

Memo Documenting the Decision-Making Process for the Red River Valley Water Supply Project Study

Many individuals and organizations were extensively involved in the development of the Red River Valley Water Supply Project (RRVWSP). Their input helped to create the Needs and Options Report and Environmental Impact Statement. It seems relevant to review the decision-making process used for the Project, so that stakeholders have a clear understanding of the effort and process used to complete these studies.

A portion of chapter five from the Final Environmental Impact Statement is attached to this memo to further detail the public involvement activities, agency consultation and coordination involved in the process.

Project History

The development of the RRVWSP was the result of the collaborative process conducted between 1994 and 2000. This process was complete with a report entitled the *Red River Valley Water Needs Assessment Phase II; Appraisal of Alternatives to Meet Projected Shortages* (Reclamation January 2000). It concluded that, "If no action is taken to develop additional water supplies, the Red River Valley will experience significant water shortages in the future during drought periods. There are alternatives, using both in-basin water and importing Missouri River water, which could meet Reclamation's year 2050 projected shortages. Costs and impacts associated with these alternatives vary considerably. Additional studies are needed before a preferred alternative can be selected."

In 2000, the Dakota Water Resources Act was passed. This legislation authorized the undertaking of two studies to determine the preferred alternative to solve the Red River Valley's water supply problem. Reclamation was directed to conduct a Needs and Options study, an engineering report to quantify the water supply problem and identify options to solve the problem. Reclamation and the State of North Dakota were charged with completing an Environmental Impact Statement (EIS) on those options and identifying a preferred alternative. The Governor designated Garrison Diversion to represent North Dakota in the EIS process and reserved policy decisions to the State Engineer. The agreement specifically states, "The State Engineer will continue to be responsible for interstate, international, and general policy issues."

Needs and Options Report: March 2001 – November 2005

A Technical Team was formed to assist Reclamation in development of the plans of study, provide technical evaluations, review draft products, and prepare portions of the Needs and Options Report (Reclamation 2005a). The team consisted of 47 agencies, systems and interested stakeholders who participated in 15 meetings between March 2001 and July 2005. At these meetings, all supporting documents and reports were shared and reviewed. The Draft Needs and Options Report was distributed to this team and potentially affected states for a 120-day comment period. The comments received from reviewers were considered and used in preparing the Final Needs and Options report, released in November 2005.

Environmental Impact Statement: March 2001 – December 2007

The EIS was being completed concurrently with the Needs and Options Study. The EIS process included two sets of scoping meetings for public comment. The first set of six meetings was held in October and November 2002. As the two study efforts progressed, the alternatives changed substantially so another effort was made to solicit more public input. Therefore, a second set of four meetings was conducted in June 2003.

Reclamation and the State of North Dakota, as joint leads of the EIS, established a Cooperating Agency Team to facilitate the transfer of information among agencies through meetings and frequent communication at key steps of the process. The group consisted of 13 different agencies that held ten meetings between January 2003 and February 2007. Each group member provided information on their specialty area or jurisdiction as related to the Project, assisted with analyses and reviewed draft chapters and analyses. The expertise shared by the agencies was instrumental in completing the analysis.

The Draft EIS was issued in December 2005. Nine public hearings were held on the Draft EIS, and 187 comment letters were received. In addition, EPA expressed nine issues that needed to be resolved. Because of these substantive comments, Reclamation and the State of North Dakota decided to leave the comment period open and issue a Supplemental Draft EIS.

In response to comment letters, further evaluation on primary issues included:

- future Missouri River depletions and impacts on the Missouri River during a concurrent drought in both basins
- biota transfer treatment failure analysis
- biota transfer consequence analysis
- water quality modeling in the Sheyenne and Red Rivers under low flow conditions
- water demands, water conservation, and drought contingency measures
- process for compliance with the Boundary Waters Treaty
- compliance with Section 404 of the Clean Water Act
- cumulative impacts to the aquifers in Minnesota.

After the additional studies and analysis, the following changes were made to the alternatives between the release of the Draft EIS and the Supplemental Draft EIS:

- The Replacement Alternative was deleted from further consideration based on cost.
- The Lake of the Woods Alternative was eliminated from further consideration because of legal and permitting obstacles.
- The modeling for the alternatives was changed to more accurately reflect the results of the return flow study and take into account operational concerns of the water users.
- The alternatives were reconfigured to adjust for the new modeling results.

- Existing water rights for the water stored behind Lake Ashtabula were incorporated into the model.
- Higher water demand was eliminated from consideration.
- Elk Valley Aquifer conversion was eliminated from consideration.
- Aquatic needs flows, as recommended by the North Dakota Game and Fish Department, were incorporated into the GDU Import to Sheyenne River Alternative.

The Supplemental Draft EIS was issued in January 2007 for additional public comment. Four public hearings were held in February and March 2007. Due to comments on the Supplemental Draft EIS, additional studies were conducted regarding climate change, siltation in the Missouri River reservoirs and a biological assessment regarding potential impacts to the least terns and piping plovers was completed. The results of the studies did not significantly change the impact analysis and the Final EIS was issued in December 2007.

Decision Making Process: State and Local Involvement

Throughout the entire EIS process, Garrison Diversion, as representative of the State of North Dakota, held various meetings to keep local stakeholders and state agencies informed. Garrison Diversion solicited these agencies and local stakeholders for their input and technical review of all documents.

The Lake Agassiz Water Authority (LAWA), created in 2003 by the state legislature to represent the local affected communities in the study process, has been meeting monthly since February 2004 to closely monitor the progress of the Project. The LAWA Technical Advisory Committee met monthly from September 2004 to March 2007 to review details of the studies and all of the alternatives. LAWA also formed an Ad Hoc Committee to evaluate financial concerns, which met from December 2006 through April 2007.

State agencies involved in the process included the Governor's Office, Department of Transportation, Department of Health, Department of Commerce, Department of Agriculture, State Parks & Recreation Department, ND Forest Service, State Water Commission, State Game & Fish Department and ND Geological Survey. Nine state agency meetings were held between May 2003 and February 2007. In addition, multiple communications were held with these agencies on an individual basis to seek their expertise. The State Water Commission was briefed on the progress and developments of the Project at 20 of their commission meetings. The Garrison Diversion Conservancy District Board was briefed on the progress and developments of the Project at each quarterly board meeting from January 2000 through January 2008.

Garrison Diversion coordinated the efforts of LAWA, the State Water Commission, ND Health Department, ND Game and Fish and other state agencies in reviewing the Needs and Options study and in preparing the Environmental Impact Statement to ensure that all of the state's interests were unified.

Decision Making Process: Preferred Alternative Selection

The Dakota Water Resources Act states that the Secretary (of Interior), in consultation and coordination with the State of North Dakota in coordination with affected local communities shall select an alternative that will meet the comprehensive water quality and quantity needs of the Red River Valley. Therefore, the process to identify the state preferred alternative started with LAWA. On October 4, 2005, their board made a unanimous recommendation to select the GDU Import to Sheyenne River Alternative as the state preferred alternative. On October 11, 2005, the Garrison Diversion board reviewed that recommendation and unanimously concurred.

A full day workshop was held on October 18, 2005, to fully brief the commissioners of the State Water Commission on the merits of the recommendation. Several experts and study authors presented information and answered questions. The State Water Commission unanimously concurred with the recommendation at their commission meeting on November 1, 2005. On November 1, 2005, Governor John Hoeven sent a letter to the Secretary of the Interior confirming the decision that the GDU Import to the Sheyenne River Alternative was the State of North Dakota's preferred alternative to solve the water supply problems in the Red River Valley.



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This chapter describes public involvement activities, agency consultation and coordination, and acknowledges the people who have been involved with this NEPA process.



DEIS Public Hearing in Bismarck, North Dakota

Public Involvement Program

In 2002 Reclamation and North Dakota began a public involvement program to provide the public, organizations, and government agencies a variety of methods to learn about and participate in the Project. For this NEPA process the program included a scoping notice, public scoping meetings, a website, newsletters, public hearings, and a comment period on the DEIS.

Scoping Notice

A scoping notice was prepared to provide the public with information on the Project and an opportunity for people to express their thoughts and comments. The notice announced the intent to prepare an EIS and was published in the October 8, 2002, *Federal Register* Volume 67, Number 195:62813. Maps showing locations of the Project area and alternative features were made available for inspection. Dates and locations of public scoping meetings were identified in advance. Materials for the scoping notice were mailed on October 18, 2002, to approximately 1,000 individuals, agencies, and organizations. The scoping notice was used to solicit initial comments on the Project.

Public Scoping Meetings

The intent of the public scoping meetings was to inform people about the Project and to collectively identify key issues. The *Federal Register* notice and news releases to local media announced a series of public meetings. The locations and dates for these meetings were:

- Fargo, North Dakota October 28, 2002
- Valley City, North Dakota October 29, 2002

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- Grand Forks, North Dakota October 30, 2002
- Pembina, North Dakota November 6, 2002
- Wahpeton, North Dakota November 7, 2002
- Bismarck, North Dakota November 8, 2002

Reclamation and North Dakota determined that a second set of scoping meetings was needed to inform interested people about substantive changes in the range of alternatives under consideration. Additional scoping meetings were conducted at the following locations and corresponding dates:

- Grand Forks, North Dakota June 23, 2003
- Breckenridge, Minnesota June 24, 2003
- Fargo, North Dakota June 25, 2003
- Valley City, North Dakota June 26, 2003

A total of 32 written comments were received in response to the initial public scoping effort. Several additional public comments were received during the remainder of the DEIS process. All comments have been reviewed and compiled in two summary documents, *Summary of Public Scoping* and *Summary of June 2003 Public Meetings*, which are included as supporting documents. These documents capture the disposition of the comments and responses to those comments.

Public Hearings

In December 2005, Reclamation and North Dakota released the DEIS for public review and comment. A notice of availability for the DEIS was published on December 30, 2005, in the *Federal Register* Volume 70, Number 250:77425-77427. The public review period of the DEIS began with the publication of this notice. The public was encouraged to provide written comment or participate in the public hearings hosted by Reclamation and North Dakota throughout North Dakota and eastern Minnesota. Public hearings on the DEIS were held at the following locations and corresponding dates:

- Bismarck, North Dakota February 2, 2006
- Grand Forks, North Dakota February 7, 2006
- Warroad, Minnesota February 8, 2006
- Valley City, North Dakota February 9, 2006
- Fargo, North Dakota February 15, 2006
- Perham, Minnesota February 16, 2006
- Red Lake, Minnesota March 6, 2006
- Fort Yates, North Dakota March 9, 2006
- New Town, North Dakota March 20, 2006

The DEIS formal comment period remained open during preparation of the SDEIS. Extension of the comment period on the DEIS through March 30, 2006, was printed in the *Federal Register* 71 FR 34, 8873–8874 and an extension through April 14, 2006 was published in 71 FR 68, 18116. The announcement that the formal comment period on the DEIS would remain open while the SDEIS was being prepared and notice of intent to prepare the SDEIS was announced in a *Federal Register* notice published on July 21, 2006, (71 FR 140, 41468-41469). Reclamation

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and North Dakota prepared a SDEIS in response to substantive comments on the DEIS related to environmental issues.

A Notice of Availability for the SDEIS was published in the *Federal Register* on February 9, 2007, (72 FR 27, 6285-6286). An extension to the comment period on the SDEIS to April 25, 2007, was published on April 3, 2007 (72 FR 63, 15904).

Public hearings on the SDEIS were held at the following locations and corresponding dates:

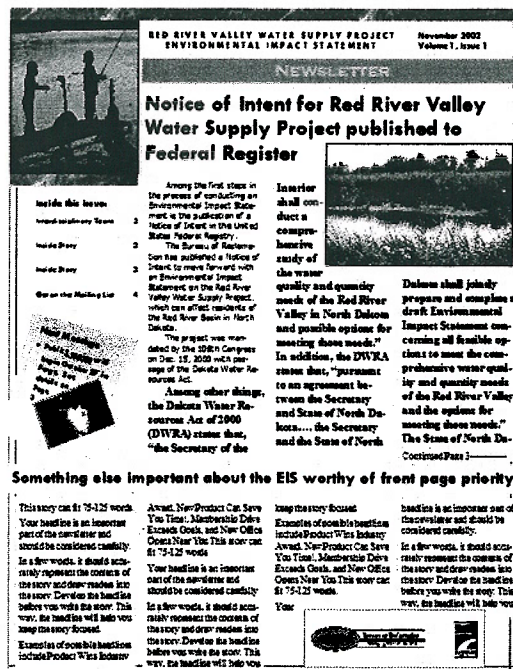
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|----------------------------|-------------------|
| • Bismarck, North Dakota | February 27, 2007 |
| • Fargo, North Dakota | February 28, 2007 |
| • Fort Yates, North Dakota | March 1, 2007 |
| • New Town, North Dakota | March 15, 2007 |

Website

A website (www.rrvwsp.com) was established to provide information about the Project, as well as to give the interested public an opportunity to ask questions, submit comments, or be added to the mailing list through e-mail.

Newsletters

Four newsletters were distributed during preparation of the DEIS to over 1,000 entities on the Project mailing list. The first newsletter in November 2002 provided background on the Project and dates for public scoping meetings, described the purpose and need, identified known issues and concerns, and outlined the process to be used in preparing the DEIS. The second newsletter of June 2003 summarized comments received on the Project, described the alternatives to be studied further, and announced a second round of public scoping meetings. The third newsletter of May 2004 summarized comments from the second round of public meetings, covered alternatives identified for further study, described alternatives eliminated from further consideration, explained Missouri River investigations, and outlined chapters in the DEIS. The Fall 2004 newsletter covered the Project purpose and need, quantified water shortages in the Red River Valley, explained changes to the alternatives including the addition of the Lake of the Woods Alternative, introduced the Cooperating Agency Team, summarized agency meetings to identify resource concerns, and described coordination with tribes.



Front page of November 2002 Newsletter

Cooperating Agency Team

The joint leads established a Cooperating Agency Team to facilitate transfer of information among agencies and between the agencies and joint leads through meetings and frequent communication at key steps of the process. Cooperating agencies provided information on their special expertise or jurisdiction related to the Project, assisted with analyses, and reviewed draft DEIS and SDEIS chapters and analyses. The following organizations participated as cooperating agencies:

- Fargo, North Dakota
- Grand Forks, North Dakota
- Lake Agassiz Water Authority
- Moorhead, Minnesota
- Minnesota Department of Natural Resources
- North Dakota State Historic Preservation Office
- Three Affiliated Tribes
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- U.S. Geological Survey
- West Fargo, North Dakota

Cooperating Agency Team meetings were held on the following dates and at the following locations:

- January 21-24, 2003 Various locations and conference calls (met with state and federal agencies to form the team)
- March 26, 2003 Fargo, North Dakota
- May 15, 2003 Fargo, North Dakota
- August 21, 2003 Fargo, North Dakota
- December 18, 2003 Moorhead, Minnesota
- August 24, 2004 Moorhead, Minnesota
- February 22, 2005 Moorhead, Minnesota
- August 10-11, 2005 Fargo, North Dakota
- May 17, 2006 Fargo, North Dakota
- February 27, 2007 Moorhead, Minnesota

Technical Team

A Technical Team was formed to assist Reclamation in developing plans of study, provide technical evaluations, review draft products, and prepare portions of the Needs and Options Report (Reclamation 2005a). Information gathered by the team was used in preparing the EIS.

The following agencies and organizations participated in the Technical Team meetings:

- Advanced Engineering and Environmental Services, Inc.
- American Fisheries Society, Minnesota Chapter

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- American Fisheries Society, North Central Division
- Bartlett and West Engineering
- Canadian Consulate, Government of Canada
- Cargill, Inc.
- Corps of Engineers
- Department of Environment and Natural Resources, State of South Dakota
- Department of Health, State of Minnesota
- Department of Natural Resources, State of Missouri
- Department of Natural Resources, State of Nebraska
- Department of Health, State of North Dakota
- Eastern Dakota Water Users Association
- East Grand Forks, Minnesota
- Energy and Environmental Research Center, University of North Dakota
- Environment Canada, Government of Canada
- Fargo, North Dakota
- Fisheries and Oceans Canada, Government of Canada
- Garrison Diversion Conservancy District
- Manitoba Water Stewardship, Province of Manitoba
- Minnesota Geological Survey
- Minnesota Pollution Control Agency
- North Dakota Game and Fish Department
- North Dakota Geological Survey
- Grafton, North Dakota
- Grand Forks, North Dakota
- Houston Engineering
- Lake Agassiz Water Authority
- Meridian Environmental Technology, Inc.
- Minnesota Department of Natural Resources
- Moorhead, Minnesota
- National Audubon Society
- National Wildlife Federation
- North Dakota Wildlife Federation
- Montgomery Watson Harza
- North Dakota State University
- North Dakota State Water Commission
- North Dakota Wildlife Society
- Red Lake Band of Chippewa
- Red River Basin Commission
- Sierra Club
- U.S. Environmental Protection Agency
- U. S. Fish and Wildlife Service
- U.S. Geological Survey
- U.S. National Park Service
- Valley City, North Dakota
- West Fargo, North Dakota

Fifteen Technical Team meetings were held on the following dates at the following locations:

- | | |
|-------------------------|------------------------|
| • March 1, 2001 | Bismarck, North Dakota |
| • April 4, 2001 | Fargo, North Dakota |
| • May 2, 2001 | Bismarck, North Dakota |
| • July 12, 2001 | Bismarck, North Dakota |
| • September 13-14, 2001 | Fargo, North Dakota |
| • September 9, 2002 | Fargo, North Dakota |
| • November 18, 2002 | Fargo, North Dakota |
| • March 27, 2003 | Fargo, North Dakota |
| • May 29, 2003 | Fargo, North Dakota |
| • August 20, 2003 | Conference call |

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- September 11, 2003 Fargo, North Dakota
- October 28, 2003 Fargo, North Dakota
- June 29-30, 2004 Fargo, North Dakota
- July 19, 2004 Conference call
- November 3, 2004 Bismarck, North Dakota
- July 5-6, 2005 Fargo, North Dakota

Resource Meetings

The joint leads engaged in several meetings with one or more agencies to gather information on resources, discuss potential impacts on the environment, or to clarify procedures for compliance with laws, regulations, and policies. The subject of these meetings, the agencies involved, meeting dates, and locations are listed below in table 5.1. Informal ESA Section 7 meetings with the Service are in table 5.2.

Table 5.1 – Resource Meeting Topic, Attendees, Dates and Locations.

Topic	Attendees	Date	Location or Method
Missouri River and Indian Trust Assets	Mni Sose and Reclamation	January 21, 2003	Rapid City, South Dakota
Missouri River Depletion	Garrison Diversion; Reclamation; and Northwest Division, Missouri River Basin Water Management Division - Corps	September 17, 2003	Conference call
Lake Ashtabula	Reclamation and St. Paul District – Corps	February 9, 2004	St. Paul, Minnesota
Groundwater Resources	Red River Basin Commission, North Dakota State Water Commission, North Dakota Geological Survey, MNDNR, University of Minnesota-Minnesota Geological Survey, USGS, and Reclamation	February 17, 2004	Moorhead, Minnesota
Aquatic Resources	North Dakota State Department of Health, North Dakota Game and Fish Department, MNDNR, Minnesota Pollution Control Agency, Service, Garrison Diversion, and Reclamation	May 10, 2004	Conference call
Biological Impact Analysis	State of North Dakota Game and Fish Department, North Dakota Parks and Recreation, Service, Garrison Diversion, and Reclamation	May 14, 2004	Bismarck, North Dakota
Western Prairie Fringed Orchid	Service, U.S. Forest Service, Garrison Diversion, and Reclamation	June 16, 2004	Bismarck, North Dakota
Minnesota Groundwater and Natural Resources	MNDNR, Minnesota Department of Health, Service, Garrison Diversion, and Reclamation	June 29, 2004	Fargo, North Dakota
Western Prairie Fringed Orchid	U.S. Forest Service and Reclamation	July 20, 2004	Lisbon, North Dakota
Fish and Wildlife Coordination Act	Service, Garrison Diversion, and Reclamation	July 27, 2004	Bismarck, North Dakota
EPA Roles and Responsibilities	EPA and Reclamation	August 25, 2004	Denver, Colorado
Regulation of Lake of the Woods	Corps and Reclamation	October 28, 2004	Conference call

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Topic	Attendees	Date	Location or Method
Minnesota Environmental Policy Act	State of MNDNR, Minnesota Pollution Control Agency, Minnesota Department of Health, Minnesota Geological Survey, Garrison Diversion, and Reclamation	June 6, 2005	Minneapolis, Minnesota
EPA Roles, Responsibilities, and Comments on Analysis	EPA and Reclamation	July 28, 2005	Conference call
Indian Trust Assets	Reclamation and Red Lake Band of Chippewa	August 9, 2005	Red Lake, Minnesota
Clean Water Act Permitting	Corps, Garrison Diversion, and Reclamation	August 22, 2005 September 18, 2006	Bismarck, North Dakota
Fish and Wildlife Coordination Act	Service, Garrison Diversion, and Reclamation	September 22, 2005	Bismarck, North Dakota
Water Quality Modeling Workshop	Reclamation, USGS, Garrison Diversion, and North Dakota Department of Health	November 17, 2005	Bismarck, North Dakota
Water Quality Modeling Workshop	Reclamation, USGS, Garrison Diversion, and North Dakota Department of Health	December 7, 2005	Bismarck, North Dakota
Water Quality Modeling Workshop	Reclamation, Grand Forks, Fargo, Environment Canada, Lake Agassiz Water Authority, USGS, EPA, Garrison Diversion, Minnesota Pollution Control Agency, Minnesota Department of Health, MNDNR, North Dakota Department of Health, and North Dakota State Water Commission	Jan 31-Feb 1, 2006	Moorhead, Minnesota
Aquatic Resources	MNDNR and Reclamation	February 2006	Electronic mail and telephone calls
EPA Comments on Draft EIS	Reclamation, EPA, Garrison Diversion, and North Dakota State Water Commission	February – September 2006	Meetings in Denver, North Dakota and Conference calls
Water Quality Modeling	Reclamation, USGS, Garrison Diversion, and EPA	March 9, 2006 May 31, 2006 August 22, 2006 August 29, 2006 September 5, 2006 September 12, 2006	Conference call
Indian Trust Assets	Reclamation and Three Affiliated Tribes	March 20, 2006	New Town, North Dakota
Endangered Species Act	Service - North Dakota Field Office and Reclamation	May 2006	Electronic mail, calls and, meeting Bismarck, North Dakota
Missouri River Depletions	Garrison Diversion, Reclamation, and Northwest Division and Missouri River Basin Water Management Division - Corps	July 18, 2006	Conference call
Missouri River Depletions	Garrison Diversion, Reclamation, and Northwest Division, Missouri River Basin Water Management Division - Corps	July-September, 2006	Electronic mail and coordination calls

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Topic	Attendees	Date	Location or Method
EPA Comments on DEIS	Reclamation, Garrison Diversion, EPA, and North Dakota State Water Commission	July 26-27, 2006	Denver, Colorado
Fish and Wildlife Coordination Act Report	Service and Reclamation	August – September 2006	Electronic mail and coordination calls
EPA Comments on DEIS	Reclamation, Garrison Diversion, and EPA	August 28, 2006	Denver, Colorado
Water Quality Modeling	Reclamation, USGS, and Garrison Diversion	September 7, 2006	Conference call
Water Quality	Reclamation, Garrison Diversion, USGS, and North Dakota Department of Health	November 30, 2006	Bismarck, North Dakota
EPA comments on DEIS	EPA, Reclamation, Garrison Diversion, and North Dakota State Water Commission	December 19, 2006	Denver, Colorado

Environmental Protection Agency Consultation

The EPA has several important roles and responsibilities in the development of an EIS. One of their roles is to provide guidance to federal agencies on filing EISs, including draft, final, and supplemental EISs and as required by NEPA and CEQ regulations. EPA also performs substantive reviews of EISs pursuant to NEPA and Section 309 of the Clean Air Act. The Project DEIS, SDEIS, and FEIS have been filed with EPA. Since the release of the DEIS, Reclamation and North Dakota have participated in numerous meetings and conference calls with representatives from EPA to address their comments. This consultation continued through the preparation of the FEIS.

Endangered Species Act Consultation

Federal agencies are required to consult with the Service under Section 7 of the ESA when federally listed species may be affected by an agency action. Table 5.2 lists the dates and places of informal Section 7 consultation meetings between Reclamation and the Service.

To start the process Reclamation obtained a list of species from the Service that may be found in the Project area and potentially affected. The DEIS provided an analysis of impacts from the Project on the identified species. The SDEIS incorporated new information on potential impacts to threatened and endangered species.

No changes in operation of the Missouri River system by the Corps under the 2004 Master Manual are anticipated as a result of this Project. NEPA and ESA evaluations revealed that most of the effects of the water withdrawals to the Red River Valley for the Project would be relatively small.

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Table 5-2 – Informal ESA Section 7 Consultation Meetings.

Topic	Attendees	Date	Location or Method
Biological Impact Analysis	North Dakota Game and Fish Department, North Dakota Parks and Recreation, Service, Garrison Diversion, and Reclamation	May 14, 2004	Bismarck, North Dakota
Western Prairie Fringed Orchid	Service, U.S. Forest Service, Garrison Diversion, and Reclamation	June 16, 2004	Bismarck, North Dakota
Western Prairie Fringed Orchid	U.S. Forest Service and Reclamation	July 20, 2004	Lisbon, North Dakota
Fish and Wildlife Coordination Act	Service, Garrison Diversion, and Reclamation	July 27, 2004	Bismarck, North Dakota
Fish and Wildlife Coordination Act	Service, Garrison Diversion, and Reclamation	September 22, 2005	Bismarck, North Dakota
ESA	Service - North Dakota Field Office and Reclamation	May 2006	Electronic mail, calls, and meetings in Bismarck, North Dakota
ESA (Western Prairie Fringed Orchid)	Service – Twin Cities Field Office and Reclamation	August 2006	Electronic mail and coordination calls
Fish and Wildlife Coordination Act Report	Service and Reclamation	August – September 2006	Electronic mail and coordination calls
ESA (Piping Plover and Interior Least Tern)	Service – North Dakota Field Office and Reclamation	October and November 2006	Electronic mail and meetings
ESA (Piping Plover and Interior Least Tern)	Reclamation and Service – North Dakota Field Office	October 5, 2006	Bismarck, North Dakota
ESA (Piping Plover and Interior Least Tern)	Reclamation, Service, Corps, and Garrison Diversion	November 7, 2006	Conference call
Biological Assessment	Reclamation and Service – North Dakota Field Office	February 2007- May 2007	Coordination calls and meetings. Review of draft biological assessment.

The actual operation of the Missouri River system is the responsibility of the Corps. Reclamation does not have control over the operation of the Missouri River system, and thus does not determine how the Corps operates for all project purposes. The environmental impacts of the Corps' operation were evaluated in a series of biological assessments (1998 and 2003), and in the Service's 2000 and 2003 biological opinions on the operations of the Missouri River.

Reclamation has evaluated the impacts of the Project's alternatives on Missouri River uses and resources. The impacts to federally listed species, specifically the interior least tern and piping plover, have already been described by the Corps' biological assessments on their Missouri River system operation, the Service's biological opinions, and the Corps' subsequent implementation of those opinions.

Reclamation completed a biological assessment on the preferred alternative in compliance with regulations found at *50 CFR Part 402 Interagency Cooperation – Endangered Species Act of 1973, as Amended; Final Rule*. The biological assessment finds that the proposed action, the GDU Import to the Sheyenne River Alternative, is not likely to adversely affect any federally

listed species, including the least tern and piping plover (see Appendix G.1). The Service has concurred with these determinations.

Native American Consultation

In accordance with NEPA and related laws, regulations, and policies, Reclamation developed a Tribal Consultation Action Plan aimed at gathering and considering tribal issues and concerns about the proposed Project. The plan identified 30 tribes within the Red River Basin and Missouri River Basin that could be impacted by the Project. Table J.1 in Appendix J provides a list of the tribes located within the area of potential effect. Comments from tribes were solicited during the scoping process. Reclamation requested that the tribes identify any ITAs that could be affected by the Project alternatives and invited them to meet and consult on impacts to any potentially affected ITAs. Three tribes responded to this request for continuing direct consultations. Other tribes requested to be kept informed as the process moved forward and some did not respond. The Mni Sose Water Rights Coalition, representing Missouri River Basin tribes, requested information about the Project, so Reclamation staff and managers met with them to discuss consultation with tribes in the basin. Reclamation has continued to provide periodic updates to the members of the Mni Sose Water Rights Coalition, as requested. For specific information on the consultation activities refer to Appendix J.

As alternatives were developed for the Project, Reclamation continued consultation with the Three Affiliated Tribes, Standing Rock Sioux Tribe, and the Red Lake Band of Chippewa. Tribal water rights settlements, treaty rights, and ITAs form the core of collective tribal issues and concerns. Each of these tribes, along with the others identified in the Tribal Consultation Action Plan, were sent a copy of the DEIS during the public comment period.

During the preparation of the SDEIS, Reclamation sent a letter to each of the 30 tribes notifying them that Reclamation and North Dakota were preparing a SDEIS and invited them to consult on ITAs and other concerns with respect to the SDEIS. The Standing Rock Sioux Tribe and Red Lake Band of Chippewa responded with a request for a meeting. In addition, the Oglala Sioux Tribe expressed concerns about the Project in SDEIS public hearing testimony and in a comment letter (see Appendix M.2). Reclamation is continuing government-to-government consultation with the tribes.

Cultural Resources Consultation

As a part of the identification of cultural properties under Section 106 of the National Historic Preservation Act, consultation was initiated with State Historic Preservation Officers for the states of North Dakota and Minnesota, and with the Tribal Historic Preservation Officers or tribal archaeologists for the Sisseton Wahpeton Oyate, White Earth Band of Minnesota Chippewa, Red Lake Band of the Chippewa, Standing Rock Sioux Tribe, and Three Affiliated Tribes.