

Attachment 2

Programmatic Agreement Amendment No. 1

**PROGRAMMATIC AGREEMENT
AMONG THE U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT,
THE NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE FARGO-MOORHEAD METRO FLOOD RISK MANAGEMENT PROJECT,
CASS COUNTY, NORTH DAKOTA AND CLAY COUNTY, MINNESOTA
AMENDMENT NO. 1**

WHEREAS, the St. Paul District, U.S. Army Corps of Engineers (Corps) is continuing to evaluate and design flood risk management measures for the cities of Fargo, Cass County, North Dakota and Moorhead, Clay County, Minnesota; and

WHEREAS, a Programmatic Agreement between the Corps, the North Dakota State Historic Preservation Officer, and the Minnesota State Historic Preservation Officer, was executed on June and July 2011; and

WHEREAS, project features may include environmental mitigation areas and in-town (Fargo and Moorhead) levees, in addition to those previously addressed in the original Programmatic Agreement;

NOW THEREFORE, the parties agree to amend the Programmatic Agreement as follows:

Revise the 4th WHEREAS clause from:

WHEREAS, the Corps has established the Project's Area of Potential Effects (APE), as required by 36 CFR § 800.4(a)(1) and defined in section 800.16(d), as consisting of the footprint of the selected diversion plan including the diversion channel alignment, its associated tieback levee(s), associated construction work areas, construction staging areas, borrow areas, and disposal areas, as well as associated upstream water storage and water staging areas, project-related floodproofing locations, and the viewshed to one-half mile from the diversion channel's centerline, to one-eighth mile from the tieback levee's centerline, and to one-eighth mile outside the storage area boundary levee's centerline; and

To the following:

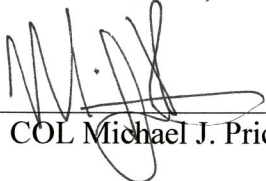
WHEREAS, the Corps has established the Project's Area of Potential Effects (APE), as required by 36 CFR § 800.4(a)(1) and defined in section 800.16(d), as consisting of the footprint of the selected diversion plan including the diversion channel alignment, its associated tieback levee(s), associated construction work areas, construction staging areas, borrow areas, and disposal areas, as well as associated upstream water storage and water staging areas, project-related floodproofing locations, project-related environmental mitigation areas, project-related in-town

Programmatic Agreement Amendment No. 1
Fargo-Moorhead Metro Flood Risk Management Project
Page 2 of 3

(Fargo and Moorhead) levees, and the viewshed to one-half mile from the diversion channel's centerline and all other above-ground project features; and

Signature below indicates concurrence with the above proposed amendment to the original Programmatic Agreement.

ST. PAUL DISTRICT, U.S. ARMY CORPS OF ENGINEERS

BY:  DATE: 15 Nov 2012
COL Michael J. Price, District Engineer

NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICER

BY:  DATE: 11-20-12
Merlan E. Paaverud, Jr., State Historic Preservation Officer

MINNESOTA STATE HISTORIC PRESERVATION OFFICER

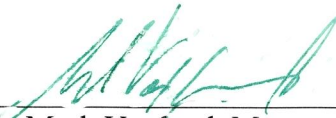
BY:  DATE: 12-04-2012
Barbara M. Howard, MN Deputy State Historic Preservation Officer

Concur:

CITY OF FARGO

BY:  DATE: 12-19-12
Dennis Walaker, Mayor

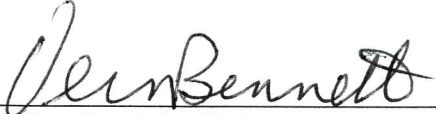
CITY OF MOORHEAD

BY:  DATE: 2-14-2013
Mark Voxland, Mayor


BY:  DATE: 2/13/13
Michael J. Redlinger, City Manager

Concur:

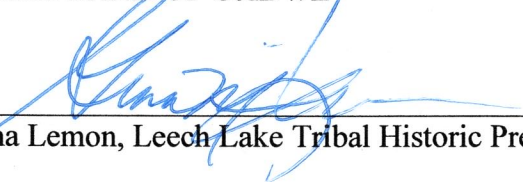
CASS COUNTY BOARD OF COMMISSIONERS

BY:  DATE: 1-7-2013
~~Ken Pawluk, Chairman~~
Vern Bennett

CLAY COUNTY BOARD OF COMMISSIONERS

BY:  DATE: 2-15-13
~~Grant Weyland, Chairman~~
Wayne Engersoll

LEECH LAKE BAND OF OJIBWE

BY:  DATE: 5-15-13
Gina Lemon, Leech Lake Tribal Historic Preservation Officer