



United States Department of State

*Bureau of Western Hemisphere Affairs
Washington, D.C. 20520-6258*

March 22, 2006

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Signe Snortland
Bureau of Reclamation, Dakotas Area Office
Red River Valley Water Supply Project
P.O. Box 1017
Bismark, ND 58502-1017

Dear Ms. Snortland:

Thank you for the opportunity to comment on the Bureau of Reclamation's "Draft Environmental Impact Statement (DEIS) for the Red River Valley Water Supply Project."

The Department of State wishes to note that the Red River is a "river flowing across the boundary" under the U.S.-Canada Boundary Waters Treaty of 1909 (BWT). The United States thus has a treaty obligation per Article IV to refrain from polluting the Red River "to the injury of health or property" in Canada.

In the Executive Summary of the DEIS it states that the BWT "is the basis for consultations between Canada and the United States concerning transboundary impacts." However, the DEIS does not indicate that the Bureau of Reclamation (BuRec) or any other U.S. federal agency has undertaken such consultations. We are concerned that BuRec's analyses on transboundary impacts – biota transfer, water quality and economic impacts – might not take into account U.S. obligations under the Boundary Waters Treaty.

Under the Proposed Action section of the DEIS, it is suggested that because NEPA provisions do not require assessment of environmental impacts within the territory of a foreign country, examining the impacts of the project on Canada is voluntary. Even if this is correct, we believe that because of the treaty issues involved, further consideration of transboundary impacts or bilateral consultations with Canada would be advisable.

The Department of State also notes that the diversion of any waters from the Lake of the Woods watershed to any other watershed falls under the U.S.-Canada Lake of the Woods Convention and Protocol of 1925. Should the Bureau of Reclamation choose the Lake of the Woods option, the U.S. Government need to comply with the terms of the Convention.

To address these and other issues, we suggest that U.S. agency representatives form a work group that would include the Bureau of Reclamation, the Department of the Interior, EPA, the Department of State and the Department of Justice. The goal of the work group would be to ensure that United States Government obligations are fulfilled and concerns addressed within the ongoing process to avoid any project delays once the final Environmental Impact Statement is completed and the Record of Decision is announced. The Department of State would be willing to organize such a group.

Thank you again for the opportunity to comment.

Sincerely,



Terry A. Breese
Director, Office of Canadian Affairs