

RECLAMATION

Managing Water in the West

Summary of Public Scoping

**Northwest Area Water Supply Project
Environmental Impact Statement**



**U.S. Department of the Interior
Bureau of Reclamation
Dakotas Area Office
Bismarck, North Dakota**

August 2006

Introduction

This Summary of Public Scoping compiles the public and agency comments received during the formal scoping process for the Northwest Area Water Supply (NAWS) Project Environmental Impact Statement (EIS). Following brief background information on the NAWS Project and on the scoping process, this report presents a summary of the scoping comments gathered by the Bureau of Reclamation for consideration in preparing the EIS.

Pursuant to Section 102 (2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, Reclamation is preparing this EIS and acting under the authority of the Secretary of the Interior, is the lead federal agency. Reclamation has elected to establish a cooperating agency team to assist in preparing the EIS. Cooperating agencies include the City of Minot, Garrison Diversion Conservancy District, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Three Affiliated Tribes, Standing Rock Sioux Tribe, and the North Dakota State Water Commission which will coordinate efforts for the State agencies and will involve the Department of Health and the Game and Fish Department as appropriate. These agencies were invited to be cooperating agencies because of their expertise or jurisdiction. The U.S. Fish and Wildlife Service was also invited but declined. They will continue to be actively involved with the NAWS Project as a reviewing agency.

Purpose and Need for Federal Action

The following Statement of Purpose and Need was included in the Notice of Intent to Prepare an EIS published in the Federal Register on March 6, 2006 (Appendix A):

The purpose of the NAWS Project is to provide a reliable source of high quality treated water from Lake Sakakawea, a reservoir on the Missouri River in North Dakota, to northwestern North Dakota for municipal, rural and industrial (MR&I) uses. The purpose of the proposed action is to deliver treated water to affected communities from the Missouri River using methods and measures that minimize the risk of transferring non-native biota from the Missouri River basin to the Hudson Bay basin.

The NAWS Project is needed: (1) to provide high quality treated water because northwestern North Dakota has experienced water supply problems for many years; (2) to replace poor quality groundwater sources presently used for MR&I purposes; and (3) because there are insufficient surface water supplies from both a quality and quantity standpoint. The proposed action that is the subject of this EIS is needed for the following reasons: (1) to provide a reliable source of high quality treated water from the Missouri River in North Dakota to northwestern

North Dakota for MR&I uses; and (2) to minimize the possibility for transfer of non-native biota from the Missouri River drainage into the Hudson Bay drainage in the NAWS Project area.

Background

The Garrison Diversion MR&I program was authorized by the U.S. Congress on May 12, 1986, through the Garrison Diversion Unit Reformulation Act of 1986. This act authorized the appropriation of \$200 million of Federal funds for the planning and construction of water supply facilities throughout North Dakota. The NAWS project, initiated in November 1987, is being developed as a result of this authorization.

The NAWS project is designed as a bulk water distribution system that will serve local communities and rural water systems in 10 counties in northwestern North Dakota, including the community of Minot. The NAWS Project is an inter-basin transfer of water from Lake Sakakawea, in the Missouri River basin in North Dakota, to Minot, North Dakota, in the Hudson Bay basin. Reclamation completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project in 2001.

Construction on the project began in April 2002. In October 2002, the Province of Manitoba filed a legal challenge in U.S. District Court in Washington, D.C. to compel the Department of the Interior to complete an EIS on the project. A Court Order dated February 3, 2005, remanded the case to Reclamation for completion of additional environmental analysis.

While the litigation filed by Manitoba was pending, construction continued on the project. Construction of the main transmission pipeline which extends from Minot, North Dakota south to Lake Sakakawea was the first project feature to be constructed. The pipeline is approximately 45 miles long and 30 miles have been completed. An ongoing contract for the remaining 15 miles of pipeline between Max, North Dakota and Lake Sakakawea is nearing completion with an expected substantial completion date of November 2006.

In March 2006, the District Court issued an order giving the project sponsors permission to begin work on the design and construction of three additional project features. The three features include the Minot high service pump station, a distribution pipeline from the Minot water treatment plant to the community of Berthold, and a distribution pipeline from the Minot water treatment plant to the northern portion of the city. Design work on these projects has started and it is anticipated that construction of these features will begin in the summer of 2007.

Scoping Process

Scoping is “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action” (40 CFR 1501.7). Thus, the purpose of scoping is to obtain information that will focus the EIS on the significant issues. Information gathered in scoping can be used to identify:

- Significant resource issues
- Study participants
- The potentially affected geographic area
- Resources available for the study
- Study constraints
- Alternatives to be considered

It serves as the public’s opportunity to provide input and direction on the EIS throughout its preparation. Reclamation developed a public involvement process that included publication of a Notice of Intent, holding six public scoping meetings, sending scoping letters to agencies and interested parties, forming a cooperating agency team, issuing news releases, posting information on the Dakotas Area Office web sites and distributing this Summary of Public Scoping.

Input analyzed for this summary came from the following:

1. Series of public scoping meetings held at six locations in North Dakota (Bismarck, Fort Yates, Minot, New Town, Bottineau, and Mohall).
2. Written comments submitted by agencies, Tribes, organizations, and the public.

This summary is based upon both oral and written input from federal, state, and local agencies, Tribes, and other interested persons. Comments were received on the scope of actions, alternatives, and impacts to be studied in the NAWS Project EIS.

Scoping Summary

The following breakout is a summary of the comments received. The wording is intended to categorize and summarize the substance of the comments, not reproduce the exact wording of the individual comments. The order which the issues are presented does not reflect their relative importance.

Inter-basin Biota Transfer

Many of the letters had comments on the issue of inter-basin biota transfer from the Missouri River Basin to the Hudson Bay Basin. Several commenters suggested that Reclamation needs to take a hard look at consequences (environmental, social, and economic) in both the United States and Canada of an accidental biota transfer, as well as, developing monitoring protocols in the event

of a system failure. Some comments were critical of the studies and assessments prepared for the original NAWS Project and the Red River Valley Water Supply Project. They believe they were inadequate and the results of these investigations should not be used for the NAWS EIS. Suggestions that Reclamation needs to identify data gaps and topics for which the information is incomplete. Some comments reiterated the requirement that the NAWS Project comply with the Boundary Waters Treaty and EO 13112 on Invasive Species. It was also suggested that the project risks must be acceptable to both the United States and Canada. Suggestions that the EIS should assess the potential cumulative impacts of this project in addition to the Devils Lake outlet and the proposed Red River Valley Water Supply Project were received. Recommendations were made to include a list of the organisms that exist within the Missouri River Basin that are not found in the Hudson Bay Basin and to assess the potential invasive species likely to be released on a per-event basis, annually and over the lifetime of the project. And finally, it was recommended that a biota risk assessment be conducted to address potential impacts of each specific invasive species using methods suggested by the Minnesota Department of Natural Resources.

Missouri River Water Depletions

There were multiple comments regarding Missouri River water depletion. There is concern that there will be significant cumulative impacts that could occur as a result of constructing multiple rural water projects that withdraw water from the Missouri River Basin (i.e. the proposed Red River Valley Water Supply Project, Lewis and Clark Rural Water System, South Central Rural Water), as well as expected growth in other diversions from the Missouri River. Tribes within the Missouri River Basin expressed concern about the protection of their primary water rights (Indian Trust Assets). A suggestion to review and include sediment and sediment contamination issues in the EIS because sedimentation problems increase with decreasing water levels in Lake Sakakawea. Concerns were raised about how water withdrawals for this project will impact the water level of Lake Sakakawea. A request was made that a drought preclude be established for this project as a way to avoid, minimize or mitigate impacts to water quantity and quality and to protect sacred and cultural resources that may be exposed due to low water levels in Lake Sakakawea. Conducting a study to examine the projected water levels of Lake Sakakawea over the next century was also suggested. And finally, because water levels in Lake Sakakawea are very low and communities that rely on the lake for water have experienced problems with their water intakes, commenters questioned whether the lake could be considered a reliable water source for this project.

Water Treatment Options

Water treatment is one of the primary issues in many of the comment letters. One recommendation was to evaluate a water treatment process that involves dissolve air floatation (DAF), followed by filtration and ultra violet disinfection. Others recommended the evaluation of full treatment to Safe Drinking Water Act

standards at a facility located south of the Missouri Basin divide. It was recommended that disposal of water treatment waste residuals should be within the Missouri River Basin. Another recommendation was for Reclamation to assess a full range of water treatment options including multi-barrier approaches in order to prevent non-native species transfer. Proposed goals were suggested for treated water for use in assessing and developing biota pre-treatment alternatives. And finally, Reclamation was encouraged to consider alternatives that avoid the possibility of severe and irreversible adverse environmental impacts.

Scope of the EIS

There were comments that the scope of the proposed EIS is too narrow and that Reclamation should explore reasonable alternatives other than Missouri River water, such as developing existing ground water sources, use of reverse osmosis, and integrated ground water supplies. Others suggested that the “No Action” alternative should be defined as “No Project”, or the future without a project. Finally, statements were made that a higher level of analysis is warranted in the EIS than the work previously completed for the EA.

Threatened and Endangered Species

Several commented that there are potential impacts to threatened and endangered species known to exist within the project area and the Missouri River Basin and these impacts must be evaluated.

Cultural Resources

The Three Affiliated Tribes, Standing Rock Sioux Tribe and others expressed the importance for consultation and coordination with tribal governments for assistance in assessing potential cultural and spiritual impacts. There was also concern that additional withdrawals of Missouri River water could result in erosion of the Lake Sakakawea shoreline exposing historic and prehistoric sites. Native American Graves Protection and Repatriation Act issues and potential impacts to Traditional Cultural Properties are also a concern. Finally, a request was made that the area of potential effect associated with each alternative be subject to a Class III inventory under section 106 of the National Historic Preservation Act, with tribal coordination on the methods and identification.

Need for the Project

Some commenters question the need for this type of water delivery system within the project area. They have suggested that if water conservation measures were implemented throughout the service area there may not be a need for an additional water supply. Others provided statements of support for the project, as proposed in the previous NEPA investigations because of the project’s ability to provide good quality and reliable water supply to address the area’s water needs. Supporters also reference the amount of time and money already invested in the project.

Minot Water Treatment Plant

The future need and use of Minot's water treatment plant is a question in many of the comments, especially from Minot residents. Commenters indicated that adequate safety measures have been included in the project and that treatment capability needs to be maintained in Minot to reduce costs and provide continuity of service to project customers.

Devils Lake Outlet

Some commenters recommended including the Devils Lake Outlet project as part of a cumulative impact analysis while another comment suggested that Devils Lake should be considered as a possible water source for the project.

Environmental Justice

Environmental Justice was raised as a potential issue since Federal funding for the NAWS Project could compete with funding for construction of tribal water systems.

Global climate change

The question was asked if the effects of Global Warming on the Missouri River system would be evaluated in the EIS.

Compliance with Treaties, Laws, and Executive Orders

Commenters also identified several legal issues to be considered during the EIS process. Those identified include the Boundary Waters Treaty of 1909, Executive Order 13112 (Invasive Species), National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and Executive Order 12898 (Environmental Justice).

Future Public Involvement

Additional opportunities for public involvement and comment will be provided during the review period for the NAWS Project draft EIS scheduled for the spring of 2007. As work progresses on this EIS, information will be posted on the Dakotas Area Office website which is www.usbr.gov/gp/dkao.

APPENDIX A

NORTHWEST AREA WATER SUPPLY PROJECT EIS

NOTICE OF INTENT

4310-MN-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Northwest Area Water Supply Project, North Dakota

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent (NOI) to prepare an environmental impact statement.

SUMMARY: The Bureau of Reclamation (Reclamation) is commencing work under the National Environmental Policy Act on an environmental impact statement (EIS) for the Northwest Area Water Supply Project (NAWS Project), a Federal reclamation project, located in North Dakota. This NOI is being published to describe the proposed action, the purpose of and need for that proposal, the scope of the EIS, and to solicit public comments during a formal scoping period.

Reclamation is initiating a formal scoping period of 60 days following publication of this NOI. Reclamation invites all interested parties to submit written comments or suggestions related to the significant issues, potential impacts and reasonable alternatives to the proposed action during the scoping period. Reclamation will provide a separate project information document that outlines EIS actions, timelines, and public involvement opportunities to all interested parties. The project information document will contain details related to this action that will assist the interested public in providing comments during the scoping period.

DATES: Individuals who want to receive the additional project information document should contact Reclamation's Project Manager within 15 days following publication of this NOI.

Written comments or e-mails on the NOI should be received by May 5, 2006. Comments received after that date will be considered to the extent practical.

ADDRESSES: Written comments should be submitted to: Bureau of Reclamation, Dakotas Area Office, P.O. Box 1017, Bismarck ND 58502.

FOR FURTHER INFORMATION CONTACT: Alicia Waters, Northwest Area Water Supply Project EIS, Bureau of Reclamation, Dakotas Area Office, P.O. Box 1017, Bismarck ND 58502; Telephone: (701) 250-4242 extension 3621; or FAX to (701) 250-4326. You may submit e-mail to awaters@gp.usbr.gov.

SUPPLEMENTARY INFORMATION:

Background

The Garrison Diversion Unit's Municipal, Rural and Industrial Water Supply (MR&I) program was authorized by the U.S. Congress on May 12, 1986, through the Garrison Diversion Unit Reformulation Act of 1986. This act authorized the appropriation of \$200 million of Federal funds for the planning and construction of water supply facilities throughout North Dakota. The NAWS project, initiated in November 1987, is being developed as a result of this authorization.

The NAWS project is designed as a bulk water distribution system that will service local communities and rural water systems in 10 counties in northwestern North Dakota including the community of Minot. The NAWS Project is an inter-basin transfer of water from Lake Sakakawea, in the Missouri River basin in North Dakota, to Minot, North Dakota, in the Hudson Bay basin. Reclamation completed an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project in 2001.

Construction on the project began in April 2002. In October 2002, the Province of Manitoba filed a legal challenge in U.S. District Court in Washington, D.C. to compel the Department of the Interior to complete an EIS on the project. A Court Order dated February 3, 2005, remanded the case to Reclamation for completion of additional environmental analysis.

During the pendency of the litigation filed by Manitoba, construction continued on the project. Construction of the raw water core pipeline for NAWS began in April 2002. Approximately 30 miles of this pipeline have been completed to date. Contract 2-1D provides for installation of 14.9 miles of pipe, cathodic protection, and appurtenances. The date allowed for completion of this contract is October 21, 2006, and once this contract is finished, the raw water core pipeline of the NAWS system will be complete. Work on the distribution system, water treatment facilities, and other features of the project has not yet commenced.

Purpose of the Proposed Action

The purpose of the NAWS Project is to provide a reliable source of high quality treated water from Lake Sakakawea, a reservoir on the Missouri River in North Dakota to northwestern North Dakota for MR&I uses. The purpose of the proposed action is to deliver treated water to affected communities from the Missouri River using methods and measures that minimize the risk of non-native biota transfer.

Need for the Proposed Action

The NAWS Project is needed: (1) to provide high quality treated water because northwestern North Dakota has experienced water supply problems for many years; (2) to replace poor quality groundwater sources presently used for MR&I purposes; and (3)

because there are insufficient surface water supplies from both a quality and quantity standpoint. The proposed action that is the subject of this DEIS is needed for the following reasons: (1) to provide a reliable source of high quality treated water from the Missouri River in North Dakota to northwestern North Dakota for MR&I uses; and (2) to minimize the possibility for transfer of non-native biota from the Missouri River drainage into the Hudson Bay drainage in the NAWS Project area.

The Proposed Action

Reclamation proposes to complete construction of the remaining NAWS Project features and facilities to deliver water to municipal, rural and industrial water users in the service area while minimizing the risk of transfer of non-native biota. Such project features and facilities include (but are not limited to): (1) construction and operation of suitable water treatment plant(s) located at specified points and using appropriate treatment methods to minimize the possibility of transferring non-native biota from the Missouri River drainage into the Hudson Bay drainage and (2) construction methods and operational measures to minimize the risk of non-native biota transfer that may occur as a result of the project water conveyance and delivery pipelines.

Scope of the Proposed Action

The geographic scope of the DEIS includes areas and resources within the United States affected by water diversion and delivery for NAWS Project purposes. This includes, but is not necessarily limited to: (1) the sites of all NAWS Project features and facilities; (2) lands that receive NAWS Project MR&I water supplies; and (3) the potential depletion affects on the Missouri River affected by water diversion for the NAWS Project.

Summary

Reclamation is engaging in this planning and EIS effort to address the relevant issues related to completion and operation of the NAWS Project. We are seeking input from the public on the development of reasonable alternatives to the proposed action and analysis of their environmental effects that will be described in the EIS.

Public Disclosure

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment letter. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: February 7, 2006

Michael J. Ryan,

Regional Director, Great Plains Region, Bureau of Reclamation