

N.D. water project arguments heard

By Jack Sullivan
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WASHINGTON - Diplomats, not a United States judge, should address Manitoba's complaints about a North Dakota drinking-water pipeline, and a lawsuit against the project should be dismissed, lawyers for the U.S. Interior Department and the state argued Tuesday.

A lawyer for Manitoba countered that the project poses "substantial environmental risks" to areas of North Dakota and Manitoba because it could carry organisms from the south-flowing Missouri River into a shared river system that feeds Hudson Bay.

"We are not distinguishing between impacts in Canada and impacts in the United States," Eldon Greenberg told U.S. District Judge Rosemary Collyer during a hearing Tuesday.

Manitoba's lawsuit, filed in U.S. District Court in Washington, asks Collyer to halt the project and order a more extensive environmental review than what was done before work began in April

2002.

Collyer did not say when she will decide whether the case will proceed.

The \$145 million Northwest Area Water Supply project, called NAWSS, is designed to provide drinking water to more than 63,000 residents in northwestern North Dakota.

The water will be disinfected before it is piped from the river to Minot, where it will be treated so it will be drinkable. But Manitoba officials are concerned accidental spills from the pipeline - before the water is fully treated - could introduce viruses, bacteria or other organisms into the northern watershed, harming native species or water quality.

U.S. lawyers say the project was properly studied before then-Secretary Bruce Babbitt approved it in 2001.

Attorney Ann Navaro told Collyer that the Boundary Waters Treaty, struck between the United States and Canada in 1909, creates procedures for the two national governments to resolve any dispute over the project.