

# **The Great Lakes Environmental Law Center**

*Protecting the world's greatest freshwater resource  
and the communities that depend upon it*

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10/12/2010

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

***Submitted Via Email to:*** [NAWS\\_EIS@usbr.gov](mailto:NAWS_EIS@usbr.gov)

## **Re: Comments on the Preparation of a Supplemental EIS for the NAWS Project**

The National Environmental Policy Act (“NEPA”) was enacted to ensure that the federal government would consider the effects of its actions upon the environment. NEPA requires an agency to follow a particular procedure to avoid unknowingly damaging the environment and to allow the public an opportunity to participate in a proposed project. NEPA requires an analysis of the proposed project, including the risks, and a comparison of the proposed action to other reasonable alternatives. In the Northwest Area Water Supply Project (“NAWS”) Environmental Impact Statement (“EIS”), the United State Department of Interior, Bureau of Reclamation (“Reclamation”) failed to provide a real examination of reasonable alternatives, rather, it engaged in a narrow analysis that resulted in a Hobson’s choice, avoiding the requirements of NEPA and ultimately failing to meet the project’s purpose.

The proposed diversion of water from the Missouri River basin to the Hudson Bay basin is concerning for a multitude of reasons. Of greatest concern is the precedent that this project

will set. The proposed diversion of water from one basin to another has resulted from improper water management techniques, issues related to the quality of local groundwater, and changing weather patterns reducing the amount of water available. The needs of North Dakota mimic the needs of many areas across the country. If communities do not take action now to preserve their water resources, they will need to seek water supplies elsewhere. Wasteful water management practices pose a significant threat to the Great Lakes. As the nation's largest supply of fresh water, the Great Lakes face multiple threats from invasive species to pollution to wasteful consumptive uses. When communities destroy their existing watershed through pollution or waste, by "necessity" they soon begin looking for an alternative source of water. As a result, many communities outside the Great Lakes basin have long coveted the Great Lakes as an alternative source of fresh water, and the NAWS project sets a dangerous water management precedent.

In the Supplemental EIS, Reclamation must address a very significant risk associated with the proposed water diversion: the danger of transferring plants, animals, and viruses to an environment ill equipped to address the incoming species. The transfer of even minute amounts of biota, over time, could lead to drastic consequences including the destruction of aquatic habitats, loss of native species, decline in recreation and commercial enterprises, and increased costs to downstream communities for treatment.

The diversion of water from the Missouri River basin to the Hudson Bay basin poses a risk to the human and aquatic environment of Lake Sakakawea and areas downstream in the Missouri River watershed. The diversion project will draw massive amounts of water out of Lake Sakakawea, reducing the amount of water available for local consumption and recreation. The effects of removing water from Lake Sakakawea will be exacerbated by climate change.

Increased temperatures and changes in precipitation patterns may greatly reduce the water levels in Lake Sakakawea and downstream, further impacting local inhabitants, commerce and the ecosystem. Reclamation must address climate change and the potential impacts on the Missouri River basin.

NEPA requires Reclamation to take a “hard look” at the risks associated with the NAWS project prior to making a decision to proceed with construction.<sup>1</sup> The Supplemental EIS must also consider alternatives to the diversion project. NEPA requires alternatives to be provided in the EIS to enable public participation in the commenting and planning of a project. Reasonable alternatives must be provided so as to present the deciding agency with enough information to make a rationally informed decision of whether or not to proceed with the project.<sup>2</sup>

In preparing the EIS, Reclamation failed to address the risks to the Missouri River basin and the Hudson Bay basin, to the human and aquatic environment, and it failed to provide reasonable alternatives. The EIS also failed to consider water conservation practices and the impacts of climate change. The supplemental EIS must provide an accurate portrayal of the proposed project, take into consideration reasonable and foreseeable impacts, and propose reasonable alternatives.

NEPA does not require a specific decision to be made, but it does require specific steps to be taken prior to the making of *a* decision. In order to comply with NEPA, we request that Reclamation evaluate the cumulative impacts of water withdrawals from Lake Sakakawea and the Missouri River; evaluate the environmental consequences of a transfer of invasive species to the Hudson Bay Basin; evaluate climate change impacts in the project area; explore water

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<sup>1</sup> *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (U.S. 1976).

<sup>2</sup> 42 U.S.C. § 4321 *et seq.*

conservation and in basin uses; and consider alternatives to the NAWS diversion in order to address the inadequacies found within the final EIS.

Thank you for this opportunity to comment and for considering our views.

A handwritten signature in black ink, appearing to read 'Nick Schroeck', with a stylized, cursive script.

Nick Schroeck  
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