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From: THEODORA BB <tbb58763@yahoo.com>
To: <:ssnortland@gp.usbr.gov>
Date: 3/26/2007 4:45:14 PM
Subject: Comments on the Supplemental DEIS for the RRVWP

March 26,2007

Signe Snortland, Bureau of Reclamation, P.O. Box 1017,
Bismarck ND 58502 - 1017

Ms. Snortland.

Attached are my comments on the supplemental DEIS for
the proposed Red River Valley Water Project.

I am submitting my comments within BOR's comment
period.

Thank you.

Theodora Bird Bear
P.O. Box 562
Mandaree ND 58757

March 25, 2007

Page 1 of Three Pages

Ms. Signe Snortland
Red River Valley Water Project
Bureau of Reclamation
P.O.Box 1017
Bismarck ND 58502-1017

Re: Supplemental Draft Environmental Impact Statement (DEIS) for the proposed Red River Valley Water Project (RRVWP)

Ms. Snortland:

I am an enrolled tribal member of the Three Affiliated Tribes and have lived in the rural area of Mandaree on the Fort Berthold Indian Reservation for over forty years. Due to inadequate water, I continue to purchase water for daily consumption needs. I will be adversely affected by the permanent or long-term depletion of the Missouri River by the proposed plan to pipe water to the Red River Valley cities of Minnesota and the 13 counties of eastern North Dakota.

As the lead federal agency for the proposed Red River Valley Water Project (RRVWP), you are failing the federal government's trust responsibilities to the Three Affiliated Tribes of Fort Berthold in western North Dakota. These trust responsibilities provide federal protection of Indian resources, including water. The water of the Missouri River flows through the Fort Berthold Indian Reservation and is a federally protected resource of our tribes.

The fundamental water needs of Fort Berthold have not been met. According to Nathan Hale, West Segment tribal councilman, the tribe trucks water to eighteen Mandaree households alone. Other rural Mandaree residents like myself purchase water for daily consumption.

We are in the eighth year of a current, severe drought in western North Dakota with a dwindling supply of water in the Missouri River and no predictable end in sight. A severe drought also occurred in the late 1980's in western ND. This is a second drought cycle. Potable water through the intake in Lake Sakakawea for the immediate community of Mandaree has been negatively impacted several times by the current drought. Last month, the Army Corp of Engineers estimated that the runoff into the Missouri River will again be 25 percent less than normal this year.

The Missouri River Basin is a finite source of water. The glaciers in Wyoming and Montana, which contribute to the Missouri River Basin, have been permanently decreasing for years now. In addition, the mild winters for the past ten years have provided minimal snowmelt to feed the Missouri River. Due to increasing average temperatures in western ND, evaporation of existing surface waters has also increased.

A January 2007 article in the Mountrail County Promoter in Stanley ND, a rural town just north of the Fort Berthold boundaries, noted that the 2006 average yearly temperature for the Stanley area was 4 degrees warmer than the same average thirty years ago; that the average 2006 precipitation decreased 5 inches compared to same time period; and the 2006 snowfall also was fourteen inches less than the average thirty years ago. The article noted that the impact of the warmer growing season here in western and reduced precipitation in 2006 "combined to cut crop production 40 percent on average" just north of the Fort Berthold boundaries.

According to the executive summary for the supplemental DEIS for this project, there are already 1,600 intakes for MRI and water supply, irrigation, and power plant cooling on the Missouri River. Additionally, the supplemental draft for the RRVWP has also almost tripled the projected amount of Missouri River water to be piped to the thirteen eastern ND counties and three Minnesota cities on a permanent basis. This will exacerbate our already existing, long-term lack of access to potable water for individual tribal members on Fort Berthold and other low income residents in western ND..

In the executive summary for the supplemental DEIS for this project, you dismissed or ignore the concerns of western North Dakota on the current and future impacts of the long-term drought on the access to potable water. You also stated, "Existing literature and science on climate change is lacking to support a meaningful evaluation of future impacts of the Project area." Despite scientific evidence thoroughly researched by the international IPCC scientific community, your summary also goes on to say that it is "highly speculative to base future water demand on the effects of global climate change..."

In the most recent draft document of the Intergovernmental Panel on Climate Change (IPCC), "Changes in climate are now affecting physical and biological systems on every continent." A March 11, 2007 Bismarck Tribune article noted that this is "... in marked contrast to a 2001 report by the same international group of scientists that said the effects of global warming were coming." More than 1,000 scientists from dozens of countries wrote or reviewed the IPCC document documents.

As a federal agency, you are also failing the Indian reserved water doctrine applicable to Fort Berthold. The Three Affiliated Tribes (and at least twenty-five other Missouri River Basin Tribes) have water rights to the Missouri River, which existed prior to the State of North Dakota and the United States. Our water rights have priority over all subsequent claims, including this new Red River Valley claim. Our water rights, whether presently quantified or not, include future water needs to maximize the economic development of Fort Berthold.

Fort Berthold has the fastest growing population in western North Dakota. More than half of the tribal residents are under thirty years of age and of childbearing age. In addition, more tribal members and their households are returning to Fort Berthold each year. The demands and water needs of Fort Berthold have been increasing and will only continue to grow.

In the midst of a multiple year drought that has not foreseeable end, the plan to pipe Missouri River away from western ND on a permanent basis will be an additional and significant depletion of this economic resource for Fort Berthold development. As a federal agency under the Department of the Interior supporting the RRVWP, you are creating an adversarial and contentious environment for the Three Affiliated Tribes to rightfully claim our water rights over the potential junior claims of the three Minnesota cities and 13 counties of the Red River Valley.

Because of a legal challenge by the Canadian government, you have been court-ordered to comply with the National Environmental Protection Act (NEPA) standards for this major water project. Apparently, you were attempting to by-pass the federal environmental safeguards applicable to this major project. According to NEPA, an environmental impact statement (EIS) is required for projects with "significant" impacts on the environment. The Council for Environmental Quality's (CEQ) implementing regulations define "effects" or "impacts" to include "ecological...historic, cultural, economic, social or health, whether direct, indirect, or cumulative." 40 CFR 1508. You are also required to comply with Executive Order 12898, 'Federal Actions to address Environmental Justice in Minority Populations and Low-income Communities' for this project.

The text of Executive order 12898 states, "...each federal agency shall make achieving Environmental Justice a part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health or environmental effects...of its activities on minority populations and low-income populations in the United States..."

The guidance for Executive 12898 states, "...In identifying minority communities, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed...set of individuals (such as ...Native American), where (a) group experiences common conditions of environmental exposure or effect." Mandaree residents and other members of the Three Affiliated Tribes are affected environmental justice community in the proposed RRVWP water project. As the responsible federal agency for this project, you are failing to assure that members of the Three Affiliated Tribes (and low-income rural communities of western North Dakota) will not be disproportionately affected by this permanent plan to further deplete the Missouri River water.

A Department of Interior study of 1995 water uses showed that 90% of fresh water consumption in seventeen western states, including North Dakota, was used for irrigated agriculture. Fifty-eight percent of fresh water in North Dakota was used for irrigation alone.

In the book, "Negotiating Tribal Water Rights," Author B. Colby and others, wrote:

"Water 'shortages' are not caused only by drought. They are also a function of water prices and of the rules that govern who gets how much water and at what price. Between 60 to 80 percent of the water used in the West goes to agriculture, much of that at subsidized prices. If subsidies were removed and water were allocated on a market basis, some forms of agriculture would not be competitive."

According to other agricultural studies, sugar beets are among the most water-intensive crops grown in the Red River Valley and in the United States. In addition, federal import restrictions on sugar – to maintain sugar prices at two to three times the world price – increases the demand for water in eastern North Dakota. The federal commodity programs for irrigated crops like sugar beets also creates incentives to plant even more irrigated acreage. This further encourages the hyper-application of water per acre to increase yield and financial profit.

Further, according to 'Commodity and Resource Policies in Agricultural Systems,' Author R. Just and others found program payments increased groundwater depletion in the Oglala Aquifer in Nebraska. By coincidence, the executive summary for the supplemental DEIS of this proposed water pipeline states that the Red River Valley's aquifers are almost appropriated.

According to the executive summary of the DEIS, the valley's contaminants of pharmaceuticals and endocrine disrupters has potentially compromised the existing water quality of the Red River Valley water. The 13 counties and the three Minnesota cities have exhausted and compromised the sustainability of the natural resources of the Red River Valley and are attempting to live outside the environmental limits of the valley.

Despite the exhaustion of Red River Valley water resources, I understand an ethanol plant is scheduled for the Hankinson area and will be the largest ethanol plant in ND with an annual one million ethanol gallon capacity. According to the ethanol industry, it takes from three to six gallons of water to produce one gallon of ethanol. It will take between three to six million gallons of water to produce the annual one million gallons of ethanol. According to Western Wisconsin Renewable Energy Cooperative, a study by Fagen, Inc. showed total water usage at an ethanol plant would average 178.4 million gallons per year. Federal energy policies, which includes ethanol production, will have a negative impact on tribal members of the Three Affiliated Tribes

With BOR's federal concurrence, the state of North Dakota is attempting to exploit of the diminishing water resources of western ND with no regard for the current drought impact on Fort Berthold and western ND. If approved, the additional water intensive energy development, and similar planned ethanol plants in the Red River Valley, will be at the expense of the tribal members of Fort Berthold and rural residents in western North Dakota. The Secretary of the Interior must still make the final decision in this proposed Missouri River water pipeline to the Red River Valley. I urge the Secretary of the Interior to fulfill the federal trust responsibility to protect the Three Affiliated Tribe's assets which includes the Missouri River water; prioritize and uphold the reserved Indian water rights for Fort Berthold in the Missouri River Basin in relation to the proposed Red River Water Project; and fully comply with NEPA provision by preventing the disproportionate impact of the proposed, permanent depletion of the Missouri River water on tribal members of Fort Berthold.

Theodora Bird Bear
Mandaree ND

c.c. Nathan Hale, Mandaree/Independence Tribal Council Representative