

# **Responses to North Dakota Department of Commerce**

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

North Dakota  
Department of Commerce

Community Services

Economic

Development & Finance

Tourism

Workforce Development

October 3, 2005

Dennis Breitzman, Area Manager  
Dakotas Area Office  
Bureau of Reclamation  
PO Box 1017  
Bismarck, ND 58502-1017

Dear Mr. Breitzman:



The main mission of the North Dakota Department of Commerce is to improve the quality of life of the people of North Dakota. The agency has targeted five industries to broaden the state's economic base, create new wealth and generate high-paying, career-track jobs. Those industries are value-added agriculture, advanced manufacturing, information technology, tourism and energy.

As you can see from our mission statement, we are targeting industries that are most likely to succeed in North Dakota and many of them need substantial amounts of water. The Red River Valley is a very important segment of the state, which contributes 48% of its economic activity and is home to 42% of the state's population.

The department has reviewed the Needs and Options report and concurs that it represents a full range of options to meet the water needs in the valley; although, we do have reservations about the reliability of some of the identified sources of water.

First, the 2050 planning horizon should be viewed as the first step in the future development of the state. With that in mind, the option to recycle water from the Red River at Grand Forks to Lake Ashtabula is not reliable and will not meet the needs of North Dakota into the future.

The conditions that were placed on the water coming from the state of Minnesota do not agree with the mission of the department. In a letter dated 12/17/01 from Larry Kramka to Signe Snortland, the Minnesota Department of Natural Resources offered Minnesota water under certain conditions. Specifically section 6 of the letter stated, "A Minnesota water supply alternative should be studied at the feasibility level that has three integrated parts that would need to be developed into a binding agreement between states and municipalities if it were to be pursued." Condition 6.c of the letter, which is the third integrated part of the conditions, states, "Development of an effective program and commitment by North Dakota to focus economic development on industries and commercial enterprises that do not consume water, and making it clear in regulatory permits that new water-using industries will need to plan for obtaining water on their own for use during droughts." This condition is absolutely unacceptable to the

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## Response to Comment 1

All of the alternatives presented in the Needs and Options Report are designed to either supplement existing water sources to meet shortages or to replace all existing water sources and meet the full water demand. The North Dakota In-Basin Alternative, which recycles water from the Red River to Lake Ashtabula, would provide supplemental water sufficient to meet the water shortages of the Red River Valley during a drought similar to the 1930s through the year 2050. Reserving water supplies for other purposes after 2050 is outside the scope of the studies.

## Response to Comment 2

Discussion of legal obstacles using Minnesota water sources is outside the scope of the Needs and Options Report. Almost all of the water sources considered have legal obstacles associated with their use. This is not a unique issue exclusive to the Minnesota water sources. The DEIS (Draft Environmental Impact Statement) identifies laws, regulations, and executive orders that have been considered as part of the Project development.

department and would put the state at a severe disadvantage in meeting the goals that have been identified by the Governor.

One of the other water supply options is to purchase irrigation water from the Elk Valley Aquifer. This again is opposite of the department's mission to enhance value-added agriculture. More specifically the conversion of our agricultural industry into municipal water supply was addressed in the 2005 legislative session when Senate Bill 2155 was passed. This law codified the position of the legislature that we should attempt to meet our drinking water needs without damaging the irrigated agriculture industry of the state.

In closing, the Dakota Water Resource Act was intended to meet the comprehensive water needs in the Red River Valley. It is the department's position that this project needs to provide a reliable source of water that encourages industry growth and does not impact other industries in the state and region.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lee Peterson', written over a horizontal line.

Lee Peterson

Commissioner

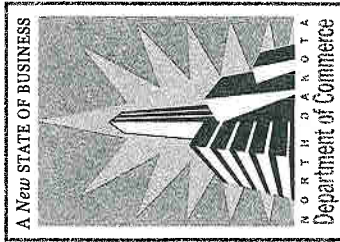
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## Response to Comment 3

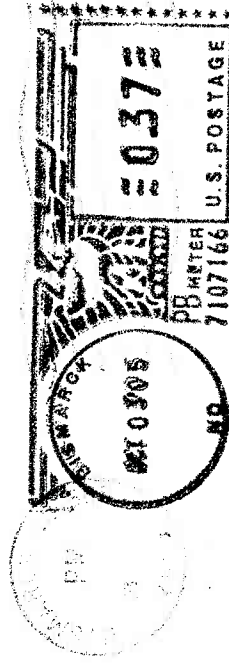
Reclamation recognizes that *North Dakota Century Code* 61-01-01.2 discourages conversion of groundwater permits for irrigation to MR&I (municipal, rural, and industrial) water use. However, conversion of the Elk Valley Aquifer to MR&I use was considered in the Needs and Options Report, because it is the most feasible groundwater source within a reasonable distance to the Grand Forks area. Impacts to irrigation, economics, and natural resources that would occur as a result of conversion are disclosed in the DEIS.

## Response to Comment 4

Other than the Elk Valley Aquifer, there are no other feasible opportunities to convert irrigation to MR&I water use due to the distance of groundwater sources from water demand locations. Furthermore, most irrigation permits using surface water are junior to existing MR&I permits. Under North Dakota law a junior permit holder may only withdraw water if he or she does not impact the ability of senior water permit holders to access their permitted water. Impacts to irrigators and other economic impacts that occur as a result of conversion of water sources are discussed in the DEIS.



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