual Assistance, will also be considered, although at a lower priority. Properties that did not qualify for FEMA Individual Assistance in 2009 or 2011, will be of lowest priority.

This policy applies specifically to local project sponsors, such as counties or cities. Individual property owners cannot apply directly to the SWC for acquisition funds, for a buy-out of their property. Requests for acquisition/buy-out cost-share must come from local units of government, without exception. Cost-share for floodway acquisition, and construction of permanent flood control projects on the property acquired are subject to approval by the SWC, consistent with existing policy.

For more information about the revised Floodway Property Acquisition Cost-Share Policy, please go to the Water Commission website at (htp://www.swc.nd.gov), by phone at (701) 328-2752, or by email at mmbehm@nd.gov.

For FEMA Individual Assistance in 2011, the project information form can also be downloaded from the Commission’s website at www.swc.nd.gov.

As in the past, the product of this effort will become the foundation of the Commission’s budget request to the Governor and Legislature. Therefore, the information provide will ultimately help in the allocation of SWC budget resources.

If you are a water project or program sponsor who may come to the Commission for cost-share assistance to fund your effort and you did not receive a form, please contact the Commission at 701-328-4989. The project information form can also be downloaded from the Commission’s website at www.swc.nd.gov.

The Oxbow
FROM THE NORTH DAKOTA STATE WATER COMMISSION

Flood damage along the Mouse River in Minot, 2011.

North Dakota Water ■ March 2012
North Dakota Water ■ March 2012
Commission Approves Cost-Share Requests For Floodway Property Acquisitions

Based upon the new Floodway Property Acquisition Policy adopted at the same meeting, the Water Commission approved the following requests; subject to collecting all required information, and the availability of funds.

**Minot Flood Control Project**
- 117 Properties
- Estimated Eligible Costs: $23.67 million
- SWC Cost-Share (75%): $17.75 million

**Burlington Flood Control Project**
- 11 Properties
- Estimated Eligible Costs: $1,385,000
- SWC Cost-Share (75%): $1,039,000

**Ward County Flood Control Project**
- 56 Properties
- Estimated Eligible Costs: $15.3 million
- SWC Cost-Share (75%): $11.5 million

With these funds approved, progress can continue towards preventing a repeat of the 2011 flood damages.

*Note: Cost-share requests to the Water Commission must come from local government entities with approved acquisition plans. The Water Commission cannot cost-share with individual property owners.*

Agreement Reached on East Devils Lake Outlet Project

At their February meeting, the SWC authorized the State Engineer to enter into an agreement with Nodak Electric Cooperative, Inc. to provide electrical service for the East Devils Lake Outlet Project. The SWC also approved $800,000 to aid in construction costs related to power supply. The agreement with Nodak will also require a minimum annual purchase of power, equal to 1/3 of the remaining cost of construction in each of the first three years of operation. The total construction cost will not exceed $2.8 million. Nodak plans to have power available by May 2012.

Operating at full capacity, it is estimated that power for the outlet will cost approximately $1,400,000 for a six-month operating period.

The East Devils Lake Outlet will have a maximum operating capacity of 350 cubic feet per second (cfs); while the existing west end outlet has a maximum capacity of 250 cfs. Together, the two outlets will be able to remove up to 600 cfs of floodwater from the lake. The East Devils Lake Outlet is expected to be operational in the spring of 2012.