

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

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February 29, 2008

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

Dear Ms. Waters:

I am writing to submit comments from the Missouri Department of Natural Resources (department) on the draft Environmental Impact Statement (EIS) for the Northwest Area Water Supply Project (NAWS). First and foremost, the department strongly opposes the inter-basin transfer of Missouri River water to the Hudson Bay drainage basin under any circumstance. The Missouri basin is already significantly depleted by consumptive uses of water and it is challenging enough trying to address these in-basin water quantity problems. To further add to this burden by creating the first transfer of water into the Hudson Bay drainage is not only unsustainable, it is irresponsible.

The department has provided comments throughout the development of this project. On April 20, 2006, the department provided comments during the scoping period prior to development of the draft EIS. These comments were largely ignored. We are again raising issues addressing the scope and adequacy of the draft EIS, need for the NAWS project, depletion of the Missouri River, and the environmental impacts that will result from this project. However, those comments that address specific environmental impacts of an inter-basin transfer should not be construed as Missouri's acquiescence to such a transfer and should only be viewed as our desire to be thorough.

Adequacy of the Draft EIS

In the draft EIS, the Bureau of Reclamation (Reclamation) summarizes their mandate from the court to "revisit the FONSI upon completion of further environmental analyses." In lieu of perfecting the Environmental Assessment, Reclamation has instead completed a myopic EIS that has failed to even recognize the existence of their original range of alternatives. Reclamation chose to focus on the court's identification of the need for "additional analyses (that) should consider potential impacts associated with not fully treating the Missouri River water at its source, and potential impacts that could occur due to pipeline leaks and possible failure of water treatment systems." Reclamation then crafted an EIS addressing only those issues specifically identified by the Court. Reclamation has diverted what should have been an EIS on NAWS into a narrowly focused EIS of water treatment methodologies.

This approach, however, fails to satisfy the Court's directive to "comply with the procedural requirements of the National Environmental Policy Act (NEPA) and reach reasoned decisions on issues of environmental concern." The Court goes on to say that "an agency cannot be allowed to avoid producing a thorough EIS by ignoring a possible, but unexplored, environmental issue in the EA." The same standard must apply to this EIS. For this EIS to meet the NEPA standard, it must address all significant issues of environmental concern. Reclamation should thoroughly analyze the need for the project based on current information and data and should consider the impacts associated with depletion of the Missouri River, in addition to addressing inter-basin transfer of invasive species and treatment options.

Purpose and Need

Reclamation states that the purpose of the proposed action is to adequately treat water from the Missouri River basin (Lake Sakakawea) using methods and measures that further reduce the risk of transferring invasive species into the Hudson Bay basin. The department strongly disagrees. This EIS should be a comprehensive and thorough analysis of the NAWWS project. Reclamation's statement of purpose and need in the EIS fails to provide a current and compelling justification for the project. The demographic estimates that have been used to support the need for the project are dated and suspect and have not been corroborated by more recent population and demographic data. Two relevant points should be made. First, Minot can currently supply all of the local water needs. Second, the federal government's own current demographic estimates project population decline at least through 2020.

The department strongly urges Reclamation to revisit the purpose and need for the project. Reclamation should consider current estimates of population and need. Reclamation should also consider the infrastructure changes that have already been constructed and develop new cost estimates from this baseline. The department urges Reclamation to examine the full range of options as required under the NEPA and to use as its baseline "No Action Alternative" an option based on the use of local in-basin water sources. The obvious conclusion using this baseline would be that no water treatment plant is needed as no inter-basin transfer is needed. This would eliminate all treatment costs and the environmental concerns related to species transfer through this project.

Missouri River Depletion

Reclamation continues to promote the view that the Missouri River is an endless and reliable source for the NAWWS service area. This is not the case, and the department has in fact shown that this would specifically not be true in times of drought, the precise scenario for which the project has been developed. The department refers Reclamation staff to our comments on the draft and final EIS on the Red River Valley Water Supply Project for more details.

The department's scoping comments of April 20, 2006 pointed out that Reclamation appears to look at impacts from each project in isolation, based on the DEIS prepared for the Red River Valley Water Supply Project. NEPA requires a cumulative impact analysis. The department argues that allowing diversion of Missouri River water into another basin sets a precedent that will likely lead to a cascade of withdrawals and become an "irreversible and irretrievable" commitment of resources. Once such a diversion is established, it will create what will

essentially be a water supply surplus because the project will provide far more water than actually needed to meet the current and anticipated demand. Water not needed for the original intended purpose will then be committed to non-project uses and these uses will become established as future claimants of limited water resources.

Risks of Invasive Species

Reclamation fails to address actual system failure and develop any plans to mitigate the result of a system failure. Reclamation argues statistically that the risk of species transfer approaches zero. The attempts in the past year to effectively filter biota discharged from Devils Lake are testimony to the potential for unforeseen outcomes and design failures. However statistically unlikely, failures occur and when the risk is high and the impacts irreversible, the "unthinkable" must be considered and provided for. The NAWS proposed treatment plant can not be considered equivalent to a typical drinking water treatment plant in its operation. Most drinking water plants have recourse to a boil order should a system fail. In the plant proposed in the EIS, no such "recovery" option is available. Considering these realities, Reclamation should assess the need for a "treat and hold" option that would allow water to be retained until treatment has been assured.

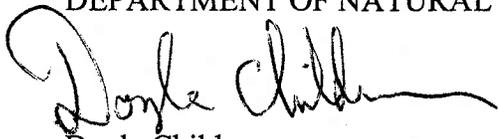
Wetlands Impacts

Reclamation's rush to complete the pipelines in order to create an impression of inevitability has now led to compromised design and potential environmental impacts at the site chosen for the water treatment plant. Section 401 of the Clean Water Act requires that wetlands be avoided if possible. Reclamation and its partners have unaccountably selected a site where wetlands occur and must now mitigate impacts to the extent possible. By building the pipelines essentially up to the property designated as the site of the water treatment plant, Reclamation has greatly decreased its ability to meet the legal requirements of the Clean Water Act. Reclamation should spell out more clearly the implications of their earlier decisions on the design, construction and presumably the costs associated with the construction and operation of the water treatment plant.

Thank you for the opportunity to review and comment on this project. The department strongly urges Reclamation to weigh these comments and reconsider the positions taken in the draft EIS. If you have any questions or concerns related to these comments, please contact Mr. Robert Stout of my staff at 573-751-7402.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Doyle Childers
Director

DC:rsj