NATIONAL WILDLIFE FEDERATION®
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May 4, 2006

In RE: Comments of National Wildlife Federation regarding scoping of Draft Environmental Impact Statement for the Northwest Area Water Supply Project, ND.

Northwest Area Water Supply Project EIS
U.S. Bureau of Reclamation
Dakotas Area Office
P.O. Box 1017
Bismark, ND 58502-1017

Dear sir or madam:

The National Wildlife Federation and the Friends of the Earth provide the following comments for the scoping of the Draft Environmental Impact Statement on the Northwest Area Water Supply Project, ND, in response to the Bureau of Reclamation's ***Federal Register*** **Notice of Intent** (*Federal Register* Vol. 71, No. 43, page 11226 – 11227, March 6, 2006). We would like to incorporate, by reference, in addition the comments provided by the State of Missouri Department of Natural Resources, dated April 20, 2006, and comments provided by Gary Pearson, D.V.M., dated April 14, 2006. We share the views expressed in these sets of comments and urge the Bureau of Reclamation to consider them very seriously. The National Wildlife Federation also served as amicus in the United States District Court proceeding before Judge Collyer (*Government of Manitoba v. Gale Norton*) and we agree with the Court that there are "weighty outstanding questions regarding the possible environmental impacts of this project" which have not been properly identified and analyzed as required.. The Bureau is also required under NEPA to take a "hard look" at such issues, and to fully explore all reasonable alternatives.

We reiterate these key concerns regarding scoping for the NAWS Draft EIS:

1. We disagree with the purpose of the project as it has been described in the Bureau's Notice as "to provide a reliable source of water from the Missouri River in North Dakota to northwestern North Dakota for MR&I uses; and to (2) minimize the possibility for transfer of non-native biota from the Missouri River drainage into the Hudson Bay drainage in the NAWS Project area." Such a description pre-supposes that only Missouri River water can be considered to provide water supply for the NAWS area recipients. Under NEPA the Bureau must explore all reasonable alternatives, including alternatives of providing water from in-basin sources as well as potential alternatives which utilize groundwater sources from the Souris River/Hudson Bay Basin. As the State of Missouri Department of Natural Resources points out, the Missouri River Basin and the Hudson Bay Basin have been separated for hundreds of thousands of years, each having developed its own unique ecosystems. Inter-basin diversions inherently run the risk of transfer of

invasive species, which raises the potential for severe and irreversible adverse environmental impacts. It is insufficient, as the Bureau's notice suggests, to set as a project goal to "minimize" the potential of such effects. . Instead, the Bureau should fully consider alternatives that completely avoid the possibility of severe and irreversible adverse environmental impacts.

2. The EIS must be comprehensive, not simply at looking at issues of biota transfer, but also the full range of impacts on the Missouri River and its downstream communities as well as impacts in the Hudson Bay Drainage (including potential economic, social, and environmental impacts on Lake Winnipeg, the 10th largest freshwater lake in the World). The DEIS, as required by NEPA and the U.S.- Canada Boundary Waters Treaty, must examine the trans-boundary impacts of the project, not just those limited to U.S. land area.

3. The DEIS must also look at the cumulative risks and impacts associated with other projects and developments affecting these basins. Obvious projects to include are the Bureau's own Red River Valley Water Supply Project and the Devil's Lake Project; and other ongoing and potential projects and developments that result in water diversions or depletions from the Missouri River basin.

4. Finally, we reiterate a concern raised in Mr. Pearson's comments that delegation by the Bureau and the Secretary of the Interior of responsibility for many aspects of the work on this project and its planning appears to be fraught with apparent conflicts of interest. The Bureau and the Secretary must fully adhere to the requirements created by the Department of the Interior and the Council on Environmental Quality to avoid such conflicts of interest or even the appearance of conflicts of interest. Failure to immediately address these issues could jeopardize the validity of this study.

We appreciate the opportunity to provide these comments and look forward to working with the Bureau as the study proceeds. If you have questions or need further clarification, please do not hesitate to contact us at: David Conrad, 202-797-6697 (o), or e-mail at conrad@nwf.org, and Brent Blackwelder, 202-783-7400 (o), or e-mail at bblackwelder@foe.org. Thank you.

Sincerely,

Dr. Brent Blackwelder
President and CEO
Friends of the Earth

David R. Conrad
Senior Water Resources Specialist
National Wildlife Federation