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**Micki Weimerskirch - Comment on RRWSP SDEIS**

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**From:** "Robert Oleson" <roleson@mts.net>  
**To:** "Signe Snortland" <ssnortland@GP.USBR.GOV>  
**Date:** 3/26/2007 3:18:53 PM  
**Subject:** Comment on RRWSP SDEIS

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Signe Snortland  
Red River Valley Water Supply Project  
Bureau of Reclamation  
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Bismarck, ND 58502 - 1017

Attached is a brief comment for the record.

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March 26, 2007  
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Via email  
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Red River Valley Water Supply Project  
Bureau of Reclamation  
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Bismarck, ND 58502 – 1017

On February 15 I telephoned the Bureau of Reclamation Bismarck office to request a hard copy of the *Supplemental Draft Environmental Impact Statement, Red River Valley Water Supply Project*. The report was received on March 16. Given that the deadline for comments is imminent, there is insufficient time to review the report in any detail. However I do want to express my concern regarding the following statement:

“ The IJC’s findings of unacceptable risks of biological invasions resulting from water diversions envisioned in the mid-1970s and early 1980s (See IJC 1977, Section 1) were justified given the control systems proposed at that time. With the control technologies developed in the intervening 30 years and proposed in the SDEIS, those findings are no longer warranted.” (SDEIS p. 4-140)

Certainly there have been advances in control technologies but it is a significant leap to conclude that those proposed in SDEIS are infallible. It is both presumptuous and arrogant of the Bureau of Reclamation and Garrison Diversion Unit to conclude that IJC concerns are “no longer warranted”. That conclusion can only be made by the IJC. The Bureau and GDU have not only overstepped the bounds of appropriate comment but also falsely concluded that the current science supports their viewpoint. On the contrary, the SDEIS (page 3-50) acknowledges that “There are no current or proposed standards for treatment on interbasin water transfers to control invasive species.”.

The International Joint Commission, in its report on *Transboundary Implications of the Garrison Diversion Unit (1977)*, rightly points out that however good the technology might be, human designed and operated systems will go wrong.

“There is no question in the Commission’s mind that the Board’s recommendations greatly reduce the risk of unintentional transfer. There would now be two lines of defence, either one of which by itself might accomplish the desired result. True, the additional cost is quite high and might adversely affect the overall economics of the Project, a question not before the Commission. The Commission gives great weight to the Board’s opinion that these two lines of defence will work. At the same time, the Commission must weigh the consequences to Canada if the Board is wrong. Were the

potential consequences ones which could be mitigated or corrected after the fact, the Commission would accept the Board's advice. Were the biological consequences to the Hudson Bay drainage ecosystem predictable in manner and extent, the Commission might accept the Board's approach. The Board has reduced the risk of a biological "time bomb", but not eliminated it. The Commission is concerned that **even with the best engineering talent available and the best operating practices possible, the very complexity of the scheme, the immensity of the physical features, the large numbers of human beings involved in carrying out the responsibility, and possible mechanical failures, what cannot happen, will happen . . .**" (Emphasis added) (International Joint Commission, 1977, p. 108)

The Bureau and the GDU should bear this in mind as it proceeds.

The Bureau and GDU should not have to be reminded that the interbasin transfer issue is far from resolved. The Northwest Area Water Supply project has been challenged in the courts and as a result the Bureau has been ordered to conduct an Environmental Impact Statement. Will the Bureau and the GDU now propose that the treatment for NAWS be that proposed in the SDEIS ?

The related issue of a filter for the Devils Lake outlet is a further example of the ongoing controversy. The issue of a filter for the outlet should be thoroughly addressed in the Final EIS. Although a " Joint Press Statement..." (Attachment 2) on Devils Lake proposed measures ( for example, design and construction of an advanced filtration system and/or disinfection system) to deal with potential invasive species, little if any action has been taken since its issuance in August 2005. Given the lack of action, the unsigned press statement appears to have been little more than political posturing.

The International Joint Commission is a highly respected organization uniquely positioned to make independent scientifically based assessments. It has broad support from all levels of government, nongovernment organizations and other sectors as illustrated in the letters referenced in Attachment 2. The International Joint Commission's report on Garrison marks its 30<sup>th</sup> anniversary this year. Perhaps it is time for the Governments of the United States and Canada to direct the IJC to revisit and update its report on the Garrison Diversion unit.

Thank you for your consideration.

Sincerely  
Robert V. Oleson  
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## Attachment 1

# Canada's Statement to the International Joint Commission

Canadian Embassy



Ambassade du Canada

The Commissioners are aware the State of North Dakota has now substantially completed construction of an outlet from Devils Lake. The project has proceeded without an environmental assessment or safeguards to prevent the transfer of invasive species and pollution to the waters of the Sheyenne and Red Rivers. Once the outlet becomes operational, there will be an undetermined risk of ecological and economic damage to Manitoba.

In the 1977 Report on the Garrison Diversion Project, the Commission recommended that such projects not proceed unless and until Governments agreed that methods had been proven that would eliminate the risk of biota and disease transfer or that those issues were no longer of concern.

In discussions about a potential outlet project, Canada has consistently and repeatedly expressed its strong concern with the potential water quality, biological, economic and environmental consequences that could result. On several occasions, including in this room, Canada has sought and received assurances from the US Government that any Devils Lake outlet would have to conform to US obligations under the Boundary Waters Treaty.

The best approach to ensuring that the outlet complies with the Treaty is through an independent scientific review by the Commission. That is why in April 2004 we asked the Government of the United States to join with us in support of a reference to the Commission. The Premier of Manitoba, supported by the federal government, has given a public undertaking to respect the Commission's findings.

Canada believes that it is important to note the widespread and binational support for instructing the Commission to examine this issue. Attached to this statement, you will find recent letters from the Governors of Minnesota and Missouri, Congressional Representatives from Minnesota and New York, the

Great Lakes Commission (representing eight member States), the Premiers of Quebec and Ontario and the Canadian Wildlife Federation.

Their argumentation may vary but all conclude that the outlet proposal must be referred to the IJC.

As stated earlier, Canada is concerned about the potential damage to Manitoba waters. Canada is also concerned, however, about the negative precedent of allowing the outlet to operate later this year. Where the environment is concerned, it is contrary to traditional practice and to common sense to suggest that assessment only take place after the potential damage has occurred. What leverage will either government have in the future if a state or a province wants to proceed with a transboundary water project, citing Devils Lake as an excuse to avoid the inconvenience of proper environmental assessment?

We look to the US Government to ensure that the Boundary Waters Treaty is respected in fact and in spirit. The only way to do so is to agree to a joint reference to the IJC, deferring any operation of the outlet project pending the Commission's recommendations.

Washington, D. C.  
April 14, 2005

Source:

[http://geo.international.gc.ca/can-am/washington/shared\\_env/statementtoIJC-en.asp](http://geo.international.gc.ca/can-am/washington/shared_env/statementtoIJC-en.asp)

## Attachment 2

Source: Canadian Embassy, Washington DC web site

[http://geo.international.gc.ca/can-am/washington/shared\\_env/devilslake-en.asp](http://geo.international.gc.ca/can-am/washington/shared_env/devilslake-en.asp)

## Devils Lake — Threat to Boundary Waters Treaty

- [Canada's statement to the International Joint Commission \(IJC\)](#)
- [Joint Canada-U.S. Declaration on the Devils Lake Diversion Project](#)

[Support for an IJC Reference](#) | [Fact Sheets](#) | [Media](#) | [Useful Links](#)

## Support for an IJC Reference

### Capitol Hill

- [June 14, 2005](#)  
Senator Lincoln D. Chafee to U.S. Secretary of State Condoleezza Rice (PDF, 341K)
- [June 10, 2005](#)  
Senator Mark Dayton to U.S. Secretary of State Condoleezza Rice (PDF, 984K)
- [June 1, 2005](#)  
Representative Gil Gutknecht to U.S. Secretary of State Condoleezza Rice (PDF, 55.6K)
- [May 26, 2005](#)  
Representative Rahm Emanuel to U.S. Secretary of State Condoleezza Rice (PDF, 151K)
- [May 26, 2005](#)  
Representative Raúl Grijalva to U.S. Secretary of State Condoleezza Rice (PDF, 165K)
- [May 20, 2005](#)  
Representative Louise Slaughter enters into the Congressional Record  
Ambassador Frank McKenna's [Op-Ed](#) in the *New York Times*
- [May 19, 2005](#)  
Senator Richard G. Lugar to U.S. Secretary of State Condoleezza Rice (PDF, 49K)
- [May 17, 2005](#)  
Representative Thomas E. Petri to U.S. Secretary of State Condoleezza Rice (PDF, 173K)

- May 6, 2005  
Representative Jim McDermott to U.S. Secretary of State Condoleezza Rice (PDF, 210K)
- May 5, 2005  
Senator Mike DeWine to U.S. Secretary of State Condoleezza Rice (PDF, 461K)
- April 26, 2005  
Press Release- Kennedy Supports International Joint Commission
- April 21, 2005  
Representative John Kline to U.S. Secretary of State Condoleezza Rice (PDF, 229K)
- April 20, 2005  
Senator George V. Voinovich to U.S. Secretary of State Condoleezza Rice (PDF, 544K)
- April 15, 2005  
Representative Betty McCollum to U.S. Secretary of State Condoleezza Rice (PDF, 152K)
- March 22, 2005  
Representatives Oberstar and Slaughter to U.S. Secretary of State Condoleezza Rice (PDF, 69K)

## **State and Local Governments**

- June 7, 2005  
Ohio Governor Bob Taft to U.S. Secretary of State Condoleezza Rice (PDF, 118K)
- May 26, 2005  
Resolution of the Great Lakes and St. Lawrence Cities Initiative (PDF, 276K)
- May 11, 2005  
Minnesota state Senator John Marty to U.S. Secretary of State Condoleezza Rice (PDF, 118K)
- January 21, 2005  
Great Lakes Commission to (former) Secretary of State Colin Powell (PDF, 70K)
- December 13, 2004  
Minnesota Governor Tim Pawlenty to (former) Secretary of State Colin Powell (PDF, 66K)
- May 10, 2004  
Missouri Governor Bob Holden to (former) Secretary of State Colin Powell (PDF, 124K)

## **Canadian Officials**

- March 1, 2005  
Premier Jean Charest to Prime Minister Paul Martin (PDF, 52K)
- February 24, 2005  
Premier Dalton McGuinty to Prime Minister Paul Martin (PDF, 53K)

## **Aboriginal Groups**

- May 5, 2005  
Assembly of First Nations, National Chief Phil Fontaine to U.S. Secretary of State Condoleezza Rice (PDF, 442K) and resolution(PDF, 345K)
- March 1, 2004  
White Earth Indian tribe's resolution regarding Devils Lake Waters, Outlet and Treaty Maps
- November 20, 2003 (PDF)  
Red Lake Band of Chippewa Indians resolution regarding Devils Lake Waters, Outlet and Treaty Maps

## **Non-Governmental Organizations (NGOs)**

- May 24, 2005  
Lake Carriers' Association to U.S. Secretary of State Condoleezza Rice (PDF, 715K)
- May 13, 2005  
Great Lakes Research Consortium to U.S. Secretary of State Condoleezza Rice (PDF, 40.6K)
- May 9, 2005  
Canadian Environmental Law Association to U.S. Secretary of State Condoleezza Rice (PDF, 40.6K)
- March 30, 2005  
Canadian Wildlife Federation to U.S. Secretary of State Condoleezza Rice (PDF, 136K)