



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

February 3, 2017

District Commander

Chase Iron Eyes

Fort Yates, North Dakota 58538-0888

Dear Mr. Iron Eyes:

Greetings, I hope this letter finds you well. Safety remains our number one priority. Due to record snowfall and long periods of frigid temperatures in the Bismarck and Fort Yates area this year, there is a high potential for spring flooding at the mouth of the Cannonball River due to spring runoff and ice jams. We fear that without closing the floodway, there will be injuries and loss of life due to flooding. We also fear that – absent remediation – there will be risk of environmental damage due to debris and waste being washed into the Cannonball River and Oahe Reservoir. As you recall, we closed the portion of Corps-managed federal property north of the Cannonball River to all public use and access effective December 5, 2016. We are writing to inform you that this closure will now be extended to Corps-managed federal property adjacent to the Cannonball River on the south bank due to the above-mentioned safety concerns. For your reference, please find enclosed a map which delineates the Corps-managed property adjacent to the Cannonball River.

There are currently multiple violations of the regulations governing public use of these Corps-managed federal lands (36 C.F.R. §327 *et seq.*) both south and north of the Cannonball River, which pose a threat to the fragile ecosystem in this area. Specifically, these violations include unauthorized vehicles, improper disposal and burning of trash, improper disposal of human waste, unauthorized fires, unauthorized structures, and unauthorized habitation that create a high likelihood that garbage, debris, building materials, vehicles, personal property, and hazardous materials will be washed into the Cannonball River and Oahe Reservoir creating an unacceptable level of environmental damage.

Soil erosion and non-point source pollution in these waterways is also a serious concern. On the approximately 50 acres where these camps were located, grass has been removed or destroyed due to the unauthorized placement of these structures, vehicles, personal property, and fires. Soil erosion due to a lack of vegetation cover will be exacerbated if flooding does occur, and result in contaminated sediment runoff into the Cannonball River and Oahe Reservoir.

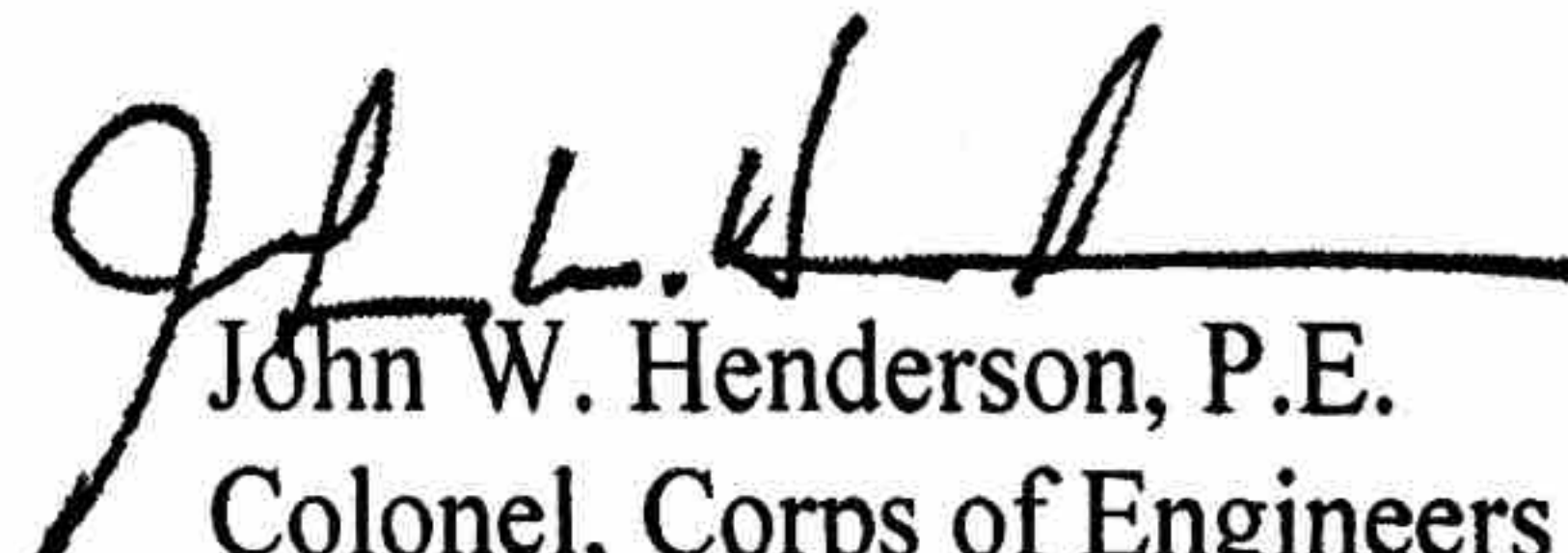
In an effort to support ongoing initiatives to clean these areas, prevent injury and loss of life, and mitigate the high risk of environmental impacts to the waters of the Cannonball River and Oahe Reservoir, we are providing notice to camp inhabitants that all personal property will be removed immediately from this area so that remediation of the property prior to any spring

flooding can continue to move forward. Owners of personal property, vehicles, or structures currently located on these lands may contact the Oahe Project Office at (605) 224-5862, extension 3420, to coordinate a time to enter this property to retrieve these items.

We will provide the owners of personal property until February 22, 2017 to retrieve their personal property; we respectfully request your assistance in facilitating notification of these owners and the recovery of their personal property. After such time, pursuant to 36 C.F.R. § 327.20, all remaining unauthorized structures will be removed. Pursuant to 36 C.F.R. § 327.02, all remaining vehicles will be removed and impounded. Finally, in accordance with 36 C.F.R. § 327.15, all remaining personal property will be stored at the Oahe Project Office for a period of no fewer than 90 days while the owners are located, after which time the property will be disposed.

Thank you for your assistance in this matter and your leadership to prevent unnecessary injury and contamination of our precious water resources. If you desire to reestablish a new area for protest on Corps-managed federal property, please contact the Oahe Project Manager, Mr. Eric Stasch, at 605-945-3400, to apply for a special use permit.

Most respectfully,


John W. Henderson, P.E.
Colonel, Corps of Engineers
District Commander

Enclosure