From: "Henry VanOffelen" <mcea@lakesnet.net>
To: <awaters@gp.usbr.gov>
Date: 5/5/2006 12:45:06 PM
Subject: Comments on scopingof NAWS

May 5, 2006

Alicia Waters

Northwest Area Water Supply Project EIS

Bureau of Reclamation, Dakotas Area Office

P.O. Box 1017

Bismarck, ND 58502

Dear Ms. Waters:

Thank you for the opportunity to comment on scoping of the Environmental Impact Statement (EIS) for the Northwest Area Water Supply Project (NAWS-notice published in the Federal Register on March 6, 2006 - 71 Fed. Reg. 11226). I am the natural resource scientist for the Minnesota Center for Environmental Advocacy (MCEA). MCEA is the legal and scientific voice protecting and defending Minnesota's environment for more than 30 years. I live in the Red River Basin and have been active in water management issues in the basin for the past 10 years. MCEA is committed to developing comprehensive solutions for water management issues. We have been aware of this study water supply project since its inception and have followed the process to date. Below are specific comments on the scope of the EIS.

* Project Purpose and Need. The EIS should contain a broad statement of purpose, (e.g., provide a reliable, high quality source of water to users north of the basin divide, rather than just "delivery of Missouri River water" to such users, as stated in BOR's notice, and establish specific treatment goals that go beyond mere "minimization" of biota transfer risks.

* Legal Context. BOR should address such issues as Project compliance with the terms of the Dakota Water Resources Act, the Boundary Waters Treaty and Executive Order 13112 (Invasive Species), plus discuss emerging invasive species initiatives.

* Consideration of the Full Range of Reasonable Alternatives.

The EIS must consider the full range of reasonable alternatives, including (a) development of new and enhanced in-basin sources of water supply, (b) enhanced pre-treatment options including, e.g., dissolved air flotation/filtration, and (c) "full treatment" consistent with Safe Drinking Water Act standards south of the basin divide that also includes treatment of biota.

* Geographic Scope. Consistent with BOR's approach in the RRVWSP Draft EIS, the geographic scope of this EIS should not be limited to the United States as the notice states, but should extend to the Hudson Bay Basin as a whole, including the Canadian environment, as well as to the downstream Missouri River environment.

* Assessment of Environmental Consequences. BOR, contrary to its approach in the EA, must take a "hard look" at the environmental consequences, both in the U.S. and in Canada, of accidental biota transfer; as stressed by Judge Collyer in her February 3, 2005 opinion, BOR cannot not merely dismiss such consequences by characterizing the risks of biota transfer as low.

* Consideration of Cumulative Impacts. The EIS must fully evaluate potential "cumulative impacts," including impacts associated with the Devils Lake outlet and the RRVWSP.

* Incomplete and Unavailable Information. Any data gaps must be identified and, where possible, BOR should develop and include the requisite information; if information is not known and cannot be developed, BOR must "weigh the need for the action against the risk and severity of possible adverse impacts were the action to proceed in the face of uncertainty."

Please contact me if you have any questions. I appreciate this opportunity to provide comments on this important project.

Henry VanOffelen

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