

Introductory Written Testimony of  
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On Behalf of the  
Fort Pierre Frontier Road Residents

Before the  
Senate Committee on Environment and Public Works  
United States Senate

Regarding:  
2011 Flood in South Dakota

Tuesday, October 18, 2011

Chairman Boxer, Ranking member Inhofe, and Members of the committee, thank you for accepting my written testimony before the committee on the 2011 flood in South Dakota.

My name is Merle Scheiber. I am a resident of South Dakota living in Stanley County near the Pierre/Fort Pierre area along Lake Sharpe, below the Oahe Dam. I also serve as the South Dakota Insurance Director since August 2005. I am pleased to be given the opportunity to offer this written testimonial of my personal experiences in regard to the flooding that occurred in 2011 in South Dakota.

My home is located south of the Oahe Dam in the first housing development, which consists of 25 homes approximately 2 miles south of the dam. I have owned my home for 3 years and just recently (within weeks of the flooding) completed a very extensive remodeling project which took approximately all three years. My family lived in the home the last year of this three year period. The homes in this neighborhood began being built in the early 1980's, a number of homes have either gone under extensive remodeling or my neighbors have chosen to demolish the existing home and rebuild an entire new home. We have invested many hours and thousands of dollars into our homes with which the financial obligations still remain regardless if we are able to occupy our homes or not. There are many such "subdivisions" as ours along the Missouri River/Lake system in the immediate Pierre/Fort Pierre area and throughout South Dakota. My neighbors on Frontier Road come from many backgrounds with vary degrees of earned success.

In South Dakota, the Missouri River is impounded by four large dams. Oahe Dam, forming Lake Oahe near Pierre/Fort Pierre is one of the largest rolled earthen dams in the world and was completed in 1958. Fort Randall Dam, impounding Lake Francis Case near Pickstown, South Dakota was completed in 1952; Gavins

Point Dam was finished in 1955 and forms Lewis and Clark Lake near Yankton, South Dakota; Big Bend Dam was finished in 1963 and forms Lake Sharpe near Fort Thompson, South Dakota. The reservoir system on the Missouri River was designed for multipurpose use, hydroelectric power, flood control, navigation, municipal water, irrigation, fish and wildlife habitat, and recreation. Only two semi-natural segments of regulated “free-flowing” Missouri River remain in South Dakota. A 45 mile stretch below Fort Randall Dam flows into Lewis and Clark Lake and a 58 mile stretch below Gavins Point Dam, flowing into the channelized portion of the Missouri River near Sioux City, Iowa.

Therefore, in South Dakota there is very little “free flowing” water that is not managed or controlled by human hands. The United States Army Corps of Engineers has general management authority over the river/lakes and dams controlling the water of the Missouri River. They are responsible for maintaining the goals and objectives of the reservoir system, which includes flood control.

Part of the administration of the Missouri River/Lake system is to monitor fluctuations in water intake amounts into the reservoir system and appropriately adjust water discharge amounts as to maintain the reservoir system’s goal of flood control. With administration comes a responsibility of proper notification to

all inhabitants along the Missouri River basin who have a potential risk of flooding. These areas of potential flooding are known to the Army Corps of Engineers beforehand by their geographic flood maps. Proper (or even reasonable) notification to residents in these potential flood areas is essential to the Corps' charge of "flood control". And in the case of the 2011 flood in South Dakota, the Corps failed miserably to timely notify South Dakota residents of the impending danger to life and property.

Instead of using a common sense approach to analyzing actual inflows into the reservoir system, they choose to follow a 135 year average method to analyze potential effects of "record" snowfall amounts that were accumulating in Montana and what any excessive rainfall amounts in the spring would add to this growing threat. They failed to react miserably week after week from the fall of 2010 to the spring of 2011 to accumulating moisture that would eventually flow into the Missouri River/Lake reservoir system. Through these months they had data available to realize that this was not an "average" year and could have discharged amounts of water that would have lowered reservoir amounts to levels acceptable even by their own master manual. They evidently do not realize that average amounts are obtained by analyzing "excessive" moisture

years with dry years. When records reach unprecedented new highs, the common sense management approach is to understand that this is not an “average” year and action or steps should be taken to manage reservoir levels for flood control purposes based on worst case scenario.

The months preceding the Corps releasing record CFS (cubic feet per second) from the Oahe reservoir indicates they either chose to ignore their own statistical data, or were negligent in their administration of this data, both indicate mismanagement of their “flood control” charge. This mismanagement resulted in the residents residing along the shores of Lake Sharpe, below the Oahe Dam to sustain considerable property damage and hardship throughout the summer of 2011, with no end in sight into the fall of 2011 and into 2012 as we begin the cleanup process.

The inflow amounts into the reservoirs clearly indicated rapidly rising water levels. Inhabitants along the Missouri River/Lake system should have been notified of these levels and the risk of flooding these posed well before the Army Corps chose to notify these residents. Even local Army Corps officials sounded alarms to their superiors indicating the impending danger. These concerns are

well documented through an extensive email trail. Yet, no action was taken, either on CFS discharge amounts or notification to residents. The Army Corps' own inflow/discharge records for the Oahe reservoir indicate the following leading up to record releases:

Date:	Inflow	Discharge	Reservoir Gage
January 15, 2011	24,000	23,500	1605.0
February 15, 2011	36,000	18,700	1606.6
March 15, 2011	35,000	16,200	1609.0
April 15, 2011	41,000	35,300	1616.7
May 15, 2011	50,000	51,100	1616.9
May 24, 2011	83,000	56,200	1617.6
May 27, 2011	107,000	73,100	1617.9

The inflow/discharge ratio for February and March would sound alarms to any prudent person. A significant larger amount of water over a consistent period of time was flowing into the Oahe reservoir. The pattern continued into April with the knowledge of record snowfall waiting in Montana AND at least three weeks before the unprecedented two week rainfall in May in Montana that the Corps repeatedly blames the flooding on. Hence, the days preceding and leading up to May 24<sup>th</sup>, the actual first time the Corps notified residents of impending flooding,

the inflow/discharge ratio indicated that the Oahe reservoir was fast filling up. Notice the spike in the Oahe reservoir levels, it jumped almost eight feet in one month, from March 15, 2011 to April 15, 2011 and again this is not contemplating the record snowfall in Montana that the Corps knew existed which will add historical record runoff yet the coming spring and before the two weeks of unprecedented rainfall.

A special note should be made here. The Army Corps has consistently through this whole ordeal, held fast to the argument that the unprecedented spring rains in Montana over a two week period the first of May 2011 are to blame for the flooding. It is highly suspect that no matter how unprecedented two week rainfall amounts are that it could impact our sophisticated reservoir system to flood downstream for almost **“Four Months”!** This was not a flash flood. The email trail exchanged between Corps officials is cited in a Sioux Falls newspaper, Argus Leader, analyzing the Corps’ response. These emails showed their lawyer constantly redirecting the discussion away from any analysis outside the realm of causation by the spring rains (stating “stay on message”). This sensitivity clearly shows that the Corps feared its blunder in failing to act on the snow pack evidence would subject it to criticism.

As the Army Corps ignored the warning signs of impending record levels of intake, they chose to make an even bigger mistake which indicates gross negligence of “flood control”. They failed to **timely advise** Missouri River basin residents of possible risk to flooding. Timely notice would have allowed residents to prepare their homes for flood waters and consider their risk of loss to flooding, possibly purchasing flood insurance even though the majority of homeowners were not in a designated flood plain. Flood plain maps are charted by the federal government, assessing higher risk to homeowners in designated flood plains, which mortgage lenders then use to require flood insurance before approving these loans. Neither the flood plain maps developed by the federal government nor my mortgage lender required that I carry flood insurance. I am not in a flood plain and I live below one of the largest rolled earthen dams in the world.

And what timely notice did the Army Corps of Engineers give me to prepare for these “potential” flood waters, **THREE DAYS!** On May 24<sup>th</sup> they notified us to prepare for water levels that could result in the flooding of my home. This was when the inflow amount on the Oahe reservoir was 83,000 and the discharge amount was 56,200. Three days later on May 27<sup>th</sup>, when the flood waters crossed

my gravel driveway and prevented larger trucks from bringing materials that would have allowed me to build a larger, stronger levy the inflow was 107,000 and the discharge was 73,100. I also lost power that day and was forced to fight the rising waters with gas generators/pumps brought in by boat. On June 5, 2011, I surrendered my home to the flood waters as the discharge limit reached 111,800 after many long days and nights, building and rebuilding my levy with sand bags, never going to sleep; friends, family, coworkers hauling and throwing sand bags till their hands could not even form a fist anymore; having 25 people descend upon your home taking, ripping, throwing all your personal property into any vehicle willing to drive through a foot of water. And during this time (and continuing after June 5<sup>th</sup>) the Corps continually dealt us information that was not correct about release limits or changes to these release limits.

My story can be repeated so many times for so many residents that were affected by the Corps' gross negligence. During the months of January 2011 through April 2011, we watched as the water discharge amounts were so minimal that sand bars were prevalent all along Lake Sharpe, even as record snowfall amounts accumulated in Montana. Now, as the waters have receded and I no longer have to take a boat to access my home that had 3 ½ feet of water on the main floor for

over 3 months, I struggle during the recovery process as FEMA and other governmental entities make me apply for assistance, appeal for assistance, quantify damage, verify eligibility during a long pain staking process that could have been avoided or at least mitigated by proper notice. Interestingly, about three weeks after the flood, FEMA sent out a bulletin suggesting residents consider buying flood insurance, in case there was “another incident” because there existed a threat of a levy breaking. Where was this notice in March or April of 2011?

As residents living in one of the most beautiful places in the United States, where we can live next to and experience the American Bald Eagle and other wildlife, we only ask that there be an admittance of causation; to be made whole; and reassured that this will never happen again at the hands of humans.

We did not inflict this upon ourselves, yet as Americans we are subject to a bureaucracy that none should have to experience as “disaster” victims. I cannot imagine that foreign disaster victims receiving aid from the United States have had to “qualify” so extensively as the United States’ own disaster victims. The Army Corps will still not admit negligence or even lesser, causation at their

administration, so now we must make ourselves whole. Their position is inconsistent and without logic; they blame the runoff overwhelming the main stream reservoirs on record spring rains, yet they knew very early that they were dealing with record mountain snow pack. The record snow pack alone should have prompted reanalysis and action before the rains ever started. They leave hard working Americans to rebuild their lives almost solely to their own exclusivity. And they leave us with no guarantee that it will not happen again, even as early as next year.

Thank you for the opportunity to submit my written testimony into the record of the Senate Committee on Environment and Public Works. I would be happy to respond to any questions.