

Headquarters, U.S. Army Corps of Engineers
ATTN: CECW-P (IP)
7701 Telegraph Road
Alexandria, VA 22315-3860

Dear Sir;

MnDak Upstream Coalition submitted comments on the April SDEIS through our lawyers (page 253 in the Comments on the SDEIS). We find the responses to our concerns and those of other individuals and agencies highly unsatisfactory. The basic premise that the local non-federal sponsor determines the specific alignments to be considered and the level of flood protection to be provided is deeply flawed. Planning based on this premise leads to an unwise use of billions in tax dollars. This plan, which only protects Fargo/Moorhead, is short sighted and can only lead to higher federal outlays in the future for flood disaster relief in the Red River Valley. The Corps policies that led to the formulation of this plan are in need of revision. The latitude given to the local non-federal sponsor is conducive to imprudent decisions and conclusions.

These are some of our concerns:

Northern Inlet for the North Dakota Diversion,

As the lawyer for MnDak noted in his comments to the SDEIS, recorded on page 253 of the Comments to the SDEIS, concerning the Northern Inlet for the North Dakota Diversion, 8.4.2.1.6. in Appendix O of the Final EIS (FEIS):

“Alternatively, moving the diversion structure further north would allow storage in naturally flood prone areas of the flood plain – again reducing the requirement for new storage. If combined with the distributed storage alternatives discussed herein, the consolidated storage component of the Tentatively Selected Plan, upstream of the diversion structure and tie-back levees, could be eliminated. Elimination of the consolidated storage area would preserve four small communities and tens of thousands of acres of prime and unique farmland.”

Northern Inlet for the North Dakota Diversion, 8.4.2.1.6. in Appendix O also states: “could result in reduced downstream impacts”.

The use of the Northern Inlet would reduce construction cost by \$142+ million. The mitigation cost and permanent relocation of thousands of people necessitated by upstream staging would be eliminated

It is interesting to note how the Northern Inlet was dropped.

In 8.4.2.2 Phase 4 Array of Measures

Refers to attachment 4 of this appendix for a discussion of measures.

Attachment 4

2.3.1 Alternatives Screening Document

In this attachment, there is no mention of the Northern Inlet.

The Northern Inlet was dropped without consideration. No analysis was done. Analysis is done on other alternatives; these were done only at the request of the local non-federal sponsors.

The rejection of the Northern Inlet is a violation of Executive Order 11988: "requires federal agencies to avoid direct or indirect impact support of flood plain development wherever there is a practicable alternative and then to minimize impact to the flood plain."

The Corps planning documents show no analysis of why the Northern Inlet is not a practicable alternative. Nor do the documents include an analysis of the Northern Inlet as a practicable alternative when used in combination with other flood control measures. In 8.4.2.1.6 Northern Inlet for the North Dakota Diversion Appendix O it is stated "... however, it could not eliminate them (downstream impacts) independently." If the Northern Inlet could not eliminate downstream effects independently, an analysis of the Northern Inlet in combination with other measures should have been done. Not to do so puts the project in violation of Executive Order 11988.

Appendix O Attachment 5 Value Engineering Study

In this document we see the reason the Northern Inlet was dropped. In the FMM Feasibility VE Study Comments, #1, #3 and #6, it becomes apparent that the local non-federal sponsors are making decisions to impact the flood plain so it can be developed. This is, again, a violation of Executive Order 11988.

Crop insurance for flooding:

The issue of crop insurance reminds one of Alice in Wonderland, the discussion between the White Queen and the Mad Hatter.

The FEIS states: "Local concerns have been raised regarding crop insurance within the storage and staging area and coordination has been ongoing with the USDA Risk Management Agency (RMA). The RMA has indicated that the purchase of crop insurance in these areas could still be obtained, however flood impacts resulting from the project may not be covered" So, farmers can buy crop insurance but our losses may not be covered.

We are concerned about flood impacts, since crop insurance will not pay for flood losses from a man-made project. We have no confidence that the Corps will have solutions to provide crop insurance to the farmers in the staging area and those impacted outside of the staging area.

Control structure operation (control gate on the Red River):

We are further not reassured when we see the following statement in, Appendix B of the FEIS:

Hydraulics, page B5

"Furthermore, it is important to acknowledge that, following the example of the Manitoba Floodway and other similar large flood control projects, the operational plan developed during final design will be subject to further refinements and modifications after the project has been in place during actual flood events."

Real Estate Plan, page 7 of the FEIS:

"The summer operation plan will be revisited during the design phase to determine if a different operating plan can be used in the summer to reduce agricultural impacts without causing additional damage to the Fargo-Moorhead communities."

The operational plan will not be formalized until flooding occurs?

How can we be reassured that a Corps operational plan, as exemplified by the Minot and Bismarck devastating floods in a "protected area" will not be replicated by the FM Metro

plan? When the big summer flood comes, will the operational plan flood farm land at that critical time or send flood waters to Fargo?

Final comments:

We have no evidence that the process of planning this project has been fair or reasonable. The FEIS does not address adequately the concerns raised by our lawyers in their comments on the SDEIS. In addition, the background material on the local sponsors' rejection of the Northern Inlet reveals it was done because it does not protect land for Fargo's future development. The Corps' failure to examine this option as a practicable alternative further confirms our position that the project is in violation of executive order 11988. Further, we believe taking land for this project would violate the North Dakota Constitution, which prohibits using eminent domain for economic development. Therefore, we remain in strong opposition to this project moving forward to authorization.

Sincerely,



Trana Rogne
5477 CO RD #1
Kindred N D 58051-9403
Chair, MnDak Steering Committee.
701-367-8911
November 7, 2011

Enc: Jon D. Evert, Chair of Red River Basin Commission Board, Letter to Fargo Forum,
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