



## UPDATE: 2013-2015 WATER PROJECT FUNDING PRIORITIES

SWC PRIORITY PROJECTS	HB 1020	MARCH 2014 BUDGET SECTION	REVISED PRIORITIES	COMMISSION ACTIONS
Community Water Facility Loan Fund	15,000,000		15,000,000	15,000,000
Devils Lake Flood Control	10,000,000		10,000,000	10,000,000
Fargo Flood Control	100,000,000		100,000,000	
Mouse River Flood Control	61,000,000		61,000,000	28,932,840
Shenenne River Flood Control	21,000,000		21,000,000	14,315,294
General Water Management	33,000,000	10,750,000	43,750,000	5,531,804
Irrigation	5,000,000		5,000,000	556,321
Fargo Water Supply	15,000,000		15,000,000	15,000,000
Northwest Area Water Supply	14,000,000		14,000,000	
Red River Valley Water Supply	11,000,000		11,000,000	3,295,000
Southwest Pipeline Project	79,000,000		79,000,000	79,000,000
Water Supply Program	71,000,000	20,600,000	91,600,000	91,529,082
Western Area Water Supply	79,000,000		79,000,000	40,000,000
Weather Modification	1,000,000		1,000,000	805,202
TOTAL	515,000,000	31,350,000	546,350,000	303,965,543

## SWC CURRENTLY ACTIVE PROJECTS

- Flood Control & Floodway Acquisition Program: 34
- Water Supply: 43
- Irrigation: 6
- General Water Management: 128
- Total Projects: 211

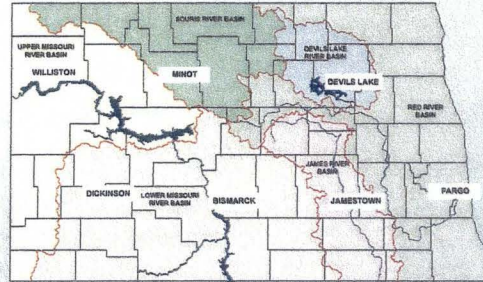




## 2015-2017 PLANNING PROCESS: BASIN MEETINGS

Held Commissioner-hosted Meetings In Six Basins Across The State Last Winter (HB 1206).

- Lower Missouri River Basin (Dickinson)
- James River Basin (Jamestown)
- Red River Basin (Fargo)
- Devils Lake Basin (Devils Lake)
- Mouse River Basin (Minot)
- Upper Missouri River Basin (Williston)
- *Annual ND Water Resource Districts Meeting (Bismarck)*



## 2015-2017 PLANNING PROCESS: BASIN MEETINGS CONTINUED

- Presented Agency Budgeting, Planning & Project Inventory Process; Draft Cost-Share Policy Changes; & Project Prioritization Guidance Concept
- Encouraged Comments On Draft C-S Policy & Prioritization, & Requested Project Submittals
- Possibility Of Second Round Of Meetings...



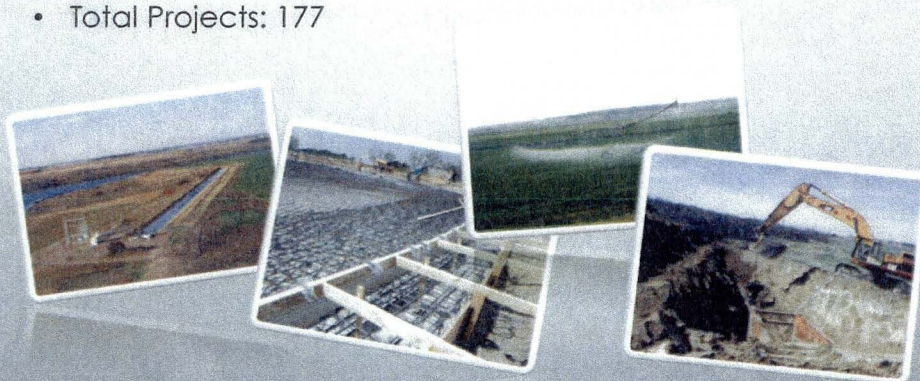


## WATER PROJECT INVENTORY PROCESS

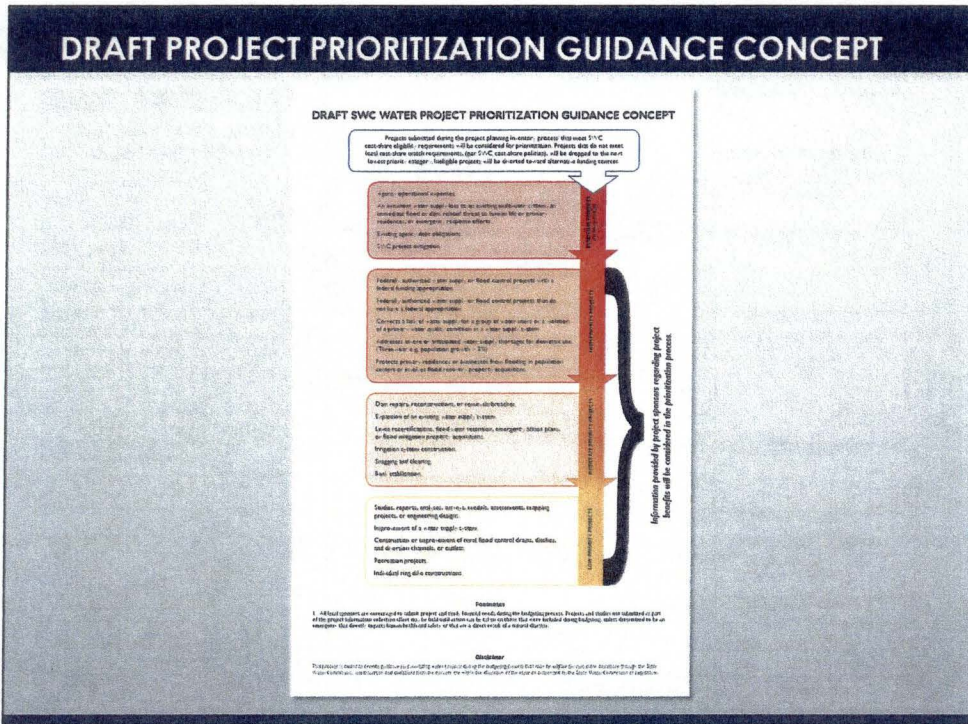
- Received Over 240 Project Planning Information Forms
- Many Had To Also Provide "Project Benefits Form" (HB 1206)
- Team Of SWC Staff Members Reviewed Info & Benefit Forms
- Prelim. Estimate – 177 Projects May Qualify For Some Type Of SWC Funding Assistance (Grant Or Loan) In 2015-2017
- Necessary Info When Developing 2015-2017 Budget & Priorities
- Developing Budget & Priorities Will Require Finalization Of Cost-Share Policy

## DRAFT 2015-2017 PROJECT INVENTORY

- Flood Control: 7
- General Water Management: 85
- Irrigation: 3
- Water Supply: 82
- Total Projects: 177





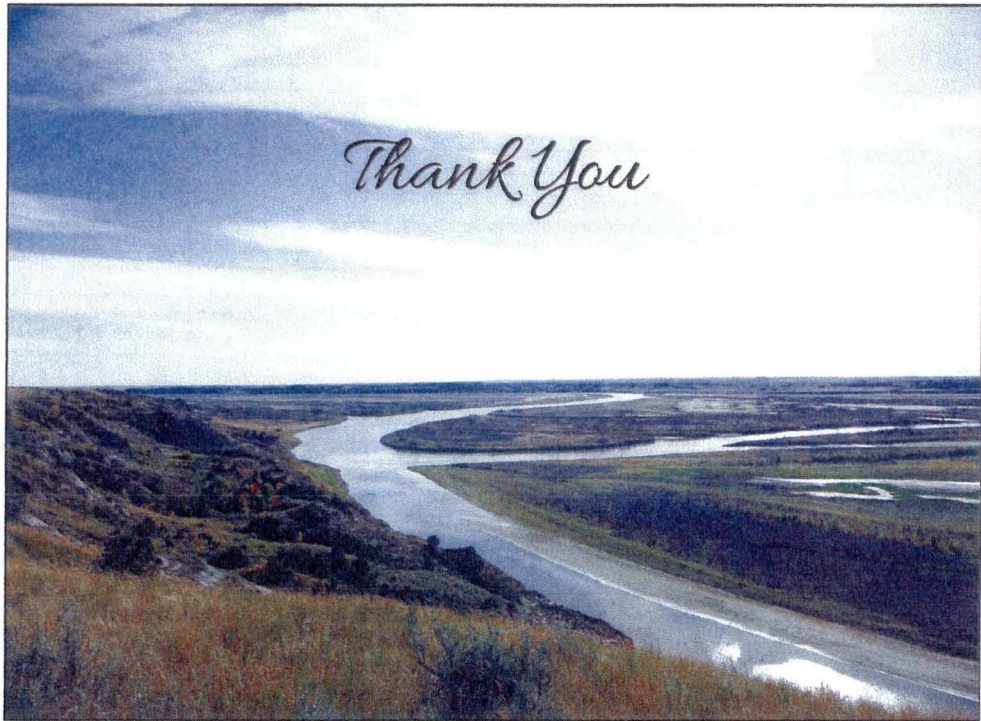


## DRAFT SWC COST-SHARE POLICY

Cost-Share Policy Outline	Description of Changes	Current Policy (2/26/2013)				Proposed (as of 5/29/2014)			
		Planning/Feasibility	Design Eng	Const Eng	Const	Prelim Eng	Design Eng	Const Eng	Const
I. Definitions and Eligibility	Cost-Share defined as a grant or a loan. Engineer services defined relating to pre-construction and construction. Programs defined as typically associated with federal initiatives.								
II. Cost-Share Application and Approval Procedures	Increased Chief Engineer's authority to approve cost-share and overruns. Cost-share exceeding \$100M, additional information requested by the State Water Commission will be used to determine cost-share.					Up to \$50,000		Up to \$75,000	
III. Cost-Share Categories									
A. Pre-Construction Expenses	Development of feasibility studies, mapping, and engineering designs	up to 50%	0%	NA		up to 35%	NA		
B. Water Supply Projects									
1. Water Supply Project (state funding-adds loan funding for all categories, allows combination of grant and loan up to 80%)	Addresses a lack of water supply for domestic use or upgrades a water supply to Primary Safe Drinking Water Act standards. Provides special consideration for improvements and expansions of a water supply system serving an area that has a 3-year average population growth in excess of 3% per year, as determined by the Chief Engineer. Provides for water treatment improvements that address impacts from other State Water Commission projects. Grant funding to be determined based on level of impact by the State Water Commission project. Provides special consideration for improvements in service areas where the anticipated cost per user each year (based on 5,000 gallons per month) divided by the average annual median income per user is in the top quartile of its peer group water systems (large city, small city, and regional) as determined by the Chief Engineer. Addresses extraordinary repairs or replacement needs of a water supply system due to damages from a recent natural disaster.					Used MR&I policy		up to 35%	up to 60% grant or up to 80% grant and loan
						No mention in policy		up to 35%	up to 60% grant or up to 80% grant and loan
						Primarily Devils Lake Impacts		Primarily Devils Lake Impacts	
						No mention in policy		Top 25% qualify for up to 80% loans	
						Partially addressed for Missouri River makes		up to 80% loans	
2. Municipal, Rural And Industrial Water Supply Program	Federal Funding - no changes	0%		up to 75%		0%		up to 75%	
3. Drought Disaster Livestock Water Supply Project Assist.	Program uses state funding in support of a federal initiative, program is defined in Administrative Code.					Implemented during droughts		Program mentioned in policy to be implemented during droughts	



Cost-Share Policy Outline		Description of Changes	Current Policy (2/26/2013)				Proposed (as of 5/29/2014)			
			Planning/Feasibility	Design Eng	Const Eng	Const	Prelim Eng	Design Eng	Const Eng	Const
<b>C. Flood Control Projects</b>										
1. Flood Recovery Property Acquisition Grant Program		Flood damage has occurred and property needed for construction of flood protection. Established after 2011 floods.			up to 75%				up to 75%	
		Flood damage has occurred and property needed for conveyance. Established after 2011 floods.			up to 60%				up to 60%	
2. Flood Protection Program		Provide long term flood reduction benefits. (Needed for preventing future damage) Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 60%		up to 35%		up to 60%	
		Provide long term flood reduction benefits. (Needed for preventing future damage - Federal participation.) Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 50%		up to 35%		up to 50%	
3. FEMA Levee System Accreditation Program		Analysis is required for FEMA to accredit the levee system for flood insurance mapping purpose.			up to 60%	N/A		up to 60%	N/A	
4. Dam Safety and Emergency Action Plans		Addresses dam safety issues. Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 65%		up to 35%		up to 75%	
		Addresses dam safety issues and involved federal funding Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 50%		up to 35%		up to 75%	
		Emergency Action Plans for high or medium significant hazard dam. Dam break model only on high hazard.			Up to 80%				Up to 80%	
5. Water Retention Projects		No Federal participation.	up to 50%	0%	Up to 65%		up to 35%		up to 60%, expanded to include property.	
		Federal participation.	up to 50%	0%	Up to 65%		up to 35%		up to 50%, expanded to include property.	
6. Snagging and Clearing Projects		Snagging and clearing on watercourses.	up to 50%	0%	Up to 50%		up to 35%		up to 50%	
<b>D. Rural Flood Control Projects</b>										
1. Drains, Channels, or Diversion Projects		Cost-share for drains, channels, or diversion projects.	up to 50%	0%	up to 45%		up to 35%		up to 45%	
					\$500,000 per biennium cap				biennium cap removed	
2. Individual Ring Dike Program		Cost-share up to \$40,000 per individual ring dike. NRCS and SWC funding capped at 80% of total project costs.	up to 50%	0%	up to 60%		up to 35%		up to 60%	
E. Recreation		Water based recreation, typically associated with dams.	up to 50%	0%	up to 40%		up to 35%		up to 40%	
F. Irrigation		Costs associated with principal supply works.	up to 50%	0%	up to 50%		up to 35%		up to 50%	
G. Bank Stabilization		Protects public infrastructure or facilities.	up to 50%	0%	up to 60%		up to 35%		up to 50%	





STATE WATER COMMISSION  
PROJECTS/GRANTS/CONTRACT FUND  
2013-2015 Biennium

PROGRAM OBLIGATION

Approved SWC					Initial	Total	Total	May-14
By	No	Dept	Sponsor	Project	Approved Date	Approved	Payments	Balance
<b>Flood Control:</b>								
SB 2020	1928	5000	City of Fargo	Fargo Flood Control Project	6/23/2009	36,740,340	7,472,309	29,268,031
	1771	5000	City of Grafton	Grafton Flood Control Project	3/11/2010	7,175,000	0	7,175,000
SB 2371	1974-06	5000	Souris River Joint WRC	Mouse River Enhanced Flood - pd to SRJWRB	12/9/2011	16,257	16,257	0
	1974-06	5000	Souris River Joint WRC	Mouse River Enhanced Flood - pd to SRJWRB	3/17/2014	200,000	0	200,000
SB 2371	1974-08	5000	Souris River Joint WRC	Mouse River Reconnaissance Study to Meet Fed Guid	2/15/2013	10,603	9,793	809
	1974-09	5000	Souris River Joint WRC	4th Ave NE & Napa Valley/Forest Rd Flood Improve	10/7/2013	3,830,400	0	3,830,400
	1974	5000	Souris River Joint WRC	International Joint Commission Study Board	5/29/2014	302,500	0	302,500
SB 2371	1992-01	5000	Burleigh Co. WRD	Burleigh County's Tavis Road Storm Water Pump Stati	6/13/2012	1,282,400	0	1,282,400
SB 2371	1344	5000	Valley City	Sheyenne River/Valley Flood Control Project	6/19/2013	350,625	0	350,625
	1504	5000	Valley City	Permanent Flood Protection Project	5/29/2014	10,032,235	0	10,032,235
	1504	5000	Valley City	Permanent Flood Protection Project (LOAN)	5/29/2014	2,508,059	0	2,508,059
SB 2371	1344	5000	City of Lisbon	Sheyenne River Valley Flood Control Project	6/19/2013	700,650	0	700,650
	1991	5000	City of Lisbon	Permanent Flood Protection Project	5/29/2014	1,238,698	0	1,238,698
	1991	5000	City of Lisbon	Permanent Flood Protection Project (LOAN)	5/29/2014	536,302	0	536,302
SB 2371	1344	5000	Fort Ransom	Sheyenne River Valley Flood Control Project	6/19/2013	225,000	0	225,000
	1997	5000	Rice Lake Recreation C	Renwick Dam Rehabilitation	6/13/2012	2,842,200	0	2,842,200
	849	5000	Pembina Co. WRD	Renwick Dam Rehabilitation	5/17/2010	1,281,376	0	1,281,376
<b>Subtotal Flood Control</b>						<b>69,272,645</b>	<b>7,498,360</b>	<b>61,774,285</b>
<b>Floodway Property Acquisitions:</b>								
SB 2371	1993-05	5000	City of Minot	Minot Phase 1 - Floodway Acquisitions	1/27/2012	9,276,071	2,005,094	7,270,977
	1993-05	5000	City of Minot	Minot Phase 2 - Floodway Acquisitions	10/7/2013	24,408,258	0	24,408,258
SB 2371	1523-05	5000	Ward County	Ward Caunty Phase 1, 2 & 3 - Floodway Acquisitions	1/27/2012	9,525,664	1,976,547	7,549,117
SB 2371	1523-02	5000	Ward County	Chaparelle Highwater Berm Project	2/27/2013	172,505	172,505	0
SB 2371	1504-05	5000	Valley City	Valley, City Phase 1 - Floodway Acquisitions	12/9/2011	656,768	124,572	532,196
	1504-05	5000	Valley City	Valley, City Phase 2 - Floodway Acquisitions	7/23/2013	1,165,830	0	1,165,830
SB 2371	1992-05	5000	Burleigh Co. WRD	Burleigh Co. Phase 1 - Floodway Acquisitions	3/7/2012	442,304	0	442,304
SB 2371	2000-05	5000	City of Sawyer	Sawyer Phase 1 - Floodway Acquisitions	6/13/2012	184,260	0	184,260
	1991-05	5000	City of Lisbon	Lisbon - Floodway Acquisition	9/27/2013	888,750	529,722	359,028
<b>Subtotal Floodway Property Acquisitions</b>						<b>46,720,410</b>	<b>4,808,440</b>	<b>41,911,970</b>
<b>MRI Water Supply Advances:</b>								
SWC	2373-24	5000	Garrison Diversion	Trail Regional Rural Water (Phase III)	8/18/2009	1,368,000	1,053,290	314,710
<b>MRI Water Supply Grants:</b>								
	2373-32	5000	North Central Rural We	NCRW (Bethhold-Carpio)	6/21/2011	2,807,902	2,807,902	0
	2373-33	5000	Stutsman Rural WRD	Stutsman Rural Water System - Phase II	3/17/2014	3,795,692	2,735,270	1,060,422
	2373-35	5000	Grand Forks - Traill WF	Grand Forks - Traill County WRD	6/13/2012	2,725,415	1,101,287	1,624,128
	2373-36	5000	Stutsman Rural WRD	Stutsman Rural Water System - Phase IIB, III	2/27/2013	10,000,000	3,245,594	6,754,406
	2373-37	5000	North Central Rural We	NCRW (Plaza)	2/27/2013	299,300	265,959	33,341
	1782-01	5000	McLean-Sheridan WRC	Blue & Brush Lakes Expansion Project	5/29/2014	0	0	0
	2373-38	5000	Stutsman Rural WRD	Kidder Co & Carrington Area Expansion	7/23/2013	1,207,000	0	1,207,000
	2373-39	5000	North Central Rural We	Carpio Bethhold Phase 2	5/29/2014	3,050,000	58,697	2,991,303
	2373-40	5000	South Central Regional	Kidder County Expansion	5/29/2014	0	0	0
	2373-41	5000	North Central Rural We	Grahville-Deering Area	5/29/2014	4,980,000	38,625	4,941,375
<b>Subtotal MRI Water Supply</b>						<b>30,233,309</b>	<b>11,306,624</b>	<b>18,926,685</b>
<b>Water Supply Grants:</b>								
	2050-01	5000	Missouri West Water S	South Mandan	3/17/2014	522,000	0	522,000
	2050-02	5000	Grand Forks Traill WRI	Improvements	10/7/2013	3,390,000	99,975	3,290,025
	2050-03	5000	Northeast Regional WC	Langdon RWD - ABM Pipeline Phase 1	10/7/2013	1,040,000	11,845	1,028,155
	2050-04	5000	Northeast Regional WC	Langdon RWD - North Valley Nekoma	10/7/2013	800,000	48,125	751,875
	2050-05	5000	Northeast Regional WC	North Valley WD - ABM Pipeline Phase 1	10/7/2013	565,000	107,688	457,313
	2050-06	5000	Northeast Regional WC	North Valley WD - 93 Street	10/7/2013	1,290,000	51,750	1,238,250
	2050-07	5000	Northeast Regional WC	North Valley WD - Rural Expansion	5/29/2014	1,800,000	48,375	1,751,625
	2050-08	5000	Walsh RWD	Ground Storage	10/7/2013	684,000	63,606	620,394
	2050-09	5000	City of Park River	Water Tower	10/7/2013	1,350,000	0	1,350,000
	2050-10	5000	City of Surrey	Water Supply Improvements	10/7/2013	1,500,000	74,963	1,425,038
	2050-11	5000	Cass RWD	Phase 2 Plant Improvements	10/7/2013	2,600,000	0	2,600,000
	2050-12	5000	Central Plains WD	Improvements	10/7/2013	1,450,000	0	1,450,000
	2050-13	5000	City of Mandan	New Raw Water Intake	10/7/2013	1,270,000	0	1,270,000
	2050-14	5000	City of Mandan	Water Treatment Plant Improvements	10/7/2013	725,000	0	725,000
	2050-15	5000	City of Washburn	New Raw Water Intake	10/7/2013	1,795,000	0	1,795,000
	2050-16	5000	Tri-County WRD	Improvements	10/7/2013	650,000	0	650,000
	2050-17	5000	Barnes Rural WRD	Improvements	10/7/2013	4,600,000	0	4,600,000
	2050-18	5000	City of Grafton	Water Treatment Plant Phase 3	10/7/2013	2,600,000	0	2,600,000
	2050-19	5000	City of Grand Forks	Water Treatment Plant Improvements	10/7/2013	4,990,000	117,831	4,872,169
	2050-20	5000	City of Dickinson	Capital Infrastructure	2/27/2014	18,400,000	0	18,400,000
	2050-21	5000	Watford City	Capital Infrastructure	2/27/2014	6,700,000	1,207,595	5,492,405
	2050-22	5000	City of Williston	Capital Infrastructure	2/27/2014	7,000,000	0	7,000,000
	2050-23	5000	Greater Ramsey WRD	SW Nelson County Expansion	3/17/2014	4,500,000	0	4,500,000
<b>Subtotal State Water Supply</b>						<b>70,222,000</b>	<b>1,831,753</b>	<b>68,390,247</b>
	1984-02	5000	City of Fargo	Fargo Water Treatment Plant	3/17/2014	27,864,069	1,484,095	26,379,974
	1736-05	8000	SWPP	Southwest Pipeline Project	7/1/2013	85,972,021	13,873,307	72,098,714
	2374	9000	NAWS	Northwest Area Water Supply	7/1/2013	7,241,433	792,677	6,448,755
	2044-01	5000	Bank of North Dakota	Community Water-Facility Fund	10/7/2013	15,000,000	5,000,000	10,000,000
	1973-02	5000	Bank of North Dakota	Western Area Water Supply - (GRANT)	10/7/2013	20,000,000	0	20,000,000
	1973-02	5000	Bank of North Dakota	Western Area Water Supply - (LOAN)	10/7/2013	20,000,000	0	20,000,000
	325-101	5000	RRVWSP	Red River Valley Water Supply - CH2MHill	2/27/2014	375,000	0	375,000
	325	5000	RRVWSP	Red River Valley Water Supply - Intake Site Study	5/29/2014	2,500,000	0	2,500,000
	325	5000	RRVWSP	Garrison Diversion - Easements	5/29/2014	420,000	0	420,000
<b>Subtotal Water Supply</b>						<b>179,372,522</b>	<b>21,150,079</b>	<b>158,222,443</b>



STATE WATER COMMISSION  
PROJECTS/GRANTS/CONTRACT FUND  
2013-2015 Biennium

PROGRAM OBLIGATION

Approved SWC By	No	Dept	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	May-14
<b>Irrigation Development:</b>								
SWC	222	5000	Buford Trenton Irrigation	Buford Trenton Irrigation Transmission Line Reroute	7/23/2013	350,000	297,500	52,500
SWC	1389	5000	Bank of ND	BND AgPace Program	10/23/2001	25,966	20,000	5,966
SWC	1389	5000	Bank of ND	BND AgPace Program	12/13/2013	200,000	0	200,000
SWC	AOC/IRA	5000	ND Irrigation Assoc	ND Irrigation Association	7/1/2013	100,000	25,000	75,000
SWC	1968	5000	Garrison Diversion	2009-11 McClusky Canal Mile Marker 7.5 Irrigation Pr	6/1/2010	17,582	0	17,582
SWC	1968	5000	Garrison Diversion	McClusky Canal Mile Marker 10 & 49 Irrigation Project	3/17/2014	256,321	0	256,321
<b>Subtotal Irrigation Development</b>						<b>949,869</b>	<b>342,500</b>	<b>607,369</b>
<b>General Water Management</b>								
<b>Hydrologic Investigations:</b>						<b>900,000</b>		
SWC	1400/13	3000	Houston Engineering	Houston Engineering Water Permit Application Review	11/7/2011	1,975	1,975	
SWC	1400/14	3000	Houston Engineering	Houston Engineering Water Permit Application Review	11/29/2012	10,910	3,991	6,919
SWC	1400	3000	Gordon Sturgeon	Consultant Services	3/23/2013	39,200	39,200	
SWC	1400	3000	Gordon Sturgeon	Consultant Services	4/16/2014	24,000	5,600	18,400
SE	XXX	3000	Manikowski Well Drilling	Manikowski Well Drilling Inc.	3/20/2014	12,850	12,850	
	862/859	3000	Arletta Herman	Arletta Herman - Well Monitor	3/13/2014	1,344	1,344	
	862	3000	Lori Bjorgen	Lori Bjorgen - Well Monitor	3/13/2014	224	224	
	967	3000	Holly Messmer - McDaniel	Holly Messmer - McDaniel - Well Monitor	4/19/2012	0	0	
	1690	3000	Holly Messmer - McDaniel	Holly Messmer - McDaniel - Well Monitor	4/19/2012	936	936	
	1703	3000	Thor Brown	Thor Brown - Well Monitor	3/27/2012	1,857	1,857	
	1707	3000	Thor Brown	Thor Brown - Well Monitor	4/26/2011	1,740	1,740	
	1761	3000	Gloria Roth	Gloria Roth - Well Monitor	4/19/2013	462	461	
	1761	3000	Fran Dobits	Fran Dobits - Well Monitor	6/1/2011	769	769	
	2041	3000	U. S. Geological Survey	Conversion of 17 groundwater recorder wells to real-time	7/16/2013	34,000	34,000	
	1395	3000	U. S. Geological Survey	Investigations of Water Resources in North Dakota	9/25/2013	491,275	239,386	251,889
	1395D	3000	U. S. Geological Survey	Eaton Irrigation Project on the Souris River	7/13/2012	15,300	0	15,300
<b>Hydrologic Investigations Obligations Subtotal</b>						<b>636,841</b>	<b>344,332</b>	<b>292,509</b>
<b>Remaining Hydrologic Investigations Authority</b>						<b>263,159</b>		
<b>Hydrologic Investigations Authority Less Payments</b>								
<b>General Projects Obligated</b>						<b>26,536,221</b>	<b>701,735</b>	<b>26,837,956</b>
<b>General Projects Completed</b>						<b>3,248,567</b>	<b>3,248,567</b>	
<b>Subtotal General Water Management</b>						<b>30,684,787</b>	<b>4,294,634</b>	<b>26,390,153</b>
<b>Devils Lake Basin Development:</b>								
SWC	416-01	5000	DLJWRB	DL Joint WRB Manager	7/1/2013	60,000	0	60,000
SWC	416-05	2000	Joe Belford	DL Downstream Acceptance	7/1/2013	8,085	7,107	978
SWC	416-07	5000	Multiple	Devils Lake Outlet	7/1/2013	872,403	1,601	870,802
SWC	416-10	4700	Operations	Devils Lake Outlet Operations	7/1/2013	15,140,805	2,899,622	12,241,183
SWC	416-13	5000	Multiple	DL Tolna Coulee Divide	7/1/2013	102,975	0	102,975
SWC	416-15	5000	Multiple	DL East End Outlet	7/1/2013	2,774,011	0	2,774,011
SWC	416-17	5000	Multiple	DL Emergency Gravity Outflow Channel	9/21/2013	13,686,839	0	13,686,839
SWC	416-19	5000	Multiple	DL Standpipe Repairs	12/13/2013	1,300,000	313,675	986,325
<b>Devils Lake Subtotal</b>						<b>33,945,118</b>	<b>3,222,004</b>	<b>30,723,114</b>
SWC		7600		Weather Modification	7/1/2011	805,202	136,256	668,946
<b>TOTAL</b>						<b>462,205,862</b>	<b>54,590,649</b>	<b>407,615,213</b>



STATE WATER COMMISSION  
PROJECTS/GRANTS/CONTRACT FUND  
2013-2015 Biennium  
Resources Trust Fund

GENERAL PROJECT OBLIGATIONS

Approved SWC No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	May-14 Balance
HB 1009 1986	5000	2013-15	USDA-APHIS, ND Dept Agricu	USDA Wildlife	8/20/2013	250,000	52,703	197,297
HB 1020 1932	5000	2005-07	Nelson Co. WRD	Michigan Spillway Rural Flood Assessment Drain	8/30/2005	500,000	0	500,000
HB 2305 1963	5000	2009-11	Emmons County WRD	Beaver Bay Embankment Feasibility Study	8/10/2009	53,644	26,318	27,326
SB 2020 1131	5000	2009-11	Nelson Co. WRD	Flood Related Water Projects	6/1/2011	55,455	0	55,455
SE 1967	5000	2009-11	Grand Forks Co. WRD	Grand Forks County Legal Drain No. 55 2010 Contruc	11/30/2010	9,652	0	9,652
SE 1301	5000	2009-11	City of Lidgerwood	City of Lidgerwood Engineering & Feasibility Study for	2/4/2011	15,850	0	15,850
SE 1607	5000	2011-13	Ward Co. WRD	Flood Inundation Mapping of Areas Along Souris & De	6/15/2011	13,011	0	13,011
SE 1301	5000	2011-13	City of Wahpeton	City of Wahpeton Water Reuse Feasibility Study/Richl	9/8/2011	2,500	0	2,500
SE 391	5000	2011-13	Sargent Co WRD	Sargent Co WRD, Silver Lake Dam Emergency Repai	10/12/2011	2,800	0	2,800
SE 1312	5000	2011-13	Walsh Co. WRD	Skynud Dam 2011 EAP	12/15/2011	10,000	0	10,000
SE 1312	5000	2011-13	Walsh Co. WRD	Union Dam 2011 EAP	12/15/2011	10,000	0	10,000
SE 1577	5000	2011-13	Burleigh Co. WRD	Fox Island 2012 Flood Hazard Mitigation Evaluation St	5/22/2012	23,900	0	23,900
SE 1998	5000	2011-13	Grand Forks Co. WRD	Upper Turtle River Dam #1 2012 EAP	6/28/2012	10,000	0	10,000
SE 1303	5000	2011-13	Sargent Co WRD	Shortfoot Creek Preliminary Soils Analysis & Hydraulic	6/29/2012	24,861	0	24,861
SE 2002	5000	2011-13	Grand Forks Co. WRD	Turtle River Dam #4 2012 EAP	6/29/2012	10,000	0	10,000
SE 2005	5000	2011-13	Grand Forks Co. WRD	Turtle River Dam #8 2012 EAP	6/29/2012	10,000	0	10,000
SE 2008	5000	2011-13	City of Mapleton	Mapleton Flood Control Levee Project	6/29/2012	24,410	0	24,410
SE 1681	5000	2011-13	U.S. Geological Survey	Repair & stabilization of the Missouri River bank adjac	9/6/2012	28,000	0	28,000
SE AOC/RRBC	5000	2011-13	Red River Basin Commission	Stream Gaging & Precipitation Network Study in the R	9/14/2012	20,000	0	20,000
SE 1991	5000	2011-13	City of Lisbon	Sheyenne River Snagging & Clearing Project	2/12/2013	5,000	0	5,000
SE 1461	5000	2011-13	Pembina Co. WRD	O'Hara Bridge Bank Stabilization	4/26/2013	24,633	0	24,633
SE 1289	5000	2011-13	McKenzie Co. Weed Control E	Control of Noxious Weeds on Sovereign Lands	6/11/2013	24,810	0	24,810
SE 1174	5000	2013-15	Richland Co. WRD	Drain No. 31 Reconstruction Project	8/30/2013	32,393	0	32,393
SE 1640	5000	2013-15	U.S. Geological Survey	Maintenance of gaging station on Missouri River below	9/25/2013	8,710	0	8,710
SE 1296	5000	2013-15	Pembina Co. WRD	Bathgate-Hamilton & Carlisle Watershed Study	10/17/2013	38,500	0	38,500
SE 1814	5000	2013-15	Richland Co. WRD	Wild Rice River Snagging & Clearing - Reach 2	10/17/2013	49,500	0	49,500
SE 1987	5000	2013-15	City of Burlington	Interim Levee Project	11/22/2013	49,000	0	49,000
SE 1291	5000	2013-15	Mercer County WRD	Antelope Creek Snagging & Clearing Project	3/27/2014	21,714	0	21,714
SE 867-01	5000	2013-15	NDSU	NDSU - Water sampling Dr. Xinhua Jia Dept of Ag	4/22/2014	5,000	0	5,000
SE 1667	5000	2013-15	Trail Co. WRD	Goose River Snagging & Clearing Project	4/23/2014	46,750	0	46,750
SE 1311	5000	2013-15	Trail Co. WRD	Buffalo Coulee Snagging & Clearing Project	5/27/2014	25,000	0	25,000
SWC 1932	5000	2005-07	Nelson Co. WRD	Michigan Spillway Rural Flood Assessment	8/30/2005	2,263,925	0	2,263,925
SWC 620	5000	2007-09	Lower Heart WRD	Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SWC 1921	5000	2007-09	Morton Co. WRD	Square Butte Dam No. 6(Harmon Lake) Recreation F	3/23/2009	821,058	0	821,058
SWC 1638	5000	2009-11	Multiple	Red River Basin Non-NRCS Rural/Farmstead Ring Di	6/23/2009	226,364	0	226,364
SWC 1089	5000	2009-11	North Cass Co. WRD	Cass County Drain No. 13 Improvement Reconstructi	8/18/2009	122,224	0	122,224
SWC 1088	5000	2009-11	Maple River WRD	Cass County Drain No. 37 Improvement Reconst	8/18/2009	92,668	0	92,668
SWC 1960	5000	2009-11	Ward Co. WRD	Puppy Dog Coulee Flood Control Diversion Ditch Cont	8/18/2009	796,976	0	796,976
SWC 1792	5000	2009-11	Southeast Cass WRD	SE Cass Wild Rice River Dam Study Phase II	12/11/2009	130,000	0	130,000
SWC 322	5000	2009-11	ND Water Education Foundati	ND Water: A Century of Challenge	2/22/2010	36,800	0	36,800
SWC 1244	5000	2009-11	Trail Co. WRD	Trail Co. Drain No. 27 (Moen) Reconstruction & Exter	3/11/2010	336,491	0	336,491
SWC 1577	5000	2009-11	Mercer Co. WRD & City of Ha	Hazen Flood Control Levee (1517) & FEMA Accredita	3/11/2010	184,984	0	184,984
SWC 281	5000	2009-11	Three Affiliated Tribes	Three Affiliated Tribes/Fort Berthold Irrigation Study	10/26/2010	37,500	0	37,500
SWC 646	5000	2009-11	City of Fargo	Christine Dam Recreation Retrofit Project	10/26/2010	184,950	0	184,950
SWC 646	5000	2009-11	City of Fargo	Hickson Dam Recreation Retrofit Project	10/26/2010	44,280	0	44,280
SWC 347	5000	2009-11	City of Velva	City of Velva's Flood Control Levee System Certificat	3/28/2011	102,000	0	102,000
SWC 1161	5000	2009-11	Pembina Co. WRD	Drain 55 Improvement Reconstruction	3/28/2011	13,846	0	13,846
SWC 1245	5000	2009-11	Trail Co. WRD	Trail Co. Drain No. 28 Extension & Improvement Proj	3/28/2011	336,007	0	336,007
SWC 1969	5000	2009-11	Walsh Co. WRD	Walsh Co. Construction of Legal Assessment Drain #	3/28/2011	38,154	0	38,154
SWC 1970	5000	2009-11	Walsh Co. WRD	Walsh Co. Construction of Legal Assessment Drain #	3/28/2011	39,115	0	39,115
SWC 1101	5000	2011-13	Dickey Co. WRD	Yorktown-Maple Drainage Improvement Dist No. 3	9/21/2011	354,500	0	354,500
SWC 1101	5000	2011-13	Dickey-Sargent Co WRD	Riverdale Township Improvement District #2 - Dickey	9/21/2011	500,000	0	500,000
SWC 1219	5000	2011-13	Sargent Co WRD	City of Forman Floodwater Outlet	9/21/2011	31,472	0	31,472
SWC 1252	5000	2011-13	Walsh Co. WRD	Walsh Co. Reconstruction Drain No. 97	9/21/2011	24,933	0	24,933
SWC 1705	5000	2011-13	Red River Joint Water Resour	Red River Joint WRD Watershed Feasibility Study - Pi	9/21/2011	60,000	0	60,000
SWC 1975	5000	2011-13	Walsh Co. WRD	Walsh Co. Drain No. 31 Reconstruction Project	9/21/2011	37,742	0	37,742
SWC 1977	5000	2011-13	Dickey-Sargent Co WRD	Jackson Township Improvement Dist. #1	9/21/2011	500,000	0	500,000
SWC 829	5000	2011-13	Rush River WRD	Rush River WRD Berlin's Township Improvement Dist	10/19/2011	163,695	54,440	109,255
SWC 1224	5000	2011-13	Trail Co. WRD	Preston Floodway Reconstruction Project	10/19/2011	208,570	0	208,570
SWC 1978	5000	2011-13	Richland & Sargent Joint WRD	Richland & Sargent WRD RS Legal Drain No. 1 Exten	10/19/2011	245,250	0	245,250
SWC 1918	5000	2001-13	Maple River WRD	Normanna Township Improvement District No. 71	12/9/2011	287,900	0	287,900
SWC 1983	5000	2011-13	City of Harwood	City of Harwood Engineering Feasibility Study	12/9/2011	62,500	0	62,500
SWC 1138	5000	2011-13	Pembina Co. WRD	Drain No. 8 Reconstruction Project	3/7/2012	12,215	0	12,215
SWC 1227	5000	2011-13	Trail Co. WRD	Mergenthal Drain No. 5 Reconstruction	3/7/2012	84,670	0	84,670
SWC 1396	5000	2011-13	U.S. Geological Survey	(USGS) Missouri River Geomorphic Assessment	3/7/2012	90,000	30,000	60,000
SWC 1989	5000	2011-13	Barnes Co WRD	Hobart Lake Outlet Project	3/7/2012	266,100	0	266,100
SWC 1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/2012	43,821	0	43,821
SWC 227	5000	2011-13	Eaton Flood Irrigation District	District's Mouse River Riverbank Stabilization Project	6/13/2012	120,615	0	120,615
SWC 1063	5000	2011-13	Rush River WRD	Artenia Township Improvement District Drain No. 74 f	6/13/2012	459,350	0	459,350
SWC 1344	5000	2009-11	Southeast Cass WRD	Sheyenne Diversion Exterior Pump Station	6/13/2012	3,751	0	3,751
SWC 2007	5000	2011-13	Maple River WRD	Poniac Township Improvement District No. 73 Project	6/13/2012	500,000	0	500,000
SWC 2010	5000	2011-13	Barnes Co WRD	Meadow Lake Outlet	6/13/2012	500,000	0	500,000
SWC 1878-02	5000	2011-13	Maple River WRD	Upper Maple River Dam Environmental Assessment -	6/13/2012	112,500	0	112,500
SWC 1992	5000	2011-13	Burleigh Co. WRD	Bismarck Flood Control Channel Project	9/17/2012	187,500	0	187,500
SWC 1996	5000	2011-13	Trail Co. WRD	Drain #62 - Wold Drain Project	9/17/2012	112,400	108,717	3,683
SWC 2009-02	5000	2011-13	Southeast Cass WRD	Recertification of the Horace to West Fargo Diversion	9/17/2012	72,800	42,835	29,965
SWC 2012	5000	2011-13	Southeast Cass WRD	Lower Sheyenne River Watershed Retention Plan	9/17/2012	80,000	0	80,000
SWC 2013	5000	2011-13	Richland-Cass Joint WRD	Wild Rice River Watershed Retention Plan	9/17/2012	90,000	0	90,000
SWC 1069	5000	2011-13	North Cass - Rush River JWR	Drain #13 Channel Improvements	9/27/2012	217,000	171,381	45,619
SWC 1401	5000	2009-11	Pembina Co. WRD	International Boundary Roadway Dike Pembina	9/27/2012	331,799	70,767	261,032
SWC 240	5000	2011-13	Eddy County WRD	Warwick Dam Repair Project	12/7/2012	110,150	0	110,150
SWC 1705	5000	2011-13	Red River Joint Water Resour	Red River Basin Distributed Plan Study	12/7/2012	560,000	0	560,000
SWC 2019	5000	2011-13	Valley City	Sheyenne River Snagging & Clearing Project	12/7/2012	75,000	0	75,000

STATE WATER COMMISSION  
PROJECTS/GRANTS/CONTRACT FUND  
2013-2015 Biennium  
Resources Trust Fund

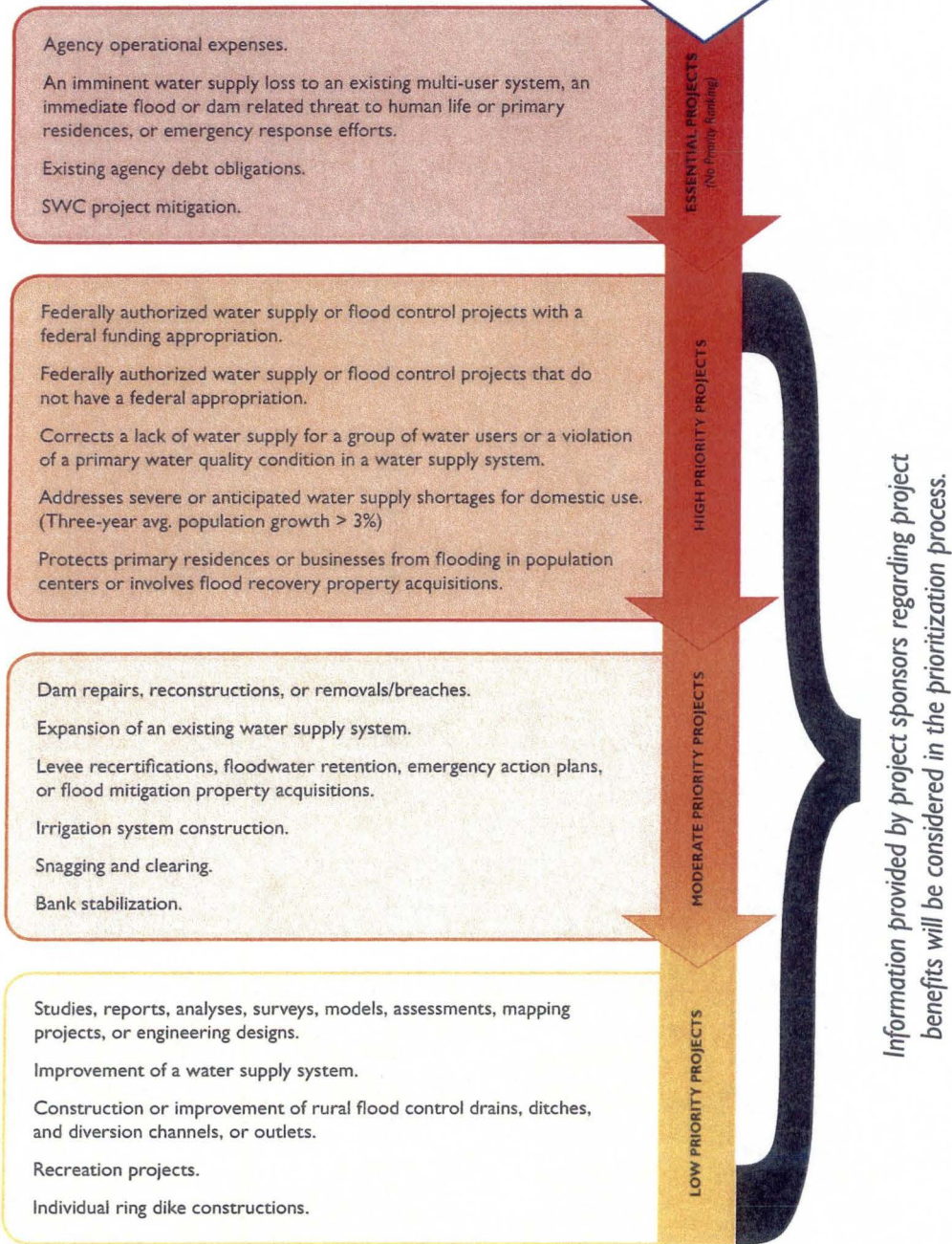
GENERAL PROJECT OBLIGATIONS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	inc
SWC	2020	5000	2011-13	Minot Park District	Souris Valley Golf Course Bank Stabilization	12/7/2012	335,937	0	335
SWC	346	5000	2011-13	Williams County WRD	Epping Dam Evaluation Project	2/27/2013	66,200	0	66
SWC	1135	5000	2011-13	Pembina Co. WRD	Drain #4 Reconstruction Project	6/19/2013	221,628	0	221
SWC	1207	5000	2011-13	Richland Co. WRD	Drain #65 Extension Project	6/19/2013	123,200	0	123
SWC	1312	5000	2011-13	Walsh Co. WRD	Forest River Flood Control Feasibility Study	6/19/2013	79,956	0	79
SWC	1438	5000	2011-13	Cavalier County WRD	Mulberry Creek Phase IV Reconstruction Project	6/19/2013	324,010	0	324
SWC	1992	5000	2011-13	Burleigh Co. WRD	Burnt Creek Flood Restoration Project	6/19/2013	87,805	0	87
SWC	2022	5000	2011-13	Pembina Co. WRD	Drain #73 Project	6/19/2013	350,400	0	350
SWC	AOC/RRBC	5000	2013-15	Red River Basin Commission	Red River Basin Commission Contractor	7/1/2013	200,000	50,000	150
SWC	PS/WRD/MRJ	5000	2013-15	Missouri River Joint WRB	Missouri River Joint Water Board (MRRIC) T. FLECK	7/1/2013	40,000	9,776	30
SWC	PS/WRD/MRJ	5000	2013-15	Missouri River Joint WRB	Missouri River Joint Water Board, (MRJWB) Start up	7/1/2013	20,000	0	20
SWC	AOC/WEF	5000	2013-15	ND Water Education Foundati	ND Water Magazine	7/1/2013	36,000	9,000	27
SWC	PS/WRD/USRJV	5000	2013-15	Upper Sheyenne River Joint V	Upper Sheyenne River WRB Administration (USRJWB)	7/1/2013	12,000	2,876	9
SWC	1859	5000	2013-15	ND Dept of Health	NonPoint Source Pollution, Section 319	8/20/2013	200,000	0	200
SWC	1270	5000	2013-15	Burleigh Co. WRD	Apple Creek Industrial Park Levee Feasibility Study	10/7/2013	65,180	0	65
SWC	2004	5000	2013-15	Grand Forks Co. WRD	Drain No. 57 Project	10/7/2013	413,576	0	413
SWC	2040	5000	2013-15	Walsh Co. WRD	Drain #74 Project	10/7/2013	317,852	0	317
SWC	PS/WRD/MRJ	5000	2013-15	Missouri River Joint WRB	Missouri River Coordinator	10/7/2013	175,000	7,133	167
SWC	1056	5000	2013-15	Bottineau Co. WRD	Scandia/Scotia Drain Project	12/13/2013	140,634	0	140
SWC	1242	5000	2013-15	Traill Co. WRD	Rust Drain No. 24 Project	12/13/2013	187,736	0	187
SWC	1523	5000	2013-15	Ward Co. WRD	Mouse River Snagging & Clearing Project	12/13/2013	347,466	0	347
SWC	1554/2046?	5000	2013-15	McLean Co. WRD	City of Underwood Floodwater Outlet Project	12/13/2013	1,100,727	0	1,100
SWC	1625	5000	2013-15	Houston Engineering	(OHWM) Ordinary High Water Mark Delineations	12/13/2013	95,618	9,766	85
SWC	1758	5000	2013-15	USGS	Stochastic Model for the Mouse River Basin	12/13/2013	200,000	40,000	160
SWC	2043	5000	2013-15	Pembina Co. WRD	District's Drain 78 Outlet Extension Project	12/13/2013	287,778	0	287
SWC	2046	5000	2013-15	Walsch Co. WRD	North Branch Park River Comprehensive Flood Dama	12/13/2013	134,400	0	134
SWC	1878-02	5000	2011-13	Maple-Steele WRD	Upper Maple River Dam Construction Phase	12/13/2013	3,991,500	0	3,991
SWC	CON/WIL/CARL	5000	2013-15	Garrison Diversion Conservan	Will and Carlson Consulting Contract	12/13/2013	70,000	16,023	53
SWC	568	5000	2013-15	Southeast Cass WRD	Sheyenne River Snagging & Clearing Project Reaches	3/13/2014	165,000	0	165
SWC	1082	5000	2013-15	Rush River WRD	Cass Co. Drain No. 30 Channel Improvement Project	3/17/2014	142,818	0	142
SWC	2008	5000	2013-15	City of Mapleton	Recertification of Flood Control Levee System Project	3/17/2014	718,941	0	718
SWC	1140	5000	2013-15	Pembina Co. WRD	Drain No. 11 Outlet Extension Project	5/29/2014	125,760	0	125
SWC	1418	5000	2013-15	City of Bisbee	Big Coulee Dam Feasibility Study	5/29/2014	65,000	0	65
SWC	1444	5000	2013-15	City of Pembina	2014 Flood Protection System Modification Project	5/29/2014	1,031,981	0	1,031
SWC	1577	5000	2013-15	City of Killdeer & Dunn Co.	Floodplain Mapping Project	5/29/2014	55,000	0	55
SWC	1753/1523?	5000	2013-15	Ward Co. Hwy Dept	County Road 18 Flood Control Project	5/29/2014	325,208	0	325
SWC	2045	5000	2013-15	Mercer Co. WRD	LiDAR Collection Project	5/29/2014	117,000	0	117
SWC	2048	5000	2013-15	City of Marion	Marion Flood Mitigation & Lagoon Drainage Project	5/29/2014	188,366	0	188
SWC	1296	5000	2013-15	Pembina Co. WRD	Bourbanis/Olson Dam Safety Project	10/29/2014	132,680	0	132
TOTAL							26,536,221	701,735	25,834



# DRAFT SWC WATER PROJECT PRIORITIZATION GUIDANCE CONCEPT

Projects submitted during the project planning inventory process<sup>1</sup> that meet SWC cost-share eligibility requirements will be considered for prioritization. Projects that do not meet local cost-share match requirements, (per SWC cost-share policies), will be dropped to the next lowest priority category. Ineligible projects will be diverted toward alternative funding sources.



### Footnotes

1. All local sponsors are encouraged to submit project and study financial needs during the budgeting process. Projects and studies not submitted as part of the project information collection effort may be held until action can be taken on those that were included during budgeting, unless determined to be an emergency that directly impacts human health and safety or that are a direct result of a natural disaster.

### Disclaimer

This process is meant to provide guidance for prioritizing water projects during the budgeting process that may be eligible for cost-share assistance through the State Water Commission. Interpretation and deviations from the process are within the discretion of the state as authorized by the State Water Commission or Legislature.



## North Dakota State Water Commission Cost Share

Cost-Share Policy Outline	Description of Changes	Current Policy (2/26/2013)				Proposed (as of 5/29/2014)			
		Planning/ Feasibility	Design Eng	Const Eng	Const	Prelim Eng	Design Eng	Const Eng	Const
I. Definitions and Eligibility	Cost-Share defined as a grant or a loan. Engineer services defined relating to pre-construction and construction. Programs defined as typically associated with federal initiatives.					Provides overall guidance and consistency with cost-share			
II. Cost-Share Application and Approval Procedures	Increased Chief Engineer's authority to approve cost-share and overruns.	Up to \$50,000				Up to \$75,000			
	Cost-share exceeding \$100M, additional information requested by the State Water Commission will be used to determine cost-share.					\$100,000,000			
III. Cost-Share Categories									
A. Pre-Construction Expenses	Development of feasibility studies, mapping, and engineering designs.	up to 50%	0%	NA		up to 35%		NA	
B. Water Supply Projects									
1. Water Supply Project (state funding- adds loan funding for all categories, allows combination of grant and loan up to 80%)	Addresses a lack of water supply for domestic use or upgrades a water supply to Primary Safe Drinking Water Act standards.	Used MR&I policy				up to 35%		up to 60% grant or up to 80% grant and loan; up to 75% grant in special cases	
	Provides special consideration for improvements and expansions of a water supply system serving an area that has a 3-year average population growth in excess of 3% per year, as determined by the Chief Engineer.	No mention in policy				up to 35%		up to 60% grant or up to 80% grant and loan	
	Provides for water treatment improvements that address impacts from other State Water Commission projects. Grant funding to be determined based on level of impact by the State Water Commission project.	Primarily Devils Lake Impacts				Primarily Devils Lake Impacts			
	Provides special consideration for improvements in service areas where the anticipated cost per user each year (based on 5,000 gallons per month) divided by the average annual median income per user is in the top quartile of its peer group water systems (large city, small city, and regional) as determined by the Chief Engineer.	No mention in policy				Top 25% qualify for up to 80% loans			
	Addresses extraordinary repairs or replacement needs of a water supply system due to damages from a recent natural disaster.	Partially addressed for Missouri River intakes				up to 80% loans			
2. Municipal, Rural And Industrial Water Supply Program	Federal Funding - no changes	0%	up to 75%		0%	up to 75%			
3. Drought Disaster Livestock Water Supply Project Assist.	Program uses state funding in support of a federal initiative, program is defined in Administrative Code.	Implemented during droughts				Program mentioned in policy to be implemented during droughts			



Cost-Share Policy Outline	Description of Changes	Current Policy (2/26/2013)				Proposed (as of 6/20/2014)			
		Planning/ Feasibility	Design Eng	Const Eng	Const	Prelim Eng	Design Eng	Const Eng	Const
C. Flood Control Projects									
1. Flood Recovery Property Acquisition Grant Program	Flood damage has occurred and property needed for construction of flood protection. Established after 2011 floods.	up to 75%				up to 75%			
	Flood damage has occurred and property needed for conveyance. Established after 2011 floods.	up to 60%				up to 60%			
2. Flood Protection Program	Provide long term flood reduction benefits. (Needed for preventing future damage) Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 60%	up to 35%		up to 60%		
	Provide long term flood reduction benefits. (Needed for preventing future damage - Federal participation.) Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 50%	up to 35%		up to 50%		
3. FEMA Levee System Accreditation Program	Analysis is required for FEMA to accredit the levee system for flood insurance mapping purpose.	up to 60%			N/A	up to 60%		N/A	
4. Dam Safety and Emergency Action Plans	Addresses dam safety issues. Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 65%	up to 35%		up to 75%		
	Addresses dam safety issues and involved federal funding. Proposed policy allows SWC to lend portion of local share based on demonstrated financial need.	up to 50%	0%	up to 50%	up to 35%		up to 75%		
	Emergency Action Plans for high or medium/significant hazard dam. Dam break model only on high hazard.	Up to 80% \$25,000 cap			Up to 80% cap removed				
5. Water Retention Projects	No Federal participation.	up to 50%	0%	Up to 65%	up to 35%		up to 60%, expanded to include property		
	Federal participation.	up to 50%	0%	Up to 65%	up to 35%		up to 50%, expanded to include property		
6. Snagging and Clearing Projects	Snagging and clearing on watercourses.	up to 50%	0%	Up to 50%	up to 35%		up to 50%		
D. Rural Flood Control Projects									
1. Drains, Channels, or Diversion Projects	Cost-share for drains, channels, or diversion projects.	up to 50%	0%	up to 45%	up to 35%		up to 45%		
		\$500,000 per biennium cap			biennium cap removed				
2. Individual Ring Dike Program	Cost-share up to \$40,000 per individual ring dike, NRCS and SWC funding capped at 80% of total project costs.	up to 50%	0%	up to 60%	up to 35%		up to 60%		
E. Recreation	Water based recreation, typically associated with dams.	up to 50%	0%	up to 40%	up to 35%		up to 40%		
F. Irrigation	Costs associated with principal supply works.	up to 50%	0%	up to 50%	up to 35%		up to 50%		
G. Bank Stabilization	Protects public infrastructure or facilities.	up to 50%	0%	up to 60%	up to 35%		up to 50%		



# NORTH DAKOTA STATE WATER COMMISSION

## COST-SHARE POLICY, PROCEDURE, AND GENERAL REQUIREMENTS

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The State Water Commission has adopted this policy to support local sponsors in development of sustainable water related projects in North Dakota. This policy reflects the State Water Commission's cost-share priorities and provides basic requirements for all projects considered for prioritization during the agency's budgeting process. Projects and studies that receive cost-share funding from the agency's appropriated funds are consistent with the public interest. The State Water Commission values and relies on local sponsors and their participation to assure on-the-ground support for projects and prudent expenditure of funding for evaluations and project construction. It is the policy of the State Water Commission that only the items described in this document will be eligible for cost-share upon approval by the State Water Commission, unless specifically authorized by State Water Commission action.

### **I. DEFINITIONS AND ELIGIBILITY**

- A. CONSTRUCTION COSTS** include earthwork, concrete, mobilization and demobilization, dewatering, materials, seeding, rip-rap, re-routing electrical transmission lines, moving storm and sanitary sewer system and other underground utilities and conveyance systems affected by construction, mitigation required by law related to the construction contract, irrigation supply works, and other items and services provided by the contractor. Construction costs are only eligible for cost-share if incurred after State Water Commission approval and if the local sponsor has complied with North Dakota Century Code (N.D.C.C.) in soliciting and awarding bids and contracts, and complied with all applicable federal, state, and local laws.
- B. COST-SHARE** is grant or loan funds provided through the State Water Commission.
- C. ENGINEERING SERVICES** include pre-construction and construction engineering. Pre-construction engineering is the engineering necessary to develop plans and specifications for permitting and construction of a project including preliminary and final design, material testing, flood insurance studies, hydraulic models, and geotechnical investigations. Construction engineering is the engineering necessary to build the project designed in the pre-construction phase including construction contract management, and project inspection. Administrative services and support services performed and charged by engineering companies are not engineering services. Engineering services are eligible costs if incurred after State Water Commission approval. If cost-share is expected to be greater than \$25,000, the local sponsor must follow the engineering selection process in NDCC 54-44.7



and provide a copy of the selection committee report to the Chief Engineer. The local sponsor will be considered to have complied with this requirement if they have completed this selection process for a general engineering services agreement at least once every three years and have formally assigned work to a firm or firms under an agreement. The local sponsor must inform the Chief Engineer of any change in the provider of general engineering services.

- D. **IMPROVEMENTS** are construction related projects that upgrade a facility to provide increased efficiency or capacity. Improvements do not include any activities that are maintenance, replacement, or reconstruction.
  
- E. **INELIGIBLE ITEMS** excluded from cost-share include:
  - 1 Administrative, easement, and permit related costs;
  - 2 Property acquisitions, property surveys, and legal expenses unless specifically identified as eligible within the Flood Recovery Property Acquisition Program, the Flood Protection Program, or the Water Retention Projects;
  - 3 Work and costs incurred prior to a cost-share approval date, except for emergencies as determined by the Chief Engineer;
  - 4 Project related operation, maintenance, replacement, and reconstruction costs;
  - 5 Funding contributions provided by federal, other state, or other North Dakota state entities that supplant costs;
  - 6 Work incurred outside the scope of the approved study or project.
  
- F. **EXPANSIONS** are construction related projects that increase the project area or users served. Expansions do not include maintenance, replacement, or reconstruction activities.
  
- G. **LOCAL SPONSOR** is the entity submitting a cost-share application and must be a political subdivision, state entity, or commission legislatively granted North Dakota recognition that applies the necessary local share of funding to match State Water Commission cost-share. They provide direction for studies and projects, public point of contact for communication on public benefits and local concerns, and acquire necessary permits and rights-of-way.
  
- H. **MAINTENANCE COSTS** include repairs, deferred repairs, and general upkeep of facilities to allow facilities to continue proper operation and function.
  
- I. **PROGRAM** is a subcategory of cost-share that is typically associated with a federal initiative and may cover all phases of a study or implementation of a project.
  
- J. **PROJECT** is the water-related construction activity.
  
- K. **REPLACEMENT AND RECONSTRUCTION COSTS** include the removal of portions of facilities or components that have completed their useful life and

substitution with different components to obtain the same or similar function of the original facilities or components.

- L. **SUSTAINABLE OPERATION, MAINTENANCE, AND REPLACEMENT PLAN** is a description of the anticipated operation, maintenance, and replacement costs with a statement that the operation, maintenance, and replacement of the project will be sustainable by the local sponsor.

**II. COST-SHARE APPLICATION AND APPROVAL PROCEDURES.** The State Water Commission will not consider any cost-share applications for water related projects or studies unless the local sponsor first makes an application to the Chief Engineer. No funds will be used in violation of Article X, § 18 of the North Dakota Constitution (Anti-Gift Clause).

- A. **APPLICATION REQUIRED.** An application for cost-share is required in all cases and must be submitted by the local sponsor on the State Water Commission Cost-Share Application form. Applications for cost-share are accepted at any time. Applications received less than 30 days before a State Water Commission meeting will not be considered at that meeting and will be held for consideration at a future meeting. The application form is maintained and updated by the Chief Engineer and must include the following:

- 1 Category of cost-share activity
- 2 Location of the proposed project or study area
- 3 Description, purpose, goal, objective, narrative of the proposed activities
- 4 Delineation of costs
- 5 Potential federal, other state, or other North Dakota state entity participation
- 6 Engineering plans, if applicable
- 7 Status of required permitting
- 8 Potential territorial service area conflicts or service area agreements, if applicable
- 9 Sustainable operation, maintenance, and replacement plan for projects
- 10 Additional information as deemed appropriate by the Chief Engineer

Applications for cost-share are separate and distinct from the State Water Commission biennial project information collection effort that is part of the budgeting process. All local sponsors are encouraged to submit project and study financial needs during the budgeting process. Projects and studies not submitted as part of the project information collection effort may be held until action can be taken on those that were included during budgeting, unless determined to be an emergency that directly impacts human health and safety or that are a direct result of a natural disaster.

- B. **PRE-APPLICATION.** A pre-application process is allowed for cost-share of assessment projects. This process will require the local sponsor to submit a brief narrative of the project, preliminary designs, and a delineation of costs. The Chief Engineer will then review the material presented, make a determination of project eligibility, and estimate the cost-share funding the project may anticipate receiving. A project eligibility letter will then be sent to the local sponsor noting the percent of cost-share assistance that may be expected on eligible items as well as listing those



items that are not considered to be eligible costs. In addition, the project eligibility letter will state that the Chief Engineer will recommend approval when all cost-share requirements are addressed. The local sponsor may use the project eligibility letter to develop a project budget for use in the assessment voting process. Upon completion of the assessment vote and all other requirements an application for cost-share can be submitted.

- C. REVIEW.** Upon receiving an application for cost-share, the Chief Engineer will review the application and accompanying information. If the Chief Engineer is satisfied that the proposal meets all requirements, the Chief Engineer will present the application along with a recommendation to the State Water Commission for its action. The Chief Engineer's review of the application will include the following items and any other considerations that the Chief Engineer deems necessary and appropriate. For cost-share applications over \$100 million, additional information requested by the State Water Commission will be used to determine cost-share.

- 1 Applicable engineering plans;
- 2 Field inspection, if deemed necessary by the Chief Engineer;
- 3 The percent and limit of proposed cost-share determined by category of cost-share activity and eligible expenses;
- 4 Assurance of sustainable operation, maintenance, and replacement of project facilities by the local sponsor;
- 5 Status of permitting and service area agreements;
- 6 Available funding in the State Water Commission budget and budget priorities.

The Chief Engineer is authorized to approve cost-share up to \$75,000 in state funds and also approve cost overruns up to \$75,000 in state funds without State Water Commission action.

- D. NOTICE.** The Chief Engineer will give notice to local sponsors when their application for cost-share is placed on the tentative agenda of the State Water Commission's next meeting.
- E. AGREEMENT AND DISTRIBUTION OF FUNDS.** No funds will be disbursed until the State Water Commission and local sponsor have entered into an agreement for cost-share participation. No agreement will be entered until all required State Engineer permits have been acquired.

For construction projects, the agreement will address indemnification and vicarious liability language. The local sponsor must require that the local sponsor and the state be made an additional insured on the contractor's commercial general liability policy including any excess policies, to the extent applicable. The levels and types of insurance required in any contract must be reviewed and agreed to by the Chief Engineer. The local sponsor may not agree to any provision that indemnifies or limits the liability of a contractor.

For any property acquisition, the agreement will specify that if the property is later sold, the local sponsor is required to reimburse the Commission the percent of sale price equal to the percent of original cost-share.

The Chief Engineer may make partial payment of cost-sharing funds as deemed appropriate. Upon notice by the local sponsor that all work or construction has been completed, the Chief Engineer may conduct a final field inspection. If the Chief Engineer is satisfied that the work has been completed in accordance with the agreement, the final payment will be disbursed to the local sponsor, less any partial payment previously made.

- F. **LITIGATION.** If a project submitted for cost-share is the subject of litigation, the application may be deferred until the litigation is resolved. If a project approved for cost-share becomes the subject of litigation before all funds have been disbursed, the Chief Engineer may withhold funds until the litigation is resolved. Litigation for this policy is defined as legal action that would materially affect the ability of the local sponsor to construct the project; that would delay construction such that the authorized funds could not be spent; or is between political subdivisions related to the project.

**III. COST-SHARE CATEGORIES.** The State Water Commission supports the following categories of projects and studies for cost-share. Generally, engineering expenses are cost-shared as follows: Pre-construction expenses and pre-construction engineering approved by the State Water Commission are cost-shared up to 35 percent. Engineering expenses related to construction are cost-shared at the same percent as the construction costs when approved by the State Water Commission.

- A. **PRE-CONSTRUCTION EXPENSES.** The State Water Commission supports local sponsor development of feasibility studies, engineering designs, and mapping as part of pre-construction activities to develop support for projects within this cost-share policy including:

- 1 Feasibility studies to identify water related problems, evaluate options to solve or alleviate the problems based on technical and financial feasibility, and provide recommendation and cost estimate, of the best option to pursue.
- 2 Engineering design to develop plans and specifications for permitting and construction of a project, including associated cultural resource and archeological studies.
- 3 Mapping and surveying to gather data for a specific task such as flood insurance studies and flood plain mapping, LiDAR acquisition, and flood imagery attainment, which are valuable to managing water resources.

Copies of the deliverables must be provided to the Chief Engineer upon completion. The Chief Engineer will determine the payment schedule and interim progress report requirements.

- B. **WATER SUPPLY**



**1 WATER SUPPLY PROJECT.** The State Water Commission supports water supply efforts and will use a grant and loan program. The local sponsor may apply for water supply funding, and the application will be reviewed to determine project priority. Projects will be prioritized within categories (1) thru (5) below. Projects within category (1) may be considered for grant funding up to 60 percent cost-share or in special cases up to 75 percent of cost-share and projects in category (2) may be considered for grant funding up to 60 percent of cost-share. Grant funding within category (3) will be on a case-by-case basis. Projects within categories (1) through (5) may be considered for loan funding. After cost-share for grant funding has been determined, the local sponsor may be considered for loan funding in addition to the grant funding. The combination of grant and loan funding will not exceed 80 percent from the State Water Commission.

(1) Addresses upgrades to meet primary drinking water standards or expansion into new service areas. If the expansion into a new service area requires at least ten miles of new transmission pipeline, grant funding up to 75 percent may be considered. Factors considered for water system expansions are:

(a) Connection of communities to the regional system as part of this expansion as determined by the Chief Engineer.

(b) Willingness of water users at far reaches of the system to pay additional costs for water service as an indicator of greater need for access to water and local commitment in the project as determined by the Chief Engineer.

(c) Affordable and sustainable water rate as determined by the Chief Engineer.

(2) Supports improvements and connection of new customers within the existing service area of a water system that has a 3-year average population growth in excess of 3% per year, as determined by the Chief Engineer

(3) Water treatment improvements that address impacts from other State Water Commission projects. Grant funding to be determined based on level of impact by State Water Commission project.

(4) Assists with improvements in service areas where the anticipated cost per user each year (based on 5,000 gallons per month) divided by the average annual median income per user is in the top quartile or other ranking as determined by the Commission of its peer group (large city, small city, and regional) water systems that submitted planning information forms for the biennium. The Chief Engineer will rank the projects.

(5) Addresses extraordinary repairs or replacement needs of a water supply system due to damages from a recent natural disaster.

Debt per capita, either actual or anticipated, may be used as an additional determinant of financial need.

The State Water Commission will periodically set the interest rate on the loan program, taking into consideration other loan programs. If ability to pay for the

local share is a concern, the Chief Engineer may provide a recommendation for public finance options or loan funding.

Water Depots for industrial use receiving water from facilities constructed using State Water Commission funding or loans have the following additional requirements:

- a) Domestic water supply has priority over industrial water supply in times of shortage. This must be explicit in the water service contracts with industrial users.
- b) If water service will be contracted, public notice of availability of water service contracts is required when the depot becomes operational.
- c) A portion of the water supply at any depot must be available on a non-contracted basis for public access.

- 2 **MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY PROGRAM.** The Municipal, Rural, and Industrial Water Supply Program, which uses federal funds, is administered according to North Dakota Administrative Code Article 89-12.
- 3 **DROUGHT DISASTER LIVESTOCK WATER SUPPLY PROJECT ASSISTANCE PROGRAM.** This program is to provide assistance with water supply for livestock impacted during drought declarations and is administered according to North Dakota Administrative Code Article 89-11.

C. **FLOOD CONTROL.** The State Water Commission may provide cost-share for eligible items of flood control projects protecting communities from flooding and may include the repair of dams that provide a flood control benefit.

- 1 **FLOOD RECOVERY PROPERTY ACQUISITION GRANT PROGRAM.** This program is used to assist local sponsors with flood recovery expenses that provide long term flood damage reduction benefits through purchase and removal of structures in areas where flood damage has occurred. All contracted costs directly associated with the acquisition will be considered eligible for cost-share. Contracted costs may include: appraisals, legal fees (title and abstract search or update, etc.), property survey, closing costs, hazardous materials abatement needs (asbestos, lead paint, etc.), and site restoration.

The State Water Commission may provide cost-share of the eligible costs of approved flood recovery expenses that provide long term flood reduction benefits based on the following criteria and priority order:

- a) Local Sponsor has flood damage and property may be needed for construction of temporary or long-term flood control projects, may be cost-shared up to 75 percent.
- b) Local Sponsor has flood damage and property would increase conveyance or provide other flood control benefits, may be cost-shared up to 60 percent.

Prior to applying for assistance, the local sponsor must adopt and provide to the Chief Engineer an acquisition plan (similar to plans required by Hazard



Mitigation Grant Program (HMGP)) that includes the description and map of properties to be acquired, the estimated cost of property acquisition including contract costs, removal of structures, the benefit of acquiring the properties, and information regarding the ineligibility for HMGP funding. Property eligible for HMGP funding is not eligible for this program. The acquisition plan must also include a description of how the local sponsor will insure there is not a duplication of benefits.

Over the long-term development of a flood control project following a voluntary acquisition program, the local sponsor's governing body must officially adopt a flood risk reduction plan or proposal including the flow to be mitigated. The flow used to develop the flood risk reduction plan must be included in zoning discussions to limit new development on other flood-prone property. An excerpt of the meeting minutes documenting the local sponsor's official action must be provided to the Chief Engineer.

Local sponsor must fund the local share for acquisitions; this requirement will not be waived. Federal funds are considered "local" for this program if they are entirely under the authority and control of the local sponsor.

The local sponsor must include a perpetual restrictive covenant similar to the restrictions required by the federal HMGP funding with the additional exceptions being that the property may be utilized for flood control structures and related infrastructure, paved surfaces, and bridges. These covenants must be recorded either in the deed or in a restrictive covenant that would apply to multiple deeds.

The local sponsor must provide justification, acceptable to the Chief Engineer, describing the property's ineligibility to receive federal HMGP funding. This is not meant to require submission and rejection by the federal government, but rather an explanation of why the property would not be eligible for federal funding. Example explanations include: permanent flood control structures may be built on the property; project will not achieve required benefit-cost analysis to support HMGP eligibility; or lack of available HMGP funding. If inability to receive federal funding is not shown to the satisfaction of the Chief Engineer, following consultation with the North Dakota Department of Emergency Services, the cost-share application will be returned to the local sponsor for submittal for federal funding prior to use of these funds.

- 2 FLOOD PROTECTION PROGRAM.** This program supports local sponsor efforts to prevent future property damage due to flood events. The State Water Commission may provide cost-share grants for up to 60 percent of eligible costs. For projects with federal participation, the cost-share may be up to 50 percent of eligible costs.

Engineering design suitable for permitting by the State Engineer must be completed before any construction cost-share is approved. The cost-share application must include the return interval or design flow for which the structure will provide protection. Local share must be provided on a timely

basis. The State Water Commission may lend a portion of the local share based on demonstrated financial need.

Property acquisition costs limited to the purchase price of the property that is not eligible for HMGP funding and within the footprint of a project may be eligible under this program. The local sponsor must include a perpetual restrictive covenant on any properties purchased under this program similar to the restrictions required by the federal HMGP funding with the additional exceptions being that the property may be utilized for flood control structures and related infrastructure, paved surfaces, and bridges. These covenants must be recorded either in the deed or in a restrictive covenant that would apply to multiple deeds.

- 3 FEMA LEVEE SYSTEM ACCREDITATION PROGRAM.** The State Water Commission may provide cost-share up to 60 percent for eligible services for FEMA 44 CFR 65.10 flood control or reduction levee system certification analysis. The analysis is required for FEMA to accredit the levee system for flood insurance mapping purposes. Typical eligible costs include site visits and field surveys to include travel expenses, hydraulic evaluations, closure evaluations, geotechnical evaluations, embankment protection, soils investigations, interior drainage evaluations, internal drainage hydrology and hydraulic reports, system modifications, break-out flows and all other engineering services required by FEMA. The analysis will result in a comprehensive report to be submitted to FEMA and the Chief Engineer.

Administrative costs to gather existing information or to recreate required documents, maintenance and operations plans and updates, and emergency warning systems implementation are not eligible.

- 4 DAM SAFETY AND EMERGENCY ACTION PLANS.** The State Water Commission supports dam safety including repairs and removals, as well as emergency action plans. The State Water Commission may provide cost-share for up to 75 percent of the eligible items for dam safety repair projects and dam breach or removal projects. Dam safety repair projects that are funded with federal or other agency funds may be cost-shared up to 75 percent of the eligible non-matched costs. The intent of these projects is to return the dam to a state of being safe from the condition of failure, damage, error, accidents, harm or other events that are considered non-desirable. The State Water Commission may lend a portion of the local share based on demonstrated financial need.

The State Water Commission may provide cost-share up to 80 percent, for emergency action plans (EAPs) of each dam classified as high or medium significant hazard. The cost of a dam break model is only eligible for reimbursement for dams classified as a high hazard.

- 5 WATER RETENTION PROJECTS.** The goal of water retention projects is to reduce flood damages by storing floodwater upstream of areas prone to flood damage. The State Water Commission may provide cost-share up to 60 percent of eligible costs for flood retention projects including purchase price of the property. For projects with federal participation, the cost-share may be up to 50



percent. Water retention structures constructed with State Water Commission cost-share must meet state dam safety requirements, including the potential of cascade failure. A hydrologic analysis including the operation plan, quantifying the flood reduction benefits for 25, 50, and 100-year events must be submitted with the cost-share application.

- 6 SNAGGING AND CLEARING PROJECTS.** Snagging and clearing projects consist of the removal and disposal of fallen trees and associated debris encountered within or along the channel. Snagging and clearing projects are intended to prevent damage to structures such as bridges, and maintain the hydraulic capacity of the channel during flood flows. The State Water Commission may provide cost-share for up to 50 percent of the eligible items for snagging and clearing as well as any sediment that has accumulated in the immediate vicinity of snags and any trees in imminent danger of falling in the channel on watercourses as defined in N.D.C.C. § 61-01-06. Items that are not eligible include snagging and clearing of man-made channels; the dredging of watercourses for sediment removal; the clearing and grubbing of cattails and other plant vegetation; or the removal of any other unwanted materials.

**D. RURAL FLOOD CONTROL.** The primary purpose of rural flood control projects is to manage runoff or drainage from agricultural sources or to provide flood control in a rural setting. Typically, rural flood control projects consist of drains, channels, diversion ditches, or ring dikes. Items that are not eligible include projects that are managing runoff or drainage from residential or urban sources.

- 1 DRAINS, CHANNELS, OR DIVERSION PROJECTS.** These projects are intended to improve the drainage and management of runoff from agricultural sources. The State Water Commission may provide cost-share up to 45 percent of the eligible items for the construction of drains, channels, or diversion ditches. Expansions and improvements may be cost-shared on the basis of increased drainage capacity achieved or increased area served. Construction costs for public road crossings that are integral to the project are eligible for cost-share as defined in N.D.C.C. § 61-21-31 and 61-21-32. If an assessment-based rural flood control project involves multiple districts, each district involved must join in the cost-share application.

Cost-share applications for rural assessment drains will only be processed after the assessment vote has passed, the final design is complete, and a drain permit has been obtained. If the local sponsor wishes to submit a cost-share application prior to completion of the aforementioned steps, a pre-application process will be followed.

- 2 RING DIKE PROGRAM.** This program is intended to protect individual rural homes and farmsteads. All ring dikes within the program are subject to the Commission's Individual Rural and Farmstead Ring Dike Criteria provided in Attachment A. Cost-share is limited to \$40,000 per ring dike. Protection of a city, community or development area does not fall under this program, but may be eligible for the flood control program. The State Water Commission may provide up to 60 percent cost-share of eligible items for ring dikes.