



DEVILS LAKE EMERGENCY OUTLET

C O N T A C T S

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In January 2003, Congress passed a highly controversial rider attached to the Senate's pending FY03 Omnibus Appropriations bill that authorizes the U.S. Army Corps of Engineers to build a \$100 million "emergency" outlet on Devils Lake in North Dakota. In addition to authorizing the project, the rider waived the standard economic requirement that the project's benefits must exceed its costs. It also waived requirement for international consultation that is intended to ensure protection of trans-boundary water quality. The rider was designed to force the construction of an ill-conceived, economically wasteful water project that threatens downstream areas in Minnesota and Canada with serious environmental problems.

The project is strongly opposed by the states of Minnesota and Missouri, the province of Manitoba, the Canadian government, the Great Lakes Commission, and local, regional, and national conservation organizations. In July 2002, the Corps' Chief of Engineers deferred approval of the project due to serious concerns about the lack of adequate study of water quality impacts and the potential for substantial ecological damage, including introduction of invasive species in the Hudson Bay drainage from interbasin water transfer. In addition, it has become clear that the Devils Lake project will not provide local communities with the flood control benefits the Corps originally promised.

Despite these serious economic and environmental concerns and international opposition, the North Dakota Congressional delegation has continued to press forward with this project.



Devils Lake. Source: U.S. Army Corps of Engineers.

DEVILS LAKE

Devils Lake is a 125,000 acre inland lake with no natural outlet. Widespread wetlands drainage and resulting runoff from the upper basin, combined with unusually high rainfall, have caused water levels in the lake to rise about 25 feet since 1993. In response, the federal government paid for the permanent relocation of more than 500 homes, along with several local roads and utilities.

Currently, the lake's increased size, and the resulting larger evaporation area, means that lake levels change very slowly. In fact, lake levels have remained static for the past two years.

Despite this, and at the incessant prodding of the North Dakota congressional delegation, the Corps is developing plans to spend what is expected to be more than \$200 million to construct an "emergency" outlet to address the extremely unlikely event of substantial additional flooding. The Corps has refused to seriously consider economically and environmentally-responsible alternatives such as restoring wetlands to provide natural flood control. The outlet would pump water out of Devils Lake into the Sheyenne River, which empties into the Red River, Lake Winnipeg and eventually Hudson Bay. (*See map of Devils Lake on page four.*)

P R O J E C T H I S T O R Y

In 1997, the flooding around Devils Lake caused Congress to direct the Corps to examine the feasibility of an “emergency” outlet and to prepare an Environmental Impact Statement. In February 2002, the Corps released its Draft Environmental Impact Statement (DEIS). While it did not select a “recommended” plan, the Corps did identify a “preliminarily selected outlet plan.”

The Corps will formally recommend whether to proceed with the outlet project in the Final Environmental Impact Statement (FEIS). The Corps was expected to release the FEIS in July 2002. On August 12, 2002, however, the Corps’ Chief of Engineers Robert B. Flowers announced he would not approve the FEIS or the project plan because the Corps had not given adequate consideration to the project’s potential for serious environmental impacts in the U.S. and Canada. In addition, Flowers indicated that the U.S. State Department would require that the International Joint Commission also be given the opportunity to examine the report.

E N V I R O N M E N T A L D A M A G E

Because Devils Lake has no natural outlet, it contains high concentrations of salts, dissolved solids and other pollutants. Pumping the lake water into the Sheyenne River, which flows to Minnesota and Manitoba, would take a dramatic toll on water quality downstream—with serious impacts on people, wildlife and the environment that could reach through the Red River to Lake Winnipeg and as far as the Hudson Bay.

Sulfates in Devils Lake are more than 500 percent higher than in the Sheyenne River. Sulfates and other pollution would increase treatment costs, cause the Sheyenne River to become degraded, and could set off a decline in populations of native aquatic species and dependent migratory waterfowl, and negatively impact local drinking water quality. An outlet threatens to increase flooding and streambank erosion along the Sheyenne River, a scenic byway. The project could also become a key conduit for the transfer of damaging invasive species such as striped bass and fish pathogens from Devils Lake to the Hudson Bay drainage basin. It could ultimately harm commercial and recreational fishing locally and downstream in the U.S. and Canada.

In addition, the outlet is part of North Dakota’s larger plan to divert water out of the Missouri River to the eastern part of the state. The plan originally included an attempt to pursue a water linkage from the Colorado River through the Garrison Diversion. The Garrison project threatened to exacerbate invasive species problems and was halted by the International Joint Commission in 1977. Despite this, North Dakota political leaders continue to pursue both projects.

E C O N O M I C B O O N D O G G L E

The Corps’ economic analysis for the project is based on inflated values and exaggerated benefits. The Corps itself admitted that there is a 75 percent chance that an outlet would not be economically beneficial. Because of local infrastructure and lakeshore development, the federal government has already invested more than \$350 million on flood mitigation. Incredibly, if lake levels continue to rise, additional flood mitigation would still be required even if the project were to go forward, because the proposed outlet would be only minimally effective during average flows and useless in periods of high inflows. These and other “hidden” costs would quadruple the estimated budget, far negating any “benefits.”

T H E R E A L S O L U T I O N ?

W E T L A N D S R E S T O R A T I O N

In 1976, the North Dakota State Water Commission admitted “it is the determination of the Commission that additional drainage of presently non-contributing areas will significantly contribute to increased lake levels in the Devils Lake chain, thereby increasing the flood hazard potential to the City of Devils Lake.” The real problem is drainage of wetlands upstream from Devils Lake.

Bowing to political pressure, the Commission has recently flip-flopped on this admission, allowing some 22,700 drains to be built in the Upper Basin, draining some 183,000 acres of wetlands and violating state laws by refusing to close many illegal drains.

In reality, wetlands restoration—combined with appropriate relocations, if and when needed—is the only true solution to providing the natural flood control, water quality and wildlife habitat benefits that will protect the communities of Devils Lake.

CORPS' ECONOMICS BASED ON EXTREME WEATHER

The Corps has used false science in its justification of the project. In the Corps' benefit-cost analysis, the benefits exceed the costs for this boondoggle only by using the most extreme "wet future scenario," which includes exaggerated projections that were based on seven years of unusually high levels of precipitation from 1992-1999. To become a reality, the scenario would require 21 uninterrupted wet years, a virtually impossible event found nowhere in the historic hydrologic record. In addition, the Corps omitted data from two recent years (2000 and 2001), when there was no dramatic lake level rise and, in fact, the lake level actually fell. Such a leap has no basis in sound science and constitutes the height of scientific and economic irresponsibility.

CORPS' IGNORES MAJOR ENVIRONMENTAL AND ECONOMIC ISSUES

The Corps' evaluation does not address how the project will meet federal requirements to protect against the risk of invasive species. It also fails to consider the cumulative impacts of other water management projects in the region. In addition, the Corps does not explain how the project will comply with the Boundary Waters Treaty of 1909, which requires no degradation of U.S. and Canadian waters that flow across borders.

GRASSROOTS OPPOSITION

The National Wildlife Federation (NWF) and the Minnesota Conservation Federation (MCF) recently issued a statement of strong opposition to the project because of its potential for severe environmental damage. NWF and MCF join the Canadian government, the states of Minnesota and Missouri, the province of Manitoba, as well as the National Audubon Society and other conservation organizations, in opposing the Devils Lake Emergency Outlet.

EPA DOES NOT SUPPORT PLAN

The Region 8 office of the U.S. Environmental Protection Agency (EPA) has also recommended against the emergency outlet, suggesting that it "will do little to prevent further flooding and protect the communities around the lake." In addition, the EPA stated that "many people in towns and cities on the Sheyenne and Red Rivers and in Canada may be harmed if the outlet is constructed and operated." The EPA went on to cite negative impacts on water quality, aquatic habitat and drinking water.

STOP THE DEVILS LAKE EMERGENCY OUTLET

The Devils Lake Outlet will degrade water quality in downstream areas and set a terrible precedent by creating an interbasin water transfer to the Hudson Bay drainage, threatening transfer of invasive species. The Bush administration has budgeted no funding for this environmentally damaging project in FY04. Please show your support for stopping this project by opposing funding in the upcoming Corps of Engineers appropriations legislation.

"The Devils Lake Emergency Outlet would send water quality plummeting and flood waters rising near the Red River—it's a disaster in the making for Minnesota's water and wildlife."

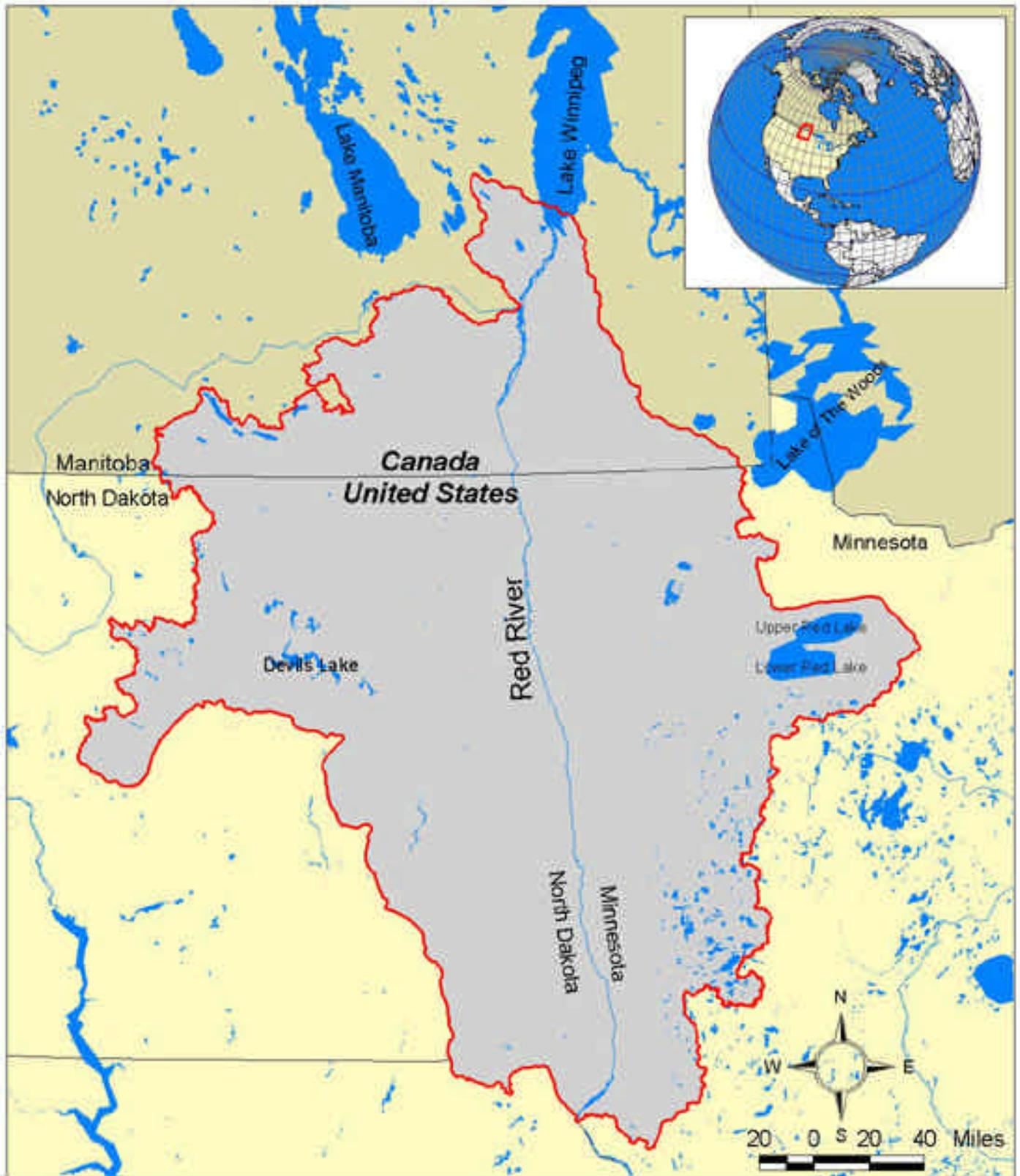
—*Dave Moran*

Minnesota Conservation Federation Board Member



Wood ducks are one of the many waterfowl species threatened by the misguided Devils Lake Emergency Outlet project.

Source: U.S. Fish and Wildlife Service



Map Produced by:

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Red River Basin

Data Sources:

USA: ESRI Digital Chart of the World
 EPA Basins Data Base

Canada: PFRA Watershed Basin
 PFRA Land Use Characteristics Data Base