Written Submissions
Durango, Colorado

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

RECEIVED
MAR 17 2000
ANIMAS-LA PLATA WATER CONSERVANCY DISTRICT

Return comments by March 17, 2000 (address below).

Name Jamie Bach _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 3350 E. 4. Ave.

City Durango State Co Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 It stands clear in the Co. Ute Indian Water Rights Final Settlement Agreement of Dec 10, 1986 that these tribes have water rights totalling in the multi-thousands of acre feet per year from all the water sources listed in the Agreement. The A-LP reservoir alternative would be storing water that had little use. Water to be used by the strip mining coal plant, 3 golf courses, a dude ranch and a resort do not seem to be worthy reasons to destroy one of the last free flowing sacred rivers of Colorado and the United States. With the amount of water already available to the Ute tribes and the absurd reasons given to construct the Ridges Basin Reservoir, I strongly oppose the ALP reservoir alternative & would prefer the non-structural alternative.

Please mail comments to:
Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, CO 81301-0640

Fax: 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

Animas-La Plata information located on **Web Site: www.uc.usbr.gov/special/alp/index.html**

2 I feel the DSEIS is flawed (no cost-benefit analysis). It should be redone.

Thank you.
Jamie Bach

DWS1-1 Table 1-1 in the FSEIS has been revised to better illustrate the water rights of the Colorado Ute Tribes. For a discussion of the potential uses of water, refer to General Comment No. 6. Refer to General Comment No. 7 for a discussion of non-binding uses of water.

DWS1-2 Refer to General Comment No. 1 for a discussion of a benefit-cost analysis for the project.

Phil Bannister
251 S. Clover Drive, #2
Bayfield, Co. 81122

February 14, 2000

Pat Schumacher
Bureau of Reclamation
835 E. 2nd Ave.
Durango, Co. 81301.

Pat Schumacher:

1 Anyone of even remote intelligence KNOWS the nonstructural Alternative 6 to the Ridges Basin proposal makes vastly more sense.

No environmental protection agency impact statements need be done because the water sources are already in place. Plus the mega dollars of the proposed dam and delivery system will not insinuate additional maintenance expenses because there will be nothing to maintain.

2 Plus the delivery system to the tribe's side of the Aminas River is already there and expensive pipelines need not require the trenching of the Animas River as was recently done by Amoco in secretion harming the downstream habitat.

3 The purchasing of landowner's water rights will eventually satisfy the Utes domestic and agriculture needs. Also in the Bureau of Reclamation's own estimates they saw nothing incorrect with that alternative except it would eliminate any M&I uses.

4 But city of Durango also is in process of funding a separate reservoir in Horse Gulch because it will be cheaper than buying into the UTES "only" water rights allocation.

It would only cost 7 million dollars as opposed to 8 million dollars to put into the Ridges Basin project where no pipe lines are designated to the Durango reservoir. Thus eliminating the need to supply the city of Durango and the M&I requirement.

5 And if 98% of the stored water on Ridges Basin is to go to building a coal fueled power production plant, it will go against the U.S.A.'s goal of reducing the Greenhouse gasses that was internationally proclaimed recently.

Who needs more golf courses which do a lot of destruction to the environment (too much destructive pesticide use, herbicide use, and unproductive use of hydrogen peroxide).

Here's hoping you, Pat Schumacher, and the Bureau of Reclamation, will recommend something intelligent to be done to satisfy the Ute Indians water rights in the Animas River and to go along with a much less destructive option for the world-wide-population by discouraging the production of more Greenhouse Gasses and by just recommending the nonstructural Alternative 6 choice option.

Yours,

Phil Bannister

DWS2-1 Implementation of Refined Alternative 6 would result in more environmental impacts than the Preferred Alternative, particularly when water was moved off the land for development of future water uses by the Colorado UteTribes. Refer to General Comment No. 6 for a discussion of future water uses.

DWS2-2 Delivery systems to the Colorado Ute Tribes are described in the FSEIS for illustrative purposes only. Any future development of water uses would be decisions of the Tribes, and are further described in General Comment No. 6.

DWS2-3 Future development of project water by theColorado UteTribes may involve more than just current domestic and agricultural needs. Refer to General Comment No. 6 for a discussion of future water needs.

DWS2-4 The use of project water by the City of Durango, and the cost sharing of this use, will be developed in the future prior to construction. For NEPA purposes, projected future uses by the City are discussed in the FSEIS.

DWS2-5 Refer to General Comment No. 6 for a discussion of future water uses by the Tribes. A range of non-binding future water uses was discussed in the FSEIS to meet NEPA procedures, recognizing that the Colorado Ute Tribes may elect to implement some, all, or none of these future water uses. Future water uses will be subject to NEPA analysis if they are proposed.

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Return comments by March 17, 2000 (address below).

Name Maggie Bowes 970-247-4603 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 3350 E. 4th Ave

City Durango State Co Zip 81301

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I find it ridiculous to fund a project such as ALP with tax payers money. It has been shown that there already exist 13- non ALP sources of water for the Utes. The DEIS states that the water from the ALP would be used for a coal-fired power plant, strip-mining and golf courses. Check out the environmental impact of each of these. It is in the best interest of the taxpayers and the future generations not to proceed with the ALP project. Please I definitely would favor the non-structural alternative.

Maggie Bowes

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DWS3-1 The uses of water are considered future non-binding uses. Should the Colorado Ute Tribes elect to pusue any one of them, such decision would trigger additional environmental impact analysis as required by NEPA.

Doris A. Brennan
1915 East Third Avenue
Durango, Colorado 81301

FEBRUARY 15, 2000

The Animas-La Plata Project was authorized in 1968 to be built concurrently with the Central Arizona Project, which has now been completed. Construction of the Animas La Plata Project has yet to begin. This is a national shame.

The Animas La Plata Project and the allocation of a significant portion of the Project's water supply to the Southern Ute Indian and Ute Mountain Ute Tribes is the key feature of the 1986 Agreement, to resolve the Tribes' reserved water rights claims. The Settlement Agreement was the product of over four years of intense negotiations.

1

The State of Colorado sponsored meetings, beginning in 1996, in an effort to seek a compromise to allow construction of the Animas-La Plata Project to proceed in fulfillment of provisions of the Settlement Agreement. The process produced two proposals: 1) the proposal to construct a modified Animas-La Plata Project supported by Project proponents, including the Colorado Ute Indian Tribes and the State of Colorado; and 2) the proposal of the Animas-La Plata Project opponents, calling for a cash settlement fund for the Tribes in lieu of the construction of the Animas-La Plata Project, a proposal firmly rejected by both Tribes.

DWS4-1 Comment noted.

Doris A. Brennan
1915 East Third Avenue
Durango, Colorado 81301

The proposal to construct a modified Animas-La Plata Project reduces the federal cost by more than half. The United States Fish and Wildlife Service has favorably completed its section seven consultation under the Endangered Species Act on the construction of the modified Animas-La Plata proposal, together with an entitlement to deplete annually 57,100 acre-feet of water from the San Juan River system.

1 (con't)

It is necessary to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to secure the construction of a modified Animas-La Plata Project and satisfy the Tribes' reserved water rights claims. HR 3112, introduced by Representative Scott McInnis, contemplates the construction of such a modified Project. The legislation does not include construction of any water transmission facility into the La Plata River drainage or any of the irrigation facilities originally contemplated for the Project, a major sacrifice by non-Indian water users in southwestern Colorado.

I endorse the modified Animas-La Plata Project as agreed to by the two Colorado Ute Indian Tribes and their non-Indian neighbors and support enacting the pending legislation, HR 3112. I support constructing the modified Project favored by the United States Bureau of Reclamation's draft supplemental environmental impact statement.

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Return comments by March 17, 2000 (address below).

Name Joseph Brinkerhoff _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 1727 E LAWN AVE.

City Durango State Co Zip 81301

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 Honor promises to Indians and build this project ASAP.

DWS5-1 Comment noted.

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Name JON BROHAM 382-5388 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 390 E 12TH ST APT 3

City DURANGO State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I SUPPORT THE NON-STRUCTURAL ALTERNATIVE.

DWS6-1 Comment noted.

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Name LORRIE CARLSON _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 1748 W. 2nd Ave.

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 • A cost benefit ~~alys~~ analysis needs to be done!!!

• A non-structural alternative makes more sense financially & environmentally. There are better alternatives (than ~~do~~ a reservoir) to honor the Indian treaty of 1886 (?).

• I am concerned about the environmental impact of pumping water uphill 500 ft to be stored in an elk wildlife habitat and then put back in river. Very detrimental to Animas River ecosystem.

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→ Plus a waste of fossil fuels.

DWS7-1 Refer to General Comment No. 1 for a discussion of benefit-cost analysis. The evaluation in the FSEIS concludes that there are shortcomings with the Refined Alternative 6 from a reliability practicality and environmental factors, and that storage is required as part of any alternative in order to meet the project purpose and need.

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Name Jane Cobb 970 382 0658 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 458 E. 3rd Ave

City Durango State Co Zip 81301

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I am against ALP because we need wilderness areas and wild rivers. I support protecting our environment as is, and not contributing to urban sprawl. Though it is a tragedy to the UTE's, I feel this is an all encompassing belief: Preserve our wilderness. Preserve our town.

DWS8-1 Comment noted.

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Name Mark Condiotti _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 3790 CR. 207

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 As an irrigator of my 843 acres of ranch land I am concerned that A-LP will call out my junior water rights leaving me with no water for my pastures and livestock.

Sincerely
Mark Condiotti

DWS9-1 If your land is on the Animas River with water rights junior to the ALP Project, there may be times during low water conditions when your rights could be "called out". However, the hydrologic model runs for Animas La Plata operation were based on high and low water conditions assuming all Animas water rights holders would have their rights met.

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Name Robert Connor 970/247.5718 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 2720 Delwood Ave

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 Why build the reservoir @ Ridges Basin when
a) Vallecito Lake Dam can be used (improved) to provide water for Southern Ute needs via gravity and
b) McPhee Reservoir can be used to provide water for the Ute Mountain Ute needs via gravity.
c) Any needs for water in New Mexico can be met also by a gravity system.

DWS10-1 The potential for providing water from Vallecito Reservoir and McPhee Reservoir have been evaluated and eliminated from further consideration in Section 2.4.1 of the FSEIS. For New Mexico, two sites (Bondad and Cedar Hill) have been investigated to provide gravity flow to supply water for water uses. A gravity flow site was also evaluated at Aztec, but eliminated in favor of a pumped storage site.

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Name Paul Cowden 970 259 7661 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 195 Canyon Creek Trail

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No___ already on list

Comments on the Draft Supplemental Environmental Impact Statement:

1 Of the alternatives presented, #6 is by far the best. It settles the Ute water claims without allowing other vested interests to sneak in their own wish list on the public tab. Alternative #4 would have tremendous negative impacts on the local area. The visual and noise impacts would hurt our tourist-based economy as well as degrading our quality of life. It would destroy Ridges Basin wildlife area just as loss of wildlife habitat is becoming a critical problem. The list goes on beyond what can be described here. The DSEIS shows that Alternative #6 has decidedly less negative impacts.

It is clear that the driving force behind a Ridges Basin reservoir and pumping station is not settlement of Ute (over)

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DWS11-1 The evaluation of Refined Alternative 6 revealed several shortcomings in terms of reliability, practicality, and environmental impacts that make it less desirable than Refined Alternative 4. Refer to General Comment Nos. 8 and 11 for a discussion of the potential impacts on recreation and wildlife habitat respectively, as well as mitigation measures to reduce those impacts.

1 (con't)

water rights. The push comes from forces of greed, speculation and power brokering which simply wrap their motives in the Indian blanket. Let's work to stamp out this kind of corruption in our political process. Let's honour our commitments to the Ute and proceed with alternative #6 now.

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Name Bryan Dear _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 2702 Columbine

City Durango State Co Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I believe the environmental effects of ALP will be of little benefit to our city, county and the Ute Tribe. Let another financial resource be used. The developmental impact of this project will have a disaskrous effect on ~~our~~ the Animas River, the mountains and the desert.

DWS12-1 Comment noted.

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Name Laura Fadil 970 946 0498 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 819 EATON WAY

City HESPERUS State CO Zip 81327

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 THE D.S.E.I.S IS FLAWED AS IS THIS PROJECT IN GENERAL. THERE ARE NO COST-BENEFIT FIGURES INCLUDED IN THE STATEMENT! ALSO, I AM AGAINST THE USE OF "NON BINDING POTENTIAL USES" FOR ALP H_2O. GOLF COURSES and A COAL FIRED POWER PLANT??? THE HESPERUS AREA DOES NOT NEED EITHER. And AFTER ~~AF~~ ALL OF THIS PUBLIC EXPENSE THE UTES GET NO WATER DELIVERED! THE SCOPE OF THIS FOOLISHNESS IS IMPRESSIVE. THE BUREAU SHOULD REEVALUATE NON STRUCTURAL ALTERNATIVES; A NONSTRUCTURAL SOLUTION WOULD HAVE MUCH LESS "ENVIRONMENTAL IMPACT" THAN

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Durango, CO 81301-0640

Fax:. 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

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A DAM, PUMPING STATION, COAL FIRED PLANT, GOLF COURSES etc. PLEASE TRY BEING OBJECTIVE & HONEST, HOW CAN YOU ARGUE THAT THE "PREFERRED ALTERNATIVE" PROPOSED HAS LESS IMPACT

DWS13-1 Comments noted. Refer to General Comment Nos. 1 and 6 for a discussion of benefit-cost analysis, future water uses. Refined Alternative 4 was selected as the Preferred Alternative because it had fewer overall environmental and technical impacts than Refined Alternative 6.

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Name Herb Folsom _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address Box 716

City Mancos State Co Zip 81328

Include my name on future Animas-La Plata mailings? Yes___ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 Indian water yes but on Indian lands for Indians not developers!

DWS14-1 Comment noted.

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Return comments by March 17, 2000 (address below).

Name Scott Graham _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 8 Junction Lane

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No X

Comments on the Draft Supplemental Environmental Impact Statement:

1 We all know past agreements with the Ute Indians must be upheld. The way to do so, however, is not through a blatantly wasteful boondoggle. Stop ALP now. It is a clear waste of taxpayer dollars and will be destructive to the ways of life for both the Indians and non-Indians of this region – environmentally and economically – forever if built. Instead, please negotiate with the Utes to provide wet water held for them in lower reservoirs, which they can then sell or distribute to entities lower in the Colorado Basin as they see fit, in perpetuity, without destroying southwestern Colorado. Thank you.

DWS15-1 Lower reservoir sites have been evaluated both in the 1996 FSFES and the current FSEIS. A lower reservoir site at Aztec was evaluated and eliminated as discussed in Section 2.4.2 of the FSEIS.

February 14, 2000

To Whom It May Concern:

I am writing to express my concerns on the proposals for A.L.P.

1 First and foremost, I believe that the Ute tribes are entitled to receive the water they were promised when their reservations were established. It seems very unlikely that any party to that treaty would have envisioned an uphill reservoir many, many, miles from tribal agricultural land or populations centers as a solution to the Ute's water rights.

The summary of the Draft Supplemental Environment Impact Statement was written to address the various proposals. One needs only to read 3.0 "Purpose and need for the Project" to realize that there are two agendas to the project: Indian water rights and "identified M&I water needs in the project area".

2 What treaty obligation does the federal government have with the San Juan Water Conservancy District? Is there a treaty with the Animas-La Plata Water Conservancy District?

Are there treaties with the other communities listed on S-7?

3 Why does alternative 4 contain only 35.4% of the depleted acre feet for the Utes and Navajos while the majority of the water goes to entities which the federal government has no obligation to provide water to?

I believe the various tribes should be given a cash settlement to essentially repurchase their senior water rights in the drainages running through their lands.

If a reservoir is built it should address *only* the Indian water rights, nothing else.

4 The City of Durango is an excellent example of local people solving their own problems. The city is contemplating their own reservoir at their own cost. By doing their own project they can better control costs and build based on realistic projections. On February 11th the

DWS16-1 Water for entities other than the Colorado Ute Tribes has been a part of the ALP Project since its inception. Refer to Gneral Comment No. 12.

DWS16-2 Prior to completion of the ALP Project, Reclamation will negotiate a water service contract with entities such as the Animas-LaPlata Water Conservancy District (ALPWCD) and the San Juan Water Commission (SJWC) for the sale and repayment of ALP water. These entities will in turn contract with the individual communities identified in the FSEIS.

DWS16-3 About 75% of the water will go to the Colorado Ute Tribes with the remaining 25% of the ALP Project water being allocated to the Navajo Nation, the ALPWCD, and SJWC. A significant portion of the water identified for the cities is potential lease water from the two Colorado Ute Tribes. This water is in addition to the water being allocated initially to the Navajo Nation, the ALPWCD, and SJWC. This potential lease water is one of several future non-binding uses of Colorado Ute water.

DWS16-4 It is Reclamation's understanding that Horse Gulch Reservoir is a short-term solution to Durango's water needs. To meet Durango's long-term water needs, additional water supplies will be necessary

4 city council voiced a neutral stance on the project. Shouldn't it be a flashing light that the closest municipality is leery of buying water because of the unknown and likely very high costs?

5 I believe Alternative 6 and 8 should be analyzed by a more fair criteria (excluding M&I development) or that a reservoir to accommodate only Indian Water Rights should be built.

Sincerely,

Thomas L. Grams, D.D.S.

2707 Delwood Ave
Durango Co
81301

DWS16-5 In addition to water for the Colorado Ute Tribes, water for M&I development for local communities has been a part of the ALP Project since its inception in 1968.

Con / Pro

Jack Rodgers

Thank you!

My name is David Grossman and I consider myself lucky to have been raised in Durango.

I would like to begin my brief statement with a note of hope. The world is on the cusp of a new era. An era where people are starting to address the wrongs done to other people. We have seen the end of apartheid, a fragile peace exists in Northern Ireland, and reparations to holocaust victims are being negotiated. It is time we, too, honor our obligations to the aboriginal people of the land we call America.

Americans, have inherited a legacy of death, destruction, and debt that we have the burden of correcting and repaying. To this end, those of us who feel the burden of debt must work passionately and diligently to ensure we repay our aboriginal citizens for the abuses they have survived. We must finally repay the debt we owe.

1 This repayment can not, however, come at the price of continued death and destruction! The Animas La Plata Project, in any form, is simply a continuation of that pattern of destruction. We must not allow the construction of the coal-fired power plant the Animas La Plata Project has always covertly sought to build. It will bring pollution and more debt. We can not allow the Animas La Plata Project to
2 flood the Bodo State Wildlife Area under the waters of the Ridges Basin reservoir. It will bring death and destruction to the second largest herd of elk in the state of Colorado. We, as citizens, will not allow the Animas La Plata Project to divert the water of the Animas River. Without an agricultural delivery system, there will be no life, only death and a huge debt.

The Animas La Plata Project is not the solution. It is continuing down the path of death, destruction, and debt blazed by our ancestors. It is time to take the high road and find a better solution. A path that addresses the ills of the past and does not burden our children in the future.

In closing, I find it sad that democrat elected, Republican Senator Ben Nighthorse Campbell and our other representatives were unable or unwilling to get out of the bed they share with the oil, gas, and mining industries to hear the voice of the people they theoretically represent. Be warned elected officials! You can be removed as easily as elected.

* In ~~around~~ 1985, the ~~citizens~~ citizen of ~~the~~ this community passed narrowly, support for the Animas La Plata Project. The community ~~we~~ voted ~~an~~ affirmative for a project that would provide farmers water, ~~and~~ and our tribal brothers resolution of America's long delinquent debt. We did not vote an affirmative for coal-fired power plants, golf courses, or industrial parks. These recently revealed covert agenda items render any previous ~~democratic~~ votes null and void.

DWS17-1 Comment noted.

DWS17-2 Please refer to General Comment No. 11 for a discussion of impacts to elk and wildlife at Ridger Basin.

I choose to keep my comments brief and I donate my remaining time so that my fellow speakers can continue tirelessly pounding nails into the coffin of the Animas La Plata Project.

1) Chairman
2) Economics
3) Phil Burnett

Daniel Hinds
465 San Juan Dr.
Durango, CO 81301

2/15/00

1 This morning at sunrise, as the last storm clouds gathered light over the LaPlata Mountains and the peaks turned gold with alpinglow, eight elk crossed Ridges Basin.

Several of them stopped in the middle, dark brown and gray shapes against the white snow of the meadow, and kicked up their hooves, bucking and cavorting w/ each other ~~a little (COW-CAH)~~--. It seemed like they were joyful to be in such fine winterrange, unmolested and safe for the season no matter how much snow should fall in their silver mountain summer territory.

Ten to twelve more elk waited for them on the other side, hidden in the piñon and juniper, already having crossed. other herds were undoubtedly nearby They were going south, like they always do at this season, headed towards the oakbrush below Basin Mountain and the sagebrush flats surrounding the basin.

This is rush hour, February 15, 2000, in Ridges Basin.

As the sun rose higher and more of the basin came to light--long shadows from the low relief of rabbitbrush and grass hummock--a dull sound from the northwest--towards Wildcat Canyon--and the northeast--along the Animas River corridor--began to grow. Soon it was a loud roar, as if airplanes were taking off and landing.

This is our rush hour. (I'd hate to hear the rush hour in Washington...)

Perhaps we have all been in too much of a rush, unable in our hurry, to remember how to listen to the land, how to ask the right questions, how to live with respect for and responsibility to the other members of the natural community.

The elk of the west side of the Animas Watershed, of the LaPlata Mountains--these Animas-LaPlata elk--were not asked to come to this meeting concerning the future of a critical piece of their winter habitat; they cannot comment on the pros and cons, the alternatives, the legislative process. They are busy living free wild lives. (~~RAISE ANTLER!~~)

2

I cannot say that I have asked in the right ways or listened nearly long enough to know what the land and its inhabitants in this place would have us humans do. But the landscape and especially the elk have been good to me and I feel an obligation to speak out on their behalf.

1 If the winterrange in this area continues to be developed and compromised the integrity of the whole LaPlata Mountain/Animas River ecosystem will suffer. If there is a reservoir here with recreational facilities the elk, and the mule deer, mountain lion, black bear, coyote, bobcat, fox, rabbit, praire dog, golden eagle, harrier, falcons, and myriad other wild animals that live in Ridges Basin, will again be displaced from their rightful homes, if not outright killed. This land will become more sterile and humanized like so many other places on this planet. That in itself, if I can speak for the land, is the greatest argument against this reservoir in Ridge Basin.

2 As a human member of this natural community--just a member, with if anything less standing than its other inhabitants given the relatively short time our civilization has been here--I feel greatly dependent upon this landscape: physically, emotionally, and spiritually. But, when it comes down to it, I have other places to go, other ways to get this sustenance. With the basin flooded and the winterrange gone, the elk and the rest its inhabitants, ~~do not~~ have very limited alternatives.

I believe it is highly imprudent and irreverent to create any more permanent incursions into this area's native habitat.

This afternoon, as the gibbous moon was rising over Carbon Mountain, the herd of elk below Basin Mountain stretched from their beds in the sagebrush and began to browse lazily to the west. A harrier was working the edge of the arroyo in the middle of the basin; with a quick jump-turn it disappeared pouncing on an unlucky rodent in the grass.

This is an arid land. It is spare, but far from empty. That is the fact.

Let us not forget what we would destroy by flooding Ridges Basin and creating a recreational facility in this natural wild place.

DWS18-1 The FSEIS identifies the impact of the loss of wildlife habitat and the potential disruption of elk wintering range and recommends mitigation to compensate for this loss. Refer to General Comment No. 11 for a further discussion of the impact significance on elk.

DWS18-2 Refer to response to General Comment No. 11 for a discussion of elk impacts.

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February 15, 2000

Return comments by March 17, 2000 (address below).

Name Nikos Hollis _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 7551 FLC 1000 Rim Dr.

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 If the project must go through, keep it for water rights only. No wealthy developers or corporations allowed!!

DWS19-1 Comment noted.

STATEMENT OF CHAIRMAN HOUSE ERNEST HOUSE OF THE UTE MOUNTAIN UTE TRIBE IN RESPONSE TO THE DEPARTMENT OF THE INTERIOR'S DSEIS
FEBRUARY 15, 2000

On behalf of the Ute Mountain Ute Tribe I offer the following comments in response to the DSEIS issued by the Department on January 14, 2000.

- I applaud the Department's thorough and timely analysis of both a structural and non-structural alternative ways of finally resolving the 1986 Colorado Ute Water Rights Settlement Agreement.
- We have always wanted a wet water solution and are gratified that the detailed scientific analysis demonstrates that a reduced reservoir at Ridges Basin will have fewer environmental impacts than any non-structural alternative and will provide increased flexibility in the basin for the benefit of both endangered fish and the Jicarilla Apache Tribe and Navajo Nation.
- The DSEIS is very effective at making it clear that this proposal is different from the original ALP authorized in 1986 and indeed different from the project which was reconfirmed in the 1988 Colorado Ute Water Rights Settlement Act.
- The proposal now before us is reduced in size and in cost.

1

DWS20-1 Comment noted.

Comment Sheet
Animas-La Plata Project
Public Hearing–Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Louise Lourich _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address P.O. Box 1883

City Durango State CO Zip 81302

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I am in support of alternative #6 and oppose any option involving the full project (plan 1 & 2) & the construction of a reservoir in ridges basin, and any diversion from the Animas River with a pumping plant & conduit system.

DWS24-1 Comments noted.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name William Karls 970 247 4603 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address PO 1549

City Durango State CO Zip 81302

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 Your DSEIS is flawed for many reasons – the main one being there are no concrete cost benefit analysis. Also you failed to take into account current H_2O the utes are getting. Also, using "non binding uses" for ALP H_2O is (I thought) illegal as defined by previous government policy.
THIS PROJECT IS AN INCREDIBLE WASTE.
I AM AGAINST THE PROPOSED STRUCTURAL ALTERNATIVE. I SUPPORT "NO ACTION" OR BETTER YET – SOLVE THE UTES CLAIMS WITH A NON STRUCTURAL ALTERNATIVE!!!

Please mail comments to:
Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, CO 81301-0640

Fax:. 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

Animas-La Plata information located on **Web Site: www.uc.usbr.gov/special/alp/index.html**

DWS21-1 Comments noted. Refer to General Comment No. 1 for a discussion of a benefit-cost analysis for the project.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name DANA KOPF _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 22 Sunridge LN

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes___ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 Absolutely ridiculous
wasteful
destructive
Alt 10 - no action! or 6 second choice

DWS22-1 Comment noted.

to higher valued uses, yielding a net benefit for this alternative. But, as it stands, Alternative 6 has no direct *economic* impact at all, from a national point of view - only the ownership of land and water rights changes.[5] That is the value of a nonstructural alternative - no real resources are used, their ownership is transferred from some parties to others.[6] This is true regardless of the size of the financial costs of Alternative 6 to the Bureau.

As I have explained in previous testimony, it is not appropriate for the Bureau to conduct only a financial analysis. The reason for government agencies is that, at times, governments may spend taxpayer money that achieves real benefits for society. That is the point of a benefit-cost analysis. What real benefits does a project create and what real resources are consumed to generate these benefits? A non-structural alternative represents a transfer of resources, not their creation or destruction. The only relevant economic impacts of Alternative 6 (from a national point of view) are the legal and administrative expenses of conducting the land and water purchases. Undoubtedly, these may be considerable, but they are surely not $273 million.

Alternative 4 is a different matter. Real resources will be expended to construct and operate the pumping station and dam, and there will be real environmental consequences. The benefit is that additional water is provided that can be put to a variety of uses. The value of a benefit-cost analysis is that it permits the value of this additional water to be compared with the resources consumed in order to provide it.

Costs

The Bureau states that the present value of the construction costs for Alternative 4 are $195 million. Additional costs are required for wetlands and wildlife mitigation, the Navajo Nation Municipal pipeline, recreation development, and cultural resource protection, but I will omit the Bureau's water acquisition fund cost - that, again, is a financial cost but not an economic cost. It represents a transfer of property rights and, in itself, does not entail and commitment of real resources. The capitalized O&M costs are unclear: on page D-22, they are stated to be $29.6 million, while on page E-43 they are reported to be $53.6 million. To make matters worse, the former is based on a 5% discount rate and the latter on a 3.25% discount rate. In any case, the power costs do not represent the economic value of the power used in the project. The power costs (which appear low in any case - 8.1 mills/kWh, page E-33) reflect subsidized power rates. The proper economic cost is the market value of the power used in this project, regardless of

[5] The major changes in the 1995 Analysis Update resulted from the fact that in the benefit-cost analysis, "consideration is given to beneficial or adverse project effects evaluated from a national, rather than regional or local, viewpoint."

[6] The transfer of resources, using taxpayer money, does entail a real cost to society in terms of reduced incentives for those paying the taxes. This is why government transfers do create real costs. However, this applies to all government transfers, and the Animas-La Plata project is but a small portion of total government transfer payments. Thus, I omit this consideration from my analysis of Alternative 6.

Dale E. Lehman, Ph.D.
8960 County Road 250
Durango, CO 81301

February 15, 2000

Mr. Pat Schumacher
Four Corners Division, Manager
Bureau of Reclamation
835 East 2nd Avenue, Suite 300
Durango, CO 81301-5475

Dear Mr. Schumacher:

I am an economist, with expertise in natural resource and environmental economics. I have 25 years experience in publication, consulting, and teaching in these areas and I wish to submit the following comments on the Draft Supplemental Environmental Impact Statement for the Animas-La Plata Project.

The writer P.J. O'Rourke has paraphrased Rose and Milton Friedman as saying

> "The Friedmans argued that there are only four ways to spend money:
> 1. Spend your money on yourself.
> 2. Spend your money on other people.
> 3. Spend other people's money on yourself.
> 4. Spend other people's money on other people.
>
> If you spend your money on yourself, you look for the best value at the best price…And if you spend other people's money on other people, any damn thing will do and the hell with what it costs."[1]

With the Animas-La Plata project, the Bureau is proposing to spend other people's money on other people. Given the information contained in the EIS, the Bureau apparently does not care what uses this project is put to, nor what it costs.

1 But it should care. The Bureau is proposing to severely damage wildlife habitat, adversely affect the Animas River, and spend more than $250 million of other people's money in order to provide water for an additional population of 300,000 people in an area that currently has a population of 150,000, and a coal burning power plant that nobody wants. Had the Bureau, as it should have, conducted a

2 benefit-cost analysis the gross inefficiency of the proposed project would have been clear, and the superiority of alternatives would be apparent. Instead, the EIS

[1] P.J. O'Rourke, *Eat the Rich: A Treatise on Economics*, Atlantic Monthly Press, 1998, pp. 239-240. The original cite is Milton and Rose Friedman, *Free to Choose*, Harcourt Brace Jovanovich, 1980. The Friedman's put it somewhat more delicately: "Category IV refers to your spending someone else's lunch money on still another person. You are paying for someone else's lunch out of an expense account. You have little incentive either to economize or to try to get your guest the lunch that he will value most highly." (page 117)

DWS23-1 Refer to General Comment No. 11 for a discussion of impacts to wildlife in Ridges Basin.

DWS23-2 Refer to General Comment No. 1 for a discussion of a benefit-cost analysis.

presents a distorted, inaccurate, and misleading picture that suggests that "Refined Alternative 4 [the Bureau's structural alternative] is a straightforward solution with little to no risk" whose cost "is only slightly higher than the capital cost of Refined Alternative 6 [the nonstructural alternative to provide a fund for purchasing water and land rights in place of a pumping station, dam, and reservoir]."[2]

In these comments I will present a benefit-cost analysis, based mostly on data provided in the EIS, and the Bureau's previous benefit-cost analysis of the earlier Animas-La Plata project.

Benefit-Cost Analysis

The Bureau shows costs of $290.6 million for the structural alternative and $273 million for the nonstructural alternative (I omit the now irrelevant sunk costs of $75 million). These may represent the financial cost to the Bureau of these alternatives (although the former appears too low and the latter too large), but it does not represent the economic costs of these alternatives. The Bureau confuses economic costs and financial costs. Financial costs refer to the costs that would be reflected in any cost sharing agreement, and are important to the parties to that agreement. However, these costs are largely irrelevant to whether or not a project or alternative should be undertaken. The *economic* costs refer to real resources that are consumed by a project - the value of these resources that are foregone as a result of the project. Transfers of money between parties do not represent foregone opportunities of resource use. The Bureau is supposed to conduct a benefit-cost analysis,[3] has conducted such analysis in the past,[4] and should conduct one for this new project.

The confusion of economic and financial costs crucially impacts the Bureaus' estimates of the "costs" of Alternative 6, the non-structural alternative. The Bureau cites costs of $273 million, primarily for the purchase of land and associated water rights. This is certainly a *financial* cost to the Bureau, but mostly represents a *transfer* from taxpayers to the Tribes. The land and water need not be put to alternative uses - if they are, then presumably they will be put

[2] Page S-48

[3] The Bureau has conducted benefit-cost analyses for a long time. Commissioner Michael W. Straus, in testimony before Congress in 1952 clarified the dual standards for economic feasibility that the Bureau uses: "The first, required by reclamation law, consists of an allocation of project costs among the purposes served and a showing that the anticipated project revenues will return all reimbursable costs. The second, although not required by reclamation law, is the showing of estimated benefits and costs, and is made as a matter of Bureau policy. Thus, a reclamation project must meet two standards of economic feasibility: The estimated benefits must exceed the estimated costs and the anticipated project revenues must provide for return of all reimbursable costs." (82nd Cong., 2nd Sess., House Committee Print No. 23, at page 11) The policy of conducting benefit-cost analyses was further codified in the "Economics and Environmental Principles and Guidelines for Water and Related Land Resources Implementation," Water Resources Council, 1983.

[4] The latest being the "Animas-La Plata Project: Economic and Financial Analysis Update," June 1995 which I will rely on, in parts, here.

any subsidized rate the Bureau might obtain for this particular project. Of course, the Bureau understands this, and did attempt to use market power rates in the last benefit-cost analysis, conducted in 1995. The combined power and energy charge used in the EIS is $.016/kWh, far below market rates. I use the power generation cost cited in the Bureau's 1995 study of 46 mills/kWh, updating it for inflation from 1993 dollars to 1999 dollars.[7] This yields a present value of O&M costs of $62.51 million.

The Bureau has also omitted the increased salinity and decreased power costs downstream in the Colorado Basin. These may not be part of the financial obligations in the cost sharing agreement, but they are certainly relevant economic costs of the structural alternative. In fact, the Bureau did include these costs in the 1995 economic analysis, and they were substantial. I use the 1995 estimates as the basis for including these costs for Alternative 4, again updating these costs for inflation from 1993 to 1999. Salinity costs and reduced power generation are directly proportional to the size of the project, so I reduced the 1995 estimates according to the reduced size of the project (using 40,000 acre-feet of depletion to match the benefits calculation below). Present valued at a 5% discount rate, these amount to $79.93 million.

Amazingly, the EIS does not mention the increased salinity below the San Juan River as an environmental impact of Alternative 4 at all, although it is mentioned (at page 2-68) as an opportunity cost relevant to Alternative 9. The Citizens' Progressive Alliance Alternative would compensate the Tribes for the opportunity costs that would be saved if the project is not undertaken. The Bureau omitted the adjustment of the salinity and downstream power costs for inflation from 1993 to 1999, but did identify these opportunity costs for Alternative 9 but not for Alternative 4, their preferred alternative.

Thus, the total economically relevant costs of Alternative 4 are approximately **$393 million + any unquantified environmental costs**.

Benefits

What are the benefits of this project? The project yields 57,100 acre feet of water/year (depleted). What is this water worth. The Bureau offers 4 methods for valuing this water (actually for valuing the 40,000 acre feet of Indian water - this was the quantity of water that the Bureau provided values for in the EIS). The first is based on up front sale of the water on a 20 year contract ($80 million), the next two options are annual leases at different prices ($23 million - $38.4 million), and the last values the water "based on construction costs." This last option is disingenuous as it represents the cost of the water and not its benefit. Thus, the water would need to be worth $225 million (in the Bureau's financial

[7] The Bureau's 1995 analysis alternatively considers a power cost of 63 mills/kWh. Although this is probably a more realistic estimate of marginal power generation costs, I will use the conservatively lower figure.

analysis) in order to match the construction cost. I will not further consider this method of "valuation."

3 The Bureau's water value estimates are unrealistic. They are derived from data from California, a very different water market. Local water rights sales reveal prices ranging from $550/acre foot to $1580/acre foot (on the Florida River). Significantly, there are no sales on the Animas River, as there is still plenty of water available (and thus, no market for water rights yet exists). So, the $2000/acre foot seems too high. It is certainly too high to be multiplied by the 57,000 acre feet of water. The proposed uses for the water reveal that it is not realistic to believe that there is a market for this quantity of water. Accordingly, I will use a more realistic value of water applied to the 40,000 acre feet of Indian water, although this still appears to be far too much water to have any beneficial use.

4 There may someday be a need for water to support 300,000 additional people in this area, but it is neither inevitable nor necessarily desired by the people who live here. In any case, that size potential population increase is far in the future, so any such benefits are worth little in today's dollars. Further, water is not presently the constraining factor for regional economic growth. It is a lack of jobs, particularly skilled service industry jobs, that limits population growth in this area. This project will have little impact on the ability of this region to sustain further growth.

5 35% of the Indian water (and 25% of the overall water) is for a coal-burning power plant. It is doubtful that such a coal-fired power plant makes economic sense.[8] Since the value of water is *derived* from what it is used for, an uneconomic coal fired plant would not produce a positive value for water.[9] Similar arguments can be made about the water for 400 acres of golf courses or the 4 new resorts. So, it appears that the Bureau has inflated estimates of both the quantity of water that can be valued and its market value. I will use a $40 million water value, reflecting a combination of the lower water values in this area (compared with California) and the lack of need for so much water.

I obtain a water benefit of $48.4 million (I used the 40,000 acre-feet times $1000/acre foot, extended for a 100 year time period - the Bureau's estimate was

[8] If a coal-burning power plant is really to be built as a result of this water, then the Bureau must analyze its environmental impacts beyond simply declaring a "Significant" impact that "dust and stack emissions would occur from operation of a coal-fired power plant and coal mine and a gas-fired power plant" (page 3-301).

[9] The information in the EIS supports this conclusion. Estimated construction costs and annual revenues are provided for the non-binding uses, including the power plant (3-203). Assuming the 1,000 MW plant would operate at 80% capacity, the EIS estimates revenues of $0.0192 per kWh, but the department of energy estimates the cost of producing electricity from new coal burning plants at $0.043/kWh (see www.eia.doe.gov/oiaf/aeo98/ele_nuc.html). Thus, the $739 million coal-fired power plant is neither economically nor environmentally feasible.

DWS23-3 The scenarios for potential water sales as presented in Attachment D, Volume 2 are for illustrative purposes only, but are reasonable, based on actual market experience. Care should be taken in making any comparisons of these numbers with other water sales. For example, water sales in the Florida River area need to be closely examined from the standpoint of use, priority and dependability of the water supply each year. The water to be leased by the Colorado Ute Tribes represents an assured water supply and therefore is of high value. A more realistic comparison would be the value of M&I water sold on the Central Utah Project. There the M&I water is a firm water supply and is paid for on a yearly basis. The cost of this M&I water is in the $150 per acre-foot range. The $2,000 per acre-foot as described in your letter represents a one-time charge by the Tribes for the sale of M&I water over a 20-year time horizon. This would be equivalent to $100 per acre-foot each year.

DWS23-4 Refer to General Comment No. 12 for a discussion of growth.

DWS23-5 The use of water for a coal-fired powerplant has been presented as potential use of water by the Colorado Ute Tribes. If such a plant became a reality an environmental impact statement would be completed at that time.

for a 20 year contract - but recognized that the benefits don't begin until the project's construction is complete).

Recreation benefits are similarly flawed. The estimated visitor days are placed at 218,400 for the Ridges Basin reservoir (1490 acres of surface area), while the estimated actual visitor days at McPhee reservoir (4500 acres of surface area) are 181,800.[10] The Bureau attempts to compare Ridges Basin to the Ridgeway reservoir, due to the similar physical characteristics. However, the locations (including alternative water based recreation opportunities) are quite different and suggest that McPhee may be a better comparison site. It seems unrealistic to assume that Ridges Basin will have more visitors than McPhee, despite the latter being three times the size of the former.

6 The projected use of the Ridges Basin reservoir is also larger than the annual use of the Durango-Silverton narrow gauge railroad, a world renowned destination. The Bureau cites 52% of the Ridgeway reservoir use as camping, and says that "visitors to the proposed Ridges Basin Reservoir can be expected to participate in similar types of activities." (page 3-184) However, if we use 52% of the anticipated use is for camping, we get 113,568 annual camping trips, a quantity equivalent to around 45% of the total camping use for the entire San Juan National Forest. Given the proposed 196 camping units (page S-42) and a 6 month camping season, implies an average daily use of 3.2 people per camping unit over the entire six month season! At best, this intensity of use may be experienced during the shorter three month peak season. By any standard, the estimated visitation appears overstated.[11] Whatever the visitation level, much of the use will be diverted from other region reservoirs and cannot be viewed as a net addition to total recreation use.

Given the paucity of data and documentation regarding the derivation of recreation use estimates, I will make the following modifications: I will value half of the projected recreation days, use the Bureau's 1995 value/recreation day figure ($12.51/day and update it for inflation), and include a 2% annual growth in recreation use (until 300,000 days are reached, then I freeze use at that level), the national estimate for reservoir based recreation demand. This gives a present value of 100 years of recreation benefits of $36.6 million. If anything, I believe this still overestimates recreation benefits, particularly in light of the fact that the surface area of the reservoir is expected to vary from a maximum of 1500 acres to

[10] These are the numbers provided in the EIS. No documentation is provided, and many of the "estimated" visitor day figures appear unrealistic.

[11] The EIS (at 3-168) cites a study by Loomis et al. That "If recreation behavior as measured by the demand coefficients is the same in the surveyed region and the target region, then a model estimated for the surveyed region should accurately predict recreation use…in the target region." The Bureau misapplies this statement, however. The "demand coefficients" referenced include not only physical characteristics of the region by economic characteristics as well. These include proximity to population centers, proximity to transportation corridors, and availability of substitute sites. In this sense, McPhee Reservoir is a more suitable comparison than the Ridgeway Reservoir, which is only similar in terms of physical characteristics.

DWS23-6 While McPhee Reservoir is similar to the proposed Ridges Basin Reservoir, due to shared economic characteristics of the surrounding region, it does not share similar physical characteristics (e.g., size, geographic location, elevation). Consequently, Reclamation believes that Ridgway Reservoir is a better choice for comparison with the proposed Ridges Basin Reservoir because it shares both regional economic and physical characteristics. Although McPhee Reservoir is larger in size than the proposed Ridges Basin Reservoir, it has a lesser number of estimated user days. This is partly due to the fact that McPhee is primarily used for boating and fishing and not for camping, with fewer campsites than at the other reservoirs. The number of user days does not equal the actual number of visitors; one user day is equal to one visitor over a 12-hour period. For example, twelve visitors fishing for one hour is equal to one person at the campsite for 12 hours. Consequently, if campers make up 52% of user days (113,568 user days), then each of the 196 camping units would need to be occupied by 1.6 visitors during a six-month season, or by 3.2 visitors during the primary three-month tourist season. These numbers do not seem unrealistic. Since there is an increasing demand for reservoir-related recreation opportunities (both nationwide and in the State of Colorado), and there are a limited number of developed campsites in the area surrounding Ridges Basin, Reclamation feels that the proposed reservoir would have at least moderate visitation, but would not significantly take visitation away from other area reservoirs.

a minimum of 870 acres (at pages S-39, S-40). What this means is that, some of the time, the reservoir will have a large ring of mudflats around it, with an adverse effect on the recreational experience.

Thus, the benefits of the structural project (Alternative 4) yield a present value of. **$85 million**, for water and recreation.

The Bottom Line

7 The benefit-cost analysis of Alternative 4 reveals that $85 million of benefits are obtained for an economic cost of $393 million, for a benefit-cost ratio of around 0.22, excluding the unquantified environmental damages[12] **Simply put, this project returns less than 22 cents for every dollar spent, or wastes at least $308 million ($393 million - $85 million) of the nation's resources.** This calculation ignores the wildlife damage, water quality damage, rafting recreational losses, and all of the environmental quality impacts associated with the potential uses of the water.

8 But, what of the value of settling Indian water rights claims? That is a red herring. The Bureau should be forced to analyze the alternative of writing a check for $308 million. The check is more straightforward than the Bureau's convoluted view of the "non-structural" alternative. The check avoids the environmental damage associated with the structural alternative. According to the Bureau's own estimates of the value of this water, the Tribes could simply take the check, purchase the water they desire, and have money left over. The check amounts to approximately **$93,000 for every tribal member** (based on the Tribal population of 3287, page 1, Technical Appendix 1).

The only thing this project gives the Tribes is more water than they can possibly use - meaning that they will obtain cash by selling what they can - and some lucrative construction contracts associated with project construction - again, meaning cash. This is a convoluted, environmentally damaging, and economically wasteful way to transfer some cash to the Tribes. And, they get far less cash than a $308 million check would provide for them.[13] The Bureau should consider the alternative of paying the Tribes, in cash, the equivalent of the economic waste embodied in this project (the $308 million would represent a financial cost to taxpayers, and financial gain to the Tribes, but not an economic cost to the nation). The Bureau also dismissed two alternatives (4 and 9) that do not cause the environmental damage that their proposed structural project does, and that do not involve the economic waste that they are seeking.

[12] Even if the Bureau's high estimate of $80 million of benefits and low estimate of $250 million of cost is used, the benefit-cost ratio is only .32. Interestingly, this is close to the same benefit-cost ratio that the Bureau found for the earlier and larger Animas-La Plata project.

[13] Note that the nonstructural alternative is even less costly, in a financial sense, than this size payment. Both, however, are transfers, and have no real economic impact from a national point of view.

DWS23-7 Comment noted.

DWS23-8 Comment noted. The Colorado Ute Tribes have indicated that, as part of the Settlement Agreement, a cash buyout in lieu of water was not acceptable.

The mission statement for the Bureau of Reclamation states

> "The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public."[14]

9

I consider this the Bureau's promise to the American people. With this EIS the Bureau has failed to deliver its promise:

Thank you for considering my comments.

Sincerely,

Dale E. Lehman

DWS23-9 Comment noted.

[14] www.usbr.gov/main/what/mission-vision.html

1 (con't)

- It does provide some but not all of the wet water committed to the two Ute Tribes in 1986 and for that we are very appreciative.
- Because there are not significant adverse environmental impacts involved in this reduced project, we find that the opposition now desperately focuses on the public policy question of whether the State of Colorado and the United States properly entered into the 1986 agreement in the first place.
- We ask them as to whether they are prepared to renounce the Agreement of the United States and to break the pledge of the United States entered into May 1986 and confirmed by Congress in 1988 – if you are, have the courage and decency to tell that to our face.
- If you want to honor the pledge to the Colorado Ute Tribes why not declare victory and support the construction of a small reservoir and accept the findings of this document that the proposal now on the table has no adverse impact on local users of the Animas River, Animas River flows, or Animas River quality.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Jason MacAllister (505) 564-3394 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address P.O. Box 201

City La Plata State NM Zip 87418

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I do not agree. Farmers who depend upon irrigation ditch's. The impact on river rafters & kayakers. It's not right N.M. was taxed for something that will not be used in N.M., etc. The upper Animas is responsible for the greatest rafting and camping trip i have ever experienced.

DWS25-1 New Mexico will not be directly taxed for the development of the ALP Project without receiving any water from the project. Should New Mexico wish to obtain their allocated water rights from the project, they will pay a prorated share of project construction and O&M cost and will then be entitled to put the water to M&I use in New Mexico.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Janice Mayer-Gawlik 970-259-0705 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 120 C.R. 221

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I am absolutely opposed to damming the Animas as a way to settle Indian water claims. I have heard some plausable alternatives to this expensive, drastic measure, and I have heard few plausable projects put forth by the Utes to justify the need to dam this beautiful river. ~~We get~~ Damming this river is irreversible and deserves to be taken very seriously. It also seems like an incredibly expensive way to deal w/ the water rights problem. Also, the energy it would take to pump water uphill to fill Ridges Basin seems like a ludicrous way to deliver water.

Please mail comments to:
Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, CO 81301-0640

Fax:. 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

Animas-La Plata information located on **Web Site: www.uc.usbr.gov/special/alp/index.html**

DWS26-1 There is no proposal to dam the Animas River. Please refer to General Comment No. 15 for further discussion on this topic. Pumping water to Ridges Basin is discussed in General Comment No. 3.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Sabrina Motta 970-382-2618 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address P.O. Box 9158

City Durango State Co Zip 81301

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

Cost Benifit Report,

1 Please, don't throw our money away without a current 2000 report?

Take the least costly, most effective

2 option for serving the Indian Water Right. Don't put our country another 300 million dollars in debt. Give the Ute's the money, it would serve them better than water they will never see and cost the tax payers of Durango and the Environment so much!

Sabrina Motta

Please mail comments to: **Fax**:. 970-385-6539 Telephone: 970-385-6500

DWS27-1 Please refer to response to General Comment No. 1 for a discussion of a benefit-cost analysis.

DWS27-2 La Plata County will not be burdened with the local cost of the project. A large portion of the cost will be borne by the federal government with local cost sharing by non-Indian entities who will receive water from the project. A cash settlement was proposed but was rejected by the Colorado Ute Tribes. Their desire is to have their water rights stored in a storage reservoir to meet their future needs.

Comment Sheet
Animas-La Plata Project
Public Hearing–Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name BILL QUERINGTON _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address P.O. BOX 1883

City DURANGO State CO Zip 81302

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement

1 I AM IN FULL SUPPORT OF REFINED ALTERNATIVE #6 AND OPPOSE ANY OPTION INVOLVING THE FULL PROJECT (PHASE 1 + 2) AND THE CONSTRUCTION OF A RESERVOIR IN RIDGES BASIN, ANY DIVERSION FROM THE ANIMAS RIVER WITH A PUMPING PLANT + CONDUIT SYSTEM.

DWS28-1 Comments noted.

(Thank you for the opportunity to express - I sure hope you read this.)

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Susie Peterson _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address P.O. Box 1238

City Durango State Co Zip 81302

Include my name on future Animas-La Plata mailings? Yes___ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I am extremely concerned about this project. The loss of wildlife habitat and wetlands for migratory birds to just begin. I am

2 also very concerned about the farmers on the lower Animas and what will happen to a needed food source. It makes no sense to me to pump water up & down hills for golf courses, an unneeded recreation lake, and a coal fired power plant. We certainly don't need any more golf courses but we can certainly use water to grow food downstream

Please mail comments to:
Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, CO 81301-0640

Fax: 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

Animas-La Plata information located on **Web Site: www.uc.usbr.gov/special/alp/index.html**

3 This whole project might have made sense 20 yrs. ago. But now I don't understand how or why anyone would dam up/alter a free flowing

DWS29-1 The loss to wildlife habitat through the inundation of Ridges Basin Reservoir would be fully mitigated by acquiring and developing lands nearby. Although approximately 134 acres of wetlands would be lost under Refined Alternative 4, these wetlands currently have minimal wildlife value and offer virtually no habitat for migratory waterfowl. If constructed, Ridges Basin Reservoir would provide new waterfowl habitat that would be used by both resident and migratory species. In addition, portions of land around the reservoir would be managed primarily for the benefit of wildlife, including waterfowl.

DWS29-2 There is no indication under any of the alternatives that any agricultural production on the lower Animas River will be significantly affected.

DWS29-3 Refer to General Comment No. 15 for a discussion of the location of Ridges Basin. Potential impacts associated with the diversion of water from the Animas River are described in detail in Chapter 3 and mitigation measures to reduce or eliminate such impacts are described in Chapters 3 and 5.

river. Look at all of the past projects
Many to most are becoming ineffective
and are causing major impacts on
needed environments.
It seems this is all being fueled by
white people in power who have big
egos involved.
4 I say we allow the Utes to sell their
water rights downstream if the want
to or pay them more than $300. million.
If you know anything about building
costs in La Plata County you know
that this project will most likely cost
twice as much or more than predicted.
I'm not saying we don't honor the
treaty, I'm just saying we can do
it in a way that is much more
suitable to all in our world today
With some of the money, the Utes could
build a Solar power plant - Solar
energy will not run out and it
will not pollute. It fits the future
- Coal does not. Thank you - Susan Peterson

DWS29-4 The Colorado Ute Tribes have not expressed an interest in selling their water rights downstream. Instead, they have expressed a desire to have a storage reservoir in which their water rights can be stored on a yearly basis. From this storage reservoir, the Tribes may elect to construct conveyance facilities to develop their own natural energy resources or lease the water to municipalities in the project area. Selling water rights downstream has a fundamental flaw in that it does not meet the criteria set forth in settling Indian water rights. These criteria are listed under Section 2.3.1.3 of this DSEIS, on pages 2-22 and 2-23. Among these criteria is the requirement to settle these water rights in a reasonable time frame. In addition, the 1986 Settlement Agreement and 1988 Settlement Act specifically placed stipulations restricting the leasing water to the Lower Colorado Basin States because of the myriad of issues relating to compact agreements on the Colorado River mainstem and tributaries. The changes required in water compacts to allow selling or leasing water rights to the Lower Basin States could take many decades to reach resolution. A cash payment to the Tribe for their water rights has been evaluated and rejected by the Tribes. Their desire as stated earlier is to have their water in a storage reservoir for future on-reservation development or lease to municipalities in the project area. One of the potential uses by the Tribes is the development of coal reserves on reservation boundaries. This potential use is considered to be non-binding and is presented as example to which the Tribes could elect to use their water. The Tribes would undoubtedly carefully evaluate alternative uses for their water at a future date. At that time future NEPA compliance will be conducted if warranted.

February 12, 2000

Bureau of Reclamation
Mr. Pat Schumacher, Four Corners Division Manager
Four Corners Division of the Western Colorado Area Office
835 East Second Avenue, Suite 300
Durango, Colorado 81301-5475

Reply to W-6334, Draft Supplemental Environmental Impact Statement for the Animas-LaPlata Project, Colorado and New Mexico

Dear Sir:

Personally I would be in favor of **Alternative 6a** not only because it supplies both Colorado Tribes an avenue for wet water from the most desirable places over areas that span several counties but because this Alternative 6a would also not be subject to renewal of facilities within a 100 year time frame as your preferred Alternative 4 would have. Since the Ute Mountain Ute Tribe just recently purchased 20,000 acres within the LaPlata drainage for a proposed dude ranch from willing sellers this is a positive indication other willing sellers can also be sought from other surrounding drainage to fulfill the tribes' wet water requirements. [emphasis added]

1 The drawback with Alternative 6a is that still leaves both tribes holding a commodity that requires a large amount of water to exploit. I am talking about their coal reserves. Your preferred Alternative 4 allocates the largest amount of water for coal mining and a coal fired power plant. These coal reserves are located [see attachment] immediately south of your proposed Ridges Basin Reservoir and runs south toward Hwy. 140 to the State line where a power plant would likely be built to utilize that vast amount of water. The plant would be centrally located because there are two more plots of coal: one in Colorado at the State line south of Mesa Verde National Park, and the other south in New Mexico toward Shiprock. The potential would be to strip mine these reserves since there are outcroppings that travel 250 to 500 feet underground. According to present Federal law in order to perform this type of activity, the Tribes would have to go through an environmental analysis for NEPA [National Environmental Policy Act]. Do you honestly think such a project now could past muster of this Act? Or is it contemplated this step could be bypassed in the future since that seems presently being suggested by our Colorado Senator in order to gain his support for soliciting funds from the Administration?

While you list coal mining and a coal fired power plant as a "non-binding future use" for the largest amount of water from the Animas-LaPlata Project, nevertheless the fact is that those coal reserves are there! So even though these are wealthy tribes I would tend to suggest there could be some other way to compensate them so that those coal reserves which lie so close to Durango could remain in-ground, undisturbed.

2 To make matters worse there is this "hidden agenda" that keeps gnawing at me. From my research Pittsburg-Midway Coal has direct water rights [100 cfs] from the Animas River and 24,800 AF for storage in Ridges -- the exact same amount required for another power plant! I can't believe the local Durango Burec continually side steps the fact that their Regional Office in Salt Lake City has had talks with this coal mining company since 1967 for various means of using their coal resources from this area in conjunction with the ALP. Yet this coal company, at the time a subsidiary of Gulf Oil Corp., met with the Burec and the Water Districts along with the State's Division Engineer in mid-1980 and subsequently discussed the potential interface and joint development with the ALP Project. They had reached an agreement in 1982 with the former Colorado-Ute Electric Association as well as the Regional Director of Burec at the time insofar as the general concepts and an understanding of the mutual advantages in continued work towards joint development. By 1983 they had cost estimates proportioned to each entity in accordance with the amount of water developed. These negotiations for "joining hands" are all in their due dilligence reports filed with the State of Colorado. Why isn't this joint development ever written in your environmental reports in order that the general public can be well informed on this added potential impact?

It is my opinion then that this Draft is entirely inadequate on this subject.

Cordially,

Louise Voelker, 12849 CR 250, Durango, Colorado 81301.

Louise Voelker

Attachment showing coal reserves by Burec.

DWS39-1 Comment noted. The purchase of land with water on a willing buyer-willing seller basis is not an assured process of obtaining large volumes of water. The risks associated with Refined Alternative 6 were some of the reasons it was deemed less desireable than Refined Alternative 4. Future water uses are discussed in General Comment No. 6.

DWS39-2 Comment noted. The future use of water will be determined by the Colorado Ute Tribes.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by ~~March~~ April 17, 2000 (address below).

Name Sara Ransom 970/247-5718 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 2720 Delwood Ave.

City Durango State CO Zip 81301

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 I have written letters & I spoke tonight as well. What I did not have time to say is this: when are we going to quit depending on limited resources such as coal & deposits - with the accompanying destruction of our land to get it. Any wise leader with true foresight would now be looking to the devt. of effective solar & wind (perhaps methacoal??). ~~for~~ In other words, uses of A-LP water for such projects as a coal-fired power plant are dangerously shortsighted, and all-round destructive at each step of the way. (thus -- we don't need the Ridges Basin Reservoir)

DWS31-1 One of the purpose and needs of the ALP Project is to satisfy the water rights claims of the Colorado Ute Tribes. The evaluation as presented in this FSEIS has determined that the best alternative for accomplishing this is Refined Alternative 4 of which Ridges Basin Dam and Reservoir is an integral component. The uses of water as projected in this FSEIS are considered to be "non-binding" on the Colorado Ute Tribes. Refer to General Comment No. 6.

Comment Sheet
Animas-La Plata Project
Public Hearing–Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Dennis W. Scribel 970-883-2201 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 12603 Hwy 151

City Ignacio State Co Zip 81137

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 The Administrations proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1988 from the Animas river, is a breach of trust by the Administration. Further, the Colorado Ute Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to achieve an acceptable degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin in the best interests of the nation as a whole, give us the original Animas La Plata.

DWS32-1 The recommendation of the Preferred Alternative is based on the allocation of water as described in the Settlement Agreement and the Settlement Act, with restrictions placed on depletions from the Animas and San Juan rivers by the Endangered Species Act. The ALP Project has been modified from the original project proposed, and these modifications would be codified in an amended Settlement Act.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name ETHEL E. SIMONS 970-883-2272 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 2745 C/R 329

City Gunnison State Co Zip 81137

Include my name on future Animas-La Plata mailings? Yes ✓ No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 The Administration's proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1988 from the Animas river, is a breach of trust by the Administration. Further, the Colorado The Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to accomplish some degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin in the best interests of the nation as a whole, give us the original Animas La Plata.

Keep the water in Colorado.

DWS33-1 The recommendation of the Preferred Alternative is based on the allocation of water as described in the Settlement Agreement and the Settlement Act, with restrictions placed on depletions from the Animas and San Juan rivers by the Endangered Species Act. The ALP Project has been modified from the original project proposed, and these modifications would be codified in an amended Settlement Act.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Laurie Simons 970 883 2242 (Optiona
(Telephone #, in case clarification is needed)

Mailing Address 12176 Hwy 151

City Ignacio State CO Zip 81137

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 The Administrations proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1998 from the Animas river, is a breach of trust by the Administration. Further, the Colorado Ute Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to accomplish some degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin in the best interests of the nation as a whole, give us the original Animas La Plata.

It's our water. Keep it in Colorado

Please mail comments to:
Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, CO 81301-0640

Fax: 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

Animas-La Plata information located on Web Site: www.uc.usbr.gov/special/alp/index.html

DWS34-1 The recommendation of the Preferred Alternative is based on the allocation of water as described in the Settlement Agreement and the Settlement Act, with restrictions placed on depletions from the Animas and San Juan rivers by the Endangered Species Act. The ALP Project has been modified from the original project proposed, and these modifications would be codified in an amended Settlement Act.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Robert W. Simons 970-883-2272 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 2740 C.R. 329

City IGNACIO State Co Zip 81137

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 The Administrations proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1988 from the Animas river, is a breach of trust by the Administration. Further, the Colorado Ute Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to accomplish some degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin is the best interests of the nation as a whole, give us the original Animas La Plata.

We must stay with the Provisions of the Colorado River Compact and Keep all Water in the State of Colorado for the new Power.

DWS35-1 The recommendation of the Preferred Alternative is based on the allocation of water as described in the Settlement Agreement and the Settlement Act, with restrictions placed on depletions from the Animas and San Juan rivers by the Endangered Species Act. The ALP Project has been modified from the original project proposed, and these modifications would be codified in an amended Settlement Act.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name James W Sutton 970-883-2482 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 1720 CR 329

City Ignacio State Co Zip 81137

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 The Administrations proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1988 from the Animas river, is a breach of trust by the Administration. Further, the Colorado Ute Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to accomplish some degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin in the best interests of the nation as a whole, give us the original Animas La Plata.

DWS36-1 The recommendation of the Preferred Alternative is based on the allocation of water as described in the Settlement Agreement and the Settlement Act, with restrictions placed on depletions from the Animas and San Juan rivers by the Endangered Species Act. The ALP Project has been modified from the original project proposed, and these modifications would be codified in an amended Settlement Act.

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Margaret Sutton 970-883-2482 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 1730 CR. 329

City Ignacio State Co. Zip 81137

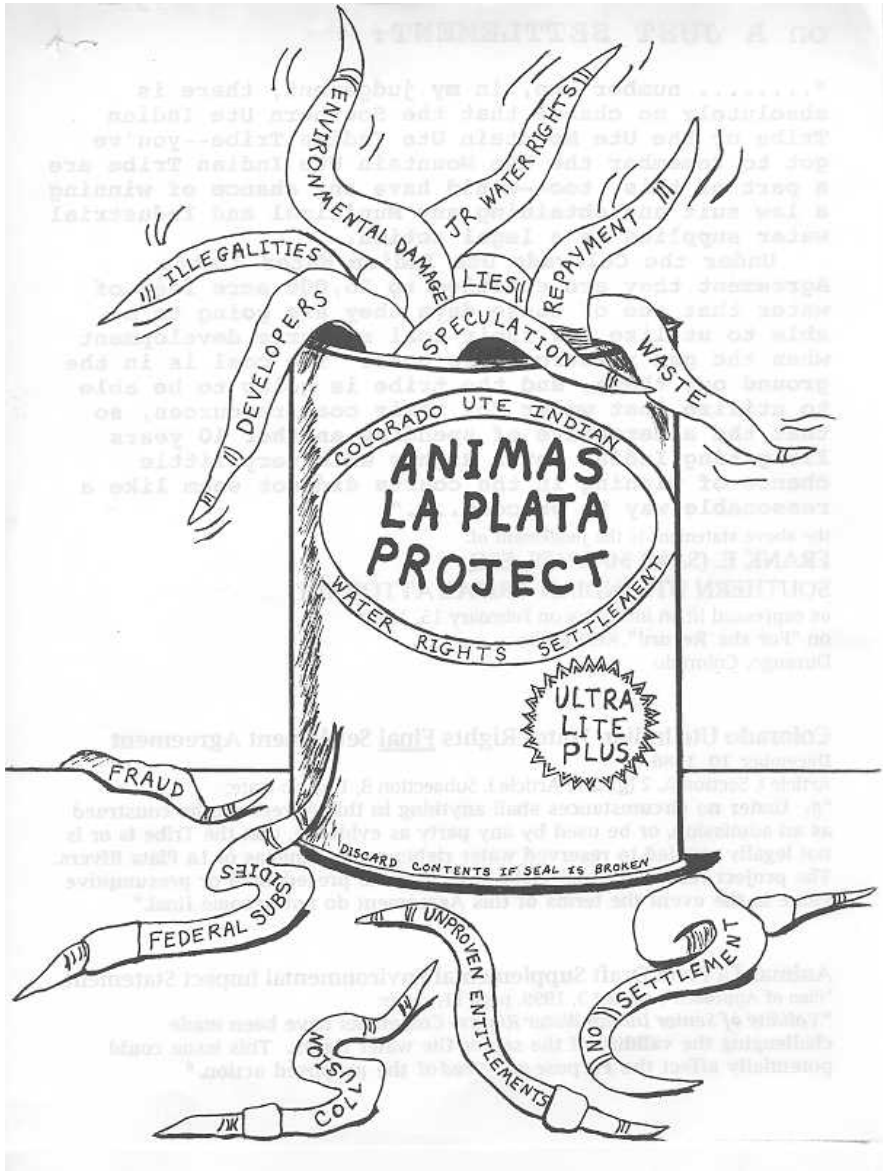
Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

1 The Administrations proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1988 from the Animas river, is a breach of trust by the Administration. Further, the Colorado Ute Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to accomplish some degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin in the best interests of the nation as a whole, give us the original Animas La Plata.

DWS37-1 The recommendation of the Preferred Alternative is based on the allocation of water as described in the Settlement Agreement and the Settlement Act, with restrictions placed on depletions from the Animas and San Juan rivers by the Endangered Species Act. The ALP Project has been modified from the original project proposed, and these modifications would be codified in an amended Settlement Act.

1



DWS38-1 Comment noted.

on **A JUST SETTLEMENT:**

".....number one, in my judgement, there is absolutely no chance that the Southern Ute Indian Tribe or the Ute Mountain Ute Indian Tribe--you've got to remember the Ute Mountain Ute Indian Tribe are a part of this, too--would have any chance of winning a law suit and obtaining any Municipal and Industrial water supplies in a legal action.

Under the Colorado Ute Indian Water Rights Agreement they are entitled to 25,000 acre feet of water that one of these days they are going to be able to utilize for their coal resource development when the gas resources are gone. The coal is in the ground out there, and the tribe is going to be able to utilize that water for their coal resources, so that the alternative of spending another 10 years litigating Indian Water Rights with very little chance of winning in the courts did not seem like a reasonable way to proceed...."

the above statement is the judgement of:
FRANK E. (SAM) MAYNES, ESQ.
SOUTHERN UTE INDIAN TRIBAL ATTORNEY
as expressed in an interview on February 15, 1990
on **"For the Record"**, KIUP Radio
Durango, Colorado

Colorado Ute Indian Water Rights Final Settlement Agreement
December 10, 1986
Article I, Section A, 2 (g), and Article I, Subsection B, 1 (g) do state:
"g. Under no circumstances shall anything in this Agreement be construed as an admission, or be used by any party as evidence, that the Tribe is or is not legally entitled to reserved water rights on the Animas or La Plata Rivers. The project reserved water right shall have no precedential or presumptive value in the event the terms of this Agreement do not become final."

Animas-La Plata Draft Supplemental Environmental Impact Statement
"Plan of Approach", August 3, 1999, page 11, states:
"*Validity of Senior Indian Water Rights* - Comments have been made challenging the validity of the senior Ute water rights. This issue could potentially affect the *Purpose and Need* of the proposed action."

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Ralph G. Phelps 970 883 2331 (Optional)
(Telephone #, in case clarification is needed)

Mailing Address 3626 CR 330

City Ignacio State Co Zip 81137

Include my name on future Animas-La Plata mailings? Yes X No ___

Comments on the Draft Supplemental Environmental Impact Statement:

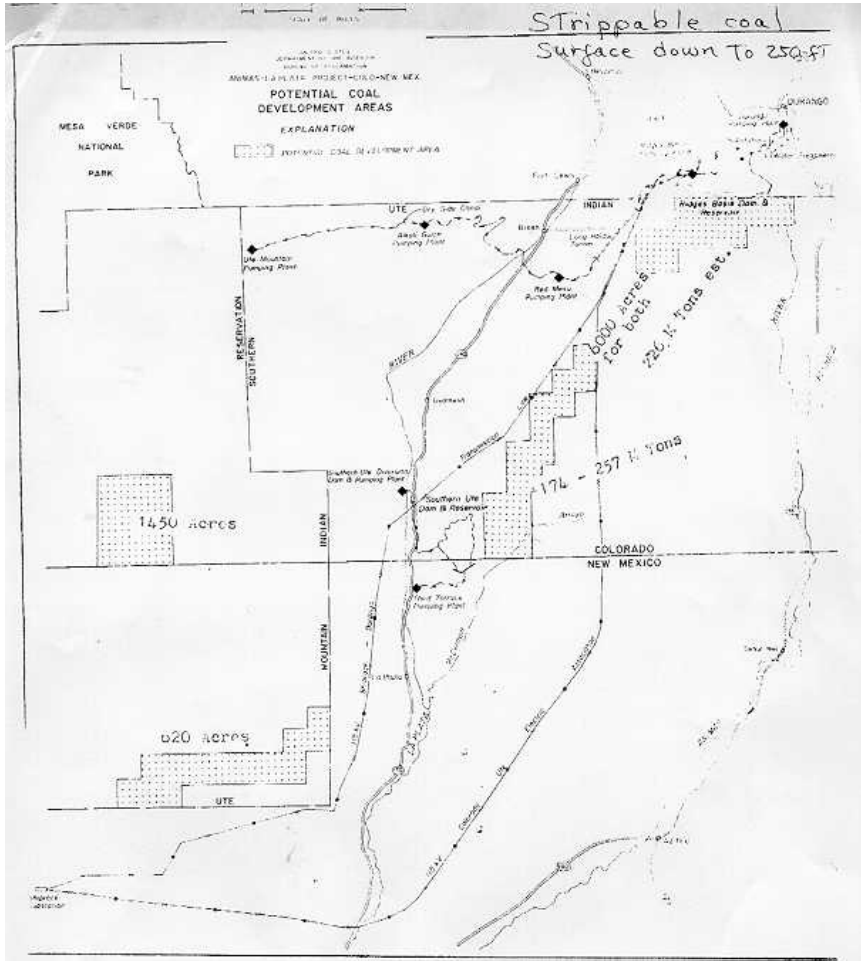
1 The Administrations proposed alternative to the Animas La Plata project is not acceptable. To deprive Colorado and or New Mexico or the Indian tribes of water allocated to them by the compacts of the Colorado River Basin of 1922, 1948 and 1988 from the Animas river, is a breach of trust by the Administration. Further, the Colorado Ute Indian Water Rights Settlement Act of 1988 was not intended to take water rights previously allocated to other lands to satisfy the Indian Water Rights claims. Their water was to come from unused water in the Animas River. The desires of the American people was expressed by Congress when they authorized the construction of the Animas La Plata project as originally proposed. The Administrations failure to construct the project as authorized by our Congress is a breach of trust of the people of the United States by the Administration. Alternative #7, phase I and Phase II is the only listed solution to meeting all the commitments of the Animas River water. There is no satisfactory alternative to the original Animas La Plata although great concessions have been reluctantly expressed by the proponents in order to accomplish some degree of satisfactory use of the Animas river water to comply with previous allocation agreements. In consideration of the wisdom and concessions of the leaders of our county who crafted the Animas La Plata project as part of the solution to adjudicating the water in the Colorado River Basin in the best interests of the nation as a whole, give us the original Animas La Plata.

Please mail comments to:
Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, CO 81301-0640

Fax:. 970-385-6539 Telephone: 970-385-6500
E-Mail address: ALPDSEISComments@uc.usbr.gov

Animas-La Plata information located on **Web Site: www.uc.usbr.gov/special/alp/index.html**

DWS30-1 The present ALP Project has been developed to conform with the legislation you refer to, as well as other regulatory requirements, in the best manner feasible. Legislation is now under consideration which would modify the Settlement Act to reflect these realities.


STrippable coal
Surface down To 250 ft
POTENTIAL COAL
DEVELOPMENT AREAS
EXPLANATION
MESA VERDE
NATIONAL
PARK
DURANGO
UTE
INDIAN
RESERVATION
SOUTHERN
UTE
MOUNTAIN
INDIAN
RIVER
6000 acres
for both
226.5 Tons est.
174 - 257 M Tons
1450 acres
COLORADO
NEW MEXICO
620 acres
UTE

Comment Sheet
Animas-La Plata Project
Public Hearing--Durango, Colorado
February 15, 2000

Return comments by March 17, 2000 (address below).

Name Elizabeth M. Wheeler _____ (Optional)
(Telephone #, in case clarification is needed)

Mailing Address P.O. Box 716

City Mancos State CO Zip 81328

Include my name on future Animas-La Plata mailings? Yes___ No ✓

Comments on the Draft Supplemental Environmental Impact Statement:

1 This project is a boondoggle and a waste of taxpayers' money. Indian water claims should be honored and fulfilled by increasing the capacity of existing reservoirs.

DWS40-1 Reclamation considered an analysis of using existing reservoirs, either through reoperation and/or modification, and found that not enough water would be generated to meet the obligations of the Settlement Act. This analysis is included in Section 2.4.1 of the FSEIS.

Verbal Comments on the Draft Supplemental Environmental Impact Statement
Verna Forbes Willson, Post Office Box 2778, Farmington, NM 87499

Gentlemen:

During my years in the engineering profession, I analyzed many government specifications for apparent anomalies. I must say that your DSEIS is one of the most interesting specs I have seen. One of its anomalies involves water allocation.

1 On page 2-23, Volume I, you say, "The purpose and need statement describes an intent to implement the 1988 Settlement Act that contemplated an average water supply of 62,200 acre feet per year being made available to satisfy the Colorado Ute Tribes' water rights claims in the Animas and LaPlata River Basins." However, that Settlement Act, as it appears in Volume II of your DSEIS, does not in any way itself quantify the amount of water allotted to either Colorado Ute Tribe or to both together.

Similar, but not identical, quantities of water DO appear in the Colorado Ute Water Rights Final Settlement Agreement of December 10, 1986 which is also included in Volume II, as follows:

Page 16, Article III, Section A, Subsection 2 allots to the Ute Mountain Ute Tribe from the A-LP a maximum of 6,000 acre feet per annum of municipal and industrial water and a maximum of 26,300 acre feet per annum of agricultural irrigation water.

Page 27, Article III, Section B, Subsection 1 allots to the Southern Ute Tribe from the A-LP a maximum of 26,500 acre feet per annum of municipal and industrial water and a maximum of 2,400 acre feet per annum of agricultural irrigation water.

Simple arithmetic yields a total diversion in that document of 61,200 acre feet per year which, of course, is 1,000 acre feet per year less than the quantity given on page 2-23, Volume I.

Yet Table 2-53 on pages 2-95 and 2-96 of that same Volume I shows a total diversion amount for both Colorado Ute Tribes together of 79,920 acre feet per year or 39,960 acre feet per year for each. That amount is more than 128% of the figure contemplated on preceeding page 2-23 and a whopping 130.6% of the total agreed upon by the Utes in their Final Settlement Agreement of 1986.

---

2 **My first question is this**: How do you justify increasing by 18,760 acre feet per year the amount agreed upon in writing by those two Colorado Ute Tribes when they signed the 1986 agreement?

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3 **My second question is this**: Why do your figures for the ratio of depletion to diversion vary so widely between page 2-23 of Volume I and Table 2-53 of that same volume?

For example, the depletion you show for that 62,200 acre feet per year Ute diversion on page 2-23 is a mere 85.5% of the total, while, in Table 2-53, the depletions shown are generally 50% of their respective diversion amounts.

Does a formula for such calculations actually exist? If so, why is it not equally applied in all cases?

Signed Verna Forbes Willson 15 February 2000

DWS41-1 The 1988 Settlement Act ratifies the numbers contained in the 1986 Settlement Agreement. The numbers used in the FSEIS analysis are consistent with those in the Settlement Agreement. For example, the allocation for the Southern Ute Indian Tribe is correctly stated in our analysis as 3,400 afy. The total division is 61,200 af. Table 2-53 indicates a total Ute settlement volume of 79,050 af, which represents a depletion of 39,960 afy.

DWS41-2 When adjustments are made for the 13,000 afy depletion to be provided through non-structural means, and the depletions for M&I vs. agriculture, the total depletions proposed for the Preferred Alternative are compatible with those in the Settlement Agreement.

DWS41-3 A depletion to diversion ratio of 50% is used as a commonly accepted "rule of thumb" for M&I projects. Section 2.1.1 has been revised.