

CHUCK MEYER  
RED LAKE DNR  
STATEMENT OF 3/6/06

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Simply put, this EIS process, and the Red River Valley Water Supply Plan are simply the latest corrupt attempt by the state of North Dakota not only to justify, by thereby to railroad the taxpayers of the United States into paying for, an ill-conceived and irresponsible plan to continue to develop beyond the carrying capacity (in terms of water resources) of the lands that it occupies. And unfortunately, as you see today, the Bureau of Reclamation is clearly complicit in both the creation and the promotion of this plan, which rather than exploring responsible planning and the implementation of drought contingency measures which would easily serve to lower water demand to a point where the subject populace could withstand even a serious drought, instead seeks to have the federal government spend somewhere between 500 million and 2 billion dollars to create a massive set of infrastructure that may in actuality never be needed. What is perhaps even more deplorable, is that this plan both distorts and violates an EIS process implemented to ensure that environmental concerns are adequately accounted for, and that mitigation for those concerns are implemented in whatever project results from the process.

Remarkably, this is neither a new realization, nor a new plan. In Fact, over a hundred years ago, prior to the creation of the state of North Dakota, the geologist who surveyed the state made note of the fact that the limiting factor to growth in the western portion of the Red River of the North basin would be the lack of adequate water resources. Not surprisingly therefore, for the last sixty years North Dakota politicians have been trying to implement various plans to usurp other people's water rights and surreptitiously import those water resources for their own use. And, as a matter of fact, the Red River Valley Water Supply Project is nothing more than the most recent repackaging of the Garrison Diversion Project.

I can only imagine the sadness of the forefathers of this great Red Lake Nation, who once lived and prospered in the 5.6 million acres of the Red River Basin of what is now North Dakota. Traditional knowledge sustained them, as it had their ancestors for many thousands of years, living in harmony with the land. Such traditional knowledge taught them to live within the means of the resources which had been provided by the Creator. I doubt they had any idea when they reluctantly agreed to give these lands to the federal government that, within a matter of generations, the future inhabitants of that land would be so irresponsible and greedy to simply think that they could actually be justified in some way to continue to develop beyond the means of what the Creator had provided for their sustenance, and what's more, to simply steal through any means possible whatever resources were necessary to do so from someone else.

To the other members of the public in this room, please note who these people who have come to sell this plan and this EIS to you are. They are from the Bureau of Reclamation, and the Garrison Diversion Conservancy District. They say they are here to listen to your comments and concerns. Unfortunately, that is as far as they intend to go, to listen. It appears most clearly to this respondent that they fail to understand that truly listening most often requires some alteration of the listener's actions or behavior. Indeed, staff from state and other governments, tribes and environmental groups have been attempting to raise concerns with them for over three years, and while these people may indeed

listen, they have simply refused to address those concerns in any appreciable way, or to alter either the documentation, the approach, or the process being utilized to promote this ill-conceived plan.

Please note that the very mission of the Garrison Diversion Conservancy District from its' inception has been to promote the completion of the Garrison Works - in other words - the states ill-fated sixty year old plan to move Missouri Basin Water outside of the Missouri Basin. Perhaps even more troubling to note is the fact that the entities that have been contracted by the Garrison Diversion Conservancy District to prepare the studies and reports that form the basis of the *Draft EIS* are the very same contractors that the Garrison Diversion Conservancy District has used through the years, and continues to use, to slowly put together the pieces of the Garrison Works. The Council on Environmental Quality clarified the provisions of the National Environmental Policy Act at 40 CFR § 1506.5(c) to mean that if a consulting firm has a conflict of interest it should be disqualified from preparing an EIS, in order to preserve the objectivity and the integrity of the NEPA process. Yet despite this finding, the Bureau of Reclamation, shirking its responsibilities as the lead agency in the process, has remained silent on the issue of this blatant and unacceptable conflict of interest.

Nor has the Bureau, or the state of North Dakota, despite repeated requests from a number of entities over the past three-plus years, been able to provide any solid legal backing in the form of a statute or statutes that would provide any legal framework by which the Garrison Diversion Conservancy District could actually be authorized to act in the state's stead in the creation of what should clearly be an unbiased EIS.

For the Red Lake Nation, a sovereign people recognized at the federal level, the Red River Valley Water Supply Project threatens to wreak havoc on both the Nation's resources and its water rights. Without proper consultation of the tribe, the Bureau of Reclamation and the state of North Dakota, improperly acting through the Garrison Diversion Conservancy District, are considering a plan to build a pipeline and pump water from Lake of the Woods, wherein the Red Lake Nation has aboriginal rights preserved by the federal government for fishing, gathering, and other water use. This Lake of the Woods pipeline is one of only two In-basin alternatives being considered in the Draft EIS. Yet it fails to adequately consider the Red Lake Nation's rights, the rights of Red Lake's relatives in the First Nations of Canada, the rights of the peoples of the province of Manitoba and the federal government of Canada. It also seeks to nullify the Boundary Waters Treaty of 1909 between the federal governments of Canada and the US.

Furthermore, the Out-of-basin alternatives, which the state would clearly prefer, threaten Red Lake in an even more ominous manner. Despite the fact that all of these alternatives would transfer water from the Missouri River Basin into the Red River Basin, and furthermore despite the fact there are currently fish pathogens and other exotic (or invasive) species present in the Missouri that are not in the Red, grossly inadequate water treatment is offered. While the Bureau and the Conservancy District have graciously considered treatment of water to "potable" standards, (totally at federal taxpayer expense, of course!) this does nothing to remove those insidious fish pathogens, which upon their

introduction will be quickly able to spread into the Red Lake's fishery. It has not been without a great deal of pain and forbearance that the members of the Red Lake Nation have gone without even subsistence fishing for the past nine years in order to bring the lake back to the status it originally had when the federal government sought to justify gaining access to the lake some ninety years ago. Interestingly, in the treaty negotiations at the time, the lake was not referred to as a lake, but rather as the Storehouse which had been provided by the Creator for the sustenance of his people.

The Red Lake Nation is adamantly opposed to any attempts to implement inter-basin transfers of water. It demands that the Bureau of Reclamation abide by the federal tribal trust responsibility which it shares with every agency of the federal government to protect Indian Trust resources. It demands that the Bureau provide an adequate and unbiased assessment of the use of drought contingency measures in regards to solving North Dakota's purported water shortages under a drought scenario. It also demands that the Population study, the Water Needs Assessment Study, and the Needs and Options Report which form the basis of this Draft EIS be both reconsidered and re-written in a scientifically-defendable fashion and using scientifically defensible methodologies to address all of the concerns and comments that have been submitted in their regards.

Ultimately, The Red Lake Nation demands that the Bureau immediately halts this EIS process, and that the Bureau, and the state begin the process over, this time in an unbiased manner that appropriately considers such things as drought contingency measures, and the existing and future water needs and rights of Tribes and others who exist outside of the Bureau's purposely narrowly-defined scope of consideration for this Red River Valley Water Supply Project yet who would surely suffer the devastating environmental and other impacts of the Project, should it be implemented.