

Sibley Island Flood Control Project

Public Informational Meeting

To: Dennis Reep, Manager
From: Michael H. Gunsch, PE, CFM, Senior Project Manager
Subject: Public Meeting Summary
Date: February 16, 2023
Project: HEI No. 6025-0028

On Wednesday February 15, 2023 the Burleigh County Water Resource District (BCWRD) held a Public Informational Meeting (PIM) regarding the Sibley Island Flood Control Project. The full board was in attendance, but took no action related to the project or other matters. A total of 35 people attended, including residents, board members and others, an attendance list is attached. The PIM consisted of introductions and a presentation regarding the project history, development, and next steps toward potential implementation. This meeting was televised and recorded by *Dakota Media Access*, followed by a question-and-answer session, which was not recorded. The following are highlights of the Q/A based on my notes, and input from board members related to the discussions that occurred. This summary is not all-inclusive, subsequently not all items are included in any specific detail.

- 1. A question was raised regarding installing gates on the culverts on Washington Street to prevent floodwaters from entering the old Missouri River Oxbow.**
 - a. Yes - these gates would be installed as part of the project along with a pump system to remove waters from the oxbow during a flood event to mitigate groundwater impacts. The level to which these waters would be removed, remains to be determined, and would be established as part of the Operations and Maintenance Plan, to be developed during final design.

- 2. It was noted assessments should be equalized amongst “all the parcels” to lower the cost for those that are assessed at a higher level.**
 - a. It was noted the ND Century Code (NDCC) states the BCWRD is not to assess any party more than they would receive in benefits. The ND Department of Water Resources Economic Analysis was used to determine the net present value of the benefits accruing to each parcel over the life of the project. These damage estimates then were used to create the assessment tiers to conform to the NDCC standards. Previous flood control projects were assessed under a more uniform or equal assessments based on other factors, however that is no longer standard practice. The economic analysis approach is more defined as it relates to benefits.

- 3. How will the General Sibley Park be impacted, and will the walking trail or other areas be changed?**
 - a. The park entrance roadway will be raised and reconstructed to tie into the high ground barrier. The eastern segment of the park roadway will be raised and constructed to levee standards, but the walking trail on the east side of the park would remain. There will be some disruption in the use of the park during construction, which will be coordinated with the Bismarck Parks and Recreation District and United States Army Corps of Engineers (USACE).

- 4. Why is the park area and properties north of 48th Avenue not being assessed.**
 - a. The park property is owned by the US Army Corps of Engineers and leased to the Bismarck Parks and Recreation District. Federal lands cannot be assessed.
 - b. The property north of 48th Avenue falls into two categories. First, those residences north of 48th Avenue near Washington Street that are already being assessed under the Missouri River Correctional Center Flood Control Project. Second, the remaining properties are protected by the Lincoln Township grades raises. None of the costs for these grade raises are included in the assessment district.

- 5. There were several inquiries relating funding sources.**
 - a. The DWR Cost Share is 60%, Lincoln Twp is paying the 40% of the Washington Street grade raise and those costs associated with the 12th Street and 48th Avenue Grade raises. The grade raises are funded using other sources; therefore, these are not in the assessment district or funded through the ND State Water Commission cost share program. There are no Prairie Dog funds available for this project as they are assigned to transportation projects, not flood control.

- 6. It was noted that environmental issues should not be placed in front of protecting people.**
 - a. The Section 408 criteria for construction on federal properties and impacts along the project alignment associated with wetlands, archeological, etc. are non-negotiable and must be completed and permitted.

- 7. There was a consensus the Glenwood residents were overlooked during the 2011 flood event.**
 - a. The events of 2011 are behind everyone, but the memories are still very clear, and occurred under an emergency declaration. The decisions related to this area were associated with the limited ability to respond quickly and the feasibility to construct protection features in the time available. Such decisions were not made lightly but in best interest of as many parties as practical. Unfortunately, the Glenwood area could not be protected, but this project would now provide that protection.
 - b. This project is the last segment of the *Burleigh County 20-Foot Plan* and would provide protection from a 2011 level event, as well as ice jams.

- 8. Questions were raised regarding the FEMA accreditation of the levee and insurance rates.**
 - a. An accredited levee system that would remove flood insurance is not feasible, as it would have to be around one to two feet higher, which is not economically practical.
 - b. Regarding insurance rates, this question is best posed to the resident's insurance agents, related to the Risk Map 2.0 criteria, as each residence is different. The City of Bismarck is part of FMEA's Community Rating System (CRS) and all receive discount rates based on the City's ordinances, practices and levee systems already constructed. The County is not enrolled in the CRS program; however, the levee construction could be recognized in the insurance rating, but again residence by residence.

- 9. There were questions raised regarding the 2011 event and materials used for the levee on 48th Ave, and where they were disposed of and why they were not used for a levee to protect Glenwood.**
 - a. These materials were placed for temporary flood protection then removed and placed at the new Burleigh County jail site. The material placement and removal were paid for under the FEMA and State disaster funding. New levee construction was not an applicable use under their removal criteria, and at the time no one knew what that system might look like.

10. There were questions as to why the City is not participating in the costs?

- a. First, the properties protected are outside the City limits, so they would not assist, they also have no impacted infrastructure. The protection for upstream properties is principally provided by the grade raises on 12th Street and 48th Avenue by Lincoln Township. These grade raises would create a wider two-lane roadway with shoulders, so an important safety upgrade.
- b. There are several newer urban developments within the City that were identified within the original protection boundary. These properties including their streets will be elevated above the Base Flood Elevation, therefore are not benefited by the levee system.

11. There was a question raised regarding the Fox Island cost increases.

- a. This project was different in several ways, which were outlined briefly describing the key elements that resulted in those cost increases. Those factors do not apply to this project so are not an issue here.

12. The ballot and voting process was discussed along with the mailing of certified notices and the mail delivery delays that currently exist.

- a. The BCWRD was requested to consider an extended voting timeline due to the mail delivery concerns. This was taken under advisement. The anticipated vote would likely be in the June-July timeline at the earliest.

13. There was an inquiry regarding the grading along Oahe Bend and near the school.

- a. It was noted the new Apple Creek break out floodway limits the ability to raise Oahe Bend for access or flood control due to the adverse impacts that would occur along Apple Creek. The school would remain as it is today with temporary flood prevention measures placed on an as needed basis.
- b. This also has to do with access that was used through private properties during the 2011 event and the ability to elevate the driveways. These would have to be evaluated using the new floodplain/floodway mapping to determine what if anything could be completed. This work is not part of the project.