

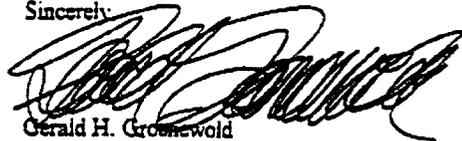
Col. Kasprisin/2  
September 1, 1998

In your letter you give two reasons why undertaking the "waffle" study in association with the local project is currently not appropriate. First, you suggest potential impacts to the project authorization. I have been assured by our Congressional delegation that the authorizing language for the Grand Forks-East Grand Forks levee project provides considerable flexibility which could accommodate the proposed \$4 million "waffle" study. Second, you suggest concerns regarding project delays and costs. I can see no basis for this concern. Indeed the results of a "waffle" evaluation study, if initiated in a timely manner, could demonstrate options for improved and more cost-effective flood protection not only in Grand Forks-East Grand Forks, but throughout the Red River Basin.

If the goal of the Corps of Engineers is to provide the best flood protection within reasonable financial constraints, then how could you not want to know if the "waffle" could be of benefit to this region (and potentially others nationwide)? We have already lost nearly a year during which a sophisticated evaluation of this concept could have been pursued.

Colonel, the people of the Red River Basin are at a critical crossroad with respect to flood protection. If we follow the wrong route, the results could be disastrous. We need to be creative and always open to new ideas. It is my hope that the goal of the Corps of Engineers is to implement the best flood protection project possible, not just for Grand Forks-East Grand Forks, but for the entire basin. If that is the Corps goal, then nontraditional concepts must be considered. If, on the other hand, the singular goal of Corps of Engineers is merely to "implement the project" as currently perceived, then I fear we have lost sight of our objective. If we are fearful of determining how to improve a project, then we have clearly lost sight of the goal. Surely you would agree that the taxpayers of this country deserve better than that.

Sincerely,



Gerald H. Greenwold  
Director

GHG/lcq

c: Senator Kent Conrad  
Senator Byron Dorgan  
Congressman Earl Pomeroy  
Governor Ed Schafer  
Joseph Westphal, Assistant Secretary of the Army (Civil Works)  
Grand Forks County Commissioners (5)  
Mayor Pat Owens  
Grand Forks City Council Members (14)  
Kendall Baker, UND President  
Michael Polovitz, Garrison Diversion Representative  
Hal Gershman, Happy Harry's Bottle Shop



Response to comments from Kelsch, Kelsch, Ruff, & Kranda representing the Country View Neighborhood Association Inc., East Lake Addition, and Northridge Hills Alliance.

1. Comments received for the Initial Submission and the draft EIS Scoping Document were reviewed and considered in the DEIS. We have defined a workable solution in response to comments from the two cities and from citizens and we are now in process of collecting and analyzing additional data in hopes of saving additional houses. If found to be feasible from the standpoint of environmental, economics, and engineering, we will change the levee alignment. If it is feasible, but not economically justified, then we will work with the cities to determine if a betterment is appropriate.
2. All comments are given equal and complete consideration. All commentors are added to the mailing list and receive copies of subsequent documents. It is not customary, nor practical, to contact every individual commentor. Corps and city officials have made themselves available to the public at numerous meetings and open houses in both communities including meetings on the 15th and 16th of September specifically regarding the Draft EIS.
3. The report and EIS presently under review are to determine the feasibility of the proposed action. Designs of specific features are yet to be completed. Finalizing the General Reevaluation Report will not preclude the consideration of alternatives such as may be proposed by Shannon & Wilson.
4. The St. Paul District of the U.S. Army Corps of Engineers fully recognizes the need for consideration of basin-wide water management strategies in the Red River of the North Basin. In fact, the Corps of Engineers is actively engaged with the International Joint Commission Red River Basin Task Force to specifically address basin-wide flooding issues following the 1997 floods. Upstream storage was adequately evaluated as part of a full array of alternatives as part of this study and it was determined that it was not a cost-effective primary solution to flood reduction in East Grand Forks and Grand Forks. However, upstream storage is recommend to determine if an extra increment of flood reduction is implementable. Comments by Mr. Young and the USEPA were considered in that context.
5. The Assistant State Engineer does indicate that the agricultural community generally opposes wetland-type legislation. He also states that the water released from White Rock Dam was not a significant portion of the flow at East Grand Forks/Grand Forks and that without it, "the dikes would have still overtopped and the river would have been only inches lower." It is expected that wetland drainage activities would be investigated as part of a basin-wide inter-agency study. The magnitude of required storage and the relationship of levee alignment to levee height will be further clarified in the Final GRR/EIS.
6. Analysis of the Red River of the North by the St. Paul District has shown that upstream water retention might increase the factor of safety in the two cities, but would not result in substantial riverward shifts in the levee alignments, no matter how much water could be stored.
7. See response to Comment 3. We have complied with NEPA by completing the decision document for the feasibility study, the GRR/EIS. Further detailed design studies will be conducted in the future.
8. The St. Paul District is willing to facilitate such a meeting.
9. Comment noted.

# Kelsch Kelsch Ruff & Kranda P.L.L.P.

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October 5, 1998

*Attn: John Shlyne, 3 pages*

*FAX 1-612-290-5800 1822*

Colonel Kenneth S Kasprisin  
Dept of the Army  
Corps of Engineers  
St Paul District  
190 5 St E  
St Paul MN 55101

RE: East Lake Addition-Comments on General Re-evaluation Report and Environmental Impact Statement  
Our File No. 8036

Dear Colonel Kasprisin:

1 Again East Lake Addition reaffirms and reincorporates by reference its Initial Submission comments of April 24, 1998 (Exhibit 1), and its comments on the draft EIS scoping document dated June 30, 1998 (Exhibit 2). East Lake reincorporates these comments because it believes to a large degree the original comments on behalf of the neighborhood, as a whole, were discarded out of hand and not considered in corresponding future documents. This is particularly true regarding comments on any activity in Minnesota, wetland restoration, and upstream storage to reduce flood impact.

2 Although East Lake Addition has submitted its comments through its attorney, these comments should none the less be evaluated as if they had come from each individual resident. No member of your agency has ever contacted the commentor nor responded directly regarding attempts for a face-to-face meeting. To date, East Lake Addition, which is not a part of the city of Grand Forks, has had its comments best received and reviewed by the Mayor of Grand Forks and its best possibility of establishing a meeting with your agency have also been through the Mayor's efforts rather than through your contact personnel.

3 East Lake further believes the re-evaluation report and environmental impact statement are premature in that several activities regarding potential alternatives are still ongoing. For example, on September 9, 1998, the Grand Forks City Council approved a modification to the contract of Shannon & Wilson Inc. regarding flood alternatives. These processes should be fully completed and reviewed prior to solution

*EIS-265*

selection. This appears to be another example of the Corps following a pre-ordained concept without respect to input or the requirements of the National Environmental Policy Act.

4 Also attached to these comments are a copy of a document in essence developed by Roland Young regarding the Lake Traverse project (Exhibit 3). This is an excellent example of upstream activity of a preventive nature which would have reduced the impact of the flood in Grand Forks and could greatly reduce potential impacts in the future. In addition, it was indicated by the Environmental Protection Agency (EPA) in their original comments that such retention activity could greatly assist water supply in the Red River Valley and enhance water quality. Apparently, the comments by the EPA regarding these activities were disregarded like those of East Lake Addition, Reeves Historical Alliance, Northridge Hills Alliance, Country View, and several other parties. In EPA's May 5, 1998, comments they indicated that "a full range of alternatives should include the examination of control of wetland drainage and its potential effects on the solution to flooding."

5 Attached correspondence from the Assistant State Engineer to North Dakota's Governor indicate that certain groups within the state generally oppose wetland-type legislation (Exhibit 4). Some of this legislation was in place at the time when drainage which contributed to the Grand Forks flood occurred. Again, East Lake reiterates that a review of such unauthorized or possibly illegal drainage should be conducted by entities which were not involved in approving such drainage prior to the undertaking of the Corps' plan which would have such massive impact on the economic, social, and cultural structure of the neighborhoods in Grand Forks.

6 Recently North Dakota's Governor and Congressional Delegation had expressed support to retention activities of upgradient from Devils Lake to assist in reducing flood impacts in the Devils Lake Region. Such activity in the Red River Valley could only have the same impacts on potential flooding within the Red River Valley Region.

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C.A. §§ 4321-4370c) details those areas which must be addressed by any major federal actions significantly affecting the quality of the human environment, it states at §§ 4332(C):

"(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- .....
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented".

(Emphasis added.)

Further, NEPA requires in § 4332(E) to study, develop, and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. (Emphasis added.)

In addition to those portions of NEPA cited above, Congress in its Declaration of Policy at § 4331(b)(4):

"(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;"

7 | By moving forward with its current plan without review of alternatives as raised by commentors and several regional water management experts like those of Gerald Groenewold (Exhibit 5) and by adopting a plan prior to completion of alternative studies such as that being conducted by Shannon & Wilson Inc., the Corps is not in compliance with the above-referenced sections of the National Environmental Policy Act.

8 | East Lake Addition will be attempting to establish a meeting with Corps representatives in St. Paul within the near future to discuss its concerns. The Addition would appreciate any effort you may make to facilitate such meeting.

9 | The Addition has taken every step to achieve favorable resolution in the most informal and cooperative manner possible. Unfortunately, the near total disregard of its comments and comments of neighborhoods like itself will force East Lake Addition to consider and implement more aggressive formal alternatives.

Respectfully,

  
William J. Delmore

ve  
Encs

Attachments not included.

Please see the letter regarding the Country View Neighborhood for the attachments.

Response to comments from Kelsch, Kelsch, Ruff, & Kranda representing the Country View Neighborhood Association Inc., East Lake Addition, and Northridge Hills Alliance.

1. Comments received for the Initial Submission and the draft EIS Scoping Document were reviewed and considered in the DEIS. We have defined a workable solution in response to comments from the two cities and from citizens and we are now in process of collecting and analyzing additional data in hopes of saving additional houses. If found to be feasible from the standpoint of environmental, economics, and engineering, we will change the levee alignment. If it is feasible, but not economically justified, then we will work with the cities to determine if a betterment is appropriate.
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3. The report and EIS presently under review are to determine the feasibility of the proposed action. Designs of specific features are yet to be completed. Finalizing the General Reevaluation Report will not preclude the consideration of alternatives such as may be proposed by Shannon & Wilson.
4. The St. Paul District of the U.S. Army Corps of Engineers fully recognizes the need for consideration of basin-wide water management strategies in the Red River of the North Basin. In fact, the Corps of Engineers is actively engaged with the International Joint Commission Red River Basin Task Force to specifically address basin-wide flooding issues following the 1997 floods. Upstream storage was adequately evaluated as part of a full array of alternatives as part of this study and it was determined that it was not a cost-effective primary solution to flood reduction in East Grand Forks and Grand Forks. However, upstream storage is recommend to determine if an extra increment of flood reduction is implementable. Comments by Mr. Young and the USEPA were considered in that context.
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7. See response to Comment 3. We have complied with NEPA by completing the decision document for the feasibility study, the GRR/EIS. Further detailed design studies will be conducted in the future.
8. The St. Paul District is willing to facilitate such a meeting.
9. Comment noted.

EIS-269

# Kelsch Kelsch Ruff & Kranda P.L.L.P.

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October 5, 1998

FAX 1-612-290-5800 *18 pgs*  
Colonel Kenneth S Kasprisin  
Dept of the Army  
Corps of Engineers  
St Paul District  
190 5 St E  
St Paul MN 55101

RE: Northridge Hills Alliance-Comments on General Re-evaluation Report and Environmental Impact Statement  
Our File Nos.8025

Dear Colonel Kasprisin:

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EIS-274

