

Peterson Coulee Outlet Association  
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Maddock, North Dakota 58348

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March 20, 2008

Re: Northwest Area Water Supply Project DEIS

Ms. Alicia Waters  
Bureau of Reclamation  
Dakotas Areas Office  
U.S. Bureau of reclamation  
P. O. Box 1017  
Bismarck, ND 58502-1017

Dear Ms. Waters,

We would like to thank you for this opportunity to submit comments on the Draft Environmental Impact Statement (DEIS) for the Northwest Area Water Supply (NAWS) project.

It is simply inconceivable to learn that this project has been allowed to begin construction by the various Governors of the Great State of North Dakota without a full blown Final Environmental Impact Statement and the accompanying favorable Record of Decision for the project, before any taxpayers fund were expended for the construction. Having done so, has demonstrated a serious lack of integrity and concern for the fiduciary responsibilities given to the State's popularly elected Governor(s). The prebuilding of this project can only be seen by the courts as an attempt to manipulate the National Environmental Policy Act (NEPA), 42 U.S.C.; 4332(C). Section 102 (2)(C) totally ignored in this DEIS.

Even the Dakotas Areas Office of U.S. Bureau of Reclamation's (DAOoUSBoR) own brochure titled *Reclamation Managing Water in the West*, dated April 2006, for the Public Scoping of the Northwest Area Water Supply Project Environmental Impact Statement states "The Bureau of Reclamation will prepare an environmental impact statement on the Northwest Area Water Supply (NAWS) Project....This Federal action is subject to the National Environmental policy Act (NEPA)." It is abundantly clear that the North Dakota State Water Commission (ND SWC) in conjunction with and through the Garrison Diversion Conservancy District (GDCCD) and the DAOoUSBoR, is attempting to portray this DEIS as being limited in scope to only discussions of the biota treatment options for a single Missouri River water supply source. Obviously this is another feeble attempt by the conspirators to circumvent NEPA. This DEIS does not begin to consider the full range of reasonable alternatives. **All** alternatives to finding an adequate solution for this water supply dilemma must substantively be considered before a DEIS may properly be considered complete.

To simply make statements describing the potentially, cumulative, significant environmental impacts of the project as being low and then to describe the preferred biota treatment alternative (the "No Action" alternative) and all treatment alternatives examined in this DEIS, as being adequate because, *"the risk of transferring any fish, plant, or organism that is visible to the naked eye is virtually zero"*, (North Dakota State Water Commission spokesperson's oral comment at the NAWS public hearing in Bismarck, page 16, lines 4 through 6 and then again at the NAWS public hearing in Minot, page 15, lines 7 through 9). This statement does not inspire the public confidence in those who have been entrusted with the selection of biota treatment options and the testing of the effectiveness of the biota treatment process. For the whole NAWS project selection process for that matter. Statements like the above, are akin to passing out smallpox infected blankets to the homeless and saying *"Here use these in your time of hardship to stay warm, you can't see anything wrong with the blankets, can you?"*. The only real, least environmentally risky solution to the out of basin biota transfer problem is to not select an out of basin water source for this water supply project in the first place.

The in-basin water supply alternatives have not now nor have they ever been substantively considered. There are numerous ground water aquifers in the ever changing (decreasing) service area to more than adequately supply the NAWS area communities, in need of the quantity and quality of the water desired. The Sundre, Minot and New Rockford aquifers all come to mind and are all in-basin supply sources capable of meeting the demand, either alone or in combinations. An extensive aquifer, the Dakota Aquifer, has not been adequately studied or considered, see enclosed Exhibit 1. The oil well drilling companies that are operating and have operated in the area, all these years, have substantial amounts of information on the Dakota Aquifer. The North Dakota State Water Commission is required by law to retain all ground water data for the public's benefit as part of the approval of drilling permits, this data seems to have been ignored, censored or never compiled by the ND SWC.

The town of Kenmare's water supply is sufficient in the Northern tier region. Kenmare only needs an adequate arsenic treatment facility to meet the "new" Federal Clean Water Drinking Water Standards, but has been "bullied" into believing that no state moneys will be made available to help their community finance an adequate arsenic treatment facility for the region for the Kenmare water source. The ND SWC & GDCD are forcing the Kenmare community to accept the idea of using Missouri River water as their sole source of a water supply. This "bullying" is also true of all the other small, financially strapped, communities in the NAWS service area which may not already have a readily available adequate ground water supply. It has been implied that no state moneys will be forth coming for the construction and maintenance of water supply wells, pumps, pipelines and drinking water treatment facilities that will use water from sources other than the Missouri River.

The NAWS area communities have been given two options, accept the expensive Missouri River water alternative & don't ask questions, or the construction finances to construct a water supply for your community are your community's sole responsibility. All that is needed for these communities is the infrastructure, the wells, the pumps, the pipelines and the drinking water treatment facilities to distribute the life sustaining resource through out the area. The needed infrastructure will be provided to the communities with the completion of the NAWS project whether an out of basin water

supply source or an in-basin water supply source is used. An in-basin water supply(s) source alternative will save the expense of the laying and burying many miles of large diameter pipe, the maintenance of the pipes, the unneeded land acquisition easements costs from the Missouri River and the building of an unneeded costly, ineffective biota treatment facility (no matter which biota treatment is chosen).

The reliance on a surface water supply, the Missouri River, as a sole source for a drinking water supply in North Dakota is simply foolhardy. Surface water supplies in North Dakota have a tendency to be greatly diminished or absent during times of severe droughts. We have not seen any drought contingency measures in this DEIS. It is much wiser and practical to utilize multiple ground water sources (simply for redundancy) when expending the public's money for a project as important as this. If one source fails, the other sources may be called upon to provide continuous, uninterrupted service.

Surface water sources are easily contaminated and can, at any time, be quickly contaminated by catastrophic events. Mercury levels in the surface waters of North Dakota are already high and may dramatically increase with the addition of more coal fired plants being planned and built in the region. Nor has Missouri River water ever been substantively sampled for the presence of harmful pharmaceutical drugs.

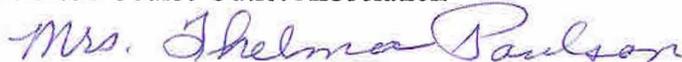
It cannot be truthfully claimed that a substantive Cultural Resource (Section 106 of the National Historic Preservation Act, with tribal coordination on methods and identification, 16 U.S.C. ; 470s, et seq; 36 C.F.R. Part 800, et seq.), Endangered Species (both plant and animal) and Wetland Delineations (Section 401 of the Clean Water Act, requiring that wetlands be avoided if possible) have been completed in the route right-of-way when the route's general corridor has continually changed as the community service area continues to decline (Minot Daily News, January 25, 2008, article titled "Northwest N.D. Towns Unite on Water Project).

All Senior downstream Missouri River water right holders are being ignored in this DEIS. Tribal water rights, under the Winters Doctrine are the Secretary of Interior's duty to protect and preserve. The DEIS fails completely to address this and in fact, violates the Secretary of the Interior's responsibilities.

Let it be clearly understood that, the Peterson Coulee Outlet Association will only support an in-basin, a Hudson Bay, water supply alternative for the NAWS project. A choice of an out of basin water supply (the Missouri River) will only invite costly and lengthy lawsuits, which the Good People of the Great State of North Dakota should not be forced to endure by the people's elected officials!

Sincerely;

Peterson Coulee Outlet Association



Mrs. Thelma Paulson  
President

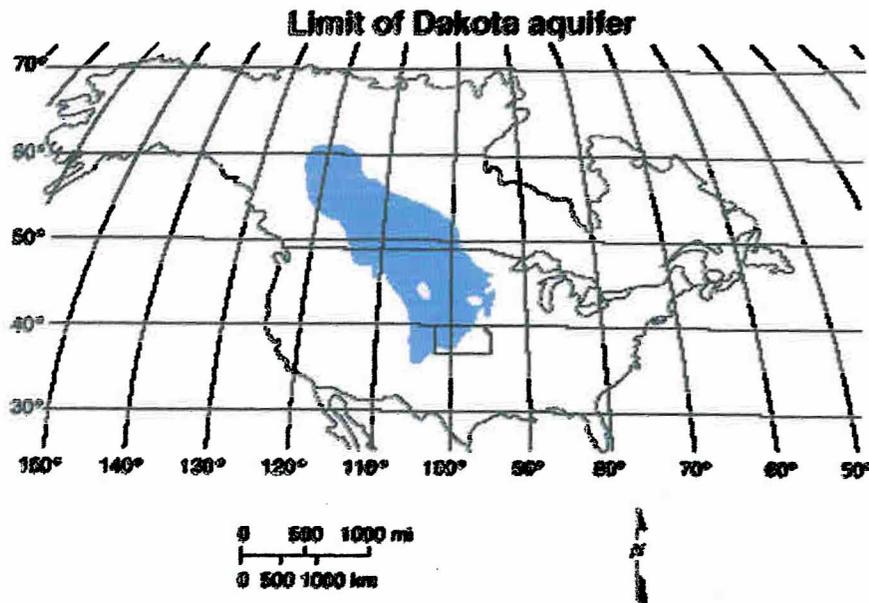
TP:lmw

Enclosures

# Extent of the Dakota Aquifer

The Dakota aquifer system and its equivalents extend across much of the central North American continent. Figure 1 is a map showing the Dakota extent in North America. The contiguous aquifer system extends northward from Kansas approximately to the Arctic Circle in Canada, southward into northeastern New Mexico and the Oklahoma panhandle, westward to the Rocky Mountain front, and eastward to western Iowa and Minnesota.

Figure 1



Artesian well completed in the Dakota aquifer (USGS photo taken about 1890).