

DRAFT ENVIRONMENTAL IMPACT STATEMENT

for the

LOWER YELLOWSTONE INTAKE DIVERSION DAM

FISH PASSAGE PROJECT

PUBLIC INPUT MEETING

WEDNESDAY, JUNE 29, 2016

6:00 P.M. - 8:00 P.M.

DAWSON COUNTY HIGH SCHOOL AUDITORIUM

900 NORTH MERRILL STREET

GLENDIVE, MONTANA 59330

U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

KAYLA ECKERT UPTMOR: Good evening. Good evening and welcome. Thank you everybody for taking the time to come out this evening. My name is Kayla Eckert Uptmor, and I am the Chief of Civil Works for the U.S. Army Corps of Engineers Omaha District.

So if you are wondering why the U.S. Army Corps of Engineers would send a team of folks all the way from Omaha, Nebraska to Montana to hold this meeting, there is a reasonable answer. The Corps' Civil Works Program boundaries are established based on watersheds and its Military Program boundaries are based on state boundaries.

As all of you know, the Yellowstone River is a tributary to the Missouri River so as the Missouri River and its tributaries flow from Montana to the confluence with the Mississippi, Omaha District is responsible for everything from Montana down to Omaha, Nebraska. The Omaha District is responsible for an eight-state region, the largest geographical footprint of the Army Corps districts in the nation.

The Corps staff here today are all from the Omaha District. But closer to home, many of you who live in Montana, the Bureau of Reclamation is represented by staff from its Montana area office in Billings.

Together, we have made available for public review and comment the Lower Yellowstone Intake Diversion Dam Fish

Passage Draft Environmental Impact Statement, or as many people refer to it, the Draft EIS. This is the second of three public meetings. We had one last night in Sidney; this evening in Glendive; and then tomorrow in Billings, Montana.

So the purpose of this meeting is to hear from you. We have two highly qualified project managers from both agencies here today who have been leading multiple technical teams to complete this Draft EIS. They will provide a brief overview of the work that's been done to date.

We will then offer a comment opportunity for you to share your perspectives and your opinions. We will not be answering questions directly during the comment session but will be here after the comment period throughout the lobby to answer them directly and any questions that you have might have. Our intent is to be sure there is ample opportunity for all perspectives to be heard. We will be here as long as that takes.

But before we begin, I would like to introduce the staff that we have here today. On behalf of Colonel John Henderson, the Omaha District Commander, we have Major Arlo Reece, the Deputy District Commander; Eric Laux, if you don't mind standing please, Eric, Omaha District Chief of Environmental Resources Section; Curtis Miller, the Omaha District Chief of the Hydraulic Engineering Section; Sage Joyce from the Omaha District Montana Regulatory Office out of Billings; Tiffany Vanosdall, the Yellowstone Intake EIS Project Manager for the Bureau of

Reclamation; Steve Davies, the Montana Area Office Manager; Gerry Benock, the Montana Area Office Manager of Planning; and David Trimpe, the Montana Area Office Yellowstone Intake EIS Project Manager.

Again, we are all here this evening as long as it takes to ensure that all your questions are answered and your statements are heard.

Now, for the formal public comment session, I would like to review the meeting guidelines that you all picked up when you came in. First, I ask that we offer all speakers courtesy and respect. As highlighted in your handout on the meeting guidelines that we will review quickly, we encourage everyone to sign in at the front tables, regardless if you want to speak or not. And if you do want to speak, please sign in at the table that signifies that. And we have that list up front so if you didn't sign up and you wanted to, you could go back.

You will be invited to speak in the order of the sign-in sheet. When you come to the mike, please remember to state your name and who you are representing. So that we can afford the opportunity for everyone to speak, we will ask that you limit your comments to three minutes. Once everyone who has signed up to speak has spoken, the mike will remain available for those who want to speak but hadn't signed up or those who have additional comments.

All will be held to the three-minute rule.

I will hold up this hot pink card with the number one signifying that you have one minute remaining. If you do not finish your remarks in three minutes, you are welcome to take place in line again. But again when at the mike, please introduce yourself again for our record. The meeting and the public comments will be recorded by our certified court reporter for the official meeting documents.

So the ground rules laid, again please I ask you now to please turn your attention to the Intake Project Managers for the overview. But again, I ask that we offer all speakers today courtesy and respect. Thank you.

David.

MR. TRIMPE: All right. This is a little history of the Lower Yellowstone Project. It was authorized with the Reclamation Act of 1902. It was a single-purpose irrigation project, meaning that all the water users pay for the O&M of the District. Construction occurred from 1905 to 1908 by reclamation and the first water was delivered using the Main Canal in 1909.

As you can see on the left, the Project does encompass four Irrigations Districts: Intake, Savage, Lower Yellowstone Districts 1 and 2. The facilities include the Intake Diversion Dam, the new screened headwaters, 72 miles of Main Canal, 225 miles of laterals, three pumping stations and the Project covers about 58,000 acres.

All the O&M is performed by the Lower

Yellowstone Board of Control and the diversion rate is 1,374 cfs, which is also the full water right.

So the pallid sturgeon, which is the reason why we are here tonight, was listed by the U.S. Fish & Wildlife Service in 1990. It is considered endangered through its entire range. It is native to both the Yellowstone and Missouri Rivers. Primary threats include construction of dams, bank stabilization projects, entrainment at the water intakes, disease and predation as well as commercial fishing.

So in the Yellowstone River, the majority of the pallid sturgeon are found just below Intake Diversion Dam. But historically, they were found to go upstream of Cartersville and they also have been known to use Tongue and Powder Rivers. So if we provide fish passage at Intake Diversion Dam, that will provide approximately 165 miles of spawning, rearing and drift habitat.

The next likely impediment to pallid sturgeon may be Cartersville Dam, which is located on River Miles 237. There are a total of six diversion dams on Yellowstone River, Billings Big Ditch Dam being the most upstream and Intake Diversion Dam being the most downstream.

So shortly after the pallid sturgeon was listed in 1990, Reclamation started studying the effects of the Lower Yellowstone Project on pallid sturgeon. Best available science says that there is a lack of passage over the existing

dam, and there was entrainment into the Main Canal, which has since been fixed with the new screened headworks.

2005 is a big milestone for this Project, as a big Value Planning Study was completed and 110 alternatives were looked at for providing fish passage and entrainment protection. In 2007, the Water Resources Development Act authorized the Corps to assist Reclamation with design and implementation of the Lower Yellowstone Project.

So we have been through a couple environmental studies. The first one was back in 2010 with the initial Environmental Assessment. In that assessment, the agencies identified the Rock Ramp and the Screened Headworks as the preferred alternatives. In 2012, the new screened headworks was put into operation and then in 2015, the agency released a Supplemental Environmental Assessment identifying the Bypass Channel as the preferred alternative.

In 2016, which is today, we are currently undertaking a new Environmental Impact Statement. So the Draft EIS, there was a Notice of Availability published in the Federal Register on June 3rd. Shortly after the release of the Draft EIS, the agencies released a Technical Addendum that did address four alternatives that were not identified in the Draft EIS. Because of that Addendum, the public comment period has been expended to July 28th.

The Draft EIS does look at six alternatives,

one of them being the No Action. So the purpose of the Project is to improve passage for pallid sturgeon and other native species, as well as the continued viable and effective operation of the Lower Yellowstone Project and also to contribute to the ecosystem restoration.

Prior to the release of the Draft EIS, we did go through a public scoping period, which occurred from January 4th to February 18th. We did hold one public scoping meeting here in Glendive on the 21st.

There on the right is just a breakdown of the comments that we did receive and the majority of them were concerning the alternatives, economics, as well as threatened endangered species.

Also part of the scoping period, we did receive several alternatives. Just a couple of them were Remove Dam with Pumping, Implementation of Conservation Measures, Wind Power, Utilizing the Trust Fund, Low Hydropower as well as physically relocating the sturgeon upstream with a diversion dam.

So the alternatives that we have chosen to carry forward in the Analysis are the No Action, Rock Ramp and Bypass Channel, which have been previously analyzed. And then we added three new ones: The Modified Side Channel, the Multiple Pump Stations and the Multiple Pumps with Conservations Measures.

So the No Action, which is also considered the baseline from which to measure benefits and impact, would be

the continued operation and maintenance of the project as occurs today. This would include the annual placement of rock on the dam crest. And because no passage would be provided under this alternative, the federal agencies would be required to consult with the Fish & Wildlife Service.

Construction costs would be zero because there would be no construction under this alternative. The annual O&M for the the Lower Yellowstone District, the total O&M costs for that year would be 2.6 million and an annual O&M per acre would be \$46.53. This is higher than current assessments because this does take under consideration replacement of the rock trollies as well as Endangered Species Act monitoring for passage over the dam. That annual O&M per acre of \$46.53 would be paid by each individual farmer.

Now it's important to remember that these are just estimates and not actual costs. So just keep in mind that's estimated and not what assessments would actually be.

So the Rock Ramp was looked at in 2010 and 2015. It does include the construction of a new concrete weir just upstream of the existing diversion dam. It does incorporate a 1500-foot shallow-sloped boulder and cobble rock ramp. The Diversion Dam does allow the District to divert their full water right of 1,374 cfs down to Yellowstone River flows of 3,000 cfs. Because the Rock Ramp does cut off the existing boat ramp, the boat ramp would likely have to be relocated downstream.

Construction is estimated at about \$90.4 million, annual O&M for the District would be about 2.8 and then a cost per acre of about \$50 or 7.5 percent greater than the No Action cost.

The Bypass Channel, which is also the agency's preferred alternative, includes an 11,100-foot-long Bypass Channel. The entrance would be located just downstream of the existing Diversion Dam. This alternative does also include a new concrete weir that would allow the District to divert their full water right down to 3,000 cfs. All excavated material from the Bypass Channel would be placed in the existing side channel to help stabilize that upstream entrance.

Construction costs are estimated at about \$57 million and annual O&M cost of \$2.8 million and a per-acre cost of \$49.27 or about 5.9 percent greater than the No Action.

So these are the alternatives we have previously analyzed and are analyzing again. So for the new alternatives, I will turn it over to Tiffany.

TIFFANY VANOSDALL: So one of the new alternatives that was considered in this EIS was based on some feedback that we had gotten associated with the fact that we have gotten some passage by a few fish in the existing side channel that's out at Intake, as well as some people who wondered why we weren't looking at anything that maybe didn't replace the existing weir.

So the Modified Side Channel is one way to address some of those concerns. What it is is an existing side channel would be excavated so that it would flow to meet the velocities and depths for pallid sturgeon, the same flow split as the Bypass Channel.

So about 15 percent of the main river flow would now go down the existing side channel, but it would be modified so that it could take that much flow. So in essence, it would flow a lot more of the year and it would provide passage opportunities all throughout the year for the pallid sturgeon.

It would not replace the existing weir. The Irrigation District would continue to rock that weir. In order to facilitate that, there would be a span bridge over the high flow channel so that they could get out there and do that annual rocking that they do.

The entrance for the fish to this alternative is down where it is right now so it's about a mile and a half downstream of the existing dam. And the reason that the Bypass Channel is right at the dam is that a lot of research indicates that it's easier for a fish to find its passage route if it's right at the obstruction. So this one is further down so that it is less for this alternative but it does utilize a route that some pallids have taken already.

Construction of this alternative is about \$54 million. Annual O&M is a little over 2.9 million so that's a

per-acre cost for the Irrigation District of about \$51 per acre. That's around 10 percent over the No Action Alternative.

So another alternative that's new to this EIS is the Multiple Pump Stations. This alternative would remove the existing intake weir and would construct five pumping stations along the Yellowstone River with four pumps at each site, which is a total of 20 pumps. The total capacity of this alternative would deliver the full water right to the Irrigation District.

We would need to upgrade the existing power structure. We have met with the Montana utilities and worked with them to come up with cost estimates for upgrading the infrastructure for that electricity in order to run those pumps.

The pumps themselves would be set off the river with a canal that goes to them, and inside the canal would be a fish screen to deal with a lot of the fish that might get into that canal and ensure that they don't get entrained into these pumps.

There would be gravity diversion from the existing headworks about 17 percent of the time when the river is above 30,000 cfs. That would offset some of the O&M costs of running a pump. So sometimes you could divert from the existing headworks into that newly-constructed headworks, and then the rest of the time, about 83 percent of the time, you would have to run the pumps.

It would require relocation of the Intake

Fishing Access site, which is that state-run facility, because one of the pumping stations likely would have to be located at that location.

Construction of that alternative is around \$132 million. Annual O&M is a little over 5 million for an annual O&M per acre of \$88, which is an increase of about 90 percent over the No Action.

We have some schematics of the Multiple Pump Stations that show the canal that goes through the pump, the V-shaped fish screens that will be utilized within the canal, and those are in the documents if anybody wants to check them out closer.

So one of the things people ask us is we don't really understand what these pumping stations might look like, how big they might be. And in comparison, some of you might be familiar with the Savage Pumping Plant that exists. That has a capacity of 60 cfs so that's 38 million gallons per day.

The Intake withdrawal right now is 888 million gallons per day so Savage delivers about four percent of what the Intake facilities would need to deliver so it would require about 20 stations of the size of the Savage Pumping Plant.

In addition, the Savage Plant doesn't have the same screening requirements and so it would likely have to be a little bit bigger. So the comparison isn't quite apples-to-apples but it gives you the idea of the size of those

facilities.

So the last alternative that's in the EIS is Multiple Pumping with Conservation Measures. This also would remove the existing weir facility, construction of seven pump sites with six Ranney Wells at each site. Total capacity is 608 cfs. So that is around half, a little bit below half of the existing water right that's withdrawn.

And to make up for that change, there would be conservation measures that would be established within the Irrigation District, both on farm and as part of the Main Canal system. You could utilize gravity diversion with a combination of pumping about 60 percent of the time so you would still utilize the existing headworks as much as possible to offset the amount of time you have to run the pumps. But 40 percent of the time would be pumping only.

It does include implementation of conservation measures, and I have the next slide to talk about what those would be. It does require a redesign of the Main Canal since the Main Canal was designed to carry 1,374 cfs. It would have to be redesigned in order to function at that lower withdrawal rate.

It also includes relocation of the Intake Fishing Access Site. One of the Ranney Well facilities would need to be located at that location. Construction of this alternative is around 477 million. Annual O&M is about 4.4 million, which is

a per acre cost of \$77 approximately for the Irrigation District, and that's an increase of about 66 percent.

So some of the conservation measures that would be considered to be implemented with this lower withdrawal is additional check structures within the canal, flow measuring devices, converting some of the laterals to pipes, sprinkler systems, lining the Main Canal in some of the laterals, control over-checking and ground water pumping.

If you have read the document, you will see that there has been a determination that even if we were able to save this much water with conservation measures that it likely could not deliver the Irrigation District's need with only that 608 cfs. If you look at the crop requirements, 608 would not be enough for that crop requirement. But that is in the document for you to look at.

This is a schematic of the Multiple Pumps with Conservation Measures that utilizes Ranney Wells. If you know anything about Ranney Wells, they are essentially kind of a, more of a ground water withdrawal of the alluvium of the river so you can see there is kind of a lateral pipe at the bottom part. You can't actually see it from where you are sitting but there is a lateral pipe at the bottom of the pump that withdraws some of the alluvium from the bottom of the river.

So cost estimates for all the alternatives, we kind of went over them. This just shows some of the things

that actually go into the cost estimates themselves. There is the construction costs. We also take into consideration how long a given alternative takes to construct but they are looking for ecosystem benefits.

If an alternative takes 10 years to construct, you are waiting that long before you are actually getting benefits from that alternative; if it takes two years, you are getting benefits earlier. So we do take things like that into consideration.

The design of the alternative is part of the cost estimate. Construction management is part of the cost estimate. We usually just use percentages because in general, a more expensive alternative costs equivalently more to design, more to do construction management.

Real estate, the Rock Ramp and the Bypass Channel are all on federally-owned land. The Modified Side Channel, Multiple Pump and Multiple Pump with Construction Measures would require some private land acquisition in order to implement.

And that completes what we call the total first costs, which is kind of what costs you might be looking at for implementation. We also factor in the annual O&M costs, and we take the total cost estimate of construction and we annualize that with an annual O&M cost.

And the reason that we do that is to make an

apples-to-apples comparison so that if a project has a really high construction cost and reasonably low O&M versus a project that has a really low construction cost and really high O&M, you want to make sure that you are taking that into consideration, as opposed to just the initial construction cost.

So we analyze those, the cost of each alternative over a 50-year period because that's what we call our planning window. We analyze those costs and the Corps is required to do an analysis called Cost Effectiveness Incremental Cost Analysis.

And the purpose of that is when we do things like flood projects, there are monetary benefits that we can measure. And in general, you don't invest in a project unless the benefits outweigh the costs. When you do an ecosystem project, it's hard to monetize the benefits that you get out of the ecosystem.

So what we do is we do an analysis of how cost-effective the habitat we are getting is. And I am not going to get into how the analysis works. If somebody wants to catch me afterwards, I will absolutely talk through it with you.

But in essence, what it does is it looks at all the alternatives and it says if I can get the same or more habitat for less cost than a different alternative, that alternative gets eliminated, and I don't consider it anymore.

And through that analysis, you get two

alternatives at the end that you need to compare their costs per habitat unit. And that's the Bypass Channel and the Multiple Pumping.

And what the CEIC gives you is it says for the Bypass Channel, you can get about 70 percent of your benefits for around \$700 per habitat unit. To get the rest of your benefits, which is another 30 percent through the Multiple Pumping, it costs you approximately \$1,400 per habitat unit. So the question that gets before the decision maker is is that \$1,400 per habit unit worth enough to spend these additional funds? So that is the decision that gets in front of the decision maker.

Just in summary, the impact from the Environmental Impact Statement, we looked at major resources of hydrology and hydraulics, ground water hydrology, geomorphology, aquatic communities, federally-listed species and state species of concern, lands and vegetation, recreation, noise, social and economic conditions, and historic properties.

I am not going to go over the impact of each. It's in the document. What I can say is none of the alternatives had any significant negative long-term impact on the environment. If anybody wants to talk about any of these special things, we can talk about it outside what the impacts were.

So the preferred alternative determined by the Bureau of Reclamation, Corps of Engineers, in coordination with Fish & Wildlife Service is the Bypass Channel. It does meet

the requirements, the physical and biological requirements that we were given by Fish & Wildlife Service and all of the agencies are comfortable that it will pass fish.

It's a cost-effect of means of providing fish passage. It's expected to have the lowest annual O&M of all the alternatives considered and it would not result in significant long-term adverse environmental impacts.

So that leads us to your role in what we are doing here and that's how you can comment. We are taking spoken or written comments tonight. If you step up to the mike, if you signed up, the court reporter will record all of your comments and they will be made part of the Project record.

If you want to fill out one of the comment cards, you can come up and hand it to any one of us afterwards. You can also mail those comments, either from the comment sheet or one that you write out or type out yourself and it goes to that address up there, and I know that address is out in the hall as well.

You won't get a response that says hey, we got your comment if you sent it in the mail. If you want that, you can send it certified. There is also an e-mail address that you can e-mail your comment, and you will get a response from Jennifer Salak. She will respond and say, 'Hey, we got your comment and I am forwarding it to the PM.'

The due date for comments, they must be

postmarked or received by July 28th so if you e-mail them, we have to get them by July 28th. If you send them through the mail, they can be postmarked by July 28th. If you need any additional information, if you have any questions, if you want to talk about the project, you can contact either David or myself. We have our phone numbers and our e-mail addresses, and this presentation will be posted so you can get them off of there if you need to.

This is also the Project website where you can access all of the documents from this EIS, as well as the previous EAs because some of those documents are referenced within this one. So you can go and look at all of those documents as well.

So we are ready to move into spoken comments by you all. Just a reminder, we will call people up. I will call four at a time so you can go to whichever microphone is more convenient. When we get through those four, I will call the next four just to try to make it most efficient.

Try and limit comments to three minutes. Kayla will hold up a sheet that says "1", and you will have one minute left, if you can try and wrap up your comment within a minute. You will be allowed, once everyone has spoken, to come back up and have more comments. But we just want to make sure that everyone is heard from.

The court reporter will keep track of all the comments and will record them and the agency staff will be

available after the meetings to answer any questions that you might have or if you want to talk further. And then all comments received both verbal, written, e-mail, however you get them to us, will be considered by the agencies in finalizing the EIS and will be made part of the Final EIS.

And we will go ahead and call the first group of people and we will start with elected officials. So first up is Senator Matt Rosendale, Duane Mitchell and Scott Staffanson. Before you step up to the mike, make sure that you state your name and then who you represent.

MATT ROSENDALE: Good evening. Senator Matt Rosendale. I represent Senate District 18 for the State of Montana that falls in Richland and Wibaux Counties and I am also on the Board of Directors for the Intake Irrigation Project.

I would like to make a couple comments. First of all, that we need to keep in mind as we go through this process that first of all, the farmers did not request a single alternative or upgrade to this entire facility. I just want to make sure that the Corps keeps in mind, while I know that you are aware of it, so it's reflected in the public record that the public knows that these farmers did not ask for a single alternative or upgrade of this facility. This is all as a direct result of the Endanger Species Act as you guys are aware.

That being said, Congress passed the Endangered Species Act and the people of this nation feel this

fish is worth preserving. Then the people of this nation have got to absorb the expense associated with it, not 350 farmers and their families and the communities that they support in eastern Montana. The people of this nation have to support those costs associated with preserving this fish and that also includes the extensive operation and maintenance of the facilities as we go forward.

The next thing I would like to say is that when the new head gates were installed three years ago, this community was sold a bill of goods and that bill of goods included the rock ramp. They were not just sold and went through hearings to approve the new head gates and screens that were placed in front of them. As part of that project, they were supposed to have the Rock Ramp alternative constructed within the next year after the head gates were. And then we were told that that had fallen out of the equation because of the cost associated with it. So there is already a lot of folks walking around feeling like they were sold a bill of goods.

The next thing I would like to say is that the Multiple Pump Stations are unrealistic. Right now our small Irrigation Project provides water to about 900 acres and there is two small pumps, as you can image, to provide that water and there is not enough reliable electricity to even run those pumps. We just had those voltages on those turned down so that we can actually make them function throughout the season.

The only realistic and reliable method for delivering this water is by gravity flow assisted by the diversion and the Bypass Channel so they can provide the fish passage. So I would like to go on record and say that I support the Bypass Channel alternative.

Thank you very much for coming out.

(Applause.)

DUANE MITCHELL: I am Duane Mitchell. I am a Richland County Commissioner from Sidney. I want to thank everybody for being here, especially for you people being here working on this.

Genesis 1:28 says, "God blessed them and said unto them be fruitful and multiply and replenish the earth and subdue it and have dominion over the fish of the sea, over the fowl of the air, and over every living thing that moveth upon the earth."

I have a couple of questions and then a couple comments. This past Sunday after church, my wife was asked by a young lady, a college freshman, if the Intake Diversion Dam has been in operation over a hundred years, why are the pallid sturgeon not extinct? They must be doing something correct if they have been able to last this long.

And with this perceived threat of climate change, global warming and carbon print, how much of a carbon print has the Lower Yellowstone Project created over the last

107 years that has been providing water that the valley.

Today Sidney Sugars employs 130 full-time employees and during the campaign of around 300 employees for an annual payroll of around \$10 million. And according to the Chamber of Commerce, every dollar that's earned in the community is returned six to seven times. Now, add the \$7 million of operating expense that Sidney Sugars pays through our economy annually and you now are talking about a serious impact to our city, county and state. That will not only affect Sidney but the other cities and counties around Sidney.

I called the Montana Department of Revenue to see how much this could affect the tax base of Richland County. The appraisal value for one acre of irrigated land is \$664.62, one acre of wild hay land is \$175.98, one acre of grazing land is \$39.30. The taxable value--and this is what the other commissioners and I worry about--one acre of irrigated land is \$14.34, one acre of wild hay land is \$2.80 and one acre of grazing land is 84 cents.

Let it be known that the Richland County Commissioners Shane Gorder, Loren Young and Duane Mitchell agree that the Bypass Channel is the best solution to keep our farmers and the fish living on and in the Yellowstone River.

Thank you.

SCOTT STAFFANSON: Scott Staffanson; I am Representative for Montana's House District 35, which encompasses

Richland County and also encompasses the majority of the acres that are irrigated by this project.

We live on one side of the canal and we irrigate on both sides of the canal. There is about a half mile of canal--or a little more than that, three-fourths of a mile runs through our property and provides habitat, it turn, so it turns the section of land into sub-irrigated hay land that otherwise would, would be dry pasture land and provides a lot of habitat for everything from pheasants to grouse to sandhill cranes that nest on the place.

I have got 140 acres that I irrigate out of the well. That well would probably not be near as productive if it weren't for the canal raising the ground water so that I have water through my pivot.

Looking forward, I think this project needs to stay in place. It's already there. It's very efficient. There is nothing more efficient than gravity irrigation when it comes to expanse and the water is, none of us wastes it. I mean, you talk about wasting water but it goes back into the ground water, it goes back into the river and it provides so many things for this community between hunting and agriculture and a place to raise a family.

I am the third generation that's irrigated on that farm where we live and got two more generations living there now but I hope will continue to shovel mud and make water

run downhill on our land.

Chelsea, my daughter, is home irrigating right now while I am here. And I'd just like to say I am in favor of the Bypass. I think it's the best alternative to keep our Irrigation Project in place. And from what I studied, I believe it will do a great job of preserving the habitat and in increasing the habitat for the pallid sturgeon.

Thank you.

TIFFANY VANOSDALL: So next up, Cathy, Kirkpatrick, Art Gehnert, Max Schwartz, William Hier and Leon Stevenson, and Ron Etzel.

CATHY KIRKPATRICK: Good evening. Thank you for being here this evening and for your very good study that you provided for us. I am here as a representative of Dawson County Economic Development, Cathy Kirkpatrick, Executive Director.

The Lower Yellowstone Project was authorized by the Secretary of the Interior on May 10, 1904. The Project was designed to provide a dependable supply of irrigation water to support approximately 54,000 acres of land located on the west side of the Yellowstone River, approximately two-thirds of the irrigated land in Montana with the remaining lands located in North Dakota.

Construction of the Project Dam began in 1905, which includes Intake Diversion Dam, also known as the Yellowstone River Diversion Dam, a wood and stone diversion dam

that spans the Yellowstone River and is submerged under water year round.

The U.S. Fish, Wildlife & Parks Service listed the pallid sturgeon as endangered under the Endangered Species Act in 1990. The best available science suggested that the Intake Diversion Dam impedes upstream migration of pallid sturgeon and their access to the potential spawning and larval drift habitat. The Lower Yellowstone River is considered to be one of the best opportunities for recovery of the pallid sturgeon.

The Pallid Sturgeon Recovery Plan was identified providing passage at Intake Diversion Dam to protect and restore pallid sturgeon populations. By providing passage at Intake Diversion Dam, approximately 165 river miles of potential spawning and larval drift habitat would become available in the Yellowstone River.

The U.S. Army Corps of Engineers and Reclamation as joint lead agencies have made available for public review and comment the Lower Yellowstone River Intake Diversion Dam Project Draft. The Draft EIS analyzes and discloses potential effects associated with the proposed federal action to improve passage for endangered pallid sturgeon and other native fish at Intake Diversion Dam in the Lower Yellowstone River while continuing to affect viable opportunities of the Lower Yellowstone River Project.

Dawson County Economic Development stands

today to support the Bypass Channel Alternative, the preferred alternative, which includes abandonment of the existing concrete weir; construction, operation and maintenance of a two-mile long bypass channel for fish passage along the weir; placement of fill in the upstream portion of the existing side channels for stabilization; continued diversion of 1,374 cfs through the screened headwaters; and continued operation and maintenance of the irrigation distribution facilities and pumps.

It is the opinion of Dawson County Economic Development Board of Directors that the removal of the Intake Dam will create an economic impact, adverse economic impact on communities in eastern Montana and ultimately, the entire State of Montana. Agriculture is the foremost business in Dawson County and Richland County. If the ability to irrigate the Lower Yellowstone River is compromised, businesses will be lost, leaving the residents' lives in turmoil.

In closing, we support the conclusion that the Endangered Species Act passed by the U.S. Congress in 1973 was never intended to put people out of business. It was intended to save the species.

Respectfully submitted, Cathy Kirkpatrick,
Executive Director, Dawson County Economic Development.

Thank you.

(Applause.)

ART GEHNERT: Good evening. My name is Art

Gehnert. I have been a resident of Dawson County for 77 years. I have lived on the Yellowstone River all those years.

I've boated on the river, I've played on the river and I have fought the river. The river is a natural being thing. It's living; it moves. It's there for everyone to see and to enjoy and to utilize; not to misuse, not to harm, and not to desecrate.

We have enlisted the U.S. Army Corps of Engineers to conduct an Irrigation Study. In Dr. Tuthill's book, he writes very clearly the Lower Yellowstone River in the Glendive area is probably the most dangerous, life-threatening river in the United States of America.

The ice jam conditions alone are enough to make your hair stand on end. Ice flows can change within 15 seconds of being okay or bad. And if it goes bad, you have to run, and run in the right direction or you will be killed. There has been loss of life in Dawson County right in my neighborhood. There were people playing at the red barn. They were killed trying to leave the red barn to get back to Glendive.

The slope of the land because of natural river siltation, the channel is actually higher than the surrounding land. They ran toward town, ran into the deeper water. It took the poor ladies that were with them. Other ladies were left in the trees and used suspenders to tie themselves into the trees. They died. Those people there were deaths in Dawson

County. Nobody remembers these bad things.

In 1936, we had a horrible flood in Dawson County. Ice jam conditions just as recently as 2014 caused things that I never expected to see happen. A natural river left its natural channel and migrated over next to railroad track and covered a highway for three solid days. The ice flow and water that crossed into my property caused extensive damage and I had no control.

Anyone that thinks they can build something in the Yellowstone River and have no maintenance or have no responsibility needs to take a second look at nature. Nature is what we live in and the history of this river is emphatically very dangerous and hard to cope with.

If you are going to build something in the river, to maintain that project alone is your responsibility and no one else's. If you are going to do it, you better have property values that exceed the value of the project you are building.

And I don't know, the maintenance on this project is understated because of the lack of knowledge of the Yellowstone River's natural characteristics. And I do pray that you some day will be able to understand that the river is there for us to enjoy and share with nature. And history shows that we have mismanaged the river at Intake because everything at Intake has been destroyed and is continuously having to be rebuilt almost

every year to accomplish--you can't go fishing there without crossing that slough, you can't hunt down there--that's time.

Thank you for your time so much.

(Applause.)

MAXWELL SCHWARTZ: My name Maxwell Schwartz. I am a ditch rider in District 6 for the Lower Yellowstone Irrigation Project.

First off, I would like to say it's amazing how openly people voice their opinions on things that have very little to do with their lives or very little impact or adversely affect their livelihood.

Every day I drive this ditch line and I have been all over the eastern side of the state, the western side of North Dakota. And there is nowhere else in this region that I have seen such wildlife and it's all created by the canal system. And, I mean, to obstruct that or change it in any way and divert water, you are creating another wildlife issue. I mean there is an entire ecosystem that runs off this canal system.

So to say you are changing this for wildlife is completely incorrect because you will be adversely affecting other wildlife in the same area. So I am in favor of the Bypass Channel and that's about all I have to say.

Thank you.

(Applause.)

RON ETZEL: My name is Ron Etzel and I have

been with the Project for many years. I am an equipment operator. But tonight I am reading a letter from a local Sidney business owner, Ross Rosaaen, owner of Niehenke Welding.

And his letter goes: "To the people who want to destroy a community: I am a business owner in Sidney, Montana. My company was established in 1921 because of the Irrigation Project. It supplied water for a large number of farms in the valley.

My company is an agriculture welding and repair shop. My livelihood for my wife and three kids is dependent on the agriculture community. That is one of the reasons why I had to write a letter because I couldn't come to the meetings. I have a family and business to run.

My business relies on the survival of the farms and the survival of Sidney so I bet most of you environmentalists are thinking we have the oil to keep us going. Wrong. The farmers were here before the oil and they will be here after the oil. This is why I never chased the oil field. Farmers come first in my welding shop. When they break down, I am there to get them fixed so they can harvest the food everyone needs.

Montana and North Dakota are one of the leading producers of wheat, corn, sugar and barley. Our food just doesn't magically appear in the stores. It has to be planted. It needs water to grow and lots of it. Because of this irrigation,

we produce some of the best crops.

If the dam is taken out, the water table in Sidney will drop and the town will have to go on restrictions of use. The animals that flourish in our area like deer, sage grouse, pheasants and the birds all can survive because of our irrigation.

This fight doesn't just affect the farmers. It affects the entire Yellowstone Valley from Williston, North Dakota to Billings, Montana. Thousands of people will be affected. Land value will drop and people will have to leave.

This irrigation is the lifeblood of the entire economy and life in our area. When did human life stop mattering?

I understand we need to work together and I have been told that the people that want our dam gone don't care about the people's survival. All they care about is the fish. We have more conservation in our state than most of the rest of the country. Come on, let's have some common sense. Human lives matter.

So I want people fighting our Irrigation Project to think and not just jump on a bandwagon because it looks good or they want money to back them for further fights. So are you going to tell my wife and three children that we have to close up and leave their homes and change their lives? No, I won't.

I have to do it because what I gather is

that you don't care about us. This is just a game to you so I am going to tell you I will fight you tooth and nail. I will fight anyone that gets in the way of my livelihood and my family and right now, you environmentalists are--we all need to work together and that is what we have been trying to do from the beginning.

Let the Fish Bypass get built so the fish survive. So do the people. Again, human lives matter.

Ross Rosaaen, Niehenke Welding."

(Applause.)

Also for myself that--

KAYLA ECKERT UPTMOR: Sir, it's time.

RON ENTZEL: Okay.

KAYLA ECKERT UPTMOR: Thank you. Feel free to come back up though.

WILLIAM HIER: My name is William Hier and I am here with Leon Stevenson and I will be reading a comment that he has prepared.

"I am a life-long resident of this area and have lived on the Lower Yellowstone Irrigation Project all of my life except for the time in the Army. I only irrigated the farmland above the Main Canal that is supplied by secondary water right.

Currently, farming this land and the irrigation is essential to my livelihood. Having made my living as a machinist as a owner-operator for over 30 years, I do machine

work for Sidney Water Users Project on the east side of the Yellowstone River on machine parts for the pumps on that project that are taking water directly out of the river to irrigate about 5,000 acres.

Maintaining these pumps in the river has developed many problems from the silt, trash and gravel that is inducted into the pumps from the river coming in through the intakes and causes many problems in the pump housing and drive system. The cost of the machine work to fix these pumps and the fact that not all local machine shops are willing to deal with this type of machinery causes a problem. At one point in the summer, we had three different machine shops working on the pumps for the Sidney water users and there still wasn't enough people to go around.

The current gravity flow system has served the water users on the Lower Yellowstone Project for over a hundred years now. With the exception of two pumping stations, the majority of the land is under irrigation delivered by gravity and works quite well considering the age of the system, and it would be a disservice to the farmers to replace this system with unreliable electrically-driven pumps.

I am in favor of the current Bypass Channel preferred alternative to save both the farmers and the pallid sturgeon."

Thank you.

LEON STEVENSON: I think you really underestimated the cost of pumping out of that river just from my experience of trying to keep their pumps running. They are fighting it right now even while this is going on trying to get water to just 5,000 acres.

Thank you.

(Applause.)

TIFFANY VANOSDALL: Next is Samree Reynolds, Leslie Messer and Richard Cayko.

SAMREE REYNOLDS: Hi. I am Samree Reynolds and I work at Sidney Sugars. And I thank you so much for the hard work and for all of your dedication in finding a single way to save our fish and our community.

With your presentation that you guys had last night and tonight, you have shown us that there is a way to save the fish and a solution that will work for everybody. You have also shown us that because of the Irrigation Diversion Dam, we have a community that is thriving and growing and continues to do so.

I really highly strongly support this Bypass Channel and I just hope that you guys put this through and just not delay it because I think that with this delay--this is all about saving the pallid sturgeon and I am thinking with this delay, we are endangering them further by doing this so I think we have got a perfect solution so let's please support the Bypass

Channel and get this through and get it going.

Thank you so much.

(Applause.)

LESLIE MESSER: Good evening. My name Leslie Messer and I am the Executive Director of the Richland Economic Development in Richland County.

And I want to say thank you to these agencies for all the hard work and the expedited work that you did to get this EIS done so we could look at it. So I want to thank you for all of your work.

In consideration of why we are all here tonight, the Intake Project is one example where the government came in to help and it actually worked. The thoughtful investment from the Teddy Roosevelt era provided the money to construct this structure to make this vast dry area bloom.

The results over the past century have created stability in our economies, the production of our crops being grown for the state, the nation, and the world, the increasing wildlife and aquatic populations as well as the preservation of our heritage and our culture.

Over the past century, generations of LYIP Board of Control members have reliably delivered affordable and equitable irrigation water to address the Endangered Species Act. They have also taken measures to try to save the pallid sturgeon. They have made modifications to the system to improve the fish

passage and to deter the fish entrainment. They have demonstrated that they have been good stewards with our precious resources, the fish and the water and they will continue to do so.

The EIS does an amazing job of giving us projections of the six alternatives' cost of construction, the annual operation and maintenance and the annual O&M per acre to get that water to the fields. But I ask that you also take into consideration the other costs that every grower must bear given the current expenses of seed, fuel, equipment, fertilizer, labor, transportation to the markets. The local farms are struggling to break even.

If the cost to get this water increases anywhere from 10 to 60 percent, farming in this Mondak Region will cease to exist. And in addition, the annual property taxes that will no longer be generated in the Mondak will no longer be injected into our communities and will negatively impact our cities, counties, schools, states, budgets and services provided.

The removal of the weir and implementation of the pumps would likely cause disruption and disturbances all along the canal system, could ruin habitats, harm aquatic wildlife populations, could significantly reduce drinking water levels and cause unprecedented hardship or the complete extinction of our family farms.

We have been told that the mature wild sturgeon have a time deadline to be considerate of. The further

and deliberate delays by the environmental groups with copious funding resources of this construction, the delays of the construction in modifications to the weir and the Bypass Channel to provide passage for the sturgeon will cause them more harm than good.

Furthermore, all of the work that the many North Dakota and Montana congressional leaders did to keep and maintain the federal funding for the Intake Project has been a historic event like none other.

We support and agree with the agency's recommendation of the Bypass Channel and the weir as the best solution to preserve the sturgeon and other fish species, the wildlife and the habitats, the economies in the Mondak Region and the generations of families who live, work, play, conserve and protect our precious resources for the future.

Invest that money now, let the construction begin. Let's save the fish, let's save the farmers and let's save the habitat.

Thank you.

(Applause.)

RICHARD CAYKO: I am Richard Cayko. I am the Lower Yellowstone Irrigation Project Board of Control Chairman and also I am the Chairman of the MacKenzie County, North Dakota County Commissioners.

I have a little different saying tonight

than I did last night. I want to talk a little bit different. My family and I have benefited from the Lower Yellowstone Irrigation Project since 1929. My family came here from Colorado to raise sugar beets for Holly Sugar. Lots of families were brought here for that reason. Each family had 160 acres so the valley was very populated from Intake to Nohly. Many businesses started up in all the little towns along the Yellowstone River. Supply and demand trimmed the population and the businesses to a sustainable level, and we are there now.

The Irrigation Project must be allowed to function with an elevation level of water that will gravity flow through our canal and lateral systems. The Bypass Channel will allow the pallid sturgeon and other specious to travel upstream. This would be the most efficient and cost-effective alternative.

Thank you for your time.

TIFFANY VANOSDALL: The next group is Steve Forrest, Tim Koffkey, and Matt Skoglund.

STEVE FORREST: Steve Forrest, Defenders of Wildlife. I will be submitting detailed comments on the EIS so anything I say here tonight will just be in addition.

I want to say that thank you for coming to Montana. Good to see you here. I want to say I agree with pretty much everything I have heard tonight. I don't think anybody wants to see irrigation stop on the lower Yellowstone.

We think this is a chance for a win-win in

the truest sense. we can save the fish; we can get the water to the crops.

But I want to go back to something that Senator Rosendale said about the Rock Ramp and being sold a goods--a bill of goods. That's our opinion about this Bypass Channel. We just don't think it's going to work.

We are supported in that view by the Montana Fisheries Association. It's a professional organization of all the fishery biologists in the State of Montana, both agency biologists, academics and private consultants.

They agree. They think the uncertainties with this Bypass Channel are so great that it's unlikely to work. And if it does work, it's probably not going to work in the way that we are all hoping it might work.

But who is going to bear the cost of failure in this case? I don't think the Corps is intending to bear the cost of failure. It's going to fall on the Irrigation District. We want to make sure that if we are going to spend the millions of dollars--and I agree again with Senator Rosendale--I think this is a question for the American people.

I think we need the time to find those additional resources to make up that gap. If it's a little more expensive, let's find the funds. Let's do the project right. Let's provide secure electric supply sources, if it's pumps. Let's upgrade systems as needed. Let's get renewable energy to

drive the Project. But let's find that money. Let's not, let's not rush into a solution that's, that's likely to fail.

I think that we have heard a lot of things about delay. Our organizations and other organizations that I have worked with who have concerns about this alternative share your views and concerns that the sturgeon is perhaps on its last days. We don't want to say delay either but we don't want to see a project done that's not going to do the job and be a waste of taxpayer money.

Thank you.

(Applause.)

TIM KOFFKEY: My name is Tim Koffkey. I am a ditch rider for the Lower Yellowstone Irrigation Project District 1.

And for the record, I spent the last 22 1/2 years as a pastor so I am not good at following time limits. I am here to speak in favor of the Fish Bypass Channel. However, I would also like to address some concerns that I have with this process and the agenda of the environmentalists.

First of all, I would like to say having a meeting in Billings to avoid a larger face-to-face interaction with the farmers on the environmentalists is an act of cowardice. I would like to challenge each of you, while I commend you for coming here to Glendive, where were you last night in Sidney?

(Applause.)

Come to the community that you are desiring to destroy. Come to us and meet us face to face.

Secondly, you environmentalists state that the pallid sturgeon has been around for millions of years, which leads me to think that you believe in Darwin's hypothesis of evolution.

If that is the case, then according to Darwin's system, natural selection is the law of the land that only the strong will survive. If the pallid sturgeon has not managed to evolve to adapt to the changes, perhaps it is not meant to live according to the natural selection process.

I would then propose we exert our superior strength and dominion over the sturgeon and have a giant community-wide fish fry and end this discussion's problem altogether.

(Applause and laughter.)

Sorry, I like joking around a little bit.

Thirdly, it's been stated that the fish do not like or will not use manmade bypasses to get upstream. I would like to suggest you take a look at the Hiram M. Chittenden Locks located in Ballard, Washington, a manmade concrete structure for a salmon fish ladder, which the salmon thrive and bypass and get through from Lake Washington out to the Puget Sound and back and forth.

(Applause.)

This leads me to ask the very fundamental question: What is this really all about? Is it really about the pallid sturgeon? I don't believe so. I believe that there is more to it and it all begins with the dehumanization of people.

Ingrid Newkirk, the president of PETA once said, "A rat is a pig is a dog is a boy," essentially saying we are all the same. Humans are not any better than any other animal that exists on the earth.

Finnish Green Party activist Pentti Linkola goes so far as to say he has more sympathy for failing insect species than for children dying of hunger in Africa.

For the environmentalists, enough is never enough. Go back to the 80's, paper versus plastic at the grocery store. We moved to plastic for the sake of the environmentalists but now for the environmentalists, that's not good enough.

So is this really going to be enough or is there more to this? You would rather destroy our communities than to see us live peacefully and respectfully, taking care of the environment of eastern Montana.

On a side note, the proposed wind energy to power the pump stations is an environmental joke as wind turbines have long been shown to kill thousands of birds, as well as bald eagles, which happen to be in the Endangered Species Act as a protected wildlife animal. Yet the wind turbine companies do not face any fine if they kill a bald eagle. And we have lots of bald

eagles. I have seen them just about every day on my run.

I guess it goes to show the hypocrisy of the environmentalist agenda. Scientific facts are valid as long as they will fit within the framework of their agenda.

I support the Bypass Channel as it will allow our communities, schools, local businesses and farmers to continue to thrive. Our farmers and irrigation employees are hard workers who put in long hours so that people can enjoy the convenience of buying food in a grocery store.

They do not do it for personal recognition or for any amounts of money. They do it for the love of the outdoors and a love of what they are doing and for the opportunity to serve their community.

This is why I support the protection of this endanger species, the hard-working farmer before they too become extinct.

(Applause.)

To you environmentalists, I would like to suggest that you come and put in the hard work and hours of the farmers and ditch riders and walk in our shoes for one year. Not one day, not one week, not one month. One year; put in your time. Then perhaps you might have a greater appreciation for what we do.

Thank you and God bless our farmers and God bless Richland and Dawson County.

(Standing ovation.)

MATT SKOGLUND: Good evening. My name is Matt Skoglund. I am here on behalf of the Natural Resources Defense Council.

And first, thank you for the opportunity to comment and thank you for the presentation, in sitting up there, listening to comments tonight, and I really appreciate the comments.

I have listened closely and would acknowledge that what folks have said and just appreciate hearing everything I have heard. We will also be submitting detailed written comments with the Defenders of Wildlife and I'll keep it brief but I would like to highlight a few key points.

Our goal is for a win-win solution that accomplishes two things: one, providing farmers of the Lower Yellowstone Irrigation Project with the water that they need; and removing the existing dam and opening up the river for fish passage of the pallid sturgeon and other native fish. We do not see this as an either or choice between fish and irrigation. We really believe a viable win-win solution is achievable here. We are also not wedded to any specific plan. So long as the irrigators get their water, the river stays open, we will support it. We need to think creatively here, both for the river and for funding options in finding a way to achieve that win-win solution we so desperately want for the river and this part of Montana.

You know, given the great uncertainty of an

artificial Bypass Channel, investing the resources now and finding those funding options to open the river up, it makes the most sense in the long run for everyone. You know, what happens if we spend the money, build a new Bypass Channel and it doesn't work, which could so easily be the case? Where does that leave us in a few years?

I don't--I think it's really, really, really, it could be a bad situation for everyone. So I just think what's the prudent thing now? What is the best win-win solution to keep the river open, provide the water for irrigation? I generally think it's the best, most sensible long-term decision we can make that really would be the best for everyone.

But thanks again for the opportunity to comment.

(Applause.)

TIFFANY VANOSDALL: Next is David Garland, James Brower and Mike Newton.

DAVID GARLAND: My name is David Garland. I am the General Manager for Sidney Sugars.

I was going to come up and speak on kind of the same theme I did last night in Sidney. I kind of would like to shift my thoughts now to the last few comments from those that I guess we consider environmentalists.

I am not here to judge but I fully support-- Sidney Sugars fully supports the Bypass Channel. When you look at things that migrate, things that both come to mind are the monarch

butterfly. It travels thousands of miles, I believe, down to Mexico. I may not have all the facts but it is a very delicate animal. If it was up to man to make sure that every monarch butterfly made it to Mexico, I don't think one would make it there. God has put it into that particular animal to make that migration, to know how to manifest, how to get down there on its own.

Providing this bypass, to me, it is just an extension of the river and I believe it is fully wide enough, it's deep enough. It's my opinion that the pallid sturgeon will see that's the route it needs to take to get around the diversion weir.

I will just leave it at that. Thanks.

(Applause.)

JAMES BROWER: My name is James Brower, and I hate to admit it, for the first time in a long time I feel speechless. Those last few comments were very insightful, very optimistic, and I feel they deal with the passions of those people's heart.

You are saying you are looking for a win-win situation and that you don't want an option that's only been studied for a couple years. But the truth is that the Fish Bypass Channel has been thought about, studied, analyzed three different times, in, I believe, the last 15 years.

But the important part is part of your

suggested options, all of your suggested options involve removing the dam. And that, I want to ask, what is your scientific evidence that removing a dam has ever helped a pallid sturgeon before?

The other part of removing the dam is the only way I know of, after 25 years of designing irrigation in three different states of bringing water into the Irrigation District without a dam, and these aren't real dams. Most people think of concrete structures that stick above the water. I believe that's what you thought before you came to Intake, if you have visited Intake and seen our dam.

But the truth of the matter is a diversion dam is below the water 90 percent of the year. The nice thing about this concrete structure that is going to be added to an existing dam that's been in the river for 108 years is that it is an improvement to an existing dam that is only under water 90 percent of the year.

And by adding that concrete weir to raise the elevation just enough to deliver water to the Fish Bypass so that the Fish Bypass will have 15 percent of the Yellowstone River flowing through it to attract the fish, it also raises it just enough to add water. And the purpose for it to add water into the irrigation canal is so farmers still have water without the need to add rock to the river.

Because some of the pictures you see on the

internet were taken during a historically low flow in August 2012, and they show the rock above the river, and I have to admit when I saw it, I could admit those rocks look like it would hold me from migrating upstream.

(Laughter.)

But I know that fish do swim a hell of a lot better than I do. But here we have an opportunity by adding this fish-friendly concrete weir that has a fish notch in it at the lower elevation so that that fish notch will have water in it even when the Irrigation Project is having less water.

That fish notch and the concrete forces all the water up above the existing weir. And with that concrete, all the water going up above the concrete so it's submerged 100 percent of the year will keep--we no longer have to have the rocks stacked on top of the wooden structure. So the rock will be placed into a short and steep rock ramp that guides the water and the fish up over the concrete.

But the point of the matter is that by installing the concrete weir in itself, it forces all the water above the wood. No longer are there going to be exposed boulders, and that in itself improves fish passage for other fish species.

And because pallid sturgeon can't take the velocities, according to human research, because they can't take the shallow depths that might be above that concrete during the low flow time of the year when the pallid sturgeon aren't usually

in our part of the river, we have designed--I am sorry, the Corps of Engineers designed, and I have helped review and the Bureau of Reclamation has designed, a Fish Bypass Channel mimicking, with the help of Montana Fish & Wildlife's recommendations a couple years ago studying the existing Bypass Channels that the pallid sturgeon seem to use.

This artificial channel that's proposed now mimics natural channels that are proven the pallid sturgeon already use. The point of the matter is we have got a win-win situation.

Right now, less than 25 miles away, Buffalo Rapids has two pumping stations. Both of those pumping stations have either one-third of their pumps down to mechanical failure or half their pumps down to mechanical failure.

The Fallon Pumping Station has been out this entire season and we are about to trip into July. There are crops that have been lost and there is a significant amount of crops that are damaged and they are going into rationing, which is a word that scares many farmers, in order to survive with their electrical pumps designed by engineers.

And what we have now has been reliable for 108 years. And when there has been a failure, every 20 or so years, our guys know how to fix it and it's repaired by locals and it's done quickly, okay. Why trade in the reliability of a system that Teddy Roosevelt dreamed up, our greatest conservationist, why

trade in that reliability for pumps that are proven to fail all over the nation?

Thank you very much.

(Applause.)

MIKE NEWTON: Good evening. My name is Mike Newton. I am here on behalf of Fisher Sand and Gravel Company located here in Glendive, Walleyes Unlimited of Montana, and I sit as the President of the Montana Contractors Association.

This Bypass Channel to us, to the F.W.P. and the F.W.P. has proven this by tracking pallids up the slough for those of us in this group that know about the slough, they have tracked them all way to the Powder River. This Bypass Channel, I have walked it. I have been involved with it directly or indirectly for the past six to seven years. I have visited with the Corps about it. I have talked to Lower Yellowstone about it, the county commissioners, our state legislators, our senators, and our Congressmen.

One of our biggest questions is these environmental groups come forward and they--I won't get into the environmental groups in Montana. I have done battle with them for many, many years. But these two groups that came in unheard of, unknown of, claim all this support from other groups that originate on the east coast. They know absolutely nothing about the Yellowstone River. They know nothing about fish.

The pallid sturgeon, yes, they need to be

saved. I agree with that 100 percent. Bottom line, I was fortunate enough to grow up here in eastern Montana farming and ranching. I know most of these people that irrigate.

A food supply is way more important than a fish. This bypass and where it's located at and the way it works and the way it is built, the guarding and everything about it, says it will work. If they will use that slough, they will use this bypass. But it won't just be pallid sturgeon; it will be many others.

And where they begin to come in at this, at the mouth of it, and I have walked this project, we were a huge contributor with Ames Construction on this project. The money is there. The EAs have been done three different times, as Mr. Brower said. The Corps is not at fault here; the judge in Great Falls is.

You need to look at the big picture here. Get this thing done, get it built, help the fish, put a bunch of Montana people to work in eastern Montana for a little while, two years approximately, and develop our counties and our communities in eastern Montana. We need this.

I know you guys support it. To heck with environmental groups in eastern Montana or any other part of Montana. We need this here now.

Thank you very much for your time.

(Applause.)

TIFFANY VANOSDALL: So that's everyone that has signed up on the sheets. If you did not sign up and you would like to make a comment, feel free to step up to one of the mikes or if you made your comment and have more comments, feel free to step up to the mike. We will step back for a few minutes and let anyone that wants to step forward.

Make sure you give your name and who you represent so that the court reporter can get it.

BLAINE GIFFORD: My name is Blaine Gifford, more commonly known as Chip. I am one of the owners of Johnson Hardware & Furniture in Sidney. It's a business that's been there 101 years. My wife is third generation. It's there so you can see the time frame of it. With the Irrigation Project, the area grew and financially. If we lose, if we lose any of this irrigation, it will cripple, it will cripple the economy, put people out of work.

But one of the things that I did want to comment, since this is really a comment on the Environmental Impact Statement, is probably the most environmentally-friendly system is a gravity system. There is no carbon footprint to speak of.

The multiple pumps will have to be powered somehow. That will either be a carbon footprint from fossil fuels that have to supply power or if you try wind turbine and wind turbine--I was actually just driving down here. We are in a

scenic corridor. If you come down the Yellowstone Valley, you would have visual pollution. That's a consideration that's always been taken into an Environmental Impact Statement also. So wind turbines will be, again, sad.

As far as this being just considered for a couple of years, back in 1990 when the pallid sturgeon were put on the list as endangered, one of the things that they have in that original document is a bypass around some of the dams. So it's been thought of for the last 25 years. This is not something new. And you see it repeatedly in many of the literature by scientists and others.

In fact, I question about that every biologist in Montana supports saying the bypass wouldn't work. I don't have his name, I need to write it down, but in 2013, the head of the Pallid Sturgeon Recovery Program actually specifically mentioned the bypass and said that this was a good way for the pallid sturgeon to help them recuperate so they could go up the river. And he seemed to have the opinion that this would work. So I argue with some of the statistics that have been mentioned here.

But again, I am in favor of the bypass system. It is a weir and water flows over it. People are picturing this as a dam. It's not literally a dam; it's a weir. That's all I've got to say.

Thanks. Bye.

(Applause.)

TAMI CHRISTENSEN: Good evening. Thanks for being here. I am Tami Christensen. I am a co-owner of Tri-County Implement in Sidney, Montana.

I have been in the ag business for almost 40 years. I'm going to date myself a little bit here. My family moved here almost 30 years ago, started a business, learned about irrigation. I am a second generation business owner. We now have the third generation in our business. Hopefully, some day, we will have the fourth generation.

We are here because we definitely support the bypass and the weir. And like some other groups that serve on the State, I do not see why having pump stations, it is not going to look nice. It's going to leave a carbon footprint. The pollution is going to be worse and we need to go forward with this bypass and get this project done.

We talked about spending way too much money. We have spent way too much money studying this. But I think we missed an opportunity last night, and I would like everybody in this room, and I would like this on the record with the--I notice the photographer is in here somewhere. How many people in this room, please stand up if you are in favor of this bypass.

(Majority stand. Applause.)

And on the same--other hand, I would like all the people who are against this bypass to please stand up and

I'd also like that on the record.

(Two attendees stand.)

And that will be it. Thanks.

(Applause.)

KAYLA ECKERT UPTMOR: I'd just like to say I'm not trying to be a drill sergeant on the time but we need to keep it moving and so we kind of have to monitor the statements. But I did stop Ron so if you still had a few comments you wanted to add, please come right back up.

Thanks.

JERRIT SCHMIERER: My name is Jerrit Schmierer. I am a--my parents farm in Savage. I am a mechanical engineer for the natural gas company here in Glendive.

I just wanted to address the couple gentleman that were from the environmental groups. Their big point here tonight is what if it doesn't work? What if it doesn't work, who does it fall on? Where do we go from there? My comment is what if it does work?

(Applause.)

If this works, it's a template for every compromise of dam and fish everywhere. If this works, it's a solution for the next hundred years. If it works, this is going to be a great thing for fish everywhere and for farmers and electric power everywhere. If this works, this is going to be a much greater victory than failure if it doesn't.

Thank you.

BARRY RAKES: I am Barry Rakes with the Buffalo Rapids Irrigation District 2 in Terry. I am president of the Board.

You don't want pumps. We have 11 of them.

(Laughter and applause.)

They break down for any reason. Rock in the the impellers, low water, um, and you have moss that gets into the pumps and tear the pump's impellers up. I wish I could have a natural inflow of water without pumps.

And we have cheaper power and we are still--we just went to \$46 an acre on 11,000 acres is all we farm in our district, eleven five. And believe me, pumps would be a nightmare for you people.

And wherever they got that you could run Sidney Sugars or the Irrigation Project on 600 acre feet of water in that many acres, it's common sense you are not going to. I mean, I don't know who come up with that but it ain't going to work.

I am in favor of this bypass. You can't tell me fish are that stupid, they are not going to go down in there. Really.

(Laughter and applause.)

We'll just have to stop them right there and tell them to turn left.

That's the end of my comments.

(Applause.)

RON ETZEL: Ron Etzel for the Lower Yellowstone Irrigation Project. I just wanted to reiterate what Mr. Rakes said about pumps. They are expensive. They are a pain in the butt to work on and we don't have as many pumps as they do or as much capacity but we are working on them a lot for what we do.

And I do feel sorry for Buffalo Rapids that they have to pump like that. I mean we--our costs are high but it's because we got a little better equipment than they do. We spend a lot of money on our machinery and even on the labor.

We had a lot of issues with labor during the oil boom and that--we are, right now we are running shorthanded. I mean, it's hard to get people sometimes. You know, there is always other jobs that look better to people and they jump over there so--but I agree. Like I said, pumps are expense. Gravity still works and it doesn't break down.

Thank you.

(Applause.)

WALT MCNUTT: I am Walt McNutt from Sidney. I am retired from the implement dealership. My daughter just spoke a little bit ago.

I spent sixteen years of my life in the State Legislature. And in that timeframe, I did a lot of work on

water issues and natural resource issues, chaired the Water Policy Committee, that sort of thing.

The one thing that has always bothered me when we had an issue and we have our own environmental groups in this state, and they are welcome to their opinion. We live in America and everybody is welcome to that.

But the solutions often paralleled the comment that was made tonight. I want a win-win situation as long as you take the dam out. This is what we get all the time. We are going to play ball with you if you do it according to us. Not what you want, not what you need, not what you live with and not what you built in this system that has worked for over a hundred years but we want a win-win--I want you to listen to that--as long as you take the dam out.

Now that doesn't sound to me like we want to work together at all. We are either going to play their ball game or they are not going to play.

(Applause.)

MIKE RUDDY: Yes. I am Mike Ruddy. I am a candidate, Democratic side, for the District 36.

I am an environmentalist and I am also an evolutionist. But I support this Project. I support this dam.

A lot of times, we are taking a lot of bad hits here: Democrats, environmentalists and it's not what they say it is. I believe this is a good project. It's the only

common-sense solution to the problem. People say that we've got to study. There are some environmentalists I know their favorite game is to delay the project. I will tell you, in my life, no decision is worse than wrong decisions. You have got to make the commitment and find out you are wrong.

If it doesn't work, the Corps of Engineers, the Bureau of Rec, they will soon recognize it real quick and we will get it modified or we can change it to do something else. But we have to make a decision. We have to go forward.

A lot of these people that say, well, we have got to do more studying, that's their game. They just like to play that game. They make study after study after study and that's what they do for a living.

The trouble in Montana, we have too many intense bureaucrats that don't want to make a decision that want--delay on a railroad. I used to work on the railroad. We had a tool house built. People that go to the tool house, they can talk about how much time they put in or how many rail they laid.

But in all reality, they never got the motor car on the track. We need to get the motor car on the track. We got to unload the steel. We have got to put in the time. We can't just keep talking about it. I don't care how many engineers you send out to tell us this way or that way.

This is the best alternative. If it's

wrong, I know it's probably going to be a little bit ineffective. Some of the pallids still ain't going to make it. But for the majority; and the greatest percentage of them will and they will be able to survive.

That's it for me. Thank you.

(Applause.)

ART GEHNERT: I am Art Gehnert and I'd like to speak once again.

I have spoke about the nature of the project and now I'd like to speak about the history of the project. And the history of the project is that it has worked.

it's worked for all these years with quite extensive maintenance and quite a loss of river in the valley because of the Rock Ramp being in there, the fish cannot go upstream as they would like to do.

And the first proposal that we had when I first attended meetings on this Intake Project, which was about 20-plus years ago, is that we would build a Bypass Channel from upstream to deliver water at the required 1500 cfs for the complete irrigation system to have and that Bypass Channel would bring water from five river miles upstream, which gives it enough head to operate the screen structure as presently constructed.

It could operate. It could work to protect some people's property, including the railroad and the highway system that's in there. It could work to bring water to the

irrigators and return the larval drift that will occur if the spawning does occur upstream of Intake.

The larval drift needs to be accounted for. They would go by the screens and a portion of the water that we took out upstream would go past the screens and carry the larval drift back into the river. Any other fish would be in the remaining 85 percent of the river at normal pull rate.

Now, if we take 1500 cfs out when we are trying to build a dam, they are trying to build a bypass structure, when we do all this work on dry land and build this levy alongside the railroad track and the highway system and some personal property to protect those properties and deliver the water to the irrigators with one head gate at the bottom end and one head gate at the top end, one to control the flow at the screens to allow the larval drift to pass underneath that head gate and another head gate upstream to control the flow into the canal, it would work. It was one of our very first proposals on fixing Intake and I was there. I made that proposal. And it's still has not ever been scientifically studied or engineer-wise studied.

Thank you for your time again. I appreciate it.

(Applause.)

MAXWELL SCHWARTZ: My name is Max Schwartz. I spoke earlier.

one of the negative comments that I heard earlier was what if we do do this and it doesn't work? Okay, so how about another what-if? We put in the pumps, we tear out the dam and how about that doesn't work?

A VOICE: Yeah.

MAXWELL SCHWARTZ: What happens then? You just wash your hands and say, "Oh well, I tried," but what about the people that negatively affects, that ruins their life and their livelihood? Where do you go from there when you just washed your hands and said, "Well, that's it for me. I will go back to my regular life like I always do," and just leave the farmer out there with nothing?

That's it.

(Applause.)

SAMREE REYNOLDS: My name is Samree Reynolds. I talked earlier.

My thing, I guess, is the time and the study. You spend more time studying this and more money studying this, by the time you get done, there may not be any pallid sturgeon to worry about. So I think we need to support something that we know is going to work, that has already been proven, that is already there. Let's go ahead and go with it. And yeah, what if it does work? Let's just go with it.

Thank you.

(Applause.)

TIFFANY VANOSDALL: Is there anybody else that would like to comment?

Steve is going to take a few minutes to give you some closing comments. The agency staff will be out in the hall if you would like to talk to any of us.

STEVE DAVIES: Hi. My name is Steve Davies with the Bureau of Reclamation.

On behalf of the Bureau of Reclamation and the Corps, thank you everybody for showing up tonight, taking the time to come and speak to all of us your input, your comments, your verbalizing these or provided comments on any of these matters. Any of these meetings are critical for us to make an informed decision.

Thanks, Tiffany and David, for making this presentations tonight and standing for the whole time while everybody was doing that. Thank you.

Thanks to our recorder recording every word that's been spoken tonight.

Last but not least, thank you for the staff of this wonderful facility for setting this facility up. The lighting, the acoustics, everything. We really appreciate being able to come into a facility like this and conduct a meeting like this.

As Tiffany said, we are going to remain as long as necessary. If anybody has any questions, we are going to

be hanging around outside for a while.

This is the second of three meetings.

Tomorrow night we have a meeting in Billings, Montana. That will be our third and final meeting. That's in the Lincoln Center in downtown Billings. The format is exactly the same as it was tonight, as it was in Sidney last night. It will be the same presentation, the same opportunities for people to come up and talk.

How to comment, I really want to stress we have recorded every word that everybody has said tonight. You can mail comments. You can e-mail comments. Please have these in or at least postmarked, if you are mailing in, by July 28th; really critical.

The documents are all available on the Montana area office website. This is the Project website that's listed at the bottom of this slide. This presentation will also be there. The entire Draft Environmental Impact Statement and all associated, all supporting documentation and Appendices are all posted there.

We do have a limited number of CDs available should anybody want one with those documents on it. Please see Mr. David Trimpe or ask any one of us and we will try to get you one. We don't have enough for everybody and I apologize for that. But again, these are available online.

With that, I am going to conclude our

comments tonight. Thanks again everyone for coming. Your participation in this is really indicative of the interest and importance of this project.

So thanks everybody.

(Applause.)

(End of Public Proceedings.)

WRITTEN COMMENTS

I support the by-pass channel plan. This plan, devised by the Army Corps of Engineers and the Bureau of Reclamation, will work for the farmers, area businesses, local water wells, & all plants & animals who depend on a reliable water source, as well as the pallid sturgeon to use the Yellowstone River if the fish chooses to. This river diversion weir at Intake has been in existence and operational for over 100 years. Yet, the fish survives. Humans, plants, animals & fish need the water for life!

Linda Nelson

Valley Garage Inc.

PO Box 177

Savage, MT 59262

The bypass channel will allow fish to navigate the river (as they have done for the 100+ years Intake diversion dam has been operational. The livelihood of citizens in this Yellowstone River valley depends on the reliable water source not only for irrigation of crops, but all ag related businesses that feed the local economy. Please don't underestimate the catastrophic effects on people, plants & wildlife if our beautiful valley is forced to become a dry prairie with very little life being able to exist. The irrigation project allows our area to be productive.

Our area contributes to the State and federal finds, through taxes. Take the irrigation away and government programs will have less cash to operate. We, the people, the taxpayers of this area support the bypass channel.

Gary Nelson

Business owner, Valley Garage Inc.

PO Box 177

Savage, MT 59262

CERTIFICATE OF REPORTER

I, JOSLYN CUMMINGS, Official Court Reporter,

Do hereby certify that I reported in machine shorthand the foregoing proceedings at the time, place and with the appearances hereinbefore noted.

I further certify that the transcript transcribed from my original shorthand notes by means of computer-assisted transcription, is a full, true, and correct transcript of the oral statements adduced therein, to the best of my ability.

I further certify that I am not of counsel for, nor in any way related to, any of the parties in this matter, nor am I in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of July, 2016.

JOSLYN CUMMINGS
Official Court Reporter