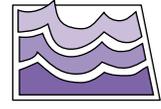


U.S. Army
Corps of
Engineers
St. Paul District

DEVILS LAKE STUDY NEWSLETTER



North Dakota
State Water
Commission

Issue #4, March 2001

New Directions Set for Devils Lake Study; Corps Seeks Additional Public Input

This newsletter summarizes recent changes in the scope of the Devils Lake Study that have taken place since the initial scoping meetings held in 1998. These include changes in the purpose and need of the study, the alternatives to be investigated, and a revised schedule for study completion. This newsletter also provides a schedule for the supplemental scoping meetings to be held in April, information on how to submit comments, and details on how to obtain further information and materials.

As part of the supplementary scoping process, the U.S. Army Corps of Engineers (Corps), in cooperation with the North Dakota State Water Commission (NDSWC), will conduct six public meetings in Devils Lake and the downstream areas. The meeting dates, times, and locations are shown below.

The purpose of the meetings will be to update the public on the current status of the study, to seek any comments regarding the alternatives that the Corps will be carrying into the next phases of the study, and to identify any new issues associated with those alternatives. The public will also be asked if there are any additional alternatives, concerns, or issues that should be examined.

These meetings serve to fulfill part of the Corps' scoping requirements under the National Environmental Policy Act (NEPA). In addition to accepting oral and written comments at the meetings, the Corps will also accept written comments by mail and electronic mail (e-mail) until April 20, 2001. More information about the meeting format and how and where to submit comments is given on page 5 of this newsletter.

Supplemental Public Scoping Meetings

Location	Date	Time	Meeting Place
Pembina, ND	Monday, April 2, 2001	7:00 p.m.	Pembina High School Gymnasium 155 3rd Street South, Pembina
Spirit Lake Reservation	Tuesday, April 3, 2001	9:00 a.m.	Auditorium, Spirit Lake Casino 7889 Hwy. 57, Spirit Lake (Fort Totten)
Devils Lake, ND	Tuesday, April 3, 2001	7:00 p.m.	Armory Building 417 5th Street, Devils Lake
Cooperstown, ND	Wednesday, April 4, 2001	10:00 a.m.	Community First National Bank 901 Burrel Avenue, Cooperstown
Valley City, ND	Wednesday, April 4, 2001	7:00 p.m.	Eagles Club 345 12th Avenue NE, Valley City
Moorhead, MN	Thursday, April 5, 2001	10:00 a.m.	Best Western Inn-Red River Inn 600 30th Avenue South

Each meeting is expected to last up to 2-1/2 hours. For directions on how to get to the meeting place, or if you require an auxiliary aid or service, contact and notify Kevin Bluhm, with the Corps of Engineers in St. Paul, MN, by March 26 at 651-290-5247.

New Directions for Devils Lake Study Process

Change in Purpose and Need

The Purpose and Need Statement set forth in the February 1999 Scoping Document read as follows: “The purpose of the proposed action is the reduction of flood damages and flood protection costs related to the rising lake levels in the flood-prone areas around Devils Lake.”

However, Congressional interests indicated that the scope of the study was too limited. Of particular concern was that the previous study did not address the downstream effects that could occur due to a natural overflow from Devils Lake. Addressing this issue required expanding the scope.

Therefore, a revised Notice of Intent to prepare an Environmental Impact Statement (EIS) was published in the Federal Register on December 22, 2000. The Purpose and Need Statement now reads as follows: **“The purpose of the proposed action is to reduce the flood damages**

related to the rising lake levels in the flood-prone areas around Devils Lake and to reduce the potential for a natural overflow event.”

Concurrent EIS and Preliminary Project Design

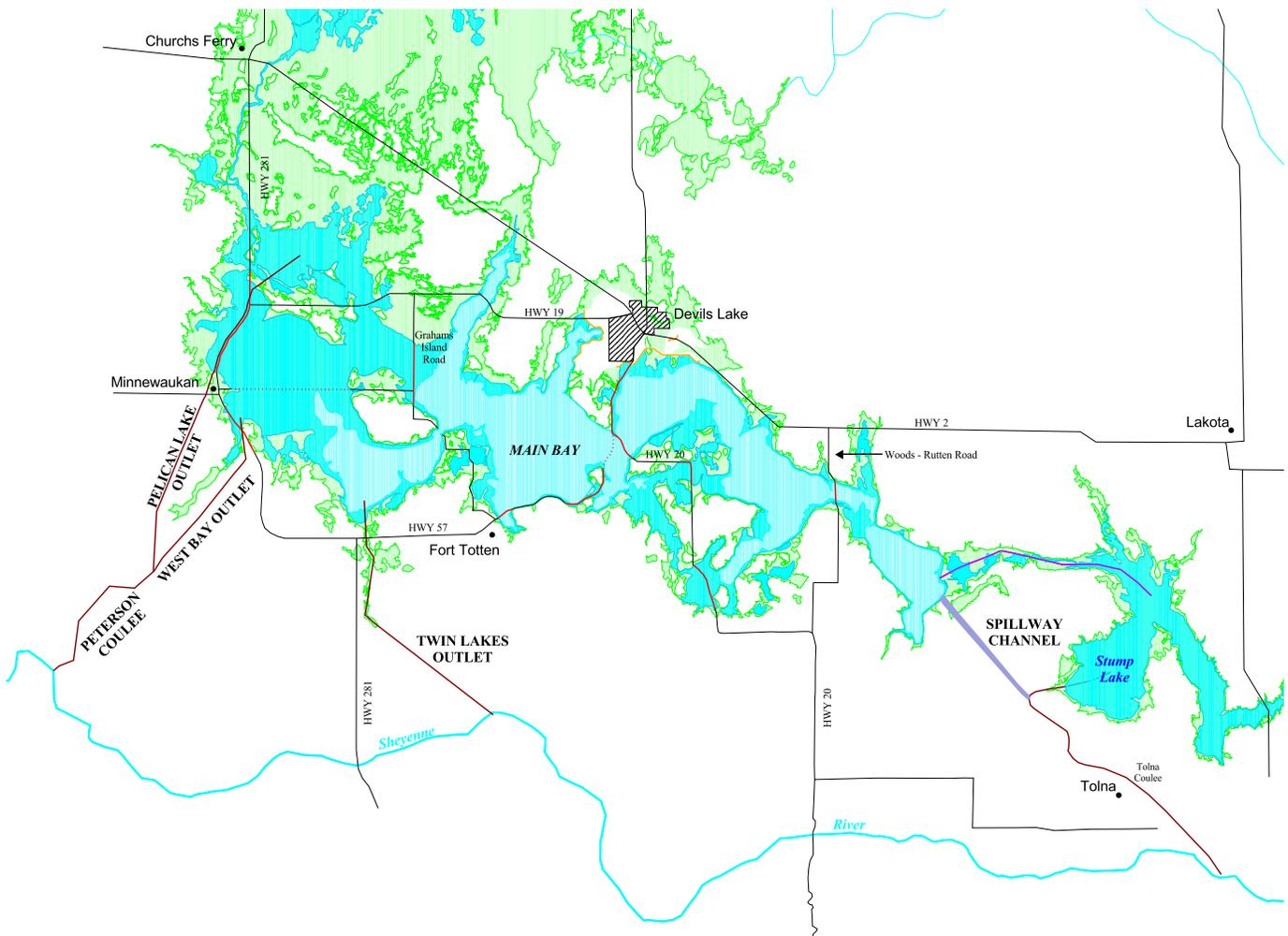
The Corps will use its authority and funding to continue collecting data and evaluating alternatives to address the flooding problems at Devils Lake. This will include conducting the necessary environmental impact evaluations required by NEPA and the Boundary Waters Treaty of 1909. However, due to the urgency of needing a plan in place that is ready to implement if flooding conditions dictate, the Corps will move forward with the design of a recommended preliminary plan concurrent with the preparation of the EIS. Once the alternative evaluation portion of the study is completed, preconstruction engineering and design for a recommended preliminary

plan will be accomplished. In selecting the preliminary plan to be designed, the Corps will evaluate the plan’s cost-effectiveness using standard economic methodologies, as well as economic justification based on a range of lake-level scenarios. The Corps recognizes that if a different plan is eventually recommended in the final Record of Decision (ROD), this design work would have to be redone.

Alternatives to be Investigated

The proposed project to address Devils Lake flooding is to construct an outlet that would allow the controlled release of Devils Lake water into the Sheyenne River. The Corps will identify and evaluate this proposed action and its alternatives in the EIS, which will be prepared according to federal NEPA regulations. The Corps will evaluate in detail only those alternatives that meet the amended purpose and need, as discussed earlier. In evaluating the pro-

(continued p. 3)



Map of Devils Lake basin and downstream showing west-end outlet routes and natural overflow from Stump Lake

New Directions (continued)

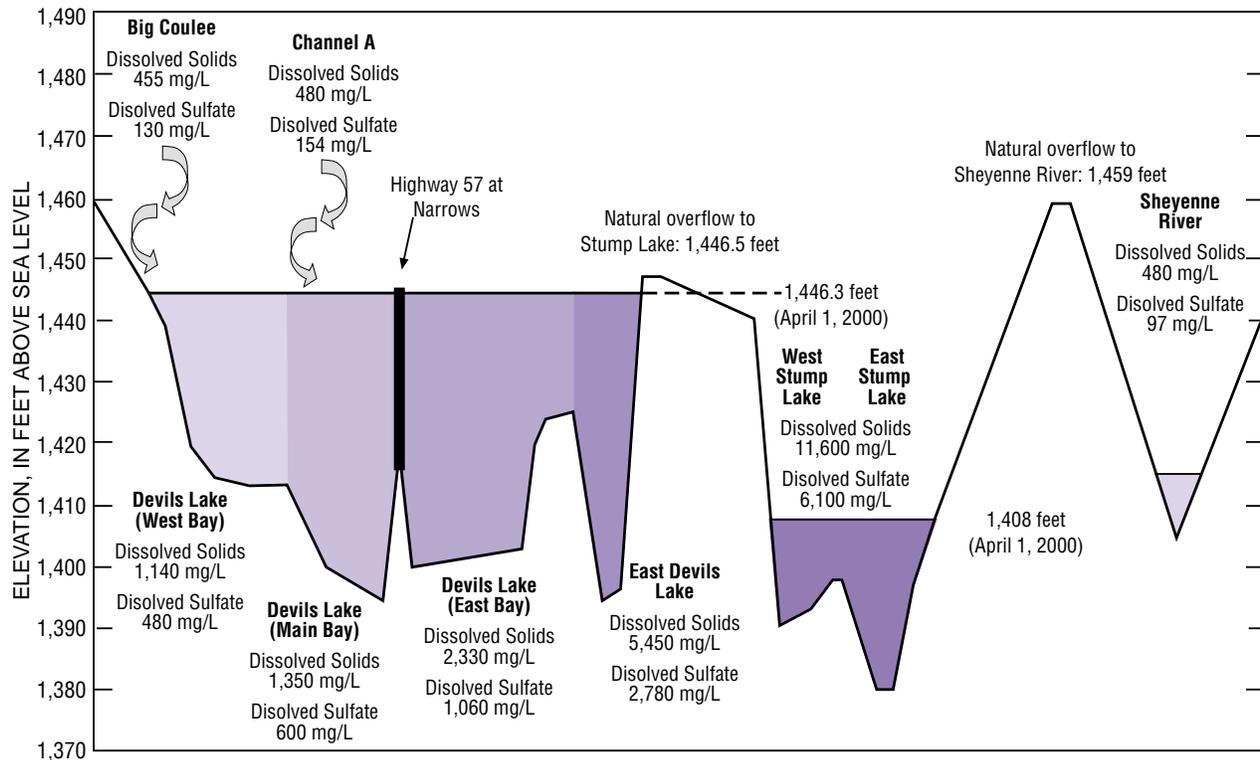


Figure depicting water quality conditions in Devils Lake and the Sheyenne River

(continued from p. 2)

posed action and its alternatives, the Corps is assuming, based on studies by the U.S. Geological Survey and the University of North Dakota, that the current wet cycle will continue to the point of causing Devils Lake to naturally overflow into the Sheyenne River. The alternatives to be evaluated in the EIS are described below. (see basin map on page 2).

Future Without the Proposed Project

The measures identified with this alternative are the base condition upon which other alternatives are to be compared for impact assessment under NEPA. This alternative assumes that the types of emergency measures currently being pursued in the project area would continue to be implemented as necessary due to rising lake levels. These emergency measures include such actions as raising the levees protecting the City of Devils Lake and relocating homes if the lake level continues to rise. If technically and economically feasible, emergency measures may also include building temporary levees, raising selected roads and railroads (within limits of reasonable safety acceptance), and protecting or relocating utilities. Continuing the current level of upper basin storage and measures to minimize erosion at the location of a natural overflow will also be con-

sidered. However, proposed actions by the State of North Dakota, such as a channel to Stump Lake and a temporary outlet to the Sheyenne River along the Twin Lakes route, are not included in this "without project" alternative at this time. If either or both are implemented, the evaluation of alternatives will be reviewed to determine what measures are needed to complete NEPA with this changed base condition.

Upper Basin Management

This alternative would examine taking further measures in the upper basin to reduce inflow into the lake, such as providing storage through retention structures, wetland restoration, or land use change.

Expanded Infrastructure Measures

Roadways currently serve as barriers to the rising and expanding waters of Devils Lake. These roads are acting as dams; however, they were not constructed to function as dams. This presents the possibility of safety concerns for road users and people living in areas protected by the roads. This alternative will examine additional measures beyond those described in the "without project" alternative to ensure a safe level of flood protection within the basin.

Outlets

Many potential outlet routes and concepts have been evaluated in prior studies and can be adequately addressed in the EIS with minimal additional work. The Peterson Coulee Route (discussed in the March 1998 newsletter) appears to have the greatest potential for effectively drawing down the lake levels, while meeting objectives for downstream channel capacities, water quality criteria, and ability to implement. Therefore, due primarily to water quality considerations, this outlet alignment plus one or two other west-end alignments, are the only ones likely to be evaluated in more detail among the array of alternatives (see figure of water quality profile above). Further consideration, however, is needed to define the recommended operation plan. Operation options include a "constrained" discharge of a maximum of 300 cubic feet per second (cfs) of lake water, which would be released according to constraints posed by downstream channel capacity and water quality standards, or an "unconstrained" maximum lake-water discharge of 480 cfs regardless of downstream capacity or water quality constraints. Under either scenario, operation would be limited to 7 months of the year (May-November). The 300 cfs constrained operation plan was the proposal presented at the March 1998 scoping meetings.

Revised EIS Schedule

The Draft EIS was originally scheduled for completion in Fall 1999. However, because of funding delays and changes in the study scope that were discussed on pages 2-3 of this newsletter, the proposed EIS schedule is as follows:

Notice of Intent for EIS	December 22, 2000
Scoping Meetings	April 2-5, 2001
Preliminary Planning Report	July 31, 2001
Public Meetings	August 2001
Draft EIS	February 2002
Public Meetings	March 2002
Final EIS	July 2002
Record of Decision	September 2002
Initiate Construction	October 2002 *

*The proposed schedule and timeline assume that construction will proceed only if flood conditions continue to exist, all legal requirements have been met, and the ROD supports construction and operation.

Funding and Authorization

The Energy and Water Development Appropriations Acts of 1998, 1999, and 2000 included funds for construction of the Devils Lake project subject to a determination of economic justification, compliance with NEPA and the Boundary Waters Treaty Act of 1909, and technical soundness. However, no funds were provided to the Corps under these authorities.

In Fiscal Year (FY) 2000, the Corps received \$2 million from a supplemental appropriation, and another \$4 million was included in FY 2001 appropriations. These funds, which are from the General Investigation account, are for preconstruction engineering and design of an emergency outlet from Devils Lake to the Sheyenne River and for the associated EIS. This supplements an earlier allocation of \$5 million that was made available through the 1997 Emergency Supplemental Appropriations Act under the Flood Control and Coastal Emergency account.



SUPPLEMENTAL SCOPING MEETINGS

Meeting Purpose

Supplemental scoping/public involvement will be used to help identify alternatives, as well as any concerns and issues associated with these alternatives that are new or different from those identified during the initial scoping process in 1998. This information will be used by the Corps in completing the EIS. The supplemental public scoping meetings are scheduled for April 2-5, 2001, as discussed on the front page of this newsletter.

The significant issues that were identified during the 1998 scoping meetings were summarized in a February 1999 Scoping Document. These issues generally included:

- Natural resources, including aquatic, wildlife, vegetation, wetlands, and riparian areas
- Cultural resources
- Water quality and quantity, groundwater, erosion, sedimentation, and induced flooding
- Federal- and State-listed threatened or endangered plant or animal species
- Social and economic resources, soils, and downstream users
- Downstream intrastate, interstate, and international resources
- Native American and Tribal Trust resources and responsibilities

A copy of the February 1999 Scoping Document is available at the information centers listed on the back page of this newsletter, as well as from the Corps web site address, also shown on the back page.

Meeting Format

The meetings will open with a formal welcome, introductions, and a brief overview of the meeting proceedings. A slide presentation will follow that summarizes background information, current findings, the next steps in the study process, and information on how to comment on the process. After the presentation, the Corps will open the floor to the public for comments. At that time, anyone wishing to make a statement may do so. All oral comments should be made during the scheduled comment period and be limited to five to seven minutes each, to ensure ample time for everyone to be heard.

Since a court reporter will not be present, those voicing comments are also asked to provide a written copy of their statements for the record. Written comments can also be mailed (or e-mailed) to the Corps, who will accept such comments until April 20, 2001. These comments can be sent to:

District Engineer, St. Paul District
U.S. Army Corps of Engineers
ATTN: PM-E (Anfang)
190 5th Street East
St. Paul, MN 55101-1638
robert.a.anfang@usace.army.mil



How to Get More Information

Write, call, or e-mail

Robert Anfang
651-290-5268
robert.a.anfang@usace.army.mil
or:
David Loss
651-290-5435
david.c.loss@usace.army.mil



District Engineer, St. Paul District
U.S. Army Corps of Engineers
ATTN: PP-PM
190 5th Street East
St. Paul, MN 55101-1638

Bruce Engelhardt
701-328-4958
bengel@swc.state.nd.us

North Dakota State Water Commission
900 East Boulevard
Bismarck, ND 58505-0850

Internet Web Sites



U.S. Army Corps of Engineers, St. Paul District
www.mvp.usace.army.mil
North Dakota State Water Commission
www.water.swc.state.nd.us

Technical reports



All technical reports associated with the Devils Lake Study are available for review at:

U.S. Army Corps of Engineers, St. Paul District
(see left column)
North Dakota State Water Commission
(see left column)

In addition, the February 1999 Scoping Document and the three project newsletters issued in March, June, and October 1998 are also available on the Corps web site (see left column) and from the local information centers listed below:

Devils Lake Carnegie Library
701-662-2220
Fargo Public Library
701-241-1492
Griggs County Library (Cooperstown)
701-797-2214
Tribal Community Center
701-766-4221
Valley City Public Library
701-845-3821
Grand Forks Library
701-772-8116
Lisbon Public Library
701-683-5174
Pembina State Museum
701-825-6840

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