

# City of Horace

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November 7, 2011

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

**RE: Final Feasibility Report and EIS (FEIS) with  
comment period to conclude on November 7, 2011**

Dear Sirs:

The City of Horace, Cass County, North Dakota, has reviewed the Final Feasibility Report and EIS (FEIS) which was set forth on the City of Fargo's website.

The City of Horace hereby reiterates its prior opposition ["The City of Horace has passed a resolution of vigorous opposition to the North Dakota 35K diversion as it is presently proposed to exist within, and adjacent to, our community."] to the proposed North Dakota diversion project for all of the reasons originally advanced in correspondence relating to the "DRAFT FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT" dated July 26, 2010. The letter of opposition was addressed to Mr. Aaron Snyder, the USACE Planner and Project Manager, at his St. Paul location. None of the original issues have been adequately addressed thereafter.

The actual location of the North Dakota diversion – in any portion of its presently identified route within the boundaries of the City of Horace, and also, its extra-territorial zoning area(s) – is antagonistic to the long-term interests of the City of Horace, its residents, and area landowners.

The City of Horace greatly objects to the expanded storage areas located within the diversion channel, and also, within the geographical boundaries of the City of Horace or its extra-territorial jurisdiction. The destruction of these lands to provide storage capacity is ill-conceived and destructive. Much of these land(s) are fully capable of being utilized for agriculture, and even an appropriate level of development as it constitutes "higher" land. This land should not be destroyed for the benefit of individuals, commercial entities, or even municipal governments that foolishly constructed, or allowed construction, within the natural "floodway" or the "regulatory floodway" of natural waterways such as the Red River of the North. No concept should be allowed that turns the land south of 100<sup>th</sup> Avenue and west of I-29 into massive water retention pond(s) as identified.

This proposed project inadequately addresses issues of ice/debris handling that are "elemental" issues – freezing of waterways in North Dakota will happen; ice will form in every waterway; and the Red River of the North flows north where it is even colder for longer periods of

time. Ice-out occurs later downstream from Fargo/Moorhead. Also, any structures constructed on the five tributaries to the Red River of the North [Wild Rice River, Sheyenne River, Rush River, Lower Rush River, and Maple River] – even if such is reasonably possible after proper engineering – must involve significant effort to prevent new destructive flooding caused by ice-jams/dams and/or damage to the structures themselves. As of April 19, 2011 [Feasibility Study, Phase 4, page G-28], these matters were not addressed nor resolved, and it appears that nothing has been thereafter accomplished – only continued research with no acceptable results. See, page 109 of the Feasibility Study.

It is unacceptable to proceed with such a project, and all of its uncertainty posed by unknowns not otherwise addressed until after proper engineering standards have been ascertained and determined. If any project is deemed appropriate, it should be a Minnesota diversion which does not need the design and construction of tributary crossing structures that will be subject to the “elements” – ice exists in Minnesota too.

Logic would indicate that landowners to the *west of the proposed North Dakota diversion* will also be subjected to the risk of substantial piled-up waters that will require proper exercise of eminent domain as to additional land areas – at even more expense. The upstream owners will necessarily be subjected to loss of property if this diversion proceeds to construction, a point already apparently conceded [“fee acquisitions would occur (to) include the communities of Oxbow, Hickson, and Bakke, ND”; page 123] – have there been adequate study of the impact upon the landowners to the west who will have additional waters if any tributary structure is adversely impacted by ice/debris? Our review does not identify such a subject area included in this Feasibility Study, hence this “Final Feasibility Report and Environmental Impact Statement” should be rejected. These western landowners may not be in the original “staging area” south of the proposed North Dakota diversion, but flood waters that result from flawed/non-working tributary structures are just as destructive.

If you have any questions concerning this matter, please feel free to contact me at any time.

Very truly yours,



Mayor Shane Wallock

JTG:j