



Nebraska Game and Parks Commission

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February 2, 2004

Brent Johnson, President
Ainsworth Irrigation District
Rural Route 2, Box 82
Ainsworth, Nebraska 69210

Dear Mr. Johnson:

We are in receipt of your letter of January 9, 2004 requesting the Nebraska Game and Parks Commission to expedite discussions with the Ainsworth Irrigation District regarding Perpetual Conservation Easements and Operating Agreements as they relate to the District's efforts to obtain Title Transfer from the Bureau of Reclamation.

We are also in receipt of a letter dated January 7, 2004 to the District from BOR Acting Area Manager, Stephen F. Ronshaugen concerning the District's Draft EA which was submitted to BOR on December 5, 2003.

The Nebraska Game and Parks Commission was notified by the District December 5, 2002 regarding the District's intentions to take title to the Ainsworth Irrigation Project. We responded to that letter December 16, 2002 indicating that the Commission was interested in beginning discussions on the perpetual conservation easements and operating agreements as required.

We attended public scoping meetings in Ainsworth and Valentine on April 23rd and 24th and a technical scoping meeting on May 8, 2003 in Ainsworth. At those meetings it appeared to us that many questions were being asked regarding the title transfer but definitive answers were many times absent and many questions answered in a very general manner.

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June 10, 2003, Commission staff sent a letter to Fred R. Ore, then BOR Area Manager, expressing and detailing environmental concerns and requesting that BOR move past the Environmental Assessment process and proceed directly to an Environmental Impact Statement. It was our belief that an EIS was the absolute best method available to provide all interested parties to this process answers to many questions that only an EIS can provide.

July 2, 2003 Commission staff met with the AID's Board of Directors, General Manager and EA contractors at Commission headquarters in Lincoln. We had meaningful discussions and thoroughly discussed the many advantages of an EIS over an EA in a project of this magnitude. We expressed our concern that in the absence of an EIS the easements and operating agreements were going to be more difficult.

July 24, 2003 the U.S. Fish & Wildlife Service wrote to BOR expressing a wide range of environmental concerns and recommended that BOR reassess the level of NEPA review that is required for the subject action as it appeared stating that pertinent criteria existed to warrant the preparation of an EIS.

August 5, 2003 the National Park Service provided BOR a letter expressing written environmental concerns and recommended the preparation of an environmental impact statement for this project was warranted.

August 29, 2003 Fred R Ore of BOR responded to the Commission's staff letter of June 10, 2003. A portion of that letter read as follows:

“Reclamation believes that, based on a preliminary evaluation of environmental issues and potential effects associated with the proposed title transfer, an EA is the appropriate level of NEPA documentation to prepare at this time. The EA will provide the necessary information and analysis for a determination whether to prepare an EIS or a Finding of No Significant Impact (FONSI). If at any time during the preparation of the draft EA Reclamation determines that there are sufficient factual disputes or the environmental impacts are significant, we will then prepare an EIS.”

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From August 29, 2003, Commission staff have had the understanding from BOR that the Draft EA would be issued to all for comment on and if an EIS was then not ordered by BOR, at that juncture at the direction of the Game and Parks Commission Board of Commissioners, Commission staff would proceed to work toward preparation of necessary easements and operational agreements with AID for final examination and approval by the Nebraska Game and Parks Commissioners and subsequent Congressional consideration. This process appears consistent with the BOR Environmental Assessment Process Flowchart #1 in the BOR operational plan.

Stephen F. Ronshaugen's letter of January 9, 2004 does not support that assessment.

November 20, 2003, I met with the District's Board of Directors, General Manager and Legal Council at AID headquarters in Ainsworth. At this meeting I again reiterated the Commission's staff belief that anything short of an EIS for the Title Transfer Proposal would make the finalization of the easements and operating agreements more difficult. I reiterated that in Commission staff judgement the EA process does not make a thorough enough evaluation of the project to meet the public demands and expectations of all interested parties to this important process. Of great importance, EA's do not lend themselves to the level of public participation that are afforded in the EIS process.

In Governor Johanns letter to the District dated January 14, 2003, he stated:

"It will also be important to address any local concerns raised through the public involvement process."

Commission staff continues to believe that an EIS is the best possible method of bringing the very best information to all interested parties allowing the best possible decision making.

January 28, 2004 the Commission AID Title Transfer sub-committee met at Commission headquarters in Lincoln. It was the recommendation of the sub-committee that AID refer to Stephen F. Ronshaugen's letter of January 7, 2004 and select option One which will result in an Environment Impact Assessment of the proposed Title Transfer.

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Please be assured, Brent, that the Commission joins you ready and willing to work with AID to protect the public interests in the management of recreational, fish and wildlife resources for the best benefit of the resources and our citizens in this proposed Title Transfer action.

Thank you.

Sincerely,



Rex Amack, Director
Nebraska Game and Parks Commission

C: Governor Mike Johanns
Senator Chuck Hagel
Senator Ben Nelson
Congressman Tom Osborne
Congressman Lee Terry
Congressman Doug Bereuter
Senator Jim Jones
Stephen Ronshaugen, Bureau of Reclamation
Paul Hedren, National Park Service
Nebraska Game and Parks Commissioners
Chester Wilkins, Ainsworth Irrigation Board Member
Donald Fling, Ainsworth Irrigation Board Member
Harlan Welch, AID General Manager
Roger Patterson, Director, Nebraska Department of Natural Resources
Merlyn Carlson, Director, Nebraska Department of Agriculture
Mike Linder, Director, Nebraska Department of Environmental Quality
Roger Kuhn, Assistant Director, Nebraska Game and Parks Commission
Kirk Nelson, Assistant Director, Nebraska Game and Parks Commission