

Responses to Lindy Clubb

Comments on the Draft Report on the Red River Valley Water Supply Project Needs and Options

Red River Valley Water Supply project
Bureau of Reclamation
Dakotas Area Office
Box 1017
Bismarck, North Dakota
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September 30, 2005

Dear Mr. Breitman,

Re: Needs and Options Report, public review portion of the Red River Valley Water Supply project. The ample information that has come to me from the Bureau has not convinced me of the need for this project, although I am a citizen expert in water and terrestrial issues, and have taken part in numerous public consultation processes, hearings, environmental reviews and assessments.

In my opinion, the state of North Dakota is dealing with a natural resource management issue for water supply and land use. The seven current proposals are unacceptable. May I suggest an alternative with the fledgling Wild Rice Watershed District's proposal of capturing spring runoff from the Wild Rice River (preventing flooding) to store in low lying areas to the south east, with two scenarios for acre feet, one of 89,000, and one of 32,000. The storage is approximately 18 miles from the Fargo/Moorehead urban centers.

The Wild Rice Watershed District's proposal will create wetlands and provide habitat for waterfowl, contain and filter nutrients from agricultural runoff, and address issues of global warming and opportunities for riparian habitat, and counteract future droughts. The budget for the options put forward in this report are quite large, so cost shouldn't be a factor with the Wild Rice alternative.

Early, meaningful, equal decision making power consultation with the First Nations such as the White Earth and Red Lake tribes would be called for in connection with this alternative proposal. So is a protocol for negotiations with tribes. I believe Memorandums of Understanding have been successfully negotiated by other Federal Departments with tribes in North Dakota and since federal dollars have and are flowing to your current scenarios, one would have to ask why this hasn't already been done. What is the consultation process, and protocol, for your public review? What consultation has taken place with the Canadian First Nations, who have traditional hunting and fishing rights to Lake of the Woods? Also, how does Minnesota view your Options?

The Devil's lake issue is still on Manitoba's radar, and Ottawa is watching the various scenarios unfold with states like North Dakota, but interbasin transfers for the benefit of one state that will bring harm to neighboring States and bordering countries are intolerable. There is no assurance other than treatment for water coming from the Missouri that it won't further contaminate or irreversibly harm our huge watersheds of Lake Winnipeg and Hudson Bay. It's up to the Bureau to prove, through science and study, that no threat exists to our watersheds. Promises and assurances are limited, due to pipeline leakage, human error, and natural disasters Does enough water exist now and in the future for the Missouri river to have the in-stream flows necessary for nature and prior users?

Responses to Lindy Clubb

Response to Comment 1

Reclamation does not agree. The purpose of the action is to meet the “comprehensive water quality and quantity needs of the Red River Valley” [DWRA (Dakota Water Resources Act) Section 8(c) (2) (A)] through year 2050. The needs are defined by DWRA as MR&I (municipal, rural, and industrial) water supplies, water quality, aquatic environment, recreation, and water conservation measures [DWRA Section 8(b)(2)]. Through the use of hydrology modeling Reclamation determined that the Red River Valley would have significant water shortages now and in the future if a drought similar to the 1930s would occur.

Reclamation evaluated these needs in the Needs and Options Report (*Final Report on Red River Valley Water Needs and Options*), which is a needs assessment and engineering study. A multi-step process was used to identify alternatives for further study in the DEIS (draft environmental impact statement). Alternatives were formulated through a systematic process using public involvement, technical information, interdisciplinary and interagency discussions, and professional judgment. NEPA (National Environmental Policy Act) and Council on Environmental Quality regulations require agencies to evaluate a range of reasonable alternatives. To be considered reasonable, an alternative must: 1) meet the identified purpose and need for action, to a large degree and 2) be practical and feasible from a technical and economic standpoint. Reclamation has met the appropriate standards.

Response to Comment 2

Reclamation reviewed and considered the proposal described in the Houston Engineering report. The Houston Engineering report concludes that under both water demand options evaluated the proposed storage reservoir would be depleted by 1936 in a 1930's-type drought. This would leave the Project (Red River Valley Water Supply Project) without a water source for the remainder of a decade-long drought, or another 4 years. This is an unacceptable water supply situation; therefore, the proposed storage project does not appear to be a feasible alternative for the Project.

Response to Comment 3

The Needs and Options Report is an assessment of needs and an engineering study to develop potential options for the Project. The DEIS evaluates and documents potential impacts of the proposed Project. We note that the statutory provisions of NEPA (and the Council on Environmental Quality's regulations implementing NEPA) do not require assessment of environmental impacts within the territory of a foreign country. However, as a voluntary measure, the DEIS includes information on impacts of the proposed action that may affect areas within Canada solely because of the unique aspects of the Project (including, for example, an alternative that involves a lake straddling the international border).

As for the White Earth Tribe and Red Lake Band of Chippewa, we have communicated with both tribes via correspondence and have offered to meet with both tribes. We have met with the Red Lake Band Tribal Council. A representative of the Red Lake Band of Chippewa has attended Technical Team and Cooperating Agency Team meetings. A public hearing on the DEIS was initiated on February 17 on the Red Lake Reservation, but at Chairman Jourdain's request was rescheduled and held again on March 6, 2006.

All Federal agencies, including Reclamation, have a government-to-government relationship with U.S. tribes. Tribes recognized by the U.S. government are to be respected as sovereign governments and federal agencies have a trust responsibility to respect this sovereignty by protecting and maintaining rights reserved by or granted to tribes or individual Indians by treaties, statutes, and executive orders. ITAs (Indian Trust Assesses), such as lands, minerals, forest products, hunting rights, fishing rights, and water rights, are addressed in the DEIS in chapters four and five and in Appendix L.

Response to Comment 4

Reclamation initiated consultation on ITAs with the five North Dakota tribes - Turtle Mountain Band of Chippewa, Spirit Lake Sioux, Three Affiliated Tribes, Standing Rock Sioux, and Sisseton-Wahpeton Oyate. Consultation began with a letter that included the Notice of Intent to Prepare an EIS and invited their participation in scoping meetings. As project alternatives were refined, Reclamation determined that other tribes needed to be consulted and consequently developed a Tribal Action Plan to address consultation with these other tribes.

The plan identified four tribes in the Red River Basin, 25 tribes in the Missouri River Basin, and one tribe that spans both basins (Sisseton-Wahpeton Nation). The tribes that are either wholly or partially within the Red River Basin are the Turtle Mountain Band of Chippewa and Spirit Lake Sioux in North Dakota, the Sisseton-Wahpeton Oyate, which spans the North and South Dakota border, and the Red Lake Band of Chippewa and the White Earth Band of Chippewa in Minnesota. The White Earth Band of Ojibwe is part of the Minnesota Chippewa Tribe, which is a federally recognized central tribal government for six of the Minnesota Chippewa bands; the Red Lake Band is not a part of the Minnesota Chippewa Tribe.

Reclamation contacted the tribes in writing, followed by telephone calls. Reclamation requested that the tribes identify any ITAs that could be affected by the alternatives and invited them to meet and consult on impacts to any potentially affected ITAs. Only the Red Lake Band of Chippewa requested a meeting. The other tribes stated they were not interested or wanted to be kept informed and possibly comment later, or did not respond. In response to a request by Mni Sose, an organization comprised of most of the tribes in the Missouri River Basin, Reclamation attended Mni Sose meetings to provide periodic updates on the Project to the basin tribes.

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Response to Comment 5

See response to comment 3.

Response to Comment 6

Minnesota's comments on the Draft Needs and Options Report are posted on our website <http://www.usbr.gov/gp/dkao>.

Response to Comment 7

Water treatment plants to address the import of Missouri River water are described in the Final Needs and Options Report, chapter four, pages 4-6 through 4-9 of the report. Reclamation also produced a study titled *Water Treatment Plant for Biota Removal and Inactivation Preliminary Design & Cost Estimates, Red River Valley Water Supply Project*, which describes these plants in more detail.

All of the alternatives considered in the DEIS that would use Missouri River water include treatment and control systems that would minimize the risk of biota transfer. The U.S. Geological Survey and the National Park Service, under an interagency agreement with Reclamation, have evaluated the risks and potential impacts of interbasin biota transfer for the DEIS. These analyses indicate that the risk of biota transfer through project-related pathways would be very low with the control systems proposed for the Missouri River import alternatives.

Response to Comment 8

See response to comment 7.

Response to Comment 9

The Needs and Options Report does not address Missouri River depletion issues, but this issue is evaluated in the DEIS. Ultimately the Corps (Corps of Engineers) is responsible for operation of the System (Missouri River mainstem system). The storage capacity of the System was developed in accordance with congressionally authorized project purposes. Balancing reservoirs and flow in the Missouri River is independent of specific water supply projects and reflects the Corps' need to balance competing interests, as outlined in the Missouri River Master Manual. The total System multiple use storage capacity is 39.0 million acre-feet (Corps 2004b). The purpose of this storage capacity is to carry the system through critical dry periods.

Project depletions of water from the Missouri River would affect the amount of water in the System. To address this issue for the DEIS, a study was initiated with the Northwest Division of the Corps to analyze the cumulative effects of a proposed transfer of water from the Missouri River to the Red River Valley. This study examines the effects of the cumulative depletion on the uses and resources of the Missouri River. The analysis took into account two different points of withdrawal for the Project – Snake Creek Pumping Plant on Lake Sakakawea and a location south of Bismarck on the Oahe Reservoir. The alternatives evaluated in this analysis are the Missouri River Import to Red River Valley Alternative, which proposes to withdrawal water from below the Missouri River downstream of Bismarck, and the Garrison Diversion Unit Water Supply Replacement Pipeline Alternative, which proposes withdrawals from Lake Sakakawea. These two alternatives represent the minimum and maximum proposed depletions from the Missouri River.

The purpose of the Corps (2004b) Master Manual is to meet water supply requirements to the extent reasonably possible. The Corps obtains necessary data and adjusts the System to assure that that water is supplied; however, intake access associated with obtaining Missouri River water is the responsibility of the entity using this source of water for its supply. Therefore, Reclamation proposed using the Snake Creek Pumping Plant that is designed to access water during drought conditions. The intake location for the Missouri River to Red River Valley alternative that is a collector well system 50 feet below the river. Results of the Corps modeling predicted very small impacts to economic and environmental resources of the Missouri River. Because the period of historic record extends to 1929, the study results the 1930s drought and indicate sufficient availability of water in the Missouri River mainstem system to support this Project as well as the other analyzed depletions.

A commitment to studying, purchasing and installing environmentally sound products is noticeably absent from your plans for future development. I also fail to see the principles and practices of erosion, sediment and stormwater controls in any of these proposals. All good plans call for these measures, yet I see these seven scenarios as supply driven, with the natural systems forced to fit with the Needs and Options. Ecosystem health should be a priority in initial planning. Since the EIA draft isn't available for review, we, as public members, are in an awkward position, aren't we? One would have to wonder why these seven options are considered feasible before the impacts are released. It seems backwards.

And the Bureau can expect strong opposition to these Options without a climate change plan, a plan for protection of biodiversity, a commitment to honor the agreements and treaties with Canada and American First Nations, alternatives to the current seven choices (or not doing any of them) and a more convincing financial argument than the one presented so far. Based on past patterns of growth, the need for water in times of possible drought are exaggerated. Conservation measures have been shown to be a steady and reliable source of supply. The drainage projects in North Dakota contribute to drought conditions and should be examined in light of the present plans for new supply. Agricultural and any other form of development that uses a lot of water (irrigation, for example) should not be encouraged in your state, or any other area where existing supplies don't match needs.

In addition, I agree with and strongly support the comments provided to you by David Brooks, of Friends of the Earth, Canada, and by Gary Pierson, of the National Wildlife Federation. Mr. Pierson's thorough research on process points out several inconsistencies and conflicts of interest which cast doubt on the credibility of this report.

And, finally, I'm worried about the repercussions from entering the democratic process of public review for this Report. I've read your State's resolution about water issues. How am I to protect myself from state officials taking "aggressive actions against individuals, organizations and entities interfering with the development and progress of state water projects?" Everyone who provides written comments on the Needs and Options report should have the assurance, in writing, that aggressive action will not be taken against those who disagree with the ways you have proposed to meet your unsubstantiated needs. Otherwise it's a form of intimidation.

The resolution that passed in your State claims opposition is motivated by political, not scientific reasons. I'm a volunteer advocate and a professional journalist. My opposition to this project is based on the risks to our precious, dwindling, water resources for commercial or expedient purposes. If the Bureau was to ask itself "What am I doing for the water?" we might have seen better scenarios now and in the future.

Sincerely,



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Response to Comment 10

The Needs and Options Report is not intended to address impacts or to make environmental commitments. It is an assessment of needs and an engineering study to identify potential options for the Project. We incorporated standard best management practices aimed at control of sediment, erosion, and stormwater. Further commitments to these standard environmental practices are addressed in the DEIS. Please consult the DEIS to see if your concerns are adequately addressed.

Response to Comment 11

The Needs and Options Report is an assessment of needs and an engineering study to develop potential options for the Project. Impacts to the environment are evaluated in the DEIS.

Response to Comment 12

The Needs and Options Report is an engineering study to look at potential options to be evaluated in a DEIS. The DEIS is the document where impacts are considered.

Response to Comment 13

Canadian agencies were invited to participate on the Technical Team and have participated in reviewing plans of study and draft reports. Reclamation is following standard procedures in the formulation and evaluation of this Project. Reclamation follows a step-wise process in all project planning. The first step is an appraisal study, which was completed several years ago. It was followed by the Draft Needs and Options Report, and Final Needs and Options Report, and the DEIS. The DEIS includes information on impacts of the proposed action that may affect areas within Canada because of the unique aspects of the Project (including, for example, an alternative that involves a lake straddling the international border).

Response to Comment 14

The two water demand scenarios used in the Needs and Options Report provide adequate data to understand the relationship between alternative costs and water demands. Additional sensitivity analyses may be done on water demands during the FEIS process (final environmental impact statement). The water conservation savings estimated in the Needs and Options Report are reasonable and sustainable.

Response to Comment 15

As a leader in water conservation in the United States, we agree. However, water conservation measures have practical limits on water savings. The hydrologic modeling results conducted on the Red River Valley show that water supplies in the Red River Valley currently would be inadequate during an extended drought, even with water conservation.

Response to Comment 16

The affects of drainage projects on drought was not investigated, because it is considered outside the scope of the study.

Response to Comment 17

This issue is outside the scope of the study.

Response to Comment 18

The Draft Needs and Options Report is a product of the U.S. Department of the Interior, Bureau of Reclamation. We welcome public comment on this draft document and on the DEIS.



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