

October 27, 2011

Headquarters, USACE  
Attn: CECW-P (IP)  
7701 Telegraph Rd  
Alexandria, VA 22315-3860

RE: FEIS, F-M Diversion Project

"If their lips are moving, they're lying!" These were the wise words of one of Oxbow's residents at a public meeting held shortly after the November 18, 2010, announcement that flipped the project. From our experience with all things USACE, Fargo, Moorhead and Cass County, truer words were never spoken.

When the diversion project was first advanced, Oxbow asked to be included within its protection. We were refused but also assured that the project would not affect us, that it wouldn't change our situation, either for better or for worse. We could live with that and proceeded to build flood protection for ourselves.

In early November of 2010, Oxbow voted to support the county-wide sales tax to help fund the diversion project. Shortly after the successful vote, low and behold, the project was flipped to include upstream staging. The Corps' dog-and-pony show in front of the F-M Metro Study Group that very same day was complete with inundation maps and detail. When asked about the timing of the revelation in relation to the tax vote, Cass County and the Corps backed one another in denying any knowledge of the need to flip the project at the time of the tax vote. Even after confessing to the fact that upstream staging studies began in earnest as early as September, 2010, they continue to assert that it was pure coincidence that the tax vote was held before the announcement. "If their lips are moving, they're lying!"

Then there is the location of the southern alignment, butted up against the northern boundary of Oxbow's extra-territorial area, which also serves as the school district boundary. "That's just coincidence," say all. "That's the most technically solid line to take," says the Corps. But, from the FEIS, FMM Feasibility VE Study – Comments, Proposal #3, comes this gem: "Again, the ND alignment is a locally preferred alignment and therefore they chose the general location for the inlet. Their reasoning for the location of the inlet being further south than the MN alignment was to accommodate the city of Fargo's current future plans of development and to protect the city from the Wild Rice River flooding to the south." Emphasis is mine. Once again, "If their lips are moving, they're lying!"

But doesn't that seem to be a violation of EO 11988? After all, if the western alignment around West Fargo and the inclusion of Oxbow constitute violations of EO 11988, then surely clearing five miles of flood plain to accommodate Fargo's future growth needs is a violation of EO 11988. Not so, says the Corps. Nowhere in that five-mile run is there an intersection point nearly so technically sound: "It's the best technical line," says the Corps. **SEE ABOVE!** "If their lips are moving, they're lying!"

Local gubmint entities, including Fargo and Cass County, say they are committed to further study during the design phase, geared toward including Oxbow. But to do so, to include Oxbow, don't new geologic studies need to be done? New flow studies? New environmental impact studies? And aren't these costs the responsibility of local interests? Yes, says the Corps. Is it possible that changing the alignment to the

degree necessary to include Oxbow could lead to a need for project reauthorization? Yes, it's possible, says the Corps. To approve a change of alignment, doesn't the Corps require sound, technical reasons for doing so? Yes, says the Corps. Yet the locals maintain that they are willing to delay the project, risk a reauthorization vote and incur the added costs to include Oxbow? Really? "If their lips are moving, they're lying!"

What does it take to get a project like this off the ground? Well, first you need a sense of threat and urgency. You also need a benefit/cost ratio that is something close to acceptable. After recent flooding in the region, apprehension of flooding is high so all one needs to do is solidify and heighten the sense of urgency for flood protection measures. Enter EOE (Expert Opinion Elicitation). One would think that a justification for protection would be based upon something scientific but instead, we are offered 'opinion'. And not just the opinion of engineers but also those of 'global warming' experts. We have now entered the realm of junk science but it serves its purpose. Per EOE, as it pertains to flooding, "You ain't seen nuthin yet!"

Having bolstered the cause for concern using the equivalent of Tarot Cards, a Oiuja Board and a Magic 8-Ball, one needs to next work on the problem of benefit/cost. If you can conjure a base flood plain elevation that's high enough, you can assert that all (or most) of the F-M area will be subject to flood insurance. Now, take the cost of all those prospective flood insurance premiums and apply them against the diversion cost. It's genius! "You can either pay thousands each year in flood insurance premiums or pay thousands each year toward the diversion, toward flood protection." Given such a choice, who among the protected is to object? FEMA hasn't yet fully cooperated with this plan but if they do, if they can just see the sheer wisdom of EOE, this sucker's a slam dunk. For everyone outside the project, "Just bend over."

With regard to areas south of the dam, well, that's just easy. Given the new, artificially inflated flood plain elevations, just tell them "You're wet anyway." You remember that flood of 2009? That was a baby, at most a 45-year flood. The valley hasn't seen a big flood yet, not even a 100-year flood. "If their lips are moving, they're lying!"

The land, homes and businesses located south of the dam diversion are now trapped in a gubmint-imposed limbo. Lives can't move forward as homes and property can't be sold. Seeking some token relief, the City of Oxbow appealed taxable valuations, presenting its case to Cass County's Commissars. The county tax assessor made a counter-case, asserting that since there have been no home sales, there is no evidence that property values have been affected. After all, "residents have the full use and enjoyment of their executive homes..." Once again, "If their lips are moving, they're lying!" Naturally, the Commissars ruled against the citizens of Oxbow: they need every grubby buck they can squeeze from the people to support their pet boondoggle.

Shall I go on? Do you sense a burning distrust of all things USACE and Metro Flood Group? Facts and truth, as they relate to this project, have been sacrificed at the altar of expediency. Fargo sees a very real threat to future growth and its solution to that problem is the LPP. The LPP moves water from areas that currently flood frequently to areas that do not. It relocates water from the natural flood plain to areas that are generally out of the flood plain. If EO 11988 were worth the breath it takes to say it, this could not and would not happen. The convoluted justifications for the application of EO 11988 in the case of the F-M Diversion foster the impression that the Corps and the local sponsors will do anything to advance this project. Yes, indeed: "If their lips are moving, they're lying!"

This country is headed down the Ferguson and it is greed and lack of principle such as that displayed thus far in the planning and promotion of this project that has brought us to this point. Here we have a tax vote that is a certifiable fraud for which charges should be brought against elected officials. Then we have EOE, a concoction that brings together the principles of engineering with the mystical meanderings of warmist theory. Base analysis was probably drawn from Al Gore's "Inconvenient Truth" along with required viewing and study of Roland Emmerich's "Day After Tomorrow." Solid scientific stuff, that.

What's needed is comprehensive protection for the valley region but what we get instead is a massive project, a fiscal train wreck, to protect Fargo-Moorhead alone. As is customary for Fargo, it has grabbed for gold, risking all in pursuit of the ultimate solution to its current growth limitations. Where the FCP is perhaps affordable, the LPP is not but if Fargo can gamble and win, its future growth is assured. Rest assured that the primary driver behind this project is, first and foremost, GROWTH for Fargo. What started as a quest for flood protection morphed into a land grab when a compliant Corps showed a willingness to defer to the project sponsor and disregard EO 11988. This project allows Fargo to sustain that 266-acre per year growth rate well into the future and the required bastardization of EO 11988 is just fine with the Corps. Not being a project sponsor, West Fargo's desire to grow to the west is seen as a violation of EO 11988. The supreme stupidity is found in the Corps' determination that the Oxbow/Hickson/Bakke area's continued existence is a violation of EO 11988. This area is already developed but its very existence is seen as a violation of EO 11988. You just can't make this crap up!!

Another bit of convoluted thinking from the FEIS: "As a last-in-place increment, flood storage is feasible because it provides benefits basin wide; however, its effectiveness in reducing damages in the Fargo-Moorhead Metro is greatly diminished with a diversion already in place." Further, again from the FEIS: "Such a system of flood storage would be effective in reducing flood damages basin-wide, and could reduce the peak 1-percent chance event flood stage at Fargo by 1.6 ft. The storage system would be more effective at more frequent events, and could potentially reduce the peak 5-percent chance event stage by over 7 ft. This system has the potential to reduce expected annual damages in the Fargo-Moorhead Metro by 21 percent." Combining this information with that of the Red River Basin Commission's report, it is clear that distributed upstream storage, in conjunction with a diversion, can eliminate the need for the proposed reservoir (staging area) while simultaneously providing basin-wide upstream protection and reductions adequate to offset downstream impacts. But this isn't about what works so much as what's expedient, what works within the sacred time line.

I submit these comments with the full understanding that the Corps isn't required to care one whit for the fact that by pursuing the LPP, Fargo is committing fiscal suicide. That's typical, ego-centric Fargo, though, figuring it can leap the abyss in two bounds. Looking at the 20-year math of this project, at current projected costs and currently committed revenues, project funding is short by about \$690,000,000. In Washington, where our gubmint doesn't even bother with silly things like budgets anymore, that's chump change. But here in the real world, where households and businesses actually have to make economics work, that's serious coin. Perhaps Warren Buffett or Bill Gates will come to the rescue with a big old grant. Maybe the Department of Energy will issue a loan guarantee like they did to both Solyndra and SunPower. Maybe this project will actually come in on budget. Maybe pigs will fly.

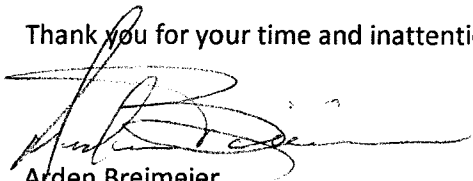
I'd like to see a list of completed gubmint projects that actually came in on or below the forecast budget. My guess is that it's a mighty short list. The average overrun is probably upward of 100% and by opting for the LPP, the local gubmint brain trust has exposed Fargo and the State of North Dakota to potential liabilities that neither will be able to cover. What we'll end up with is another ditch to nowhere, a testament to Fargo's hubris and narcissism.

Finally, there is the strategy of beginning construction on the north (outlet) end and working to the south. With such a dire flood threat looming over the city of Fargo (according to both the Corps and project sponsors), one would think that both time and economics would be better served by starting at the south end, creating the oh-so-necessary storage and controlling river flows first. After all, it will take many years to build this thing: it's not like the Federal gubmint is flush with cash so funding may be very spotty. And the State of Minnesota, well, if they have money, they'll first build a new stadium for the Vikings. So, though the project may be authorized and funded (at least initially), that doesn't mean it will provide protection any time soon. Starting work on the south end, mitigating earlier rather than later and building the storage, may very well save the city from Aguageddon. Wouldn't it be the height of irony if seven years into project construction, you lost Fargo to flooding while Oxbow, Hickson and Bakke lived to fight another day? The Corps would have a tougher time explaining its way out of that one than this year's Missouri River fiasco. And the residents of Fargo would pay dearly for that misguided strategy.

In the meantime, we, the dammed, located in and around the upstream reservoir created by the dam diversion, appear to have little recourse in the matter. With the announcement of the dam diversion project, the market for property situated in and around this area was sabotaged and destroyed. Yes, the mitigation grid introduced into the project mandates what is to be bought out and provides some distant glimmer of hope. But for those who can't wait, who have been relocated due to job transfer or who need to move to assisted living, a buyout at the end of project construction is small consolation. For many others, retirement plans and hopes of relocating to a kinder climate have been shelved. We, the people, received only honorable mention in the SDEIS and FEIS while concern for the fish took up volumes. Yes, the fish must be allowed mobility and passage: not so the people. It's so reassuring to know that we, as a people and as a country, have our priorities straight.

And, speaking of fish, those cuddly little creatures, have you calculated the degree of stranding that will occur when the water that's backed up behind the dam recedes? How do you plan to herd the lovely little beasties back to the channel? Gonna harvest them, make Sushi out of them? Or are they left on the land to serve as fertilizer? A post-flooding atmosphere stands to be about as aromatic as the planning process itself.

Thank you for your time and inattention.



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