

Congress of the United States

Washington, DC 20515

September 7, 2010

The Honorable Robert Nabors
Acting Director
Office of Management and Budget
Washington, DC 20503

Dear Rob:

We write to follow up on last Friday's meeting with the federal interagency working group that is preparing an action plan to address flooding in the Devils Lake basin. We greatly appreciate the time and effort you are putting into finding solutions to this disaster in our state.

As we have expressed in a number of meetings, we now face a very real risk of an uncontrolled overflow from Devils Lake. Last year and this year, the lake level rose sharply, and it is now within about six feet of a natural, uncontrolled overflow into the Sheyenne River. An uncontrolled overflow threatens catastrophic flooding downstream, and would create extremely difficult water quality and water treatment problems. And, for those in the Devils Lake basin, allowing the lake to reach this level would maximize flooding damage for residents and communities.

We recognize that this is a highly complex issue. However, that cannot become an excuse for failing to make decisions. Waiting risks putting us in a situation where we run out of time and options to avert disaster. As a result, we need an action plan now that lays out specific federal commitments and recommendations for actions that can be taken to address the ongoing flooding, as well as timelines and trigger points to ensure that we take the necessary steps in time to prevent a worst case scenario. We expect that these recommendations will include specific commitments to produce real results, not merely promises of expedited future consideration.

In our view, the action plan should contain the following elements:

- First, we need actions to move more water off the lake through the west end outlet. That will involve adjusting water quality standards on both the upper and lower reaches of the Sheyenne River, as well as enhancing outlet capacity on the west end of the lake. These measures should include provisions to assist with water treatment in downstream communities and to protect against downstream flooding and erosion.
- Second, we need a plan to construct a control structure to prevent an uncontrolled release of water through the Tolna Coulee, coupled with an outlet that can move additional water in a controlled fashion from the east end of the lake to be blended with water from the west end outlet.

- Third, we need urgent action to begin the partial relocation of Minnewaukan. Minnewaukan faces inundation next spring, so it is critical that the plan ensure that the school, houses, and other structures can be moved to higher ground as soon as possible.
- Fourth, we need substantial additional compensation for farmers in the Devils Lake basin whose land has been submerged by the expanding flood. In many cases, these families lose not only their annual farm income, but their entire life savings and the investments of generations as the rising water destroys the value of their land.
- Fifth, the action plan should provide for continued actions to raise roads and other infrastructure and to expand and raise dikes and levees, as well as new measures to help homeowners move their houses and other buildings out of harm's way before they are submerged.
- Sixth, the action plan should expand and extend existing, successful programs for upper basin water storage and propose new measures to increase voluntary participation in storage programs.
- Finally, we hope that the action plan will address some of the issues raised at today's meeting regarding the FEMA policy that prevents communities from retaining dikes built for annual flood flights. This policy creates unnecessary expenses and difficulty for the communities who face recurrent spring flooding. Additionally, we hope that the plan will also address restrictions in the Hazard Mitigation Grant Program that prevent the construction of dikes and levees on property purchased through the program. This restriction should be lifted, as has been done in other communities where no other feasible option for flood control protection exists. Both of these issues are critically important for communities downstream of Devils Lake that would be impacted by an uncontrolled release of water.

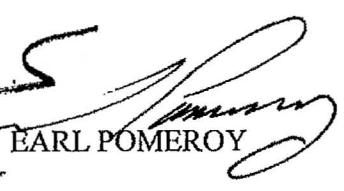
Given the importance of this issue to our state and the need to ensure that the federal response can enjoy lasting and broad based support in North Dakota, we respectfully urge you to share an advance version of the final report with us before it is released, so that we may consult with you about any concerns we might have before it is too late to make changes.

Again, Rob, we appreciate your personal attention to these issues and the Obama Administration's ongoing commitment to helping our state deal with this unique flooding disaster.

Sincerely,


KENT CONRAD


BYRON L. DORGAN


EARL POMEROY