



# Minnesota Department of Natural Resources

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April 12, 2006

Mr. Dennis Breitzman, Area Manager  
Bureau of Reclamation  
Dakota Areas Office  
304 East Broadway  
Bismarck, North Dakota 58502

RE: Minnesota Department of Natural Resources comments on the *Draft Environmental Impact Statement for the Red River Valley Water Supply Project*

Dear Mr. Breitzman:

This letter, its attachments and the enclosed materials comprise the Minnesota Department of Natural Resources (MDNR) comments on the Draft Environmental Impact Statement for the Red River Valley Water Supply, hereinafter referred to as the DEIS. This letter provides an overview of MDNR comments, concerns and recommendations on the DEIS. Attachment I is a listing of past MDNR correspondence. Attachment II provides detailed comments on our review of the DEIS. Attachment III provides review comments on biota transfer analyses from the DEIS and Risk and Consequence Analysis Focused on Biota Transfers Potentially Associated with Surface Water Diversions Between the Missouri River and Red River Basins (BRA), prepared by the U.S. Geological Survey.

MDNR is committed to developing long-term solutions to the periodic severe droughts that afflict the residents of the Red River valley, whether they reside in Minnesota or North Dakota. We have commented on various aspects of this project since onset of the feasibility studies in 1998 (see Attachment 1). As you know, these early comments pre-date the Dakota Water Resources Act, which authorized the DEIS. We have been active participants on the Bureau of Reclamation (USBR) Technical Team since September 2000. We look forward to continuing to work with both your agency and the State of North Dakota in resolving conflicts and developing long-term solutions to severe drought problems. We are also working with North Dakota and Manitoba on these and closely related issues, as well as other water issues in the basin, in forums where your agency is less involved, such as the Red River Basin Commission and normal interstate relationships on boundary waters.

MDNR has provided extensive comments on this project over a nine-year period. Past MDNR correspondence is listed in Attachment I. The record reflected in this attachment indicates our concern about out-of-basin proposals and how project alternatives and biota transfer would be addressed in both the Needs and Options study (NOS) and the DEIS. We believe that our



Mr. Dennis Breitzman  
April 12, 2006  
Page 2

December 29, 2004 and October 3, 2005 letters were substantive and documented these concerns well, and should have resulted in significant changes in the DEIS with respect to presentation of alternatives, uncertainties in dealing with projected 50-year forecasts, and the biota transfer issue.

MDNR was notified on April 10 that the USBR posted responses to MDNR comments on the draft Needs and Options study on its web site. The responses essentially invoke MDNR's past participation on the Technical and Study Management teams without providing any response to the substance of our October 3, 2005 comments. Furthermore, this is the first time in 9 years of DNR participation that USBR has provided formal responses to our written comments, and now such a response comes only one week before the comment deadline on the DEIS.

Since USBR has not responded substantively to our previous comments, MDNR hereby re-submits the comment letters listed in Attachment I as comments on this DEIS. Specifically, the written comment letters listed in Section I.B. and dated between March 15, 2000 and February 7, 2006, are considered comments relevant both to the NOS and the DEIS. We ask that USBR respond to these comments in their entirety. In addition, given the fact that responses to MDNR comments on the draft NOS were given to us only a week before the comment deadline, we reserve the right to comment further on this topic.

The topics studied for this DEIS are unusually complex. Myriad federal and state environmental, legal, and policy issues are raised, especially by the Missouri River import alternatives. But there are other complexities as well, like the inherently speculative nature of trying to forecast demographic, environmental and environmental conditions in the year 2050. A large body of useful information has been gathered in the course of preparing this DEIS. One of our main conclusions is that we believe a fundamentally different approach is needed for analyzing and presenting the information presented in the DEIS.

Minnesota is encouraged to see in-basin alternatives included in the DEIS. MDNR indicated early on in its involvement that the study area needed to be expanded to include the Minnesota and Canada portions of the Red River Basin. The DEIS provides a good beginning for the studies of potential water supplies in Minnesota. However, the Minnesota portion of the study area will need additional study because the information in the DEIS does not reflect the amount of detail that would normally be required for state environmental review or permitting.

Minnesota is concerned that options to inject surface water into groundwater aquifers could result in their degradation. We are also concerned about the potential for groundwater actions to affect surface waters. We want to make sure these alternatives are studied very carefully. Minnesota does not consider Lake of the Woods to be a viable water supply source during an extreme drought in eastern North Dakota.

Mr. Dennis Breitzman  
April 12, 2006  
Page 3

Lastly, we think that the DEIS needs to address how a system might be developed to allow for the sharing of water resources, through some type of interstate agreement. We think that for this project to move forward, the States of North Dakota and Minnesota will need to address several items, including protocols for managing the use of water, a means of establishing thresholds for when certain actions would take place, criteria for how to allocate water that take into account the differing water laws on each side of the border, and additional information and studies to develop water resource options.

Our overall opinion is that the DEIS is deficient in several topics of major importance to Minnesota natural resources. We have attempted to write constructive comments indicating the direction that should be taken in the DEIS and providing specific recommendations on how this can be done. We recommend that a new Draft Environmental Impact Statement be issued for public review after USBR completes the extensive analyses identified in our comments.

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement for the Red River Valley Water Supply. We look forward to receiving your responses to our comments. If you have any questions regarding these comments, please contact Steven Colvin of my staff at (651) 259-5082.

Sincerely,



Kent Lokkesmoe, Director  
Division of Waters

- c: B. Moore, Assistant Commissioner  
L. Pfannmuller, Director, Division of Ecological Services  
S. Hirsch, Assistant Director, Division of Ecological Services  
S. Colvin  
L. Kramka  
P. Stolen  
W. Haapala, Minnesota Pollution Control Agency  
J. Stine, Minnesota Department of Health  
R. Harnack, Minnesota Board of Water and Soil Resources

Enclosure: Letter from John M. Drake, Ph.D. to Paul Stolen, dated March 21, 2006

Attachments:

Attachment I. Previous Correspondence on the Red River Valley Water Needs Assessment

Mr. Dennis Breitzman  
April 12, 2006  
Page 4

Attachment II. Detailed Comments on the Draft Environmental Impact Statement for the Red  
River Valley Water Needs Assessment  
Attachment III. Comments on the Potential Impacts of Biota Transfer from Missouri River  
Basin to the Hudson Bay Drainage