

COMMENT LETTER



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

SEP 08 2000

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

Ms. Jayne Harkins
Manager, River Operations
Boulder Canyon Operations Office (BCOO-4600)
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, Nevada 89006-1470

Handwritten initials and number:
4600

Dear Ms. Harkins:

The United States Section, International Boundary and Water Commission (USIBWC), has reviewed the Draft Environmental Impact Statement (DEIS) for Interim Surplus Criteria for Colorado River Operation. This document was provided by letter dated June 29, 2000 (Reference: LC-2502, ENV-6.00), and our comments follow.

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|---|--|--|---|
| 1 | | Add CBRFC , and CRSSez to the list of the Acronyms on page ACR-1. Also, on page ACR-2, correct the entry for IBWC to read, "International Boundary and Water Commission, United States and Mexico ." | 1: The list of acronyms was amended to include CBRFC and CRSSez. The entry on page ACR-2 was corrected. |
| 2 | | Page S-7, section S.3.3, subsection Reservoir Water Levels. Correct the sixth sentence in the first paragraph to, "The other three alternatives would result in increased potential for Lake Mead water levels to decline, with median elevations between 15 feet and 27 feet lower than" | 2: Correction made. |
| 3 | | Page 2-3, section 2.2.3, Pacific Institute Proposal. In the first sentence of the second paragraph, correct to read, "Water delivery to Mexico is regulated by the Treaty and various treaty minutes based on consultation between the United States and Mexico." | 3: Correction made. |
| 4 | | Page 3.4-32. In the first paragraph, correct the reference to Figure 3.3-20 to read, "Figure 3.4-20 provides a comparison" | 4: The reference has been corrected. |
| 5 | | Page 3.4-34. The entire write-up on this page seems misplaced. A more appropriate location would be on page 3.4-32 following Figure 3.4-19. | 5: The text is arranged to accommodate the placement of figures in the respective section and to reduce the amount of white space on each page, and thus minimizing the size of the document. |
| 6 | | Page 3.16-1, section 3.16.3, Consultation with Mexico. Correct the first sentence to, "... Reclamation, through the United States Section , International Boundary and Water Commission (USIBWC) is in the process" | 6: This correction has been made. |
| 7 | | Page 3.16-2. In the second paragraph, change the first sentence to, "In his transmittal, Commissioner Herrera expressed a concern" | 7: This correction has been made. |

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8 Page 3.16-2, listed six items of Mexican Commission's concern for the distribution of surplus water among the Lower Diversion States in the United States. On page 3.16-3, the first paragraph states that, "Although Reclamation recognizes the potential for the United States, acting through the Secretary of State, to continue to work with Mexico on a bi-national basis to clarify and resolve Mexico's concerns, it is not clear that these concerns are a result of interim surplus criteria. Issues not arising from interim surplus criteria are outside of the scope of this DEIS."

8: Comment noted.

9 The Mexican Commissioner's letter of May 11, 2000 represents the Mexican Government's perception of impacts in Mexico. The USIBWC assumes that Reclamation's comments are preliminary and subject to further information and clarification from Mexico. The USIBWC has joined the Mexican Section of the International Boundary and Water Commission in a government to government consultation under the terms of IBWC Minute 242, which requires reciprocal consultations on new or significant modifications to surface or ground waters. These consultations have consisted of technical meetings on April 12, 2000 in Henderson, Nevada; May 12, 2000, in Mexico City; and August 31, 2000 in Las Vegas. At these meetings, the proposed interim surplus criteria and alternatives under consideration were explained to Mexico's National Water Commission (CNA) and Secretariat of Environment, Natural Resources and Fisheries by Reclamation. Discussed in detail were computer runs for impact scenarios at the Northerly International Boundary (NIB), using the index sequential method of historic records since 1906, for the alternatives under consideration. Reclamation's conclusion is that there is not significant difference on flows arriving at the NIB under current practice and those arriving under the Six States and California plans.

9: Comment noted and Reclamation concurs with the information presented in this comment. Reclamation has revised the discussion for flows arriving at the NIB in Sections 3.3.4.5.4, 3.4.4.5 and 3.16.5 of the FEIS.

10 Mexico's letter of May 22, 2000 along with a letter by the CNA to Reclamation, expressed its concern that the interim surplus criteria could eliminate surplus water flows to Mexico in the 15 years in which it is in effect and its objection to implementation of the interim surplus criteria unless impacts in Mexico are mitigated. Mexico listed six perceived impacts of interim surplus criteria and the lining of the All American Canal and objected to the implementation of the criteria unless these impacts are mitigated. Mexico expressed concern that these impacts could weaken bilateral natural resource protection efforts and urged consideration of use of surplus flows for environmental purposes.

10: Comment noted.

11 More recently, Mexico provided a letter dated September 6, 2000 (copies of Spanish and English translation attached) in which Mexico observes that while Mexico's guaranteed water delivery of 1.5 million acre feet are guaranteed under all alternatives, the probability of Mexico receiving an additional 200,000 acre feet in scheduled deliveries in years of surpluses, are less than the historical probability of 35 per cent. Further, Mexico observes that the probability of there being excess flows below Morelos Dam in the limitrophe section of the river would be well below the historical average of 38 per cent. Mexico perceives that agricultural use would be impacted but that the major impact would be to the environment from Morelos Dam to the Gulf of California. Mexico repeats its objection to the surplus criteria unless mitigation of impacts in Mexico take place and again urged consideration of the use of surplus flows for environmental purposes.

11: Comment noted.

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12 | Page 3.16-11, section 3.16.5.2 Comparison of Surplus Alternatives to Baseline Conditions. Change the fourth sentence to, "The largest difference in frequency is observed at the end of the interim surplus criteria"

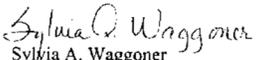
12: The data in the FEIS has been updated (see Section 3.3.3.4 for a discussion). The description in Section 3.16.5.2 reflects these changes.

13 | Page 3.16-13, section 3.16.6 Preliminary Summary of Effects to Special-Status Species and Habitat in Mexico, subsection 3.16.6.1 Potential Effects to Habitat in Mexico. The U.S. Section must assert that the United States has a right to maximize its use of Colorado River waters reserved to it under the 1944 Water treaty and recognizes that Mexico's right is only for 1.5 million acre feet. The U.S. Section also iterates that the United States Government does not assume any obligation to mitigate for adverse impacts in Mexico. At the same time, the U.S. Section observes that the IBWC consultations with Mexico are a forum to receive comments from the Government of Mexico and provide for technical discussion to carry out, in the context of comity, joint cooperation projects in support of the Colorado River riparian ecology to the Gulf of California that would have a benefit to the United States and Mexico.

13: Comment noted.

Thank you for the opportunity to review the DEIS. If you have questions, please call Mr. Douglas Echlin at 915/832-4741.

Sincerely,


Sylvia A. Waggoner
Division Engineer
Environmental Management Division