US Army Corps of Engineers®
St. Paul District

Public Comments
Appendix E

Fargo Moorhead Metropolitan Area Flood Risk Management Project

EA Document

This page is intentionally left blank

North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: http://swc.nd.gov

July 15, 2013

District Engineer, St. Paul District
US Army Corps of Engineers
Attn: Terry Williams
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678

Dear Sirs:

Thank you for providing the opportunity to review the draft Supplemental Environmental Assessment, Clean Water Act Section 404(b)(1) Evaluation Supplement, and Finding of No Significant Impact for the design modifications to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project.

Upon review of the documents, we concur with the Finding of No Significant Impact regarding the proposed modifications to the project.

The State Water Commission (Commission) has been able to stay informed of the proposed changes by having representatives at meetings of the Fargo Moorhead Flood Diversion Board of Authority (Authority) and by updates provided to the Commission by representatives of the Authority and the US Army Corps of Engineers (Corps).

The Commission feels that the majority of the changes will be an improvement to the project. By increasing the design river stage to 35 feet on the Red River through Fargo-Moorhead, the possible impact to fish passage will be reduced. This will also reduce the frequency that the staging area would be in use; thereby, not requiring staging for any summer floods that have been recorded on the Red River at Fargo-Moorhead. Building the 2nd Street floodwall to a stage of 39.5 feet plus 5.5 feet of freeboard is also a good decision. The designs of the dikes and floodwalls should consider the possibility of the need to increase their elevation during an extreme flood event.

In addition, moving the south alignment further north may reduce some costs, and it also appears to slightly reduce the impact to the Oxbow, Hickson, and Bakke Subdivision areas. Based on the proposed changes, these areas would also be protected with ring dikes. While it is understandable that those that live in the area would prefer not to have any project impacts, the ring dikes would allow the majority of the residents to remain and have a high level of flood protection.

In conclusion, we support the much needed flood protection to the Fargo-Moorhead area. We look forward to continued progress in these efforts.

Once again, thank you for the opportunity to review the document and provide comments.

Sincerely,

Todd Sando, P.E.
Chief Engineer-Secretary to the State Water Commission

TS:LW:dp/1928

JACK DALRYMPLE, GOVERNOR
CHAIRMAN

TODD SANDO, P.E.
SECRETARY AND STATE ENGINEER

July 15, 2013

District Engineer
St. Paul District
U.S. Army Corps of Engineers
Attn: Terry Williams
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

RE: MN DNR Comments on The Draft Supplemental Environmental Assessment (EA), Clean Water Act Section 404(b) (1) Evaluation Supplement and Finding of No Significant Impact for the design modifications to the Fargo-Moorhead Metropolitan Area Flood Risk Management Project.

Dear Ms. Williams,

As you aware, the project as proposed requires preparation of a state Environmental Impact Assessment (EIS). The Minnesota Department of Natural Resources (DNR) is in the process of fulfilling our requirements with completion of the Scoping Environmental Assessment Worksheet being the most recent milestone. As we continue in the state environmental review (ER) process we will continue to use federal environmental review documents to the degree they address the scoped issues and satisfy state EIS content requirements (Minnesota Rules part 4410.3900, subp. 3). As the responsible government unit (RGU), the DNR is responsible for determining the extent to which federal ER documents address state scope and content requirements.

Based on our review of the documents and considering their scope, the DNR has determined that while they can be used to inform the state EIS, collection of additional information will be required to fully meet the content requirements of the state EIS. In collecting this information, we will work with the U.S. Army Corps of Engineers and other parties to the extent possible to reduce duplication between state and federal ER documents.

For questions about our state EIS process and specific information needs, please contact the EIS project manager, Stuart Arkley at 651-259-5089.

Sincerely,

Nathan Kestner
Regional Environmental Assessment Ecologist - Reg 1

A PLACE OF EXCELLENCE
CITY OF GRAND FORKS

City of Grand Forks

255 North Fourth Street • P.O. Box 5200 • Grand Forks, ND 58206-5200

OFFICE OF MAYOR
MICHAEL R. BROWN

(701) 746-2607
FAX # (701) 787-3773

July 12, 2013

District Engineer
St. Paul District
US Army Corps of Engineers
Attention: Terry Williams
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678

Grand Forks continues to support flood protection as a vital part of community life in the Red River Valley, including the timely completion of a project that helps to provide necessary security for the residents of the Fargo-Moorhead area through the Fargo-Moorhead Metropolitan Flood Protection Project. In fact, Grand Forks further supports 500 year level of protection for any densely populated areas such as Fargo and Grand Forks communities.

We know the benefits of flood protection. As you are fully aware, Grand Forks currently benefits from a 400 million dollar flood protection project made possible by local, state and federal investments. As such, we have a clear responsibility to our residents and to all the funding partners to ensure we maintain at least the same level of safety and confidence as our project currently provides. This responsibility requires us to be actively engaged in identifying and mitigating any potential adverse impact.

The draft Supplemental Environmental Assessment dated June 13, 2013, represents the most recent set of revisions to the operational characteristics of the planned Fargo-Moorhead project. This report, as well as those preceding it, introduce new techniques and procedures relative to the hydrology, statistical frequency, and hydraulics applied to the river systems of the Red River and its' tributaries. The introduction of these techniques, coupled with the way the project impacts the natural conditions of the main stem of the Red River and its' tributaries within the boundaries of the project, create a situation where further clarification, study and analysis are needed.

In order to help move the project forward and simultaneously meet our critical responsibilities, the City of Grand Forks is providing the following comments to clearly articulate areas requiring further clarification or analysis. We look forward to the necessary dialogue to address the following:

1. The HEC-RAS model needs to be calibrated to available discharge and high water mark information. The information provided in the report depicts a surface water elevation change for the existing condition 100 year water surface elevation at Grand Forks. To further elaborate, although the latest study shows little *relative* significant impact(s) at the Grand Forks locations, these findings are predicated on a different baseline of

conditions and models than the baseline on which our current flood protection project was designed and constructed. This difference needs to be clarified within the report and represented in both current and future analysis.

2. This report needs to identify both frequency and duration of impacts for flooding events more than just the 100 year event. Previous studies have shown impacts in Grand Forks not only in crest elevations but also in duration. These impacts include structural, historic and economic consequences. For example, the Sorlie Bridge in Grand Forks is affected at approximately a 50 year event and the Kennedy Bridge (Hwy 2) is affected at somewhat less than the 100 year event. Both of these bridges are historically significant but in addition to the historical nature, when these bridges need to be closed, there are significant impacts to the local and regional economies and to tax generation.

3. The EA needs to include detailed hydrologic and hydraulic data and calculation so a detailed evaluation of the results is possible.

4. The hydraulic modeling, as presented, assumes perfect operation, but in actual practice this rarely happens. An analysis needs to be performed on the potential downstream impacts if project operation does not match the planned operational assumptions.

5. Identify how the unsteady HEC-RAS model handles roadway fills in the flood plain that may impact flood plain filling, draining and timing.

6. How was the timing of the input hydrographs developed and were the hydrographs at Fargo timed so that the Red River peaks at Grand Forks coincide with peaks from the Red Lake River? A sensitivity analysis needs to be performed considering both coincidental timing and off-peak timing.

7. It is unclear if an Independent External Peer Review (IEPR) was completed. Due to the complexity of the model and the need to determine basin impacts, it is critical that the hydraulics, hydrology and proposed operational plan undergo a peer review prior to making a determination of Finding of No Significant Impact.

8. The hydrographs provided (Pages D-5 and D-6) indicate decreased downstream peak flows with both the weir and gate alternatives. However, the decreases in peak flow are greatest at Georgetown and fade as one continues downstream. The new option increases flow through Fargo-Moorhead, maintains a full diversion capacity and yet shows no negative downstream impacts (at crest conditions). These issues need further explanation and discussion.

9. The report discussed how the gate operation is intended to capture the critical timing of allowing the Maple River crest to precede the Red River crest. However, the operational discussions only refer to water surface elevation criteria. Sensitivity testing of not capturing the critical timing on the Maple River needs to be included to determine potential impacts of imperfect operation or information.

10. It is unclear who will operate the gates and who will take responsibility for outcomes. How will the project operators in charge balance the risk between F-M concerns and other impacts? This report needs to identify who will operate the project.

11. A discussion of how the river forecast center will incorporate the new river conditions and operations into their downstream modeling forecasts needs to be included in the report.

12. How will FEMA and other regulatory agencies treat the data as presented? A discussion as to how this may or may not be utilized in the future needs to be discussed within this report. Inclusion of this data as "best available information" or outright regulatory implementation can create consequences that cannot be determined at this time.

13. Have the effects of ice been taken into consideration relative to timing advancement of flows downstream?

14. The report makes general statements regarding changes of storage volume. More detail needs to be provided relative to storage and also how the contributing rivers and ditches will behave and/or be restricted to pre-project conditions. This should be done for the 10, 50, 100 and 500 year events.

In conclusion, Grand Forks continues to support the Fargo-Moorhead Metropolitan flood protection project and is committed to work with the US Army Corps of Engineers and project officials on the above or future issues in order to move the project forward while meeting our responsibilities to maintain the protection and safety of our residents and community. We appreciate this opportunity and look forward the ensuing dialogue.

Sincerely,

Michael R. Brown, Mayor
City of Grand Forks, ND

Cc: Rick Duquette
Allen Grasser
City Council
Mark Walker
Pete Haga
Todd Feland
Mayor Dennis Walaker, City of Fargo, ND

City of East Grand Forks

600 DeMers Ave • P.O. Box 373 • East Grand Forks, MN 56721
218-773-2483 • 218-773-9728 fax www.eastgrandforks.net

July 12, 2013

Mr. Terry Williams, Project Manager
US Corps of Engineers
St. Paul District
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

RE: Fargo-Moorhead Metropolitan Area
Flood Risk Management Project
Supplemental EIS

Dear Mr. Williams:

The following are the City of East Grand Forks, MN comments on the above referenced project.

A) The City of East Grand Forks is in full support of the F-M Flood Risk Management project; however
B) The 30 day comment period should be extended
C) The impacts of the proposed project to the City of East Grand Forks need to be mitigated,
D) Who has the control over the diversion inlet control structure?

If you have any questions or need further information, please contact our office.

Respectfully yours,
Widseth Smith Nolting & Associates, Inc.

Greg Boppre, P.E., Office Manager, City Engineer

Cc: Mayor Lynn Stauss and City Council Members
Karl Lindquist, Interim City Administrator
Ron Galstad, City Attorney
Jason Stordahl, Public Works Superintendent
GB:kmu

The City of East Grand Forks is an Affirmative Action Equal Opportunity Employer.

RICHLAND COUNTY
WATER RESOURCE DISTRICT

MANAGERS:
Don Moffet, Chr. (Barney)
Robert Rostad, Vice Chr. (Colfax)
Arv Burvee (Fairmount)
James Haugen (McLeod)
Gary Friskop (Wahpeton)

SECRETARY /TREASURER:
Monica Zentgraf
(701)642-7773 (Phone)
(701)642-6332 (Fax)
mzentgraf@co.richland.nd.us (E-mail)

June 24, 2013

Aaron Snyder
Department of the Army
St. Paul District
United States Army Corps of Engineers
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1638

RE: Fargo-Moorhead Flood Diversion Project Environmental Assessment

Dear Mr. Snyder,

The Richland County Water Resource Board has numerous concerns relative to the Fargo-Moorhead Flood Diversion Project and wishes to submit the following comments:

The Richland County Water Resource Board feels the United State Army Corps of Engineers did not adequately review the concept of building smaller retention sites in lieu of the large staging area created by the dam. The Richland County Water Resource Board, in conjunction with the Cass County Water Resource Board (aka Richland-Cass Joint Water Resource Board) is currently working on identification of retention sites within the Wild Rice River watershed, with an eye towards construction of viable sites.

The Fargo-Moorhead Flood Diversion Project may be in violation of federal rules against utilizing federal dollars for a project which removes land from the natural flood plain. It appears a large area south of Fargo is being developed and the diversion is being pushed back to make room for development within the flood plain area. This will make the entire area north of the diversion dry. Not only does it appear this may violate federal rules, it also appears the diversion and water staging project is more for economic development, rather than flood protection.

The City of Moorhead has resolved the majority of their flood problems with slow and steady progress; Fargo should also be working in this direction prior to prematurely undertaking this massive flood diversion project.

The Richland County Water Resource Board understands and agrees that Fargo needs protection; however, all other options should be considered and all viable options taken to also protect those to the south of the project and to protect the money of all taxpayers.

Sincerely,

Don Moffet
Chairman

DM:mz

RINKE NOONAN
attorneys at law

July 13, 2013

Direct Dial: 320-656-3508
Jvonkorff@RinkeNoonan.com

District Engineer
St. Paul District, Corps of Engineers
ATTN: Terryl Williams
180 Fifth Street East
St. Paul, Minnesota
55101-1638.

Re: Our File 24082-0001
Comments of Richland-Wilkin County Joint Powers Authority
Regarding Supplemental EA June 2013

Thank you for the opportunity to provide these comments on behalf of Richland/Wilkin Joint Powers Authority (RWJPA). We have previously submitted comments in connection with the original environmental impact statement as well as the supplemental environmental impact statement. In our view, many of those comments remain unaddressed.

In 2008, the Corps of Engineers estimated that the benefits deriving from improved flood control protection would likely justify a project costing "upwards of $400 million[1]." In 2009, the Corps of Engineers presented 11 flood control options, including two levee options and 9 diversion options, ranging in cost from $800 million to $1.5 billion.[1] The Fargo project sponsors selected the most costly option, even though the cost studies demonstrated that the cost of this project would significantly exceed the COE's own estimates of the benefits. The cost of the project has now risen to more than $2 billion. The purpose of this expansion of mission was to subsidize the

---

[1] The Corp's Reconnaissance Study explained: "Because of the uncertainties regarding the final outcomes of the feasibility study and the potential for a justified project upward of $400 million, the study team decided to take a phased approach to the feasibility study. Depending on the actual information gathered during the feasibility study, the costs of that study will be modified based on the information provided. It is estimated that a $400-million project could have a feasibility cost of approximately $21 million." 10. FEASIBILITY PHASE, FARGO-MOORHEAD METROPOLITAN AREA RECONNAISSANCE STUDY, Water Resources Development Act (WRDA) of 1986. Section 905(b) Analysis, page 27.

[1] Fargo-Moorhead Metro Feasibility Study Initial Screening Results, October 2009, page 43.

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
320.251.6700

development of low lying flood-exposed undeveloped land, using taxpayer subsidies to channel development onto low lands and away from flood free high ground. As discussed below, this Supplemental EA fails to recognize that natural flood plain is an environmental resource that, under national policy, is to be preserved, not destroyed.

In 2010, after significantly expanding the magnitude of the original Fargo-Moorhead flood project, the Corps of Engineers then discovered that an expanded project would unleash excess floodwaters on downstream communities. Instead of scaling back the project, project sponsors decided to divert that water by constructing a dam across the Red River to flood communities and farms in Richland and Wilkin Counties. Despite recognition that the expanded projected created unacceptable impacts, the Environmental Impact Statement – and now this draft EA – fails completely to describe a flood control options that avoid the flooding of Richland and Wilkin county, although it is quite clear that an acceptable option exists which could provide excellent flood control to Fargo at a reduced cost while avoiding damage to Richland and Wilkin County. By failing to articulate this option, the proposed EA destroys the basic purpose of an environmental review: to make transparent to state and local regulators, upper echelons of the US COE, the Office of Management and Budget -- and most importantly Congress-- meaningful options which reduce environmental damage, save taxpayers money, and provide superior overall benefits to the Red River Basin.

This EA, like the Environmental Impact Statement before it, stacks the deck in favor of the most costly and most environmentally damaging alternative, by blindfolding Congress and regulators to straightforward options which achieve Fargo's legitimate objectives without damaging Richland and Wilkin County. The proposed project changes, when used in combination with other viable mitigating measures, could eliminate or significantly reduce the impact on Richland and Wilkin Counties. Those mitigating measures were summarily eliminated from prior environmental reviews. The EA now demonstrates that it is possible to reduce damages to Richland and Wilkin County, but fails to recognize that additional measures exist which in combination with these proposed changes, can drastically reduce or eliminate the need to flood Richland and Wilkin Counties.

In these comments, we therefore strenuously challenge the proposed finding of no significant impact (FONSI). A supplemental environmental impact statement is plainly required because the agency has proposed substantial changes in the proposed action that are relevant to environmental concerns and there are new circumstances relevant to environmental concerns and bearing on the proposed action or its impacts. 40 CFR Title section 1502.9(c). They are relevant to environmental concerns, because these project changes make relevant project options previously rejected – project options that can further reduce or eliminate damage to Richland and Wilkin Counties.

The United States Supreme Court has explained this supplemental EIS provision by stating that agencies charged with NEPA's environmental review responsibilities should apply a "rule of reason" in determining whether a supplemental environmental impact statement should be prepared. Application of the "rule of reason" thus turns on the value of the new information to the still pending decision-making process. In this respect the decision whether to prepare a

supplemental EIS is similar to the decision whether to prepare an EIS in the first instance: If there remains "major Federal actio[n]" to occur, and if the new information is sufficient to show that the remaining action will "affec[t] the quality of the human environment" in a significant manner or to a significant extent not already considered, a supplemental EIS must be repared. 42 U.S.C. § 4332(2)(C). The viability of conducting a supplemental EIS is greatly reinforced by the fact that these proposed changes are occurring before Congressional authorization and before commencement of the state EIS and permitting process. It appears that nearly a year will pass before that process will be complete: during that time, development of the options which prevent or reduce damage to Richland and Wilkin Counties can be explored without delaying implementation of needed relief to Fargo. In fact, full exploration of these options may actually advance implementation of relief, by arriving at a solution that can obtain consensus support.

A supplemental environmental impact statement should be prepared for the following reasons:

(a) **Exploration of Options Relevant to Decisions Still Pending.** The project has neither been funded nor authorized by Congress. Moreover, the most damaging aspects of this project could be deferred to subsequent phases of the project, so that these issues could be fully explored. The State of Minnesota's environmental review has just begun. Its scoping decision has not yet issued. An analysis of the issues raised by the proposed changes can be readily studied in contemporaneously with the Minnesota environmental review.

(b) **In- Town Conveyance Improvements Used in Combination With Other Options, Could Eliminate Damage to Richland and Wilkin Counties.** The new capability to provide improved through-town conveyance should be considered in conjunction with other available options which together could significantly reduce, if not eliminate, the need for storage in Richland and Wilkin Counties. Those options include (a) distributed storage, (b) to the extent that a dam and storage is necessary, the relocation of the dam and storage further to the north, and the use of additional flood plain to the west, (c) reinstatement of storage area 1, and (d) reduction in the level of protection to a more practicable and justifiable level, (e) preservation of the natural floodplain and elimination of the attempt to create a floodwall around existing natural floodplain.

,

(c) **Ring Dikes Inflict Major Environmental Impacts Which Should Be Explored *Before* Approval, not After** The proposal to construct ring dikes around communities involves a substantial impact on the environment of those communities. Fundamental principles underlying NEPA require that an environmental analysis of the proposal should have been done before asking cities to accept ring-diking. By insisting that cities commit to ring dikes before an environmental review of those proposals, project sponsors turned the policies of NEPA upside down. Residents of those cities, and any parties potentially impacted by the ring-dike proposal should have been presented with the information discussed in these comments before making a decision to support construction of ring-dikes.

(d) **Transferring Negative Environmental Impact from One Place to Another is Requires Environmental Review.** The EA wrongly assumes that a change in location of some aspect of the project has no environmental impact, because the negative environmental

impact in one place is allegedly offset to some extent by a compensating loss of negative impact in another location. There are many examples of that in the EA, but one such example is the claim that removal of storage area 1 has no environmental consequence. The EA does not make transparent the actual impact of removing storage area 1, except to imply that the storage lost is going to have to be replaced elsewhere. If you propose to drain one lake, and then change your mind and propose to drain a different lake, you've still created a significant new negative environmental impact that needs to be accounted for. When impacts are shifted from one place to another, the new negative impact must be described, accounted for, and options for avoidance considered, not netted out with a reduction of impact elsewhere.

(e) **Elimination of Flooding in Richland and Wilkin Counties Should Be Explored** A Supplemental EIS should include an option that removes use of Richland and Wilkin Counties for flood storage and staging. The new supplemental environmental impact statement—and the Minnesota environmental and permitting reviews -- should carry to conclusion full consideration of at least one option that avoids altogether the use of Richland and Wilkin Counties and the surrounding communities for massive flood storage and staging. That way, decision makers can determine the tradeoffs involved. We have previously urged this option upon all concerned. However, the addition of measures which reduce the upstream impact, make this option more attainable.

II. Alternative plan design demonstrates that there were feasible alternatives that should have been fully examined in a supplemental Environmental Impact Statement

During most of the period this project was being studied, there was no suggestion that it would entail damming of the Red River, or of the flooding of agricultural lands and communities in Richland and Wilkin Counties. As this project was being designed, Fargo made a series of choices based almost exclusively on the Fargo-centric factors. Those choices included a decision to upgrade the scope of the project significantly to provide a significantly higher degree of protection than commonly provided to communities on the Red River, such that 500 year flood protection became the Fargo-defined goal of the project. In addition, Fargo elected to utilize a very aggressive approach to defining the base and 500-year flood, increasing the projected peak flow delivered to the Fargo gauge to in excess of 60,000 cubic feet per second, or double the peak flow experienced at any time from 1900 to 2010.

This election, to protect Fargo at the 500 year level, and the use of a definition of the 500 year flood that departs significantly from FEMA determinations and from traditional definitions is highly controversial and questionable. The 500 year level so-defined requires delivery of double the peak flow to Fargo Gauge ever experienced in the last century. The projections assume, moreover, that the projected 500 year flow will decline over the years, so that in future years, the 500 year chance flood will be lower than current projections. Thus, the plan being proposed is a plan to build for a flood that has never occurred in modern history, and which becomes, according to COE's own projections, less and less likely in future years. The scenario that delivers this quantity of water to Fargo requires a combination of events across the

watershed each of which is highly improbable. It is one thing to project a scenario in which a single small watershed experiences a highly improbable event, but it is quite another to plan for a combination of numerous improbable events in different geographic locations.

As long as this choice—this decision to provide overprotection against a highly improbable event – did not require the flooding of Richland and Wilkin Counties, the upstream counties had no direct interest in challenging that choice. But once it became apparent that the consequence of overprotection would result in periodical flooding of high ground, the EIS process should have presented and defined project alternatives that involved lower degrees of protection similar to the protection now provided on the Minnesota side of the Red River at Moorhead.

Fargo rejected less costly alternatives with higher cost-benefit ratios and selected a project plan which would offer up to 500 year flood protection (defined by further adjusting upward that flood flow) to vast reaches of natural floodplain primarily located in the otherwise undevelopable North Dakota environs of Fargo. The upshot of these decisions was to convert the natural floodways currently available to handle floodwaters into a metropolitan expansion area that would permanently be subject to potential flooding, should the proposed flood control project fail to meet its intended objectives. As Appendix P of the Environmental Impact Statement explains:

> "In terms of flood risk, it is unfortunate that floodplain areas are so attractive to commercial, residential, and industrial developers. The consequences associated with locating damageable property and people within such areas can be extreme to not only property owners and floodplain occupants but to taxpayers at all levels who have, over the decades, largely evolved to "foot the bill" for flood response, recovery, and rebuild when a flood source decides to reoccupy its traditional floodplain" Supplemental EIS, Appendix P

Appendix P continues:

> "Because structural alternatives reduce the frequency of flooding within a particular floodplain, they can affect the behavior of people living in or near the floodplain by allowing them to think that the floodplain is no longer subject to flooding. Because of this, structural alternatives, while they decrease the frequency of flooding, can actually increase flood risk if the consequences of flooding are allowed to increase. This occurs when new development is placed in the floodplain that is inconsistent with reducing flood risk."

As we have said, so long as the project confined its negative impacts to Fargo and Cass Counties, it could be argued that the these policy objectives were matters of primary concern to Fargo itself and to the National Government which was footing the bill for a vastly overpriced massive flood control project.

However, once it was discovered that the increased protection offered to Fargo resulted in major flooding (either upon downstream or upstream counties), it was no longer appropriate to treat these issues and the choices to be made from a Fargo-centric perspective. It is critical, now, that an EIS examine the environmental consequences and the full range of options that allow decision makers to consider options that avoid or minimize damage to other jurisdictions. A supplemental EIS is needed so that non-Fargo decision makers can evaluate the tradeoffs between providing Fargo extraordinary protection, (and protection beyond that provided by the NED plan) on the one hand and implementing other alternatives that may reduce impacts, on the other. These options are important to a variety of decision makers other than the COE, and the COE has an obligation to consider provide information reasonably sought or needed by those decision makers. Those decision makers include

(a) *The Minnesota Department of Natural Resources.* The DNR has additional permitting and approval requirements under Minnesota law that are not addressed by the EA, or for that matter the FEIS.

(b) *Local jurisdictions including Wilkin County that may regulate or permit water retention projects.* Because these jurisdictions have primary regulatory authority over the use of lands within their jurisdiction, Fargo simply cannot presume to regulate or impact lands subject to local regulatory control, simply by adopting a Fargo-first perspective. The writ of Fargo's regulatory decision making does not run to Wilkin County. Wilkin County has a right to data that makes transparent the configuration of a flood control project that avoids flooding Wilkin County with options that include (a) distributed storage, (b) retaining storage area 1, (c) removing protection for natural floodplain, (d) moving the proposed dam further to the North, and (e) expanding the proposed storage area further to the west, (f) reducing the level of protection.

(c) *The citizens and cities impacted by proposed ring dikes.* We believe that it was fundamental error to demand that cities be told that they must agree to ring dikes before the environmental review of those ring dikes. Basically, the EA provides those municipalities with the false choice of being flooded by Fargo's project or accepting class one ring dikes. A supplemental EIS should be considering other options available to avoid flooding Ox Bow and other cities. (see below).

III. The EIS Should Consider the Impact on Options which can Reduce the Impact on Upstream Communities, singly and in Combinations so that State and Local Regulators Can Consider Whether Damage is Avoidable

A. The EIS Should Consider Redesign that would facilitate the Relocation of Dam and Storage to the North

In our submission to the DNR, we proposed consideration of a relocation of storage (if storage is required) further to the North than described in the EA. Moving storage further to the north concentrates any damage caused by the storage system within the jurisdictions that are

proposing the project. It avoids the risk that project jurisdictions will seek to adopt or manipulate rules of operation that inflict unnecessary or undue damage on other jurisdictions. It avoids the possibility that these jurisdictions are seeking to buy unreasonable levels of protection because other jurisdictions are paying the price in increased flooding. Further, that information will assist jurisdictions with land use controls –including Wilkin County --in evaluating any necessary water storage permits.

B. The EIS Should Consider the Potential for Avoiding or Reducing Upstream Impacts with Distributed Storage

In previous comments, we have raised the concern that the intentional flooding of Richland and Wilkin Counties could be avoided or significantly reduced by implementing a system of upstream distributed storage. We understand that Fargo would prefer to avoid that issue, because a significant portion of the benefits of upstream storage flow to other municipalities and counties, but that is not an adequate reason for refusing to consider distributed storage as an option. Federal money is heavily supporting this project. Benefits to other parts of the basin simply cannot be disregarded when considering the costs, benefits and alternatives for the allocation of federal funds to a water resources development project.

The best available evidence strongly supports the conclusion that from one to two feet of flood reduction, or more, can be obtained through distributed storage. A supplemental EIS should be prepared to consider the potential to avoid impacts on Richland and Wilkin Counties with distributed storage in combination with all other possible avenues of flood mitigation, including relocation of dam and storage to the north and other previously described mitigation options. The rejection of those options in the previous EIS documents is not an adequate reason for failing to consider these options now. The proposed project changes advance significant new avenues that can avoid damage to Richland and Wilkin County.

The EA proposes beneficial changes in conveyance of water through Fargo that potentially will reduce the impact on Richland and Wilkin Counties. If those function as described, it means that the other mitigating measures proposed by Richland and Wilkin Counties can have a greater cumulative impact to completely eliminate the necessity of flooding at any time. The opportunity to consider the possibility of using cumulative mitigating efforts to avoid damage establishes that there are "substantial changes in the proposed action that are relevant to environmental concerns" and that there are "new circumstances relevant to environmental concerns and bearing on the proposed action or its impacts."

An EIS Should Consider other options described in the Anderson Affidavit as Dramatically Reducing or Eliminating the Potential for Flooding Richland and Wilkin Counties

IV. Impacts Upon Richland and Wilkin County Cannot be Adequately

Addressed without an Operating Plan: While we strongly oppose the concept of flooding upstream high ground to protect downstream floodplain, still there is no operating plan attached to this supplemental EA. As a result, it is impossible to determine the environmental impact of this new configuration. At this point, COE has attempted to define through hydraulic modeling how much storage is required to mitigate downstream impacts. However, the behavior of water in various flood scenarios is not constrained by models, and can present a variety of potential configurations. *Fargo is building a project, and spending over a billion dollars of money to address a flooding scenario that has never occurred.* Without an operating plan, it is impossible for upstream counties, municipalities, businesses and landowners to understand the circumstances and duration of flooding.

What, for example, will happen in scenarios when Fargo feels that a protective release is prudent, because of the possibility of future flooding? If Fargo is controlling the hydraulic levers and if it has discretion, can upstream landowners be subject to discretionary "protective" flooding? What authority will be available to deviate from projected operations, in the event that the predictive models utilized here do not turn out to be accurate in some scenarios? Will Richland and Wilkin be the safety valve of first resort? Our engineer strongly recommends that we simply cannot evaluate the consequences to upstream communities without a detailed proposed operating plan. Given the evident belief of project proponents that benefits to Fargo count more than benefits elsewhere, and that negative impacts in Fargo count more than negative impacts elsewhere, we cannot accept the suggestion that we should simply trust the project sponsors to open and close the gates of the proposed dam in ways that are appropriate to other locations.

V. The EIS Should Recognize that Floodplain is a Natural Resource, and Should Accordingly Describe an Option that Eliminates Attempts to Protect and then Develop Natural Floodplain

At several locations in the Final EIS, it is recognized that preserving floodplain is an important national objective. See, e.g., Final EIS section 3.7.4. In the Environmental Assessment itself, it is recognized that floodplain destruction is to be avoided where possible. For example, in the EA, you state the following:

> Moving the alignment west of WAPA would have taken additional acres out of the floodplain, and that tradeoff was not warranted because WAPA is significantly above the 0.2-percent chance (500-year) event level already. Those alignments west of WAPA did not produce enough benefits to justify the associated loss of floodplain, per EO 11988. (Emphasis added)

We agree that loss of floodplain is a violation of EO 11988. We agree with the implicit recognition in the EA that loss of floodplain needs to be quantified and made transparent so that decision makers can determine whether the loss of floodplain is lawful, and if lawful, justified by the associated benefits. Our problem with the EA is that it addresses loss of floodplain inconsistently and situationally. Where project sponsors don't want to do something, it is

justified by concerns about loss of floodplain. Where project sponsors have objectives that entail loss of floodplain, the quantification of loss of floodplain and the consideration of options to avoid loss of floodplain are, whether intentionally or not, completely swept under the rug.

Nowhere in this EA is the total loss of floodplain quantified, and nowhere in the EA or the EIS is there a consideration of the impact of that floodplain loss or the options to avoid loss of floodplain. Just as wetland loss is totaled and compensated for, floodplain loss must be considered and avoided. Under EO 119888 and under Minnesota law, getting rid of floodplain to expand development is not permissible, especially since there is suitable expansion room in the Fargo Moorhead metropolitan area on high ground.

The EA proposes elimination of Storage area Number 1, presumably so that Storage Area number 1 can be protected and subsequently developed. This represents, it appears, intentional destruction of floodplain, in order to protect that floodplain for future development and to provide it with protection against a flood with over 60,000 cfs at the Fargo gauge, a flood which is double the flood flow experienced in the last century. No EA is adequate, if it neglects to quantify the total loss of floodplain anticipated by the project. Floodplain is a natural resource protected under state and federal law. Yet, at some of the public meetings, the COE has seemingly asserted that the ultimate result of this project will be the intentional development of natural floodplain, evidently as much as 50 square miles of floodplain or more. The consequences of doing that have not been explored or even made transparent. An environmental assessment, and an environmental impact statement is supposed to make transparent to state and local regulators, to state and local decision makers, and to Congress, the economic and environmental consequences of a project.

It is not an adequate answer to this criticism that the prior EIS documents failed to recognize that natural floodplain is a protected environmental resource. This project proposes the construction of Ring Dikes around communities, and if that construction can be avoided by not protecting and developing undeveloped natural floodplain, that option should be explored and made transparent.

> As it currently stands, Congressional decision makers reviewing the EA and EIS would be oblivious to the fact that a major purpose of this project, is the development of natural flood plain.

If the intent -- or the natural and probable consequences of this project -- is to subsidize development of the natural floodplain of the Red River Valley, and to provide federal protection to that floodplain at the cost of $2 billion, then that information should be made transparent. It should be made transparent to FEMA, so that FEMA can consider whether it is consistent with national floodplain policy to subsidize development in low ground exposed to flooding. It should be made transparent to local permitting authorities and to the State of Minnesota, so that the State of Minnesota can consider whether it is willing to permit a dam across the Red River for the purpose of intentionally developing floodplain in North Dakota. If the intent, or the natural and probable consequences of this project, is to trigger new development within the natural floodplain, but to allow that development to occur without flood insurance, leaving

FEMA with the responsibility to pay for the consequences in the event of flooding, then that intention must be made transparent to Congress and the Obama administration, so that both can decide whether it is now consistent with federal policy to subsidize growth into existing natural floodplain.

> Quantifying the loss of floodplain is especially important because under Minnesota environmental law, loss of natural floodplain represents the invasion of a protected natural resource which is subject to MERA and MEPA constraints.

It is no defense to the EA that the previous EIS fails to address the loss of floodplain contemplated by this project in an orderly and transparent way. The EA proposes an increase in the loss of floodplain, and fails to consider options which reduce that loss of floodplain. . We realize that from Fargo's perspective, it would be preferable to capture all of its floodplain for development expansion, and then shift the consequences to other jurisdictions. But there exists a significant amount of high ground in the Fargo Moorhead metropolitan area, albeit much of it in Moorhead and environs. The assumption of this project design seems to be that since Fargo and North Dakota are contributing more money to the project, they should obtain in return the right to capture 50 square miles of floodplain, using federal money to subsidize development away from the high ground in Minnesota.

In this conjunction, an EIS should describe an option that provides flood protection at a the 100 year flood protection level, so that regulators and permitting authorities can consider the cost and impact tradeoffs involved in increasing the level of protection to the 500 year flood protection level underlying this project's design.

VI. An EIS is Required to Evaluate the Proposed Ring-Dikes

The Ring-Dike proposal alone is sufficient to trigger an environmental impact statement[2]. The purposes of an environmental impact statement is to promote informed decision making so that the public and decision makers can consider potential environmental consequences and consider alternatives to the proposed plan. The impacts and alternatives should be considered *before* a decision is made, not after. Regrettably, the procedure adopted here turns the environmental review process upside down: cities have been asked to commit to Ring-Dikes before the environmental assessment, and the assessment is now being written to justify the decision already made.

The EA is being written as if the natural condition of these cities is to be flooded by a dam operating and constructed by the City of Fargo, and the question being posed in the environmental impact statement is whether the Cities would rather be flooded or protected. An environmental impact statement should be assessing the proposed ring-dike and its consequences against the current authorized condition, which is that the cities are not being flooded, and there

[2] See NRCS Conservation Practices Code 356: "Adverse environmental impacts from the proposed dike will be evaluated. Any increases in flood stage caused by dike-induced flow restrictions will be evaluated for adverse impacts to unprotected areas. Adverse impacts should be minimized."

is no dam. Prior ring dike projects have involved mitigation of already naturally existing flood conditions: this is a project that purposely floods the subject cities.

Placing a ring-dike around a municipality has major potential impacts on the long-term planning for that city, including its transportation infrastructure, its growth potential, its land use. There are significant technical, geotechnical, and operational implications. Ring-diked cities will be surrounded by a 12 to 16 foot earthen dam. Citizens and the municipalities have a right to expect that questions about the long term impacts, operations, and maintenance of such a facility will be fully explored even if approved by their elected representatives under threat of intentional flooding. A planning study should be performed to identify the impact on longterm growth, quality of life, and municipal infrastructure, before the cities and counties impacted made a final decision. Additional concerns raised by citizens at hearings include the following:

1. Who will pay for maintenance of the Rink Dike
2. Property Value – what do actual economic statistics suggest about the impact of dikes on property values
3. Who will pay for the construction of the Ring Dike
4. Who will be assessed for the Ring Dike
5. Who will pay for maintenance of Lift Stations, Pumps and Generators
6. Are there snow impacts, Increased Snow Accumulation, Snow Removal
7. Will there be redundant pump and generator systems
8. What is the likely impact on interior drainage – Are pumps required, and if so how many
9. What is the potential for Internal Flash Flooding - Overwhelming of Lift Stations
10. Is there possibility of breach
11. How does the ring dike impact evacuation contingencies
12. Will a resident that doesn't want to live behind a ring dike have a buy out option
13. What is the possibility of ground shifts as a result of Rink Dike; what are the impacts of Natural Material Settling of Rink Dike
14. Will there be hydrostatic pressure from water in staging/storage area
15. Will there be hydrostatic pressure from water accumulations inside ring dike
16. Does a ring dike impact the Integrity of Septic Systems
17. What ancillary costs result from a rink dike
18. Are there flood insurance issues in a ring diked city
19. Will there be Pest Control issues
20. Location of holding pond
21. Depth of holding pond
22. Safety of Children around holding pond
23. Will the ring diked cities be responsible for maintenance of the ring dike and if so, what are the likely costs
24. What are the reasonable setback requirements
25. Will there be loss of development area, and how will this impact the city's future

VII. An EIS Should be Prepared to Analyze the Impacts of Each Stepped Proposal:

We understand that the COE is planning on obtaining project approved in steps. According to postings, it appears that the COE will be doing a cost-benefit analysis of each phase. Such a cost-benefit analysis would be tremendously beneficial not only to Congress, but to state and local regulators and permitting authorities, in understanding the costs, benefits, and the implications of potential options. This analysis should be provided as part of a supplemental environmental impact statement, rather than postponing and piece-mealing again the necessary analysis. We suggest that, except for the ring dike component of Phase 1, the improvement of through town conveyance contemplated in Phase 1 is likely to provide significant benefits in comparison to the costs. We are concerned as well, that subsequent phases may not have similar cost benefit ratios, and that much of the benefits may derive in those phases from protection and development of natural floodplain. If that is the case, providing the costs and benefits by phase would allow a more effective evaluation of the project and its options.

VIII. An EIS Should Clarify and Explain the Differing Flood Elevations Utilized Throughout the Planning Process

Throughout the EIS process, in documents submitted to the Minnesota DNR, and in public hearings and explanations, different flood elevations have been utilized without definition. This creates the appearance that possibly these elevations are being manipulated in some fashion. Another explanation is that the different elevations are being used in different contexts with different definitions, creating the impression, perhaps inadvertently, that the different elevations can be compared one to another.

Our concern in this regard is enhanced by communications from the Cass County Administrator dated April 19, 2013 asserting that the revised project would "The project would reduce the river level at the Fargo gage during a 500 year flood from 46.7 feet to 40 feet." In order to understand and appropriately utilize the flood elevation data, it is critical that the EA and supplemental EIS identify how an existing condition flood elevation is being defined. Five hundred flood elevations are currently being listed at 43 feet and 46 feet in different documents, and both of those numbers are significantly higher than FEMA definition.

For the above reasons, we request that a supplemental Environmental Impact Statement be prepared.

Sincerely,

Gerald W. Von Korff
Attorney for Richland-Wilkin Joint Powers Authority

Affidavit of Charles Anderson

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

Charles Anderson, being duly sworn under oath, states as follows:

1. I am a licensed engineer in the State of Minnesota since 1977 and hold a bachelors degree in civil engineering.

2. My primary field of practice and expertise has been working with watershed districts and water resource management. I am currently a Senior Professional Engineer of the water resources department within Widseth Smith Nolting (WSN). Our department specializes in water resource management relating to flood control, storm water, and water quality. A copy of my resume is attached to this affidavit. I have extensive experience in drainage and flood control projects.

3. My Minnesota work in flood control involves, among other things, extensive study of the use of distributed storage in the Red River Valley, work for watershed districts in connection with flood control and mitigation, and on comprehensive strategies to manage flooding in the Red River Valley. I served on the Technical and Scientific Advisory Committee ("TSAC") for the Red River Basin Flood Damage Reduction Work Group.

4. I've been asked by the Richland-Wilkin Joint Powers Board to provide advice on potential alternative approaches to the current design proposed by the Fargo-Moorhead Diversion Authority. In preparation for that work, I have reviewed a variety of materials obtained by the Diversion Authority from the US Army Corps of Engineers. I obtained from the US Army Corps of Engineers its flood flow modeling software and data and ran a variety of tests to simulate the impact of upstream distributed storage and its ability to reduce the impact of the project on Richland and Wilkin Counties.

5. In response to a mandate from the Minnesota Legislature to resolve gridlock over state permitting of flood damage reduction projects in the Red River Basin, the State of Minnesota and a variety of stakeholders participated in the mediated settlement process to resolve disputes over the content of a generic Environmental Impact Statement entitled Environmental Impact Study of Flood Control Impoundments in Northwestern Minnesota. The mediation process resulted in a "Mediation Agreement" signed in 1998. The agreement was "intended as the framework for a new, collaborative approach to implementing both flood damage reduction and natural resource protection and enhancement in the Red River Basin in ways that will benefit all Minnesota's citizens." The keys to this new approach were "clearly identified goals, comprehensive watershed planning, early consultation and collaboration on flood damage reduction projects among stakeholders, and a cooperative approach to permitting of those projects." The agreement was signed by the United States Army Corps of Engineers.

6. I believe that if the Fargo-Moorhead proposal had followed the process and implemented the policies adopted by the Mediation Agreement, the project would not have taken its current form. The Mediation Agreement contains a process designed to minimize impacts, maximize environmental benefits and economic benefits, and to make these objectives part of the process from the very beginning. By requiring plan development to pass through the flood damage reduction workgroup, projects are forced to include a Basin wide perspective that assures that scarce resources are being used effectively to maximize both local and basin wide benefits.

Among the important principles and policy objectives identified in the Agreement which should more effectively be implemented in this project are the following

a. Water resource problems should not be passed along to others. A solution for a

watershed should not create a problem upstream or downstream.

b. Water should be stored/managed as close to where it falls as is feasible and practical.

c. A systems approach should be used to manage the timing of flow contributions from multiple minor watersheds.

d. Promote the acquisition and permanent removal of flood-prone structures and establishment of greenways within the 100-year flood plain.

e. Projects should be consistent with comprehensive watershed management planning.

f. A comprehensive watershed planning process is essential for achieving the flood damage reduction and natural resource goals set out in this agreement.

7. The Fargo Moorhead Diversion Project proposed by the Corps and currently under environmental review is a seriously flawed plan from a basin wide perspective. Red River Basin hydrology is extremely complex for a number of reasons including its northward flow and the extremely flat topography of the Lake Plain Area. Flooding is widespread, involving virtually the entire Red River Mainstem and all of its tributaries.

8. The Corps proposal ignores the rest of the basin in its effort to provide an ideal solution for the Fargo Moorhead area. Unfortunately, its preferred option of diversion (a conveyance improvement similar to channelization) tends to move flooding problems downstream. This strategy can work well near the downstream end of a basin (like the Winnipeg Floodway) but should be avoided, if possible, in the upper reaches of a basin.

9. As the downstream impacts of the diversion became more apparent the Corps, to its credit, has made, or proposed, significant changes to the plan. Their preferred strategy

however, diversion of flood waters around the cities, continues to be the centerpiece of the project being considered for implementation.

10. The project currently being considered is a modified diversion plan. The central element is diversion. An upstream dam (staging area) is proposed to mitigate the downstream impacts of the diversion. Increased flows through town are proposed to minimize the impacts of the staging area.

11. The Joint Powers Authority has advised me that one of the purposes of the project is to reclaim natural floodplain for future development. If that is the case, from an engineering standpoint, conducting development behind levees is never as sound as locating that development on high ground. Developing land which is at an elevation below the base flood exposes that development to an unnecessary risk, even if protected by levees and diversions. For that reason, the mediated settlement agreement calls for undeveloped floodplain to remain undeveloped as greenways, open spaces, or potential additional flood storage. Second, the attempt to protect floodplain with levees or diversions can exacerbate upstream and downstream impacts by impairing the natural storage function of the floodplain.

12. I have approached my review of this project from two perspectives. First, I have considered whether there is a superior base concept that conforms to the principles of the mediated settlement. In other words, I considered, what central concept would be chosen had those principles been applied in the first instance. Second, I have considered whether it is possible to improve the existing project, by making incremental changes to that project.

Alternate Base Concept

The Red River Flood Damage Reduction Work Group (Anderson and Kean, 2004) set forth a "Framework" for a coordinated approach to address flooding and related issues in the Red River Basin. A wide variety of flood damage reduction strategies were described, which fell into four broad categories: 1) Reduce flood volume; 2) Increase conveyance capacity; 3) Increase temporary flood storage; and 4) Protection/avoidance. The measures within each category were evaluated for their impact on mainstem flows, which depends on their location within the watershed. For simplicity, location is described as "early", "middle", and "late" timing zones relative to their contribution to peak flows at the international border. The mainstem impacts of each measure are summarized in Table 1 of the above referenced report. The Fargo Moorhead Metropolitan Area is within the middle zone and its upstream drainage area is predominantly within the late zone.

In developing a flood damage reduction strategy for any particular area, primary consideration should be given to those measures that would work toward, rather than against, basin wide flood damage reduction.

Developing a flood damage reduction strategy for Fargo Moorhead is a complex process. Consideration must be given to many factors, not all elements of which will be covered here. But it is important to point out how an alternate approach would differ from the approach taken. The Corps is proposing one measure (diversion) as a total solution that *does impact* other areas. To compensate, they have added measures to mitigate or eliminate those impacts.

An alternate approach would be to include a combination of measures to provide a total solution. First, include those measures that reduce flooding in other areas of the basin as well as the Fargo Moorhead area. Second, include those measures that reduce damages in the Fargo

Moorhead area without adversely affecting other areas. Last, add measures that will adversely impact other areas but are essential to reach a total solution.

Upstream storage

Constructing flood control storage upstream from Fargo is a measure with basin wide benefits. With proper design and operation flood water impoundments will reduce local damages within the upstream watershed while reducing mainstem damages upstream, at, and downstream from Fargo Moorhead. The Red River Basin Commission has outlined a plan in its Long Term Flood Solutions study that would reduce peak flows on the Red River Mainstem by 20%. Estimates of the cost of implementing a comprehensive long term distributed storage program upstream of Fargo range from $200 to $400 million. The Corps' analysis of benefits neglects the fact that upstream distributed storage provides a benefit to the subwatersheds where they are located. The result is that distributed storage provides a local benefit in local flood situations not afforded by a large staging and storage located near Fargo.

This level of reduction would reduce the 100 year flood stage at the Fargo gage by at least 1½ feet. The Corps rejected that impact, because it does not offer a total solution, its implementation is not assured, and it is less effective during larger floods. It is true that a 1½ foot reduction will not nearly meet the current Fargo stage reduction goal and therefore is only a partial solution. However, it is also possible that greater than 20% reduction will ultimately be achieved. 20% is a reasonably foreseeable goal. The basin wide distributed storage effort should not have been dismissed. The contention that the planned distributed storage would have less flow reduction during larger floods, such as 500 year, is unsupported. The effect on large floods depends on design. Current design philosophies suggest that the effect on 500 year floods will be similar to that for 100 year floods.

The Corps of Engineers has used a very conservative estimate of the impact of distributed storage on Red River flows. The impact of distributed storage depends upon design, location, and operation. We conducted a hydrological review of potential distributed storage and found effectiveness that significantly exceeds the estimates used by the Corps.

Evacuation of structures from the floodplain

Evacuation of structures from the floodplain has no adverse impacts beyond the project area. However, its application is limited by practicality to only the most flood prone areas. Removing structures within those areas not only eliminates their potential damages and reverses the negative consequences of past development of the flood plain. It also makes it easier to protect the remaining areas. Commendably, this measure is being aggressively implemented on both sides of the river. However, the impact of this strategy would be undercut if development expanded into newly protected areas of the currently undeveloped floodplain.

Raise the levee protection level

Urban levees increase upstream and/or downstream flood levels due to loss of natural flood plain storage. Therefore the levee protected area should be kept as small as possible. That said, levees are a practical flood damage reduction measure that has generally been considered acceptable, especially if the loss of storage can be mitigated. Raising the existing levee levels allows more water safely to pass through town.

Setting back existing levees

This often can be done in conjunction with abandoning floodplain areas. Although this will tend to increase downstream flows, it is only a partial restoration of floodway capacity lost to existing levees. Like raising levees, this will allow more water to safely pass through town.

Diversion

Adding diversion capacity (or other conveyance improvements) increases downstream flood flows more than any other flood damage reduction measure. Therefore, unless the downstream flood risk is very small, it should be considered a measure of last resort. The design of this project would be markedly different if diversion had been added to the project only as a last resort.

Alternate plan

In spite of the individual drawbacks of the above measures, the optimum strategy may be a combination that includes them all.

a. The LTFS 20% flow reduction strategy using distributed upstream storage should be a foundation element which reduces, but does not eliminate, the need for other measures.

b. Raising the existing levee protection level and setting back existing levees should be done in combination to manage relatively frequently occurring flood flows. The permanent levee system should, by itself, provide a level of protection as high as practical corresponding to flows currently associated with 10 – 25 year peak flow range. In that upper range, there is a reasonable tradeoff between peak flow and flood duration. The loss of natural flood plain storage will tend to increase peak flows, but will decrease flood duration. The increase in peak flows during frequent floods is unlikely to cause major urban or infrastructure damages. The reduced duration of spring flooding will generally be considered an agricultural benefit.

c. Staging area storage should be used during larger floods to provide the next level of protection as well as mitigate the downstream impacts associated with the loss of natural flood plain storage. The staging storage capacity would be used exclusively for peak trimming. If for example, levees protected to a 20 year level, staging storage would hold peak flows constant at

the current 20 year rate, up to a 100 year flood event. This will benefit Fargo Moorhead and areas downstream. When used in combination with other measures, it is possible to locate a staging area storage that does not reach into Richland and Wilkin Counties.

d. Diversion should be included as a measure of last resort to reduce the potential for catastrophic damages during larger events. Because it will be infrequently used, it can take different forms than the diversion channel that the Corps has proposed. The goal is to allow a way for water to move around the cities when and if the capacity of the other measures is exceeded. The current developed area extends almost completely across the floodplain. There must be provision to safely pass reasonably foreseeable major flood flows even though doing so may increase downstream flood damages. One method would be to leave open a natural overflow area. Another would be to excavate a diversion channel. Either would function much like an emergency spillway system. Creative multipurpose options should be considered. For example, a diversion channel on the Minnesota side could double as a below grade, controlled access, TH75 bypass highway that would be an improved traffic corridor functioning at all times up to a 100 year flood.

Improving the current Federally Recommended Project

As I have stated, the intent of the above discussion is to add a basin perspective that appears to have been marginalized by the Corps' planning process. I have also been asked to recommend approaches that involve further refinements of the currently recommended project, which may be a more expeditious pathway to an optimum solution than would be a fresh restart. I have recommended the following refinements which, among other benefits, achieve the goal of avoiding downstream impacts, while locating any necessary staging area entirely within the

counties that are sponsoring the flood control project. Those refinements should include the following:

1. Fully account for and include the Long Term Flood Solution 20% Flow Reduction Strategy in the Fargo Moorhead Flood Damage Reduction Plan. Even though it may be implemented by other than the Corps, its potential benefits should not be ignored.

2. Increase the permanent levee system level of protection. This should correspond to at least 17,000 cfs, preferably up to about 20,000cfs.

3. Move the staging area dam alignment as far north as possible to minimize the loss of natural floodplain storage.

4. Use storage in the staging area only when the levee protection level is exceeded.

5. Provide enough storage capacity in the staging area to control Red River flows to the levee protection level during a 100 year flood.

6. Use the diversion only when the storage capacity is exceeded.

I strongly recommend that before work on any environmental review is completed that a detailed operational plan should be prepared that describes exactly when the staging and storage and diversion will be utilized.

FURTHER YOUR AFFIANT SAITH NOT.

Dated: May 15, 2013

Charles Anderson

Subscribed and sworn to before me
this 15th day of May, 2013.

Notary Public

NANCY SEIDEL
NOTARY PUBLIC-MINNESOTA
My Comm. Exp. Jan. 31, 2017

F:\DATA\24082\001\Anderson\Affidavit of Charles Anderson 05 13 2013cla FINAL.docx

From: Williams, Terryl L MVP
To: Opsahl, Katie MVP
Subject: FW: [Fwd: EA Comment from Web Site - Von Korff 2] (UNCLASSIFIED)
Date: Tuesday, July 16, 2013 3:30:35 PM

---------- Original Message ----------
Subject: Comment from Web Site
From: jvonkorff@rinkenoonan.com
Date: Mon, July 15, 2013 4:49 pm
To: comments@fmdiversion.com

Earlier today, we submitted extensive comments both in hard copy and in digital format on behalf of the Richland - Wilkin Joint Powers Authority. In those comments we urged the USACE to review and make transparent the potential reduction in the 100 year flow that would obtain if proposed dam were moved further to the north. In particular, we suggested that doing so had the potential of reducing or eliminating the additional flooding caused by the project in Richland and Wilkin Counties.

We have asked our engineer to conduct an analysis of that potential, and his work supports the conclusion that additional modifications in the project can provide very significant reductions in flow at the Richland-Wilkin county lines.

A 20% flow reduction from distributed storage would lower the flood stage of that option at Oxbow by about 1.62'. But that does not exhaust the potential reductions.

Moving the alignment to the north as we would recommend presents difficulties in analysis because the USACE did not consider that option. However, USACE did consider an option called "NWRR" that would be 2 miles farther north in North Dakota and 4 miles farther north in Minnesota. Our engineer concludes based on preliminary review that using this option lowers the projected 100 flood elevation at Oxbow by over 4 ½ ' to a net increase of 1.13'. it should wipe out any 100 year stage increase at the county line. Once again, that option does not exhaust the available options for reducing upstream impact. By implementing a supplemental EIS, these options could be fully explored and offers the potential for finding a solution that intentionally floods Richland and Wilkin Counties. This analysis demonstrates that the EA simply has not exhausted the viable options for avoiding the flooding of Richland and Wilkin Counties. Given the great cost and considerable negative impact o!
n communities associated with Ring Dikes, the Richland-Wilkin Joint Powers Authority reaffirms its position that a supplemental EIS should be initiated.

Classification: UNCLASSIFIED
Caveats: NONE

Richland and Wilkin Counties. Given the great cost and considerable negative impact o!
n communities associated with Ring Dikes, the Richland-Wilkin Joint Powers Authority reaffirms its position that a supplemental EIS should be initiated.

Classification: UNCLASSIFIED
Caveats: NONE

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Monday, July 15, 2013 11:10:35 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: cisraelson@anyconnect.com
Date: Sun, July 14, 2013 4:43 pm
To: eacomments@fmdiversion.com

The people who live here know that we have unstable soils on the Red River. Reports coming in from the Corp. do not fall in line with what we already know. I didn't realize one city could gain the outcomes they need to move a project forward.

Here is information from the recent quote about Minot's flood protection. "They had a bad flood in 2011. It's the one Fargo says they don't want to happen to them. Good idea. So how do you think the U.S. Army Corps wants to solve the problem? Here's a quote from a Prairie Public Broadcasting story from last week:

"Col. Michael Price with the Corps of Engineers says everyone realizes that the Souris must be managed for the entire basin. 'We can't just protect the city of Minot,' said Price. 'We just focus on Minot, we're foregoing all the other downstream communities . Right now, the agreement is clearly focused on a target flow in Minot, but it takes into account the entire basin. So what the Souris board, the Corps and the state are looking at doing is looking at the entire basin to see what changes we can make so that this doesn't happen again.'"

Go ahead, read that last paragraph again. The supervisor of the St. Paul Corps office that is planning the Fargo diversion, says basin-wide water management is the only solution for protecting the flood ravaged city of Minot. He said they can't just look at protecting Minot without foregoing the other communities downstream".

I was at the Harwood, ND land owners meeting. If our only way to discuss our land is by submitting a note at the meeting or a letter the point of the meeting must have been to tell us your plans for our future.

What I heard at this meeting was when taking our land for the diversion our options are take what you offer, meet with the Fargo Diversion Board or go to court and deal with a paid Fargo judge. Sounds fare for the Fargo Diversion.....not so much to all the people and businesses you plan to steal from and run-over. To-date the Corp and the Diversion Authority have made no effort and appears to have no intention to work with land owners or business owners. That much is very clear. Thanks

From: EA Comments
To: Coleman, Brett R MVP; Williams, Terryl L MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Wednesday, July 10, 2013 9:36:15 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: cdmiller75@gmail.com
Date: Tue, July 9, 2013 11:12 pm
To: eacomments@fmdiversion.com

I attended the June 25th meeting at the civic center and was disappointed in the format in that I felt like our concerns were not too important nor were they even recorded. In the meeting we learned that the latest diversion path ran directly adjacent to my home property, only my property is on the outside! I also learned that my neighborhood has an increased flood risk based on the latest diversion plan and according to the representatives from the corp, there was no plan to help us out. There is no question in our minds that with this diversion, our home value will go down and our flood insurance will just go up. I hope you can understand how frustrating it is that my home property (exactly 10 miles west of the red river) will be adversely affected by this project just so the properties along the river can be protected!

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Thursday, June 27, 2013 12:19:19 PM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: cdmiller75@gmail.com
Date: Wed, June 26, 2013 8:05 pm
To: eacomments@fmdiversion.com

I live in the community east of Mapleton on highway 10. 3583 166 1/4 ave SE. Our property line to our east lands on the west red line boundary of the proposed diversion.

I propose that you seriously consider compensating us for the loss in our residential property value. The reason for loss, however difficult to predict the amount, would be because our lot would be adjacent to a huge diversion. Even if you succeed at maintaining our current flood risk level, there will still be a significant loss if value and in turn equity in our home.

Regards,
Collin Miller

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Friday, June 28, 2013 10:11:38 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: brian.higgins@skanska.com
Date: Thu, June 27, 2013 2:54 pm
To: eacomments@fmdiversion.com

What is the timeline for construction of this project? How many contracts will be involved? What method of delivery will be used to award these projects?

From:	EA Comments
To:	Williams, Terryl L MVP; Coleman, Brett R MVP
Subject:	[Fwd: EA Comment from Web Site]
Date:	Tuesday, July 16, 2013 12:52:25 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: abreimeier@live.com
Date: Mon, July 15, 2013 12:33 pm
To: eacomments@fmdiversion.com

Revised version 07/15/13 11:30 a.m.
The Diversion Authority recently announced its construction sequence for its diversion project, a plan that builds the northern reaches of the project and the southern dam and reservoir first, leaving the connecting section between to last. This plan has been referred to locally as 'the $1 billion option'. Let's assume that construction proceeds along this path and these 'first two phases' of the project are completed. Let's also assume that funding runs out at this point, that only this much of the project is built and that the connecting section between the north end and south end does not get built or is delayed for many years. Questions:
1) Assume this reduced project is put into operation for a 100-year flood event: How will the lack of a full diversion channel affect storage duration within the storage reservoir, euphemistically referred to as 'the staging area'? Will the storage duration be prolonged as a result of the project being incomplete and if so, by how much? We have heard that storage duration could as much as double so it is important to understand the storage dynamic with this 'no-diversion diversion'.
2) Questions on geomorphology: How will extended duration affect the integrity of the river channel within the reservoir area? With extended storage and saturation, will the banks slump, pulling in the large existing trees? Even without slumping, will the trees and vegetation survive extended storage? Will trees survive a summer storage event?
3) With regard to the safety of the communities of Oxbow, Hickson and Bakke, what are the possible implications of the extended periods of reservoir inundation for these communities? When surrounded by 200,000 acre-feet of water for perhaps two to three weeks at a time, will the water table within the community be affected? It would seem logical that those structures nearest to the levee will be most affected by ground water changes. Can and will the Corps guarantee to the residents of these communities that they will experience no negative effects resulting from the inundation of the reservoir? If there is damage, how will property owners be compensated for said damage? Does any version of homeowner's insurance cover damage resulting from ground water issues, be they seepage or hydraulic shifting?
4) Assuming a worst-case scenario, a breach of the levee surrounding Oxbow, Hickson and Bakke, has a life-risk assessment been completed? What do the results show? In such a scenario, how do property owners recover financially from what may well be a total loss of personal property? Will the Corps or diversion authority pick up that tab? Or will that be left to FEMA? Does a homeowner need to carry flood insurance in order to have any coverage at all against such a loss?
5) FEMA has discussed the possibility of flood insurance being a requirement for any levee-protected property as a significant majority of its losses are to such properties. Given the insolvency of the NFIP, the recent changes to the NFIP (Biggert Waters) and with additional changes to the NFIP potentially on the horizon, will residents of Oxbow, Hickson and Bakke be required to carry flood insurance? Properties in this area are currently above the 100-year flood plain but with 8-feet of inundation added to the surrounding area of the city, may FEMA ultimately deem this community to be 'high-risk' despite the presence of the levee?
At the most recent meeting of the diversion authority, several statements made by board members, support staff and the Corps stand out for me. First, the project is purported to protect 215,000 people and the 'economic engine' that is Fargo-Moorhead. Second, "Money is not a problem, guys!" And, finally, "The staging area is local storage that benefits Fargo." One would think that with the importance of the storage component of the project to the financial interests of the FM area and the State of North Dakota, the people so negatively impacted by said storage could be treated less shabbily. Sadly, such is not the case. The unseemly, bullying process that has taken us all to this point reflects very poorly on local and state leadership and on that of the Corps.

Arden Breimeier
614 Evergreen Cir
Oxbow, ND

From:	EA Comments
To:	Williams, Terryl L MVP; Coleman, Brett R MVP
Subject:	[Fwd: EA Comment from Web Site]
Date:	Monday, July 15, 2013 11:19:09 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: tranarogne@gmail.com
Date: Sat, July 13, 2013 12:18 pm
To: eacomments@fmdiversion.com

1.1 Description of Alternatives Considered

"It is estimated that there is a net gain of approximately 700 acres of floodplain with the modified alignment when compared with the FEIS alignment."

Is this a loss or gain of protected flood plain?

1.1.3 Western Alignment - Sheyenne River to Maple River

This is a rehash with new arguments of the West Fargo development area that is discussed in the FEIS. This is an argument that what is good for Fargo is not good for West Fargo. West Fargo Flood plain is good for storage and the south Fargo flood plain is good for development. This is a plan that benefits Fargo, not West Fargo.
The issues of the flood plain are not noted. The 11988 order is ignored, and the loss of storage for flood reduction is ignored.

1.1.4 Southern Alignment - Red River Inlet and Tieback Embankments to Sheyenne River

North of Wild Rice River (NWRR)
"This alternative was screened out because it would result in impacts to more people and would remove benefits to areas that are currently developed and would benefit from the Project. In addition, it would not reduce downstream impacts to the extent that additional mitigation would not be required. (Appendix O section 8.4.2.1.6 of the FEIS)"

This argument is not valid; the areas to be flooded or protected are currently developed. The 8.4.2.1.6 does not address the reduced extent of downstream impacts, or reference the reductions in mitigation that would be achieved by the use of the NWRR.

These NWRR issues listed above have not been addressed as the area is the future development area for Fargo developers. In spite of numerous requests for amount of the reduction in downstream impact by the single use or in combination with other flood risk reduction measures in the flood plain, the information has not been provided.

See Appendix C Table C-14 and Table C20 to see the future development cost savings, EEAB.

Under ND state law, this project cannot use Eminent Domain to take property as it is a development project.

1.2 Tieback Embankment Alignment
"The additional storage required to mitigate downstream stage impacts has been reduced to approximately 150,000 acre-feet." (It has been 200,000 acre-feet)
The staging and impact areas have not been appreciably reduced in accordance with the reduced storage needed.

The use of the " Wet" 46.7 feet, Corps flood level that has been changed to the FEMA level of 43.3 and the impacts to the Expected Annual Average Damages is not discussed. This is critical as the "Wet" flood level increased the damages from 77 million to 194 million. This should require a revision of the Record of Decision.

Needed Additional Wetlands
2. page 41&42 note that additional wetland are need, from 990 to 1705 acres.
"The wetland impacts will be compensated for with the creation of wetlands in the diversion channel."

The wetlands in the diversion channel, low flow channel, are of a high erodible condition subject to yearly destruction and reconstruction and no provisions for funding of maintenance of the low flow channel is noted. If in fact the wetlands in the low flow channel cannot be maintained, what is the alternate wetland mitigation feature?

5."The loss of these wooded acres would be permanent but would be mitigated for by converting farmed wetland along one of the rivers into floodplain forest at a 2:1 ratio."

Where is the "farmed wetland along one of the rivers" that is to be converted and what is the cost?

5.6 Controversy, /5.2 Economic Effects, Public Facilities and Tax Revenue: "The full Oxbow/Hickson/Bakke alignment would benefit the church, community center,and businesses in Hickson and Oxbow. The full alignment would maintain this area's tax base for the Kindred School District,"

The stated rational "maintain the tax base for the communities" for the ring levee is conjecture and not fact. The DA and the FM Diversion are the reason for the loss of tax base and are responsible for making the communities whole. No mention of the loss of tax base to Pleasant Township.
If there is not a return to the tax base the DA is responsible to all those who have higher school taxes now and in the future until if and when the tax base returns. Currently we are paying higher school taxes due to the tax loss incurred by the future project. The DA has not provided for our loss.

6. Coordination,
The list of public meetings excluded the Horace Public Meeting at which Fargo officials admitted Fargo was unable to control unwise building in the flood plain due to threat of legal action. They stated they would expect to buy out some of the new construction.

Additionally
The Agriculture issues of crop insurance and farm headquarters relocations have not been resolved.
The transportation impacts have not been resolved.
The staging and flooded areas are not consistent with elevations.

Summary
This project was envisioned to take land out of the natural flood plain and convert the former flood plain into development area.
The expected damages, EAAD of 77 billion dollars at a 43.5 elevation were changed in the development of the project to achieve higher C/B ratio 194 billon dollars at a 46.7 elevation and then changed back to a elevation of 43.1or 43.3 without a change in the EAAD. The Corps has not been forthcoming with a rationale for this occurrence.
For these and previously listed reasons the Record of Decision was based on conditions that now are not accepted. Also the project as fundamentally a development project should have the Record of decision revisited.

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Wednesday, June 19, 2013 2:57:25 PM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: tmathern@nd.gov
Date: Tue, June 18, 2013 4:17 pm
To: eacomments@fmdiversion.com

I encourage that restrictive building codes limiting building in flood prone lands be in place for the entire Red River basin.

From:	EA Comments
To:	Coleman, Brett R MVP; Williams, Terryl L MVP
Subject:	[Fwd: EA Comment from Web Site]
Date:	Friday, July 12, 2013 11:47:24 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: tldubord@yahoo.com
Date: Thu, July 11, 2013 3:25 pm
To: eacomments@fmdiversion.com

Is there a process for requesting a buyout for property owners who now fall just outside of the diversion? As currently drawn, my home and property will now fall just north of the diversion channel. As such, I will now have a highway on one end of my yard and a 15-foot bank on the other end. On top of that, it appears the current grove of trees that now surrounds my property will be removed. This not only detracts from the beauty and comfort of my home but also causes me safety concerns, especially during the construction period. According to the latest map, my yard will now house a temporary pass-through route for construction equipment. During this time, my yard will not be safe for pets or grandchildren and will make for a miserable and noisy environment. This certainly detracts from the peaceful farm my family has enjoyed calling home for the past 120 years.

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Tuesday, July 16, 2013 12:52:51 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: perry@rustsales.com
Date: Mon, July 15, 2013 1:12 pm
To: eacomments@fmdiversion.com

This study does not show how water draining from farmland, township ditched, legal drains, and natural drains will be channeled into the diversion channel. this needs to be addressed if not water will backup and cause flooding in areas that have never flooded in the past

From:	EA Comments
To:	Williams, Terryl L MVP; Coleman, Brett R MVP
Subject:	[Fwd: EA Comment from Web Site]
Date:	Monday, July 01, 2013 3:32:15 PM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: mayer000@hotmail.com
Date: Fri, June 28, 2013 4:46 pm
To: eacomments@fmdiversion.com

With the 3 bridges only crossing the canal north and west of County Road 20 and I-29, alot of traffic using the mile gravel roads is be pushed to the 3 County Roads which 2 of them are gravel. Are roadways and traffic studies being included during the assessments? I suspect not. Proposal is to include traffic flow and include on/off ramps to I-29 on County Road 32. County Road 32 must be paved at least to and over the canal.

From:	EA Comments
To:	Williams, Terryl L MVP; Coleman, Brett R MVP
Subject:	[Fwd: EA Comment from Web Site]
Date:	Tuesday, July 16, 2013 12:53:42 AM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: donnelso@hotmail.com
Date: Tue, July 16, 2013 12:49 am
To: eacomments@fmdiversion.com
---

1 Where are the detailed studies for the Oxbow Ring Dike? With the Ring Dike and Hwy 81 raised to get out to Interstate you have now created a new dike that is basically from the Red River on the ND side to Interstate. You are now pushing all the water to MN side that has never had flooding problems and even further south. Where are the detailed studies showing the effects of this ring dike and the raised roads out to Interstate? Furthermore, if this Oxbow Ring Dike project is put in before it becomes a Federal project which is the plan, who is going to pay for the effects of pushing the extra water onto the MN side? And also, if this Oxbow Ring Dike project is put in and the rest of the Diversion Project never happens who is going to pay for the effects of pushing the extra water onto the MN side? How is it legal to push all this water into MN?

2.1 There is a severe problem with the alignment of the "Red Box". There are many issues but the one I am really concerned with is on the MN side at the location of the southern "Tieback Embankment". This Red Box line needs to be extended out to the East end of the "Tieback Embankment". You have created a storage area there but are claiming "no effect" which is absolutely not true. The Southern Tieback Embankment here is stated to be 8 feet high so you can't claim "no effect" behind it. The southern embankment goes through a coulee east of the Red Box. That will create a severe restriction of flow even during non-spring flood events. This will cause issues just during a summer rain. The other issue is local drainage at the location near the Red Box and the "Tieback Embankment" on MN side. That water currently runs South and then West. This will no longer work with your plan. How are you going to fix this drainage issue? This has been brought up for a very long ti!
me now and all that is said is "We will look into it" but there are never any answers to the problem.

3.1.1.3 The elimination of Storage Area 1 should not happen. That was roughly 50,000 acre feet. Moving the alignment north got into part of Storage Area 1 but there was still more storage to the north. There has to be over 25,000 acre feet that should still be there. Put this back and extend the storage area even further north to take advantage of the natural floodplain.

3.2 It mentions a study of 30 to 37 feet and then picking 35 feet. Why not always let a minimum of 40 feet through town? During the 2013 spring flood that never happened, Fargo built up protection to handle a 40 foot flood by only using 100,000 sandbags. This was proof that it would take very little effort to build permanent dikes for permanent protection and allow a minimum of 40 feet through town for all flood events (50-500 year) which would greatly lessen the need for the staging area.

3.2.1 With the top of the 2nd Street floodwall going to be at 45 feet there is no reason 40 feet can't always be ran through town for all flood events (50-500 year) which would lessen the need for the staging area.

3.3 It was stated at the June 25th meeting at Civic Center that the height of the "Southern Embankment" dike is changing from 927 to 930 although I don't see that mentioned in this document. Why not? Maps are still mislabeled as 927. But I do see that the height of the Oxbow Ring Dike is listed as 926. The "Southern Embankment" is only 2.5 miles north and is 930. That means the Oxbow Ring Dike is 4 feet less than the height of the "Southern Embankment". Why is that? This seems to indicate that the Oxbow Ring Dike is 4 feet too low.

3.3.1 It is stated that the estimated cost of Oxbow Ring Dike is 65 Million dollars. In the September 13, 2012 Public Meeting Post-Feasibility Analysis packet on page 22 it says the VE13-A option had a cost

savings of 53 Million dollars. The Oxbow Ring Dike came after this so actually the VE 13-A option is now costing an EXTRA 12 Million Dollars (53-65). The North of Wild Rice plus Oxbow Levee option was stated to have a 6 Million dollar savings. Actually it now has a 71 Million dollar savings over the VE13-A option (6 + 65). The South of Oxbow option was stated to cost an extra 29 Million dollars. It now actually has a 36 Million dollar savings over the VE13-A option that was picked (65-29). So what this now means is that you have picked the most expensive option and if you were to go with the North of Wild Rice plus Oxbow Levee option you would save 71 Million dollars over the current plan, correct?

3.4 Why is the Diversion Inlet not on the river? It is 6 miles from the river. Bring the inlet to the river so that water starts moving down the diversion channel immediately when the Red River control structure is closed. It also mentions road crossings at 3 mile intervals. On the MN side which roads will no longer be passable? It says "A gated control structure would be constructed adjacent to the Red River in Holy Cross Township, Clay County, Minnesota". Why is the control structure created entirely on MN side of river rather than putting it in center of existing river channel? What will be the flow rate at site of new control structure once the river is re-routed compared to what it is today under existing conditions with no flooding? Basically, how much is this "control structure" going to slow the existing flow compared to not having the control structure there? What will the cfs flow rate be at the Red River Control Structure for a 10, 50, 100, 500 year even!
t? What will the cfs flow rate be at the Wild Rice River Control Structure for a 10, 50, 100, 500 year event? What will the cfs flow rate be at the Diversion Inlet Control Structure for a 10, 50, 100, 500 year event?

General:
This project will take away the ability to build on land in the Staging Area that sits above the current 100 and 500 year Army Corps flood levels so that development can happen in Fargo at levels well below the 50 year flood plain levels. How is that anywhere close to a plan that makes any sense? What is the compensation for never being able to build on land that sits above the current 100 and 500 year Army Corps flood levels? This has been asked many times with no answer given.

Eminent domain can't be used on land that will be used for development purposes. It has been stated that the intent is to start on the Oxbow Ring Dike ASAP before this becomes a Federal Project. How do you plan to get around the Eminent domain issue?

Regarding the 500 Year level of 46.7 vs. 43.1 at Fargo gage. It is said that the river would be a height of 43.1 under existing conditions for a 500 year level. With emergency protection it is said the river would go to 46.7 at Fargo gage. So how can you justify using 46.7 to determine the Cost Benefit Ratio for this Federal Project when that number is 3.6 feet too high? If the real 43.1 number is used then the Cost Benefit Ratio is much, much lower correct? The 46.7 number is only what would be between the dikes in the river channel and not what would be the height if it spread out in town. The 43.1 number would result in much less disaster costs than the false 46.7 number correct? Your Cost Benefit Ratio needs to be recalculated using the correct 43.1 number. And then that number would no longer meet the criteria of being greater than 1.0 correct?

There is no doubt that Fargo needs reasonable permanent flood protection. But flooding out land in the staging area that currently sits well above the Army Corps 100 and 500 year floodplain levels is definitely not the answer. This project needs to be done without the use of the staging area and 13 mile wide dike (southern embankment). To prevent the downstream impacts caused by the diversion channel there needs to be retention projects put in place in the correct places. Not on this land that is above the 100 and 500 year floodplain levels. The Red River Basin Commission and Red River Retention Authority have proven that retention projects can offset the downstream impacts by more than double. And NONE of their retention sites have a residence or farmstead located in the retention site.

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Thursday, June 27, 2013 12:16:38 PM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: dchristians@cableone.net
Date: Thu, June 27, 2013 8:10 am
To: eacomments@fmdiversion.com

What I do not understand is that people that built within the flood plain, along the river are now being offered buy outs at a very comfortable amount. Now with the changes that are being made to the route of the diversion you are decreasing the value of property but are unwilling to offer them a buyout even tho it comes up to the property line and creates a hazard with young children residing within these properties. If you are saving this much money that you say then I would think there would be funds to buy out these properties.
Thank you,
Doug Christians

From: EA Comments
To: Williams, Terryl L MVP; Coleman, Brett R MVP
Subject: [Fwd: EA Comment from Web Site]
Date: Thursday, June 27, 2013 12:17:11 PM

---------- Original Message ----------
Subject: EA Comment from Web Site
From: dan10mcconnell@gmail.com
Date: Wed, June 26, 2013 11:53 pm
To: eacomments@fmdiversion.com

How many acers of farm land that can not be replaced be destroyed?

Departmeny of the Army
Attention: Terry Williams, Project Manager
St. Paul District, Corps of Engineers
180 - 5th St. E. - suite 700
St. Paul, Minn. 55101-1678

Gary Hoffman
P.O. Box 1052
Watertown, SD 57201

July 8, 2013

RE: Fargo-Moorhead Flood Risk Management

Dear Terry Williams:

I talked to you at your meeting on June 25, 2013 in Fargo. I must say it was interesting. I only got a chance to ask a few questions. First, I asked what advantage was there going to be for us farmers south of Interstate # 94. You told me unfortunately there wasn't going to be much of any kind of advantage for us farmers south of Interstate 94.

Second, I asked you was why you were proposing the eastern route for the Diversion Channel Alignment putting the new Diversion Channel next to the Sheyenne River Diversion Channel. This adds over One mile to the new Diversion Channel and it would cost more than 30 Million Dollars to the cost. Your answer was that we haven't decided for sure where the New Alignment should go yet.

You told me that you have only decided on 15% of the Alignment south of Interstate 94. However, everything that you said at the meeting on June 25, 2013 you said you had already decided where the Alignment is going - No questions asked !!

I also asked you, Terry where the extra 30 Million Dollars is coming from. You told me that the money will be appropiated by Congress. I also asked you where does Congress get their money from? You told me from the tax payers. I then told you that I am a tax payer too. I don't want to spend an extra 30 million Dollars when we can get the same job done and save 30 Million Dollars.

I asked you if I could speak at the meeting. At first you said yes. When I got up to the microphone you shut it off and told me to make any comments that I had in writing.

I am sending you maps of the New proposed Diversion Channel Alignment to the east and a proposal of the Alignment to the west. The Western Alignment would save at least 30 Million Dollars.

I want you to draw up a New Alignment for the Diversion Channel using the Western Route and save us tax payers 30 million dollars. I will then be convinced that you did something for us tax payers even if nothing could be done to help us farmers.

I will be waiting to hear from you on the Diversion Channel Alignment.

Sincerely,

Gary G. Hoffman

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

REPLY TO
ATTENTION OF

14 June, 2013

Programs and Project Management Division
Project Management Branch (PM-B)

SUBJECT: Fargo-Moorhead Flood Risk Management Meeting for Impacted Property Owners

Gary Hoffman
BOX 1052
WATERTOWN, SD 57201-1052

Dear Gary Hoffman,

The U.S. Army Corps of Engineers, in cooperation with the Diversion Authority, are completing a draft supplemental Environmental Assessment (EA) for the Diversion Channel and associated features. This EA addresses changes to the Diversion Channel alignment shown in the Environmental Impact Statement dated July 2011, including between the Maple River south to the Sheyenne River or "Western Alignment". We are contacting you because you live on or own property that may be directly affected by the Western Alignment, as shown on the enclosed map.

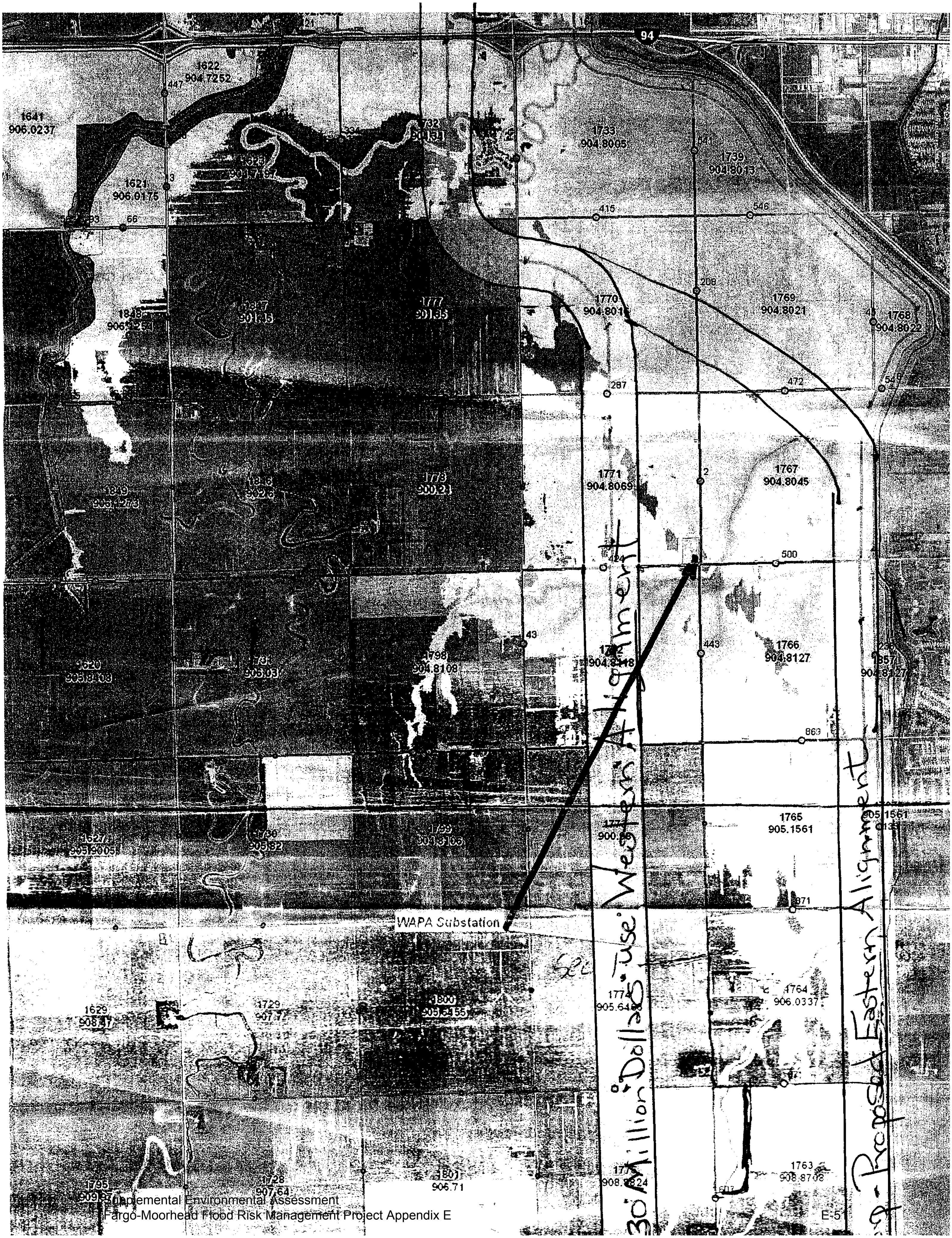
You are invited to attend a public meeting to learn about the potential impacts to your property at the Environmental Assessment meeting on the evening of Tuesday, June 25, 2013. The meeting will begin at 6 p.m. with an open house followed by a formal presentation at 7 p.m. and conclude with an open house from 8 p.m. to 10 p.m. in the evening. The meeting will take place at the Fargo Civic Center, Centennial Hall, 207 4th Street North, Fargo.

Information to be presented will include the content of the Environmental Assessment and general information on the Western Alignment. This meeting is open to the general public.

We look forward to meeting with you on Tuesday, June 25, 2013. Please contact Katie Opsahl at 651-290-5259 with any questions about the upcoming meetings.

Sincerely,

for Terry Williams
Project Manager
Saint Paul District, Corps of Engineer


94
1622
904.7252
1641
906.0237
1621
906.0175
1733
904.8005
1739
904.8013
1770
1769
904.8021
1768
904.8022
1771
904.8069
1767
904.8045
1766
1765
905.1561
1764
906.0337
1763
1798
1777
1849
1620
1729
907.7
1629
1728
907.64
1795
415
546
208
472
287
500
443
863
871
WAPA Substation
Western Alignment
30 Million Dollars use
Proposed Eastern Alignment

June 2013

FARGO-MOORHEAD PUBLIC MEETING COMMENT SHEET

US Army Corps Of Engineers

Name Harold Brandt Telephone 701-238-1436

Address 4503 3rd St South

City Moorhead State MN. ZIP 56560

note: **Name, Telephone, and Address are optional and can be left blank**

☐ I would like email notifications at: _____

(Please provide your comments in the space below)

I own farmland on the Minnside that the tieback will destroy.

Engineers:

You guys have the wrong look at things, You should be working for the general public, instead of working for the city of Fargo, ask what they tell you. you will be destroying hundreds of acres of farm land plus communitys.

Fargo can not protect them self on 2nd St (going on for years) their city of Fargo is in left field. (over)

Please check **ONE** category below that represents your primary interest in the study.

- ✓ Business/Industry
- ___ Federal Government (Congressional)
- ___ Environmental Group
- ___ Federal Government (All Other)
- ✓ Agriculture
- ___ State Government
- ✓ Personal Interest
- ___ Media
- ___ City/County Government
- ___ Recreation
- ___ No Particular Affiliations
- ___ Other (please specify) _____

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

Minnesota Moorhead should not have any thing to do with this tieback and the project.

Take a look at Paducah Kentucky cement walls and levee embankment not prime farmland.

Hoping this project fails moneywise or any way it can fail.

Harold Brandt

Please drop comments in the box provided, or feel free to mail this, and any additional comments to:

Aaron Snyder PM-B
Saint Paul District
US Army Corps of Engineers
180 East Fifth Street - Suite 700
Saint Paul, MN 55101

June 2013

FARGO-MOORHEAD PUBLIC MEETING
COMMENT SHEET

US Army Corps
Of Engineers

Name Jerry Miller Telephone 701 235 2969

Address 2818 6th St. N

City Fargo State ND ZIP 58102

note: **Name, Telephone, and Address are optional and can be left blank**

☐ I would like email notifications at: millerjf@att.net

(Please provide your comments in the space below)

Excellent Presentation

Clear, concise

Very Impressive

Very little environmental impact!

Very positive about the diversion

Please proceed as fast as possible

Please check **ONE** category below that represents your primary interest in the study.

____ Business/Industry	_X_ Personal Interest
____ Federal Government (Congressional)	____ Media
____ Environmental Group	____ City/County Government
____ Federal Government (All Other)	____ Recreation
____ Agriculture	____ No Particular Affiliations
____ State Government	____ Other (please specify)

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

June 2013

FARGO-MOORHEAD PUBLIC MEETING
COMMENT SHEET

US Army Corps
Of Engineers

Name Kay Compson Telephone 701-371-7993

Address 4830 174th Ave S.E.

City Horace State N.D. ZIP 58047

note: **Name, Telephone, and Address are optional and can be left blank**

☑ I would like email notifications at: circle_farm@msn.com

(Please provide your comments in the space below)

First it was the Fgo. Dike which we fought for 15 plus years, now it is the Fgo. Diversion. How long are we to be held hostage by Fgo.? We can't sell our land or make future improvements on our homes or farm steads because we may be swallowed up by a big diversion. (over)

Please check **ONE** category below that represents your primary interest in the study.

____ Business/Industry	✓ Personal Interest
____ Federal Government (Congressional)	____ Media
____ Environmental Group	____ City/County Government
____ Federal Government (All Other)	____ Recreation
____ Agriculture	____ No Particular Affiliations
____ State Government	____ Other (please specify)

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

Why can't Fgo. do as Mhd. and Grand Forks and protect their cities without ruining the lives of others year after year. I am ashamed of the attitude of Fgo. Towards their neighbors effected by this project!!!

Please drop comments in the box provided, or feel free to mail this, and any additional comments to:

Aaron Snyder PM-B
Saint Paul District
US Army Corps of Engineers
180 East Fifth Street - Suite 700
Saint Paul, MN 55101

June 2013

FARGO-MOORHEAD PUBLIC MEETING
COMMENT SHEET

US Army Corps
Of Engineers

Name Kayla Woodley Telephone 701-793-8038

Address 3581 166th Ave SE

City Mapleton State ND ZIP 58059

note: **Name, Telephone, and Address are optional and can be left blank**

[X] I would like email notifications at: kmwoodley@scheelsports.com

(Please provide your comments in the space below)

Information on affects of overland flooding in Raymond Township

Please check **ONE** category below that represents your primary interest in the study.

___ Business/Industry	[X] Personal Interest
___ Federal Government (Congressional)	___ Media
___ Environmental Group	___ City/County Government
___ Federal Government (All Other)	___ Recreation
___ Agriculture	___ No Particular Affiliations
___ State Government	___ Other (please specify)

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

KELLY T MILLER

7345 177 AVE SE
WAHPETON, ND 58075
PHONE: 701-642-8286 FAX: 701-642-4481
WEBSITE: WWW.KTMFARM.COM

June 27, 2013

District Engineer, St. Paul District, Corps of Engineers
ATTN: Terry Williams
180 5th Street East, Suite 700
St. Paul, MN 55101-1678

Dear Ms. Williams:

I am submitting this letter for public comment on the FM Diversion project.

Thank you for meeting with me. I learned a lot from you and your colleague.

At our meeting I stated that I felt that the Fargo Diversion plan was overlooking the fact that the Wild Rice River has more to do with their flood than they think it does. In much of the data, you have given me to read, it does state that the Wild Rice River is a big (huge) concern. One of the pieces of literature is the White Paper - FM Diversion - Flood Frequency & Retention Find, February 18, 2013; it states the enormous effect of the Wild Rice River on the diversion project and/or Fargo flooding.

In 1986, a study was done & data released in 1991-1992 called Flood Plain Management Study, Wild Rice River, Cass and Richland Counties, North Dakota. It states, "A dam (WR-190) has been proposed on the mainstream of the Wild Rice River south of Wyndmere, ND (reference 19). Other potential storage sites are also identified in this report. A subsequent preliminary design for the WR-190 site, SWC Project No. 1792, was completed by the State Water Commission in 1986. Dams should be considered where practical to reduce flows on the Wild Rice River. Wetland restoration and creation alternatives should also be considered." And also, "Some tributaries to the Wild Rice River

have flood problems also. The Colfax Watershed is one example, having a 31.2 square mile drainage area."

If there was a dam & retention areas on the Wild Rice River and Antelope Creek side of the valley and improvements on the state line dam on the Bois De Sioux River side, all together as a combination, that would possibly get the storage water of the Fargo Diversion out of Richland & Wilkin Counties and Pleasant Township or at least get the Hickson & Oxbow dikes down to 3-4' height so cosmetically not as much damage to peoples' views. Something done on the Wild Rice & Antelope Creek would also help the community of Great Bend and many farms & rural developments along the way to Fargo. So a bigger win for the entire area for the money spent. The water storage at both the Wild Rice River Dam and State Line Dam could be a source of water for Fargo in times of drought.

Also the state line dam on the Bois de Sioux River doesn't seem to get used as effectively as it used to. The water in Mud Lake doesn't seem to get as high so there's less holding capacity. There is a rumor that the dam is weaker so the corps is trying to protect it. If that is true, why not fix it? It looks to be rather easy to fix! Also there seems to be a huge potential for more holding in the entire area of the stateline dam system. Has this ever been studied? It seems so obvious. Please check this out. There is an Army Corps of Engineers office on the east side of the dam on the MN side.

In Colin Peterson's version of the farm bill, there is money for flood retention projects. I think with the flood retention money, it would be easier to get something accomplished for either a dam or holding area if MN was involved.

Finally, I believe that in order to get the land owners behind any type of project, they need to be adequately compensated for purchase or easements. In Fargo, they are paying top dollar to buy out houses and tear them down and this seems to get done very quickly. If the land owners would be similarly compensated, it would be easier to get these projects done. Flood retention will not work if the money is not adequate to the land owner.

I am more than willing to go with you & look at some of these areas where I believe our greatest help could come from. We could show you what we think. It is very easy for us to criticize and to wonder why some of these natural areas don't get used and instead there's a lot of dirt moving and spending a lot of money to do something further up north against Fargo where they have built in the flood plain, basically choking it off. We need a basin wide approach made up of a combination of some of the ideas I have outlined.

Please contact me with any thoughts or questions. I thank you for your time.

Sincerely,

Kelly T. Miller

Kelly T. Miller

Terry Williams
U.S. Army Corps of Engineers
180 E. 5th Ste. 700
St. Paul, MN 55101-1678

11 July 2013

Mr. Williams,

I am writing to formally request a Government buyout for my property located at 5210 124th Ave S, Horace, ND 58047 in the event that the current diversion channel plan be implemented. Based on this latest plan, my home and the property it sits on will be drastically impacted in a negative way.

As currently drawn, my home and property will now fall just north of the diversion channel and the 15-foot embankment will be sitting virtually right on top of me. As such, I will now have the highway on one end of my yard and a 15-foot bank on the other end. On top of that, it appears the current grove of trees that now surrounds my property will be removed. This not only detracts from the beauty and comfort of my home but also causes me safety concerns, especially during the construction period. According to the latest map, my yard will now house a temporary pass-through route for construction equipment. During this time, my yard will not be safe for pets or grandchildren and will make for a miserable, ugly, and noisy home environment. This certainly detracts from the peaceful farm my family has enjoyed calling home for the past 120 years.

I thank you for your consideration and ask that you contact me should you need any further information.

Sincerely,

Leo DuBord

Leo DuBord
5210 124th Ave S
Horace, ND 58047
tldubord@yahoo.com
701-388-6693

June 2013

FARGO-MOORHEAD PUBLIC MEETING COMMENT SHEET

US Army Corps Of Engineers

Name MARY Ann Tinter Telephone _____

Address _____

City _____ State _____ ZIP _____

note: **Name, Telephone, and Address are optional and can be left blank**

☐ I would like email notifications at: _____

(Please provide your comments in the space below)

Very Disappointing - Learned Nothing

I own farm land and your map shows the Ditch Encompasses the whole Parcel

See Letter Attached

Please check **ONE** category below that represents your primary interest in the study.

____ Business/Industry	_X_ Personal Interest
____ Federal Government (Congressional)	____ Media
____ Environmental Group	____ City/County Government
____ Federal Government (All Other)	____ Recreation
____ Agriculture	____ No Particular Affiliations
____ State Government	____ Other (please specify)

_____

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

7/1/13

Again to the U S Army Corps of Engineers:

This will be the third letter I have written. Last one was 10/2011

I realize that you folks have a job to do, and that is to sell projects so that

You all can keep your positions,.

This is the first notice that we will loose our land should the US house of Represenatives

Decide to vote for it.

It is presently rented to a good young farmer who is happy to make a living from it and other

Land. He pays a reasonable rent.

When you force us to sell, their will be a very high capital gains tax to pay. At our age there will also be

A high inheritance tax to pay.

At the present time the rent offset with taxes makes a reasonable return and it helps pay for some

Retirement.

Yes, we are against the program: I have fought many floods here in West Fargo for over 70 years.

And water is always a problem, either tooo much or too little.

Why don't we ever get a return to our letters? I'm sure they end up in a wastebasket, but it would

Be nice to get some answers. We did not get any from two of your people the other night.,

Mary and Wally Tintes

405 West Main Ave,.

West Fargo, ND 58078

Corp of Engineers 10/22/11

Subject: The Diversion channel flood control
Fargo and Moorhead;

I'm not in favor of this project as it has been written about to date:

a) **I don't like the plan of flooding out our northern neighbors with an extreme about of water:**
b) **The damage to farms, roads etc due to such a large wide projext**
c)
d) **The problem that the present diversion ditch and your interchanges on the interstate system**

Find with slumping (soil not staying in place)

e) **Cost: When the federal govern ment is broke, worse than broke, I have no idea how you hope to find the funds**
f) **The time frame of getting it accomplished: This is a long way into the future**
Now I have another idea, which I have written about previously
   1) **Use concrete culverts, such as were used in Arizona to move water to Phoenix (but not so Large) Two side by side about 6' high x 8' wide, built locally to save freight charges. It would not move as much water, but it would certainly help the problem, and would Help item a above**
   2) **The black dirt could be covered over the pipes, farmers could again use the land (it would not bring the production it did prior to the digging, but they would be reimbursed for their Troubles. The excess soil could be used on the adjacent town ship roads to build them up.**
   3) **No slumping, and it would look better, be safer, and hopefully more cost effective.**
   4) **Should be easier to construct under highways and the railroad.**

Thank you for asking I would hope you would at least consider this option.
WallyTintes
West Fargo

June 2013

FARGO-MOORHEAD PUBLIC MEETING
COMMENT SHEET

US Army Corps
Of Engineers

Name _____ Telephone _____

Address _____

City _____ State _____ ZIP _____

Note: **Name, Telephone, and Address are optional and can be left blank**

[ ] I would like email notifications at: _____

(Please provide your comments in the space below)

Instead of Realigning Cass County #16 North of the existing Bridge over I-29. The Road should be moved one mile North to 112th Ave so it is a straight shot from the Rustad Road to I-29, then on the West side of I-29 it can be looped to the South.

Please check **ONE** category below that represents your primary interest in the study.

____ Business/Industry
____ Federal Government (Congressional)
____ Environmental Group
____ Federal Government (All Other)
____ Agriculture
____ State Government
____ Personal Interest
____ Media
____ City/County Government
____ Recreation
____ No Particular Affiliations
____ Other (please specify)
_____

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

June 2013

FARGO-MOORHEAD PUBLIC MEETING COMMENT SHEET

US Army Corps Of Engineers

Name Peter BieGler Telephone 701-282-8625

Address 16657 38 ST. SE.

City MAPLETON State N.D. ZIP 58059

note: **Name, Telephone, and Address are optional and can be left blank**

☐ I would like email notifications at: _____

(Please provide your comments in the space below)

Now that you moved the Channel Directly over my House - You Ruined my life!! I Retired 1 Month ago + was Selling my House to my Nephew + Moving back Home to Edgeley N.D. Now No one will By my Property. I would not Mind if you Bought me out Now!!! (over)

Please check **ONE** category below that represents your primary interest in the study.

____ Business/Industry	X Personal Interest
____ Federal Government (Congressional)	____ Media
____ Environmental Group	____ City/County Government
____ Federal Government (All Other)	____ Recreation
____ Agriculture	____ No Particular Affiliations
____ State Government	____ Other (please specify)

_____

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

I am 72 yrs old. I don't have time to wait for your long term plans.

If I'm not bought out shortly, this whole plan Sucks.!!!!

You just Ruined my life!! I would not have Retired if I knew you were Moving the Diversion again. Pissed off in Mapleton. See you in Court!!!

Please drop comments in the box provided, or feel free to mail this, and any additional comments to:

Aaron Snyder PM-B
Saint Paul District
US Army Corps of Engineers
180 East Fifth Street - Suite 700
Saint Paul, MN 55101

June 2013

FARGO-MOORHEAD PUBLIC MEETING COMMENT SHEET

US Army Corps Of Engineers

Name Terry Compson Telephone 701-371-4710

Address 4830 174th Ave SE

City Horace State ND ZIP 58047

note: **Name, Telephone, and Address are optional and can be left blank**

☒ I would like email notifications at: circlec_farm@msn.com

(Please provide your comments in the space below)

① When Fargo builds the retention structure on 2nd ave, it should be built to 42', not 35' as the corp has suggested. What happens if you have a flood higher than 35' before the diversion project is completed? What if you don't get funding or permits for the diversion? You're stuck with a 35' retention wall on 2nd ave. How you going to sand bag that?

(over)

Please check **ONE** category below that represents your primary interest in the study.

___ Business/Industry	✓ Personal Interest
___ Federal Government (Congressional)	___ Media
___ Environmental Group	___ City/County Government
___ Federal Government (All Other)	___ Recreation
☒ Agriculture	___ No Particular Affiliations
___ State Government	___ Other (please specify)

Privacy Act Statement:

In accordance with the Privacy Act of 1974 (Authority: Chapter 5, ER 1105-2-100), routine uses of the information obtained from this form include compiling official mailing lists for future informational publications and recording additional views and public participation in studies.

Persons submitting comments are advised that all comments and statements received will be available to the public, to include the possibility of posting on a publicly accessible website. Commenters are requested not to include personal privacy information, such as home addresses or home phone numbers, in their comments or statements unless they do not object to such information being made available to the public.

(2) Regarding the drainage ditch that is to run along County Road 14 starting from the east, running west. If the ditch could be moved a little south you would allow several homes and farmsteads to be spared destruction. That would also save buy out costs for the project of those properties

Please drop comments in the box provided, or feel free to mail this, and any additional comments to:

Aaron Snyder PM-B
Saint Paul District
US Army Corps of Engineers
180 East Fifth Street - Suite 700
Saint Paul, MN 55101