



Burleigh County Water Resource District

PO Box 1255

Bismarck, North Dakota 58502-1255

(701) 354-1501

www.bcwrld.org

December 22, 2022

XXXXXXX

XXXXXXX

Bismarck, North Dakota 58506-5518

Parcel ID: XX-XXX-XX-XX-XX-XXX

RE: Sibley Island Flood Control Project District Informational Update

Dear XXXXXXX:

The Burleigh County Water Resource District (BCWRD) has been working to develop a viable cost-effective flood control project for the Sibley Island Project area. The last public informational meeting was held November 27, 2018, after which a revised alignment was selected through Sibley Island Park, owned by the US Army Corps of Engineers (USACE), to reduce project costs. This letter provides a summary of those items completed or issues that have impacted project development and timeline. Please *understand some properties are no longer included within the protected area, and while you may receive this notice, your property may not be within the anticipated assessment district.*

✓ **Alignment Revision Memorandum {Feb 4, 2019}**

- An alignment revision within the Sibley Island Park occurred following the public informational meeting and resulted in a significant cost reduction by following higher ground and protecting less of the park, see **Exhibit A**. A digital version of this map is available for online for easier viewing (www.bcwrld.org).
- Additional discussions occurred at that time with various landowner(s) west of South 12th Street to select a levee alignment in that location, which resulted in some properties being removed from the protected area.

✓ **Burleigh County Floodplain Map Revisions – {Preliminary Map Release May 13, 2022}**

- An updated Flood Insurance Rate Map (FIRM) for Burleigh County was under development when the project alternatives were under review. A new floodway was defined on Apple Creek as part of the updated FIRM, which impacted the original project alignment on 12th Street and Oahe Drive. As a result, this alignment is no longer viable due to its adverse impacts on flows and mapping on Apple Creek. Project development was placed on a temporary hold during this extended period while the floodplain/floodway evaluation was completed. After the preliminary draft DFIRM information was first publicly available this summer the floodway impacts were confirmed, and a new alternative alignment was selected.
- The alignment west of South 12th Street was set earlier and four alternatives were evaluated to complete the flood protection measures east of this roadway. Each alternative design review included an Opinion of Probable Costs (OPC), which were shared with the BCWRD. Understand these OPC's are preliminary and subject to economic conditions, like inflation, and remain subject to revision.

Current Board Members:

James Landenberger, Chairman 701-426-6439 Cory Palm, Vice Chairman 701-516-4660
Dennis Reep, Secretary/Treasurer 701-595-2142 Roger Smith, Manager 701-400-6283
Randy Binengar, Manager 701-595-4947

✓ **Regulatory Permits {ongoing}**

- The BCWRD has been coordinating with the ND Department of Water Resources (DWR) regarding the potential impacts the project would have on Missouri River water surface elevations. The river hydraulic analysis indicates no adverse impacts occur on water surface elevations associated with project implementation (*Jan 26, 2021*). The project will require a DWR construction permit, and this analysis is part of that application process.
- The BCWRD has been coordinating with the USACE regarding the work that would occur on their property (i.e., Sibley Island Park). Approval was secured to complete a geotechnical evaluation of the Oxbow crossing (*Dec 17, 2020*), which will be utilized for the levee design in this location. The USACE permit process requires a Section 408 permit, for work on federal property, which is likely to require considerable effort and information, and will not occur until after the project is approved by the assessment district.
- The State Historical Preservation Office (SHPO) was contacted and noted a Class 3 cultural survey will be required for the project (Section 106).
- These regulatory permits will need to be submitted and secured prior to requesting cost share funding for construction through the North Dakota State Water Commission (SWC).

✓ **Special Assessment District**

- Creating an assessment district for this project is challenging. The options included the entire protected area by the levee/roadway or just those areas south of the 2011 line of protection on 48th Avenue. Assigning costs based on benefit resulted in a considerable number of variables to evaluate prior to establishing the assessment values. The specific assessment amounts assigned to each parcel are still under review.
- The SWC requires an Economic Analysis (E/A) be completed to determine the project's Benefit to Cost Ratio (B/C). If the B/C is less than one (1) the available cost share percentage is reduced, which increases the amount assessed to each property. This has been a complex time-consuming process and relatively new as it relates to this type of project and the protected property. The BCWRD has been working with the DWR on how to utilize the E/A process to achieve the desired cost share outcome. Several earlier evaluations and projections yielded less than positive B/C results.
- The Special Assessment District boundary has now been defined, based on Lincoln Township's intent to complete their roadway grade raises, using alternative funding. This concurrence improves the B/C ratio on the remaining assessment project.

✓ **Lincoln Township Participation {Burleigh County Highway Department letter, Oct 2022}**

- Initially Lincoln Township concurred with the option that they would complete the grade raises on South 12th Street and Oahe Drive under *Alternative #1*. These were to be included in the overall project expenses and state cost share process.
- Recent discussions with Lincoln Township indicate their intent is to now complete the grade raises on South 12th Street and 48th Avenue after the Sibley Island project is completed to provide the final line of protection, see *Exhibit A*. As a result, *Alternative #2* was selected as the "*Preferred Alternative*" for project implementation. *Alternative #2* reduces the overall benefited area with properties removed from the protected area and lowers the costs to those properties within the remaining assessment district.

- Lincoln Township already has a need to upgrade these roadways, therefore they would not be seeking SWC cost share for this work and would utilize other funding sources. Subsequently, costs assigned to the special assessment district are significantly reduced. Based on preliminary consultations with the DWR they have indicated the roadway grade raise expenses would not be included in the B/C process, thus increasing the ability to achieve a B/C ratio greater than one (1) and, with approval, receive the full 60% cost share.
- Lincoln Township will also participate in the costs associated with raising Washington Street, from their previous 48th Avenue grade raise into the Sibley Island Park entrance. This contribution will be removed from the costs needing to be assessed.
- ✓ **Anticipated Assessment District Boundary {October 12, 2022}**
 - Ultimately the proposed assessment district boundary is defined by Washington Street on the west, the selected alignment through Sibley Island Park east to 12th Street then north to 48th Avenue then east to Sibley Drive as shown on the enclosed map.
- ✓ **Opinion of Probable Cost (OPC) {Subject to Revision}**
 - In 2019 the OPC for the BCWRD's share of this project was projected at \$1,673,169, which was reported as an average assessment of \$6,674 per parcel, including the SWC cost share contribution (103 parcels).
 - While still subject to change, the current OPC for the project cost assigned to the assessment district cost is approximately \$1,853,513. Using the anticipated cost share participation by the SWC and Lincoln Township, including an O&M fund, the total amount to be assessed is projected at \$664,300.
 - The BCWRD is working to update the OPC for the *Preferred Alternative* and then will assign costs to the properties utilizing information from the E/A process.
 - The amount assessed to each parcel will vary based on projected benefits to the subject property. Some properties will have notably higher assessments, while others will be lower using a tiered system of quantified risks. The current projection is that this will range from a low of \$2,600 for undeveloped properties to around \$17,000 for those at the highest risk.
 - Consideration is being given to establish an Operations and Maintenance fund as part of the project approval process.
- ✓ **FEMA Levee Certification**
 - The *Burleigh County 20-foot Plan* system is not certified under the FEMA Flood Insurance program, and as such flood insurance remains a requirement, as does construction to comply with the City/County floodplain ordinance. There is currently a discount provided to the insurable properties associated with the City of Bismarck and Burleigh County's participation in FEMA's Community Rating System program. There are also potential reductions in the Risk Map 2.0 rating system associated with structures being located behind an unaccredited levee system.

It is our hope this letter answers many of your questions. The BCWRD intends to continue working with Lincoln Township to complete the information related to the “*Preferred Alternative*” and the Preliminary Engineering Report. Once that is completed, we will hold a public informational meeting to discuss the project, the assessment district, and cost distributions. After that meeting, we will discuss any changes, funding commitments and proceed with a vote on the special assessment district. The voting process assigns one vote for each \$1 of assessment, therefore, those at a greater risk with higher assessments would have more votes. Should that vote be favorable, a simple majority of the votes recorded is required, the project would move toward construction, which appears to be early 2024. In addition, various documents will be added to our website (www.bcwrld.org) related to this project that will provide an ongoing summary of project development.

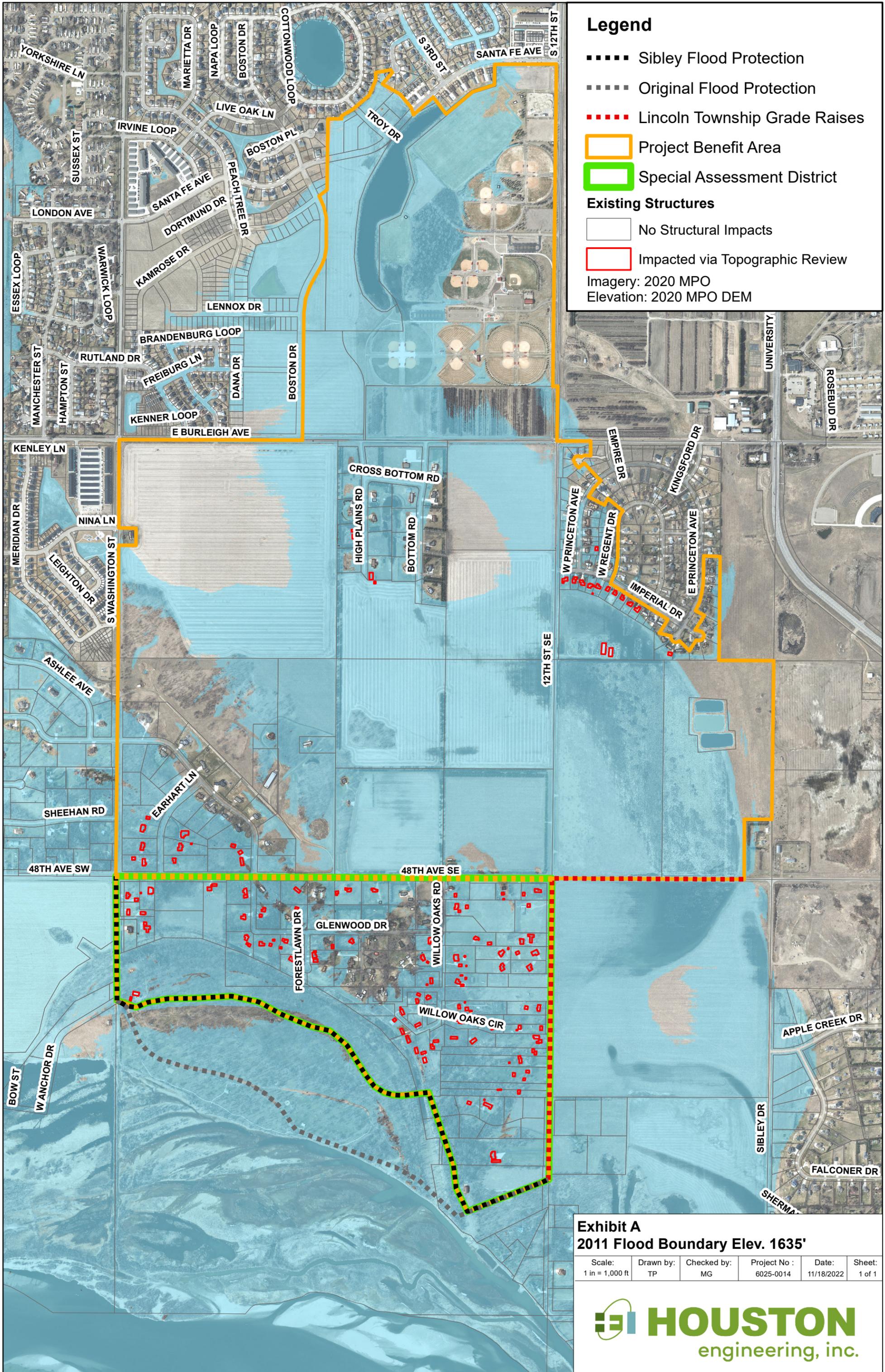
Sincerely,



James Landenberger, Chairman
Burleigh County Water Resource District

Enclosure – Benefited Area and Special Assessment District Map (*Exhibit A*)

CC: Dennis Reep, BCWRD Treasurer
Marcus Hall, Burleigh County Highway Department
Kevin Klipfel, Bismarck Parks and Recreation District
Jerry Woodcox, Burleigh County Commissioner
David Bliss, Bliss Law
Michael H. Gunsch, Houston Engineering, Inc.



Legend

- Sibley Flood Protection
 - Original Flood Protection
 - Lincoln Township Grade Raises
 - Project Benefit Area
 - Special Assessment District
- Existing Structures**
- No Structural Impacts
 - Impacted via Topographic Review
- Imagery: 2020 MPO
Elevation: 2020 MPO DEM

Exhibit A
2011 Flood Boundary Elev. 1635'

Scale: 1 in = 1,000 ft	Drawn by: TP	Checked by: MG	Project No : 6025-0014	Date: 11/18/2022	Sheet: 1 of 1
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