

Board of County Commissioners

Richland County
Montana

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May 12, 2021

U.S. Army Corps of Engineers, Omaha District
CENWO-PMA-C Attn: Fort Peck Draft EIS Comments
1616 Capitol Avenue
Omaha, NE 68102-4901

Via postal mail and email:
cenwo-planning@usace.army.mil

RE: Comment on Fort Peck Test Releases Draft EIS

The Board of County Commissioners of Richland County, Montana comments on the Fort Peck Dam Test Releases Draft Environmental Impact Statement March 2021 as follows:

**1. “Temporary” and “Short-Term” Miscalculation
Timing Effects**

A failure to appreciate timing effects causes the DEIS to miscalculate irrigation impacts as “temporary” and “short-term.”

The “Irrigation Pump Survey Report”¹ identifies a concern that “warrants consideration within the EIS modeling.”² The concern is “that the proposed test occurs during critical crop irrigation periods.”³

Despite identifying this concern, the DEIS repeatedly characterizes impacts to irrigation as “temporary” and “short-term.” It does so by measuring the impacts chronographically rather than agronomically and agriculturally. This is a failure to consider the concern about timing because what makes the timing critical is agronomic and agricultural factors, not chronological ones. Irrigation is agronomic and agricultural.⁴

¹ Appendix D, Draft Environmental Impact Statement, “Hydrology and Hydraulics Technical Reports,” pp. 379-400.

² Irrigation Pump Survey Report, p. 8.

³ *Ibid.*

⁴ “Irrigation is a common practice in the Upper Basin, where low annual rainfall and a short growing season requires river and reservoir water to improve crop viability.” DEIS, 3-180.

The issue of timing has two main aspects: (1) The timing of the proposed test flows embraces nearly the whole irrigation season; and (2) Within the irrigation season, an interruption or reduction of irrigation at one time does not have the same impact as at another time.

(A) Whole Season

The proposed:

- attraction flow begins April 16.
- retention flow is held until May 28.
- spawning cue flow begins May 28.
- drifting flow is held until September 1.

On a chronograph, that is a fraction of a year. Measured that way, it sounds “temporary” or “short-term.” Agronomically, however, this nearly is the entire irrigation season. The DEIS itself notes that “the irrigation season lasts approximately from May through September.”⁵ Agriculturally speaking, the proposed test flows impact the whole year. In Montana, there is only one irrigation season and only one crop per year.

During critical time, the spawning cue flow level and the flood target are too high. They will flood pumps, electrical boxes, road access to pumps, and even crops themselves. That is a year-long, permanent, non-temporary, non-short-term impact.

During critical time, the drift flow of only 8,000 cfs is marginal under otherwise ideal conditions. In the practical world, many irrigators require 10,500 cfs, or they cannot take in water. Under agricultural operating conditions, those will not be “temporary” or “short-term” losses. That will impact the entire year.

(B) Timing Within the Season

Many non-irrigated farmers say things like, “My best crops were raised on two thunderstorms that came at the right times.” That is the result of cultivar response to moisture timing. Like the pallid sturgeon, agricultural cultivars have life cycles and cycle-stage-sensitive responses. The cultivars and their responses do not change when going from non-irrigated to irrigated farming. The timing of irrigation has an effect like the timing of natural precipitation.

⁵ “The irrigation season lasts approximately from May through September.” DEIS, 3-180.

To compute, for example, 15 added days of water level below operable for irrigation intake as having a 10 percent impact because 15 days is 10 percent of the irrigation season is a statement in neglect of agronomy and agriculture. It fails to take account of *when* this deprivation of moisture occurs.

The DEIS and attachments do not contain an agronomic or agricultural assessment of the critical irrigation timing effects. The “List of Preparers” of the DEIS⁶ does not make clear who among the preparers, if anyone, is qualified as an agronomist or agriculturalist to assess the timing impacts.

2. “Temporary” and “Short-Term” Miscalculation Sedimentation, Contracted Crops, and Crop Rotation

A failure to appreciate sedimentation after-effects, contracted crops, and crop rotation causes the DEIS to miscalculate irrigation impacts as “temporary” and “short-term.”

(A) Sedimentation After-Effects

High flow events cause sedimentation. Irrigation does not and cannot resume immediately simply because a high flow event no longer is flooding irrigation infrastructure. Dredge operators will not put a dredge into that environment soon after the water recedes. The practical effect could be abolition of irrigation for the year, especially for side channel intakes. The DEIS expresses no appreciation of this delay in the resumption of irrigation.

(B) Contracted Crops

Some of the affected crops are planted, raised, and marketed under advance contracts. For example, sugar beet acres are contracted in advance with the Sidney Sugars factory in Sidney, Montana. The DEIS expresses no appreciation of the effect of losses from high and low water interruptions of irrigation on the ability to continue contracting acres. A carry-over effect on contracting is not “temporary” or “short-term.”

(C) Crop Rotation

With the advent of advanced continuous cropping cultures and technology in the early 1990s (which is superior for soil health, the environment, and farm economics), agronomically sound crop rotation became indispensable. Rotation is necessitated for

⁶ Pp. 9-1 to 9-2.

multiple reasons including plant pathology and disease control,⁷ aggregate nutrient levels, nutrient tie-up, biomass management, and soil moisture profiles. To lose or severely diminish a crop from interruption of irrigation by flooding irrigation works, sedimentation after-effects, or low water throws a monkey wrench into rotation. Disjointing the rotation causes loss effects that flow from one year to another.

3. Sidney Sugars Threatened and Ignored

For some crops, such as spring wheat, farmers have marketing options. There are multiple grain elevators and terminals where they can sell and haul wheat. For other crops, there is only one buyer in the market. For example, in eastern Montana and western North Dakota, sugar beets are purchased only by Sidney Sugars Incorporated, a wholly owned subsidiary of American Crystal Sugar Company.

Sidney Sugars provided a significant amount of information and financial data during the preparation of the DEIS showing the threat of the proposed releases to its sole factory in Sidney. The DEIS simply ignores this information.

The impacts could be lethal to the factory. This would foist devastating impacts upon an entirely different and additional set of 54,000 flood irrigated acres in the Lower Yellowstone Irrigation Project (LYIP) to which the DEIS is oblivious.

Close the factory and all the acres of the LYIP – along with those under sprinkler irrigation from the Missouri River – will have no market for sugar beets. Close the factory and count the loss of jobs, loss of business and personal incomes, impacts upon school districts, erosion of tax bases, closure of other businesses, etc. By ignoring Sidney Sugars, the DEIS ignores an elephant in the middle of the room.

4. Lack of Safety Net

There is no safety net for this. Crop insurance will not cover the losses. The U. S. Army Corps of Engineers (USACE) will not mitigate costs or indemnify losses. The uninsured, indemnified, uncompensated loss of one crop can put many a farmer out business. Three such losses from three miscalculated test flows would ruin most farms. That is not temporary. That is not short-term. That is the farm.

⁷ Planting durum on durum, spring wheat on spring wheat, peas on peas, beets on beets, etc. causes devastating losses from diseases.

5. Initial Test Year Ill-Timed

The target of 2022 for the initial test year is ill-timed.

(A) Too soon for farmers

To decide these test flows one year and implement them the next is too sudden and stampeded for farmers to be able to make whatever adjustments might be feasible to maintain crop viability.

(B) Current and projected drought

Based on current and developing conditions, the Board of County Commissioners sent a request to Montana Governor Greg Gianforte dated April 13, 2021 that he submit a request to the U. S. Secretary of Agriculture and the President of the United States for an agriculture-related disaster declaration for Richland County, Montana based on drought. Richland County already was designated a contiguous drought disaster county in December, 2020. Because of worsened conditions and meteorological forecasts, the Board seeks a designation of Richland County as a primary drought disaster county.

Already by April 8, 2021, the U. S. Drought Monitor rated Richland County as suffering from category “D3 – Extreme Drought” with “Major crop/pasture losses” and “Widespread water shortages or restrictions.”

The National Weather Service Climate Prediction Center “Three-Month Outlook” for “Temperature Probability” for June-July-August of 2021 forecasts higher than normal temperatures.¹ The Service’s “Precipitation Outlook” for the same period forecasts lower than normal precipitation.²

USACE Missouri River Water Management Division itself issued News Release No. 21-020 on May 6, 2021 headed “Drought conditions driving lowered runoff forecast.”⁸ The release says:

Very dry conditions in April resulted in very low runoff in the upper Missouri River Basin.

The upper Basin runoff was 44% of average, which was the 9th driest April in 123 years of record. The updated 2021 upper Basin runoff forecast is 17.8

⁸ <https://www.nwd.usace.army.mil/Media/News-Releases/Article/2597809/drought-conditions-driving-lowered-runoff-forecast/> accessed May 10, 2021.

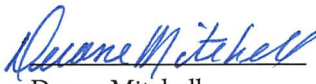
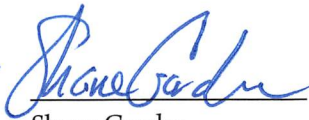
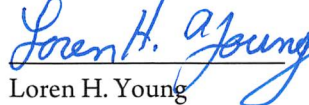
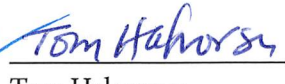
million acre-feet (MAF), 69% of average, which, if realized, would rank as the 22nd lowest calendar year runoff volume.

'The extremely dry April, current drought conditions, and below-normal mountain snowpack has led our office to significantly lower the 2021 calendar year runoff forecast," said John Remus, chief of the U.S. Army Corps of Engineers', Missouri River Basin Water Management Division. "Based on this forecast, the May reservoir monthly studies indicate reduced flow support for navigation during the second half of the navigation season and a 12,000-cfs Gavins Point winter release rate. I urge all water users, particularly intake owners, to begin preparing for the possibility of lower river levels later this summer and during the fall and winter."

A rush to make 2022 the first year of test releases is ill-timed both for irrigation and for the pallid sturgeon. A drought year is a particularly bad year not to have reliable irrigation. For the sturgeon, the released water needs to be warmer than what is provided from the bottom of the reservoir. The release should be from the spillway using shallower and warmer water. This easily might not be available in the looming drought conditions.

Thank you for your time and attention.

Sincerely,

			
Duane Mitchell Chairman	Shane Gorder Commissioner	Loren H. Young Commissioner	Tom Halvorson Civil Attorney

TRH:mmi

CC: Attorney General Austin Knudsen
Governor Greg Gianforte
Director, Montana Department of Agriculture
U. S. Senator John Tester
U. S. Senator Steve Daines
U. S. Representative Matt Rosendale
Hon. Rick Norby, Mayor of the City of Sidney
Hon. Brian Bieber, Mayor of the Town of Fairview
Sidney Herald
The Roundup

Sidney Area Chamber of Commerce and Agriculture
Richland Economic Development Corp.
Attorney General Wayne Stenehjem
Governor Douglas Burgum
Commissioner of Agriculture Doug Goehring
U. S. Senator John Hoeven
U. S. Senator Kevin Kramer
U.S. Representative Kelly Armstrong
Williston Herald
McKenzie County Farmer

¹ Three-Month Outlooks, Official Forecasts, National Weather Service, Climate Prediction Center, June-Jul-Aug 2021, https://www.cpc.ncep.noaa.gov/products/predictions/long_range/seasonal.php?lead=3, accessed April 12, 2021.

² *Ibid.*