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## City of Oxbow

January 26, 2011

Jim Nyhof, Mayor  
Greg Anderson, City Council  
Ardin Breimeier, City Council  
Bill Kuzas, City Council  
Frank Pearson, City Council  
Pam Twedt, Auditor

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Mr. Terry J. Birkenstock  
Chief, Environmental and GIS Branch  
U.S. Army Corps of Engineers – St. Paul District  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101-1678

VIA FED EX

Re: Comments on Notice of Intent to Prepare a Supplemental Draft EIS for the  
Proposed Fargo-Moorhead Flood Risk Management Project

Dear Mr. Birkenstock:

The City of Oxbow (“City”) respectfully submits the following comments on the Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement for a Proposed Flood Risk Management Project on the Red River of the North in Fargo, ND and Moorhead, MN 75 Fed. Reg. 81249 (Dec. 27, 2010) (“Notice of Intent”).

The City appreciates this opportunity to comment on the proposed scope of the planned Supplemental Draft Environmental Impact Statement for a Proposed Flood Risk Management Project on the Red River of the North in Fargo, ND and Moorhead, MN 75 Fed. Reg. 81249 (Dec. 27, 2010) (“Notice of Intent”). The City appreciates this opportunity to comment on the proposed scope of the planned Supplemental Draft Environmental Impact Statement (“SDEIS”); including the U.S. Army Corps of Engineers’ plan to limit the scope of the SDEIS to analyzing downstream impacts of the Proposed Fargo-Moorhead Flood Risk Management Project (“Proposed FM Project” or “the Project”), possible measures to mitigate those impacts, and potential alternatives for the Project.

As a preliminary matter, the City states that it fully supports a proposed FM project.

The initial plan as prepared by the Corps was a preferred project. At the time the initial plan was prepared and supported by the City and other governmental agencies, there were no upstream impacts. The plan, as presently proposed, drastically impacts the City.

The City is a residential community south of Fargo. It is very similar to many of the residential areas within the Cities of Fargo and Moorhead. The biggest differences are in its openness and its proximity to one of North Dakota’s finest recreational assets, Oxbow Golf & Country Club.

Just as in Fargo-Moorhead, the most flood-prone homes in the City either have been or are in the process of being removed. Additionally, the City has substantially completed flood protection to near the 500-year flood stage without substantial government participation. The City also supported a countywide sales tax, which was passed to assist in paying for flood improvements. The City continues to support that tax but at the same time questions why they are paying for a project which may ultimately inundate the City in event of a major flood.

Mr. Birkenstock  
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The project, as presently proposed, now plans to stage water on the south side of the diversion. That staging project (or dam) will create a massive holding pond that will extend well to the south and west of the City. The precise numbers will not be known until mid-March 2011; however, the City has been advised that they can easily anticipate an increased impact of 3 to 7 feet. This is additional water on top of the pre-diversion press level. No location in the Red River Valley can handle that additional water without extended protection.

The result may mean the removal of another 30+ homes from the City and the destruction of the golf course. The City was a community of approximately 120 homes prior to the recent flood years. That number has now been reduced to approximately 110 homes. With this project the potential additional erosion of residents from the City will result in a substantial loss to the City's tax base. In all likelihood, the City will experience sufficient erosion of its economic base to threaten its ability to maintain its roads and/or operate its sewer and water systems. Additionally, the value of property and/or residences in the Kindred Public School District will be substantially harmed by the plan as presently proposed.

At a recent meeting, the City Council unanimously passed a resolution opposing the presently proposed project. Additionally, many of the property owners in the City have signed a petition joining in the resolution opposing the project as presently proposed. A copy of this resolution is enclosed for your review and consideration.

If the inlet structure is moved south about two miles, it will provide needed flood protection for an additional 300 structures (approximate), with a tax valuation of \$53 million or greater and a market value approaching or exceeding \$300 million.

The City respectfully requests that the Corp consider these matters when making its conclusions on the SDEIS. Thank you for your consideration of this matter.

Respectfully Submitted,

  
James E. Nyhof, Mayor

cc: Cass County Commissioners  
Cass County Joint Water Resource District Members  
Governor Jack Dalrymple  
Senator Kent Conrad  
Senator John Hoeven  
Representative Rick Berg  
Fargo Mayor Dennis Walaker  
West Fargo Mayor Rich Mattern  
Attorney Sean Fredricks

enc

# City of Oxbow

## Resolution #2011-01

### RESOLUTION OPPOSING THE FARGO/MOORHEAD (FM) DIVERSION

Council member Breimeier introduced the following resolution and moved for its adoption:

**WHEREAS**, the United States Army Corps of Engineers (USACE) has proposed constructing a flood water diversion channel around the cities of Fargo, ND and Moorhead, MN

**WHEREAS**, the proposed diversion channel restricts the flow of the Red River in southern Cass County, causing water to stage on the south side of the diversion channel

**WHEREAS**, the City of Oxbow is situated directly south and upstream from the point where the diversion channel intersects the Red River

**WHEREAS**, the proposed flood diversion channel will change the flow regime of the Red River during flood events and is estimated to cause adverse impacts measured in feet of additional crest elevations at the City of Oxbow, necessitating drastic and severe mitigation measures

**WHEREAS**, actions by the USACE or other outside interests to impose mitigation measures in order to offset the adverse impacts of the diversion channel will irreversibly change the character of the City of Oxbow and impact the quality of life of its residents

**WHEREAS**, operation of the flood diversion channel will increase not only the severity but frequency and duration of flood events at the City of Oxbow

**WHEREAS**, increased flood crests of the magnitude envisioned by the USACE will also adversely impact roads, utilities, public safety, personal property, commerce, and personal well being to those upstream of the proposed diversion

**WHEREAS**, said change in flow regime results in multiple adverse impacts to the City of Oxbow, its residents and others situated upstream from the proposed FM diversion project as it is now proposed

**NOW THEREFORE**, to preserve the interests of the City of Oxbow and its people, the City of Oxbow Council does hereby go on record as opposing the FM diversion project as it is now proposed. The City of Oxbow Council does also hereby resolve that any offer to purchase property for purposes of mitigation related to the FM diversion project must extend to all property owners within the City of Oxbow.

The motion for adoption of the foregoing resolution was duly seconded by council member Zink and upon vote being taken thereon, Greg Anderson, Frank Pearson, Dan Zink and Arden Breimeier voted in favor thereof and NONE voted against the same, whereupon the resolution was declared duly passed and adopted.

Adopted this 19<sup>TH</sup> day of January, 2011

  
\_\_\_\_\_  
James E. Nyhof, Mayor

  
\_\_\_\_\_  
Pam Twedt, Auditor



The following signatories, all residents of the City of Oxbow, affix their name in support of Oxbow Resolution #2011-01:

Name: Charles Mila Address: 550 Sunset Drive

Name: [Signature] Address: 506 SUNSET Dr

Name: [Signature] Address: 708 Riverbend Rd

Name: \_\_\_\_\_ Address: \_\_\_\_\_

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The following signatories, all residents of the City of Oxbow, affix their name in support of Oxbow Resolution #2011-01:

Name: <u>Lang W Bakko</u>	Address: <u>217 Oxbow Circle</u>
Name: <u>Paul Benson</u>	Address: <u>840 Riverbend Rd</u>
Name: <u>E. J. Carlson</u>	Address: <u>119 Oxbow Drive</u>
Name: <u>Mike Strain</u>	Address: <u>808 Riverbend Rd</u>
Name: <u>Robert Strain</u>	Address: <u>100 Oxbow Dr</u>
Name: <u>Bradyville Strain</u>	Address: <u>100 Oxbow Dr</u>
Name: <u>Paul Strain</u>	Address: <u>713 Riverbend</u>
Name: <u>Mark D. Anderson</u>	Address: <u>622 Evergreen Circle</u>
Name: <u>Jeff Kruger</u>	Address: <u>544 Sunset St.</u>
Name: <u>W. Hall</u>	Address: <u>522 Seawest Ave.</u>
Name: <u>Rick Jansen</u>	Address: <u>729 Oxbow Circle</u>
Name: <u>Gonda Davis</u>	Address: <u>229 Oxbow Circle</u>
Name: <u>Sandi C. Hatmy</u>	Address: <u>210 Oxbow Circle</u>
Name: <u>Denny L. Pratz</u>	Address: <u>210 Oxbow Circle</u>
Name: <u>Jim Tallek</u>	Address: <u>736 River Bend Road</u>
Name: <u>Robert J. Jansen</u>	Address: <u>645 EVERGREEN CIRCLE</u>
Name: <u>Tom Tvedt</u>	Address: <u>610 Evergreen Circle</u>
Name: <u>Cyrus Tvedt</u>	Address: <u>610 Evergreen Circle</u>
Name: <u>Gina Brakke</u>	Address: <u>201 Oxbow Circle</u>
Name: <u>Debra Brakke</u>	Address: <u>201 Oxbow Circle</u>
Name: <u>Dan H. Hauge</u>	Address: <u>852 Riverbend Road</u>
Name: <u>[REDACTED]</u>	Address: <u>[REDACTED]</u>
Name: _____	Address: _____

The following signatories, all residents of the City of Oxbow, affix their name in support of Oxbow Resolution #2011-01:

Name: Jessie Schubert Address: 353 Schull Dr

Name: Kim Hallenel Address: 649 Evergreen Cir.

Name: Heidi Kraatz Address: 570 Sunset Drive

Name: Bruce J Martin Address: 225 Oxbow Cir

Name: Shirley Barr Address: 101 Oxbow Dr. Oxbow ND

Name: Ronda Menze Address: 828 Riverbend Road

Name: Kristen Wild Address: 337 Oxbow Circle

Name: Shirley Barr Address: 829 Riverbend Road

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The following signatories, all residents of the City of Oxbow, affix their name in support of Oxbow Resolution #2011701:

Name: Wanda Podoluk Address: 843 Riverbend Rd

Name: Brenda Podoluk Address: OXBOW, N.D.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

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The following signatories, all residents of the City of Oxbow, affix their name in support of Oxbow Resolution #2011-01:

Name: Jolene Samways Address: 326 Schnell Dr

Name: Jon Vikander Address: 609 Evergreen Circle

Name: Dawn/Krista Green Address: 209 Oxbow Circle

Name: [Signature] Address: 346 Schnell Dr.

Name: [Signature] Address: 526 Sunset Drive

Name: [Signature] Address: 516 Sunset Dr

Name: [Signature] Address: 650 Evergreen Circle

Name: Brenda Carlson Address: 119 Oxbow Drive

Name: Deb/Randy Schmechel Address: 749 Rimband Road

Name: [Signature] Address: 237 Oxbow Circle

Name: [Signature] Address: 618 Evergreen Circle

Name: [Signature] Address: 224 Oxbow Circle

Name: [Signature] Address: 530 Sunset Dr.

Name: [Signature] Address: 530 Sunset Dr.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

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Name: \_\_\_\_\_ Address: \_\_\_\_\_



The following signatories, all residents of the City of Oxbow, affix their name in support of Oxbow Resolution #2011-01:

Name: Wayne A. Zimmerman Address: 852 Riverbank Road, Oxbow

Name: [Signature] Address: 713 River Bend Rd Oxbow

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

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