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March 26, 2007

Red River Valley Water Supply Project  
Bureau of Reclamation  
PO Box 1017  
Bismarck ND 58502-1017

RE: SDEIS comments RRVWSP

Dear Sir,

I submit my comments for the record on the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Red River Valley Water Supply Project.

1. The Garrison Diversion Conservation District has no legitimate role in this NEPA process to write the DEIS, SDEIS, nor the final DEIS. The proposed project is a major federal project and as such invokes the NEPA mandates and protections for a thorough and objective study of all adverse and beneficial impacts of removing water from the Missouri River system and the impacts that this project will have on those human populations that currently depend on those waters for domestic, municipal, and rural water uses in western and central North Dakota. The BOR is the lead agency, under what constitutional or statutory authority did the state delegate such authority to GDCD to represent the state in this process?
2. The SDEIS and the DEIS do not meet the explicit requirements of NEPA. In fact, the involvement of the GDCD is a blatant conflict of interest. It is a willful disregard to the requirements of the NEPA for such a state entity to hold such an influential roles in the scoping, in the decision making, in the writing of the DEIS, SDEIS, and the final DEIS when GDCD's purpose for being has always been one of water diversion from the Missouri River and the Garrison Reservoir since the creation of the dam. There is a lack of objectivity due to this conflict of interest in this NEPA process.
3. The Secretary of thre Interior via Bureau of Reclamation is required to conduct the comprehensive study in this process according to the law of the Dakota Resources Act and is to ensure that the law of the NEPA requirements are met throughout this process. This environmental impact study process in not in compliance to the intent and requirements of the laws.
4. This is a biased process with resulting biased documents. To read the SEIS, the reader immediately understands that GDCD is nothing other than a proponent for the diversion of water from the Missouri River system with emphasis placed on alternatives 3,4, and 5 which are diversions of water from the Missouri River system. GDCD promotes the use of an existing pipeline from an earlier Garrison Diversion failed project attempt to divert water from the Missouri River system for the then purported use of irrigation.
5. Our neighbors to the north and east said "No" to the original DEIS proposal which included two additional alternatives of ND taking others water from the Hudson Bay area and the Lake of the Woods area. The Missouri River reservoir is located within the exterior boundaries of the Three Affiliated Tribes land.

6. It is the Three Affiliated Tribes that hold senior water rights to any other junior water rights user along the Missouri River system and if anyone should need a permit to use water, that permit request should be considered by the tribe not the state.
7. Comparing the DEIS data to the SDEIS, the argument put forth was based on a DEIS forecast that 155,300 ac-ft of water would be depleted from the Missouri River through year 2050, but with more truthful consideration that amount climbed to a total of 557,500 ac-ft, so did the resulting increase in the depletion of water to the Missouri River system correlate with an increase in the resulting adverse impacts to the water system or did those impacts remain the same? Did the population change so dramatically to increase the water consumption?
8. The Secretary of the Interior has a trust responsibility to protect Indian resources, and these resources include water. This project is an attempt to abrogate existing water rights held by the tribe and to deplete this water property by at least 557,500 ac-ft without the consultation nor recognition of pre-existing water rights.
9. Environmental justice has not been met in this process. There are many groups adversely impacted by this proposal: individuals who live along this water system who depend upon its sustainability to meet their water needs, municipalities & communities who have existing water intakes in the Missouri water system and who depend upon its sustainability to meet their water needs, a business community that depends on the Missouri water for economic development through hunting, fishing, tourism, and recreation who depend upon its sustainability to meet their economic needs, a tribe who holds ownership over waters on the Missouri River system.

Unfortunately, the SDEIS hearing scheduled at the Four Bears Casino was held during the day and I could not attend to present my testimony. I called to inquire why the time of the hearing was changed from previously scheduled 7:00pm to a 1:00 pm time schedule and was told that the change was made because it was to accommodate the federal and state agencies participation, this is most unfortunate that the public was not accommodated in with the same participation considerations.

*Jolitta Bird Bear*

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