

**Testimony to the
Senate Budget Committee Devils Lake Hearing
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Good Morning. I'm Darrell Vanyo and I currently serve as the Chair of the Cass County Commission. I'd like to thank Senator Conrad for the opportunity to appear before this Committee today.

A timely solution to the current devastation and downstream threat created by the continued rise of Devils Lake must be a priority to the Federal Government, The State Government, and local governments across the State of North Dakota.

The risk associated with an uncontrolled spill from Stump Lake into the Sheyenne River is substantial and would result in catastrophic consequences to downstream communities including those in Cass County. The best available evidence suggests that Devils Lake has spilled from Stump Lake into the Sheyenne River more than once in the past 2000 years during wet cycles. A recent USGS report

suggests a 72 percent chance that the current wet cycle will last at least another 10 years and a 37 percent chance that it will last at least another 30 years. We simply cannot afford to gamble on the possibility of a quick end to the current wet cycle. One exceptionally large rain event could escalate the current crisis to a catastrophic event with significant damages and associated costs.

The 250 cubic feet per second pumping station recently put into operation is a step in the right direction that provides some reduction in the probability of an uncontrolled outflow. However, it does not solve the problem. In a recent USGS simulation model exercise, one half of the random models resulted in a spill in the next 20 years even with the State outlet. Therefore more is needed and time is of the essence.

The risk to downstream interests is unacceptably high. Of additional concern are the large expenditures for raising roads and other temporary infrastructure that continue with no end in sight. We understand that by the end of 2011, \$650 million will have been spent to address infrastructure needs in the Devils Lake area since the wet cycle started. This includes almost \$200 million on roads. The North Dakota Department of Transportation estimates another \$250 - \$300 million in highway expenditures will be necessary to raise essential State highways

to an elevation of 1465 if the lake reaches its “natural spill” elevation of 1458.

Scarce Federal, State, and local resources would be better applied to a permanent solution instead of continued expenditures on short term fixes. Whether they realize it or not, all taxpayers in the United States and North Dakota are already paying a heavy price for the flooding in the Devils Lake region.

A controlled outlet with appropriate downstream mitigation may be the only viable solution available. Ideally, the outlet should draw water from the West Bay where sulfate levels are between 500 and 600 milligrams/liter instead of the much higher East Devils Lake or Stump Lake. We understand that there are technical and financial challenges with a West Bay outlet but believe this option needs significant and thoughtful evaluation before being ruled out.

Additional consideration must be given to the following:

- Downstream water quality standards will have to be further modified for any outlet option to be effective.
- NEPA compliance inevitably poses unreasonable time delays. Emergency legislation to speed up the permit process must be explored.
- Leaders in downstream communities in the United States and Canada must

be educated to understand that the environmental impacts of an uncontrolled discharge would far exceed those of a smaller controlled discharge.

While we recognize and support the need for an outlet, we must also emphasize the need to mitigate adverse consequences to the fullest extent practical. These mitigation steps may include but are not limited to:

- New or improved water treatment facilities
- Flood protection measures for downstream communities
- Erosion protection measures

During flood periods a high percentage of the flood water in the Sheyenne River now spills out and flows overland through Northern Richland and Southeastern Cass Counties. The Sheyenne Diversion channel picks up part of the Sheyenne River near Horace. If levees were constructed to contain all flows in the Sheyenne River channel through Southeastern Cass County, the existing Sheyenne Diversion channel would not have adequate capacity to provide the necessary protection. However, if large flows from a Devils Lake spill were allowed to enter the Sheyenne River without levees, the communities of Kindred, Davenport, and Horace as well as many rural residences would be threatened from the breakout

flows. Harwood and many rural residences would be threatened by Sheyenne River flooding to the north of Fargo and West Fargo. These downstream impacts must be considered and dealt with as a part of any outlet plan.

The proposed North Dakota Red River Diversion would do much to address the concerns created by a sustained increase in Sheyenne River Flows. The need for a Devils Lake outlet increases the urgency of also completing the diversion in a timely manner.

Speaking on behalf of the entire Cass County commission, I would like to say that we all understand the issues of too much water very clearly. Our years of organizing, planning, and funding projects for minimizing the impact of rising waters have not been enough. The temporary measures have been costly for both the Devils Lake area and Cass County for battling their respective water issues. The time for permanent solutions is now. The time for addressing the Devils Lake rising water issue, the flooding in Cass County, and mitigating any downstream effects is now. Federal, State, and local funding of permanent solutions will save millions of dollars in the long run. Cass County supports a planned and controlled process to solving the rising waters of Devils Lake.

Likewise, I believe that the people of Devils Lake support the Red River diversion as a means not only to protect a highly populated metro area, but to provide for

the additional water coming to our area through the Sheyenne River. The two are mutually beneficial!

Once again, thank you for allowing me to comment on behalf of Cass County.