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Ministry of Natural Resources

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Table with 2 columns: TO: and FAX #. Row 1: Sigae Snortland, 701-250-4326

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**Assistant Deputy Minister  
Natural Resource Management Division**

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April 13, 2006

Signe Snortland  
Dakotas Area Office  
Bureau of Reclamation  
P.O. Box 1017  
Bismarck, ND 58502-1017, USA

Dear Ms. Snortland:

The following comments on the Draft Environmental Impact Statement for the Red River Valley Water Supply Project (DEIS), developed by the U.S. Bureau of Reclamation and the Garrison Diversion Conservancy District, are provided on behalf of the Ontario Ministry of Natural Resources.

Our comments reinforce Ontario's fundamental opposition to major water diversions, including the Lake of the Woods option, and the significant deficiencies in the report in considering in-basin solutions.

On May 4, 2005, upon learning of your consideration of Lake of the Woods as a long term water supply option, Ontario Minister of Natural Resources David Ramsay announced Ontario's opposition to the diversion of water out of Lake of the Woods. A copy of our news release is attached. Ontario continues to oppose this option.

In fact, Ontario law prohibits the transfer of water out of any of the province's three major drainage basins including the Hudson Bay/James Bay Basin, the Great Lakes – St. Lawrence River Basin and the Nelson River Basin (O. Reg. 387/04 under the *Ontario Water Resources Act*). The prohibition was established in 1999 to address concerns about potential environmental, social and economic impacts of diversions and bulk water removals to originating and receiving watersheds, including the risk of irreparable harm from biota transfer.

Ontario is actively seeking similar protections by neighbouring jurisdictions. On December 13, 2005 Ontario, Quebec and the eight Great Lakes states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin signed the *Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement* to better protect and conserve the shared waters of the Great Lakes – St. Lawrence River Basin. The Agreement commits to a virtual ban on diversions; improved management and regulation of water uses based on an environmental standard; and strengthened water conservation through programs in each state and province.

We are very encouraged by the collective commitment to protection and conservation achieved through this historic agreement. We urge the State of North Dakota and the U.S. Bureau of Reclamation to achieve a similar level of protection through the pursuit of an in-basin water supply approach, including a much stronger role for water conservation, demand management, and drought contingency planning to achieve your long term water needs while preparing for potential drought events.

Ontario is very concerned that the DEIS is founded on a set of assumptions and methodologies that together serve to disadvantage the selection of in-basin alternatives while favouring options involving inter-basin diversion into the Hudson Bay Basin. In particular:

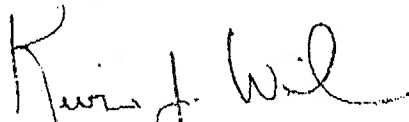
- o The DEIS underestimates the risks and associated impacts of inter-basin water diversion options. Most significantly, the report underestimates the risks and the true scope and range of potential impacts from non-native biota transfer to the Hudson Bay Basin while options provide inadequate protection against invasion.
- o The report uses the 1930s drought as the design criteria for determining future water supply needs to the year 2050. The recurrence of a 1930's drought is acknowledged as a matter of certainty, rather than an event with a relatively low probability of recurrence based on the period of record. It is unclear to us why, despite this assumption, drought contingency planning is not incorporated into each of the water supply options. The result is an unrealistic estimate of the demand for water into the future. Compounding this are what appear to be inflated population growth projections and estimates of future industrial water demands that do not adequately reflect water conservation or drought contingency measures.
- o The DEIS identifies the potential impacts of a 1930's drought as a benchmark for comparing the potential impacts of the "no action" alternative against the more certain impacts of an inter-basin water transfer. With drought contingency planning these impacts would be minimized and potentially short-lived. The impacts of an inter-basin transfer, however, could be permanent and far-reaching. Characterizing this comparison of impacts as "beneficial effects" of proposed diversion options is inaccurate and misleading.
- o The report does not acknowledge that a proposed diversion of water from the Lake of the Woods, a boundary water, would require an order of approval from the International Joint Commission.

In addition to the general comments above, Ontario supports the detailed comments submitted by the Government of Canada on April 5, 2006. In particular, we wish to reinforce their statement that, "as noted in the International Joint Commission's report on the Garrison Diversion Unit, the Governments of Canada and the United States must agree that sufficient protections are in place to address the risks of biota transfer before the diversion of Missouri River water into the Hudson Bay Basin may occur."

As a final comment, we would encourage you to engage and consider the rights and interests of any Tribes or First Nations who may potentially be impacted by or have an interest in this project proposal.

Thank you for the opportunity to comment on this significant proposal.

Sincerely,



Kevin J. Wilson  
Assistant Deputy Minister  
Natural Resource Management Division

- c: Peter Fawcett, Foreign Affairs Canada  
Roy Norton, Executive Director,  
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# News Release Communiqué



Ministry of Natural Resources

Ministère des Richesses naturelles

For Immediate release  
May 4, 2005

## ONTARIO OPPOSED TO WATER DIVERSION FROM LAKE OF THE WOODS TO NORTH DAKOTA *Province Shares Concerns Of Manitoba And Minnesota*

TORONTO — The Ontario government is opposed to any diversion of water by pipeline from Lake of the Woods to North Dakota, Natural Resources Minister David Ramsay announced today.

“While there has been no formal application for a diversion to North Dakota, the state has identified a pipeline from Lake of the Woods across Minnesota as one option to deal with future water shortages,” said Ramsay. “I am very pleased that both Manitoba and Minnesota have voiced their opposition to such a proposal. Ontario shares their concerns.”

“Lake of the Woods is a transboundary water,” said Environment Minister Leona Dombrowsky. “According to the Boundary Waters Treaty, it is therefore under the authority of the International Joint Commission, a binational organization. Ontario would oppose any proposal for such a diversion.”

North Dakota predicts that by 2050 there will be water shortages in the Red River Valley on the state’s eastern border, and is considering eight options to meet future water needs. One of the proposed options is a pipeline running west from Lake of the Woods to the Red River Valley. At first, the Lake of the Woods option was eliminated because it was thought to be too expensive. However, more recent estimates indicate that the cost would be comparable to other options being considered.

“Premier Dalton McGuinty and I have been actively supporting the protection of waters near the Canada-U.S. border,” said Ramsay. “Above all, the Ontario government wants to ensure the province’s waters are available for future generations to enjoy.”

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