

Appendix A

Responses to Comments on the
Draft Supplemental
Environmental Impact Statement

Public Comment Period
August 26 – September 27, 2018

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Introduction

The Minnesota Department of Natural Resources (DNR) released the Draft Supplemental Environmental Impact Statement (Draft SEIS) for public review on August 27, 2018. The public comment period closed on September 27, 2018. DNR received 107 written letters, e-mails and oral testimony on the draft document from various federal, state and local agencies, non-governmental groups, and citizens. An alphabetical listing of commenters, arranged by organization or last name of the commenter, follows in the table below.

A unique comment identification (comment ID) correlates individual comments within each comment document. Where feasible, DNR has grouped similar comments together and responded to a comment representative of the grouping. This improves the readability of the document and helps to show common themes expressed by commenters. In accordance with Minnesota Rules, part 4410.3000, subpart 5.B.4, DNR gave due consideration to all substantive comments on the content of the Draft SEIS and a response was provided. For each group of comments or individual comment this document also indicates whether the comment prompted a modification or clarification to the Final Supplemental Environmental Impact Statement (Final SEIS).

The Project Proposer and all permitting authorities that make a request will receive all comments for consideration.

Following the list of commenters are tables that include substantive comments received during the public comment period for the Draft Supplemental EIS.

There were a number of comments received during the public comment period that were considered nonsubstantive for a variety of reasons, such as an opinion, request to approve or deny a permit application, or general statement about the Project by the commenter. Nonsubstantive comments are identified by Comment ID and listed at the end of this document. Some comment IDs are listed as "VOID"; this was due to receiving duplicate letters from the same commenter, or misnumbering during the organization of comments.

Reader Tip

You can search for a specific comment ID when using the electronic version of the document.

- First, locate the unique commenter ID (e.g., 11) in the following table, listed alphabetically by last name/organization.
- Next, do one of the following:
 - Choose Edit >Find, or
 - Ctrl+F (for PC) or Command – ⌘+F (for Mac)
- Type in the commenter ID in the search box.
- If a comment letter consisted of more than one comment, letters were assigned to the comment ID (e.g., 11a-z). To read them all, use "next" or the down arrow to advance through all comments.

Note, occasionally a document will be non-searchable using the instructions provided. One such example is a hand-written letter than has been scanned to a PDF. Otherwise, finding the commenter name and response within the response to comment table is possible with the above instructions.

List of Commenters and Comment ID

Name	Commenter ID Number	Unique Comment IDs
Aaland, Cash	88	88a-d
Anhorn, Todd	33	33a
Army Corp of Engineers	89	89a-89aaaaa
Askegaard, Mark	60	60a-e
Asure, Jess	69	69a
B,N	81	81a
Bernhardson, Eddie	73	73a-b
Bjertness, Curt	70	70a-e
Brahm, Daryl	54	54a
Brakke, Mike	23	23a-e
Brakke, Steve	34	34a-c
Breimeier, Arden	74	74a-h
Buffalo Red River Watershed District	90	90a-i
Bye, Kenneth	91	91a-b
Christensen, Toby	42	42a
Christianson, Charles	13	13a-b
Christianson, Doug	43	43a-d
City of East Grand Forks	92	92a
City of Grand Forks	97	97a-b
City of Horace	98	98a-d
Cullen, Shane	93	93a
Diversion Authority	94	94a-h
Environmental Protection Agency	02	02a
Eventide Senior Living	14	14a
Fargo Housing and Redevelopment Authority	71	71a-b
Fargo-Moorhead Metropolitan Council of Governments	80	80a
Farsdale, Wayne and Marilyn	25	25a-d
Fox, Tim	96	96a-i
Fuder, Wayne	75	75a-f
Furness, Bruce	28	28a-b
Garty, Chris	44	44a
Givers, David	29	29a-c
Gronnenbrerg, Paulette	76	76a-c
Gunkleman, John	26	26a-b
Handlos, Mike	09	no content
Hansen, Chris	77	77a-b
Hanson, Joel	18	18a-b

Name	Commenter ID Number	Unique Comment IDs
Hertsgaard, Craig	32	32a-c
Hochhalter, Kim	55	55a
Hohertz, Linda	35	35a
Home Builders Association	45	45a
Irish, Simon	36	36a
Israelson, Colleen	27	27a-g
Israelson, Dallas	63	63a-g
Jacobs, Tom	47	47a-d
Johnson, Marty	03	03a-d
JPA (Richland Wilkin County Joint Powers Authority)	99	99a-h
Krabbenhoft, Paul	08	08a
KTM Farms	100	100a-c
Larson, Marcus	101	101a-l
LeRoy, Richard	16	16a
Lindquist, Dan	48	48a
Luick, Senator Larry	72	72a-f
Mastell, Brian	79	79a-b
Mathison, Cherie	49	49a-g
Mathison, Rodney	50	50a-c
Matson, Vicky	59	59a
McConnen, Beth	102	102a-d
Meland, Ben	61	61a
Minnesota Farm Bureau	104	104a-b
Minnesota Farmers Union	105	105a -e
Minnesota Pollution Control Agency	106	106a-g
Morris, Austin	62	62a
Nelson, Don	107	107a-o
Nelson, Michael and Margaret	108	108a-d
Nelson, Susan	17	17a-c
Ness, Dave	64	64a-h
Ness, James	65	65a
Ness, Jan	66	66a-d
Ness, Larry	04	04a-g
Ness, Matt	82	82a-d
Ness, Timothy	109	109a-d
Nipstad, Sandy	30	30a-e
Nisbet, Mark	10	10a
North Dakota Department of Health	05	05a-c
North Dakota Department of Transportation	56	56a
North Dakota State Water Commission	110	110a-e

Name	Commenter ID Number	Unique Comment IDs
Olson, Steve and Lenore	31	31a-b
Otto, Patricia	67	67a-f
Palm, Gloria	57	57a
Redlin, Gary and Patricia	83	83a-c
Reierson, Roger	38	38a
Richard, Leo	111	111a-d
Richland County Water Resource District	95	95a
Ricker, Jean	24	24a-d
Roers Jones, Shannon	11	11a-c
Rogne, Trana	51	51a-o
Sams, Vanessa	52	52a
Sauvageau, Kristie and Terry	19	19a-g
Scheel, Steve	06	06a
Schmitt, Joseph	84	84a-b
Schultz, Virgil	20	20a-f
Spaeth, Tom	53	53a
Stove, Doug	85	85a
Swanson, Robin	58	58a
Sweeney, Shirley	07	07a-c
Tessier, Marilyn and David	68	68a-b
The Chamber	113	113a
Thomas, Jeff	39	39a
Tollefson, Jodi	40	40a
Tribal Historic Preservation Office, Northern Cheyenne Tribe	114	114a
United States Department of Agriculture	41	41a
Vanyo, Mark	12	12a
W,B	86	86a-b
Walleybrooks	01	01a
Weber, Sharon	87	87a
West Acres Development	22	22a-b
Wilkin County	115	115a-b
VOID	15	
VOID	21	
VOID	37	
VOID	46	
VOID	78	
VOID	103	
VOID	112	

Responses to Comments Received During the Draft EIS Public Comment Period

General Topic		401 Application	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
106g	Commenter states that an application for 401 Certification must include an antidegradation assessment, and provided the form.	The antidegradation requirement will be provided to USACE/DA.	No Change.

General Topic		Agriculture Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
51m	Commenter would like delayed planting (consideration of impacts to crops) to be applied as was done in the fish passage section of the Draft SEIS.	The commenter is combining data presented for the previously proposed project (6.8 days) with data presented for Plan B (10-14 days of high velocities). The two numbers cannot be compared because of differences between the H&H models used for the two alternatives. Additionally, the 10-14 days presented indicate the number of days that increased velocities would be experienced at the control structures above existing conditions. It does not mean that the staging area would experience 10-14 days of additional inundation in all places. Anticipated duration of inundation is accounted for and presented in Final SEIS Figure 10. Agricultural impacts from increased water storage duration, including	No change

General Topic		Agriculture Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		delayed planting due to depth and weather, is adequately described in the 2016 Final EIS, section 3.16.2.3.8.	
104b	Commenter is concerned about impacts to agriculture production.	Impacts to agriculture are adequately described in Final SEIS section 3.10. Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. Impacts to agriculture are discussed in Final EIS Section 3.16. Concerns about impacts to the agricultural community and local economics are addressed in many responses to comments in Final EIS Appendix L. These documents note that the agricultural industry and local economics may be impacted by Project operation. However, it is not anticipated that effects would be long-term or permanent. Farming would still be allowed in the staging area and surrounding lands under the Project. A recent study completed by North Dakota State University (NDSU) in 2015 for the previously proposed Project suggested that 85 percent of the time, the Project would not cause upstream flooding. It also concluded that the impacts from most of the flooding events induced by the Project would end at a similar timeframe as the typical regional planting start dates. This means that the annualized farm	No change

General Topic		Agriculture Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		revenue impacts from the project would be modest, but the impacts could be variable based on actual flood timing. Mitigation for impacts to agriculture are discussed in Final SEIS section 3.10.3 and detailed in Final SEIS Appendix F.	

General Topic		Alternative, Culvert Closure	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
34b	Commenter recommends a system of basin-wide culvert closures to hold water on the land and minimize downstream flooding.	A system of basin-wide culvert closures would have a similar result as the Distributed Storage. Both are an excellent basin-wide approach to provide local flood protection and should be pursued wherever feasible. Many communities in the Red River Basin, including Fargo and Moorhead, would greatly benefit from the implementation of additional upstream storage. That said, basin-wide flood protection was not the goal of the proposed project—the goal is to protect the Fargo-Moorhead metropolitan area. The 2016 Final EIS Appendix C analyzed the DSA in detail and determined that the DSA does not provide the communities on the Red River mainstem with protection	No change.

General Topic		Alternative, Culvert Closure	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		from catastrophic events or from peak tributary flows. The analysis of this alternative determined that the DSA: 1) does not fully meet the project purpose; and 2) is not a feasible or practical alternative to the proposed project.	

General Topic		Alternative, Distributed Storage/Waffle Plan/Basin-Wide Retention/Wetlands	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
01a, 20e, 23c, 25a, 34a, 49d, 72d, 83b, 91b	Commenters believe that alternatives such as distributed storage, the waffle plan, basin-wide retention, and wetland restoration would be better, should be analyzed, or would have benefits over Plan B, including cost, and economic value.	Any alternative involving basin-wide retention, the waffle plan, and wetland restoration would have a similar result as the Distributed Storage Alternative (DSA). All are an excellent basin-wide approaches to provide local flood protection and should be pursued wherever feasible. Many communities in the Red River Basin, including Fargo and Moorhead, would greatly benefit from the implementation of additional upstream storage. That said, basin-wide flood protection was not the goal of the proposed project—the goal is to protect the Fargo-Moorhead metropolitan area. The 2016 Final EIS Appendix C analyzed the DSA in detail and determined that the DSA does not provide the communities on the Red River mainstem with protection from catastrophic events or from peak tributary flows. The analysis of this alternative determines that the DSA: 1) does not fully	No change.

General Topic	Alternative, Distributed Storage/Waffle Plan/Basin-Wide Retention/Wetlands		Impact on Final SEIS
Comment ID	Comment Summary	Comment Response	
		meet the project purpose; and 2) is not a feasible or practical alternative to the proposed project.	

General Topic	Alternative, Downstream Impacts		Impact on Final SEIS
Comment ID	Comment Summary	Comment Response	
32c, 60d	Commenters suggest an alternative or change to the project that would include Plan B and additional downstream stage increases	As proposed, Plan B maximized downstream impacts so that there would be a 0.00-foot impact at the Canadian border. Allowing additional downstream impacts greater than what is proposed would result in stage increases at the Canadian border. Any project, which proposes stage increases at the Canadian border, would face significant regulatory challenges and would, thus, be infeasible.	No change.

General Topic	Alternatives, Least Impactful		Impact on Final SEIS
Comment ID	Comment Summary	Comment Response	
7b, 11b, 74b, 88d	Commenters assert that there are less impactful alternatives than Plan B.	The Final SEIS describes the impacts and benefits of Plan B. Appendix B describes the alternatives analysis that was conducted as part of the Final SEIS. All alternatives analyzed were determined to be either	No change.

General Topic		Alternatives, Least Impactful	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		infeasible, unable to meet the project purpose, or were unable to demonstrate significant environmental and/or socio-economic benefits over Plan B.	
96h	Commenter asserts there were less impactful alternatives dismissed by the USACE due to an unfavorable cost-benefit ratio.	DNR rejected the alternative analysis conducted by the USACE and conducted a new one, of which, cost-benefit ratio was not a consideration.	No change.
107e	Commenter states that the No Action Alternative is a reasonable alternative to Plan B.	The 2016 Final EIS adequately described the impacts and benefits of the No Action Alternative (with Emergency Measures). Any decision of one alternative being more reasonable than another will be determined in the Dam Safety and Work in Public Waters Permit Decision.	No change.

General Topic		Alternative, Levee Options	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
27b, 50c	Commenter describes an alternative that includes finishing internal flood protection and/or widening the river.	Widening the Red River through town (presumably by excavation or dredging) would have significant direct environmental impacts on aquatic and terrestrial resources, habitat, stream stability, as well as impacts to infrastructure, housing, and downstream areas. Impacts could include:	No change.

General Topic	Alternative, Levee Options		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<ul style="list-style-type: none"> • Elimination of floodplain wetlands, which are more highly concentrated near rivers. • Loss of channel habitat features such as pools and riffles through change in geomorphic shape of the river • Loss of wildlife habitat along the riverway • Reduced sediment transport • Continued maintenance would be necessary since the new overwide channel was not naturally formed by the river and would be unstable since it does not reflect the water and sediment inputs of the watershed. The in-fill of sediment would need to be maintained on a regular basis. • Upstream and downstream geomorphological changes will occur with downstream scour and upstream aggradation. • Communities downstream will be affected by increased surge of water and result in flooding. • All bridges across the river may need to be altered to allow for a widened channel width <p>The pattern of the Red River channel has been stable for a very long time and disrupting that natural dimension (width) would upset the entire riverine ecosystem. Channel form is tied to the hydrology, water chemistry, floodplain connection and</p>	

General Topic	Alternative, Levee Options		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		biological habitat. Changing the form affects all these components of the river.	
31b, 72e	Commenter describes an alternative that includes additional levees on the south side of Fargo.	Constructing a levee on the south side of Fargo, assumed at maximum height, would provide additional protection for Fargo, but in some river reaches the existing levees couldn't be raised because of geotechnical conditions. The areas where levees cannot be raised would prevent FEMA accreditation for the 100-year flood event, and thus not meet the project purpose.	No change.
43c	Commenter suggests that if Fargo completed their levees, they would get FEMA accreditation.	The described alternative is the same as the No Action Alternative (with Emergency Measures). A detailed discussion of the No Action Alternative (with Emergency Measures) is presented in Chapter 2, including a list of current and planned levees. Emergency measures, such as sandbags and other flood fighting measures are used to fill in the gaps between the levees that are constructed and are planned for construction and provide flood risk reduction to the F-M urban area during low frequency events. The No Action Alternative (with Emergency Measures) essentially represents the conditions that are needed currently to protect the F-M urban area from flooding during a 100-year flood. The permanent levees of this alternative would not have sufficient freeboard to meet	No change.

General Topic	Alternative, Levee Options		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		FEMA's accreditation standards for 100-year flood protection.	

General Topic	Alternative, New		
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
23b, 107c	Commenter describes an alternative that includes retention of the Wild Rice River.	The Wild Rice River-only Diversion alternative was described as Alternative 33 in the Draft SEIS Alternative Screening Exercise Report (DSEIS Appendix B). To operate properly, this alternative would include a control structure on the Wild Rice River, a dam/southern embankment located entirely in North Dakota (between the Wild Rice and Red Rivers), a staging area (that would have to extend upstream to about Christine), and no control on the Red River. A project design that does not account for Red River flow would also not account for the years that the Red River floods more than the Wild Rice River, which would make it harder for the project to receive FEMA 100-year accreditation (because it couldn't be assured). As such, it was excluded from further evaluation.	No change.
32a, 60e	Commenters suggest an alternative that would reduce the size of the diversion	The numbers reported by the commenter appear to be only for the Red River and Wild	No change.

General Topic	Alternative, New		
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
	<p>channel to pass only the flow required from the 100-year flood, and utilize distributed storage for flood protection over the 100-year.</p>	<p>Rice River. If the diversion channel were to be smaller, it would not be able to account for the Sheyenne, Maple, Rush and Lower Rush Rivers contributions. The addition of distributed storage would not overcome an undersized diversion channel. This alternative is infeasible.</p> <p>Basin-wide retention is an excellent approach to provide local flood protection and should be pursued wherever feasible. Many communities in the Red River Basin, including Fargo and Moorhead, would greatly benefit from the implementation of additional upstream storage. However, for the F-M metro area to rely on the implementation of upstream storage to achieve flood protection above the 100-year would be infeasible. The 2016 Final EIS Appendix C analyzed upstream retention (the Distributed Storage Alternative) in detail and determined that the DSA does not provide the communities on the Red River mainstem with protection from catastrophic events or from peak tributary flows. The analysis of this alternative determines that the DSA: 1) does not fully meet the project purpose; and 2) is not a feasible or practical alternative to the proposed project. See also response to comment 32a.</p>	

General Topic		Alternative, New	
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
60c	Commenter suggests a downsized version of the project.	One of the main components of Plan B is a diversion channel. If the diversion channel were to be downsized, it would not be able to properly handle all the flows coming into it, including the Sheyenne, Maple, Rush and Lower Rush. A reduced magnitude Plan B would be infeasible. See also response to comment 32a.	No change.
63g	Commenter suggests an alternative that involves restoring the river to the way it was 80 years ago.	Many of the miles along the river include existing development, including downtown Fargo. It is unreasonable to consider an alternative that would remove the existing Fargo development to restore the land to predevelopment conditions. See also response to comment 109c.	No change.
72f	Commenter suggests an alternative that includes a smaller 35K Diversion that would also act as a Highway 75 bypass.	Any alternative that involves a diversion channel in Minnesota, such as the MN35K, would have impacts to the state and the people of Minnesota greater than the benefits and, therefore, would be in violation of Minnesota Statutes 103A and 103G, as well as Minnesota Rule 6115.0410. Therefore, this alternative is infeasible.	No change.
75f	Commenter suggests an alternative similar to what Grand Forks/East Grand Forks did.	Comment does not provide enough detail on the alternative to provide a full response. However, DNR surmises that the commenter is suggesting that the F-M area utilize maximum-height levees (as was done in Grand Forks/East Grand Forks). Some levees	No change.

General Topic	Alternative, New		
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
		cannot be built higher because of geotechnical stability concerns or existing development. This alternative would not provide the communities on the Red River mainstem with protection from catastrophic events or from peak North Dakota tributary flows (Sheyenne, Maple Rivers). Thus, this alternative would not fully meet the project purpose, and is not a feasible or practical alternative to the proposed project.	
76c	Commenter suggests an alternative that includes moving floodplain/staging area to less expensive land.	It appears as though the described alternative involves moving the staging area to an area with less expensive land, possibly outside of the Red River Basin. The total volume of the staging area is 225,000 acre-feet. At the currently proposed location, this requires roughly 33,000 acres of land to store the water. Very similar to what was described for the Distributed Storage Alternative (DSA) (Final EIS, Appendix C), there would need to be numerous upstream staging areas to hold the required volume of water. For the DSA, the number of required sites was about 96. It is anticipated that a similar number of "less expensive land" options would be required upstream. It would be infeasible for the Diversion Authority to acquire all 96 "less expensive" upstream storage locations within a reasonable period for project operation.	No change.

General Topic	Alternative, New		
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
96i	Commenter describes an alternative that includes the NW Diversion, southern embankment, Storage Area #1 and no staging area.	Storage Area #1 is not large enough to replace the staging area; it could not retain the volume of floodwater that would be necessary for limiting downstream. A storage area would still be required. This alternative is infeasible.	No change.
100c	Commenter suggests an alternative that includes widening the Red River through Fargo and utilizing two upstream staging/holding areas; one on the Wild Rice and one on the Bois de Sioux.	<p>Widening the Red River through town (presumably by excavation or dredging) would have significant direct environmental impacts on aquatic and terrestrial resources, habitat, stream stability, as well as impacts to infrastructure, housing, and downstream areas. Impacts could include</p> <ul style="list-style-type: none"> • Elimination of floodplain wetlands, which are more highly concentrated near rivers. • Loss of channel habitat features such as pools and riffles through change in geomorphic shape of the river • Loss of wildlife habitat along the riverway • Reduced sediment transport • Continued maintenance would be necessary since the new overwide channel was not naturally formed by the river and would be unstable since it does not reflect the water and sediment inputs of the watershed. The in-fill of sediment would need to be maintained on a regular basis. • Upstream and downstream geomorphological changes will occur with upstream scour and downstream 	No change.

General Topic	Alternative, New		
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
		<p>aggradation.</p> <ul style="list-style-type: none"> • Communities downstream will be affected by increased surge of water and result in flooding. • All bridges across the river may need to be altered to allow for a widened channel width. The pattern of the Red River channel has been stable for a very long time and disrupting that natural dimension (width) would upset the entire riverine ecosystem. • Channel form is tied to the hydrology, water chemistry, floodplain connection and biological habitat. Changing the form affects all these components of the river. The addition of two on-stream storage components would add to those environmental impacts. In order to hold the water on the Wild Rice and Bois de Sioux, two dams would be needed, which would affect fish passage. On-stream impoundments are also known to cause ecosystem impacts along the stretch of river with the impoundment. <p>The described alternative does not include protection from the Sheyenne or Maple Rivers (which cause impacts to the developed portions of the metropolitan area). With the potential for increased environmental impacts and the inability to</p>	

General Topic		Alternative, New	
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
		protect from the other tributaries, this alternative would not meet the purpose and need.	
109c	Commenter suggests an alternative that includes removing development in the existing floodplain and constructing greenways to hold the floodplain.	As noted in the Final SEIS, there are approximately 168,000 acres of existing floodplain in the project area (for a 100-year event). Many of those acres include existing development, including downtown Fargo. It is unreasonable to consider an alternative that would remove the existing Fargo development to implement greenways. If the existing development were allowed to remain, there would still not be enough leftover undeveloped land in Fargo to hold the floodwaters from the Red, Wild Rice, Sheyenne and Maple Rivers. Although the commenter mentions a land use strategy that could benefit a moderately flooded city, this strategy is infeasible for Fargo.	No change.

General Topic		Alternative, Permitting	
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
96g	Commenter believes the Diversion Inlet Structure (DIS) construction should not prejudice alternative selections.	Any previous construction conducted in North Dakota for the OHB ring levee and DIS would have no bearing on DNR's decision on the dam safety/public water works permit	No change.

General Topic	Alternative, Permitting		
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
		application submitted by the Diversion Authority.	

General Topic	Alternatives 30 and 31		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
04a, 51e-h, 88a-b, 96b, 96f, 99f, 108c	DNR received many public comments that requested reconsideration of Alternative 30 and/or 31, including adjustments, modifications, additions, removals, or new information. Some commenters offered only general descriptions of changes or opinions with insufficient detail to allow for evaluation. One commenter provided very specific results that could potentially be achieved. All commenters that submitted comments related to these alternatives are included in this response; some additional responses to specific details are provided in the rows below.	In response to these comments, DNR conducted additional analysis of Alternatives 30 and 31. Responses to comments related to Alternative 30, NW Diversion, or Alternative 31/C, including any adjustments, modifications, additions, removals, or new information, were considered in whole and are considered as part of this evaluation, which is described in a new section at the end of Appendix B (Alternative Screening Report). Commenters are encouraged to read specific modifications below, as well as the new section of Appendix B. As a result of the reconsideration, DNR determined that these alternatives did not have significant environmental and/or socioeconomic benefit over Plan B.	Appendix B was updated to include reconsideration of Alternatives 30 and 31.
51f	Commenter asserts that the evaluation of Alternative 31 did not consider 37 feet through Fargo.	DNR confirmed that the H&H modeling for Alternative 31 (Alternative C) did include allowing 37 feet through town.	No change.

General Topic		Alternatives 30 and 31	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
51g	Commenter asserts that the dam breach analysis for Plan B and Alternative C should be the same.	DNR disagrees that the dam breach risk would be the same for Plan B and Alternative C. Alternative C could impact the city of Horace, whereas Plan B would not. Dam breach analyses are not conducted to speculate or try to predict future land uses and densities; they are based off of current conditions. However, future development is a consideration of a dam safety permit. The presence of and proximity to existing structures is just one consideration of increased risk. Minnesota Dam Safety permits typically include recommendations for land uses downstream of the structure. However, if Alternative C and Plan B were built out to the same density and similar land uses, Plan B could have a higher potential for risk due to a presumed greater number of people; however, Alternative C would have a higher embankment which would also pose a potential for risk. The factors of risk are complicated and balanced during permitting.	No change.
51h	Commenter asserts that new impacts have a greater degree of impact, and existing impacts (current flooding) should not require mitigation under Plan C.	See response to comment 51d.	No change.

General Topic		Alternatives 30 and 31	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
88a	Commenter expresses concern that the DNR modeled an incorrect design version of Alternative C that misplaced the location of the Red River Control Structure.	DNR had 3 direct participants in the Technical Advisory Group (TAG) to the Governor's Task Force. These 3 DNR staff were able to corroborate that the design advanced by the JPA/Charlie Anderson was the same as what was modeled for Alternative C. Maps were drawn and GIS shapefiles were created and advanced by Charlie Anderson. DNR did not deviate from the plans last discussed by Charlie Anderson during the TAG meetings, thus, no unreasonable assumptions were made. The hand-drawn map included by the commenter was not the alternative advanced by Charlie Anderson.	No change.
88b	Commenter suggests that Alternative C should have located the Diversion Inlet Structure (DIS) on the northwest corner of Horace instead of the southeast.	During the Governor's Task Force, the Technical Advisory Group (TAG) was asked to provide options that could provide flood protection to developed portions of the F-M area. Each TAG member agreed that Horace should be included as a developed portion of the F-M area. Therefore, options developed by TAG kept Horace in the benefited area. If the DIS were located on the northwest corner of Horace and the embankment extending east from there, and the Western Tieback south-southwest, the entire community of Horace would be impacted. DNR members of the TAG do not recall	No change.

General Topic		Alternatives 30 and 31	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		Charlie Anderson advancing a DIS location on the northwest corner of Horace.	

General Topic		Alternatives Screened	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
64c	Commenter would have liked more detail of alternatives and how they relate to environmental review criteria, and clarity regarding the participants of the Alternative Screening Process.	Participants in the Draft SEIS Alternative Screening Exercise are listed on page 4 of the Draft SEIS, Appendix B. All of the participants were DNR staff; thus, all of the decisions made during the exercise were made by DNR. Information presented in Appendix B was intended to be as clear and concise as possible. In many cases, reasoning for screening an alternative out was self-evident and doesn't require a lot of explanation. In some cases, assumptions were made or detailed analyses were conducted to make a practical and informed decision. The 2016 Final EIS identifies the assumptions (information or feasibility) and limitations by alternative number on pages 5-6 of Appendix B. For other alternatives, additional information was collected, and those alternatives and the screening reasoning are contained in the details of that analysis. For instance, alternatives	No change.

General Topic	Alternatives Screened		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>containing components with distributed storage would find the infeasible reasoning within the Distributed Storage Report (Final EIS, Appendix C). More recently submitted alternatives, such as Alternative C or the Wild-Rice River-only Diversion, and their screening summaries are described in Final SEIS Appendix B, pages 7-16. To the extent a commenter posed a question about a specific alternative, in response, we provide additional information on the screening rationale. This commenter did not provide a specific alternative questioning reasoning.</p>	
99c	<p>Commenter states that the MN Diversion was improperly screened out of analysis; that statute/regulation must support claim of unpermittable.</p>	<p>Any alternative that involves a diversion channel in Minnesota, such as the MN35K, would have impacts to the state and the people of Minnesota that would be greater than the benefits; and would, therefore, be in violation of Minnesota Statutes 103A and 103G, as well as Minnesota Rule 6115.0410. Therefore, this alternative is infeasible.</p>	No change.
99d	<p>Commenter asserts that the proposed project should have been screened out.</p>	<p>Minnesota Rules 4410.2300, Item H, require that an EIS evaluate the proposed project.</p>	No change.

General Topic		Aquatic and Terrestrial Resources	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
64d	Commenter would have liked to see more comparison studies reference river, forest, fish and wildlife.	Section 3.5 of the Draft SEIS was limited to evaluation of impacts to aquatic and terrestrial resources that are different from what was evaluated in the 2016 Final EIS. The 2016 Final EIS has substantial additional information about impacts to aquatic and terrestrial resources that would occur for both the previously proposed project; these impacts are not anticipated to be different under Plan B. Section 3.5 of the Final SEIS has been revised to include additional information on proposed mitigation measures.	Added additional information on proposed mitigation measures to Final EIS section 3.5.
30e	Commenter concerned about impacts from the Wild Rice River Structure (WRRS) and Wolverton Creek culvert.	Section 3.5.2.1 of the Draft SEIS identifies potential impacts to aquatic and terrestrial resources from the WRRS and Wolverton Creek culvert. Section 3.2.2.1 of the Draft SEIS identified hydraulic impacts of these structures during project operation.	No change.
43d 107h	Commenter expressed concern about fish stranding. Commenter states the SEIS should include information on fish stranding.	The 2016 Final EIS adequately described the potential for fish stranding in the staging area as well as within the diversion channel. Project operation parameters for draining the staging area and reducing flows in the diversion channel have attempted to minimize this potential by limiting the rate of hydraulic change in these areas after peak flood periods. Although helpful, these measures would not prevent the potential for fish stranding.	No change.

General Topic		Aquatic and Terrestrial Resources	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
101d	Commenter is concerned about fish passage and provides articles regarding fish ladders.	Fish ladders are not proposed as part of this project.	No change.

General Topic		Benefits versus Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
20a	Commenter believes the impacts of the project outweigh the benefits.	The purpose of an EIS is to identify and disclose significant impacts so that decision-makers, such as project proposers and regulators, can weigh the impacts in light of project benefits. The DNR will consider the project impacts and quantifiable benefits of the project as part of considering the dam safety/public waters works permit application for the project.	No change.
107d	Commenter is concerned that Minnesota has unequal benefits to impacts.	Draft SEIS section 3.10.2.1.4 identifies that Minnesota would have 9,635 acres removed from flooding, which would be 17% of the total land removed from flooding. This same section identifies Minnesota would receive 33,545 total acres of inundation (existing and new) from the project, which would be 27% of the total inundation from the project. These percentages do not include impacts to North Dakota from construction of the Diversion channel. The DNR will consider the project impacts and quantifiable benefits of	No change

General Topic		Benefits versus Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Scope of SEIS
		the project as part of considering the dam safety/public waters works permit application for the project.	

General Topic		Cemetery Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
67a	Commenter asserts that three cemeteries in Christine (Christine Cemetery, Richland Lutheran, and Pioneer Cemetery) may be impacted by the Project.	<p>DNR looked at the H&H modeling at these cemetery locations under existing and Project conditions. Under existing conditions (the No Action Alternative (with Emergency Measures)), there are no impacts to the Christine Cemetery or the Pioneer Cemetery for the 25-year, 50-year or 100-year events. The Richland Church Cemetery is partially affected by each of these events. Under Plan B, there are no anticipated impacts to any of these cemeteries for the 20-year, 50-year and 100-year flood events.</p> <p>The SEIS defines cemetery impacts: Cemetery impacts are based on the 100-year Plan B peak water surface elevation that exceed the minimum cemetery site</p>	No change.

General Topic		Cemetery Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		elevation, and also where the 100-year Plan B increase is 0.1 feet or greater above the existing 100-year peak water surface elevation. The extent of the impacts can be determined using the peak water elevations and elevation contours.	
27f	Commenter expresses cultural concern over flooding of upstream cemeteries.	Comment does not provide new, missing or draw attention to inaccurate information to provide a response. Potential impacts to upstream cemeteries are described in Final SEIS section 3.10.2 and proposed mitigation for cemetery impacts is described in Final SEIS section 3.10.3.	No change.

General Topic		Cemetery Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
49a, 50a	Commenters are concerned about cost and mitigation around riverbank erosion into the Hemnes Cemetery.	As noted in Final SEIS section 3.10.2.1.2, Hemnes Cemetery is not anticipated to receive additional impact resulting from operation of Plan B. As such, erosion impacts are anticipated to remain as they would under the No Action Alternative (with Emergency Measures) and should be the same with or without the Project. For the cemeteries which may be impacted by operation and which occur within Zones 1 or	No change.

General Topic		Cemetery Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		2 (i.e., staging area), required federal mitigation would be satisfied by establishing flowage easements. There are no federal mitigation requirements for the other potentially-impacted cemeteries located outside the staging area. The USACE has stated that impacts to cemeteries are not considered a taking. The previously completed cemetery studies can be found online at www.fmdiversion.com/studies-technical-documents/ . Their analysis will be amended with data from the Plan B configuration. Additional mitigation for impacts to cemeteries has been proposed by the Diversion Authority and is described in Final SEIS section 3.10.3.4.2. The additional mitigation extends beyond the federal easement limits. For cemeteries within the Property Rights Area and outside of Zones 1 and 2, the Diversion Authority has committed to obtaining flowage easements for potentially impacted cemeteries.	
49b	Commenter is concerned about the cost of burial relocation.	Burial relocation is not a proposed mitigation measure. If burial relocations were to be desired by a family, the decision and cost to do so would be at their own discretion.	No change.
75d	Commenter is requesting information about cemetery mitigation for rural cemeteries.	As described in the 2016 Final SEIS section 3.10.2.1.2, under Plan B, there are five cemeteries upstream of the Dam/Southern Embankment that may experience additional	No change.

General Topic		Cemetery Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>flood depths (ranging from 0.3 feet to 6.3 feet) due to operation of Plan B in a 100-year flood. The potentially impacted cemeteries are Clara Cemetery, Roen Family Cemetery, North Pleasant Cemetery, Eagle Valley Evangelical Cemetery, and Wolverton Cemetery. Four cemeteries (Comstock, Hemnes, South Pleasant and South Pleasant Church) would experience no change in anticipated flood depth, and three cemeteries (Hoff, Lower Wild Rice and Red River, and St. Benedict's) would experience reduced inundation due to operation of Plan B in a 100-year flood. Cemetery mitigation is described in SEIS section 3.10.3.4. See also response to comment 67a.</p>	

General Topic		Church Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
19f, 70d, 111b	<p>Commenters are concerned about loss of current and future parishioners at St. Benedict's Church and the Church's plans for expansion.</p>	<p>DNR consulted with a national Worship Specialist in the Twin Cities area whose specialty is helping churches grow. The Specialist has expertise in spatial and demographic patterns and ministry programming related to church attendance</p>	<p>Added to Final SEIS section 3.10.2.1.2 and 3.10.3.4.</p>

General Topic		Church Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		and expansion. In the Specialist's opinion, it is likely that St. Benedict Church would lose some members because of Plan B. It would also be predictable that most displaced members would still remain part of St. Benedict's congregation. It is unlikely that St. Benedict will get many new members without making changes to their ministry in order to grow. The exact impact Plan B would have on St. Benedicts is difficult to determine. Additional information on the potential impacts of Plan B on St. Benedict's Church has been added to the Final EIS in section 3.10.	

General Topic		Community Social Impact	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
16a	Commenter asserts that Plan B and relocations will disrupt communities.	Concerns around socioeconomic impacts, including community social impacts and stress, are adequately described in the 2016 Final EIS sections 3.16.2.3.5 and 3.16.2.3.10. Since the Final SEIS is a supplemental document, it includes, by incorporation, information contained within the Final EIS.	No change.

General Topic		Construction Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
05a	Commenter suggests that construction impacts can be controlled with proper construction methods and best management practices.	This comment will be passed on to the Diversion Authority and USACE for consideration when developing construction details.	No change.

General Topic		Cost-Benefit Ratio	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
3a, 13b, 75c	Commenter believes the numbers for the cost-benefit are not valid.	The SEIS did not include a cost-benefit analysis, nor did the 2016 Final EIS. A cost-benefit analysis is not required as part of Minnesota environmental review or Dam Safety permitting. Dam Safety permitting does require a project to have quantifiable benefits.	No change.
111c	Commenter questions the values used for farmland in the cost-benefit ratio.		

General Topic		Cultural Surveys	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
73a	Commenter provides information on a cultural cabin that could potentially be impacted.	The cabin mentioned by the commenter (Bernard Bernhardson Log Cabin, CY-HCR-001), was listed on the NRHP as of May 7, 1980 and was described in the 2016 Final EIS in section 3.14.1.1.4. The property has not yet been surveyed because of its location within Clay County. Because the Staging Area hasn't been surveyed, the cabin is one of several that are identified as site leads that require field verification, and will be included in future survey should that become appropriate.	No change.
107j	Commenter believes the number of national register-eligible farmsteads is greater than three.	It appears the commenter is referring to the three National Register Eligible Farmsteads located specifically within the proposed Plan B alignment between the Diversion Inlet Structure and the Wild Rice River Structure. An additional National Register eligible farmstead discussed in the Draft SEIS is situated just south of the proposed location of the Wild Rice River Structure. Since the commenter did not provide additional information regarding a location of potentially missing farmsteads, it is hard to determine if any are missing. It could be that the commenter is thinking of a farmstead/structure in the Staging Area or another area not yet surveyed. It is anticipated that additional National Register	No change.

General Topic		Cultural Surveys	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		eligible properties will be identified as additional surveys are completed.	
114a	Commenter requests that tribal nations be included in future survey, assessment and formal evaluation of sites identified during Phase III survey work.	Comment is acknowledged and has been shared with the USACE and Diversion Authority.	No change.

General Topic		Dam Safety	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
04f	Commenter is concerned about the safety of a high hazard dam.	The dam would be designed to the highest standards. It would have to meet all required factors of safety. A high hazard dam classification is only regarding the consequences of a failure. It is not at all indicative of the likelihood of failure. The likelihood of failure of a high hazard dam is very small.	No change.
51a	Commenter questions how the dam breach analysis accounts for the areas between the Fargo levees and the Dam that are, or will be, developed.	The dam breach analysis does not account for additional infrastructure that might be built after the project. Permitting will consider the potential impact to future development. Future development would be accounted for in later dam breach analyses and any updates to the Emergency Action Plan. DNR would recommend that land	No change.
101h	Commenter is concerned that the dam breach analysis should have considered the benefited area as fully-developed.		

General Topic		Dam Safety	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		within the "high impact zone" (where depth times velocity values are greater than 7) would not be developed. See also response to comment 67e.	
64h	Commenter asserts that the dam breach analysis does not describe a catastrophic failure event.	The dam breach scenarios that were modeled were discussed with both North Dakota and Minnesota dam safety engineers, including the decision to not include a seismic activity parameter due to the low seismic activity of the F-M area). The dam breach analysis models a failure during the 90,000 cfs event, which is approximately 3 times greater than 2009 record. The results of the scenarios appear to be conservatively realistic for such a cataclysmic event. Note that any scenario that includes storage of water behind the dam would be due to a major flood event, and regardless of the cause of the dam breach, the dam owner and emergency officials would be on alert during that flood event.	No change.
67e	Commenter questions if the Project will include a "no build zone" on the downstream side of the embankment for the purpose of safety.	Minnesota Rule 6115.0410, subp. 8 requires the Commissioner to "furnish information and recommendations to local governments for present and future land use controls to minimize risks to downstream areas." Should the project be approved, that recommendation would be made based on the dam breach inundation maps. See also response to comment 51a.	No change.

General Topic		Dam Safety	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
98c	Commenter is concerned about the safety of Horace residents, given the proximity of the City to Plan B alignment.	As shown in the Dam Breach Analysis (Final EIS Appendix H, comparing Figures 27 and 33 for the 100-year event), very little of the city of Horace would experience a depth times velocity factor to be considered hazardous. Parts of the city could get wet, but the safety of the residents should not be in jeopardy.	No change

General Topic		Debris Clean-Up	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
74g	Commenter questions who is responsible for cleaning up debris of fish carcasses.	Section 3.10.3.3 of the Draft SEIS identifies a proposed post-operation debris, private land clean-up plan that would be implemented for clean up debris.	No change.

General Topic		Developer Benefits	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
19e, 24d, 74h, 111d	Commenters assert that the Governor of North Dakota has a personal financial interest in the Project.	The Diversion Authority has stated, in developing alternatives and eventually selecting a proposed project, that it was not influenced by any individual potentially benefitting or impacted due to the proposed	No change.

General Topic		Developer Benefits	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		Project or any of the alternatives. The specifics related to the benefits and impacts as a whole were considered, but this consideration was not done at an individual property owner level.	

General Topic		Drainage	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
90c	Commenter poses questions about drainage and conveyance of water from the staging area.	Drainage ditches are proposed on the south side of the southern embankment to drain water from the staging area. Most of this water would drain to the Wild Rice River. Additional information on drainage of the staging area is included in the Final SEIS.	Additional information on staging area drainage was added to the Final SEIS sections 2.1.1.9 and 3.7.2.1.3.
90i	Commenter questions the location, capacity and direction of a specific section of drainage ditch in Minnesota, and provides recommendations for modification.	This comment will be passed on to the Diversion Authority and USACE for consideration when developing additional drainage details.	No change.

General Topic		Eastern Tieback Concerns	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
23a	Commenter is concerned about the embankment near the Wilkin County line.	The commenter asserts that the southern embankment alignment near the Wilkin County line is a big problem, but provides no other details as to what the problem may be. Wilkin County has provided comments to the DNR indicating that the project is incompatible with the county land use ordinance and comprehensive plan. The location of the project and geographic extent of impacts into Wilkin County has been identified as an area of controversy. Modifications to the embankment, including relocating the embankment to be on the County line, is also discussed as a recommended mitigation option in Final SEIS section 6.1.1.1.	No change.

General Topic		Economic Analysis	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
32b	Commenter suggests developing an economic analysis of a scenario involving development on high ground east of Moorhead instead of floodplain south of Fargo.	The Draft SEIS does not include benefits from potential future development. The socioeconomic analysis contained in the 2016 Final EIS also did not include economic benefits from future development. There is an assumption that future development would occur in the Fargo-Moorhead area,	No change.

General Topic		Economic Analysis	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		but the economic analysis for the previous project and Plan B does not include benefits from future development. The scope of the SEIS does not include economic analysis of future development and this information is not essential to understanding the impacts and benefits of the proposed project.	
90h	Commenter asserts that the project is "new" and that the USACE should complete a new economic analysis.	The State also never completed, nor is required to complete, a cost-benefit analysis for projects. A cost-benefit analysis was a requirement of the USACE for their project development. The cost-benefit analysis, regional economic impact, and demographic analysis conducted for the 2016 Final EIS was completed on a regional scale that would not change significantly as result of the changes in Plan B. As such, the DNR determined as part of scoping the SEIS that these analyses would not be re-evaluated.	No change.
98a	Commenter requests the Final SEIS include a socioeconomic analysis of Plan B on the City of Horace.	The DNR believes that changes proposed between Plan B and the previously proposed project are not substantial enough to change the regional economic impact analysis. Additionally, the regional economic impact analysis was conducted in such a way that individual city impacts cannot be separated out. The request to analyze the economic impact of Plan B on the City of Horace is not possible with the impact analysis. The State also never completed, nor is required to	No change.

General Topic	Economic Analysis		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		complete, a cost-benefit analysis for projects. A cost-benefit analysis was a requirement of the USACE for their project development. However, some of the concerns mentioned by the commenter regarding transportation impacts are covered in SEIS section 3.7 (Infrastructure). Impacts to Horace are also a consideration in the dam safety shadow of impact, which is covered in SEIS section 3.9 (Dam Safety).	

General Topic	Economic Considerations, Housing Flood Insurance		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
08a, 11a	Commenter requests an economic impact analysis of flood insurance on housing.	Since the Final SEIS is a supplemental document, it includes, by incorporation, information within the 2016 Final EIS. Information on the economic impact of flood insurance on housing is described in the 2016 Final EIS in many places. Final EIS section 3.16.2.3.4 notes the NFIP indicates the average flood insurance policy costs about \$650 per year. These costs are higher for properties in high risk areas and higher for properties with basements below the	No change.

General Topic	Economic Considerations, Housing Flood Insurance		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>base flood elevation. For example, a policy that includes \$250,000 in coverage for the structure and \$150,000 in coverage for contents has a premium of \$1,958 per year (\$1,191 for structure only) and this cost is expected to increase 10 percent-18 percent per year as the Homeowner Flood Insurance Affordability Act is implemented and as the Biggert Waters Flood Insurance Reform Act of 2012 and subsequent 2014 Homeowner Flood Insurance Affordability Act are implemented. The 2016 Final EIS, section 4.2.7.2.3 also describes: The No Action Alternative (with Emergency Measures) provides some flood risk reduction through the implementation of planned emergency measures in the F-M urban area. Some current and planned FDR projects do or would have FEMA accreditation; however, not all current conditions and emergency measures would provide a certifiable 100-year level of protection needed for FEMA accreditation in the future. This alternative would [require] the need for flood insurance to support financing for real estate transactions. The locations of each type of emergency measure are mapped with instructions for implementation at various times and stages of flooding. In general, the</p>	

General Topic	Economic Considerations, Housing Flood Insurance		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>social and economic effects of the No Action Alternative (with Emergency Measures) are anticipated to be beneficial to the F-M urban area by reducing flood risk. However, emergency measures in the F-M urban area require significant financial and human resources, including thousands of volunteers. Additionally, the 2016 Final EIS notes in Table 5-1, that for the previously-proposed Project, flood insurance costs would reduce by 17,714 structures in F-M urban area. The Northern Alignment Alternative reported flood insurance cost reductions for 17,646 structures in F-M urban area. Similar reduction in structures needing flood insurance are expected under Plan B. The 2016 Final EIS, Tables 6-17 and 6-19, note that existing structures that would be within the newly designated floodplain would require flood insurance or would need to be mitigated. DNR believes the information requested has been adequately covered.</p>	

General Topic		Economic Considerations, Plan B	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
03d	Commenter states that Plan B takes away the economic development for Horace, ND.	The DNR referenced the Southwest Metro Transportation Plan and considered alongside Plan B. The proposed Southern Embankment location would not directly impact the County Road 17 corridor or the 100th Avenue South corridor. However, the relatively close location of the Southern Embankment to the proposed industrial and commercial land uses could decrease the desire for business to locate there. Additionally, the Southern Embankment might carry downstream development restrictions aimed at protecting public safety. Reduced desirability to locate and potential development restrictions could have an impact to the City of Horace. This information was added to the Final SEIS.	Added to Final SEIS sections 3.8.2.1 and 3.10.2.1.4.

General Topic		Editorial	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
51j	Commenter asserts that construction should be considered an impactful activities.	Construction would create direct impact within the construction area. Properties and structures potentially impacted by inundation during project operations is also an impactful activity.	No change.

General Topic	Editorial		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
89aa, 89aaaa, 89bb, 89bbbb, 89cc, 89ccc, 89d, 89dd, 89ddd, 89dddd, 89e, 89e, 89eee, 89eeee, 89f, 89ff, 89fff, 89g, 89gggg, 89h, 89hh, 89hhh, 89hhhh, 89i, 89ii, 89iii, 89j, 89jj, 89jjj, 89jjjj, 89k, 89kkk, 89kkkk, 89l, 89ll, 89lll, 89llll, 89m, 89mm, 89mmm, 89n, 89nn, 89nnnn, 89o, 89oo, 89ooo, 89p, 89pp, 89ppp, 89q, 89qqq, 89r, 89rr, 89rrr, 89rrrr, 89s, 89ss, 89t, 89tt, 89tttt, 89uu, 89v, 89vv, 89vvvv, 89www, 89wwww, 89x, 89xxxx, 89yy, 89yyy, 89z, 89zzz	Commenter suggested several editorial changes to the Draft SEIS. Comment IDs that are referenced (89...) are contained in the USACE’s comment spreadsheet.	Editorial comments were considered and changes made either in whole or partially by adding, deleting, clarifying, or replacing throughout the document.	Minor edits were made.
89aaa, 89aaaaa, 89bbb, 89c, 89cccc, 89ffff, 89gg, 89ggg, 89iii, 89mmmm, 89nnn, 89oooo, 89pppp, 89q, 89qqqq, 89sss, 89ssss, 89ttt, 89u, 89uuu, 89uuuu,	Commenter suggested several editorial changes to the Draft SEIS. Comment IDs that are referenced (89...) are contained in the USACE’s comment spreadsheet.	These suggested editorial comments were considered, but no changes were made to the document.	No change.

General Topic		Editorial	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
89vv-1, 89vvv, 89w, 89ww, 89xx, 89xxx, 89y, 89yyyy, 89zzzz			

General Topic		Emergency Services	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
04g, 25c	Commenters are concerned about eroded roads and the impact on emergency access.	Since the Final SEIS is a supplemental document, it includes, by incorporation, information within the 2016 Final EIS. Information on emergency service access was not a scoped topic for the SEIS. However, information on emergency service, evacuations and access is adequately described in the 2016 Final EIS section 3.16.2.3.2. The Unbenefited Areas would experience more substantial impacts during Project operation due to flooding and road closures in many rural areas. However, within the staging area boundary, it is anticipated the need for emergency services would be minimal, as there would be few residences remaining in that area. For anyone stranded in the staging area during project operation, emergency services are provided, even during significant flood and natural disaster events and under less than	No change.

General Topic		Emergency Services	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		ideal conditions (i.e., tough road/travel conditions), as needed, 24 hours per day. Plan B is anticipated to result in similar impacts.	
74f	Commenter is concerned about evacuation from the OHB Levee.	An evacuation plan for the entire Project Area, including OHB and the protected area, would be developed as part of the Operations and Maintenance Plan for the Project upon its completion. This would be a requirement of the final Letter of Map Revision and Accreditation through FEMA that would be sought after Project completion. Access to the OHB area would be provided via grade raises to Interstate 29 through the staging area and Cass County Highways 18 and 81 south of the OHB area.	No change

General Topic		Environmental Concerns	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
109b	Commenter is generally concerned about impacts to wildlife and land.	Since the Final SEIS is a supplemental document, it includes, by incorporation, information within the 2016 Final EIS. Impacts to wildlife and habitat, including river bank instability and potential loss of riparian and upland forests, were adequately described in the 2016 Final EIS sections 3.3	No change.

General Topic	Environmental Concerns		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		3.9, and new information is described in Draft SEIS section 3.5.s. Mitigation is proposed for the loss of forest and river geomorphology is proposed to be addressed as part of the monitoring in the Adaptive Management and Monitoring Plan (AMMP, Appendix G).	

General Topic	EO 11988		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
66b	Commenter asserts the Diversion Authority has not followed EO 11988.	Principles contained in the Water Resource Development Act, Executive Order 11988, and the 1998 Mediated Settlement Agreement are not specific requirements that must be considered as part of DNR's water permitting decisions. To the degree that these principles are codified in rule and law, they will be addressed as part of considering the permit application for dam safety/public water works. See also response to comment 99a.	No change
99a	Commenter believes that the principles of EO 11988 specific to the protection and development of the floodplain are not	Consideration of the dam safety/public waters works permit application will include an evaluation of how well the project complies with the requirements of the	No change.

General Topic	EO 11988		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
	embodied in the Project, and this is a fatal flaw of the Project.	Minnesota Floodplain Management Act. See also response to comment 66b.	

General Topic	Farmland Flood Insurance		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
105b	Commenter asserts that many Red River Valley farms in the staging area would have to purchase farm flood insurance for new impacts.	The proposed mitigation for land, including agricultural land, is described in Final SEIS section 3.10.3.3. Mitigation for land is proposed to be a combined effort between the USACE and the Diversion Authority. All land within the Property Rights Area (up to the Probable Maximum Flood elevation of 923.5) will receive a flowage easement. Flowage easements are intended to mitigate for damages and costs caused by operation of a flood control structure. Easement values will vary based on appraisal (more information on easement value is described in section 3.10.3.6). Full details on land mitigation can be found in the Property Right Acquisition and Mitigation Plan (Appendix F).	No change.

General Topic	Federal Crop Insurance		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
102d	Commenter states that federal crop insurance is not available following a man-induced flood event.	<p>Since the Final SEIS is a supplemental document, it includes, by incorporation, information within the 2016 Final EIS. Information on federal crop insurance was not a scoped topic for the SEIS. However, information on federal crop insurance is mentioned in the 2016 Final EIS sections 3.16.2.2.2 and 3.16.2.4.8. These descriptions would not change under Plan B. According to the USACE's Final Feasibility Report EIS, USDA Risk Management Agency has indicated the purchase of crop insurance in the staging area could still be obtained; however, flood impacts resulting from the Project may not be covered. Federal crop insurance would apply to crops which can be planted prior to the established late planting dates. The Diversion Authority's Property Rights Acquisition and Mitigation Plan (Final SEIS Appendix F) contains a proposed Summer Operation Supplemental Crop Loss Program (the Program). The Program would provide producers coverage for the risk associated with Project-induced flooding on growing crops. This program would be available for producers in the upstream mitigation area, which is defined as the area below the elevation of the spillway, which is expected to be 923.5 feet (NAV88). This is the same area where the Diversion Authority will</p>	No change.

General Topic	Federal Crop Insurance		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>obtain flowage easements, which would be one-time compensation payments for the potential impacts associated with delayed planting, prevented planting, debris, loss of development rights, etc. A producer could submit a damage claim and then a claims adjuster would evaluate the claim to determine liability, if any, for the damages. If the claims administrator and adjuster find the Project is liable, then the Diversion Authority would make the payment to the producer from its self-funded reserve fund. To be eligible for the Program, a producer must participate in a federal crop insurance program, have growing crops within the upstream mitigation area, and have notified the Diversion Authority of his/her intent to participate in the Summer Operation Supplemental Crop Loss Program. The Diversion Authority's Program would provide 90 percent coverage for all crop damages directly caused by summer operation of the Project, regardless of year or crop grown. The Diversion Authority will be developing additional information regarding the Program within the next 12 to 24 months.</p>	

General Topic		FEMA	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
115b	Commenter observes that LOMR changing 100-year flood would create development restrictions in those areas.	Section 3.3.2.1 of the Draft SEIS identifies that a LOMR for Plan B would change the delineation of floodplain and floodway boundaries. The text does not indicate that these new delineations would create additional development restrictions, but the commenter is correct that these changes would create additional development restrictions. This information will be added to the Final SEIS.	Added the text to Final SEIS section 3.3.2.1.

General Topic		Flood Insurance	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
74e	Commenter questions if OHB residents will be required to carry flood insurance.	The OHB ring levee is designed for flood events above the 100-year flood event. Assuming the OHB is accredited by FEMA for the 100-year flood event, flood insurance would not be required.	No change.

General Topic	Flood Risk Transfer		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
4c, 4d, 19a, 27c, 31a, 35a, 63a, 75b, 82b, 99e, 100a, 101b, 105, 107m	<p>Commenters have many concerns about the fairness of flood risk transfer, including, but not limited to:</p> <ul style="list-style-type: none"> • Flood impacts on land that has never flooded. • Pushing water on them is unfair. • Upstream inundation for the protection of houses in the floodplain. • Flooding dry properties to protect floodplain at the socioeconomic expense of those communities. • Flooding high ground to save low ground. • Flood prone land shouldn't be saved for land that has never flooded. • The Project is too big and puts too much new flooding on areas that never flooded before. • The transfer of risks and benefits between MN and ND and the area south of Fargo to the staging area. • Richland County is being impacted to protect Cass County. • Transfer of impacts from natural floodplain to newly inundated areas. • Flood impacts on land that has never flooded and that Plan B removes all the flooding from ND and puts it on 	<p>Chapter 3 of the Draft SEIS identifies the potential impacts of transferring flood risk from the Fargo-Moorhead area to the area upstream of the southern embankment. Section 3.10 of the Draft SEIS identifies the geographic distribution of flood impacts from Plan B, including the extent of flooding impacts/benefits on Richland, Cass, Clay and Wilkin Counties. There are a total of 12,050 acres that would receive flooding from project operations during a 100-year flood, which does not flood during existing conditions. Section 3.10.2.1.4 of the Draft SEIS identifies that during a 100-year flood event, total inundation within the project area in Minnesota without the project is 39,503 acres. 9,635 of these acres would be removed from flooding by the project. This leaves 29,868 acres of existing 100 -year inundation within Minnesota. With the Project, there would be 33,545 total inundated acres in Minnesota, of which, 3,677 would be newly-inundated acres. The project would involve removing 47,247 acres of flooding in North Dakota and cause flooding for 3,677 acres in Minnesota that would not normally be flooded by a 100-year flood event.</p>	Added to “Issues and Areas of Controversy” section.

General Topic		Flood Risk Transfer		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS	
	<p>high ground in MN that has never flooded.</p> <ul style="list-style-type: none"> Running or draining water on Richland and Wilkin Counties is not fair. 	<p>The concern of flood risk transfer is discussed in the “Issues and Areas of Controversy” section at the beginning of the Final SEIS. A determination of whether this transfer of flood risk is in public interest will be made during the DNR’s consideration of the Diversion Authority’s Dam Safety/Public Water Works application.</p>		

General Topic		Flowage Easement Value		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS	
111a	<p>Commenter questions the value and timing of a flowage easement.</p>	<p>Flowage easements would need to be acquired prior to operation because that is when the potential impacts would occur. The current estimate for completing acquisition of flowage easements and properties in the upstream mitigation area is 2025. It is possible many of the flowage easements could be acquired sooner. Final SEIS section 3.10.3.6 describes information on the process and schedule for determining flowage easement value. The Diversion Authority is currently completing a study to help determine the value of flowage easements and expects to have the Final Report from the Phase 1 Flowage Easement</p>	No change.	

General Topic		Flowage Easement Value	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		Valuation Study in November 2018. The Report will be posted on the Project website (www.fmdiversion.com).	

General Topic		Funding	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
66d	Commenter is concerned about long-term maintenance costs of the Project.	The project would have long-term maintenance costs that are proposed to be paid by local sales tax or assessment districts. The majority of the project is earthen construction, which if maintained, would last well beyond 50 years. The control structures are made of concrete and steel, so parts of the control structure may need to be replaced after 50 years, but not the entire structure. Minnesota Rule 6115.0390 allows the state of Minnesota to require financial assurance to assure perpetual maintenance.	No change.
101i	Commenter states that the Proposed Project is financially unsound.	Financial viability of a project is the responsibility of the project proposer. Final SEIS Appendix F describes the proposed funding mechanisms for the proposed Project. Minnesota Rule 6115.0390 allows the state of Minnesota to require financial assurance to assure perpetual maintenance.	No change.

General Topic		Funding	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
30d	Commenter questions how the project will be paid for.	Funding for the project is proposed from a variety of sources. The DA indicates that member taxing authority and assessment districts would be used. The DA would also seek federal and state funding, which would also come from public funds such as taxes.	No change.
51b	Commenter is concerned about funding for adaptive management situations, stating that sales tax and district funds are not sufficient.	Funding for the project is proposed from a variety of sources. The DA indicates that member taxing authority and assessment districts would be used. The DA would also seek federal and state funding, which would also come from public funds such as taxes. Minnesota Rule 6115.0390 allows the state of Minnesota to require financial assurance to assure perpetual maintenance and completion of required mitigation.	No change.

General Topic		High Hazard Dam	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
17c	Commenter is concerned about the high hazard dam component of Plan B.	Alternatives that did not involve a high hazard dam did not meet the project purpose and need, or they produced significant downstream impacts that made the alternative unpermissible. See also response to comment 4f.	No change

General Topic		High Hazard Dam	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
29b	Commenter states that Minnesota law prohibits a high hazard dam.	Minnesota law does not prohibit the construction of a high hazard dam, as long as the dam would meet the requirements of the law. Many of the requirements are spelled out in Minnesota Rules 6115.0410 subp. 8.	No change

General Topic		Hydrology and Hydraulics (H&H)	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
4e, 25b, 27e, 34c, 60b, 73b, 82c, 102b, 107l	Commenters question the extent of the modeled 100-year floodplain under flood levels for the No Action Alternative (with Emergency Measures) (or existing), many stating that areas that do not currently flood are noted as flooded.	Most of the impact analysis and inundation mapping focuses on the 100-year flood event. The Period of Record hydrology used to model the inundation of the project consist of 33,000 cfs at the USGS Gage at Fargo. The highest flood of record recorded the USGS Gage at Fargo was 29,500 cfs during the 2009 flood. Given that the area has not experienced a 33,000 cfs flood, it is understandable that some areas are shown to have inundation for the No Action with emergency measures during a 100-year flood, when that area has not flooded previously during the 2009 flood.	No change
51l, 67f	Commenter questions if the runoff conditions incorporated frozen conditions in the modeling.	The H&H modeling was calibrated to existing spring floods that have occurred during frozen ground conditions.	No change

General Topic		Hydrology and Hydraulics (H&H)	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
63b	Commenter is concerned about the heating of the aqueducts is unrealistic and will result in negative consequences.	Section 3.5 of the 2016 Final EIS addressed cold weather impacts from operation of the aqueducts. This portion of Plan B has not changed since the previously proposed project, and anticipated impacts have been adequately described.	No change
63c	Commenter is concerned that the Wolverton Creek structure will have no control gates installed.	Draft SEIS section 3.2.2.1.3 describes the Wolverton Creek structure impacts. Plan B includes an Eastern Tieback Embankment that would cross Wolverton Creek approximately two miles south of the city of Comstock, Minnesota. A non-gated culvert structure within the embankment would allow flow from Wolverton Creek to pass under the embankment. The culverts proposed for the Wolverton Creek Crossing with Plan B are similar to other existing culverts at nearby road crossings. The H and H Report (Appendix C) identifies a very small increase of 0.11 feet in water surface elevation for the 100-year event just upstream of the Tieback Embankment. This small increase is observed until approximately three miles upstream. DNR has regulatory authority over the Wolverton Creek culvert and would need to approve of any substantive change in the design of this structure.	No change

General Topic		Hydrology and Hydraulics (H&H)	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
72a	Commenter requests that the EIS include a map of previous flood conditions to compare to modeling that was done.	Illustration 3-1 of the Draft SEIS shows 20-year period of record flood with discharge rate of 19,700 cfs that is similar to the 2006 historic flood event. An inundation map of historic flood will not be provided in the Final SEIS. Table 3-1 of the Draft SEIS provides discharge rates measured at the USGS Gage at Fargo for the 10, 50, 100, and 500 -year events used for the period of record hydrology that was used to develop the model. Table 3-2 of the Draft SEIS identifies the discharge rates measured at the USGS Gage at Fargo for historic flood events that can be compared with period of record discharges for comparison. See also response to comment 4e.	No change
72b	Commenter questions why the HEC-RAS model did not include upstream retention.	The HEC-RAS model was used to simulate flood events for the proposed project and the no action alternative. The 2016 Final EIS considered a distributed storage alternative, but this alternative was dismissed as infeasible given the difficulty of the communities of Fargo and Moorhead to implement the many different retention projects that would be needed. Basin-wide retention is an excellent approach to provide local flood protection and should be pursued wherever feasible. Many communities in the Red River Basin, including Fargo and Moorhead, would greatly benefit from the	No change

General Topic		Hydrology and Hydraulics (H&H)	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		implementation of additional upstream storage. Implementation of upstream retention would cause the project to operate less frequently. Upstream retention was not proposed by the proposer, and therefore, was not included in the analysis of Plan B.	
84a	Commenter asserts that predicting and managing water in the Red River and Project area is hampered by extensive tile drainage.	It could be drain tile is a contributing factor of flooding; however, it does not change the need for metro area flood protection.	No change
84b	Commenter suggests that project size and scope be reflective of unauthorized drainage.	Drain tile has been used for decades in the Red River Basin and other watersheds. The proposed project is designed using the POR Hydrology, which captures data up to 2009, and presumably includes the impacts of drain tile flow into and out of the project area.	No change

General Topic		Impacts from DIS Construction	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
19c, 20b	Commenter describes the impacts they have experienced from earth-moving related to the DIS construction.	Impacts on roads and bridges from construction of Plan B and the DIS are in the 2016 Final EIS section 3.13.2.1.1. This section	No change.

General Topic		Impacts from DIS Construction	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>notes "traffic during construction would be routed onto existing infrastructure if available within a reasonable distance. Appropriate placement of construction and safety signage and use of road detours would help minimize impacts."</p> <p>It appears that the Diversion Authority, USACE, or construction partner may not have fully or satisfactorily implemented their 2014 statements/agreements to provide road detours during construction to address impacts during construction (source: March 28, 2014 EIS data submittal). This information will be shared with the Diversion Authority and USACE.</p>	

General Topic		Impacts to Businesses	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
70b	Commenter is concerned about impacts to farm-related businesses.	Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. Impacts to businesses are adequately described, in many places, in the 2016 Final EIS section 3.16 (Socioeconomics). This EIS's	No change.

General Topic		Impacts to Businesses	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		socioeconomic analysis was not conducted in a manner that impacts to specific businesses could be addressed individually. Socioeconomic impacts of Plan B include a potential negative impact on not only the farmers and farmsteads in Minnesota and North Dakota that are impacted, but also supporting and dependent businesses, such as C-W Valley Co-op, which has been in business since 1929. Negative impacts could include possible crop loss and bushel handle, as well as lost sales of inputs of seed, fertilizer and fuel, on which this business depends greatly.	

General Topic		Implementation Concerns	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
74c	Commenter has concerns about implementation timing and operation.	The last proposed phase of construction is the eastern portion of the southern embankment, so it is very unlikely that the project could operate before being fully constructed. In addition, if the DNR were to approve the dam safety permit, it would require separate specific approval of any impoundment and this would only be	No change

General Topic		Implementation Concerns	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		allowed if all land acquisition and mitigation were in place.	

General Topic		Indirection Wetland Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
106b	Commenter states that Minnesota Rules require compensatory mitigation for unavoidable impacts on wetlands, and that currently, there is no proposed mitigation for indirect wetland impacts.	Wetland impacts within North Dakota are proposed to be mitigated within the diversion channel. Mitigation for direct wetland impacts within Minnesota has not been finalized. The Diversion Authority responded to this comment by providing a statement of the current planning for wetland impacts in Minnesota. This planning identifies that the USACE and the sponsors will continue to work with entities such as WCA LGU for Clay County and other entities to identify potential sites for restoration/creation of wetland areas. The Corps' Regulatory in-lieu Fee and Bank Information Tracking System (RIBITS) was used to identify 53.79 wetland credits available for purchase in the primary service area of the Project. In addition, a recent contact with the Clay County Soil & Water Conservation District identified two sites that are currently being restored in Clay	Potential mitigation options for wetland impacts in Minnesota have been added to Section 3.4.3

General Topic		Indirection Wetland Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		County and could potentially be used for mitigation. The two sites are anticipated to produce over 160 wetland credits.	

General Topic		Infrastructure	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
89a	Commenter notes that benefits to infrastructure from the proposed project are not acknowledged in section 3.7 or table 5-1.	A general statement of project benefits will be added to the Project Need section of the Final SIES that reads: "The Fargo-Moorhead area is a major health, education, cultural, and commercial center for the region, and the Project will reduce flood risk for hospitals, schools, businesses, and government infrastructure. The Project will reduce flood risk for the lives and property of 225,000 people, as well as reduce the frequency of the disruptions and risks associated with emergency flood fights."	Language added to Final SEIS, Purpose and Need section.

General Topic		Land Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
24c	Commenter asserts that impacted land (without a structure) will not receive mitigation.	Commenter is incorrect. Final SEIS section 3.10.3.3 states: "Mitigation for land is proposed to be a combined effort between the USACE and the Diversion Authority. All land within the Property Rights Area (up to the Probable Maximum Flood elevation of 923.5) will receive a flowage easement. Easement values will vary based on appraisal." Additionally, information on easement value is described in Final SEIS section 3.10.3.6. Full details on proposed land mitigation can be found in the Property Rights Acquisition and Mitigation Plan (Appendix F).	No change
75e	Commenter is unclear how flooded farm land will be reimbursed.	Mitigation for land is described in Final SEIS section 3.10.3.3. Full details on proposed land mitigation can be found in the Property Rights Acquisition and Mitigation Plan (Appendix F).	No change

General Topic		Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
51c	Commenter is concerned about mitigation for crops planted under contract and potential loss of contract, resulting in a penalty to the farmer.	Agricultural investments always involve risk. The failure to supply agreed contracts could seriously jeopardize future sales. Contract farming offers reasonable supply reliability. Sponsors of contract farming, even with the	No change

General Topic	Mitigation		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>best management, always run the risk that farmers will fail to honor agreements. Working with contracted farmers enables sponsors to share the risk of production failure due to poor weather, disease, etc. The farmer takes the risk of loss of production while the company absorbs losses associated with reduced or non-existent throughput for the processing facility. Where production problems are widespread and no fault of the farmers, sponsors will often defer repayment of production advances to the following season. The use of crop insurance may also be possible. The sponsor and the farmer would likely have to work out an agreement that considered the potential impacts from operation of Plan B.</p>	
97b 92a, 97a	<p>Commenter requests that the City of Grand Forks/East Grand Forks be part of any operations group in order to represent downstream impacted communities and ensure be mitigation for increases in surface water elevation for both the 100-year and 500-year levels.</p>	<p>Required consultation to a specific group of communities and agencies as part of ongoing operations has not been proposed. Minnesota Rules 6115.0380 states that "Regulation of maintenance and operation for public health, safety, and welfare is vested with the commissioner." The suggestion of an operations consultation requirement will be considered in part of the 2018 Permit Application.</p>	No change

General Topic		Mitigation Recommendation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
72c	Commenter recommends that management of agricultural tile would reduce impacts.	The HEC-RAS model used for Plan B did not include distributed storage or agricultural tiling modifications because they were not proposed components of the proposed Project. DNR agrees that any use of distributed storage or agricultural tiling modifications would likely result in localized flood reduction benefits, but would be unlikely to substantially reduce large spring floods that would result in Project operation.	No change
107b	Commenter suggests moving the Eastern Tieback to be located along the County line road to minimize impacts to prime agricultural lands.	This has been included as a recommended mitigation measure in the Final EIS.	Added recommendation to Final SEIS section 6.1.

General Topic		Mitigation Sufficiency	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
25d	Commenter is concerned about mitigation sufficiency and fairness.	The Diversion Authority has indicated a desire to come to agreements with landowners for acquisition of land, structures, or flowage easements rather than having to use condemnation procedures. The process of acquiring land, structures, or flowage easements through condemnation does include an appeal process if a specific land owner feels the compensation is insufficient or if they	No change

General Topic	Mitigation Sufficiency		
	Comment Summary		
Comment ID		Comment Response	Impact on Final SEIS
		believe they are not being treated fairly. Mitigation sufficiency will be determined as part of considering the dam safety/public water works application for Plan B.	
43b, 51k, 67b	Commenters are concerned about the need for landowners to collect and pile flood debris, some saying it is insufficient and that the program should reimburse for cost to complete the work.	Flowage easements would be secured for land that would potentially impacted. The value of these flowage easements would include potential loss of development rights, agricultural production impacts and impacts from debris as a result of periodic and temporary flooding. Full details of the Flowage Easement Plan can be seen in Appendix F, Property Rights Acquisition and Mitigation Plan, version 4, dated August 13, 2018. In addition, as part of the proposed post project operation plan, landowners could approve right of entry agreements for Diversion Authority contractors to collect project operation related debris from their property. Mitigation sufficiency will be determined as part of considering the dam safety/public water works application for Plan B.	No change
47b	Certified organic farms should have higher value than not certified organic.	Land value is proposed to be determined through an appraisal process, which is outlined in the Property Rights Acquisition and Mitigation Plan (FEIS Appendix F; Offer Presentation and Negotiations Process). This process provides an opportunity for appraisal value negotiation.	No change

General Topic		Mitigation Sufficiency	
Comment Summary			
Comment ID		Comment Response	Impact on Final SEIS
67c	Commenter believes delayed or prevented planting due to spring operation should be mitigated.	Flowage easements would be secured for land that would be potentially impacted. The value of these flowage easements would include agricultural production impacts and impacts from debris as a result of flooding. Full details of the Flowage Easement Plan can be seen in Appendix F, Property Rights Acquisition and Mitigation Plan, version 4, dated August 13, 2018.	No change
67d	Commenter questions if impacts just outside the reach area will be mitigated.	Section 3.10.3.3 of the Draft SEIS identifies Land outside the revision reach, but within the Property Rights Area would receive a flowage easement from the Diversion Authority. Land outside both the revision reach and property rights area would need use the proposed Diversion Authority Dispute Resolution Board to receive any mitigation from project operations.	No change
51n	Commenter is concerned that the details of the relocations are still unknown.	The PRAM v.4 that was included as Appendix F of the Draft SEIS generally describes relocations including reference to the Uniform Relocation Act. The Diversion Authority is developing Relocation Guidebooks for farms, businesses, and residences. The PRAM will be updated with these documents. This documents are representative of the materials that the land agents will	No change

General Topic		Mitigation Sufficiency	
Comment Summary			
Comment ID		Comment Response	Impact on Final SEIS
		provide to impacted property owners. The document provides information about moving cost benefits, business re-establishment expense benefits, replacement housing payments, relocation advisory assistance, and other provisions.	
94a	Commenter states that as the project proposer, they are open to discussions with DNR, USACE and themselves regarding mitigation sufficiency for wetlands, aquatic impacts, and fish passage/biological connectivity.	Comment acknowledged. Any new information (since Draft SEIS publication) presented to or discussed with the DNR by the USACE and/or Diversion Authority regarding potential options/modifications for mitigation/monitoring has been added to the Final EIS. Mitigation sufficiency, along with information contained in the Final SEIS and its appendices, will be considered by permitting staff when making a decision on the permit application.	New options and/or modifications for mitigation/monitoring has been added to the Final EIS.
101l	Commenter is concerned that the Diversion Authority would not follow through on mitigation commitments and questions the sufficiency of farming mitigation.	Any mitigation required as part of project approvals and permitting would be enforced through the regulatory agency that required the mitigation. The commenter does not identify what portions or aspects of farming mitigation remain unaddressed. Section 3.10 of the Draft SEIS identifies potential impacts to farming operations and proposed mitigation.	No change
102c, 105e	Commenters state that organic farm mitigation is insufficient.	Section 3.10.3.5 of the Draft SEIS identifies the early acquisition program proposed by	No change

General Topic	Mitigation Sufficiency		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		the Diversion Authority to address the need for organic farm relocation to become certified. This program would allow the organic farmer to continue to farm on the certified land while the relocation site is becoming certified.	
105c	Commenter believes the agricultural mitigation is insufficient.	Section 3.10.3.3 of the Draft SEIS identifies the Property Rights Area. All farmers within this area would receive flowage easements to mitigate for potential impacts. The value of the flowage easement is intended to account for loss of farming productivity.	No change.
105d	Commenter asserts that mitigation for impacts to roads is insufficient.	Section 3.7.3.1 of the Draft SEIS identifies that road and bridge impacts are proposed to be address by the Diversion Authority through a post-operation public lands repair and clean-up plan. This plan would allow local government entities to contract for the repair and clean-up work, then submit those costs to the Diversion Authority for reimbursement.	No change
107g	Commenter is concerned about the relocation aspect of the Structure Acquisition and Removal Mitigation category.	The USACE and Diversion Authority do not propose to re-locate structures that are identified as needing to be acquired. Once a structure is acquired, it would be up to the previous structure owner to decide where, if any place, to build or purchase a new structure. Section 3.10 of the Draft SEIS identifies the number of structures that may	No change

General Topic	Mitigation Sufficiency		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		need to be acquired and thus the potential need for residence, business, or farm structure re-locations.	
107n	Commenter believes that no amount of mitigation would be sufficient to offset the impact within the staging area.	The Draft SEIS identifies many measures to minimize and avoid impacts, as well as proposed or optional mitigation measures that could be incorporated to reduce the impacts. The USACE proposes an Adaptive Management Mitigation Plan that would be used to identify and mitigate environmental impacts that cannot be foreseen. Despite efforts to address all issues, there would certainly be some impacts that go unmitigated. In order to for the project to move forward, those unmitigated impacts would need to be relatively minor. One aspect that cannot be mitigated is the removal of family farmsteads within the staging area that have a strong association to place. These landowners would get fair compensation, but nothing would replace the loss of place that was developed over the generations.	No change

General Topic		Operation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
19b	Commenter asserts that pumping will need to occur to drain the project.	Gravity drainage is the planned method of drainage upstream of the dam, and there is no planned pumping. Existing roadside ditches, legal drains, legal ditches, road crossings, and railroad crossings would continue to provide drainage. Where the Southern Embankment (the entire dam including the Western Tieback and the Eastern Tieback) intercepts drainage, ditches constructed along to the Southern Embankment would direct flow to the Wild Rice River, Red River, Wolverton Creek, or the Diversion Inlet Structure. Draft SEIS, Appendix C, contains figures (5 and 6) showing the drainage paths provided by the ditches along the dam and figures (7, 9, 11 and 13) showing the vertical profiles of these ditches.	No change
107b	Commenter suggests modifications to the project operation to allow greater than 37 feet through feet through town.	Running more than 37 feet through town would exceed the limit for the USACE certifying that the existing levees in town provide 1% flood protection. The current levees tie-in to high ground at River Stage 39. Many engineers, including the USACE staff, require that levee freeboard apply to the tie-in point in addition to the actual levee. Because of the low uncertainty in flow through town with the project operating, the	No change

General Topic		Operation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		USACE would use 2 feet of freeboard for certification (39 feet – 2 feet = 37 feet).	

General Topic		Operation Plan	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
101f	Commenter states that there is not a clear and concise operation plan for Plan B.	A draft, concise operation plan was presented in Final EIS Appendix C. There are many factors that affect operations. The Operation Plan is based on logarithms so the plan is complex.	No change

General Topic		Operation Planning	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
97b	Commenter requests that the City of Grand Forks/East Grand Forks be part of any operations group in order to represent downstream impacted communities.	Minnesota Rules 6115.0380 states that "Regulation of maintenance and operation for public health, safety, and welfare is vested with the commissioner." This suggestion will be considered in part of the 2018 Permit Application.	No change

General Topic		Opposed to High Hazard Dam	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
27a, 104a	Commenters are opposed to construction of a high hazard dam.	Minnesota Permitting standards for a Class 1 dam would apply to Plan B. The DNR must evaluate the project as proposed. Benefits and impacts of this project component are adequately described throughout the Final SEIS. Comment does not provide new, missing or draw attention to inaccurate information to provide a response. Comment acknowledged.	No change

General Topic		Organic Farm, Missing Acres	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
60a, 102a	Commenter asserts that organic farmland in transition should be included in the total organic farm acreage.	The 2016 Final EIS tried to capture environmental impacts and existing conditions at a frozen moment in time. Since the land that is being requested for inclusion is not currently certified, it wouldn't fit the criteria for the inclusion at this moment in time. However, if the land is certified at the time the project Proposer presents mitigation, the acres in question would be included at that time.	No change.

General Topic		Past Comment Consideration	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
99h	Commenter requests that their comments on the 2018 Permit Application be incorporated into their DSEIS comments.	<p>DNR reviewed the commenter's 2018 Permit Application letter to determine if it contained any new environmental effects or missing, incomplete or draw attention to inaccurate information, such that updates would be needed in the Final EIS. After review of the commenter's 2018 permit application comments, DNR found that they did not contain new environmental effects, or missing, incomplete or draw attention to inaccurate information. The majority of the comments in the 2018 Permit Application are legal considerations for the dam safety and work in public waters permit. Judgments on those statutes and rules are not made in environmental review. An EIS is an informational document, not a decision document. The 2018 Permit Application letter did contain a couple comments related to the content of an EIS, and brief responses are provided here.</p> <p>1) In response to the statement that the project purpose is too narrow; this same comment was received and addressed in the 2016 Final EIS. DNR conducted a Purpose and Need Alternative Rescreen Analysis to determine if the purpose and need was too narrowly focused such that it eliminated other lesser impactful alternatives from consideration. The analysis concluded that</p>	No change

General Topic		Past Comment Consideration	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>the alternatives were not dismissed due to a project purpose that is too narrowly focused.</p> <p>2) In response to the claim that the EIS should include all other flood damage reduction alternatives (as outlined in 103G.245); the DNR disagrees. DNR considered all reasonable alternatives per Minnesota Rules 4410.2300, item G, and the permitting staff will use this information in consideration of their permit and Minnesota Statute 103G.</p>	

General Topic		Permit for Diversion Inlet Structure (DIS)	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
20c	Commenter questions the need for a permit for construction of the DIS.	The DIS is located entirely in North Dakota. Draft SEIS section 3.8.3.3, specifically Table 3-7, provides a summary of permits and possible approvals that may be needed for Project construction and operation. These permits and approvals have the potential to include mitigation by requiring avoidance or minimization. Prior to Project implementation, the non-Federal sponsors are required to comply with all applicable	No change.

General Topic	Permit for Diversion Inlet Structure (DIS)		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>federal and state laws and regulations. The USACE has indicated applicable regulations would be followed as required by federal law, and that they would continue to work with state and local government units during Project implementation. Table 3-7 identifies that Warren Township may require a Site Approval for General Ground Excavation with Conditional Use Permit. Additionally, Draft SEIS section 1.5, specifically Table 1-1, identifies that the DIS might require a Construction Permit from the North Dakota Office of the State Engineer (applicant would be the Diversion Authority). Additionally, Section 1.5 of the Draft SEIS identifies the North Dakota Dewatering Permit as being required by the project, if dewatering is required for the DIS. Only a North Dakota entity with jurisdiction at the DIS location can determine the need for a permit. See also responses to comment topic “Regulatory”.</p>	

General Topic		Plan B Unpermittable	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
99b	Commenter states that Plan B is unpermittable for the same reasons as found in the Finding of Fact for the Previously-proposed Project.	Plan B will be reviewed and analyzed on its own merits against Minnesota laws.	No Change

General Topic		Plan Compatibility	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
03b	Commenter believes that transferring flood risk is inconsistent with local land use laws and regulations.	Section 3.8.2.1 of the Draft SEIS identifies how Plan B relates to local ordinances and plans that would be affected by the project. Some of these communities have identified that the proposed changes in flood inundation area are inconsistent with ordinances or plans. This issue is also identified in the Areas of Controversy portion of the Executive Summary.	Added discussion under “Issues and Areas of Controversy” of the Final SEIS.
99g	Commenter questions if the Project complies with local regulations, specifically BRRWD and Wilkin County.		
29c	Commenter states that because the project would negate any benefit from a federally sponsored project, the Sheyenne Diversion, it is not compliant with Federal Acts and Rules.	The USACE responded to this comment stating that Plan B would enhance the benefits provided by the Sheyenne Diversion. The Sheyenne Diversion would still provide protection from the Sheyenne and Red Rivers.	No change
90b	Commenter questions if the project is consistent with the Buffalo-Red River Watershed District’s Revised Watershed	Section 3.8 of the SEIS will be updated with this information. The DNR will consider how compatible the project would be with local	Updates were made to Final SEIS section 3.8.

General Topic		Plan Compatibility	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
	<p>Management Plan (RWMP), or if it is consistent with the mediation agreement. Commenter states that Plan B is incompatible because of the following potential conflicts:</p> <ol style="list-style-type: none"> 1. RWMP Section 4.1.1.6 "balanced approach to managing resources, resolving issues, and implementing solutions: 2. RWMP Section 4.1.1.2 "potential improper floodplain management" 3. RWMP Section 4 goals and policies re: WQ impacts" (RR banks are vulnerable, subject to bank failure and erosion prone" 4. RWMP Section 6 Wetlands "no detailed analysis regarding impacts" (lack of information) 5. RWMP Section 9 Education "DA could do more to work with landowners on the MN side" 	<p>water related plans as part of our decision on the dam safety/public water works permit application.</p>	
94b	<p>Regarding Fargo's Growth Plan, commenter asserts that the concern of protecting sparsely developed land outside of Fargo is resolved.</p>	<p>Plan B proposes to protect less sparsely developed land than the previously proposed project. This has lessened the severity of the issue, but has not resolved it. Plan B would still protect a relatively large area of sparsely developed land.</p>	No change
94e	<p>Commenter asserts that Holy Cross Township's potential conflicts are not an issue because the interim ordinance expired.</p>	<p>Since the Holy Cross Ordinance expired in 2016, it would appear that there is a low likelihood of a land use regulation conflict. However, only Holy Cross Township can make that determination.</p>	No change

General Topic		Plan Compatibility	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
94f	Commenter asserts there are no land use regulation conflicts with the BRRWD.	This comment does not align well with a comment letter received from the BRRWD, which indicates the project is in conflict with their plan. Section 3.8.2.1 of the Draft SEIS identifies how Plan B relates to local ordinances and plans that would be affected by the project. Some of these communities have identified that the proposed changes in flood inundation area are inconsistent with ordinances or plans. This issue is also identified in the Issues and Areas of Controversy section.	No change
94g	Commenter asserts there are no land use regulation conflicts with Wilkin County.	This comment does not align well with a comment letter received from Wilkin County that indicates the project is in conflict with their plan. Section 3.8.2.1 of the Draft SEIS identifies how Plan B relates to local ordinances and plans that would be affected by the project. Some of these communities have identified that the proposed changes in flood inundation area are inconsistent with ordinances or plans. This issue is also identified in the Issues and Areas of Controversy section.	No change
94h	Commenter references Minnesota Rules 6115.0220 as the overarching reason to approve the project in light of plan compatibility.	This comment seems to suggest that the local plans must be consistent with state plans. This is true, as Minnesota Rules 6115.0220, Subp. 5, D, <i>a project must state as a general criteria the proposed project is consistent with water and related land management</i>	No change

General Topic		Plan Compatibility	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<i>plans...provided such plans and programs are consistent with state plans and programs. If local plans are in conflict with the project, it does not necessarily translate to the determination that the plans are in conflict with the statewide plans and programs. In Minnesota, the minimum for local plans must be compatible with state rules, but the local plan can be more restrictive.</i>	
94c-d	Commenter asserts that North Dakota (presumably NDSWC) law trumps Local Law and that North Dakota waives local floodplain management restrictions.	DNR contacted NDSWC in an attempt to verify whether the Commission a) had this [supremacy] authority; and, if yes, b) would choose to act on that authority with the proposed Project. The NDSWC provided a response that did not directly respond to these two questions; therefore, the Diversion Authority's assertions remain in question. The interaction of state law, local ordinances and Plan B will be a consideration of the dam safety/work in public waters permit application.	This response is also included in Final SEIS section 3.8.2.1.
98b	Commenter is concerned about the ability to expand the City of Horace's commercial and industrial development along the 100th Avenue corridor.	The DNR referenced the Southwest Metro Transportation Plan and considered alongside Plan B. The proposed Southern Embankment location would not directly impact the County Road 17 corridor or the 100th Avenue South corridor. However, the relatively close location of the Southern Embankment to the	Added information to the Final SEIS Section 3.8.

General Topic		Plan Compatibility	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		proposed industrial and commercial land uses could decrease the desire for business to locate there. Additionally, the Southern Embankment might carry downstream development restrictions aimed at protecting public safety. Reduced desirability to locate and potential development restrictions would have an impact to the City of Horace. This information was added to the Final SEIS.	
107k	Commenter states the Holy Cross Township water ordinance is missing from the document.	Holy Cross Ordinance No.0001, Section 1, Item 4, indicates that the term of the ordinance is one year from the effective date. The ordinance became effective on January 6, 2015. As such, the Holy Cross Ordinance expired on January 6, 2016. DNR contacted the Holy Cross commenter to receive the most recent version of this ordinance. The ordinance has not been updated. Thus, the ordinance was removed from the list of applicable land use regulations that would apply to Plan B.	No change
115a	Commenter states the Project does not comply with Wilkin County's Land Use Ordinance, Comprehensive Plan or Local Water Management Plan. Reference 20.04, Goal 1d of the Comp Plan, due to loss of agricultural land.	The proposed project would not result in significant loss of agricultural land within Wilkin County. The project does have the potential to inundate agricultural land that does not currently flood and could increase the depth and duration of flooding on land that does currently flood. This would likely result in late planting, crop failures and potential loss of soil productivity for these	Added Wilkin County concerns to Final SEIS section 3.8.

General Topic		Plan Compatibility	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		areas. However, Wilkin County would need to interpret the project's compatibility with their comprehensive plan and ordinances. Wilkin County perspective will be added to the Final SEIS.	

General Topic		Planting Delays	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
66c	Commenter is concerned about planting delays occurring because of project operation.	Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. Impacts to and proposed mitigation for impacts to agriculture, including delayed planting, was adequately described in the 2016 Final EIS sections 3.16.2.3.8 and 3.16.3.2.2.	No change

General Topic		Potential Environmental Hazards	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
49e	Commenter concerned that dump sites on farms formally on high ground will be flooded and trash and debris will come to the surface.	The 2016 Final EIS section 3.7 identifies known areas of potential contamination, but the commenter is correct that unknown dump sites may be disrupted and	No change.

General Topic		Potential Environmental Hazards	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		redistributed within the inundation area. The Diversion Authority proposes a post-operation debris, private land clean-up plan to address this potential. Concepts for this plan are identified in Section 3.10.3.3 of the Final SEIS. See also response to comment 70a.	
70a	Commenter provides the location of some potential environmental hazards.	Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. Impacts from potential environmental hazards was described in the 2016 Final EIS, section 3.7. This section notes the project area has numerous parcels of land and associated structures that may have potential hazardous, toxic, and radioactive wastes (HTRWs) issues. The HTRWs have the potential to contaminate soil and groundwater resources. To identify the potential extent of HTRW issues that may be present in an area or specific parcel of land, Phase I Environmental Site Assessments (ESAs) are typically conducted. A Phase I ESA is an investigation of a parcel of land and its associated structures for potential environmental issues. During a Phase I ESA survey, potential issues are identified by site visits to document current uses and features; searching current and historical records; or interviewing current users, owners, and	No change

General Topic	Potential Environmental Hazards		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>city/county offices. The goal of Phase I ESAs is to identify the potential for recognized environmental conditions (RECs) that exist at a site. RECs are defined as: the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property that have the potential to release into the environment, and therefore, pose a threat due to the potential for contamination of soil, groundwater, or surface water (ASTM 2013). If Phase I ESAs identify RECs and consider a site to be potentially contaminated with hazardous substances or petroleum products, Phase II ESAs are recommended to provide a more detailed investigation, which involves chemical analysis of soil and groundwater to detect the presence of hazardous substances and/or petroleum hydrocarbons. The additional details gathered would provide information necessary to determine what types of RECs may be present, if any, and if avoidance, mitigation or monitoring measures necessary. Additional Phase I ESAs would be needed to address Project design changes. These design changes include, for example, the western alignment shift, eastern alignment shift, southern alignment shift, parts of the staging area, and areas outside the staging area that would be affected during Project operation, as well as</p>	

General Topic		Potential Environmental Hazards	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		proposed mitigation sites. Construction has the potential to impact identified RECs, which has the potential to spread contaminants in soil and groundwater. This could result in potentially adverse impacts to human health and water quality.	

General Topic		Prime Farmland	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
27g, 76b	Commenters expresses concern about loss of prime farmland.	Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. Impacts to Prime and Unique Farmlands is adequately described in the 2016 Final EIS section 1.5.3.1. The Natural Resources Conservation Service (NRCS) is a branch of the United States Department of Agriculture (USDA). The NRCS assists with the conservation of soil, water, air, and other natural resources. The NRCS regulatory programs include the Farmland Protection Policy Act (FPPA) of 1981. The FPPA requires potential impacts to prime farmlands to be identified and avoided as possible for federally funded projects. Farmlands identified are recorded and given a farmland conversion impact rating through completion	No change

General Topic		Prime Farmland	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		of Form NRCS-CPA-106. The impact rating is determined by the NRCS and is used to work with a project proposer to determine avoidance actions as needed to minimize the conversion of farmland into nonagricultural lands. The NRCS evaluated the Project footprint during the USACE's Final Feasibility Report EIS (FFREIS) process and made prime farmland determinations. Because over 90-percent of all farmland in the project area is considered prime and unique, the Project impact is considered to be less than significant. The USACE would continue to coordinate with the NRCS as the Project develops.	

General Topic		Project Cost	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
27d	Project cost should be disclosed and considered prior to any permit	The USACE is in the process of developing an updated project cost. This estimate is not anticipated to be available within the time frame for publication of the Final SEIS. The 2016 Final EIS disclosed economic impacts from the proposed project including project construction, operation and maintenance in Section 3.16.2. The changes in cost and economic impact are not anticipated to be	No change

General Topic	Project Cost		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
101e	<p>Commenter states that mitigation costs should be incorporated into the cost-benefit ratio and overall project cost.</p>	<p>significantly different for Plan B than what was provided in the 2016 Final EIS.</p> <p>With respect to environmental mitigation, costs have been included in the USACE’s 2011 Final EIS (FEIS) cost estimate and subsequent updated estimates for required mitigation projects (aquatic footprint, fish passage, wetlands footprint, riparian forest footprint) and to perform adaptive management activities. For information on how additional required mitigation due to adaptive management would be funded, see section "Financial Assurance Plan for O&M and On-Going Mitigation" in Appendix F Draft Property Rights Acquisition and Mitigation Plan V.4. The USACE plans to continue to include costs for aquatic footprint, fish passage, wetlands footprint, and riparian forest footprint mitigation and for performance of adaptive management activities in their "Plan B" cost estimate.</p> <p>With respect to property rights acquisition and mitigation, costs have been included in the 2011 FEIS cost estimate and subsequent updated estimates. Also, it should be noted that the Project would not be allowed to operate until all upstream property rights (flowage easements or, as required, full acquisitions) and mitigation of structures is</p>	No change

General Topic		Project Cost	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>completed. As the project gets further refined, such as during the CLOMR review process with FEMA, the staging area location may slightly shift, which may change what structures or land rights need to be acquired, but it wouldn't change the plan on how the impacted properties get acquired.</p> <p>All estimated costs for environmental mitigation and property rights acquisitions and mitigation are included within the Diversion Authority's financial model for the proposed Project. See also response to comment topic "Cost-Benefit Ratio"</p>	

General Topic		Project Design	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
96e	Commenter believes the project is oversized.	It is quite common for metropolitan areas to desire flood protection greater than the 100-year event. The Red River Basin Commission's (RRBC) Long Term Flood Solution (LTFS) include recommendations that metropolitan areas should be planning for 500-year flood protection. Additionally, this modification would reduce the upstream staging and storage needs, but it would not, by itself,	No change.

General Topic		Project Design	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		effectively protect against flood events greater than 100-year event. A reduction in the upstream impacts to properties would be realized; however, similar impacts would be transferred downstream. Environmental impacts from a control structure and upstream staging area would be similar. This alternative does not eliminate the control structure, nor would it allow for a smaller structure, so it would not eliminate, minimize or mitigate the impacts of the Class I dam. It would not significantly decrease the environmental impacts of the Proposed Project, while transferring some impacts from upstream structures to downstream structures.	

General Topic		Project Need	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
20d	Commenter believes there is not a need for Plan B.	The 2016 Final EIS includes a description of the project that articulates the long history of flooding in the area that warrant the need for flood risk management. The commenter suggests that the existing levees are good enough. The Draft SEIS does include a No Action Alternative that includes the existing	No change

General Topic	Project Need		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		levees and emergency measures. This alternative would not achieve FEMA accreditation and the subsequent reduction in flood insurance requirements. DNR consideration of the dam safety/public water works permit application will have to determine if the project has quantifiable benefits that could not be achieved by the No Action Alternative.	

General Topic	Project Purpose		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
7c, 13a13a, 17a, 18b 96A,, 24b, 30a, 64g, 70e, 74a, 83a, 96a	Commenters believe the purpose of the project is to develop land south of Fargo, and/or to benefit landowners and developers in Fargo.	Providing development opportunities south of Fargo is not one of the stated purposes of the project. Providing FEMA accreditation for a 100-year flood is a stated project purpose. DNR acknowledges that added flood protection in the metropolitan area would also make development opportunities more attractive south of Fargo. DNR denied the permit application for the previously proposed project in part due to it proposed protection of a large sparsely developed area south of Fargo. Plan B has reduced the area south of Fargo that would be available	No change

General Topic	Project Purpose		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		for development. Regardless of any project proposer's motive, DNR regulatory authority is limited to comparing the Project with the requirements of Minnesota Rule and Statute.	
83c	Commenter asserts that the Project is more protection than needed.	The proposed project would provide significant flood risk reduction for the Fargo Moorhead area. This level of risk reduction would be the largest within the United States portion of the Red River basin. Winnipeg Canada has flood risk reductions that exceed what this project proposes. Determinations on the suitability of the proposed flood risk reduction from the Plan B will be determined with the decision on the dam safety/public water works permit application.	No change

General Topic	Property Acquisition		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
30b	Commenter questions mitigation for non-residential structures.	Based on the commenter's last name and address provided, DNR cross-referenced this information with the Summary of Structures table found in Final SEIS Appendix F (Property Right Acquisitions and Mitigation	No change

General Topic	Property Acquisition		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>Plan). This table notes 33 structures associated with this farm; one residential and 32 non-residential structures. All 33 of these structures are located in the Category 1 mitigation area. Structures in Category 1 would receive the following mitigation: If the structure is located within the floodway, it will be acquired via the typical acquisition process (see the Typical ND/MN Property Acquisition Process sections of the Mitigation Plan), and then removed from the floodway. The current approach to structure mitigation does not distinguish between the type or kind of structure in Category 1. However, the Diversion Authority would like to work with USACE and FEMA to determine the potential for alternative mitigation for farm structures.</p>	
47a	<p>Commenter inquires on the timing of appraisals and early acquisitions.</p>	<p>The Diversion Authority has adopted a plan to conduct formal appraisal reviews for each tract appraisal. The reviews would be completed prior to beginning negotiations with the property owner. The appraisal helps develop the flowage easement value. Flowage easements would need to be acquired prior to operation of the Project. The current schedule and estimate indicates that flowage easements would need to be acquired by 2025. Acquisitions would follow a timeline based on design and</p>	<p>No change.</p>

General Topic	Property Acquisition		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>construction schedules. The following process will be used for early acquisition of impacted properties requiring acquisition or mitigation due to the Project.</p> <ul style="list-style-type: none"> • The Diversion Authority will approve an annual budget with a line item for ‘early acquisitions’. • The Diversion Authority will notify all impacted property owners and make them aware of an opportunity for early acquisition. The notification will be issued after the Conditional Letter Of Map Revision (CLOMR) is issued by FEMA. • If impacted property owners are interested in an early acquisition, they will be instructed to contact the acquiring entity (CCJWRD or MCCJPA), or the Program Management Consultant (PMC). • The PMC will confirm that the interested property is impacted by the Project and assess the budget availability. • If the property is impacted, and if there is budget available, the PMC will recommend proceeding with acquisition of the property. • The acquisition will then commence following the ‘Typical Property Acquisition Process’. • These early acquisitions may be considered voluntary because the acquiring entity may 	

General Topic		Property Acquisition	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		not be able to demonstrate necessity if negotiations are unsuccessful.	
47c	Commenter inquires how current unique property features and benefits will be considered during the acquisition and relocation process.	The Final SEIS Appendix F (Property Rights Acquisition and Mitigation Plan) contains an appraisal section on 'Offer Presentation and Negotiations Process'. This section identifies the process in which appraisals would be presented to the property owners, and how property owners are encouraged to point out any errors, omissions, or additional data that should be considered in estimating the property value. It is anticipated that unique property features could be considered at that time.	No change.

General Topic		Property Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
63a	Commenter expressed concern about his property being in the County assessment district when his property is one that would be impacted by Plan B.	It appears that the commenter owns a number of parcels within Richland County and that are within the upstream mitigation area. The DNR believes that the commenter is referring to the assessment district (FM FLOOD RISK MANAGEMENT DISTRICT NO. 1), which was approved in 2015 and is administered by the Cass County Joint Water Resource District. It also appears that	No change.

General Topic		Property Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>because the commenter would not benefit from the project that there would be no assessment to this assessment district. Properties in the "property rights area" are not assessed as part of the assessment district. Only properties benefitting from the Project will receive an assessment. The Cass County Joint Water Resource District developed a Technical Memo on the assessment district to help understand its complex nature. A copy of that is available at https://www.fmdiversion.com/wp-content/uploads/2017/05/DPAC-Tech-Memo-Final-061015.pdf</p>	

General Topic		Property Mitigation	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
47d	<p>Commenter questions what effect the project would have on property values and insurance rates within the mitigation area, but above the floodplain.</p>	<p>Section 3.10.3.2 of the Draft SEIS identifies five proposed mitigation categories that would be applied to Zone 1 and 2 of the staging area and for areas outside of Zone 1 and 2. Zone 1 is within the floodway, so all structures would be removed and new structures would not be allowed. Mitigation</p>	

General Topic	Property Mitigation		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>categories 3 and 4 could involve mitigation via non-structural measures. In these instances the structures would likely need flood insurance, which is more costly. The area outside the revision reach would not be mapped as 100-year floodplain, so no additional costs are anticipated for structures in this area. Mitigation category 5 proposes a taking analysis to determine if project impacts are sufficient to warrant mitigation.</p>	
90f	<p>Commenter questions what the process for obtaining property approval/easements is.</p>	<p>The proposed Flowage Easement Plan is described in Final SEIS section 3.10.3 and Appendix F. The appendix discusses when a flowage easement would be needed, what a flowage easement is, how a flowage easement value would be determined, typical terms and conditions of a flowage easement, approximately timing for obtaining flowage easements, acquiring entities, and a sample flowage easement document.</p>	<p>No change.</p>

General Topic	Property Values		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
19d	Commenter is concerned that property values in the staging area are so depressed that they will not get fair market value from a buy-out.	Impacts to property values was adequately described in the 2016 Final EIS section 3.16. Impacts to property values are difficult to assess as property values are based on many market factors including location, proximity to jobs, goods and services, weather and climate, quality of soil, natural amenities, such as a river, lake, or golf course, national, regional, and local economies. Due to these factors, it is unknown how property values might be affected following Project construction and after mitigation is complete. However, it could be expected that long-term land value/demand would likely be expected to decrease for land in the inundation due to risk of impacts associated with staging of water. Since the Diversion project was first introduced, it is likely that certain properties with the potential for impact have experienced a decrease in property value. This would particularly impact a land/homeowner if the appraisal value is based off of current property values and comparable sales, rather than a pre-project-introduction value and comparable sales brought up to today's dollars. The appraisal offer can be negotiated, and information brought forth by the land/homeowner should be allowed for consideration.	No change.
108b	Commenter is concerned about their property value and ability to sell the house.		

General Topic	Recreation		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
44a	Commenter supports recreational aspect of project.	Comment does not provide new, missing or draw attention to inaccurate information to provide a response. Comment acknowledged.	No change

General Topic	Regulatory		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
41a	The commenter identifies that NRCS has responsibility under the Farmland Protection Policy Act in documenting conversion of farmland to non-agriculture use when the project utilizes federal funds. Instructions for completing a Farmland Conversion Impact Rating Form AD-1006 are also provided with direction to complete the form when an alternative has been selected.	Comment acknowledged. This information will be provided to the Diversion Authority and USACE.	No change
56a	Commenter states that a permit and documents of risk would be required for work in the right of way.	Section 1.5 of the Draft SEIS identifies this requirement. This information has been shared with the Project Proposer.	No change

General Topic	Regulatory		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
89b	The commenter recommends including a statement regarding sovereign immunity and federal preemption.	This language will not be included in the Final SEIS. Plan B is not a federal project that is subject to federal sovereign immunity or federal preemption.	No change
90a	Commenter states that this project requires a permit from them, and the Diversion Authority has not applied for the required permit.	Section 1.5 of the Draft Supplemental EIS identifies that the project would require construction/floodplain approval from the Buffalo-Red River Watershed District. This information will be shared with the project proposer.	No change
106c	Commenter states that Minnesota expects impacts to Minnesota waters be mitigated within the state, and that wetland exempt from requirements under the Wetlands Conservation Act may still require mitigation under state water quality standard requirements.	Draft SEIS section 3.4.3 identifies that wetland impacts within Minnesota would need to be mitigated within Minnesota. The requirement for wetland mitigation under state water quality standards is acknowledged and this information will be provided to the project proposers. Potential options for wetland mitigation within Minnesota have been added to Section 3.4.3 of the Final SEIS	Wetland mitigation options in Minnesota have been added to Section 3.4.3 – Wetland Mitigation.
110a	Commenter states the Project will require a Sovereign Land Permit if any portion is constructed below OHWM of the Red or Sheyenne.	Section 1.5 of the Draft SEIS identifies the Sovereign Land Permit as being required by the project.	No change.
110b	Commenter states a floodplain permit is required by FEMA, through the NFIP, for development within a SFHA and that NDSWC would play a review role in that process.	FEMA does not issue floodplain permits. Floodplain permits are under the jurisdiction of local government units in Minnesota and North Dakota. Section 1.5 of the Draft SEIS identifies that the project would need a	No change

General Topic	Regulatory		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		CLOMR and LOMR from FEMA. State agencies and local government are consulted as part of FEMA's process for considering CLOMR and LOMR applications.	
110c	Commenter states that a water permit will be required per NDCC 61-04-02 for any surface or groundwater diversion related to construction.	Section 1.5 of the Draft SEIS identifies the North Dakota Dewatering Permit as being required by the project.	No change
110d	Commenter states that a water permit under NDAD 89-03-01-01.3 will be required if storage water is used for a beneficial use, versus just detaining water.	The project does not propose any beneficial use of staged or stored water.	No change
110e	Commenter states that the Project will require authorization through the construction and drainage permitting processes and that any stream crossing proposed to be replaced along the route must meet North Dakota Stream Crossing Standards.	The project proposers will be provided this information.	No change
88c	Commenter concerned that unauthorized construction will have an undue influence on permit decisions.	Any previous construction conducted in North Dakota for the OHB ring levee and diversion inlet structure would have no bearing on DNR's decision on the dam safety/public water works application submitted by the Diversion Authority.	No change

General Topic		Required Permit	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
05b	Commenter states that project may require a temporary dewatering permit if required to discharge water from sources other than storm water runoff, including contaminated groundwater.	Section 1.5 of the Draft SEIS identifies this requirement.	No change
05c	Commenter states that the USACE may require a water quality certification from the NDDOH.		

General Topic		Socioeconomic Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
64e	The commenter would like the human side of impact captured -- how this impacts peoples' lives.	Social impacts was not a scoped topic for the SEIS. The effects of Plan B are anticipated to be similar to effects described for the previously-proposed project, which was adequately described in the 2016 Final EIS section 3.16, as well as the Other Social Effects study completed by the USACE (FFREIS Appendix D).	No change
70c	Commenter is concerned about impacts to the Kindred School District.	Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. Impacts to the Kindred School District	No change

General Topic		Socioeconomic Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		are adequately described in the 2016 Final EIS section 3.16.2.3.5.	
101a	Commenter concerned about socioeconomic impacts of Plan B.	Commenter does not provide enough information on new, missing or draw attention to inaccurate information to provide a response. The 2016 Final EIS adequately describes socioeconomic impacts in section 3.16 and the Final SEIS describes socioeconomic impacts in section 3.10.	No change
51d	Commenter believes that newly-impacted structures should have been weighted a higher impact than structures that currently flood.	Commenter is stating their opinion about degree of impact. DNR does not agree that new impacts will always be a greater degree of impact than additional impacts to an already flooded structure. For instance, a structure that currently experiences inundation of 3" for 2 days, might, under Plan B, experience 36" of inundation for 10 days. On the other hand, a structure that currently experiences 0" of inundation might, under Plan B, experience 2" of inundation for 2 days. The degree of impact for each structure under these scenarios would be up for determination.	No change

General Topic	Soil Salinity		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
49f, 100b	Commenters are concerned soil salinity will fish plants following project operation.	Soil contamination (such as from salt) was not a scoped topic for the 2016 Final EIS or the Supplemental EIS. Much of the staging area already floods during existing conditions without causing increased salt levels in the soil. Salts that are dissolved in the water stay dissolved and leave the area when the water drains away. The Project would increase the frequency and duration of flooding within areas that are currently in the 20-year (and above) flood; however, it is not anticipated that the floodwater would remain on the landscape long enough to evaporate and leave dissolved salts behind. Based on the frequency of inundation, the short duration of inundation and the fact that the water would eventually flow off the landscape and not evaporate on the landscape, it is not anticipated that the Project would appreciably raise salt levels in the soil within the staging area.	No change

General Topic		Stream Stability Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
101g, 108a	Commenters are concerned that Plan B will degrade and destabilize rivers, causing river banks to collapse and erode.	Section 3.5.2.1.2 of the Draft SEIS identifies the potential environmental consequence of project operation may create stream instability due to changes in hydrology and increased inundation that could lead to riverbank slumping. Section 3.3 of the 2016 Final EIS provides additional detail and discussion of this topic. There are few differences in Plan B from the previous project related to this topic. The location of inundation has been shifted to the north and increasing operation to flood events over 21,000 cfs has the potential to reduce the frequency of inundation. The proposed operation of the project would limit reductions in pool stage to less the 2,000 cfs per day. This rate of draining the staging area is meant to mimic natural flood conditions. The Adaptive Management and Mitigation Plan prepared by the USACE and include as Appendix G to the Draft SEIS proposes geomorphology monitoring to identify if bank failure, or other stream stability impacts, are occurring more than anticipated so that the Adaptive Management Team can recommend measures to avoid or mitigate impacts.	No change

General Topic		Structure Count	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
96c, 99h 99h	Commenter believes that the structure counts are inaccurate and thus, benefits are overrepresented.	The structure counts included in the SEIS Tables 3-10 and 3-15 were conducted by the DNR; not the Diversion Authority or USACE. The structure point data was provided by the USACE; this data did not contain "impacted" or "not impacted" subdata. DNR layered inundation shapefiles for Plan B and the No Action Alternative (with Emergency Measures) over the structure points and conducted an independent analysis to determine the "impacted" structures. It is unclear what the commenter might be asserting with this comment. If the commenter asserts that a structure that currently does not flood was somehow categorized otherwise, the commenter is incorrect. Commenter is advised to read the footnotes under tables 3-10 and 3-15 for count parameters. See also response to comment 101j.	No change
101j	Commenter asserts that the structure count data incorrectly assigned "new" impacts to structures that experience impacts under the No Action Alternative (with Emergency Measures).	DNR reviewed the structure count assumptions and parameters and does not believe it misrepresented "new" impacts to structures. As the Final SEIS notes under Tables 3-10 and 3-15: Impact is not defined by a set flood depth. If a structure is impacted by water by any extent, it is considered an impact. Structures impacted are not differentiated by currently inundated and newly inundated structures. These	No change

General Topic		Structure Count	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>assumptions and parameters were applied to both of the analyses for Plan B and the No Action Alternative (with Emergency Measures). With the results of these two separate counts, the reader could determine on their own the "new" impacts, which would be the difference between the two. The decision to include any impacted parcel is material because many of the structures in the upstream staging area would experience increased depth and duration of inundation. For instance, a structure that currently experiences inundation of 3" for 2 days, might, under Plan B, experience 16" of inundation for 6 days. That would represent an impact. DNR believes the commenter is misunderstanding the results of the structure count data, assuming that all impacts are "new", and that was not an assumption of the structure count analysis.</p>	

General Topic		Tenant Farmer Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
18a	Commenter questions what will be done for tenant farmers.	After project operation, the Diversion Authority would complete a post-operation	No change

General Topic	Tenant Farmer Impacts		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>cleanup of debris. An option under this cleanup process would include providing the landowner and/or tenant farmer the opportunity to sign a 'right of entry' to allow the Diversion Authority contractors to enter the private property to remove eligible debris that occurred from the project operating. Full details of the post operation cleanup of debris plan can be seen in Final SEIS Appendix F, Property Rights Acquisition and Mitigation Plan, version 4, dated August 13, 2018.</p> <p>In the event of a summer operation of the project that would damage growing crops, the Diversion Authority would have a Supplemental Crop Loss Program in place. This Program would compensate producers, including tenant farmers, in the upstream mitigation area for crop losses directly caused by operation of the Project during a normal crop growing season. Full details of the Supplemental Crops Loss Program can be seen in Final SEIS Appendix F, Property Rights Acquisition and Mitigation Plan, version 4, dated August 13, 2018.</p> <p>In addition, tenants may be eligible for certain relocation benefits in accordance with the "Uniform Relocation Assistance and</p>	

General Topic		Tenant Farmer Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		Real Property Acquisition Policies Act of 1970" (Uniform Act) which grants protections and assistance for those affected by federally-funded projects. The Diversion Authority would retain relocation specialists who would guide property owners and tenants through the relocation process, including making sure the displaced persons are aware of their benefits under the uniform act.	

General Topic		Transportation Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
30c	Commenter is concerned about school bus routes, roads and emergency services	Since the Final SEIS is a supplemental document, it includes, by incorporation, information within the 2016 Final EIS. Information on school bus impacts was not a scoped topic for the SEIS. However, information on school bus impacts is mentioned in the 2016 Final EIS sections 3.16.2.3.2 and 3.13.2.1.4. These sections note that during construction, disruptions to existing roadways caused by the proposed diversion channel and tieback embankment may cause temporary delays in public	No change

General Topic	Transportation Impacts		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>services, including school bus routes. This section also describes impacts to postal delivery routes, which are anticipated to be similar impacts as those experienced by school bus routes. Phasing and timing of Project construction and the potential impact it would have on school bus routes could be an impact. As roadways are closed, the bus service would need to reconfigure their routes. Each time the routes are reconfigured due to road closures, it would cost the bus service time and expense to plan a reroute. The South Transportation Plan did not evaluate public services, and therefore a detailed assessment of the potential impacts of the Project was not completed for that area. The upstream inundation area would experience more significant impacts during Project operation due to flooding and road closures in many areas. It is anticipated the need for public services and bus reroutes would be minimal for properties located within the staging area boundary, as there would be few residences remaining in that area. An assessment would be completed prior to Project construction.</p> <p>Comment does not provide new, missing or draw attention to inaccurate information</p>	

General Topic	Transportation Impacts		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>regarding road concerns to provide a response. The 2016 Final EIS describes transportation impacts in section 3.13.2.1.1. Plan B impacts are anticipated to be similar. The primary North-South transportation route through the staging area during project operation would continue to be Interstate 29. The edge of driving lanes for Interstate 29 are proposed to be raised to the 100-year flood elevation as outlined in the FM Diversion Plan B Transportation Master Plan, June 7, 2018 (SEIS Appendix D). Other planned roadway improvements in the staging area are also outlined in the Plan B Transportation Master Plan.</p> <p>Commenter is also concerned about emergency service access, which is covered in response to comment topic "Emergency Services".</p>	
43a	Commenter is concerned about north/south road transportation being cutoff, emergency service access, and responsibility of repair of township roads.	As noted in the Final SEIS Appendix F (Property Rights Acquisition and Mitigation Plan), if the Project operates, the Diversion Authority would enact a repair and clean-up plan for public lands. Public lands include township and county roads, drainage ditches, cemeteries, and parks. The plan is specific to repair and clean-up of public lands in the upstream mitigation area from operation of the Project. This plan would	No change
49c	Commenter is concerned about cost for repair and maintenance of roads, bridges and culverts after flood events.		

General Topic	Transportation Impacts		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>allow local government entities (townships, water boards, etc.) to contract for the repair and clean-up work on the public lands, and then submit for reimbursement to the Diversion Authority.</p> <p>During operation, north/south connectivity would be maintained on 167th Ave SE, west of Fargo, Interstate 29 and US Hwy 75. Additional north/south crossings of the embankment would be provided at Cass County Road 17, Cass County Road 81 and 3rd St S in Clay County. However, these roadways would not be raised within the staging area and would become inundated during project operation. Full details on the proposed road improvements along the dam/southern embankment can be seen in Final SEIS Appendix D, FM Diversion Plan B Transportation Master Plan, dated June 7, 2018.</p> <p>See also response to comment topic "Emergency Services".</p>	
51i	Commenter requests loss of access to services be added to summary table 5-1.	<p>Commenter is correct that loss of access to services is not a bulleted item listed in Table 5-1. The loss of access to services was described in the 2016 Final EIS, section 3.16. DNR position is that the impact would not be substantial, therefore, it was not included. This information will be added to the Final SEIS and considered during permitting.</p>	Added to Final SEIS Table 5-1.

General Topic		Transportation Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
63f	Commenter is concerned that roads and bridges will be devastated, particularly for a bridge that connects Comstock, MN and North Dakota	The bridge over the Red River just south of Hickson on Cass Highway 18 is a jointly owned bridge by Cass County ND and Clay County MN. This bridge currently is the first bridge on the Red River in Cass County to be overtopped. This bridge is typically overtopped around 30' on the Fargo gage, and thus, is overtopped before the 37-foot trigger to operate the staging area. The counties would continue to maintain this bridge as per their current plan and there would be no change in the operations or maintenance of this bridge due to the Diversion project.	No change
90g	Commenter requests more information on which roads are going to be raised or maintained in the storage area in MN and and culvert modifications and railroads.	Within Clay County, 3rd St S, 140th Ave S and 160th Ave S would be raised to pass over the embankment. However, roadway elevations within the staging area would remain unchanged. Therefore, during project operation, the roadways would be inundated within the staging area. 130th Ave S, 150th Ave S and 170th Ave S would dead end at the embankment. With the Plan B, functionality of US Hwy 75 and BNSF would be maintained during project operation without impacting or need for improving the existing facilities. Full details on the proposed road improvements along the dam/southern embankment can be seen in Final SEIS Appendix D, FM Diversion Plan B	No change

General Topic		Transportation Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		<p>Transportation Master Plan, dated June 7, 2018.</p> <p>Major drainage improvements within the storage area are shown in Appendix C of the Final SEIS. Figures 5 and 6 show the drainage paths provided by the ditches along the dam and Figures 7, 9, 11, and 13 show the vertical profiles of these ditches. As detailed design progresses, additional modeling and drainage detail would be developed for the remainder of the storage area to ensure positive drainage is maintained during non-operational conditions and to minimize the duration of flooding in the storage area and to target a drawdown of 2 feet per day that is consistent with the drawdown for historic flood events.</p>	

General Topic		USACE Questions and Comments	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
95a	Commenter provided the DNR with the comments they submitted to the USACE that requested a 404(b) hearing and identified four major issues with the Project: 1) Project	This comment was addressed to the USACE. Comment acknowledged.	No change

General Topic		USACE Questions and Comments	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
	is designed to allow development; 2) No explanation of why the MN Diversion was rejected; 3) USACE ignored EO 11988 and WRDA; 4) JPA Alternatives are less-impactful.		
02a	Commenter sent a question for the USACE.	This information will be shared with the USACE.	No change.

General Topic		Vote for Project Approval	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
20f	Commenter wants to vote to approve the project.	There is no formal process by which members of the public can vote to determine if a project moves forward. Spending public money on projects can sometimes result in the need for a public vote in the form of a referendum. There are several potential funding mechanisms for the project, but none of the mechanisms currently contemplated by the Diversion Authority require a vote.	No change

General Topic	Water Quality		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
106f	Commenter recommends the SEIS include sufficient detail to assess the project's ability to comply with Minnesota Water Quality Standards.	Sections 3.4 and 3.5 of the Draft SEIS, and many section of the 2016 Final EIS, have substantial information about the waterbodies potentially impacted and the types of impacts that can be expected. The largest potential impact to these water bodies would be increased sedimentation from construction and operation.	No change

General Topic	Weeds		
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
64f	Commenter would like to see mention of the potential for weeds to be seeded in flooded areas, which would impact farmers and homeowners.	Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. The topic of weed seeding was not a scoped topic for the SEIS; however, the 2016 Final EIS adequately addressed this topic in section 3.11 with the description of impacts from and mitigation for invasive species and noxious weeds. Weeds and their impact on soil health (for agriculture) was also	No change

General Topic		Weeds	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		adequately described in 2016 Final EIS section 3.16.2.3.8.	

General Topic		Wells and Septic Fields	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
68a	Commenter is concerned about impacts to their well and septic drain field.	Impacts to wells and septic systems was not a scoped topic for the SEIS. Since the Final SEIS is a supplemental document, it also includes, by incorporation, information contained within the 2016 Final EIS. The 2016 Final EIS adequately described impacts to and mitigation for impacts to wells and septic systems in sections 3.16.2.3.6. Where there is potential for flood inundation under Plan B, Minnesota Rules, part 4725, which regulates wells for groundwater and drinking water sources, would be followed for requirements regarding flood protection for water-supply wells. In Minnesota, septic systems are regulated by Minnesota Rules, part 7080.2270, which require placement of SSTs components outside of a floodway and avoidance of the 100-year floodplain.	No change

General Topic		West Fargo Dam Breach	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
29a	Commenter states that the Project jeopardizes West Fargo during a dam breach.	For a hypothetical dam breach scenario during a cataclysmic flood event, the project with breach would have equal or less impact on West Fargo than if that same event occurred during existing conditions. For a hypothetical dam breach during the 100 year event, West Fargo would be impacted greater than during existing conditions, assuming the existing levees do not breach during existing conditions. See also response to comment 4f.	

General Topic		Wetland	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
106a	Commenter requests additional information on wetland impacts and mitigation.	Section 3.4 of the Draft SEIS identifies the potential wetland impacts from the Southern and Tieback embankments. The 2016 Final EIS identifies potential wetland impacts from the diversion channel and OHB ring levee. Wetland impacts within North Dakota are proposed to be mitigated within the diversion channel. Mitigation for wetland impacts within Minnesota has not been identified.	No change.

General Topic		Wetland	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
106e	Commenter requests assessing and describing the use of in-water BMPs.	Construction engineering designs have not been developed at a level of detail for identification of specific BMPs to avoid and minimize sediment contamination of surface waters during project construction. The Wild Rice and Red River structures are proposed to be constructed on upland adjacent to the rivers and then the rivers would be rerouted through the structures. Abandoning the existing channel in those locations. Construction of the Wolverton Creek culvert proposes the use of by-pass channel to avoid in water work.	No change

General Topic		Wildlife Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
68b	Commenter is concerned about impacts to migratory bird species.	Section 3.9 of the 2016 Final EIS described potential impacts to wildlife. Ground nesting migratory birds would likely not be nesting at the time of the project operations. The majority of land within the project area is agricultural in nature with limited nesting habitat. The proposed project is not anticipated to impact major migratory bird routes or resting areas. Project operations	No change

General Topic		Wildlife Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		would change inundation areas that could result in some areas not being as favorable as non-project operation years, but other suitable habitat would still be available. Wetlands filled as part of project construction would no longer be available for migratory bird use. Wetland mitigation within the diversion channel and other areas would help mitigate this loss of habitat.	
107o	Commenter states that the SEIS should include information of wildlife stranding and death.	Impacts of stranding from flooding was not a scoped topic of the SEIS. While such a situation could occur, the upland lands within the inundation area are primarily agricultural and limited in wildlife habitat. Wildlife within the existing floodplain are adapted to periodic flooding. As such, this topic was not addressed in the SEIS, nor is mitigation proposed.	No change

General Topic		Wolverton Creek Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
90d	Commenter questions impacts to Wolverton Creek, especially as they pertain to a restoration project.	The Draft SEIS identifies potential impacts to Wolverton Creek in Section 3.4.2. In addition, the interaction of the project to the Wolverton Creek Restoration project	No change.

General Topic		Wolverton Creek Impacts	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
		was identified in Chapter 4 – Cumulative Potential Effects. The proposed design of the culvert on Wolverton Creek would allow flow similar to existing conditions. H&H modeling for the project shows a very small increase in water surface elevation behind the Wolverton Creek culvert. The details of design and specific mitigation measures to avoid or mitigate potential impacts will be considered as part of the dam safety/public water works application.	
101c	Commenter is concerned about maintenance of the Wolverton Creek structure, stating it will stage water and inundate land not previously flooded.	Section 3.2.2.1.3 of the Draft SEIS reports that H&H modeling shows a water surface elevation increase of 0.11 feet for three miles upstream of the Wolverton Creek Culvert during the 100 year event. This small increase is not anticipated to result in additional impacts from increased inundation. Any unanticipated impacts would be addressed as described in the Property Rights Acquisition and Mitigation Plan (Appendix F).	No change.

Nonsubstantive Comments

There were a number of comments received during the public comment period that were considered non-substantive for a variety of reasons, such as an opinion, request to approve or deny a permit application, or general statement about the Project by the commenter.

General Topic		Nonsubstantive Comments	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
48a, 55a, 61a, 62a, 85a, 38a 20c, 14a, 22b 26b, 28b, 54a, 71b, 77b, 79b 81a, 85b, 86b, 87a, 93a	Commenters express overall approval of the project and request DNR approve the permit application, Plan B, move forward with the Project, and urge approval.	The SEIS is not decision document and will not contain a permit decision. Decisions on whether to permit the Project can be made only after the SEIS is determined to be adequate. Permitting is a separate process and is not part of environmental review. Comment acknowledged.	No change.
03c, 04b, 07a, 24a, 49g, 50b, 51o, 64a, 66a, 74d, 82d, 91a, 101k, 107o, 109d	Commenters express overall disapproval of project and request that DNR deny the permit application.	The SEIS is not decision document and will not contain a permit decision. Decisions on whether to permit the Project can be made only after the SEIS is determined to be adequate. Permitting is a separate process and is not part of environmental review. Comment acknowledged.	No change.
17b, 19g, 23f, 63d, 65a, 75a, 82a, 98d 109a	Commenters expressed opposition to the Project in general and/or specifically to Plan B.	Commenter provides their personal and/or professional opinion of the project and does not provide additional areas to analyze. Comment acknowledged.	No change.
06a, 10a, 11c,12a 22a, 26a, 28a, 33a, 36a, 37a, 39a, 40a, 42a, 45a, 71a, 77a, 79a, 80a, 86a, 69a, 113a, 52a 53a, 57a, 58a 59a	Commenters expressed overall approval of the Project and/or specifically to Plan B.	Commenter provides their personal and/or professional opinion of the project and does not provide additional areas to analyze. Comment acknowledged.	No change.

General Topic		Nonsubstantive Comments	
Comment ID	Comment Summary	Comment Response	Impact on Final SEIS
09	DNR received an email without any content.	DNR received an email without any content. Receipt acknowledged.	No change.