

# NAWS makes headway

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## Construction continues on water pipeline for area towns

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Construction on a pipeline between Minot and Max made progress this past year, while battles over the Northwest Area Water Supply project wound their way through the court system.

At the end of the year, one lawsuit remained unsettled but it isn't stopping construction from going forward. Currently, the State Water Commission and NAWS Advisory Board are making plans to expand the project north of Minot to Berthold and Minot Air Force Base in 2007. NAWS will bring Missouri River water to Minot and communities beyond.

"Everything seems to be falling in place," Minot city manager David Waind said. "It's really positive, even though it's been frustrating because of all the different areas that have been holding us up at different times."

The three-year legal wrangling between Minot and the GO Committee over NAWS had its day in the state's top court in May.

The North Dakota Supreme Court eventually ruled in July. It determined that the city must repay more than \$1 million in interest that had been transferred from the NAWS fund to the city's general fund but said the city's use of NAWS money



to upgrade the water treatment plant was OK.

In February, federal Judge Rosemary Collyer in Washington, D.C., ordered a comprehensive environmental review after hearing a lawsuit brought by the Canadian province of Manitoba.

Manitoba had sued the Bureau of Reclamation and its parent agency, the Interior Department, in 2002, seeking a more thorough review of the NAWS project. Canadian officials have concerns about potential transfer of aquatic life from the Missouri River basin to the Hudson Bay basin.

In November, Manitoba, U.S. and North Dakota officials began negotiating their differences over construction of NAWS under a stay of a U.S. appeal of the judge's decision until the end of 2005.

Manitoba was encouraged to come to the table after the state indicated a willingness to increase the amount of pre-treatment before the water is piped to Minot.

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Waind

"The fact that there's an effort being made to compromise is good, but there's still so much up in the air," said Bob Schemp, chairman of the NAWS Advisory Committee, Minot. "The pipeline should be completed in the next construction season, so that part was good."

The water commission is negotiating with the Bureau of Reclamation regarding use of Snake Creek Pumping Plant facilities for an intake structure to obtain water from Lake Sakakawea. The other option for NAWS is a separate intake structure.

The worst-case scenario in the Manitoba lawsuit is that a comprehensive environmental review is done and it shows a water treatment plant is needed at the water source, Schemp said. In that case, Minot would have to decide whether to offer duplicate treatment services at its plant or close the plant and give up the option of treating its current water supply as a secondary source.

The best-case scenario is that a compromise will be reached that requires only minor modifications in NAWS construction plans, he said.

If the lawsuit is settled in the coming year, work could begin on improvements at Minot's water treatment plant and on the intake structure.

The cost of hurricanes and the Iraq conflict make federal funding tougher to obtain, but state engineer Dale Frank said he is hopeful that NAWS can continue to get backing to advance the project.

The State Water Commission also will have a new project manager working with NAWS in the future. Jim Lennington, who held that position for a number of years, resigned from the commission, effective at the end of the year, to take a job with an engineering firm.

Michelle Klose, a civil engineer with 14 years experience, replaces Lennington. She has been with the Bureau of Reclamation.