



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

August 9, 2012

RG 348424
Attorney General
AUG 14 2012

Planning, Programs, and Project Management Division

Mr. Marty J. Jackley
South Dakota Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Dear Mr. Jackley:

This letter is to inform you that the U.S. Army Corps of Engineers, Omaha District (Corps) has released Draft Surplus Water Reports for Fort Peck Dam/Fort Peck Lake, Montana; Oahe Dam/Lake Oahe, South Dakota and North Dakota; Big Bend Dam/Lake Sharpe, South Dakota; Fort Randall Dam/Lake Francis Case, South Dakota; and Gavins Point Dam/Lewis and Clark Lake, Nebraska and South Dakota.

The draft reports propose temporarily making surplus water available within each of the reservoirs for municipal and industrial water supply. Temporarily making surplus water available will allow the Omaha District to enter into temporary surplus water agreements for water supply to meet regional water needs until such time that a permanent reallocation study might be completed. A draft Environmental Assessment (EA) is attached to each report, which identifies baseline environmental conditions and analyzes potential impacts from the proposed use of surplus water. The draft surplus water reports propose that surplus water is available in each of the reservoirs and quantifies an amount at each. Each report also recommends that the administrative law rulemaking process be used to establish a fair and equitable pricing methodology. The process is used by executive agencies to promulgate formal rules. If instituted, the process would allow the Corps to develop a pricing model, inform the public about the recommended pricing methodology, allow time for public comment and agency response to the proposal, and provide time for any revisions before a potential formal pricing model is set in place.

The Corps is committed to transparent communication regarding these important decision documents. Members of state, tribal and federal agencies, as well as the general public, are encouraged to provide comments on any or all of the draft reports and EAs during the open comment period of August 6, 2012 to September 7, 2012. Public meetings are scheduled to take place from 4:30 p.m. to 8:30 p.m. for the following dates and locations:

| Date | City/State | Location/Address |
|-----------------|-------------------------|---|
| August 20, 2012 | Nebraska City, Nebraska | Lied Lodge and Conference Center 2700 Sylvan Road |
| August 21, 2012 | St. Joseph, Missouri | Stoney Creek Inn and Conference Center 1201 North Woodbine Road |
| August 22, 2012 | St. Joseph, Missouri | Marriott West 660 Maryville Centre Drive |
| August 23, 2012 | Sioux City, Iowa | Holiday Inn 701 Gordon Drive |
| August 27, 2012 | Pierre, South Dakota | Best Western Ramkota 920 West Sioux Avenue |
| August 28, 2012 | Bismarck, North Dakota | Best Western Doublewood Inn and Conference Center 1400 East Interchange Avenue |
| August 29, 2012 | Glasgow, Montana | Fort Peck Visitor Center |

The meetings held August 20, 2012 through August 29, 2012 will also be used to begin the scoping process for the reallocation study for the Missouri River Mainstem System. The reallocation study will evaluate municipal and industrial water storage availability on a long-term or permanent basis via water supply contracts between applicants and the Corps of Engineers. Attached for your reference is a copy of the municipal and industrial water supply reallocation study scoping letter that the Corps sent to each of the Governors in the basin.

The draft Surplus Water Reports and environmental assessments are available for viewing at:

http://www.nwo.usace.army.mil/html/pd-p/Plan_Formulation/Review/review_plans.html

and in hardcopy at libraries in Glasgow, Montana; Bismarck, North Dakota; Pierre, South Dakota; Chamberlain, South Dakota; Pickstown, South Dakota; and Yankton, South Dakota. The public may submit comments via comment forms available at the public meeting and at libraries where the report is located. Written comments should be sent to:

U.S. Army Corps of Engineers
Attention: CENWO-OD-T (Larry Janis)
1616 Capitol Avenue
Omaha, Nebraska 68102-4901
Phone number: (402) 995-2440
Fax number: (402) 995-2697

Comments can also be emailed to: momainstem-surplus-waterreports@usace.army.mil.
Comments must be postmarked or received no later than September 10, 2012.

If you have any questions, please contact Tiffany Vanosdall at 402-995-2695 or tiffany.k.vanosdall@usace.army.mil. The Corps looks forward to receiving your comments on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Kayla A. Eckert Uptmor".

Kayla A. Eckert Uptmor
Chief, Planning Branch

Enclosure