

**Testimony of  
James Thernes  
Mayor of the City of Fort Ransom, North Dakota  
Before the  
Senate Budget Committee**

**Devils Lake Flooding Disaster:  
How Should Downstream Impacts be Addressed:**

**August 17, 2010**

Senator Conrad:

My name is James Thernes and I am the Mayor of the City of Fort Ransom (City), North Dakota. I want to thank you for the opportunity to speak with you today regarding the Devils Lake Flooding Disaster and how the downstream impacts to the City of Fort Ransom and surrounding area should be addressed.

I attended your Senate Budget Committee Hearing on July 9, 2010, and the U.S. Army Corps of Engineers Technical Input Session on July 19, 2010. I have read the numerous testimonies, letters, and various handouts presented at the various hearings and the Corps of Engineers Input Session. There has been an incredible amount of numbers, facts, figures, maps, and photos presented at these meetings outlining the pros and cons of various ways to address the Devils Lake problem. After reviewing all this information, I have come to the conclusion that there are no simple solutions that will mitigate the devastating flooding of Devils Lake and have the approval of all the affected communities both upstream and downstream.

It is quite apparent that the communities of the Devils Lake area need to have the lake's water level lowered. To accomplish this, the Devils Lake communities have recommended discharging water not only from the lake's current west end State outlet, but allowing discharges from the east end of the lake as well to augment the west end discharges. Some downstream communities are opposing this idea because of the possible negative effects that higher sulfate levels will have on water quality and life in the river, and because of the effects that additional discharging from the east end will have on riverbank erosion.

The downstream communities' recommendations are to enhance the outlet on the west end of the lake, armoring of the Tolna Coulee at the east end of the lake to prevent a natural and uncontrolled release, and the utilization of upper basin wetlands for added retention. We concur with these recommendations.

With regards to water quality, we feel that any improvement would be appreciated even though we do not get our potable water from the Sheyenne River. Indeed, by the time the river water gets to our City it is so degraded and polluted with pesticides, herbicides, nitrates, phosphorous, and suspended silt from farming runoff and riverbank erosion that many local residents choose not to eat the fish they catch from it. Therefore, we do support any practical and beneficial

measures that can be taken upstream to improve the river's water quality overall and enhance its aquatic life. We therefore request the approval of the most cost effective flood relief option that acknowledges downstream impacts and encompasses a way to move better quality water out of the west end of the lake. This request is also supported by the North Dakota Department of Health.

With regards to allowing additional discharges from the east end of the lake, we are not comfortable with that idea because with the increased flows comes the serious problem of increased riverbank erosion. We have experienced the loss of up to thirty-five feet of rear yard at nine homes in the downtown portion of the City because of extensive riverbank erosion. With the collapse of the river's embankments, there now is danger that some residential septic tanks, and eventually the homes themselves and the street they front on, will soon collapse into the river. Further, there is the potential that access to a large portion of the City's residential area and the entire business district could be severed if the river were to erode the bridge abutments of the Walter Hjelle Parkway Bridge which is the main year-round route into the City. Additional water coming from Devils Lake will expedite the erosion of our riverbanks and ultimately will have a significant impact on our citizens and our economic stability.

We are currently working with the Natural Resource Conservation Service (NRCS) on a streambank restoration and stabilization project which will help protect our city. The NRCS goal was to implement and construct the project this year. Unfortunately, the project is being delayed because of the US Army Corps of Engineers (USACE) permit process and we have been told that federal funding for the project could be lost if the project is not moving forward. We respectfully request your support of this vital and important project and ask that you take all steps necessary to ensure that we do not lose our funding while we go through the lengthy USACE permitting process.

The City of Fort Ransom is not unique in its riverbank erosion problem. Erosion is occurring in all the communities and farmsteads along the entire length of the Sheyenne River. With our streambank restoration and stabilization project in place, we believe we can temporarily accept controlled outfall rates of 250 to 500 cubic feet per second from the west end of the State outlet during times of non-flooding in an effort to reduce the potential risk of a natural and uncontrolled release from the Tolna Coulee. However, higher outfall rates or these outfall rates for an extended period of time will in all likelihood cause damages to property and infrastructure in our City, as well as along the entire length of the Sheyenne.

Therefore, we are not in agreement with our neighbors in the Devils Lake area who want to see additional discharges from the east end of the lake. We ask that you keep the potential problems that additional discharges and higher rates of outfall will create for the downstream communities in the forefront of any decisions made.

We in Fort Ransom foresee the solving of the Devils Lake flooding issue as not a one-step but a two-step process. The first step is finding out what can be done immediately to keep the water level in the lake from rising any higher, thereby halting the increase in flooding to the lake's communities and lessening the chances of an uncontrolled release from the lake's east end at the Tolna Coulee.

The second step, which could begin simultaneously with the first step, is to come up with an economically feasible and cost effective long-term solution that would substantially lower the lake's water level and also control the water level in the future during high rainfall events and excessive seasonal wet spells. Completing step two allows the Devils Lake communities to recover their loss of property and benefit economically. Up to this point in time all we have heard is discussions on the pros and cons of the first step. We have not heard any mention or meaningful discussion on long-term solutions which would substantially lower the water level of the lake and then maintain it at a controlled level. It appears that we have locked into the idea that discharging of the lake's water into the Sheyenne River somehow solves both the immediate and long-term problems. However, we know that is not the case because of the impacts the downstream communities will endure with a long-term discharge.

I have had discussions with local residents and asked them what they thought possibly could be done in the long term to solve the Devils Lake flooding issue. I have been pleasantly surprised at the number of possible ideas that have been expressed. I learned a long time ago that non-experts can sometimes come up with ideas that are outside of the box and lead to real solutions to a problem. A few of the possible long term solutions the residents presented are listed below:

Possible Solution #1;

Why can't the existing McClusky Canal system be re-engineered and constructed to take water from Devils Lake to the Missouri River? In 1996 proposals called for \$800 million worth of water projects related to the canal system, including stabilization of Devils Lake. They ask what ever happened to these projects?

Possible Solution #2;

Why not build a pipeline to carry water from Devils Lake to the western North Dakota oil fields to use in filling wells after the oil has been extracted? Currently, the oil companies are trucking water to the oil wells at great expense. Given the opportunity, they possibly would cost share with federal and state governments in the development of such a pipeline.

Possible Solution #3;

Why not build an earthen dam and create a retention basin down stream from the Tolna Coulee? This would provide additional protection for the downstream communities should the Tolna Coulee fail.

Possible Solution #4;

Why not build a canal or pipeline system to carry water from Devils Lake directly to the Red River above Fargo?

Considering the billions of dollars that it will cost in damaged or destroyed properties, loss of businesses and income, and the significant impact to thousands of people should a catastrophic overflow of the Tolna Coulee happen, we feel that all possible short term and long alternatives should be investigated.

In summary we respectfully request that you:

Ensure that any approval of a flood relief option acknowledges downstream impacts and includes a way to discharge better quality water out of the west end of the lake;

Take all necessary steps to ensure the City of Fort Ransom does not lose its funding while going through the USACE permitting process for its streambank restoration and stabilization project;

Keep the potential problems that additional discharges and higher rates of outfall from the east end of the lake will create for the downstream communities in the forefront of any decisions made; and

Ensure that all possible ideas and alternatives are studied and investigated before arriving at a solution addressing the Devils Lake Flooding Disaster.

Thank you for the work you have done for us on trying to solve the Devils Lake issue. We appreciate your understanding of the challenges which are still ahead of us and we hope all communities can work together to bring about comprehensive, cost effective, and economically feasible solutions.