

Great Lakes Environmental Law Center

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Ms. Alicia Waters
Northwest Area Water Supply Project EIS
Bureau of Reclamation
Dakotas Area Office
P.O. Box 1017
Bismarck, ND 58502

Northwest Area Water Supply Draft EIS Comments

Dear Ms. Waters:

In response to the Notice of Availability of Draft Environmental Impact Statement (Draft EIS) and Announcement of Public Hearings in the Federal Register on December 21, 2007 (Volume 72, Number 245), we are writing to comment upon the Draft EIS for the Northwest Area Water Supply Project ("NAWS"). We hope that you will find these comments helpful as the final EIS is developed.

The NAWS project would divert water from Lake Sakakawea in the Missouri River Basin to Minot, N.D., in the Hudson Bay Basin. The Bureau of Reclamation ("Bureau") proposes to construct a biota water treatment plant to "minimize" the risk of transferring invasive species into the Hudson Bay Basin. The Bureau, through cited environmental analysis, insists that the risk of the NAWS project transferring invasive species between these two drainage basins is "very low." While increased water treatment methods (such as "Conventional Treatment" and "Microfiltration") are an improvement over the so-called "No Action" alternative, we believe that a biota treatment facility's ability to "further reduce" the risk of transfer of invasive species is insufficient. A system that is capable, on paper, of 99.99% efficiency still allows an unacceptable pathway for the transfer of invasive species.

The consequences of the interbasin transfer of fresh water resources have proven to be drastic in the United States. The Great Lakes are connected to the Mississippi and Missouri Rivers through the Chicago Sanitary Canal. Transfer of water between the Great Lakes basin and other basins poses a high risk of invasive species transfer. Regrettably, international shipping in the Great Lakes has been the pathway through which some of the most damaging invasive aquatic species have become established in North America. Opening further channels for the spread of invasive species to and from the Great Lakes and to and from the NAWS project area is a proven folly, demonstrated by a history of ill-conceived decisions. The Bureau should heed the lessons of historic interbasin diversions and always first seek their avoidance.

The Bureau cites population and demographic statistics which indicate significant population decline in the project area. Population in the project area is expected to continue its decline through at least 2020. These statistics refute the claim by the project's proponents that a diversion is necessary to meet municipal needs. With the current and continued decrease in population of the project area it is unlikely that the NAWS bulk water transfer and distribution system is necessary. Further, the Draft EIS is conspicuously silent on the issue of conservation. An interbasin transfer of water on the scale proposed in the NAWS project could set a dangerous precedent for water resource management. As fresh water resources become more valuable and increasingly scarce, diversion projects seeking to tap the international treasure of the Great Lakes are an unfortunate reality. The Bureau must not set a precedent of ignoring water conservation measures as a feasible alternative in the review of proposed diversion projects.

Finally, the Draft EIS fails to stress the importance of resource management through a watershed approach and a shared international perspective. The Boundary Waters Treaty of 1909 ("BWT") requires under Article IV that "*boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.*" While the Bureau has participated in a cursory review of the project under the BWT and the 1975 recommendations of the International Joint Commission ("IJC"), the entire process has not respected the authority of the BWT and has continuously threatened to compromise U.S. – Canada relations. We urge the Bureau to follow the IJC's recommendations when evaluating the treatment alternatives listed in the Draft EIS and to work closely with the Provinces and Ottawa to "eliminate the risk of biota transfer."

We hope that these comments are helpful to the Bureau during further consideration of the NAWS project. We look forward to working with the Bureau to ensure that our fresh water resources are appropriately managed.

Sincerely,



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