

Omaha District Missouri River Water Supply Report



US Army Corps
of Engineers®
Omaha District

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An update on Water Supply activities within the Missouri River corridor

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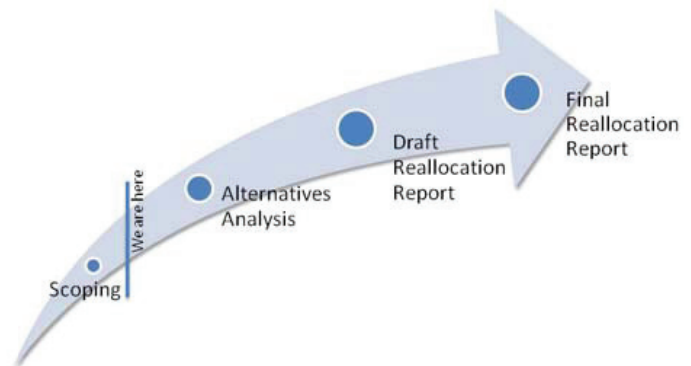
Corps hones in on focus for Missouri River Water Allocation study

by Tiffany Vanosdall
Project Manager

The Corps received more than 500 pages of comments during public scoping for the Missouri River Municipal and Industrial Water Storage Allocation Study. Where appropriate, the team is revising the scope of the study to incorporate analysis of the issues raised by the Tribes and public during the public comment period. Many comments were

received on the adequacy of the natural flows of the Missouri River to meet basin water needs, water rights of states and Tribes, use of water by downstream users and impacts to the other reservoir project purposes. In April, the Corps will hold a Webinar with sister federal agency and state team members to discuss the scope.

Currently storage in the reservoirs on the Missouri River mainstem is allocated to multiple uses. In this study, the Corps is evaluating whether it can allocate a portion of that multiple use storage to single use municipal and industrial storage. There are several factors considered in an Allocation study. First, the study must determine how much water is needed from the reservoirs for M&I use. In the Missouri River reservoirs, this would include all existing users plus any expected future users. The Corps sells storage, not water, so we must determine how much storage is needed to have enough water for M&I use during critical periods, such as drought. We then determine if there are other sources of water that would be less expensive than getting water out of the reservoir. Finally, we determine if use of this storage for M&I would have a significant impact on other purposes of the reservoirs or the environment. Comments made by the public during scoping assist the Corps in determining how we will do all of these analyses.



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Draft reports for five mainstem reservoirs currently under review

by **Tiffany Vanosdall**
Project Manager

The Surplus Water Reports for five of the Missouri River mainstem reservoirs, including Fort Peck Lake, Lake Oahe, Lake Sharpe, Lake Francis Case and Lewis and Clark Lake are currently under review at Corps Headquarters. The reports have taken into account the more than 1200 pages of e-mails, letters and public testimony received during public review of the draft documents. Comments were separated into themes and thematic responses were prepared. The comments and thematic responses will be included in the Environmental Assessment for each report. Once the Corps' headquarters has reviewed the reports, they will be transmitted to the Assistant Secretary of the Army for Civil Works for final review and approval. The reports are expected to be finalized and approved this summer at which time they will be made available to the public on our website at:

<http://www.nwo.usace.army.mil/Missions/CivilWorks/Planning.aspx>.

Meet Project Managers Tiffany Vanosdall, Chris Wiehl



Tiffany Vanosdall is the Project Manager/Lead Planner for the Missouri River Water Allocation Study. She has experience working on projects that require National Environmental Policy Act review, watershed planning, ecosystem restoration and water supply. Prior to her current position, she worked as a Fisheries Biologist for the U.S. Forest Service for seven years. She has a Bachelor of Science Degree in Biology and Chemistry and a Master of Science Degree in Ecology.



Chris Wiehl is a 30-year Corps employee and is the Water Supply Business Line Manager. He leads the management team for programs and activities related to the Water Supply Business line for the Omaha District. This is a team effort regarding many Corps offices. The work starts with the Project

Office in the field as well as the offices within Omaha, Neb.

Rulemaking update

The Assistant Secretary of the Army (Civil Works) has directed USACE to pursue notice and comment rulemaking in accordance with the Administrative Procedure Act to establish a nationwide policy for surplus water uses under Section 6 (1944 Flood Control Act).

The eventual scope of the rulemaking will include pricing, and may include other aspects of water supply policy to address current and future issues nationwide. The primary purpose of the rulemaking is to set before the public (in a precise manner) the Agency's interpretation of the relevant statutes (Sec. 6, Flood Control Act of 1944; and Water Supply Act of 1958) and to clarify requirements for implementing each. The scope and positions to be taken in the proposed rulemaking are still under deliberation within the Administration.

The Corps of Engineers has 702 dams nationwide, 134 of which have authorized municipal & industrial water supply storage in 25 states. This rulemaking is a key step toward the larger goal of achieving greater consistency in the Corps' Water Supply business area nationwide.

"We are currently working through the rulemaking process with the Administration," said Gene Pawlik, Headquarters Public Affairs Office. "The development of this rule calls for a high level of scientific, economic and policy analysis, which can sometimes protract the process. We continue to work diligently toward the development of a rule that we can release to the public for comment."

Notice and comment rulemaking will allow all stakeholders to express their views and recommendations. A release date has not yet been set, but the public can expect to see a Federal Register notice indicating an appropriate point of contact for making comment once the draft rule has been developed, said Pawlik.

Four concurrent water supply actions within Missouri River Basin

The Corps is in the process of completing four concurrent actions that will impact municipal and industrial water supply users throughout the Missouri River basin. Those actions include:

(1.) Draft Surplus Water Reports, Environmental Assessments for Missouri River Mainstem Projects (Fort Peck, Oahe, Big Bend, Fort Randall and Gavins Point Dams)

CONGRESSIONAL AUTHORITY: Section 6, Flood Control Act of 1944

In May 2010, the ASA (CW) directed the Corps to complete six water reports, one for each of the Missouri River Mainstem reservoirs. The **Garrison Dam/Lake Sakakawea Surplus Water Report** was the first to be distributed for public comment and **was finalized on July 18, 2012**. The remaining five reports were released to the public in draft form Aug. 7, 2012. The purpose of the studies was to determine whether surplus water can be made available for municipal and industrial withdrawal on a temporary basis. The draft reports indicate that some amount of surplus water can be made available for a period of up to 10 years for municipal and industrial use without adversely affecting existing lawful uses of the water. In the reports, the Corps identified current and projected municipal and industrial withdrawals from each reservoir and provided an estimated price to be charged under future agreements for the temporary withdrawal of water. Once these five outstanding reports are complete, they will allow the Corps to enter into temporary, short-term agreements (in this case, for up to 10 years). Those short-term agreements are titled Agreements for the Temporary Withdrawal of Water.

(2.) Administrative Procedures Act Rulemaking

CONGRESSIONAL AUTHORITY: Administrative Procedures Act of 1946

Responding to concerns raised during the Missouri River Mainstem Reservoir Surplus Water studies, the ASA (CW) directed the Corps to pursue notice and comment rulemaking in accordance with the Administrative Procedure Act to establish a nationwide policy for pricing surplus water uses under Section 6 of the 1944 Flood Control Act. The eventual scope of the rulemaking will include pricing and may include other aspects of water supply policy to address current and future issues nationwide. The policy will be implemented as a nationwide policy for municipal and industrial water supply users who use surplus water from Corps reservoirs. Rulemaking is the federal law that governs how federal agencies propose and establish regulations. The process associated with rulemaking is designed to ensure the public is informed of proposed rules, have the opportunity to comment on them and have access to the rulemaking record. The following web site discusses the general process of rulemaking: http://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf

(3.) Agreements for the Temporary Withdrawal of Surplus Water at Lake Sakakawea

CONGRESSIONAL AUTHORITY: Section 6, Flood Control Act of 1944

Agreements for the Temporary Withdrawal of Surplus Water refer to the actual contracts that are put in place between the Corps and the applicant requesting withdrawal of water from a Corps reservoir. **Lake Sakakawea is the only reservoir for which the Corps has completed and released a final surplus water report and environmental assessment approved by the ASA (CW)**. Therefore, Lake Sakakawea is currently the only reservoir where the Corps is entering into agreement. To view a diagram of the process and outstanding requests for withdrawal, see page 4.

In addition to the agreements for the temporary withdrawal of water, the Corps grants an easement to the applicant for construction, installation, operation, maintenance, repair and replacement of approved water intake facilities. By law, the easement is also required to be in place before an applicant can move forward with development on Federal property. Section 6 of the Flood Control Act of 1944 is the authority that grants the Corps the ability to enter into these agreements with municipal and industrial water users.

(4.) The Missouri River Water Allocation Study

CONGRESSIONAL AUTHORITY: Water Supply Act of 1958

In May 2010, the ASA (CW) directed the Corps to complete an Allocation Study for the Missouri River Mainstem Reservoir system. The study began in June 2012 and will systemically and comprehensively examine whether some amount of the storage included in the Corps Missouri River Mainstem reservoirs may be permanently allocated for municipal and industrial water supply use. The study will also examine the effects of the allocation on the congressionally authorized purposes and operation of the reservoirs. If the study determines storage is available, it will allow the Corps to enter into water storage agreements on a permanent basis. During the public meetings held Aug. 20 to Aug. 29, the Corps gathered information from the public regarding their views on pertinent information the Corps should consider as it shapes the study and outlines variables to be considered. The Corps is in the process of analyzing that information to organize the study. The next phase of the study will include the development of a report and Environmental Impact Statement. The draft of that report will be shared with the public during an open public comment period. Those comments will be considered in the development of a final version of the report. The final report will be provided to the **Assistant Secretary of the Army for Civil Works** for approval. Once approved, the Corps will be able to enter into permanent water storage agreements with municipal and industrial water users.



US Army Corps of Engineers
Omaha District

Municipal and Industrial Intake Application Status

March 15, 2013

On June 10, 2008, we implemented a change in the way municipal and industrial water intake requests were processed. This change allowed us to be in compliance with Section 6 of the 1944 Flood Control Act and our real estate guidance. We are now requiring that a surplus water agreement be entered into prior to the issuance of an easement. Below you will find the current status of requests at the Garrison project.

Water Supply Intake Request Application Status Garrison Dam/Lake Sakakawea, North Dakota

Priority Order	Date of Application	Applicant's Name	Depot Name	Volume Requested (Acre-Feet)	Applicant *									Government **						Applicant		Government		
					Formal Letter Received	Justification of Need	Tribal/Other Resolution	Water Right	Plans and Specifications	Regulatory Permit	NEPA	ESA, Section 7 Consultation	Additional Authorizing Document(s)	Generate Surplus Water Agreement(SWA)	Draft Easement	SWA NWD Endorsement	SWA HQ USA CE Endorsement	SWA ASA (CW) Concurrence	SWA Returned to NWO	SWA / Easement to Applicant	SWA Signed by NWO Commander	Easement Signed	Completed Package sent to Applicant	
1	2/8/2010	International Western	Thompson Site	4,950	X	X	NA	X	X	X	X	X	NA	X	X	X	X	12/5/12	12/5/12	1/4/13	2/6/13	2/6/13	2/8/13	
2	2/8/2010	International Western	Iverson	2,000	X	X	NA	X	X		X	X		NA							2/6/13			
3	2/8/2010	International Western	Charlson	6,000	X	X	NA	X	X	X	X	X		NA							2/6/13			
4	4/21/2010	Sakakawea Water Depot LLC	Mandaree	1,000	X		X		X		X	X												
5	8/4/2010	Kodiak Oil & Gas	TBD	3,000	X	X	X		X	X	X	X												
6	10/12/2010	Hexom Earth Construction	Hexom Depot	2,564	X		NA	X	X															
7	4/3/2012	Sand Creek Resources	Quale	6,452	X	X	NA	X	X															
8	4/3/2012	Sand Creek Resources	Roggenbuck	6,452	X	X	NA	X	X	X			X											
9	12/17/2012	Petro Hunt LLC	TBD	1,000	X		NA		X															
10	1/9/2013	Don Pennington	Pennington	TBD	X		NA	X	X	X														
11	09/13/2012	Pro Frac	Stone Creek	TBD	X		NA																	
				Total Acre Ft	33,418	Application Submitted	Applicant Input Process Up to 2 Years if EA required						Surplus Water Agreement Process up to 6 Months						SWA/Easement to Applicant 1 Month		Application Complete	Easement Process 1 Month		Easement Issued

** Action requires Applicant engagement
*** Vertical Team Action District, Division, HQ, ASA
Note 1: Continental Resources and Southwest Pipeline Removed from the list during the last reporting period

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