

Peer Review Plan

Analysis of Impacts and Mitigation of Fort Belknap Indian Community Water Rights Development, Milk-St. Mary Basins, Montana

Date: May 25, 2022

Originating Office:

Bureau of Reclamation, Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regional Office, P.O. Box 36900

Billings, MT 59107-6900

Reclamation Roles:

Director or delegated manager: Brent Esplin, Regional Director, Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions, Bureau of Reclamation

Peer Review Lead: Jordan S. Lanini, Civil Engineer (Hydrologic), Missouri Basin and Arkansas-Rio Grande-Texas Gulf Regions, Bureau of Reclamation

Subject and Purpose:

The Tribes of the Fort Belknap Indian Community (“Tribes”), the State of Montana (“State”), and the United States have been negotiating resolution to the Tribes’ reserved water rights since 1985. The State of Montana and FBIC entered a compact for the purposes of “settling all existing water rights claims” of the Tribes. The Compact quantified the Tribal water right generally as 645 cfs from the natural flow of the Milk River, plus tributary water.

Full development of the Tribes’ water rights would significantly impact the operations of the Milk River Project. Similarly, the State of Montana desires to protect valid state water rights. Both the United States and the State therefore have an interest in water supply mitigation measures to alleviate impacts. The Compact requires implementation of mitigation projects to alleviate impacts upon the Milk River Project.

The purpose of this study is to update 20-year-old modeling examining the impacts and mitigation value of several proposed projects described in the Compact. This was not intended to be a full appraisal-level investigation nor a feasibility level study. The purpose of this Peer Review Plan is to perform expert review on the model, the methods, and the assumptions within the model.

Impact of Dissemination:

The modeling output describing the impacts of water rights development and mitigation value of projects are likely to inform selection of mitigation projects. The potential effects have been the subject of previous litigation and public controversy. Because of this, the modeling output is expected to meet the definition of influential scientific information requiring external peer review, as defined by the Office of Management and Budget Final Information Quality Bulletin for Peer Review (70 FR 2664-2677) and Reclamation Manual Peer Review of Scientific Information and Assessments Policy (CMP P14).

Peer Review Scope:

The scope of the peer review includes the RiverWare model and the modeling assumptions related to the baseline, water rights development, and mitigation projects scenarios. The State and Tribes have provided review and comments and those comments have been addressed. Reviewers are to provide comment solely on the scientific information and process being reviewed, and not on any agency decision or policy.

Peer reviewers were asked to provide responses relative to the following questions:

1. Does the model adequately represent the Milk and St. Mary River systems for the purposes of this study?
2. Is the model adequately calibrated and validated?
3. Does the model adequately represent the future scenario of FBIC water rights development?
4. Does the model adequately represent the mitigation scenarios analyzed?
5. Are the assumptions clearly explained in the documentation of the modeling analysis?
6. Does the documentation clearly show the effects of the assumptions on the river-reservoir system?
7. Does the document adequately characterize the uncertainty associated with the analysis?

Timing of Review:

The review period is expected to be June 13-24, 2022. The final Peer Review Report is expected to be available on the U.S. Bureau of Reclamation Peer Review public website (<http://www.usbr.gov/main/qoi/peeragenda.html>) by September 30, 2022. No time deferrals are involved.

Methodology of Review:

Review will be conducted by one reviewer internal to Reclamation and one individual outside of Reclamation. The identities of the reviewers will be disclosed in the final Peer Review Report. Review findings/comments will be attributed to the individual reviewer. The peer review process will not provide opportunities for public participation.

Number of Peer Reviewers:

Two peer reviewers will be utilized.

Reviewer Selection Process:

The peer reviewers will have at least 10 years' experience with expertise in hydrology, river operations modeling, water rights, and water management. Peer reviewers will have education, professional experience, and peer recognition in their field, and will have contributed to their field. Peer reviewers will have specific experience building and applying RiverWare models. The public will not be asked to nominate reviewers.

Delivery of Findings:

The peer review team members will each submit a report of their findings to the Peer Review Lead by the end of the review period. At a minimum, their report will include a brief description of their findings and recommendations in a comment matrix. The report will be provided digitally to the Peer Review Lead.

Response to Peer Review:

At the conclusion of receiving peer review comments, the Peer Review Lead will submit a final Peer Review Report to Reclamation's peer review website (<http://www.usbr.gov/main/qoi/peeragenda.html>), which will summarize the findings of the peer review and list the comments provided by the reviewers, as well as Reclamation's response to the comment, actions the agency will undertake regarding the comment, and reasons the agency believes those actions will satisfy any key concerns or recommendations.

Federal Register Notice:

Federal Register notices will not be provided announcing the formation of a peer review team and completion of the final report.

Applicability of the Federal Advisory Committee Act (FACA):

This peer review is not subject to the Federal Advisory Committee Act (FACA) because the review does not involve open meetings or committee chartering and reviewers are being asked to provide individual reviews on the subject matter. Reclamation is not seeking consensus advice from the reviewers as a group.

Agency contact:

Jordan Lanini, Civil Engineer (Hydrologic)

Bureau of Reclamation

Missouri Basin Regional Office

jlani@usbr.gov

(406) 247-7736