

DRAFT ENVIRONMENTAL IMPACT STATEMENT

for the

LOWER YELLOWSTONE INTAKE DIVERSION DAM

FISH PASSAGE PROJECT

PUBLIC INPUT MEETING

TUESDAY, JUNE 28, 2016

6:00 P.M. - 7:00 P.M.

RICHLAND COUNTY FAIRGROUNDS EVENT CENTER

2118 WEST HOLLY STREET

SIDNEY, MT 59270

U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

KAYLA ECKERT UPTMOR: Good evening. The U.S. Army Corps of Engineers and the Bureau of Reclamation welcomes everybody this evening to the public meeting. My name is Kayla Eckert Uptmor. I am the Chief of Civil Works for the Omaha District.

There are a number of staff that you will see tonight. We represent the Omaha District. Our district headquarters is the largest geographical boundary, Montana following the Missouri River Basin down to just south of Omaha, Nebraska. There is a number of us who traveled out today. We appreciate seeing such a great turnout tonight. We are really looking forward to hearing from everybody.

The U.S. Army Corps of Engineers and the Bureau of Reclamation as joint lead agencies have made available for public review and comment the Lower Yellowstone Intake Diversion Dam Fish Passage Draft Environmental Impact Statement, or an EIS, as many of you have heard it called. This is the first of three public meetings that we are holding. The second one will be June 29, tomorrow, in Glendive; and the third will be June 30th in Billings, Montana.

The purpose of the meeting is to hear from you. We will not be answering the majority of the questions directly. Our intent is to ensure that there is enough time and opportunity for as many folks from the public to be heard as possible.

We have a transcriber who will be recording

everything this evening for the record. And we ask that you do take time to sign in this evening if you haven't already, if you didn't have the opportunity when you came in.

I'd like to take a quick moment, as I mentioned, we have a few folks from Omaha District staff. It's a local state Bureau of Reclamation office. Major Arlo Reece, the Omaha District Deputy Commander; Tiffany Vanosdall, the U.S. Army Corps of Engineers Yellowstone Intake Project Manager; Eric Laux, the Omaha District Chief of Environmental, way in the back in the yellow shirt; Curtis Miller, the Omaha District Chief of Hydraulics, for the Hydraulic Engineering Section; For the Bureau of Reclamation, we have Steve Davies, the Montana Area Office Manager; Gerry Benock, the Bureau of Reclamation Area Office Manager of Planning; and David Trimpe, the Montana Area Office Yellowstone Intake PM.

So again, we are here to hear from you tonight. Hopefully, everybody was able to pick up this sheet on the meeting guidelines and I just want to review that real quick. Again, if you plan to speak tonight, at the table back here, we had sign-in. If, as the evening progresses, we get through the folks that have signed in, you folks that also want to stand and speak, there is certainly going to be opportunity. We are here to listen until the last person who wants to speak has spoken.

If you do plan to speak, we will be speaking in the order of the sign-in sheet to start with. When you come to

the microphone, there is two microphones in the front. When you are called up--Tiffany will be calling folks up--please state your name clearly and who you represent or if you are just general public so the transcriber can get that.

We are going ask that you please, in this initial round, limit your comments to three minutes. I have a hot pink sheet here with a number one that tells you when you are down to one minute. If you wish to speak again, there is certainly going to be opportunity. So the three minutes again is just to go through one round to make sure that we get everybody heard, and then if you need additional time or have additional thoughts, certainly there is going to be opportunity to come back up. And again, as I mentioned, the meeting and public comments will be recorded by our certified court reporter for the official meetings documents.

So again, we are happy to be here. We are happy to be here to hear your views on the project. We value your input. We value your opinion. So with that, I will turn it over to David and Tiffany, and we will get started.

Thank you.

DAVID TRIMPE: Thank you, Kayla.

All right, so just kind of a brief history of the Lower Yellowstone Project. It was authorized under the Reclamation Act of 1902 as a single-purpose project. That means that any funding that Reclamation spends on this project, the

Irrigation District water users have to reimburse. They also pay for the O&M.

The project was constructed from 1905 to 1908 by Reclamation, with the first water being delivered in 1909. As you can see on the left, the Project does have four Irrigation Districts: Intake, Savage, Lower Yellowstone Districts 1 and 2. Facilities include the Intake Diversion Dam, the headworks and fish screens, the 72-mile-long Main Canal, 225 miles of laterals, three pumping stations, and the Project does cover about 58,000 acres. Operation is controlled by the Lower Yellowstone Irrigation Project Board of Control and diversion rate is 1,374 cfs, which is the water right.

So the pallid sturgeon, which is the reason why we are here, was listed in 1990 by the Fish & Wildlife Service. It is considered endangered throughout this entire range. It is, however, native to both Yellowstone and Missouri Rivers. Primary threats are construction of dams, bank stabilization, entrainment, disease and predation, as well as commercial fishing.

So currently, pallid sturgeon are mostly found below the Intake Diversion Dam down to the headwaters of Lake Sakakawea. But historically, they were found upstream of Cartersville and also used the Tongue and Powder Rivers. So the reason why we are here is that we provide fish passage at Intake Diversion Dam that would provide 165 miles of additional spawning, rearing and drift distance. The next likely impediment could be

Cartersville at River Mile 237.

So shortly after the pallid sturgeon was listed in the 1990s, Reclamation decided to start studying the pallid sturgeon and identifying any effects that the Lower Yellowstone Project may have on the pallid sturgeon. Best available science says that there is limited passage past the dam, mostly through the existing side channel around Joe's Island. And we did have entrainment into the main canals, especially when they were stocking them upstream.

2005 was a big milestone for the Project. We did a big Value Planning Study where 110 alternatives were identified for fish passage and screening. In 2007, the Water Resource & Development Act authorized the Corps of Engineers to assist Reclamation with construction and implementation of the Project at Intake Diversion Dam.

So we have been through several environmental assessments. The first one was back in 2010, where the Corps and Reclamation identified the Rock Ramp as well as the Screened Headworks as a preferred alternative. In 2012, the new headworks and screen insertion was completed. In 2015, the Supplemental Environmental Assessment was released identifying the Bypass Channel as the new preferred alternative.

And then in 2016, we are currently undertaking this Environmental Impact Statement. So the Draft EIS was announced in the June 3rd publication of the Notice of

Availability. Shortly after the Draft EIS hit the street, Reclamation and the Corps released an Addendum discussing and disclosing four alternatives that were not discussed in that initial Draft EIS. Because of that Addendum, the public comment period has been extended to July 28th. The Draft EIS does look at six alternatives, one of them being No Action.

So the purpose and need of this Project is to improve passage for pallid sturgeon and other native species, as well as continue the viable and effective operation of the Lower Yellowstone Project, as well as contributing to ecosystem restoration. Prior to the Draft EIS, we did go through a public scoping period, which occurred from January 4th through February 18th. We did hold one scoping meeting in Glendive on the 21st.

There on the right, you will see a summary of the comments that the agency had received. Most of them were considering alternatives to threatened endangered species as well as economics. Also during scoping, we had several alternatives that were proposed. Just a couple of them were Dam Removal with Pumping Implementation of Wind Power, a Trust Fund, a Low-head Hydro Project and Physically Relocating the Pallid Sturgeon Upstream of the Dam without providing a passage avenue.

So the alternatives that we are going to talk about tonight that are also in the Draft EIS include the No Action, the Rock Ramp, the Bypass Channel, the Modified Side

Channel, the Multiple Pump Stations and Multiple Pumps Stations with Conservation Measures.

So the No Action, which is also considered the baseline which you measure benefits and impacts of the action alternatives to would include the continued operation and maintenance of the districts as currently occurs. This does include the annual placement of rocks on the dam to check water. And because no passage would be provided at the Project, Reclamation and the Corps would likely have to consult with the Fish & Wildlife Service.

Annual O&Ms for No Action is about \$2.6 million and the per acre cost is \$46.53. This is higher than current assessments because this does account for rehab of the rocking structure, as well as the monitoring requirements out of an endangered species consultation.

So the Rock Ramp, just like was analyzed in the 2010 and 2015 EAs, does have a new concrete weir just upstream of the existing diversion dam. Many people have said that this concrete dam would be higher, but it is actually the same elevation as the current rock that is placed on the existing dam. This does include the 1500-foot shallow-sloped boulder and cobble rock ramp, and this does provide the Irrigation District with their full water right down to flows of 3,000 cfs in the Yellowstone River.

The Rock Ramp does cross across the boat ramp so

the boat ramp would have to be relocated downstream. Construction is estimated at about 90.4 million, annual O&M about 2.8 and then a per-acre cost of \$50, which is approximately 7.5 percent higher than the No Action.

The Bypass Channel, which is also the agency preferred alternative, includes an 11,150-foot bypass channel. The entrance would be located just downstream of the existing dam and rubble field. This does, like the rock ramp, include the construction of a new concrete weir that does provide for the full water right down to 3,000 cfs.

All the material that is excavated from the bypass channel will be placed into the existing side channel to help stabilize the upstream entrance of the bypass channel. Construction is estimated at \$57 million, annual O&M of 2.8 million and then a cost per acre of \$49.27, which is approximately 5.9 percent.

So now we have three alternatives that were not previously analyzed. And with that, I will turn it over to Tiffany.

TIFFANY VANOSDALL: So as David said, there were a few alternatives that were proposed during scoping and in some comments that we received that were either previously analyzed and dismissed, or had never been analyzed in documents before.

One of those is the Modified Side Channel. Essentially what that is is the existing side channel that is out

there would be excavated so that it would flow more frequently. A few pallid sturgeon have been documented to pass through the existing channel. And the purpose of this would be to excavate it to a level that they could pass more frequently. It would not include a new weir structure. It would include maintenance of the existing structure that's there right now. So there would be a bridge put in over the channel to provide for that ability to O&M the existing weir.

The entrance of this side channel is about a mile and a half downstream of the existing weir. The bypass channel is right at the weir. So if you looked at an EIS, generally fish biologists prefer for a fish bypass to be closer to the obstruction. So that's one downfall of this alternative; the exit to it is quite a bit downstream. But it does take advantage of the side channel that's already there.

Construction on this alternative is approximately 54 million, annual O&M is about 2.9 million so O&M per acre is about \$51.18 per acre, which is an increase of around 10 percent.

Another alternative that's considered in detail in the EIS is a Multiple Pump Stations. Basically, that is removal of the existing dam, construction of five pumping stations that include four pumps at each station. The pumping would deliver the full water right.

We would have to upgrade the existing power structure in order to get enough power out there to run the pumps.

The existing headworks that was constructed in 2012 would be used when river flows are high enough for the gravity diversion, which is anything pretty much over 30,000 cfs in the main river, which is about 17 percent of the irrigation season. The rest of the time it would be pumped through those pumps so you could save on some O&M of pumping when it could be diverted through the existing headworks. It would require some alterations to the intake FAS because one of those pump sites would need to be placed at that location.

Construction is about \$132 million, annual O&M is a little over 5 million, which is an annual O&M per-acre cost of a little over \$88, and that is a 90 percent increase from existing O&M.

This chart is a schematic of how the pump stations would work. They would actually--there would be an intake off the river so the pumps would not be right on the river's bank. There would be an intake canal that would lead to the structure, and there would actually be fish screens constructed within those canals. And then there would be a pump that would remove those smaller fish from that canal and put them back into the river.

To give people an idea of what that pumping would look like, a lot of people have asked us, "Well, aren't there existing pumps and how would they compare to the pumps for other irrigation districts?"

The Lower Yellowstone Project peak demand is about

1,000 per unit. That, of course, is cfs, which is 888 million gallons per day. Some of you might be familiar with the Savage Pumping Plant. That has an intake of 60 cubic feet per second so that's 38 million gallons per day, which is only about four percent of what the need of the Lower Yellowstone need is. So you would require 20 stations that are the same size as what the Savage Pumping Plant is.

The last alternative that's considered in detail in the EIS is Multiple Pumps with Conservation Measures. And the idea behind that is that you could implement conservation measures both on the irrigation canal and on the farms that would theoretically lower the need of withdrawal. So in this case, you would remove the Intake Diversion Dam. You would construct seven pump sites, which would have six Ranney Wells at each site.

And a Ranney Well is basically--it's not a surface water diversion. It's for a ground water diversion so it actually pulls water from the alluvium of the river, which is kind of the ground water that exists around the river. We would have to again upgrade the existing pumping system.

We have looked at wind power to use for that pumping, and we would potentially be able to bank the wind power that's created when the Irrigation District didn't need power, and it would offset some of those costs. You could gravity divert out of the existing headworks at least part of the cfs that's required for 60 percent of the time. Forty percent of the time, you would

have to do pumping only.

It would require implementation of conservation measures that would reduce the capacity of withdrawal to about 680 cfs. So you would have to do conservation measures throughout the system that would reduce pretty much the requirement to about half of what it is.

It would require a redesign of the Main Canal because, as you know, the canal right now transports 1,374. It would have to be redesigned to transfer about half of that through it. And it would also require relocation of the intake FAS because one of the Ranney Well sites would need to be located at that spot.

Construction of that alternative is about \$477 million. Annual O&M is about 4.4 million per acre. That's about \$77, which is an increase of about 66 percent over your existing condition.

So some of the conservation measures that were proposed in scoping to go along with this alternative, including additional check structures in the Main Canal, flow measuring devices installed at the canals, convert some of the laterals to pipe, installing center pivot sprinklers, lining the Main Canal and the laterals, control over checking, which is an operational change for the water levels, and then ground water pumping and installing some ground water pumps.

If you read the analysis in the EIS, you will

notice that there is a lot of analysis that goes into whether it's even feasible to reduce it this amount and still deliver the amount of water that the Irrigation District needs. And the conclusion is you can't bring it that low and still deliver that water that is needed throughout those acres. But it is analyzed in detail in the documents.

And this is just a schematic of a Ranney Well. It shows how it has a screened lateral pipe in the ground water that pulls water into the pumping station.

So this is an overall comparison of cost estimates between the alternatives. The first line is construction costs. The second line is the duration of construction. One of the things you have to consider is how long an alternative takes to construct if you are looking for benefits for pallid sturgeon passage. If an alternative takes a long time, such as the Multiple Pumping with Conservation Measures, which takes 90 months, you are actually going quite a while before you are getting benefits for that alternative.

So we do look at how long it takes a construction alternative when we are considering implementation. There is cost of design that's associated with each alternative. And generally, the more expensive the alternative, the more expensive the design costs. The same with construction management; a more expensive, more complicated alternative has a higher construction management cost.

There are real estate costs associated with the Modified Side Channel, the Multiple Pump and the Multiple Pump with Conservation Measures. The Rock Ramp and the Bypass Channel are both constructed on existing federal land. The others would require some acquisition of private property in order to construct them.

So that gets us to what we call the total first costs, and that adds up all of those costs together and has a total cost that we consider when we are trying to decide on an alternative to implement. Then we look at annual O,M&R, and that is listed across the bottom and I talked about those before.

And then we take all of those and we actually annualize the costs over 50 years. So we try and make it a fair comparison so if something is extremely expensive to construct but then has a really low O&M, it can compete against something that has low construction costs but an extremely high O&M. We want to make sure you are taking all that into consideration.

And so when you are trying to make a decision on ecosystem restoration, essentially when the government constructs a project, we try and look at cost/benefit ratios. Are the benefits that you are getting out of a project worth the cost that it is going to take to build the project?

When you are doing ecosystem restoration, it's hard to assign a monetary value to what the ecosystem is worth. And so what the Corps of Engineers does and what we are required

in our analysis is called cost effectiveness. And essentially what that does--and I am not going to get into the details of it--is if somebody is actually really interested in how this process works, you can catch me after the meeting, and I will walk you through every step of it. But I have a feeling it would completely bore everyone in here.

But essentially what you do is you look at each alternative and you say does this alternative provide more benefit for less cost than the other alternatives? And it's kind of a rating system. And after you do that, you say yes, it's cost-effective if it has a higher benefit for a lower cost than other alternatives.

So from that analysis, you show the No Action is always cost effective. The Modified Side Channel shows up as cost effective because the net benefits are higher than the Rock Ramp, which is the next one below it, at a lower cost. And the Bypass Channel is cost effective, and the Multiple Pumps are cost effective because the Multiple Pumps, based on the modeling, has a higher benefit than the Bypass Channel, even though the cost is quite a bit more, it shows up as being cost effective because it has a higher benefit.

Then you do what we call income-out cost analysis. And that basically says for each habitat unit that these alternatives deliver, what am I paying for each one of those habitat units? And then the two that we analyze, the Bypass

Channel and the Multiple Pump Stations, the Bypass Channel gets you about 70 percent of your benefits at a price of \$727 per habitat unit. To get the additional benefits that you get from a pumping station, you pay an additional almost \$1,400 per habitat unit. And the decision that you have to make is are the additional habitat units worth that additional cost? And so that's the process that goes into the decision-making of what alternatives are cost-effective and what you are going to select.

So a summary of the impacts that are in the EIS, I am not going to go through each one of these, but basically it's just a comparison of the major resources: hydrology and hydraulic, ground water hydrology, geomorphology, communities, listed species, lands and vegetation, recreation, noise, socioeconomics and historic properties. And each of the alternatives is compared against the baseline to show what the major impacts are going to be, and all of that is within the EIS.

In several instances, the impacts are beneficial. In most, they are fairly minor. Some things like historic properties, all of the alternatives have major impacts because the irrigation, the features out there are all historic property. So there is some impact of historic property no matter what alternative you implement. So all of this is in the EIS, and we can talk about any of the specifics if people want later.

So the preferred alternative of the Corps of Engineers and Bureau of Reclamation as identified in the Draft EIS

is the Bypass Channel. The reasoning for that is the Bypass Channel, in coordination with the Fish & Wildlife Service, meets the needs of the pallid sturgeon and is expected to pass enough pallid sturgeon in order to meet our biological requirements. It is a cost-effective means of providing that fish passage and meeting those biological requirements. It's expected to have the lowest O&M for the Irrigation District, and it does not result in any significant long-term environmental impact.

So that brings us to what you guys are here for, and that's how you can comment on the EIS. Tonight we will take any spoken or written comments. Your spoken comments will be recorded. Your written comments you can either hand to one of us or you can send them in later. You can also send them by mail. You will not get a response that says, "Hey, we got your comments by mail," but you can send it certified if you like. You can also e-mail the e-mail address up there. If you e-mail it, you will get a nice little e-mail back from Jennifer Salak saying, "Hey, we got your comments. It's been forwarded on to the PM."

The due dates, all comments must be postmarked or received by July 28th in order to be considered in the Final EIS. And then if you need any additional information on anything, if you have any questions about the EIS or the process or whatever, you can actually contact either David or myself. Our contact information is up there. Just give us a call and we will talk about any of your concerns.

And then that also gives the Project website. It is Bureau of Reclamation. If you Google Intake Fish Passage, it would probably come up as well.

So we are going to move into the spoken comment portion of this meeting. Again, if you haven't signed up to speak, I would encourage you to go sign up. We are going to call out all of those names first. I am going to call out four names at a time, and we would ask you to just come up to the microphones, and when those four get done speaking, I will have four more come up.

Kayla will hold up that little pink sheet when you have a minute left. The only reason we do that is we want to make sure--there is a huge number of people here. We want to make sure everybody has an opportunity to at least get up to the microphone. Once we get through everyone, if you don't feel like you have had enough time to say everything you needed to say, you are welcome to come back up and make more comments.

We will be available following the meeting in the back if you want to talk to one of us, if you just have a question that you want answered on the spot. We are not going to answer any questions in this larger venue right now, but we are more than willing to talk at the back of the room. And all comments that you give will be part of the Final EIS so they will be published with the EIS itself.

All right. So we are going to start off with the

elected officials and first off: Duane Mitchell, Richard Cayko, and that's it for elected officials. If anyone else is an elected official and they want to speak right now, this would be the time to step up to a microphone.

DUANE MITCHELL: I would like to thank everybody for coming tonight. And you know it's written in the Bible in the Book of Genesis, Chapter 1:28, "God blessed them and God said unto them be fruitful and multiply, replenish the earth and subdue it and have dominion over fish of the sea and over the fowl of the air and over every living thing that moveth upon the earth."

Last Sunday, a young lady asked my wife in church, "How is it that this dam has been operating for 107 years and the pallid sturgeon aren't extinct yet? They must have figured out some way to get around this diversion dam."

The other question I have is everybody is concerned about global warming and the carbon print. My question is how much carbon print has this dam created in the last 107 years of operation? And then as a county commissioner, I made some calls the other day. And there is 130 employees that work at Sidney Sugar that produce about \$4 million in wages in this community. And according to the Chamber of Commerce, them wages are spent six times in the community so that's a \$24 million hit just from the factory.

And then as a commissioner, I am really worried about the tax base so I called Helena, Montana Department of

Revenue. And one irrigated ground appraised value is \$664.62. A wild hay acre is \$175.98, and a grazing acre is \$39.30. So when we go to start figuring out our tax values, that irrigated property is worth \$14.34, the hay ground is worth \$3.80, and the grazing land is worth 84 cents.

If you do anything to that dam, you are going to kill this county. There is 55, 58,000 acres, and that tax base would disappear. And we know what happens when taxes go down. So please think about that.

Thank you.

(Applause.)

TIFFANY VANOSDALL: And I didn't say it earlier but I want to remind you to say your name and if you are representing anybody.

RICHARD CAYKO: My name is Rich Cayko. And that's spelled C-A-Y-K-O; it's not P-S-Y-C-H-O.

(Laughter.)

I represent the Lower Yellowstone Irrigation Project as the Chairman of the District 2, which is the North Dakota side and also as the Chairman of the Board of Control. I also am a County Commissioner from Kinsey County, North Dakota, and I serve as Chairman of that group at this time. I am also a Director of the Garrison Diversion Conservancy District in North Dakota, which deals with the Army Corps of Engineers and Bureau of Reclamation with many projects.

I am just going to make a statement that says that we believe that the weir and the fish bypass would be the best alternative. As you all know, we studied this back in 2009 when we had all these public meetings. I was involved with this. I was at many meetings with many of you folks. And we studied it, I think, very, very thoroughly.

The other alternatives were looked at and most of them, you know, was the cost factor. The farmers here, they etch out a little living here and they do a good job. But there are four and five generations that have been here for a long, long time. We want to keep it that way.

The Project itself does a lot for the community, does a lot for the environment, it does a lot for the habitat of these endangered species. Not only the pallid sturgeon, there are other ones around here too. And I don't want to put the farmer on that endangered species list. So with that, that's all I have to say for now. The rest of them can get on the hot topics.

Thank you.

(Applause.)

TIFFANY VANOSDALL: All right. I am going to call four more up. If you guys would all come up and just get in line and make sure you state your name. Samree Reynolds, Marcy Hamburg, Ron Etzel and Bob Gilbert.

SAMREE REYNOLDS: Hello. My name is Samree Reynolds and I am with Sidney Sugars. And I spoke up two years

ago about this in Glendive. And back then, I didn't have any information and no education. Well, this time around, I'm a little better educated and little bit more informed.

But I am still not understanding why we are even going through this when you have shown that the bypass is the answer to our problems. We are saving the fish and saving the farmers. I guess my question is why are we saving one species from being extinct while making another species extinct, the farmers? We need them. So I say let's go for it.

Thank you.

(Applause.)

MARCY HAMBURG: My name is Marcy Hamburg. I have had the privilege of being married to my wonderful husband for 35 years and been living in this community since then. He has worked for the Irrigation Project for the past 45-some years and I have known many of the men and workers who worked for the Irrigation Project. I have gotten to know several of the farmers in the community.

Our Commissioner Mitchell made the comment that if the Irrigation Project is not here, the dam, the bypass is probably the best option for our community so that we can maintain the business and the properties that our communities have had over these several years.

I am also the County Planner for Richland County. Over the years, the last probably seven years with the oil

industry, some people might say that we have enough money to maintain our community with the oil money. That is not true. Our community is an agricultural-based community. It has been for a hundred years and will continue to do so when the oil is no longer a viable source for Richland County like it was 30-some years ago when we had not enough revenue, even to maintain our county with the roads and everything that's going on in our communities with the impact from the oil industry.

So I would like to show my support in saying please, get this project done.

Thank you.

(Applause.)

RON ETZEL: My name is Ron Etzel. I am an equipment operator for the Lower Yellowstone Irrigation Project. And I know first-hand that these pumps are expensive to maintain and they break down a lot. And I am sure the board members would say, too, that the bills are expense for them; and when they are broke down, you don't have any water.

I am sure if you have been hearing about Buffalo Rapids, they were without water for about a month on one of their pumping stations. And I think that we need to have the Bypass; it's probably the best option for the farmers, the Irrigation Project and for the fish.

Thank you.

(Applause.)

BOB GILBERT: Good evening. My name is Bob Gilbert. I am the Executive Director of Walleyes Unlimited of Montana, which is a 3,000-member 501(c)(3) non-profit group.

We strongly support more and more fishing and having more and more fish in the State of Montana. However, we also support the preferred alternative on the Intake Diversion. It will work. It will be cost effective.

I looked at the--I try to be nice but sometimes I have a little difficulty. The opponents to the preferred alternative told the judge, and he agreed, that there is no guarantee the fish will use this bypass.

But the other question is: Is there any guarantee that the fish won't use it? It's a two-way street. We have to do the best we can. People come first.

You may not like it; you may not be happy about it, but people come first. We will try to do what we can to save these endangered species. But every day in this world, numerous species go extinct. That's the way it is. If it hadn't happened, we'd have T. Rex's running around here and all sorts of things. It just doesn't work that way.

So our organization, 3,000 members, we support the preferred alternative. We will be appearing in Glendive tomorrow night, and if I can get somebody to do that, another one in Billings. Billings is--Billings reminds me--having a meeting on the Intake Diversion Dam in Billings reminds me of the

Administration for the United States having coal royalty hearings in the State of Washington that doesn't have any coal.

(Applause.)

And the opponents can--I spent 10 years in the Montana Legislature and I've been lobbying in the Legislature for 22 years now. I don't call them environmentalists anymore. The majority of them, they are obstructionists, and that's what's happening.

(Applause.)

Again, we support the preferred alternative. I urge you to do it and we will continue talking to you and not about you.

Thank you.

(Applause.)

TIFFANY VANOSDALL: So the next four, Gerry Entzel, Garth Kellesig, David Garland and James Brower.

GARTH KELLESIG: My name is Garth Kellesig. I have lived and worked in the area for about 63 years.

When can you ever remember having three government agencies that agree on the same thing? The Army Corps of Engineers, Bureau of Reclamation, Fish, Wildlife, and they all three agree that the Fish Bypass is the best option and I think that probably the majority of the people here agree with that as well. It's the best solution for our community as a whole, especially for our ag producers and all of our businesses that

would be affected, our local environment, and last but not least, the pallid sturgeon. I strongly support the Fish Bypass Project.

Thank you.

(Applause.)

GERRY ENTZEL: I am Gerry Entzel. I was born and raised in Sidney. I don't farm but I support our local agriculture community.

There is no proof about this. It says, "the Intake Diversion Dam has likely impeded upstream," which means perhaps it hasn't either.

A VOICE: We can't hear you.

GERRY ENTZEL: So I support the farmers. I don't know where the proof is. I think the pallid must be kind of lazy because there is lots of shovelnose sturgeon in--and I don't know how many people know the difference between a pallid sturgeon and a shovelnose unless you have one on your fishing rod. They look a lot alike. But there are lots of other bottom feeders like the carp and the buffalo fish.

And I agree with Duane Mitchell about the carbon footprint of our Diversion Dam. And I also had someone ask me about are there other diversion dams on the Yellowstone. And do the people that oppose the Diversion Dam really know how it works, like with gravity and so on.

But I think our farmers are good stewards of the land; they take good care of our ecosystem. They know what they

are doing. And I just think we need to support them and they are the ones that are using this and this is our county. This is our part of the river and the major set of the people that use it and take care of it because--they take good care of it because that's their livelihood. I think we need to do what's best for our agriculture program here.

Thank you.

(Applause.)

DAVID GARLAND: My name David Garland. I am the General Manager for Sidney Sugars. I don't want to put you on the spot, Duane, but your numbers are a little low. Wages are along about 10 million a year with benefits added on top of that. But the point is the economic impact is significant that Sidney provides.

Looking back at the history of sugar beet processing from the 1830s on, there has been 181 sugar beet factories in the United States. Today Sidney Sugars that Holly built in 1925 because of the Irrigation Canal Project, of those 181 factories, only 12 are still remaining in the United States.

So I am kind of asking why Sidney is still operating. Many factories built after our plant are now closed. So the question is is it built better? No, it's just brick and mortar. Do we operate differently? And no, we operate the same as any other beet factory. So what's the reason that we are still in operation and it comes back to reliable water. Reliable water

grows a reliable crop and we are able to process year after year.

For that reason, Sidney Sugars supports the preferred alternative, and I would encourage everybody to comment.

Thanks.

(Applause.)

JAMES BROWER: My name is James Brower. I am with the Lower Yellowstone Irrigation Project, and I am not sure if you guys know which alternative I prefer.

(Laughter.)

I wanted to make sure I got my statement correct so I wore it on my shirt. By the way, these shirts are available for people who are going to the Billings meeting. Stop by the Irrigation Project office, and if this is the alternative they prefer, these shirts are all available.

The first thing I wanted to say is I have been talking with people in the community for the previous two years about these different options, about the help we have been getting from the Corps of Engineers, the help we are getting from the Bureau of Reclamation, the careful engineering that's done, the science, the studies.

A lot of these government agencies, including Montana Fish & Wildlife and others, the DNRC, have put a lot of work into analyzing over 130 different alternatives that were suggested in the public comments last time. And twice in a row through two different environmental studies, one Environmental

Assessment and one Environmental Impact Statement, the preferred alternative that secures a viable passage for the pallid sturgeon is the Bypass Channel.

The Bypass Channel has its opening in the best spots that the scientists and the engineers can predict for the fish to find the bypass channel. And it provides significant water depth all year long and it provides the right velocities for the fish to be able to make it up the river.

What is really unique about this option is with the cooperation of several governmental agencies and their employees, we have found an alternative that's going to save the fish at the same time as it saves the farmer. And as the farmer supports the communities around it since 1905, if anybody is counting, that's the Great Depression, a couple great recessions, the Dust Bowl Era in the 1930s. It's something Teddy Roosevelt supported and something that has created over 10,000 acres of wildlife habitat now and some of the greatest wildlife densities.

So why risk six communities and thousands of acres of wildlife habitat by removing the dam which could create all kinds of unintended consequences, perhaps making it easier for invasive species to move up the Yellowstone River and the rest of Montana, perhaps drying out two side channels that previous scientific studies have proven are important to the fish species of the Yellowstone River.

So right now, we have got one viable alternative

that's good for the farmer, good for the fish and good for the rest of the habitat. And let's not risk that by removing the dam and getting five new pump stations with 20 pumps that could have failures like Buffalo Rapids has been suffering through for over a month and a half and adversely affecting their crops.

Thank you very much.

(Applause.)

TIFFANY VANOSDALL: So I have one more name of people that signed up. If you want to make a comment and you didn't sign up, please feel free to also come up to the mike. Please be sure to say your name so that we have it on the record.

But Les Miller the is final name that I have.

KENNETH CRAIG MOEN: Actually, it's a pseudonym. My real name is Kenneth Craig Moen. I was born in Sidney, moved to Williston for a lot of years, am back now.

I fail to understand a lot of the hyperbole and the fact that so much of our world right now, there is a lot of double talk and a lot of things that take precedence over people. To spend that many of hundreds of millions of dollars on some pumps and decrease the flow of the water by 260 million cfs will choke us. It will suck the life blood out of our community and our region.

As a result of that, our ground water will dissipate, the drinking water for the people, the cattle, the plants. So why don't you just save your \$600 million and just

choke the life blood out of us and or puree us and feed us to them damn fish and then you will have your fish taken care of.

I have always been--I have been environmentally sound-minded way before you ever were born. I picked up garbage before the Indian put hides on the teepees. As a little kid I never liked it.

(Phone ringing. Laughter.)

That's one of my friends in life I just love. He is helping on a project. He does it of his own free will because I have limitations, like all of you.

If it's not broke, don't fix it. There is pallid sturgeon all over this region. Otherwise, just turn this place back into the buffalo commons and that will be the end of it.

I think of the alternatives. I'd love to leave it as is but as I look at the alternatives--the bypass is most viable for us--the pumps are too problematic. That's a manmade machine that is going to just give us a hassle like anything made by man. That's all I got.

Thank you.

(Applause.)

TIFFANY VANOSDALL: Was there anyone else who would like to take the opportunity to come up and speak?

RAQUEL SHIPMAN: Hello. My name is Raquel Shipman. I am just representing the general public.

I grew up in Sidney, Montana, left here in 1988,

was gone for 11 years. And I have lived all over the state of Montana, Wyoming, ranching-farming areas. And it's something that I have always been proud of to be from Sidney, Montana. You drive into this valley and people make fun of, 'Oh, you are from that side of Montana.' Well, I think this side of Montana is just as pretty.

My family has a place out on 350, and for, what, the two years, I drive out to water every morning. We are not irrigators. I just have a garden out there that I take care of. And when you get on top of 350 past the old dump grounds and you look down into this valley to the south, and if you get out of your vehicle and walk out and you look to the north, you wouldn't believe the beauty that we have here. And it's because of our irrigation system. And it's not just beauty; it's farmland. It's what's feeding our families; not just beet crops. It's hay crops. My husband works for the feed lot. It's putting hay into the feed lot, corn, you name it.

And these farmers are stewards of the land. They are true environmentalists. They are the backbone to our community here. They are what has economically sustained us for long before we had the oil and continue to support us when the oil is not here.

And to put in windmills and pumps, I myself question how the pumps and the windmills are going to work. I am very concerned for a carbon footprint when we have lots of

wildlife, birds, you name it, that are sustained off of the Yellowstone Irrigation District. And I think when we start changing things, I think we are going to have problems. I don't feel like this is a problem now. I think it's working but I think studies need to be done more extensively.

I have tons of people that I know that are fishermen. My family fishes and they are catching these fish. They are seeing them there. They have taken pictures.

I just think we need to really do our homework with this. I feel like this bypass is the best option, and I want our economy to stay strong here in Richland County. It's what's fed me and my family since I have been born here.

Thank you.

(Applause.)

SCOTT BUXBAUM: I am Scott Buxbaum. I am from Fairview. I am an irrigated farmer.

I raise sugar beets and small grains. I have got three or four grandsons that look like they want to be farmers. And so when we look at this thing, we look at the viability of it. My grandsons are going to be the fourth generation of farmers in the lower Yellowstone valley, hopefully. We don't want to put them into a problem where they are going to have some issues trying to come up with the money to pay the taxes to have the water for our farm. And I hate to have to have them go through that.

So I am really in favor of this Bypass Preferred Alternative. And just so let's keep this in mind: we are not here just for ourselves. We are here for the future generations that are going to run this valley and keep this community viable and running.

Thank you.

(Applause.)

TIFFANY VANOSDALL: Is there anyone else that would like to speak?

Steve is going to say a few words closing. Just a reminder, we will be standing around the back if you want to come and talk to any of the agency folks and ask any questions.

Thanks.

STEVE DAVIES: Hi. My name is Steve Davies. I am the Area Manager for the Bureau of Reclamation.

First, thank you for a fantastic turnout tonight. It's very indicative of the importance and interest of this Project to this community. I want to thank everyone who spoke tonight. It's not an easy thing getting up in front of a crowd this big so thank you for that. Your voice is very important to this process.

Thank you, David and Tiffany, for drawing the short straws for presenting this information tonight. There's many members of our law enforcement community here tonight. I want to thank you for showing up tonight as well.

As Tiffany just said, the staff from Reclamation and the Corps and Tetra Tech Engineering, there are several poster boards out in the back that go through each of the alternatives. We are going to remain for as long as anybody wants to talk about this tonight if anybody has any questions about these alternatives.

I asked for this slide to be put up because I wanted to highlight the website at the bottom. The Environmental Impact Statement and all the appendices and documentation and analyses are all available at that website. They are fairly large documents. They are broken up into several; but for anybody who wants to read the actual Environmental Impact Statement and the alternatives and processes presented, they are all available at this website.

Tomorrow night, we are going to repeat this exact same format in Glendive at the high school and then on Thursday night in Billings at the Lincoln Center, which is in downtown Billings. It will be the same format, same content. Anybody can get up and talk so there won't be anything different that's presented at any of these meetings. Doors and the timeframes are the same. We open at 5:30 for doors and the presentations will go at 6:00 o'clock, and then we will go as long as people want to talk.

July 28th is a key date. Comments are due for this. That's going to essentially--comments need to be postmarked

by that date for any written comments so that if there are any remaining comments and anybody wants to do, if you want to read the documents or send in comments, there is a process for that. I'd encourage you to do so by July 28th.

With that, we are going to close out any discussion on this and we will remain in the back of the room for anybody that wants to talk about this.

Thanks everybody again for coming out to the support meeting.

(Applause.)

(End of Public Proceedings.)

## WRITTEN COMMENTS

To Whom it may Concern:

I am writing this letter in support of the proposed bypass channel for the Lower Yellowstone Irrigation project at Intake, MT. The pallid sturgeon has survived in the river for the entire 100 plus years the irrigation system has been in place. Hundreds of Lower Yellowstone Valley farmers, as well as the communities of Glendive, Savage, Sidney and Fairview are dependent on the delivery of water from the Yellowstone River for their livelihood. The elimination of the irrigation system would result in the bankruptcy of approximately 300 family farms and the closure of countless businesses dependent on agriculture, as well as the loss of hundreds of other jobs related to the agriculture sector. Sidney Sugars, which provides approximately 150 full-time jobs and another 150 part-time jobs, would close forever. My family business, Johnson Hardware and Furniture in Sidney, MT., was founded by my great uncles in 1915. There is no doubt in my mind that our family business, which currently employs more than 20 people, would not have survived for the past 101 years in Sidney without the consistent, stable presence of irrigated farm land in the valley. My family's business has survived two World Wars, the Great Depression, numerous recessions, fires, droughts and floods, and not one or two but three oil booms and busts. The

reason my business, and all the valley residents, have survived here is because of the stable presence of irrigated farms in the Lower Yellowstone Valley. I am in support of the continuation of the Lower Yellowstone Irrigation Project and strongly urge the court to rule in favor of the proposed bypass channel and the long-term viability of irrigated farming in this valley.

Sincerely,

Philip C Johnson

Johnson Hardware & Furniture

111 South Central Avenue

Sidney, MT 59270

To whom it may concern:

My name is Jeannie Dunn and I live and work in Sidney, Mt. My husband, Pat, has been an employee at Holly Sugar/Sidney Sugars for more than 30 years. The sugar industry has provided my family with the ability to own a home and raise a family. If the irrigation canal is shut down, or changed to an economically unsustainable pump system, Sidney Sugars will close and my family will lose our home. I am not alone in this. Hundreds of farmers and town people in our area face bankruptcy if irrigated farming were to leave the valley. Untold businesses and their employees would be affected. I understand that the pallid sturgeon is an endangered species but at what point do people come into the

equation. We won't lose our lives but we will lose everything we have worked for in our lives. When do people matter? Please, please make the right decision and rule in favor of the proposed bypass channel for the Lower Yellowstone Irrigation Project and long-term survival of all the communities tied to it. Thank you for taking the time to read my letter and God bless you.

Jeannie Dunn

Sidney, MT

To whom it may concern:

My name is Bernadette Barbula and I am writing to offer my support for the Lower Yellowstone Irrigation Project's proposed bypass channel. I have lived and worked in Sidney, MT for decades and my job at a local Sidney business is in severe jeopardy if the court rules against the bypass. All the other options for the LYIP are economically unsustainable and would result in the closure of Sidney Sugars and the loss of countless jobs. Farms, businesses and families in all the valley communities would be facing bankruptcy and foreclosure. An economic disaster would occur! We will lose our home! We will be forced to uproot our family and move to somewhere else and leave the place we have chosen to live our lives. At what point do people matter in the decision facing the court? I would argue that people are more important than a ancient fish that not only exists in the Missouri River, but also

in the Mississippi River. The pallid sturgeon will survive whether or not the Lower Yellowstone Valley Irrigation project continues - but the communities in this valley will not. I beg you to rule in favor of the proposed bypass channel for the Lower Yellowstone Irrigation Project.

B. Barbula

Sidney, MT

Use bypass channel.

Lynell Odenbach

Irrigated Farm Land Owner

604 Rock Spring Road

Naperville, IL

I'm still not convinced changing the dam is worth saving the fish. The farmers are worth more than the fish. If the fish are truly worth improving the dam, build the bypass.

Randi Hass

PO Box 172

Sidney, MT 59270

Bypass channel as recommended with this EIS as well as past,

should be clear to be the best option as the preferred alternative.

Gene Buxcel

BLS Inc.

34494 County Road 110

Savage, MT 59262

Bypass channel, the preferred alternative.

Seth Buxcel

10499 County Road 340

Savage, MT 59262

The best factory cannot survive on less water or lower sugar beet production. Conservation measures such as wind turbines will have very high maintenance cost. Overall economy will take a downturn without ample crop production.

Ken Buckles

Sidney Sugars

402 7th Avenue SE

Sidney MT 59270

We need to keep the dam and build the fish bypass. Our community

depends on it. Thousands of lives depend on it. Human Lives  
matter too!!!

Ross Rosaaen

Niehenke Welding

312 North Central Avenue

Sidney, MT 59270

Any alternative to the present system that makes farming either  
impossible or unaffordable is not acceptable! The fish go before  
the lower Yellowstone valley.

William Nankind

Landowner

13107 Highway 200

Fairview, MT 59221

Use bypass channel.

Char Jonsson

Jonsson Farms

34494 County Road 110

Savage, MT 59262

Use the bypass channel.

Leonard Odenbach

Retired farmer

11051 County Road 344

Savage, MT 59262

We suggest the no action. We use the irrigation water and need it.

Elaine and Harold Emly

34992 Hwy 23

Sidney, MT 59270

## 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 testimony 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 15th day of July, 2016.

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JOSLYN CUMMINGS  
Official Court Reporter