

**Testimony of
Dick Johnson,
President of the Devils Lake City Commission,
before the
Senate Budget Committee**

**Devils Lake Flooding Disaster:
How Should the Federal Government Respond?**

July 8, 2010

Senator Conrad:

Thank you for the opportunity to speak with you today regarding the current challenges facing the City of Devils Lake and surrounding area. My name is Dick Johnson. I am the President of the Devils Lake City Commission.

First and foremost, I would like to thank you for the ongoing support you have provided our community throughout the years of flooding. The embankment protecting the City, the roads leading to our great community, and the development of our new drinking water supply project would not have been possible without your unrelenting support.

As you are aware, the City of Devils Lake has faced a multitude of challenges resulting from fluctuating lake levels. Last fall the City reluctantly agreed to enter into a Project Cooperative Agreement with the Corps of Engineers to increase the protection level of the embankment protecting the City and surrounding area. The City was extremely concerned about entering into this agreement because we feel that continued flooding and increasing lake elevations will have dire economic impacts to our City. We understand that if the lake continues to rise, it could flood an additional 100,000 acres or more of prime farmland, flood countless homes and be devastating to our neighboring communities. Therefore, the City of Devils Lake fully supports efforts to remove water from the lake to reduce flood damages.

With the drastic rise in Devils Lake again this year and the continuing rain that we have been receiving, we feel that it is imperative that emergency measures be taken to address our continued flooding. The City of Devils Lake does not want to pass our problems along downstream, but it appears obvious to us that if adjustments to downstream water quality/quantity requirements are not made to allow increased flows from the lake, a natural overflow could result in EXTREME water quality and flooding impacts downstream in the future. Even with the expansion of the embankment protecting our area, it will not be able to contain the lake should it continue to rise. Therefore, working

together now to develop effective flood relief measures, rather than waiting to see if Mother Nature will address the issue on her own in the future, is the most logical approach to solve this issue.

The City's recommendation regarding how the federal government should respond to our flooding crisis is four-fold. First, we are in an emergency situation. As such, emergency measures should be taken to address water quality rules along downstream rivers that may restrict discharges from Devils Lake. We recommend EPA work with the ND Department of Health to adjust water quality standards along the upper and lower portions of the Sheyenne River to allow water to be discharged not only from the west end State outlet, but allow controlled discharges from the east end of the lake as well. East outlet flows could augment west end discharges and offer better flood control for the area and downstream. Water quality adjustments may also be needed on the Red River. The water quality adjustments should be made to address the emergency nature of the situation and be limited to discharges from Devils Lake and not industrial pollutants.

Second, we ask the Corps work with State and Local officials to develop, design and build a control structure and discharge works for the east end of the lake. We feel a gravity control structure would allow the lake to be controlled, similar to a pool behind a dam, and allow the lake to absorb flood events and slowly release these flows to our downstream neighbors. Such a project would not only provide flood benefits to our area, but also resolve potential uncontrolled flooding that could occur downstream should the lake continue to rise. Further, we understand significant water quality improvements can be obtained from discharging water from various areas on the east end of the lake. Therefore, this option should be further explored when reviewing east end alternatives.

We understand that potential exists to enhance the outlet on the west end of the lake. We further understand these improvements are estimated to cost between \$35 to \$40 million. Based on flood control effectiveness, we feel this money would be much better spent developing a control structure on the east end of the lake.

Third, a review of the Sheyenne River channel capacity needs to be completed and determinations made on what can be done to increase the rivers channel capacity while minimizing impacts of larger river flows. Increasing the allowable channel capacity and extending outlet discharge durations could have a dramatic effect on the lake elevation.

Fourth, we ask that funding be provided to mitigate the effects flooding has had on our area as well as impacts Devils Lake discharges may have on our downstream neighbors. Flooding has impacted many roadways in the area, making them impassable. High ground water has weakened roadway bases in the city causing excessive deterioration of our road system. Adequate funding is essential to mitigate these impacts in the short term while the other flood control measures are implemented.

If the aforementioned steps are taken in swift fashion, the potential still exists to save approximately \$90 million by halting expansion of our flood protection system. These

funds could be used to develop an east-end flood control project, improve the river capacity, and mitigate downstream impacts associated with Devils Lake discharges.

In conclusion, we feel that the Federal government should take immediate steps to solve the flooding situation and prevent a potentially catastrophic spill of the lake rather than spending millions continually mitigating the effects of the on-going flood. In addition, we ask the Federal governments support for infrastructure improvements required to maintain transportation and utility services until the flooding has been alleviated.

Thank you again for the work you have done for our area. We appreciate that you continue to understand the great challenges that lie ahead of us and hope we are able to work together to find effective, comprehensive solutions.