

October 3, 2005

Red River Valley Water Supply Project  
Bureau of Reclamation  
P.O. Box 1017  
Bismarck ND 58502-1017  
USA

**Re: Comments – Reclamation: Managing Water in the West – Draft Report on the Red River Valley Water Needs and Options**

We are writing to provide comments on the draft report prepared by the Dakotas Area Office, Bureau of Reclamation, U.S. Department of the Interior entitled, *Reclamation: Managing Water in the West – Draft Report on the Red River Valley Water Needs and Options* ('Draft Report'). We wish to endorse comments provided by Friends of the Earth (FOE) Canada in their September 27, 2005 submission and those of Adèle M. Hurley of the Program on Water Issues, Munk Centre for International Studies (University of Toronto). We are also providing some additional comments.

The options put forward in the Draft Report are incomplete. Options that include contributions resulting from significant water conservation measures and other options not dependent on major infrastructure are omitted from the report. The report does not adequately justify the presentation only of options that involve diversion and alteration of natural flows.

Some additional comments on specific issues are provided below.

***Inter-Basin Transfer of Water***

The Draft Report presents seven options for meeting projected US Red River Valley water needs to the year 2050. The options studied include two in-basin solutions, a Lake of the Woods diversion option, and four Missouri River diversion (inter-basin transfer) options (Draft Report, pg. 4-28 to 4-35).

We wish to voice concerns regarding the inter-basin transfer of water. For ecological reasons Manitoba Wildlands does not support the inter-basin transfer of water. Inter-basin diversions are problematic in that environmental effects are unpredictable, and there is always the possibility of transference of foreign/alien biota and invasive species, not to mention pathogens that may not be present in the destination basin. This risk is present regardless of the use of filters or other infrastructure designed to inhibit such transfers. Water transfer, whether inter basin or not, also increases the pollution load on the Red River, and subsequently on Lake Winnipeg..

In addition to ecological and biological effects downstream in Manitoba, water flows would be altered, which raises concerns regarding impact on flooding patterns north of the border.

### ***Transboundary Obligations – Boundary Waters Treaty, Devils Lake Draft Agreement***

The Red River, which terminates in Lake Winnipeg, whose waters flow into Hudson Bay (Manitoba) is the destination for water in all of the options proposed in the Draft Report. The Red River is a transboundary river and as such, the options proposed in the Draft Report raise transboundary and international issues.

It is our position that any inter basin transfer options must be referred to the International Joint Commission (IJC) for review as a matter of principle and in the interests of promoting and fostering Canada-US relationships, while upholding this century old successful treaty between our countries.

In addition, the State of North Dakota is well aware of Canada and Manitoba concerns regarding inter-basin transfer of water from the Missouri basin into the Red River. The draft agreement between United States and Canada, North Dakota, Minnesota and Manitoba on the Devils Lake outlet (<http://governor.state.nd.us/media/news-releases/2005/08/050806.html>) that would transfer water from the Missouri River into Manitoba is explicit. Although this agreement does not speak to other projects and initiatives involving inter-basin transfers, the options put forward in the Draft Report violate the spirit and intent of this summer 2005 agreement.

We note that the “Lake of the Woods” option outlined in the Draft Report would trigger the Boundary Waters Treaty and necessitate a referral of the project to the IJC for full review.

### ***Conservation Measures***

We were surprised at the low levels of anticipated savings from greater water efficiency and further conservation measures of 6% to 9% presented in the Draft Report. Comments forwarded by R. I Pentland concerning the engineering assumptions in the draft report, especially in terms of assuming increased water use and equal increase in supply also suggest that alternatives need more careful study. The list of conservation measures in this report is quite modest in scope and in detail. Independent analysis of aggressive and substantive conservation measures and demand-side management should be undertaken and reflected in the next version of the Report.

### ***Climate Change***

As noted by Ms. Hurley (Munk Centre for International Studies), the Draft Report does not even attempt to address the effects of climate change. In light of the overwhelming scientific evidence and the acknowledgement concerning climate change by G8 countries at the summer 2005 meetings the possible impacts of climate change on the project AND the possible effects of the project on climate change should have been discussed in the Draft Report. This is a serious deficiency in the analysis.

### ***First Nations / Tribal/Aboriginal Rights and Consultation***

Full and formal consultation must occur with First Nation and Aboriginal peoples on both sides of the Canada-US border that will be affected by potential water diversions to meet US Red River Valley water needs. No mention is made in the Draft Report of activity to consult with First Nations and

Manitoba Wildlands continues the work of WWF Canada and Nature Canada for establishment of Manitoba Protected Areas.

Aboriginal peoples. Such consultation must be appropriate, meaningful, and acceptable as defined by the First Nation. Resources should be provided to enable review and constructive input by First Nations and US Tribes before the next version of this report is finalized. The Bureau of Reclamation should make public their activity to date in this respect.

### ***Transparency***

Transparency – timely and comprehensive access to information – is key to a credible process to determine future water needs and options for the US Red River Valley. This means making available not only reports and other documentation, but providing access to other key reports, studies and research that is the basis for these reports/documentation. Public comment periods must be sufficient to allow review of materials and be reflective of the scope of the report under review, and reflective of the full range of stakeholders. Access to information should be via internet posting in some form of a public registry AND making hard copies available in regional offices as well as on request.

Decisions and reports would also include a process to disclose how and whether public comments are considered and reflected in decision-making. This is essential to maintain trust and demonstrate a commitment to meaningful and respectful dialogue with the affected public.

### ***Other Issues***

We are aware that other parties have raised questions regarding the level of involvement of the Garrison Diversion Conservancy District in the Draft Report, given its vested interest in the outcome of the Red River Valley Water Supply Project. Although we are not in a position to comment on this issue, we strongly support the principles and practice of making every effort to achieve independence and eliminate bias. Interests and biases should always be disclosed in the interests of fairness. Failure to notify stakeholders or affected communities regarding meetings, technical review schedules, contracts etc. reflects badly on the validity of the report in question. Those who will benefit from certain options need to make sure that all parties, all stakeholders are included in review, and access to information.

We expect that our comments will be publicly available along with all other public comments on the Draft Report and that there will be formal communication with the public as to how our comments were considered and reflected in the final report on Red River Valley Water Needs and Options. Please notify our office regarding the public registry for this review process.

Yours truly,

Gaile Whelan Enns  
Director, Manitoba Wildlands