



Minnesota Pollution Control Agency

Detroit Lakes Office

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April 12, 2007

Ms. Signe Snortland
 Red RiverValley Water Supply Project
 Dakotas Area Office
 Bureau of Reclamation
 P.O. Box 1017
 Bismarck, ND 58502-1017

RE: Red River Water Supply Project Supplemental Draft Environmental Impact Statement,
 Minnesota Pollution Control Agency Comments

Dear Ms. Snortland:

Thank you for the opportunity to comment on the SDEIS. MPCA evaluation of the document produced comments in four categories: 1. MPCA comments to the DEIS not fully addressed, 2. New information provided by the SDEIS 3. Reliability of water supply. 4. The preferred alternative.

1. MPCA DEIS Comments Not Fully Addressed

- The SDEIS Executive Summary, page 44, states, “ In general, the results of the water quality modeling and analyses indicate that no alternative is likely to adversely impact the Sheyenne River or the Red River.” However, the SDEIS, Chapter 4, reports modeling results that show the Preferred Alternative would cause violation of water quality standards and objectives. MPCA resubmits its DEIS comment regarding impacts to the limited water quality of the Red River: “Minnesota considers water quality to be of concern, or threatened, when ten percent of water quality samples do not meet standards. Therefore, the seemingly small changes noted above could change the water quality from supporting standards to exceeding standards.” We contend that exceeding of water quality standards is adverse impact, and that some project alternatives would adversely impact Sheyenne River and Red River water quality.
- **Population, water demand and water shortage projections.** MPCA continues to question the demographic analysis. Similar to the DEIS, the population projection used to determine water demand and shortage in the SDEIS is higher than would be projected from US Census, Minnesota State Demographer and North Dakota Data Center data. Also, the Water Conservation Need of 4,300 ac-ft, or 3.8 percent of demand, appears low compared to the 5-30 percent water use savings experienced by cities using a range of pricing, incentive and regulatory tools to enhance conservation. If actual population does not reach the SDEIS projection, implementation of the preferred Missouri water transfer alternative will have led to overspending of capital money and less affordable water rates. Project alternatives with high phasing potential, constructed when needed, and at the size needed, offer a higher probability of achieving wise capital investment and affordable rates.

2. New Information

- **Endangered Species Impacts.** The SDEIS reports new information regarding potential adverse impacts by the Missouri River Import alternative on endangered bird habitat. The preferred alternative should have been selected after consultation with the USFWS about this serious adverse resource effect.
- **Environmental Impacts.** New tables on pp. 38-39 of the SDEIS Executive Summary and pp. 2-59 to 2-61 of the report present resource effects that were described in the DEIS Executive Summary. The table gives equal weight to each resource and impact, even though the magnitude of the resources varies considerably. We recommend weighting the resources and statistically representing total and net effects. This would provide a more complete and discriminating tool for comparing project alternatives and identifying the preferred alternative.
- **Global Climate Change.** The SDEIS Executive Summary, p. 16, reports global climate change as an action outside of the scope of the SDEIS, that “Existing literature and science on climate change is lacking to support a meaningful evaluation of future impacts,” and “It is considered highly speculative to base future water demand on the effects of global climate change...”.

We disagree. A body of climate change literature and scientific research exists and is growing. The public and policymakers have recently raised the priority of this all-encompassing issue. The SDEIS should estimate energy consumption and emissions, identify opportunities for adoption of green technologies and evaluate the impact of selected climate scenarios for each alternative. For example, what is the impact of a warming climate on future Missouri River flow volume?

3. Reliability of Water Supply

Disputes over the finite quantity of Missouri River water add to our discomfort with SDEIS assurances that the Missouri River is a reliable, long-term surface water supply. Increased competition for the finite water supply, in addition to the uncertainty raised by the warming climate, should cause planners to question the reliability of flow projections based on the historical record. Examples of this competition include

- **Yellowstone River Compact.** A Bill of Complaint before the United States Supreme Court, *State of Montana v. State of Wyoming and State of North Dakota*, January 2007, alleges that Wyoming refuses to comply with the Yellowstone River Compact by curtailing new and expanded uses that are depleting waters of the Tongue and Powder Rivers, tributaries to the Yellowstone River, a tributary to the Missouri River
- **Assiniboine and Sioux Fort Peck Tribal Water Right.** The Fort Peck, Montana Tribes are seeking to strengthen their economy by fully utilizing their 1985 state-recognized right to more than a million acre-feet of Missouri River water annually, for irrigation to produce food crops.

4. Preferred Alternative

Based on the information provided by the SDEIS and the above comments, we recommend that a phased, in-basin water supply project, with enhanced water conservation, be reconsidered as the preferred alternative for meeting Red River Valley water needs. The Red River Basin alternative, with enhanced conservation, compares favorably to the preferred Missouri River water transfer alternative because it:

- Preserves endangered bird habitat in the Missouri River Basin;
- Offers the most sustainable, reliable, highest quality water supply;
- Has the lowest water quality impact on the Sheyenne and Red Rivers;
- Avoids risk of transferring invasive species to Lake Winnipeg;
- Is the fiscally wisest and lowest cost expenditure of valuable taxpayer money.

Finally, in regard to the "Minnesota disadvantages" listed on page 25, Red River Basin Alternative of the SDEIS Executive Summary, the Minnesota Pollution Control Agency commits to continue working cooperatively with State, Provincial, and Federal Agencies and other Red River Basin partners to resolve the technical, regulatory and legal issues involved in implementation of the best project alternative.

Sincerely,



Will Haapala
NW Regional Manager
Detroit Lakes Office

WH:jao

cc: Gaylen Reetz, Director, Regional Division, MPCA
John Holck, Assistant Director Regional Division, MPCA
Chuck Meyer, Wetland Specialist, Red Lake Band of Chippewa Indians
Steve Colvin, MNDNR, Division of Ecological Services
John Linc Stine, Director, Environmental Health Division, MDH