



# United States Department of the Interior

## BUREAU OF RECLAMATION

Dakotas Area Office

P.O. Box 1017

Bismarck, North Dakota 58502



IN REPLY REFER TO:

DK-5000-12-01

ENV-6.00

OCT 22 2012

Subject: Bureau of Reclamation's Preparation of an Environmental Assessment for Renewal of Long-term Water Service and Project Power Contracts for the Lower Heart River Irrigation Company and Individual Irrigator Contracts

Dear Interested Party:

The Bureau of Reclamation is preparing a draft environmental assessment (EA) for issuance of a long term water service contract (up to 40 years) within the Heart Butte Unit with the Lower Heart Irrigation Company (3,103 acres) and irrigators holding expiring, individual water service contracts (2003.8 acres)

Irrigators would use water from the Heart Butte Reservoir (Lake Tschida) according to North Dakota State Water Commission Water Permit No. 250B for 75,785.0 acre-feet of storage water. The Heart Butte Unit is an authorized unit under the Pick-Sloan Missouri Basin Program. Reclamation is the lead Federal agency responsible for ensuring compliance with the National Environmental Policy Act (NEPA), National Historic Preservation Act, and related environmental and cultural resource legislation.

Lower Heart Irrigation Company (LHIC) comprised of 27 share holders and an additional 17 individual independent irrigators along the Heart River hold water service contracts with Reclamation that will expire after the irrigation season in 2013. LHIC has requested a renewed water service contract. Irrigators would typically apply up to 1.5 acre-feet of water per acre for sprinkler irrigated lands and up to 2.0 acre-feet of water per acre on flood irrigated lands.

No new irrigation acreage is included in the analysis. Any new acreage would require separate NEPA analysis. Much of the irrigated acreage would continue under flood irrigation; however, sprinkler irrigation has replaced some flood irrigation. Additional future installation of center pivot systems would contribute to water conservation measures. Best Management Practices would be included in the contract.

Reclamation's proposed action would be to issue a new contract that would continue irrigation of Heart Butte Unit lands by LHIC and individual irrigation contract holders or combine the entities of the currently contracted lands up to 10,000 acres along the Heart River, within the Heart Butte Unit.

Reclamation completed an EA in 1992 that analyzed the cumulative effects of irrigating up to 13,100 acres of irrigation with water from Heart Butte Reservoir. Ultimately, Reclamation signed a Finding of No Significant Impact for irrigating up to 10,000 acres within the

Heart Butte Unit. Therefore, this EA will follow Council on Environmental Quality guidance for contract renewals and will evaluate the potential effects for the contract renewal action from this point in time and moving forward.

Numerous administrative alternatives for organizing all irrigators in the LHIC and individual, independent irrigators exist and will be analyzed, including combination of the LHIC and the individual irrigators with the Western Heart River Irrigation District, should the District choose to do so.

We are providing a map of the entire Heart Butte Unit which includes Heart Butte Reservoir and lands adjacent to the Heart River from below the dam to the city of Mandan, North Dakota.

Reclamation is requesting that you share any comments or concerns you may have regarding the proposed contracts. Reclamation will use the comments provided in response to this scoping notice, the findings of the draft EA, and resulting comments to determine whether the project would have significant impacts on the human and natural environment.

Reclamation defines significance in accordance with 40 CFR 1508.27. If no significant issues are identified, Reclamation would issue a Finding of No Significant Impact. Conversely, if any significant issues are identified, Reclamation would consider whether to proceed with the preparation of an environmental impact statement.

Please respond with your comments regarding this proposed action by November 16, 2012, to allow us adequate time to incorporate and address your comments. Questions or comments regarding the preparation of the EA may be directed to Kelly McPhillips at 701-221-1287 or by requesting in writing to: Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502.

Sincerely,

**KELLY B. McPHILLIPS**

Kelly B. McPhillips  
Environmental Specialist  
Environmental and Resources Division

Enclosure

bc: GP-4100 (Schaaf Gallagher)  
DK-2000 (Krogstad), DK-5000 (Lehman Turck, Hiemenz)  
(w/encl)

WBR:KMcPhillips:mweimerskich:10/19/10:701-221-1287  
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