

DK-2000
PRJ-1.10

Honorable Shaun Sipma
Mayor of Minot
P.O. Box 5006
Minot, ND 58702-5006

Subject: Memorandum of Understanding to Participate on the Adaptive Management Team for
the Operations of the Northwest Area Water Supply Biota Water Treatment Plant

Dear Mr. Sipma:

Per the City's request, I am writing to clarify language within the Memorandum of Understanding (MOU) sent for the City's consideration in a letter dated September 5, 2018. Please refer to the proposed MOU, Section VII. Terms, which states "The City of Minot agrees that it will not seek relief against the U.S. government..."

As you are aware, the Northwest Area Water Supply Project has been the subject of litigation for many years and only recently have we been able to move forward towards completing the project. The language within this MOU was negotiated with the Province of Manitoba, Canada and the State of North Dakota during settlement discussions in Manitoba's appeal, ultimately resulting in the voluntary dismissal of their appeal.

As stated in the MOU, Reclamation is the lead federal agency in the development and implementation of the Adaptive Management Plan and is solely responsible for decision-making authority. As such, the intent of the MOU term in question is to clearly state that no party signatory to the MOU will seek relief against Reclamation in the event the party disagrees with a future adaptive management decision. This term is included in each MOU Reclamation is entering in to, and we believe consistency in these MOUs is important. Because Reclamation is the sole decision maker, we don't believe it is necessary or appropriate for this MOU term to be reciprocal. Reclamation will not seek relief against the City of Minot for carrying out its role under this MOU.

I hope this explanation is responsive to the City's question and results in the City of Minot entering into this MOU and working with Reclamation in the development and implementation of the Adaptive Management Plan. If you have any questions or require further information regarding this invitation, please contact me at 701-221-1200.

Sincerely,

Arden Freitag
Area Manager

cc: Mr. Dan Jonasson
City of Minot
Director of Public Works
PO Box 5006
Minot, ND 58701