Minnesota Department of Natural Resources

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May 4, 2006

Mr. Dennis Breitzman, Area Manager
Bureau of Reclamation
Dakota Areas Office
304 East Broadway
Bismarck, North Dakota 58502

RE: Minnesota Department of Natural Resources (DNR) scoping comments , Northwest Area Water Supply Project Environmental Impact Statement (NAWS)

Dear Mr. Breitzman:

Thank you for the opportunity to provide scoping comments on the Environmental Impact Statement (EIS) for the NAWS project. We strongly support the decision to conduct an EIS. Minnesota's interest in this project pertains to biota transfer issues, since the project would move Missouri River water into the Hudson Bay basin, part of which is in Minnesota.

According to the public scooping notice on your web site (dated April 2006), the primary focus of the EIS will be "...to study and evaluate alternative water treatment methods to minimize the risk of transferring non-native biota from the Missouri River Basin to the Hudson Bay Basin through the NAWS project...(and) Project features and facilities to be evaluated in the EIS include, but are not limited to...the construction and operation of water treatment plant(s), construction methods and operational features pertaining to pipeline failures."

As you may recall, we previously submitted comments to you on this project prior to the litigation that led to the decision to do an EIS. Enclosed is a letter from Larry Kramka, Regional Hydrologist, Minnesota DNR, Bemidji, Minnesota to Dennis Breitzman, Area Manager, Bureau of Reclamation, dated August 9, 2001. This letter still reflects our views, and please regard it as a scoping comment.

In addition, DNR recently submitted comments on the draft EIS for the Red River Valley Water Supply Project. Portions of these comments are relevant to the NAWS project. (April 12, 2006 letter from Kent Lokkesmoe, Director, Division of Waters, Minnesota DNR, St. Paul, Minnesota to Dennis Breitzman, Area Manager, Bureau of Reclamation.) Please address the issues raised in Attachment III of these comments in the NAWS project draft EIS, since they pertain to biota transfer, the primary focus of the NAWS EIS.

We have two specific points of clarification with respect to how these comments relate to the NAWS project, as follows.

1. We accept that the route that invasive biota would travel to reach Minnesota from the NAWS project is longer; therefore, a numerical risk assessment approach would indicate lower risk. However, while the U.S. Bureau of Reclamation may choose to use such an analysis for their own purposes, we also expect the NAWS EIS to specifically address potential impacts of each specific invasive species in the manner described in our comments; i.e., using other methodology besides a numerical risk assessment. For example, the portions of the EIS pertaining to water treatment plants must address specific fish pathogens in the manner described in the April 12, 2006 letter; i.e., describe how each fish species is to be contained by the biota system being proposed.

2. Given the timing of this EIS and the Red River Valley Water Supply DEIS, we remain concerned that there may be an attempt to transfer methodology from NAWS to the RRVWS DEIS. Therefore, this EIS should clearly state any such connections and clearly address the limitations of any and all studies that are used in this EIS.

If you have any questions regarding these comments, please contact Steven Colvin of my staff at (651) 259-5082.

Sincerely,

Kent Lokkesmoe

Kent Lokkesmoe, Director
Division of Waters

c: G. Merriam, Commissioner
B. Moore, Assistant Commissioner
L. Pfannmuller, Director, Division of Ecological Services
S. Hirsch, Assistant Director, Division of Ecological Services
S. Colvin
L. Kramka
P. Stolen
W. Haapala, Minnesota Pollution Control Agency
J. Stine, Minnesota Department of Health
R. Harnack, Minnesota Board of Water and Soil Resources
Jason Roloff

Enclosure: August 9, 2001 letter from Larry Kramka MDNR to Dennis Breitzman, USBR

Minnesota Department of Natural Resources
DNR Waters
2115 Birchmont Beach RD NE
Bemidji MN 56601
218-755-3973

August 9, 2001

BY FACSIMILE (701) 250-4590

Mr. Dennis E. Breitzman, Area Manager
United States Department of the Interior
Bureau of Reclamation
Dakotas Area Office, Dakotas Area Office
Bismarck, North Dakota 58501

Dear Mr. Breitzman:

Environmental Assessment and Finding of No Significant Impact for the Bureau of Reclamation's Northwest Area Water Supply Project (Dk-600-97-03)

The Minnesota Department of Natural Resources hereby makes formal request to appeal and participate in any appeal proceedings related to the above referenced water supply project. Minnesota is concerned about the long range implications of this decision and the connection of the Missouri Basin to the Red River of the North, a water resource shared by Minnesota.

Our objection to the decision is based in part on the following concerns:

1) The biota transfer analysis and methodology used in the NAWS project we believe is flawed and is inconsistent with the ongoing work related to the Red River Valley Water Needs Assessment.

2) The decision appears to be based largely on a water treatment approach rather than a biota containment methodology.

3) Although there have been reassurances that this project will not have bearing on other elements of the Dakota Water Resources Act, there continues to be public statements from North Dakota agencies that appear contrary.

Minnesota remains committed to efforts that help to define basin wide solutions. In addition, we are supportive of efforts to fully assess problems, studies and alternative solutions that fully consider water needs and impacts.