

ORAL HISTORY INTERVIEW

THOMAS CRAWFORD



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OPEN FOR RESEARCH



Interview Conducted and Edited by:
Donald B. Seney in 1999
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By Andrew H. Gahan

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Statement of Donation

STATEMENT OF DONATION
OF ORAL HISTORY INTERVIEW OF
THOMAS R. CRAWFORD

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INTERVIEWER: DONALD B. SEWRY

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Editorial Convention

A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the Federal government is to capitalize titles always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to

“planning;” the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to “the 1992 act.”

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development’s acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes misunderstood

water rights; many local governments with growing water needs; Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

The senior historian of the Bureau of Reclamation developed and directs the oral history program. Questions, comments, and suggestions may be addressed to:

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For additional information about Reclamation's history program see:

www.usbr.gov/history

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**Oral History Interview
Thomas Crawford**

Seney: My name is Donald Seney. I'm with Thomas R. Crawford in his office in Carson City, Nevada. This is our first session and our first tape, and today is July 27, 1999. Good morning, Tom.

Crawford: Good morning, Don.

Seney: Why don't you begin by giving us a brief biography?

Crawford: All right.

Seney: Not too brief.

Background

Crawford: Again, my name is Tom Crawford. I was born in Las Cruces, New Mexico, raised on a farm, have extensive agricultural and farming backgrounds, participated in 4-H for a number of years, so it kind of gives me a good perspective on livestock, and crop production, and crop raising, and gardening, and things like that, and the finer aspects to living on a farm,

and a rural lifestyle. Went to high school in Las Cruces. Went to New Mexico State for, in Las Cruces, for two years prior to joining the Navy, where I spent six years in Corpus Christi, and Norfolk, Virginia on a ship, in one case, until I decided that my career was better defined by going back to college.

Seney: Let me say, that must have been quite a change for a boy from the middle of the desert to be on a ship in the middle of the water, huh?

Crawford: It was. It was kind of a culture shock.

Seney: I'll bet.

Crawford: Because, you know, well I guess going into the Navy wasn't my first choice. It probably would have been going into the Air Force. I had received my draft notice. I had not choice in the matter.

Seney: Uh huh. What year would this have been?

Crawford: This would have been, let's see, 1970.

Seney: Why don't you tell us when you were born?

Crawford: I was born in 1950, June 5, 1950, in Las Cruces, at Memorial General Hospital, which is now the city administration office, or county administration office.

But, having gotten my draft notice and realizing that I've got some hard decisions to make, and had I been drafted I would have gone into the Army and gone straight to Vietnam, (Seney: Right.) and I had little interest in doing that. I wanted some control over things, so I opted to enlist in the Air Force. They had no billets open in Las Cruces, nor did the Navy, so I actually enlisted in El Paso, Texas, at the recruiting office down there, and opted to go into the Navy. My dad was a pilot so, you know, had I gone into the Air Force, I mean, that would have kind of carried forward (Seney: Right.) the family tradition of being a pilot. But, in neither case were there billets open so I opted to enlist in the Navy. And, after attending a, well boot camp in San Diego and what they call an A School in Lakehurst, New Jersey, where I learned to be a parachute rigger and aviation survival equipment man, I believe, as the Navy formally called that job.

Seney: You've packed parachutes?

Crawford: I've packed parachutes. I've jumped once. In fact, that was a requirement.

Seney: Well, I've understood that, and I can understand that, that they would come around and say, "Here. This is yours and you jump with this one," right?

Crawford: That's right. (Laugh)

Seney: Is that what they would do?

Crawford: You pack your own parachute and you jump with it, and that gives you the confidence, you know, that . . .

Seney: Yeah. And then the confidence?

Crawford: Sure. Sure. (Laughter) But, you know what you're doing and, you know, it's fairly tightly regulated and certainly supervised, closely supervised in terms of your training and certainly in preparation for the jump and those sorts of things.

Seney: You just jumped once?

Crawford: Jumped once. That was it. That was the only requirement. There were several that continued on with that (Seney: Right.) and actually got their wings.

As far as being enlisted in the Navy there wasn't a whole lot you could do with that. You know, it was, it was, because you got to wear parachute wings, well it put you in a certain echelon, but only in rare cases was there a job for jumpers (Laugh) in the Navy. So, I did my once and finished, graduated from A School and actually extended my enlistment, at that time, for two years to get a grade increase from Airman to Petty Officer Third Class, and from there was transferred to Corpus Christie, Texas to the naval air station there. I spent four years in Corpus Christie at a training squadron, and actually even volunteered at that time for Vietnam, but . . .

Seney: Just to get out of Corpus Christie? (Laugh)

Crawford: Well, it was, it was a matter of the fact that I would have been most likely on an aircraft carrier or a helicopter (Seney: Uh huh.) carrier, (Seney: Okay.) off the coast of Vietnam and

would have seen very little (Seney: Sure.) action, you know, (Seney: Yeah.) from that perspective, and thought, “Well, it would be a good idea to do that.” But, at that time the Vietnam War was winding down. They weren’t pulling some troops back and they weren’t taking any more volunteers. So I . . .

Seney: They ran out of war before you could get there, huh?

Crawford: Pardon me?

Seney: They ran out of war before . . .

Crawford: They ran out of war. (Laugh) Exactly. So, after four years, I again had a six-year enlistment because I extended for two years, well I received orders to report to the *U.S.S. Iwo Jima*, which was a helicopter carrier, home based in Norfolk, Virginia. So, after a brief stint of vacation time at home while I loaded up my car and drove to Norfolk and began my last two years on a helicopter carrier, which was comprised of about 250 ship company sailors, the rest being about 2,000 Marines, comprised of Air Wing Marines and what we called “ground pounders,” or the infantry. (Laugh) I

realized after, after being on the ship for two years that that wasn't at all what I wanted.
(Laugh) [Recording paused]

Seney: Yeah. Go ahead.

Crawford: After the two years on the ship then I opted for an early out, "school cut" as they called it, and went back to New Mexico State University. I finished my bachelor degree.

Seney: You were a serious student by this time?

Return to College

Crawford: Yeah. I mean, I went from—that's pretty astounding. My first two years in college, and grant that I was in wildlife biology and it was more, well this sounds like a glamorous sort of job, (Seney: Yeah.) and you know my heart really wasn't into it and I think I, when I was drafted I had a 1.6 G-P-A and, (Laughter) it was at that time that the draft realized that, "Hmm. This guy is not serious about school. So, let's get him." (Seney: Yeah.) (Laughter) But, yeah, going back to college after the six years in the military well my attitude towards

college changed measurably. I had six years under my belt of maturity, (Seney: Right.) which helps quite a bit, and I had a better fix on what I wanted to do at that time. And so, changed my major from wildlife biology to agricultural business and economics.

And in that department at the university they had a major in environmental and resource economics, which I opted. I thought, “Well, that sounds interesting. I really don’t necessarily want to be strictly involved with agricultural economics and agricultural business. You know, I had this bent for natural resources and environmental economics. So, I finished up a degree, a bachelor’s degree in environmental resource economics. Had time left on the G-I Bill and didn’t have a fix on that job. I was working summer jobs for New Mexico Department of Agriculture (Seney: Right.) on their Range Pest Eradication Program. And, went back and finished up a masters degree then in agricultural economics, with a focus in environmental and resource economics. Finished that degree and was selected for an industry economist position with the Bureau of Land Management in Rawlins, Wyoming, in their district office.

- Seney: Industry economist?
- Crawford: Yeah it, they call it an industry economist, but it was as much a regional economist. In fact, that would probably be a better definition of it.
- Seney: “Industry” as in timber industry or grazing industry?
- Crawford: Industry, grazing, (Seney: Okay.) timber. Sure. Wilderness, (Seney: Yeah.) fire management, you know, the whole range of resource interests that the B-L-M [Bureau of Land Management] had in Wyoming. I accepted a position there. Worked for the B-L-M for three years, three and a half years, in Wyoming, and worked on a host of issues, from fire management programs, controlled burns, to wilderness programs, to oil and gas programs, coal programs, recreation and wild horse issues.
- Seney: Interesting?
- Crawford: Very interesting. The gambit (Seney: Yeah.) was interesting, because all those resource interests are conflicting. I mean, it’s (Seney: Yeah. Yeah.) I think if anything what an

economist can bring to a resource agency such as B-L-M is helping to find the right balance on resource use, you know, either from actually quantifying what the resources were to, or to balancing that with some of the nonmarket benefits of resource management. Three and a half years with the Bureau of Land Management I accepted a position and a promotion with Minerals Management Service in Anchorage, Alaska, in the Alaska O-C-S [Outer Continental Shelf] Office.

Seney: Did you enjoy Alaska?

Enjoyed Working in Alaska

Crawford: I did. In fact, that was kind of one of the draws was the fact that it was Alaska, and the winters turned out to be far less severe than those in Wyoming. (Laughter) The wind didn't blow 365 days of the year.

Seney: Yeah. Yeah. Oh, Wyoming is not to be believed.

Crawford: It's a beautiful spot.

Seney: Yeah. It is a beautiful state.

Crawford: The beautiful spots are kind of, I think, the exception rather than the rule. There are lots of just flat out wind blown prairie, (Seney: Yeah.) out there. Sagebrush covered. Lots of antelope. Things like that. Interesting place to live, as well, particularly if you're somebody from southern New Mexico, (Seney: Sure.) who had never seen sagebrush, certainly never seen antelope, (Seney: Yeah.) and had never seen places like the Tetons, and Yellowstone, (Seney: Right.) and some of these other wonderful places in Wyoming.

Seney: What's the O-C-S Office with Minerals Management?

Mineral Management Outer Continental Shelf Office

Crawford: The O-C-S is the Outer Continental Shelf Office. (Seney: Okay.) In the Alaska office that, their jurisdiction ranged from three to two hundred miles offshore, across the, well three to two hundred miles from the . . . the United States land mass, for lack of a better definition. The Alaska O-C-S Office managed primarily oil and gas leasing, but also any mineral leasing, whether that was sand and gravel, or gold if it

was in federal waters offshore.

There was a couple of gold dredging operations up there. Most of them were in state waters that were managed by the state of Alaska. There were several ventures that moved further off in the shallow waters to dredge. At that time, as I was told was the case, oil, or gas prices—gold prices were fluctuating significantly. (Seney: Yeah.) And so, there's no real market. I mean, you had to have good market prices for gold before it was economical to go further offshore.

Seney: And somewhat steady prices too, (Crawford: Yes.) to justify your capital expenditure?

Crawford: You had to have some certainty that you're looking at, you know, five to ten years (Seney: Right.) of reasonably steady prices, and hopefully escalating prices (Seney: Right.) to justify it.

Seney: The capital costs would be significant, wouldn't they?

Crawford: Significant. They had dredges in there. In fact, I think most of them were brought over from the

Middle East. Not Middle East. From, the Pacific Rim countries where they did offshore gold dredging, Indonesia for example, (Seney: Yeah.) as I recall. But again, the costs, the capital costs were just so high that you had to have reasonably stable and, or increasing prices to make it worthwhile. And, I don't know that we actually ever leased any properties for gold purposes there. I mean, we did environmental impact statements and did actually resource evaluation for the recovery and what that was worth and the fair market value perspective in order to fit into the leasing process, the bidding process, bid adequacy processes, (Seney: Yeah.) things like that.

But it, to my recollection, the two years I spent in Anchorage working for the O-C-S Office there there was never a gold lease. There were a couple of significant oil and gas leases, Cook Inlet up towards Prudhoe and the Beaufort Sea, Chuckchi Sea, places like that. For oil and gas, more for than anything for probably seismic activities to determine the resource base, to determine whether it was feasible to then take that to a higher level yet for, to offer a lease sale, (Seney: Yeah.) to offer

parcels for lease to oil and gas companies. I worked in the Resource Evaluation Office there, which was kind of different for me because it was working on oil and gas issues, primarily and determining what the value of the resources were that were captured in the underlying pools.

Seney: Still a lot of oil and gas out there, you think, that has not been tapped?

Crawford: I think there is. I think right now there's sufficient environmental concerns that keep . . .

Seney: We're not desperate enough for it then, huh?

Crawford: That's right. (Seney: Yeah.) Oil and gas prices are not, again, at a high enough level (Seney: Yeah.) to justify . . .

Seney: It sure seems that way at the pumps these days, doesn't it? (Laughter) You think they'd be drilling anywhere, wouldn't you? My comment for the tape that we're in a period where gasoline prices have been fluctuating, and largely rising.

BLM Had Not Seen Much Activity

Crawford: Yes. It's, it's hard to understand that the well-head prices aren't sufficiently high to justify some of those higher cost areas. But, I think right now, given the amount of oil and gas, and the value of those resources down in the Gulf of Mexico, that that's where the concentration is by the oil companies now. It's still, even in the deep water it's still considerably cheaper to lease (Seney: Yeah.) down there and to produce than it is to go into higher cost areas, such as offshore Alaska. Even some of the onshore leases up there either have been shut in, the wells have been shut in. I think even B-L-M, who manages most of the onshore oil and gas leases up there have not seen that much activity in recent years because of the oil and the gas prices and the environmental concerns as well.

Seney: So, there's this, there's a line between you and them, that is Minerals Management and B-L-M? You get what's in the water and they get what's on the land?

Crawford: That's effectively it. The demarcation is B-L-M (Yeah.) manages the resources in what would be considered the continental United States and Alaska, but everything that's onshore. Whereas

the Minerals Management Service, as a sister agency, does effectively the same thing offshore from either three to two hundred miles or nine to two hundred miles, depending on the state. (Seney: Yeah.) Some of the state, the states on the . . .

Seney: They want nine miles?

Crawford: Right. I think it's mostly Texas that has a nine-mile demarcation. In most cases it's three to two hundred miles off shore (Seney: Uh huh.) that the United States . . .

Seney: Congress has permitted them by statute to declare what they want, have they not?

Crawford: I believe that's the case. (Seney: Yeah.) Yeah.

Seney: Yeah. This was a big issue in the '52 presidential campaign when the court had ruled that those offshore, for everything, what, from the high tide belonged to the federal government? (Crawford: I think it's . . .) And, I think now (Crawford: Yeah.) are promised, and Congress could, by statute, say "No, we'll give that to the states to regulate"?

Crawford: Yeah.

Seney: Yeah.

Crawford: And, of course, the United States does share significantly the royalties with those states who have a coastline, the revenues, which are fairly significant, that come in from leasing those oil and gas reserves, those properties.

Seney: What's Minerals Management like as an agency? What's the culture? Is it very large?

Minerals Management Service Culture

Crawford: Minerals Management Service used to be considerably large. In fact, it was, they had, at the time that I started the work for the Minerals Management Service, which used to be under the U-S-G-S [United States Geological Survey], the Conservation Division, they broke loose from that. B-L-M used to have the O-C-S Offices, the Outer Continental Shelf Offices, and early in the Reagan years they combined those groups to make the Minerals Management Service, which brought in the resource evaluation people from the Conservation

Division (Seney: Yeah.) in U-S-G-S and the leasing people from B-L-M, and combined those groups to make the Minerals Management Service.

There were four Outer Continental Shelf groups, the Pacific O-C-S Region, the Alaska O-C-S Region, the Atlantic O-C-S Region, and the Gulf of Mexico O-C-S Region, and there were several offshoots from those. (Seney: Yeah.) But, over the span of the ten years that I worked for Minerals Management Service, either in Alaska, or the headquarters office in Virginia, the Alaska O-C-S Office shrunk down considerably. It was probably, at its peak, maybe 300 people. (Seney: Wow.) It was a large office, because there's a lot of activity going on there (Seney: Sure.) either from leasing or from the resource evaluation perspective. And, their jurisdiction actually went down into Washington and Oregon, as well, in contrast to having a Pacific O-C-S Office in Los Angeles. They . . .

Seney: They had mostly California?

Crawford: They handled—yeah.

Seney: There's a lot of work in California?

Crawford: A lot of work.

Seney: You know, I suspect, let me say it and then I want you to comment, that the politics of this reorganization that is plucking these agencies, these parts out of B-L-M and U-S-G-S and creating this separate off under the Reagan administration, was that to expedite oil leasing, offshore oil leasing?

Crawford: It was. Yes. I think that was a precise reason for doing so was to expedite it instead of (Seney: [inaudible]) part of the process being with B-L-M, and the other (Seney: Yeah.) part of the process being with Minerals Management Services and U-S-G-S. And, even though there was a, I think, a consolidation of efforts, you know, and a good cooperative agreement between the two agencies, it still made for, I think, logistical problems for the companies, (Seney: Yeah.) for the oil and gas companies that had a desire and interest in leasing. And, of course, at that time oil and gas prices were shooting up. (Seney: Yeah.) It looked like there was no end to (Seney: Yes.) what they

were doing. OPEC [Organization of Petroleum Exporting Companies] had a strong influence in the market, (Seney: Right.) and the United States wanted to really build up not only its production activities, but also the, what its prospects were for oil and gas reserves.

Seney: And, in the '70s we'd had a couple of experiences with the Middle Eastern countries closing down that oil (Crawford: That's right.) supply? And . . .

Crawford: That's right. The United States (Seney: Right.) wanted to become less dependent on (Seney: Sure.) foreign oil sources. And, it was an incredible opportunity. In fact, it was, I think, evident in the Prudhoe Bay discoveries and some of the further offshore discoveries that I think to these, this day are still uneconomical to really do much with. (Seney: Yeah.) But, you know, at least we know now because of an effort back in the '80s what's out there, (Seney: Yeah.) and what the oil price has to be in order to start extracting those resources.

Seney: Within these segments and groups in U-S-G-S and B-L-M that were brought into Minerals Management, and I'm thinking of people like

yourself, for example, who has a masters degree in some other undergraduate training in natural resource management, and I suspect there's little environmental sensitivity built into those (Crawford: I think.) courses and perspective? I wonder, let me see what I'm trying to get at here. Was there a kind of culture of what we might think of as environmentalism within these agencies that needed to be overcome too?

Influence of Environmentalism

Crawford: Well in, and I'll go back to Minerals Management Service at the time that I started working for them, there was still the Leasing Group and the Resource Evaluation Group, but they were both the same office. And, of course, the Leasing Group was in charge of preparing the Environmental Impact Statements and looking at the resource impacts from not only the natural resource perspective, scenery, scenic qualities, air quality, but also from the cultural perspective, what it meant to the native groups, (Seney: Right.) things like that. Too, I think the human impact, you know, on communities, community infrastructure, things like that. But now, instead of having two agencies doing that,

that were in two separate bureaus, you had those, those resources now and those abilities combined into, into one agency, into one bureau. (Seney: Right.) But yes, I think, you know, in fact you still had the environmental impact influence, but it meshed a whole lot better with the resource evaluation.

Seney: The resource management outlook?

Crawford: Resource management outlook. In fact, it was more a situation of probably resource development. We know we have these oil and gas resources out here. The seismic work has pretty much delineated these fields and we know it's worth X amount. (Seney: Yeah.) Now, how does that balance with the environmental costs associates with it? And, "environmental costs" being defined as not only the natural environment but the human environment as well, the social costs to those sorts of things. And, I think because of the, because of that merger between those two aspects of each of the bureaus it made for a much better, much more efficient, much more effective organization, because you, went upstairs instead of, you know, having to call somebody in Denver, (Seney: Yeah.) for example, to work out

whatever (Seney: Yeah.) issues there were.

But, I think even, even with that, and I think that's justified the differences in opinions on that. Now granted my background was in environmental and natural resource economics, but to go into the oil and gas resource development or resource evaluation aspect of it made for a nice mesh because it gave me kind of a fix on it from an industry perspective. (Seney: Right.) And I don't know that, you know, there was necessarily ever a situation where I felt that my training's background was compromised, where my background was compromised, my interests were compromised, because I, I look at myself as a, as a natural resource economist more from the perspective of the balancing thing, you know. (Seney: Yeah.) That, yes, there's a need for resource development, but if that resource development can be balanced, you know, with whatever the environmental and other resource costs are, what society is giving up in order to have fuel for the cars, (Seney: Yeah.) fuel for their transportation, then, you know, I think economics can help find that balance. So I, I didn't feel at all like the work I was doing as an oil and gas industry economist

in Alaska at all was compromised with . . .

Seney: To put it bluntly, you didn't feel like a whore?

Crawford: No. (Laugh) No. Not at all.

Seney: Okay.

Crawford: Not at all. Because, I think the agency itself is an agency that has to look at the balancing aspect of things because I think it's a known fact that oil and gas development activities are, can be and are upsetting to the natural system sometime, whether you're talking about a pipeline, (Crawford: Right.) or tankering and the tanker runs, runs aground and you have oil pollution, you know. There's a lot of, a lot of issues there.

Seney: Yeah. And all the tanker design in the world won't compensate (Crawford: That's right.) for a drunk captain, (Laugh) as we've found out. Yeah. At what point did you meet Bill Bettenberg?

Meeting Bill Bettenberg

Crawford: I met Bill Bettenberg¹ when I first started with the Minerals Management Service. He was the director at that time. And Bill started with Minerals Management Service at about the time that the Reagan administration came into, came into being. I met Bill personally after I moved to Washington.

And, I was in Anchorage for two years and was offered a promotion and a position with the Resource Evaluation Group, which included a branch of economics. A number of people worked in that branch. And, the Minerals Management Service's Headquarters Office, which at that time was located in the U-S-G-S building in Reston, Virginia, we had since, after about two years, moved to our own building in Herndon, Virginia. But, I met Bill then on several opportunities, on several occasions while doing briefings for him on various aspects of resource evaluation either from a Headquarters perspective on either, well at that time it would have been primarily Gulf of Mexico lease sales,

1. Bill Bettenberg participated in Reclamation's oral history program, see William Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview, conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009.

and some Alaska lease sales. There were very few happening in the Pacific O-C-S Region, virtually none in the Atlantic O-C-S Region due to leasing moratoriums, things like that. (Seney: Right.) Just places that were put off limits to leasing, and even seismic work in a lot of cases.

Bill was a director of Minerals Management Service for about four years, six years, something like that. I don't know the exact tenure of his time there. At the start of the Bush administration, Bill left the agency, went over to Bureau of Indian Affairs for a while, and then my recollection is he went to work in the Office of Policy Analysis. (Seney: Right.) Right. But, that was my first exposure to Bill. Like I say, I made a number of briefings for him as a staff economist in resource evaluation on various issues associated with oil and gas, offshore oil and gas lease sales, either fair market value perspectives, or oil and gas price issues, price projections, issues such as that.

Seney: Yeah. How long did you, did you come right from Minerals Management out here to the Truckee-Carson Coordinating Office?

Coming to the Truckee-Carson Coordinating Office

Crawford: I did. In fact, I had been with the Minerals Management Service O-C-S Headquarters Office in Virginia for about eight years, in the Resource Evaluation Division. We had . . .

END SIDE 1, TAPE 1. JULY 27, 1999.

BEGIN SIDE 2, TAPE 1. JULY 27, 1999.

Crawford: I had been presented with a memo, as a matter of fact, from Bill Bettenberg, effectively, to the Headquarters M-M-S [Minerals Management Service] folks. In fact, it was to . . .

Seney: What, when you said, “Bill Bettenberg, effectively,” what does that mean?

Crawford: Well, it was Bill Bettenberg through . . . I’m trying to think who that would have been. It was Gig, Gig Kocher, who was . . .

Seney: Spell that, please.

Crawford: G-I-G, is the first name, and K-O-C-H-E-R.

Seney: Okay. Thank you.

Crawford: And, my recollection was . . . that he was . . . I don't want to say the personnel manager. I'd have to go back to get the exact fix on it.

Seney: How do you know that this was, had Bill Bettenberg's fingerprints on it?

Crawford: Because, I believe in the notice for this team that was being formed . . . it said that Bill Bettenberg was forming a team. A team that was going to be formed to look at the various Truckee River and Carson River issues, and implementing Public Law 101-618,² writing an environmental

2. Public Law 101-618 became law on November 16, 1990. The law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon Paiute-Shoshone Tribal Settlement Act
- Interstate allocation of waters of the Truckee and Carson rivers.
- Negotiation of a new Truckee River Operating Agreement (TROA)
- Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon Counties. A project

(continued...)

impact statement, and tasks such as that. But, I recall that Bill Bettenberg's name was on the . . .

Seney: And, you knew if his name was on it he probably drafted it?

Crawford: Yeah. Yeah.

Seney: Or caused it to happen?

Crawford: Yes. Yes.

Seney: Okay.

Crawford: In all likelihood—Bill is good, very good like that about having a vision for things like this and what, what's necessary for getting, getting a job done. And, I think from Bill's perspective, and having worked on Public Law 101-618, and Newlands Project issues, recognizing also that

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2. (...continued)
efficiency study is required
- Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source is: http://www.usbr.gov/mp/lbao/public_law_101-618.html

(Accessed on December 7, 2011).

there were three Department of Interior agencies here with sometime conflicting (Seney: That would be . . .) goals.

Seney: Fish and Wildlife, Bureau of Indian Affairs, and Bureau of Reclamation?

Crawford: That's correct. That's correct. Bill was hoping to put together a team of—well, I think going back, he was, his expectations were to put together a team that had no ties to any of the involved Interior bureaus. And, with his background with Minerals Management Service, knowing what the agency was comprised of in terms of resource expertise, looked at that as probably, within Interior, the one agency that could provide people that had no interest, very little day-to-day working background on the issues, yet had educational and professional backgrounds that could, could look at the 101-618 issues, and the Truckee River, Carson River issues, and Newlands Project issues very impartially without any, any ties to any of the one agencies or bureaus working on the issues out here, and could, because of that impartiality, could come in with an eye towards finding the right mix of things, finding the right balance of things, and hopefully bringing the various

bureaus together in, in a coordinated sense for dealing with the various issues. Because, all too often, even within say Fish and Wildlife Service you had the Refuge people and the Ecological Services people, or the Threatened and Endangered Species people (Seney: Right.) all of these at odds.

Seney: Also know as the “bird people,” and the “fish people”?

Crawford: The bird. (Laugh) There you go.

Seney: Yeah. Right.

Crawford: But, at odds with each other because they had conflicting goals. (Seney: Right.) Where the Refuge people had the responsibility for restoration of the wetlands, which, you know, involved bringing water across, diverting water, and that ran directly in conflict with the folks in Fish and Wildlife Service in Reno having responsibilities for restoring a threatened and endangered fishery (Seney: Right.) in not only Pyramid Lake but in the Truckee River as well.

Seney: What caught your eye about this memo? Was it

Bill Bettenberg's name? Was it time to make a change for you? Did you want to get out of Washington D.C.? What was it, do you think, that . . .

Keen Interest in Being Involved

Crawford: I think there was a combination of those three, but probably what the overriding factor was was the fact that it was a very interesting project, one that I had a keen interest in being involved with. It went back to what my training was, which, what my education was. And, to me it just seemed like it would be an incredibly interesting project to work on. Again, given my agricultural background of being raised on a farm, you know, it just seemed like, "Boy this, this could really be fun to work on." (Seney: Yeah.) Because, there are so many conflicting resource issues out here.

And to, to bring economics into it, to find, you know, where that (Seney: Yeah.) right mix is. Because, for one resource to grow another's going to have to give something up when you're dealing with a constrained resource, a scarce resource, a limited resource such as a surface water. There's only so much (Seney: Uh huh.)

and everybody wants a piece of it. And, you've got two river systems that are already over-appropriated. So, to me it seemed like, yeah. One, I obviously recognized Bill Bettenberg's name and decided, "This is something that I have an interest in being involved with." And secondly, I had been in Washington for eight years and was looking for the opportunity to come back out West again. (Seney: Yeah.) And certainly with the O-C-S Program, the Outer Continental Shelf Program, there wasn't much of an opportunity to do that, other than going to the Pacific O-C-S Office in, then, Camarillo, California. But, they were experiencing reductions in the program, (Seney: Yeah.) and they weren't really hiring people out there. They were . . .

Seney: Camarillo is not the most attractive place.

Crawford: Chucking people. (Laugh) In contrast to where their old office was, which was downtown L.A., the Camarillo Office was pretty . . .

Seney: Paradise? (Laugh) Yeah. Right.

Crawford: Prime real estate.

Seney: Yeah. Right.

Crawford: But anyway, it, I looked at it as a great opportunity in Bill's memo, or what, the memo that came down from the . . .

Seney: Yeah. Well, I'm sure it was his. I'm sure.

Crawford: I'm sure it was. Because, (Seney: Yeah. I'm sure it was.) he had to put it together (Seney: Right. Right.) as he wanted it, (Seney: Yes.) specifying what mix of people he was looking for on that.

Seney: Right. Right. What, let me ask you, what is your understanding of the origins of this office, the reasons for it and how it came into being?

Office Brought a Sense of Neutrality

Crawford: The reasons for this office, I think, was to bring the sense of neutrality to all the issues here. Because we, we didn't have ties to any one bureau. Our funding came about half and half from Fish and Wildlife Service and Bureau of Reclamation.

Seney: So, that's who's paying your salary?

Crawford: That's who's paying our salary, and the day-to-day office operating costs.

Seney: Let me ask you about what GS level are you at this point?

Crawford: GS-13.

Seney: Thirteen?

Crawford: Right. I think Bill's hope in setting up this office was, again, to bring this sense of neutrality to the issues that we don't have a bias towards Reclamation, (Seney: Yeah.) or a Bureau of Indian Affairs, (Seney: Yeah.) or Fish and Wildlife Service. And, within Fish and Wildlife Service no bent towards wetlands or fishery restoration. (Seney: Right. Right.) I . . .

Seney: Well, let me ask you this. You know, I've interviewed Bill (Crawford: Uhm-hmm.) and talked to him any number of times. Is he in town, by the way, for the meeting?

Crawford: Well, he is now. He wasn't—it's kind of been an off and on thing. He called yesterday and said he wasn't going to be. He had some issues on

the Hill that he had to take care of, and apparently those got resolved because now he left word that he, in fact, was going to be here for the TROA [Truckee River Operating Agreement] sessions this week.

Seney: Well, good. I hope to see him this afternoon then. (Crawford: Okay.) And, you know, I'm sure that he was kind of called in in the aftermath of assistant secretary for Water and Science Sayre's—and, you're nodding your head "yes," (Crawford: Yeah.) because the tape won't see—unfortunate, some would say "lamentable," testimony before Mr., Senator Bradley's subcommittee on Water and Power. And, Bill was called in, as I guess he has been in other contexts, to kind of rescue the situation (Crawford: Yes.) because of his reputation as a problem solver?

Crawford: I think that's exactly right. I think that well characterizes Bill's reputation in the Department. At the time that we were visiting in his office, just he and I, on this establishment of the Truckee-Carson, well the team, it didn't have a name back then, (Seney: Yeah.) Bill mentioned several of the other issues that he had been involved with, whether it was royalty counting issues in

Albuquerque. I think he pulled together a team of departmental accountants to sort through and solve royalty, oil and gas, maybe even coal also, but royalty problems that . . .

Seney: These were Native American royalties that weren't (Crawford: Yeah. Exactly.) in proper order?

Crawford: Exactly. Right. And, how much success he'd had with that, and the success also in finding all those accountants jobs again after the two years or three years (Seney: Yeah.) was up, in which that, over the span of time in which that team was, was in place. (Seney: Right.) I think, given Bill's diverse background with the Department, that they do call on him a lot. He has a number of sessions with the assistant secretaries. I think he briefs the secretary regularly, and the various other department heads and upper level departmental officials. Certainly, Congress as well, (Seney: Yeah.) on issues. And, I think they, they're issues that go well beyond the local issues here. I know Bill has some interest and involvement in some water issues in Arizona. He has a lot of involvement in Native American issues, I think. Of course, he, he did a stint after

Minerals Management Service with B-I-A.

Seney: He was deputy assistant secretary, wasn't he?

Crawford: I believe so, (Seney: Yeah.) in the Budget Office.

Seney: Right.

Crawford: Right. Yeah.

Seney: Yeah. He had some sort of non—they didn't need congressional approval.

Crawford: That's correct.

Seney: But it's some secretary's (Crawford: Yeah.) position, deputy associate (Crawford: Yeah.) or something or other. Yeah.

Crawford: And, I think the Department relies on Bill a lot for kind of sorting out budget problems, (Seney: Yeah.) because of his background, and Bill's certainly good at finding money. (Laughter)

Seney: That's a good, that's a useful talent, I expect?

Crawford: It certainly is.

Truckee-Carson Coordinating Office's Motive

- Seney: Yeah. You know, my, as I look at the Truckee-Carson Coordinating Office it seems to me that the motive here is to kind of get control. It's kind of bureaucratic. And, I don't mean that in a negative sense, but a descriptive sense. It's kind of a bureaucratic—and again, I don't want to say “ploy,” because that, you and I know that's neutral and I (Crawford: Uhm-hmm.) hope the people to read this will—but it's a way of the Department of the Interior reaching out and trying to get these bureaus to cooperate with one another and stop fighting with one another. Is that the right usage?
- Crawford: Yeah. I think that's the general sense of, you know, the purpose in setting up this office is to bring that Washington perspective. And, that almost sounds negative. But . . .
- Seney: Ooh, I know. Yeah. Oh, I know what you mean. The department-wide perspective, right?
- Crawford: Right. I mean, since we effectively, according to the table of organization, report to the Office of the Secretary, to the secretary, even though Bill

Bettenberg serves as the office contact back East, and certainly anything that we produce goes through Bill before it goes up the, up the line.

Seney: So you, again, this office is attached directly to the Secretary of the Interior's Office?

Crawford: That's correct. Organizationally it appears under the Office of the Secretary. We use Office of the Secretary letterhead. And, I think that factor as one has contributed to the success of this office, is that . . .

Seney: That's helpful, is it, to be able to (Crawford: Yes.) right?

Crawford: Because we're tied to the Department rather than tied, being tied to Reclamation, or one of the other bureaus.

Seney: One of the others. Right.

Crawford: And, of course, at the time that this office was set up Betsy Rieke³ was the assistant secretary

3. Betsy Rieke participated in Reclamation's oral history program, see Elizabeth (Betsy) Rieke, *Oral History Interview*, Transcript of tape-
(continued...)

for Water and Science and she realized, you know, I'm sure as a result of Bill's briefings what an organization, an office such as the Truckee-Carson Coordination Office could bring to these conflicting goals associated with the Truckee River and Carson River issues. And, hopefully bring the Department more into defining a sense of cooperation amongst the agencies to try to work through these resource conflict issues. To not necessarily speak with one voice, but in public meetings to, you know, come across (Seney: Yeah.) with a sense of, the fact that the agencies are working together for this common goal of implementing Public Law 101-618, where you don't have Fish and Wildlife Service Refuge folks over here berating the T&E [Threatened and Endangered] folks on the other side saying that, "Well, they're going to kill us out here."

Seney: T&E meaning?

Crawford: You know, "How can you take the water away"

3. (...continued)

recorded Bureau of Reclamation Oral History Interview, conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013.

from these farmers when (Seney: Yeah.) you know it benefits the wetlands, and then Fish and Wildlife Service and . . .

Seney: What does “T&E” mean?

Crawford: Threatened and Endangered. Threatened and endangered species. Cui ui, for the most part, and the Lahontan cutthroat trout being on the threatened list. (Seney: Right.) And, I think, in terms of what this office has accomplished over the last five years, I think we’ve brought together a lot of the agencies to the point that now the Department speaks with a, I want to say with a consolidated front, but qualifying that by saying that, “Yes, you can still have your opinion.” You can, you can still weigh in against, say, the recoupment issue from the perspective of the Refuge folks with Fish and Wildlife Service. That’s still water. You know, saying that, you know, “We disagree with this.” Well, okay, in, in a federal forum you can disagree with it. But, you know, at the same time recoupment’s going to happen, you know, (Seney: Yeah. Yeah.) and you’re going to have less water being diverted over from the Truckee River.” So, you know . . .

- Seney: And, you can't go talk about this in public?
- Crawford: You can't, you can't berate the T&E folks, you know, (Seney: Okay.) the Ecological Services.
- Seney: Plant stories and (Laughter) (Crawford: Yeah. Yeah.) spread rumors? And, yeah.
- Crawford: And, I think that was the case early on. (Seney: Yeah.) There was some, some undermining (Seney: Right.) of the federal . . .
- Seney: We have a very strong person out there, Ron England [spelling?] (Crawford: Yes. Yes.) who, who is credited with helping to keep those wetlands alive, and storing.
- Crawford: Ron was very instrumental in (Seney: Yeah.) Public Law 101-618. And, (Seney: Right.) putting together various provisions in there that led to the restoration of those (Seney: Right.) wetlands, which, you know, were in pretty, pretty dire straights at the time, (Seney: Yeah.) and we opened this office five years ago and we were at the end of the drought then, (Seney: Yeah.) which we didn't know.

- Seney: If we only knew these things.
- Crawford: If economists had three hands instead of just two. (Laughter)
- Seney: Yeah. That's right.
- Crawford: But yes, Ron, Ron was instrumental (Seney: Yeah.) in getting a lot of that, a lot of that stuff.
- Seney: But, the only way he could get that done is by stepping on, (Crawford: Sure. Sure.) as you say, the Threatened and Endangered Species people?
- Crawford: Sure.
- Seney: Yeah.
- Crawford: And, you know, Ron has an interesting personality. One that, I think, was abrasive to some people. He got along relatively well with the farmers, and the Newlands Project folks, and the Fallon community, and Churchill County, (Seney: Right.) and relatively well, but Ron had a goal and that was to restore the wetlands. And, Ron fully recognized that that was going to come at a cost, (Seney: Yeah.) and

a cost (Seney: Yeah.) to the Newlands Project in terms of taking some of that agricultural production off the books. (Seney: Right.) It was . . .

Seney: Paying for it albeit, and from (Crawford: Sure.) Willing sellers?

Crawford: Sure.

Seney: Yeah.

Crawford: From willing sellers and willing buyers. I mean, that was a provision in 101-618 and a requirement, you know.

Seney: You know, if I were sitting here in your office and if I were Bill, I guess, I would look at 101-618 in the context of this Fish and Wildlife business and say, "Listen, you've got your 25,000 acre feet plus or minus long-term goal. We've got the purchase program. We're funding it. We're moving on that. We've got land exchanges going, and other things to bring water out there. And then on the Pyramid Lake side we've got the Cui-ui Restoration Program, and the money, the Fish Restoration Fund."

What is it, \$42 million from which the interest can be used. Something like that?

Cui-ui Restoration Program

Crawford: Forty million, I think it is.

Seney: Forty million?

Crawford: It's forty, forty-two, something like that.

Seney: Yeah.

Crawford: Right.

Seney: And then there's the Cui-ui Restoration Study, which has, has that been completed at this point, or it's nearly so. Or . . .

Crawford: There was the initial study that was done. It's my understanding now that Fish and Wildlife Service has revamped that, that they've taken a step back and are looking at it again from the standpoint of now they have this new Cui-ui model that, what is now the . . .

Seney: Well, it's more than recovery. More than a study. It's a plan?

Bureau of Reclamation History Program

Crawford: It's a plan.

Seney: I'm sorry. I used the wrong word.

Crawford: It's a plan. So, you've got to use "plan." Sure.

Seney: Right.

Crawford: Sure. Sure. I mean, it's based on the study, but from that study then we'll, we'll emerge a plan. (Seney: Yeah.) And, that plan will then, I think, kind of set for the various actions that are going to be necessary to take the Cui-ui off the endangered list and take the L-C-T, Lahontan cutthroat trout, off the threatened list. (Seney: Right.) But, I think what has to happen is that now the branch of U-S-G-S that used to be the Biological . . . (Seney: Yeah.) they called that Biological Resources.

Seney: Survey? Is that the Biological . . .

Crawford: It's the . . . well that was a separate, a separate agency. I forget.

Seney: Was it then the Biological Survey?

Crawford: Biological—I think you’re right.

Seney: Something in there.

Crawford: Yeah.

Seney: Yeah.

Crawford: But anyway, in the context that the Bureau is now is being part of U-S-G-S the revised, or the new Cui-ui model has to go through a number of review steps and it still, U-S-G-S has a fairly rigid review process, (Seney: Yeah.) for all the publications, which is correct. (Seney: Yeah. Yeah.) And, it certainly [inaudible]. And it’s my understanding that that’s where the model is now. It’s going through a very fairly rigorous review process within U-S-G-S, and at a point in time where U-S-G-S says, “Yes, we’re comfortable that the model is working the way it should be. Then, the recovery plan will . . .

Seney: Be based on the model?

Crawford: Will be based on (Seney: Okay.) model runs and those sorts of things. And, you know, certainly it’s going to reflect these last five years of incredibly successful Cui-ui runs.

Seney: Yeah. Yeah. It's just been five heavy winters with (Crawford: Sure.) lots of excess (Crawford: Sure.) flows. And . . .

Time to Really Look at the Species

Crawford: And, there are a number of people who would say, and possibly even Fish and Wildlife Service themselves, who would say that, you know, "It's time to really look at the species now to see, you know, where it belongs with respect to the Endangered Species Act, (Seney: Right.) and its classification.

Seney: I know there's feeling that's creeping through the, (Seney: Yes.) throughout, that maybe, maybe (Laugh) they're not so endangered after all.

Crawford: Right. Right. And, of course, the Newlands Project folk, folks would . . .

Seney: Well, they thought that all along, I guess, almost.

Crawford: Would, you know, are taking (Seney: Yeah.) the stance that you've got five good years, you've got successful runs that are bringing in, you

know, just incredible numbers of fish upstream to spawn. (Seney: Right.) And, of course, Fish and Wildlife Service is taking a conservative approach on that, rightfully so. (Seney: Yeah.) But, you know, “Yes, we’ve had five good years, (Seney: Right. Right.) but, you know, what we need to do is set forth a plan, something, or actions that will maintain that.”

Seney: Yeah. Which would be the tribe’s viewpoint too?

Crawford: Correct.

Seney: “Let’s not be misguided here (Crawford: Yeah.) by these few good years. There could be a whole string of bad ones.”

Crawford: That’s absolutely right. I mean it, you know, if you get back in a drought situation where you don’t have nearly the, you know, flow coming down the Truckee River and the Pyramid Lake drops again (Seney: Right.) significantly, you’re going to have, you could potentially have problems. Now, Reclamation has modified Marble Bluff Dam, or the fish facility there, considerably, done a fine job with that, to the point now it’s practically automated and it’s

practically failsafe, I think. And, this last Cui-ui run, I think, very effectively has shown that the fish facility works the way it should, and the . . .

Seney: The elevator?

Crawford: The elevator. (Seney: Yeah.) Yeah. (Seney: Yeah.) And, you know, that is going to fit into the, the equation that leads to either down listing the Cui-ui or taking it off the endangered list all together.

Seney: How's the Lower Truckee Restoration coming along, the replanting of the cottonwoods, and shading, and whatnot?

Lower Truckee River Restoration Efforts

Crawford: My recollection is there's not anything new that I've seen in recent months, but I think it's, so far, a successful program. Obviously it's one of these programs that's conditioned, conditional on the proper river management, (Seney: Right.) so you're not flooding out the young cottonwoods (Seney: Right.) that are trying to get a roothold.

- Seney: I guess you'd drop it kind of slowly and the roots will follow the [inaudible].
- Crawford: That's correct. That's correct.
- Seney: Yeah. And take root quickly?
- Crawford: Right.
- Seney: Yeah.
- Crawford: And, I think the Pyramid tribe is, the Pyramid tribe management is trying to get the proper educational program going on there with respect cattle grazing along the river, either fencing them out or giving them access to the river only in certain spots. So, you don't have the cows coming in and grazing these young cottonwood shoots that are so tender (Laugh) and defeating the entire (Seney: Right.) purpose of whatever restoration program (Seney: Yeah. Right.) you've got out there. (Seney: Yeah.) And, I think the Pyramid tribe has come a long way (Seney: Yeah.) towards the realization that, you know, "We have some things ourselves to do." Because, they have a program as well as the Corp, at one time Corp of Engineers, where they were going in and replanting, and then

asking the watermaster to, you know, ramp those flows.

Seney: Who over at the Corp of Engineers would be useful to talk to?

Crawford: Well, I don't know now. It used to be Dave Gore [spelling?], who is now with Reclamation in Sacramento.

Seney: Okay.

Crawford: He's, he used to be the local contact with the Corp of Engineers in Reno. There is a new person there. I have not met him nor have I dealt with him on (Seney: Okay.) any issue.

Seney: That's all right. This guy sounds good. I can get in touch with him. So, in a way, to go back to the Fish and Wildlife Service, you've kind of been able to calm these people and quiet them down, because "You got this in Public Law 101-618. And, the Refuge got something. The fish got something."

Crawford: That's correct.

Seney: How about coordinating then, how about the Bureau of Reclamation?

Bureau of Reclamation and P. L. 101-618

Crawford: Reclamation, as I view the Bureau, recognizes fully that it holds the key, (Seney: Uhm-hmm.) whether you're talking about reservoir management and river flows, (Seney: Uh huh.) whether you're talking about the Newlands Project, and the maintenance, and, maintenance of the conveyance system out there, being the canals and the laterals, and the process by which that water can move to the wetlands, you know. Reclamation holds the key to a lot of resource issues here. And, my view is, early on, that there was a cockiness.

Seney: "Early on" meaning?

Crawford: Well, at the, say at the time that we opened this office (Seney: Okay.) here. In some of the coordination meetings we held and some of the meetings we attended, that Reclamation, whether it was all fed meetings, was just, you know, Reclamation, say Fish and Wildlife Service, Bureau of Indian Affairs, and our office, there was a, I think, an air of cockiness there

Bureau of Reclamation History Program

and it . . .

Seney: Was this during Ed Silvis's [spelling?] time?

Crawford: It would have been during Ed's time, and I think that was a standard Reclamation approach. You know, it was an agency, a bureau that was filled with engineers. They had the, the Dominy . . .

Seney: Floyd Dominy?

Crawford: Floyd Dominy⁴ approach to resource management that, you know, if it was water and it was a scarce resource then you should (Seney: Yeah.) put it to the best use, and the best use . . .

Seney: Yeah. If it went through a place that narrow enough, you built a dam, right?

4. Floyd Dominy, Bureau of Reclamation commissioner from 1959 to 1969, was best known for his ardent advocacy of water resources development. Dominy also participated in Reclamation's oral history program, see Floyd E. Dominy, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews, conducted by Brit Allan Storey, senior historian, Bureau of Reclamation, April 6, 1994, and April 9, 1994, at Bellview Farm in Boyce, Virginia, edited by Brit Allan Storey.

Crawford: Yeah. (Laugh)

Seney: Yeah.

Crawford: Yeah.

Seney: Yeah.

Crawford: And you, you made the assumption that the best use of that water, from society's perspective was for growing agricultural (Seney: Yeah.) crops.

Seney: Let me go back for a minute to Mr. Sayre's testimony before the Water and Science Subcommittee (Crawford: Uhm-hmm.) that we alluded to earlier. My understanding is that that testimony of his, which was so unfortunate, was drawn up for him by the Bureau of Reclamation.

Crawford: I'd have to say that I don't know that for a fact, but it would seem reasonable.

Seney: Right.

Crawford: Yeah.

Seney: And, that's at the point that Bill Bettenberg is

brought in to oversee the negotiations from the federal point of view, the Department of Interior point of view on 101-618 and what goes into it, and then subsequent to the passage of the bill is given the responsibility for coordinating its implementation among the federal (Crawford: Yes.) agencies, right? And now it's, now it's at this point that power essentially slips away from the Bureau of Reclamation into the hands of Bill Bettenberg in the Secretary's (Crawford: Uhm-hmm.) Office?

Crawford: Uhm-hmm.

Seney: Let me say, I've met the commissioner of Reclamation, Mr. [Eluid L.] Martinez, and, in Washington D.C. my colleague, Brit Storey, the senior historian, was interviewing him and I met him there and he invited me in to meet the commissioner, and I asked him about the Newlands Project. "Well," he said, "I don't really have anything to do with it." And, he didn't look happy.

Crawford: Yeah.

Seney: You know, at all.

Crawford: Yeah.

Seney: And, is this part of the problem that you ran into, that this, that power over the project was being shifted to Bill Bettenburg in the Secretary's Office, largely on the grounds that Mr. Sayre had discredited himself and that maybe the Bureau, too, because they had been in some way responsible for his testimony, and outlook, and briefing him on these Newlands Project issues?

Reclamation Saw Power Slipping Away

Crawford: I'd say, without having the facts in front of me, that yes that's probably a good (Seney: Yes, it could make sense?) representation? Yes. Yes. I think Reclamation saw power slipping away from them with respect to 101-618 because there was so much outcry, so much outcry probably not only from the public but from entities like Fish and Wildlife Service, on both ends of the spectrum, Indian Affairs saying that, "You've got to do something because nothing's going to happen if Reclamation has the lead on implementing 101-618. It'll be a whitewash. There'll be some, you know, little giveaways here, and little giveaways here, but because

Reclamation has as its interest the Newlands Project, you know, the farmers are not going to find themselves being hurt, you know, except maybe on paper. (Seney: Right.) That, you know, that the project will still most likely be operated very inefficiently, that the wetlands will still get the short end of the stick in terms of water, even water that they may have acquired through the purchase program. That, you know, . . .

END SIDE 2, TAPE 1. JULY 27, 1999.

BEGIN SIDE 1, TAPE 2. JULY 27, 1999.

Seney: Donald Seney and I'm with Thomas R. Crawford in the Truckee Tahoe, the Truckee-Carson Coordination Office in Carson City, Nevada. This is our first session and our second tape, and today is July 27, 1999.

And, we were talking about the, the Bureau, and . . .

Crawford: Right.

Seney: Reclamation, I should say. There are many bureaus.

Crawford: Bureau of Reclamation. I think at the outset of our office and in attending the various meetings that we did in working towards getting understanding of Public Law 101-618, the various provisions, and the issues associated with it, and the conflicts, to me it seemed like there was very definitely an era of cockiness, probably conceit, within Reclamation, and I think that's based on the fact that they, they recognized, they held the key to implementing 101-618. They held the key to resolving a lot of the, the resource issues, and that attitude seemed to be very prevalent over, I'll say, the first year or so after we opened the office down here.

Of course, at that time there were negotiations going on, the second round of the Facilitated Negotiations that were being facilitated by Resolve Incorporated. We were involved a lot, and I'm not certain that Reclamation didn't resent that involvement. One, they didn't have the expertise. They didn't have an economist onboard, and we, well there was myself as the economist, Steve Elkhorn [spelling?] as Jeff's Deputy.

Seney: Jeff Zippin ?

Crawford: Jeff Zippin's deputy. We didn't have, well of course Jeff Zippin as the team leader. We didn't have, at that time, the secretary, nor did we have an engineer onboard. But, I think that Reclamation looked at it as kind of an intrusion.

Seney: And, Bill Bettenberg was the lead person, wasn't he, on the negotiations?

Crawford: Bill Bettenberg was the lead person (Seney: Yeah.) as far as setting up the Truckee-Carson Coordination Office, and he, in fact, was the departmental person who we, who we answered to.

Seney: I'm thinking more in, although this is important too, but in the context of the Facilitated Negotiations. And, you're talking about the federal team now?

Crawford: Correct.

Seney: And, you guys here in the Truckee-Carson Coordination Office end up dominating the federal team?

Crawford: I wouldn't say "dominating." No.

Seney: Not dominating it?

Crawford: Jeff Zippin was on the negotiating team, as was Bill Bettenberg, Tom Strekal with Bureau of Indian Affairs, at that time.

Seney: Who from Bureau of Reclamation?

Crawford: And, it was Ed Silvis [spelling?], and then it was Ann Ball⁵, and I'm, I don't recall precisely the time that Ann started and whether she would have been involved to the same extent that Ed Silvis [spelling?] was with respect to the Facilitated Negotiations. You know it, my recollection is that she came on afterwards or right at the end or the last.

Seney: Right at the end, I think. Yeah. Right. March or something, and it was (Crawford: Correct.) pretty much over. Yeah.

Crawford: Correct. Yeah.

5. Ann Ball participated in Reclamation's oral history program, see Ann M. Ball, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral history Interviews, conducted by Donald B. Seney, from 1995 to 1998, in Carson City and Reno, Nevada, edited by Donald B. Seney with final editing and layout by Brit Allan Storey, 2009.

- Seney: March of '95.
- Crawford: For all practical purposes (Seney: Yeah.) the Facilitated Negotiations were ending or had ended at the time that Ann started.
- Seney: So, you got, you got flack in other words from Ed Silvis [spelling?] and the Bureau? Did Roger Patterson⁶ get involved from the (Crawford: I think . . .) Regional Office from the Bureau of Reclamation? He was regional director of the Mid-Pacific Region.

Mid-Pacific Region Had More Important Issues

- Crawford: Correct. I think from Roger's perspective he had pressing issues, much more important issues from Reclamation's ranking of issues that had priority and that was the California issues. I think, I always got the impression that the Mid-Pacific Region was just as happy to wash their hands of any Newlands Project issues. They

6. Roger Patterson participated in Reclamation's oral history program, see Roger K. Patterson, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews, conducted by Brit Allan Storey, senior historian, Bureau of Reclamation, from 1994-2000, in Sacramento, California, and Lincoln, Nebraska, edited by Brit Allan Storey, 2011.

didn't have the staff time and didn't feel as though it was as important enough to be (Seney: Yeah.) involved with it on a regular basis. I think that as long as Mid-Pacific Region was kept apprized of issues, but rarely would you see any involvement by the Mid-Pacific Region in Newlands Project issues. (Seney: Right.) And, again, I think maybe that has ties to the reason that the Department, that the Department became so involved with Newlands Project issues and Public Law 101-618 implementation issues, is because there either just wasn't the interest at the local level (Seney: Yeah.) to get the various provisions implemented with any sort of focus, with any sort of enthusiasm that, you know, "We have to get this done." I think . . .

Seney: Was this also, do you think, from Roger Patterson's point of view in the Mid-Pacific Region that this was a loser and that they're not likely to make a big success of it, and if somebody had to screw it up, and if it was going to be screwed up and a difficult issue you might as well let the Department handle it and not pay the price?

Crawford: From my perspective, that's—yeah, I think there's parts of what you're saying that are

correct, but, you know, at the same time I mean, I think Roger Patterson recognized the political aspects of it, that he had a Nevada Senator, a senior senator, who had a lot of control over Reclamation appropriations, Reclamation monies, and if we had paid Public Law 101-618, or if Reclamation paid the law not much more than lip service then somebody was going to pay the price for that.

And, I think it took a couple of years. In fact, I don't think it truly occurred until after we opened this office here. And I, I don't think anybody would tell you that we can take credit for it, because it was certainly not, not a motive of ours, but that Senator Reid⁷ got intimately involved in how Reclamation was treating Public Law 101-618, and how they were working—and this is, of course, from my perspective—as more of an impediment rather than a team player in the implementation of the law. I think, again from my perspective, that it was primarily Senator

7. Nevada U.S. Senator Harry Reid participated in Reclamation's oral history program, see Harry Reid, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview, conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013.

Reid who had influence over the removal of Ed Silvis [spelling?] and certainly Ann Ball, because he, I think it was felt that, you know, they were not contributing to the spirit of Public Law 101-618. In fact, they were detracting from the spirit. They were not, not advocates, you know, (Seney: Right.) of the law and provisions of the law, and certainly not making active, or taking active positions towards implementing the various provisions in that. They, I think the Adjusted OCAP, which is the Operating Criteria Procedures for the Newlands Project, at the time that it was felt we needed another OCAP in place, Reclamation was not interested in doing that.⁸ They effectively washed their hands of it. It became a departmental initiative and, in fact, the Truckee-Carson Coordination Office developed the Adjusted OCAP. Reclamation took the stance . . .

Seney: This was the one called for in 101-618?

Crawford: That's correct. (Seney: Yeah.) Yeah. It's a, an adjustment to the 1998 OCAP.

8. For more information on the Operating Criteria and Procedures for the Newlands Project, see "Operating Criteria and Procedures for Newlands Project, Nevada (OCAP), www.usbr.gov/mp/lbao/ocap.html. (Accessed November 2013).

Seney: Eighty-eight OCAP?

Crawford: Nineteen eighty-eight OCAP. (Seney: Yeah.)
Yes. Throughout the process of developing the
Adjusted OCAP there were numerous
roadblocks thrown up by Reclamation. I think .
..

Seney: Well, tell me what you mean when you say
“numerous roadblocks.”

Roadblocks to the Adjusted OCAP

Crawford: Well, I think numerous roadblocks from the
perspective of . . . you can't tighten the water
supply to the project any further. They met their
efficiency criteria. They're operating on the
margin already by forcing them to be more
efficient yet, by providing within the Adjusted
OCAP for setting the diversion levels based on
demand and adjusting that demand up or down,
depending on the amount of irrigated acreage
that was going to be irrigated that year.

Seney: When you say “diversion” you mean diversion of
the Truckee [River] to the Lahontan Reservoir.

Crawford: Diversions—right. (Seney: Yeah.) Diversions from the Truckee which then were translated into diversions from Lahontan (Seney: Right.) Reservoir. Right. I think in terms of . . . well, a number of the people working directly or indirectly on the Adjusted OCAP viewed Reclamation as being obstructionists. One example would have been Reclamation's stance, the Lahontan Basin Area Office's stance, rigid stance, that NEPA [National Environmental Policy Act] compliance would have required an Environmental Impact Statement in contrast to an Environmental Assessment on what was planned, on the actions planned in the Adjusted OCAP.

Seney: Uh huh. Calling for a much more comprehensive . . .

Crawford: Much more extensive study.

Seney: And timely, time-consuming study?

Crawford: That's correct. (Seney: Right.) That's correct. Something that would have required a lot greater review, both in terms of the people involved, the various iterations that an E-I-S [Environmental Impact Statement] would have had to go

through before it could have been implemented. Yet, you know, we, we took the issue to the Mid-Pacific Region and a fellow by the name of Frank Mickney [spelling?], who is the, for lack of a better term, the NEPA chief with the Mid-Pacific Region, agreed with our office that there was, an E-I-S was not required, an Environmental Assessment was adequate to cover the impacts from the Adjusted OCAP. And, I think that, still to this day, wears on the Lahontan Basin Area Office to the extent that we, we still hear about this. (Laugh)

Seney: So, they haven't given up on this?

Crawford: They haven't given up on it.

Seney: Oh dear.

Crawford: In fact, now that we're in this situation I was told by a fellow who had applied for the position as deputy to Betsy Rieke, as deputy area manager, that during the interview process, at which he was interviewed by the Lahontan Basin Area Staff, that again that question came up and the resentment that we were able to move forward with use of an E-A rather than an Environmental

Impact Statement.

Seney: Is there a lawsuit from the, from the district on this. No. You're shaking your head, "No."

Crawford: No. There is not, because I think T-C-I-D and Churchill County and the town of Fallon, city of Fallon have come to the realization that until they can show damage it's fruitless to bring a lawsuit.

Seney: There's nothing to sue over, then?

TCID Had No Standing with the NEPA Lawsuit

Crawford: There's nothing to sue over. (Seney: Yeah.) And, a judge has ruled on that. I think Churchill County and the city of Fallon have missed the point with the judge's ruling when he said they had no standing, that the city and the county had no standing during the NEPA lawsuit where they were suing the United States (Seney: Right.) on the comprehensive versus programmatic (Seney: Right.) Environmental Impact Statement (Seney: Right.) on Public Law 101-618. The judge ruled that neither party had standing. They viewed that to mean that the judge was dismissing the fact that they were a city and a

county and had no standing that way, where in fact what he was saying that they had no standing because they could not prove damages. They were basing their lawsuit on what might happen in the future, that they might have groundwater problems, but there was no basis for it. It was conjecture, I guess, pure and simple.

Seney: Is this, is this the suit that the Circuit Court of Appeals reinstated, said, “At least (Crawford: That’s right.) you’ve got to try this or something to see if (Crawford: That’s correct.) you have standing”?”

Crawford: That’s correct.

Seney: And, I know I looked at, as I do from time to time, but the Newlands Water Protective Association web page, which—(Crawford: Uhm-hmm.) do you do that?

Crawford: I haven’t checked it in a long time, (Seney: Okay.) but yes.

Seney: Well, they’ve got “victory” on there, (Laugh) and it’s this Circuit, Ninth Circuit Court

decision. You're laughing rather heartily. And, I guess you would contend they've missed the point on that, that it's not, all the judge has said is, "You've got to look at this issue and you can't do it based," as the District Court judge did, "on a summary judgment"?"

Crawford: That's correct.

Seney: That he's got to have some hearings (Crawford: Right.) and have a look at it. But, you're confident that it will come to the same, the same conclusion will be reached and that is they have to show damage (Crawford: Sure.) before they can sue. What, and I suppose in the terms of lawyers would use, there's no case or controversy here, (Crawford: Yes.) in the way the Supreme Court means that, because there's no damage (Crawford: Yes.) has been done and they don't give advisory opinions on what (Crawford: Right.) might happen in the future?

Crawford: Right. And, of course, the outcome of that lawsuit is still pending. I think the, it's going back in front of the judge, I understand from the attorneys in the not-too-distant future.

Seney: Right. Right. He's got to hold some hearings on

it and (Crawford: Correct.) do whatever it was that he was told to do. But, and that's not construed as a victory on your (Crawford: I-no. No.) point of view?

Crawford: I don't (Seney: Yeah.) think so. Of course, how I view it is on kind of what our attorneys tell us, (Seney: Sure.) that, you know . . .

Seney: And their attorneys tell them something else.

Crawford: Sure. Sure.

Seney: That's what attorneys do.

Crawford: Sure. Right.

Seney: Absolutely.

Crawford: And, for them it's billable hours. (Laugh)

Seney: Yeah.

Crawford: So, if Churchill County, and Fallon, and T-C-I-D spent as much money on securing water rights and (Seney: Project efficiencies?) long-term-project efficiencies, and a long-term water

supply that they spent on legal fees (Seney: Yeah.) they wouldn't have a problem out there.

Seney: I know that's a very strong feeling outside the project.

Crawford: Yeah. (Seney: Yeah.) It's crazy. (Seney: Yeah.) I mean, to look at what they've spent on some of those lawsuits and what's still being spent. (Seney: Yeah.) I mean, to me if I was a taxpayer in Churchill County and Fallon I would really start questioning that. You know, and I think eventually the city of Fallon and, the city of Fallon, town of, or the county of Churchill, are going to get enough of an urban mix that (Seney: Yeah.) the agricultural interests will play less, and less, and less of a role. (Seney: Uhm-hmm.) And, you'll see some, possibly some more of a sense of logic.

Seney: Yeah. The demographic changes (Crawford: Right.) alone then?

Crawford: Sure. Sure.

Seney: Let me go back to Senator Reid, because I did want to ask you about Senator Reid. I know he's been, you know, intimately involved, really

from the time he entered the Senate in 1986-87 with this issue getting the negotiations (Crawford: Uhm-hmm.) started in 101-618, and, and keeping track of what's going on. Who would you normally deal with? Would you be in touch with Larry Werner [spelling?] on these matters?

Crawford: No, in fact . . .

Seney: Mary Connelly ?

Involvement of Senator Reid's Office

Crawford: Mary Connelly⁹ is our, what I would consider our day-to-day contact. It's on rare occasion where I personally have been involved with any correspondence with Mary. I mean, she'll ask for something and I'll prepare a fax or prepare the information that she's looking for, (Seney: Right.) and fax over to her. And, I see her at public meetings. (Seney: Right.) And, I think

9. Mary Connelly participated in Reclamation's oral history program, see Mary Connelly, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation oral history interviews, conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013.

from a day-to-day perspective on the senator's involvement with 101-618 activities that it's Mary Connelly who we deal with, who asks most of the question, who we provide most of the correspondence to, you know. If there's issues that the senator's office needs to be made aware of, then Mary is the person that we, that we contact.

In recent months, and probably over the last year, my contacts with Mary have been limited because, one, we haven't had that many public meetings on any issues, and secondly, you know, without Jeff being here on a day-to-day basis there's just not the same degree of correspondence (Seney: Right.) that would have gone on with the manager that was here on a daily basis. (Seney: Yeah.) Now, I think Mary has fairly regular conversations with Betsy Rieke. I don't know that she had those same, the same relationship with the past two area managers. I certainly . . .

Seney: Yeah. Ann Ball and Ed Silvis [spelling?].

Crawford: Ann Ball, certainly she didn't. There was, I think, Mary came to the realization that a lot of us did that with Ann as the Lahontan Basin area

manager that, you know, she viewed her constituency solely as the Newlands Project irrigators, that any wetlands issues or any T&E issues, or any Indian issues were, you know, somewhere out here on the periphery. (Seney: Yeah. Yeah.) But, her focus, she viewed her constituency singularly as the irrigators, (Seney: Right.) the Newlands Project (Seney: Right.) irrigators. And, I think that, to me, flew in the face of reality. (Seney: Yeah.)

I mean, it sure flew in the face of politics. And, the interesting thing was with respect to that, and this goes back on the Senator Reid thing, was that at the time that Ann Ball was selected as the Lahontan Basin area manager she was touted as “Reclamation’s best person from a political perspective,” that she was “best tuned to deal with the politics,” and shortly after she, she started and became the area manager it became pretty evident that she pissed a lot of people off and people that she shouldn’t have pissed off. I mean, she had the tribe very much pissed off. Bob Pelcyger¹⁰, I think there was

10. Bob Pelcyger was the Pyramid Lake Paiute Tribes attorney and participated in Reclamation’s oral history program, see Robert (Bob) S. (continued...)

times where he was spitting blood, if not venom, (Laughter) he was so mad with (Seney: Yeah.) with the Reclamation office.

Seney: And, I'm told that he has very good contacts with the senator's office, Senator Reid's office?

Crawford: I believe he does. (Seney: Yeah.) I think a very good working relationship.

Seney: Right. Right.

Crawford: Obviously Bob can have it spelled out for the weekend . . .

Seney: When you do this it's . . .

Crawford: It's very narrow. (Laugh) What I'm saying is Bob's constituency is very narrow, (Seney: Right.) and justifiably so, you know. He's paid to represent his clients, (Seney: Sure. Sure.) in contrast to a federal employee, the manager of our local bureaus, who I think has to view the

10. (...continued)

Pelcyger, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews, conducted by Donald B. Seney, in 1995 and 2006, in Reno, Nevada, and Boulder Colorado, 1995 interviews edited by Donald B. Seney and all interviews further edited by Brit Allan Storey, 2013.

constituency as being not only the Newlands Project but also the taxpayers. (Seney: Yeah. Yeah.) And, the fact that, you know, if 101-618 wasn't a good thing it would have never gotten passed. You know, I think from, from my perspective as an economist, 101-618 definitely and unquestionably represents a changing taste and preference value for society. (Seney: Yeah.) That, all of a sudden, you know, we're placing a balanced, a more balanced view on restoration of the environment, that there are some, some environmental values out there that are very important to us. (Seney: Yeah.) And, it's worth spending taxpayer dollars to acquire and rededicate water rights to the restoration of wetlands and the restoration of threatened and endangered species, and living up to the treaties that, you know, we signed years, and years ago (Seney: Yeah. Yeah.) with the Indian tribes. (Laugh)

Seney: Let me go back to the removal of both Ed Silvis [spelling?] and Ann Ball. Ed Silvis [spelling?], the sort of public issue was the late water deliveries to the Fallon tribe (Crawford: Uhm-hmm.) where they wanted water brought out to, I think the S-Line Reservoir?

Crawford: I believe that's correct.

Late Water Deliveries to the Fallon Tribe

Seney: And, they had, there was a fifty-seven percent year. (Crawford: Uhm-hmm.) They had not taken all their water. The board of T-C-I-D had said earlier on, "No late water deliveries," and they weren't about to make an exception for the tribe. (Crawford: Uhm-hmm.) And the Bureau, through Ed, said, "You've got to make an exception. (Crawford: Uhm-hmm.) This is, they're not like the other farmers and we've got a trust responsibility, and we want that water out there," and it included them, the Bureau, going out and opening the gates and letting the water out, and the Bureau, or the district was mightily angered by that. (Crawford: Uhm-hmm.) I happened to be out interviewing Ted de Braga, the board president, on the day some of this was going on and Ted was very (Laugh) angry, I can reliably and personally report to you, in case you were wondering, (Laugh) if there's any doubt in your mind. And, and so there was a general feeling that, "Gee, this was a victory for the district." (Crawford: Uhm-hmm.) That they may have gotten the short end of the stick in 101-618, and there's a lot of controversy and

points of view about that, but they were able to get rid of Ed Silvis [spelling?] , whom they, whom despite what you've said in (Crawford: Uhm-hmm.) terms of their cockiness and how they put barriers to the OCAP, and all that kinds of, they began to view him as the enemy, (Crawford: Uhm-hmm.) and that they had gotten rid of him. They felt that, "Oh boy, we got rid of him."

And, out comes Ann Ball, (Crawford: Uhm-hmm.) and I used to get, they used to publish a newsletter. Did you ever get that (Crawford: Right.) newsletter? I loved it. (Crawford: Yeah.) I'm sorry they quit publishing it, because it was wonderful. (Laugh) And, when Ann Ball first got out here, there she was on the cover of their newsletter presenting awards to the ditch riders. (Crawford: Yeah.) And, my feeling was, "Oh, my God. She has just put her neck in a noose." (Crawford: Yeah.) That was, that may have played well out there, but to everybody else who all got these things there she is on the cover handing out awards to the ditch riders, and I thought that was a very foolish thing for her to do. Understandable, in terms of rapport with the

district, but not very wise in terms of rapport with the other interests around it.

But, and I'm aware, from other interviews, that Senator Reid was very unhappy with her, (Crawford: Uhm-hmm.) and certainly had a hand in the change. But I'm not, I'm not aware of that with Ed Silvis. Can you enlighten me why you would say that Senator Reid—I'm not quarreling with you (Crawford: Right.) but I'm just—why would you say he was involved in Ed Silvis's [spelling?] removal?

Crawford: I think it probably went back as much as anything to the Facilitated Negotiations. I'm not sure—I sat in on very, very few of those. (Seney: Okay.) But, it was about the time that the Facilitated Negotiation would come to a close where Ed was pulled out of there. (Seney: Right. Right.) And, whether it was the lack of satisfaction that the Department had with Ed's performance in the Facilitated Negotiations, the senator felt that, you know, "Here's an opportunity to find Ed a different job."

You know, without my being able to cite any specifics, I have to think that, you know, maybe it was a combination of efforts,

departmental as in the secretary's office as well as the senator's office, seeing this as, "It's time for a change," you know. "Things aren't happening here. (Seney: Okay.) We've going through yet another (Seney: Sure.) set of negotiations (Seney: Sure.) where, you know, there's been no resolution, no satisfactory outcome." So, you know, that costs a lot of money (Seney: Yeah.) and so, (Seney: Yeah.) that, that's the reason I make the statement I think the senator, and possibly the Department, had some say in Ed's moving to Sacramento.

Seney: Well, I'm aware that the Department did, and based on your analysis I would not quarrel with that. (Crawford: Uhm-hmm.) I mean I'm sure people at the Department, upper levels here, were in touch with the senator. I don't have any doubt with that. If they were wise they were, and I think they were wise (Crawford: Uhm-hmm.) to—I'm talking specifically about Betsy Rieke here, (Crawford: Uhm-hmm.) who I'm sure was in touch with the senator on these matters. (Crawford: Right.) And, I would be if I were her. (Crawford: Yes.) I mean, that only makes sense when you've got a powerful individual who is as committed to this business

as he was, to make sure that you're aware of his attitudes and he's aware of your actions, and so forth. You know, on the OCAP business, the foot dragging on the OCAP, (Crawford: Uhm-hmm.) who in the local office was the lead person on the OCAP, in the Bureau office?

Executing OCAP

Crawford: Well . . . I don't know that there's any one specific person. Who would have been charged with that, with executing or developing and executing an adjusted or revised OCAP, whichever it would have been, called at the time, would have been eventually, or I think it would have fallen on the responsibilities of the area manager. Now who, underneath that person, would have (Seney: Yeah.) been involved with doing that, I'm not sure.

Seney: I thought you might bring up the name of Dave Overvold in this.

Crawford: Well, he would have been the logical person, (Seney: Right.) because he was Ed's special project officer at that time. (Seney: Right. Yeah.) And, of course, his involvement was mostly with TROA. (Seney: Right.) You know,

he, he had very little involvement with anything else. His focus, by direction, was on TROA, not only the agreement but getting the Environmental Impact Statement complete, and the various studies supporting that, that Environmental (Seney: Yeah.) Impact Statement.

Had the Department not stepped in to do the Adjusted OCAP it probably would have fallen on Dave to do. (Seney: Yeah.) I think as much as anything the reason that our office ended up doing the Adjusted OCAP was probably the available staff resources, where Reclamation had a lot going on. They were and I think still are kind of shorthanded on a very, a variety of specialists. Whether there was a feeling that, at the departmental level, that, “Well, let’s get this neutral team, (Seney: Yeah.) this team that doesn’t have any ties to do this, a team that can, you know, see all the issues from an unjaundiced eye, to put this together, you know, recognizing that Reclamation, that their area office has a lot of projects that are all very much time consuming, consuming probably more than a hundred percent of their time.” (Seney: Yeah.)

You know, I suspect that was part of the, made up part of the decision to, to have our office do the Adjusted OCAP. Because, there was a lot of public meetings, public hearings, that were associated with that, a lot of workshops, building up to a point where we could put together a document. And most, if not all of those public hearings were in the evening, were off normal work hours. And I think, you know, from our perspective we, we came into this knowing that full well that, you know, we were going to put in eight hours a day plus. (Seney: Yeah.) You know, depending on the situation, (Seney: Right.) and as the job demanded. And, certainly none of us complained about, you know, the extra hours to do that. (Seney: Right.) We were able to get the job done, and I'm not sure that, that same result could have or would have occurred under Reclamation . . .

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BEGIN SIDE 2, TAPE 2. JULY 27, 1999.

Seney: Actually, let me ask you about Betsy Rieke who's, who was the assistant secretary for Water and Science, who oversees, among other things, the Bureau of Reclamation and was

involved in this Settlement II negotiations. She leaves that job for the director of the Natural Resource Law Center at University of Colorado, and then in what was I think kind of surprising turn of events, when Ann Ball was removed Betsy becomes area manager (Crawford: Uhm-hmm.) for the Lahontan Basin Office. She was well liked by the people on the project, who felt she was evenhanded, and fair, and so forth. And, I think they looked forward to her coming here (Crawford: Uhm-hmm.) as area manager. How, from your point of view, how would you evaluate her coming, and has that made any difference in terms of the Bureau's attitude, rapport with the farmers? How's that shaping up?

The Role Betsy Rieke Played

Crawford: I think Betsy's current position as Lahontan Basin area manager has made a profound difference. Not only in the way that the various agencies, the various bureaus, view Reclamation, and view the local office here, which I think is a very favorable change over what it's been in the past.

Seney: You mean this office or the Bureau Office?

Crawford: The Bureau offices. Well, certainly from our perspective also. I think it's a breath of fresh air and a welcome change, because irrespective of the fact that Betsy was the assistant secretary for Water and Science and had oversight over Reclamation, just her nature, her focus, and her attitude on things, I think, has brought about a sense of cooperation amongst the bureaus and certainly with our office, that, you know, what we've fostered, what we've tried to bring together in terms of cooperation, in terms of kind of coming up with a unified departmental position on issues is that Betsy's going to take that forward. She's going to carry that into the future so long as she's the Lahontan Basin area manager.

I think the bureaus feel comfortable working with her, and vice versa, and in terms of her relationship and association with the Newlands Project, I think she's taking a hard stance with them, a stance that probably is a position the irrigators didn't expect, you know. And, Betsy looks at things from a very balanced perspective, that she sees the—she's a visionary, I think, for lack of a better term. I think the

irrigators' initial expectations of Betsy when she came on were that, you know, "Finally, we've got somebody who'll listen to us. Finally, we've got somebody who will again defend the Newlands Project, and agriculture, and these sorts of things," and that's not all to say that Betsy doesn't view the irrigation project as her constituency, but she views them as part of her constituency.

She views it as a project over which Reclamation has responsibility and ultimate authority. She sees it as a project that has a number of issues, whether you're talking about issues strictly dealing with the operation and the maintenance of the project, the project facilities, the condition of those project facilities, the relationship between the irrigation project and the Fallon tribe, and the Navy, and the wetlands. You know, Betsy is trying to find the mix of things and have everybody's voice heard, which I think is probably, at least in terms of the irrigation district management and board is contrary to what they (Seney: Yeah.) anticipated.

Seney: I'm sure it is.

Crawford: I think it's, they're having to take a step back because Betsy is firm. (Seney: Yeah.) She's very firm with them. She's not taking what's been the stance in the past that, well we'll call it kind of "ignore" some of these infractions. Betsy is taking a stand on the O&M [Operations and Maintenance] Agreement, as it exists. She feels strongly that it's, it's not a, an O&M Agreement that has teeth to it. There's a lot of ambiguities to it that the district seems to be capitalizing on. I think she is very much a person that will take these issues to a vital dispute, you know. I think that she . . .

Seney: That's part, that's called for in the contract, is it not?

Crawford: That's called for in the contract. (Seney: Yeah.) That's correct.

Seney: Yeah.

Crawford: Whether you're talking the Conservation Plan in the contract, or the Water Pricing Study and the implementation of an alternative pricing structure, out there, (Seney: Yeah.) Betsy is taking a hard position on this because it's something that she feels strongly about. That, if

the Newlands Project wants to persevere into the future they're going to have to start, (Seney: Yeah.) you know, realizing that they have to start playing the right game, (Seney: Yeah.) that society is just not going to be tolerant of inefficient use of a scarce resource anymore.

But, from our perspective, from the perspective of myself, and I think I share this with the rest of the people in the Truckee-Carson Coordination Office, is that Betsy is doing an incredibly good job. She's taking, taking on a number of tough issues that, in the past, Reclamation has been loathe to tackle. Either they haven't had the resources or just haven't had the endurance.

Seney: The will?

Crawford: The will. (Laugh)

Seney: Yeah. Let me, let me go back to ask you about something that came up in Ann Ball's tenure, (Crawford: Uhm-hmm.) and this is the Glaser Report. (Crawford: Uhm-hmm.) Don Glaser, I believe, is his first name Don?

Crawford: Correct.

Glaser Report

Seney: All right. But, former Bureau of Reclamation employee and whatnot, was hired by the Mid-Pacific Region to kind of analyze the role of the Bureau of Reclamation in regard to the Newlands Project, and came up with the not, to me, surprising conclusion that the Bureau needed to be reinvented, (Crawford: Uhm-hmm.) and be the lead agency, and all that sort of thing. That report then went to Miss Beneke?

Crawford: That's correct. Uh huh.

Seney: Patricia Beneke, right?

Crawford: Right.

Seney: Who is the now assistant secretary of Water and Science. And she sort of put out a letter implementing that, (Crawford: Correct.) that came along with it, and as I read that letter implementing the Glaser Report I thought I could see the hands of our dear and mutual friend Bill Bettenberg (Crawford: Uhm-hmm.) in there?

Crawford: Uhm-hmm.

Seney: You're smiling now. (Laugh) Because, I thought if anything it increased his power and formalized it in a way that it hadn't been formalized before. Do I understand that right, do you think?

Crawford: I think that's correct, in an inferential sort of way, probably. (Seney: Yeah.) Because, Bill is a member of the Nevada R-M-T, Regional Management Team, and one result of the Glaser Report, as specified by Miss Beneke in here letter of implementation, was that this Nevada Regional Management Team would be established, and she specifically named the parties who were going to be represented by (Seney: Yeah.) individuals. (Seney: Yeah.) Or, that the Bureau was going to be represented by individuals on the team, and Bill, of course, being one on the Nevada R-M-T, having considerable influence and considerable input (Seney: Yeah.) into the decisions that are made. You know, it's, it's almost, I see the Nevada R-M-T as certainly a powerful entity.

But, you know, a lot of the, the decisions they make are appropriately decisions that just

can't be made at a local level, and need to go, not to Washington but to (Seney: Yeah.) somebody, an entity that understands local (Seney: Right.) issues, you know, the political issues locally, regionally, and certainly, you know, state and nationally.

Seney: Now, this Regional Management Team would be made up of the Mid-Pacific regional director of the Bureau of Reclamation, the regional director of the Fish and Wildlife Service, who I believe is based in Portland?

Nevada Regional Management Team

Crawford: It was at the time. Now it's Mike Spear [spelling?], who is in Sacramento.

Seney: In Sacramento? Okay. And then what is, B-L-M has got to be on there, I would think?

Crawford: B-L-M is on there.

Seney: B-I-A?

Crawford: And Bureau of Indian Affairs (Seney: Right.) represented by the Phoenix Area Office.

Seney: Right. So, you're talking a step up from the local (Crawford: Yes.) office? This is the Regional Management Team. And, I'm sure Bill Bettenberg has a great deal of influence with these people?

Crawford: He does. I mean I, I don't know that the influence, in terms of the various authorities, his is any different than that of a regional director or (Seney: Right.) B-L-M state director or anything like that, but certainly in terms of Bill being able to provide a departmental perspective (Seney: Right.) on the issues. (Seney: Right.) And . . .

Seney: And these people are not going to be unaware that he has the ear of the assistant secretary and the secretary as well, I would think?

Crawford: That's correct. (Seney: Yeah.) However, I would, I would venture a position that he has no more of an ear than a regional director would.

Seney: Okay.

Crawford: Of course, you know, in the sense of the Department's organization, you know, regional director is going to have to go up through the

Department, or through the director, and then to, you know, whoever the assistant secretary (Seney: Right.) might be. Where Bill, in fact . . .

Seney: That's right. Knows them all?

Crawford: You know, has a tie in right to the assistant secretary.

Seney: Yeah. Yeah.

Crawford: And, perhaps that, that thwarts some of those direct lines of communication. (Seney: Yeah.) I'm not sure, you know, (Seney: Yeah.) but that Bill would get to the assistant secretary before anybody else can. (Laughter)

Seney: Maybe. Yeah.

Crawford: I don't know. I've never seen a situation where that's been an issue. (Seney: Yeah.) But, you know, the toughest issue, I think, to date, that the Nevada R-M-T has tackled has been the transfer of Carson Lake and Pasture to the state of Nevada. Because of the transfer rate issue as holding that up.

Seney: The "transfer rate" meaning do they get 3.5 or

2.99 (Crawford: That’s correct.) acre feet, based on the Alpine Ditch Decree?¹¹

Crawford: That’s correct.

Seney: Yeah.

Crawford: That’s correct. And, the tribe is pretty much insisting on that.

Seney: On the 2.99?

Crawford: On the 2.99. I think the attorneys are probably on the side that, “Well, we’d have to change the, go to the court to get the Alpine Decree changed,” you know, or take some broad (Seney: Oh.) interpretations (Seney: Yeah.) of what the transfer, the (Seney: Yeah.) consumptive use (Seney: Right.) what it means. You know, and obviously, I mean I can understand the state’s position on this, that they

11. For information on the Alpine Decree, see *U.S. v. Alpine Land and Reservoir Company*, March 18, 1996, www.leagle.com/decision/19962389919FSupp1470_12189 (Accessed November 2013); see also Christopher Butler, “United States v. Alpine Land & Reservoir CO., University of Denver Water Law Review, March 6, 2013, www.duwaterlawreview.com/us-v-alpine-landreservoir/ (Accessed November 2013).

would like what they pay for. (Laugh) Their three . . .

Seney: They want their 3.5 acre feet.

Crawford: Three and a half . . .

Seney: Yeah. They don't want 2.99. The theory of the court is that there is a consumptive use here, that if you take 3.5 acre feet off of the river (Crawford: Uhm-hmm.) that you're not going to get, you're only going to get 2.99 back. Is that not right?

Crawford: That's right. If you're looking at it from the perspective of the consumptive use that you're, of a 3.5 acre foot duty you're consuming, your crop (Seney: Yeah.) is consuming 2.99 acre feet, (Seney: Right.) and the rest of that is returned to the river, (Seney: Right. Right.) to whatever system that would have been. Right.

Seney: And, that's not the standard on the Truckee, is it?

Crawford: It's not. There are different provisions in place.

Seney: On the Orr Ditch Decree?

Crawford: For the Truckee in the Orr Ditch Decree.¹²
(Seney: Yeah.) In fact, I don't know that, well I guess there was a consumptive use portion and issue over there. I've not been nearly as involved with that.

Seney: As the Carson [River] one? Yeah.

Crawford: As I have been on the Carson River side of it.

Seney: Let me go back for a minute to the Glaser Report, just to kind of maybe give you my impression and see if you agree. That is, to me this was a bureaucratic ploy on the part of the Bureau of Reclamation to reassert itself on Newlands Project issues, and that Bill Bettenburg was able to fend that off and keep his position as the lead individual.

Crawford: As I ponder that, it's interesting because I've never, I haven't heard it stated that way before.

Seney: Put quite that way? Yeah. Well, that's my

12. For a brief summary of the Orr Ditch Decree see "What is the Orr Ditch Decree and why is it important?", www.tcid.org/support/faq-detail-view/what-is-the-orr-ditch-decree-and-why-is-it-important (Accessed November 2013).

academic (Crawford: Yeah.) perspective.
(Laughter)

Glaser Report May Never Make Into the Administrative Record

Crawford: Certainly what went on back in Washington, you know, is, may never make it to the Administrative Record as far as the decisions (Seney: Yeah.) to implement the Glaser Report. I know that leading up to the Glaser Report and the amount of work that was put into developing that study, that there were several times when Bill's involvement in 101-618 issues and in Newlands Project issues were being diluted, and I think being diluted by Reclamation.

I know that if there was one goal that Ann Ball would have loved to have realized during her short tenure at Reclamation would have been that the Truckee-Carson Coordination Office was done away with, like with the stroke of a pen, (Seney: Yeah.) overnight. Bill Bettenburg went back to dealing with policy analysis issues, had no involvement at all in these, in Newlands Project issues and 101-618. Obviously that effort was unsuccessful.

Seney: Wasn't the Glaser Report part of the key to that effort?

Crawford: I think it was, and the interpretation of the Glaser Report, that one it was a way to keep local control over issues without everything being elevated to the departmental level, (Seney: Right.) and to Patty Beneke's level. Because, you recall at one time that 101-618 issues were being dealt with at a departmental level by the solicitor, by John Leshy.

Seney: Right. I'm aware of that.

Crawford: At a point in time . . .

Seney: That was between Betsy Rieke and, Miss Beneke had come into office but it was a while before Mr. Leshy relinquished those.

Crawford: That's correct.

Seney: However that works, and they fell back to Miss Beneke?

Crawford: That's correct. That's correct. And, at a point in time, well John Leshy's position on these

issues were that it should be, you know, “Elevate the things to me that need to be elevated, you know, but nothing more. (Seney: Yeah.) I want you to handle them at the local level.” (Seney: Yeah.) You know, and of course that’s at the same time that Bill’s involvement was being diluted, you know. And, there was a lot of . . .

Seney: What do you mean? How do you mean specifically that his involvement was being diluted?

Bettenberg’s Involvement Was Being Challenged

Crawford: That his day-to-day involvement in issues was being challenged, that, you know, “This isn’t a Washington issue, you know. Let us solve it here. We don’t need Bill Bettenburg involved with this. (Seney: Yeah.) You know, there’s no reason to take it to Bill Bettenburg.” And, of course, with our office being here where we responded, we answered directly to Bill, (Seney: Yeah.) it kind of put us in a little bit (Seney: Sure. Sure.) precarious position, (Seney: Yeah.) even though I think Bill was well informed from day-to-day-to-day, everything that was going on out here just because that was our charge.

I mean we, (Seney: Yeah.) we answered to Bill. So, I think yes, at the point in time when John Leshy handed the reigns over to Patty Beneke, Patty Beneke took the same position that, you know, “I don’t want, I can’t be involved with this on a day-to-day basis, (Seney: Yeah.) you know. Maybe Betsy Rieke could have been. I can’t be. I have too many other issues.” (Seney: Yeah.) And, I think that it’s kind of at that point that there was, you know, a little bit more of Bill Bettenburg’s involvement again, and certainly with the interpretation of the Glaser Report (Seney: Right.) and the (Seney: Right.) development of the implementation memo, and the formation of the Nevada R-M-T, (Seney: Right.) then brought that Washington—I don’t want to say “oversight,” because that’s not right—but involvement (Seney: Right.) back (Seney: Right.) into these day-to-day issues. (Seney: Yeah.) Because, there’s still too much departmental visibility of Truckee and Carson river issues. There’s still too much political . . .

Seney: Are you saying now there is?

Crawford: Yes. (Seney: Yeah.) Yeah. In spite of . . .

Seney: And that's your view, that there's too much?

Crawford: Well, too much from the perspective of (Seney: Of the Bureau?) that it's—well, no. That it's still highly, a highly visible issue, (Seney: Okay.) a highly visible project. In spite of, and I say this because there was a point in time when Ann Ball was the Lahontan Basin area manager that she publicly—I won't say “publicly stated,” but she might have, but not in my presence—but publicly stated to us and to other agencies locally that, “101-618 is not visible in the Department. It's thought nothing of. You know, there's nothing to the issues. It should not be at the departmental level,” and she says, “It has no Congressional or House visibility either.” Well, I think it was statements like that that brought Senator Reid into, into the mix. That, you know, word got back to the . . .

Seney: These would, this would get back to them very quickly, wouldn't it?

Crawford: You bet it would.

Seney: Yeah, I mean . . .

Crawford: And it did.

Seney: Yeah. Yeah.

Crawford: I think that led up to (Seney: Yeah.) her removal.

Seney: But, you know, on the Glaser Report, I mean, if I'm in the Bureau of Reclamation and I'm the area manager, and I'm the regional director, and I don't know what Roger, I always thought Roger was a very canny guy politically, (Crawford: Yes.) and understood, (Crawford: Yes.) you know, what was going on. (Crawford: Right. Very.) And he was very capable and I can't blame him for becoming the state engineer in Nebraska or whatever (Laugh) he's doing, because that was a hell of a job over there. But, if we want to reassert this we can't just say, "Oh gee, we want to reassert this." We've got to put it on a kind of neutral footing, or have a study, and the study's going to end up where we want it to end up, (Crawford: Yeah. Yeah.) but I mean we know that. Now we say, "Oh, here's the Glaser Report, and we should have more influence." And, I think, again, Bill sees this and I think makes short work of it. (Crawford: Right.) And it (Crawford: Right.) turned out to be a blunder on their part,

(Crawford: Yeah.) rather than serving their interest. It cut them off even more.

Crawford: Well, if in fact, you know, that's where Roger was going with it and Reclamation was going with it that they had expected or hoped that, in fact, Patty was going to go down the road, Patty Beneke was going to go down the road of saying that, "Yes, it's a local issue. The Nevada R-M-T (Seney: Right.) can tackle everything, you know. If there's, if there's a topic, if there's an issue that the Nevada R-M-T cannot make a decision on then it gets booted up to the Department, (Seney: Right.) the departmental level."

And, I'm not sure if the decision to put Bill on the Nevada R-M-T was a concern that, "Where are we going to get the corporate memory associated with his issues (Seney: Yeah.) to the right level, to the Nevada R-M-T?" I mean, given that, you know, most of the staff stays the same, but, you know, you go through a change in managers, whether you're talking a refuge manager or a state supervisor for Fish and Wildlife Service or, you know, people like that. And, (Seney: Yeah.) you lose the continuity there, and maybe that's part of the

rationale that went into Patty's decision to include Bill on the Nevada R-M-T.

But yeah, I think, I think you're right that maybe it took a different direction than what Reclamation had hoped, initially, that—the Glaser Report, I think, you know, it named Bill specifically, (Seney: Right.) and it named the involvement, or state of the involvement that Bill had with a variety of issues, decisions that were made with some of those issues, on some of those issues, and the various changes that occurred because of those decisions. And, I think as much as anything what it meant in terms of implementing 101-618.

You know, trying to make it a balanced approach to resource management, you know, where you were attempting to get at a satisfactory resolution of numerous issues. And, I don't know how much that occurred prior to, say, 1994, you know. I think that that's a lot of what led up to where we are today is, (Seney: Yeah.) is Bill's involvement and other issues that kind of affected how the agencies administered the Newlands Project and 101-618. The Newlands Project being an integral part of that.

Seney: Yeah. Have you been working on the recoupment issue at all?

Crawford: I have. I'm a member of the team.

Seney: Okay. And that's in court now? Is the trial underway?

Recoupment Issue

Crawford: That is in court. The trial is not underway. In fact, where that is right now is, of course, it's a Department of Justice issue. The Interior attorneys have input into that (Seney: Right.) as do the various bureaus. But, there is a recoupment plan that is being developed by the recoupment team. That plan will go forward. It goes through, I think we're expecting an internal D-O-I [Department of Interior] review. Before then it gets presented to Justice as the plan, the Recoupment Plan.

Seney: This would be to take to the court to say, "This is how we're going to implement it" and . . .

Crawford: This, that's exactly right. (Seney: Yeah.) At a point in time when it reaches the court, I think what the judge, Judge McKibbon [spelling?] is

hoping for is that the plan will have gone through maybe an informal negotiation.

Seney: With the district?

Crawford: With the district. (Seney: Yeah.) With the irrigation district, to where what the court orders is a mutually acceptable approach to resolving or satisfying the recoupment lawsuit.

Seney: Right. Let me just say briefly, recoupment results from the district's flaunting of Judge Gesell's [spelling?] 1973 OCAP. And I think, what, a 1,058,000 acre feet is involved?

Crawford: Yeah. I think the number used today is a million fifty-seven.

Seney: And fifty-seven? Okay. All right. And, that's water that should not have been diverted because the OCAP issued by Judge Gesell [spelling?] in 1973 limited them, the Bureau, or rather the district, and I guess the Bureau wouldn't go along with it, although they were warned, "You'll have to pay it back"?

Crawford: That's correct.

Seney: Right. And now, no settlement has been reached over all these years. Let me bring up Dave Overvold again, because as you know he's no longer with the Bureau. He's now with T-C-I-D.

Crawford: Correct.

Seney: And, I know one of the reasons for this, it has to do with OCAP. And that is, apparently he came across, in the files, material, letters dealing with this OCAP business (Crawford: Uhm-hmm.) that, to some extent, could be understood as undercutting the government's position. That is, negating the letter maybe, or modifying it, or somehow calling the letter into question that's so often cited from Secretary Morton saying, "If you don't obey this at some point you'll have to pay it back." What impact has that had on all of this?

Reclamation's Difficulty in Enforcing the Adjusted OCAP

Crawford: Well, I certainly think, if we're talking in terms of the amount of work, the effort that's gone into responding to the recoupment lawsuit, you know, certainly if things had been done properly and correctly, that, and that Reclamation truly

viewed the irrigation district at that time as a contractor, and enforced the Gesell [spelling?] opinion, and the 19—the OCAP at the time, certainly nothing, none of this would, (Seney: Right.) would have to be done today. I think a lot of this resentment towards the OCAP played a role in the resentment towards the Adjusted OCAP that's in place today and the development of that by this office, and Reclamation's role in that. Is that—I think they see the OCAP and the Adjusted OCAP as pretty darn difficult to enforce.

Seney: The Bureau does?

Crawford: The Bureau does.

Seney: Yeah.

Crawford: It takes quite a bit of oversight and I think this was one aspect of the revised, the Adjusted OCAP, revised OCAP, was to hopefully remove some of that oversight. The extent to which that'll happen is anybody's guess, since we haven't had a year where, you know, there's been a need to have, or there's been a water year where the OCAP will (Seney: Kick in?)

kick in and (Seney: Yeah.) have some, some effect.

But, I think that's Reclamation's concern. At least, that's the impression I get, is that they, they're wondering again, you know, "How can we enforce this? Can we enforce this? (Seney: Yeah.) Is it, is it realistic? You know, do we have the resources necessary to be able to do this?" And, you know, for all practical purposes that may have been the reason that the recoupment lawsuit has been filed, that we have this, this issue that's in the courts today. (Seney: Yeah.) Is, it wasn't so much Reclamation's position that we're going to take a hands-off, let the district do what they want sort of thing. It may just have been hellish to enforce, (Seney: Right.) you know, without day-to-day-to-day oversight, you know, where you're standing on the shoulder, behind the shoulder of the (Laugh) ditch rider, and the project manager to make sure that they, they do things right. I mean, boy, that's not very cost effective.

Seney: Yeah. Well, what's in, you know, it's a mystery to me, hopefully not to you, how the district is going to pay back 1,057,000 acre feet. What are the elements of the, so far, that you've come

up with to pay that back? How is that going to work?

District's Recoupment Payback

Crawford: Well, there are various components to the plan. And, I don't know that I can go into them here and now, since it's (Seney: Ah, okay.) we're . . .

Seney: Still a little bit confidential, is it?

Crawford: Right.

Seney: Okay. Fair enough.

Crawford: It's a . . .

Seney: Court document?

Crawford: Confidential issue (Seney: Yeah. Right.) and, you know, we can't delve into . . .

Seney: Let me just ask you generally (Crawford: Yes.) are you confident that you've got something that's workable?

Crawford: Yes. There are definitely some workable provisions in there. Whether the district is going to accept responsibility and implement any one or all those provisions, whether the court will see it as not necessarily a, an infringement on the individual water right owners, you know, that was kind of . . .

Seney: It's a big issue isn't it?

Crawford: It is.

Seney: Yeah. Yeah.

Crawford: It certainly is. Whether, whether because you're currently a water right owner but weren't then, (Seney: That's right.) you're still responsible to help satisfy recoupment.

Seney: And the idea that you'd only take it from those who were water rights owners then and now.

Crawford: Well it's, it could be an accounting nightmare.

Seney: Oh yeah.

Crawford: Not only from trying to figure out who owes what.

Seney: But how do you get it out of them?

Crawford: But, how do you get it out of them, sure. (Seney: Yeah.) And, how do you count for year-to-year-to year recoupment credit, you know, to reduce that 1,057,000? (Seney: Yeah.) I mean, there are discussions, there are provisions that are sensible, that could be done, you know, but, you know, in order to do them they're going to have to be court ordered, first off, because I don't think the irrigation district is ever going to admit that they owe water.

Seney: They feel very strongly about that, as you know, that the . . .

Crawford: That the recoupment issue is (Seney: Yeah.) credible. (Seney: Right.) That they owe any water at all.

Seney: And the tribe . . .

END SIDE 2, TAPE 2. JULY 27, 1999.

BEGIN SIDE 1, TAPE 3. JULY 27, 1999.

Seney: Donald Seney. I'm with Thomas R. Crawford in his office in Carson City, Nevada, the

Truckee-Carson Coordination Office. This is our first session and our third tape, and today is July 27, 1999.

But, what I was beginning to say is the tribe feels strongly too that this went on before 1973. You had the water diverted for winter power generation.

Crawford: Uhm-hmm.

Seney: And, I bring this up only to say that there are strong feelings on both sides here. And I think that I, to the extent I've spoken to people like you who have a federal role in this, there are also strong feelings (Crawford: Sure.) that this needs to be returned?

Seems Like a Fair and Equitable Resolution

Crawford: Sure there are. Yeah, I mean it's, from my perspective as an economist it seems like it's, it's a fair and equitable resolution to an obvious problem, I mean. But, there's got to be recognition that, you know, this in fact occurred, that there was an infraction and, you know, "We overdiverted. And, we're sorry and, you know, (Seney: Yeah.) we owe that." (Seney: Yeah.

Yeah.) The interesting component to that, again from my perspective as an economist, is the requirement that there's not only the principal to pay back, in terms of the 1,057,000 acre feet, but also interest that the tribe is going to insist upon, and it presents kind of an interesting dilemma.

Seney: Interest in money or interest in water?

Crawford: Well they, it's going to be in kind, because they don't want damages. They want damages in kind, I guess.

Seney: They want water?

Crawford: They want water back. And from . . .

Seney: How does interest on water work?

Crawford: Well see that's, that's the, that's the dilemma.

Seney: Oh.

Crawford: Is, you know, do you look at it in terms, well you have to look at it in terms of the opportunity costs of those (Seney: Right.) illegal diversions,

(Seney: Right. Right.) that what was given up . .

Seney: Yeah. What could have been done with that water.

What Could Have Been Done with That Water

Crawford: What could have been done with that water, you know, while it was, over the span of time that it was illegally diverted? Would the Pyramid Lake farmers have been able to use it to produce a crop? (Seney: Yeah.) Would it have gone to producing environmental benefits, as in (Seney: Yeah. Yeah.) you know, riparian habitat, river habitat, restoration of fishery that, you know, may have, (Seney: Yeah.) the restoration, or the increase in the population may have occurred earlier than it has if that water had been left in the river. So, there's a number of issues and it's really challenging for an economist and . . .

Seney: Opportunity costs is a wonderful concept.

Crawford: It is.

Seney: But measuring it is just (Laughter) another matter.

Crawford: I had the last two weeks filled with, with . . . examining appropriate and defensible approaches for calculating, computing the interest on this. And certainly one is coming from the perspective that's used in contemporary society anymore, and that's natural resource damage assessment. You know, the Exxon Valdez oil spill is a prime example, you know, where you use a low discount rate to look at or estimate those foregone benefits (Seney: Yeah.) that will never occur, (Seney: Yeah.) or won't occur again until, you know, many, many years in the future.

Seney: Right. Right. How many of us won't be able to see that beautiful Sound?

Crawford: That's right. That's right. And, looking at using that approach for examining the interest issue with respect to recoupment, you know. Environmental benefits, however defined, you know, over those thirteen years where that water was illegally diverted, you know, those are environmental benefits that may not, may never occur again, (Seney: That's right.) and how do you value those?

Well, economists have now gotten to the point where you can at least (Seney: Yeah.) come up with some (Seney: Yeah.) numbers, (Seney: Right.) you know, and hopefully those numbers are defensible when you present them to the court. (Seney: Yeah.) But, I've also looked at it from the perspective of a loan, that it's a capital asset. Water's a capital asset. It's gone in the productive process for alfalfa, and in fact the United States loaned the irrigators 1,057,000 acre feet of water for thirteen years. Now it's time to not only pay the capital back on that loan but computing the interest. So.

Seney: That's an interesting notion too.

Crawford: You can, you can get . . .

Seney: You're really grinning here. This is fascinating for an economist, isn't it? (Laugh)

Crawford: Oh, it is.

Seney: Yeah.

Crawford: It is. (Seney: Yeah.) I've involved many other economists in this, (Seney: Yeah.) in this discussion, this debate, until I had something

that, you know, we're comfortable with, the Department's comfortable with, something that is explainable to a judge, (Seney: Right. Right.) and certainly defensible when it gets to a point of having to say, "Well, here's the interest on top of the principal." Now, whether we'll ever realize (Seney: Yeah.) the collection of that interest, I would doubt.

Seney: Yeah. And it may be a negotiating ploy?

Crawford: Sure. Sure.

Seney: Right.

Crawford: I mean, if it would work.

Seney: And I would understand that.

Crawford: Used as leverage.

Seney: Yeah.

Crawford: You know, that "If you will agree to do X-X-X then, you know, we'll drop the, the interest (Seney: Yeah.) component to the recoupment."

- Seney: Who came up with this idea?
- Crawford: You know, I have to believe that it would have had to have originated from the Pyramid tribe. I mean from, (Seney: Bob?) from Bob Pelcyger for an example.
- Seney: Right. I would . . .
- Crawford: Possibly from . . .
- Seney: This has got Bob's hand prints on it.
- Crawford: It does. I would think that, not to belittle Bob's financial understanding and abilities, but it may have had some of Ali Shahroody's interests.
- Seney: His engineer? Right.
- Crawford: Yeah. As an engineer in there. Because we, to me it's pretty creative.
- Seney: I think it is.
- Crawford: To come up with, not only the capital part of that, the amount of water, but also the interest. So, whether it's presented to Justice and Justice said, you know, "Yeah, this sounds fine." I, you

know, I have to think that it went forward as a package (Seney: Yeah.) to the, to the Justice Department.

Seney: Yeah. Then it comes back to you to stamp it out, and (Crawford: That's correct.) see how you can (Crawford: That's correct.) explain it, again as you say, to the judge and make it defensible, and (Crawford: Right.) all that?

Crawford: Because that's . . .

Seney: Put some numbers to it?

Crawford: Right.

Seney: Yeah. That's interesting.

Crawford: It is.

Seney: Well, recoupment, to me, is one of the most interesting and, I think, difficult issues that there is to be resolved. I mean, carry over levels in Lahontan Reservoir pale by comparison to this one.

Crawford: Well, and you consider, you know, a million

fifty-seven acre feet of water, that's a lot of water.

Seney: Oh, on this system that's a huge amount of water.

A Huge Amount of Water

Crawford: It is. Any—I can probably say this—any proposal that we have in the plan it's, no one of them will recoup that water in thirteen years, over the span of time that the diversions occurred, which is what the tribe would like to do.

Seney: Is that what they're asking?

Crawford: They're asking . . .

Seney: That they would like it back (Crawford: Yeah.) in the amount of time it took to take it?

Crawford: That's correct.

Seney: Uh huh.

Crawford: And of course, you know, they have no interest in seeing the economic viability of the Newlands Project persist. And, you know, there's been . .

Seney: Well, quite the contrary, actually, wouldn't they rather shrink it and maybe force its abandonment? And . . .

Crawford: Oh absolutely. (Seney: Yeah.) Absolutely. (Seney: Yeah.) Maybe I didn't put it in the right words there, but yeah, they would like to see the Newlands Project just go away. Or, if not go away just the Truckee Canal.

Seney: That's right. That's right.

Crawford: That connect the . . .

Seney: So, they don't have a problem with Truckee Canal.

Crawford: Be abolished. Yeah. There's no ties between the river systems anymore.

Seney: Yeah.

Crawford: And eventually, as we all know, that's got to occur. It's got to occur. I mean, we're, the Carson River irrigators will be reliant on Carson

River water and you won't have those diversions coming across any longer, because it just won't be necessary, (Seney: Right.) whether you're talking about just development, housing developments, (Seney: Right.) commercial developments. That . . .

Seney: And turnover, frankly, in the farming population?

Crawford: You bet.

Seney: Because as this generation ages I'm not sure their children will want to put up with the (Crawford: Yeah.) nightmares they've heard discussed over the kitchen table. "My God, are we going to have water this year? Are we not going to have water this year?" Those (Crawford: And it's . . .) water rights could be sold. (Crawford: Right.) And it's . . .

The General Uncertainty Associated with Farming

Crawford: It's, I think, one, it's the general uncertainty associated with farming that, you know, (Seney: Right.) you're at the mercy of the weather, for the most part. (Seney: Right.) You know, you're at the mercy of the markets, as much as anything else. Certainly, you, then you toss into

that formula the uncertainty of the government irrigation project, where you have a number of other competing interests, you know. Then . . .

Seney: And what the farmers, from their point of view, have described to me, and I know you've heard the term, a "manufactured drought," (Crawford: Yeah. Well . . .) or OCAP and (Crawford: Sure.) recoupment, and other sorts of restraints that they think other people are wrongly putting on them (Seney: Right.) limit their amount of water. Won't let them, you won't let them take their water out of (Crawford: Donner.) (Laugh) Donner Lake. You won't let them store it upstream. You know, all these other things that from their point of view are very detrimental.

Crawford: That's true.

Seney: I can understand that. If I was them I'd feel the same way.

Crawford: Yeah. No, it's, I mean coming from a farming background I certainly have sympathy and empathy for the arguments, but from an economics perspective, and it goes back to, again, this issue of dealing with a limited

resource, you know, one that's very much constrained. You've got to be efficient in its use and if you're not paying in the full price (Seney: Yeah. That's right.) for that resource (Seney: You're going to waste it.) you're not going to be (Seney: Conserving?) efficient.

Seney: Yeah. That's right.

Crawford: You're not going to be conservation minded.

Seney: Right.

It's a Scarce Commodity and Its Got to be Used Frugally

Crawford: And, I think if nothing else the efforts of Reclamation through the O&M agreement, through the Adjusted OCAP, and Public Law 101-618 in and of itself as well make those users of the resource very aware of (Seney: Yeah.) its value (Seney: Right.) and the fact that, you know, it's a scarce commodity and its got to be used (Seney: Yeah.) frugally.

Seney: You know, I interviewed someone recently who said that part of their career was spent working for Claude Dukes [spelling?] and then for Gary Stone [spelling?], (Crawford: Uhm-hmm.) the

federal watermaster, and watching the ditches up on the Truckee, in the Truckee Meadows. And, I asked, “Did the farmers cheat?” and she said, “Oh, they always cheated.” (Crawford: Uhm-hmm.) Because their view was that the water came back on the land below them anyway and it didn’t matter. (Crawford: Right. Right.) And so, you always had to have your eye on them.” And (Crawford: Yeah.) there’s a certain outlook on the project about, you know, “We, this is going to be tail water that’s going to run off. If we spill it it’s going to the wetlands, and (Crawford: Right.) our fields are really wetlands. (Crawford: Sure.) Look at all the birds out there.” And, I mean, there’s a complex set of values that I think makes it very hard for them to see beyond, (Crawford: I agree.) you know, the (Crawford: I agree.) edge of their property, if you will.

Crawford: It’s, in the five years I’ve been here and the number of meetings I’ve gone to out in the, out in Fallon and Fernley, I see this first hand and I hear it first hand, where, you know, it’s a threat to a lifestyle. Anything that is viewed as oversight or government intervention, (Seney: Yeah. Yeah.) you know, is viewed as a threat

to the lifestyle and people don't want to see the lifestyle that they've been used to for so many years, and that their forefathers, you know, (Seney: Yeah.) were used to, to see that diminish over time. Whether it's a function of development pressures, or whether it's a function of the Water Rights Acquisition Program, you know, or just a function of, (Seney: Yeah.) you know, my kids not wanting to take over the family farming enterprise anymore because, you know, they either, well they recognize the independence, but they also recognize that, you know, I want to get out there and make a real living, (Seney: Yeah. That's right.) you know, and not be eeking out a meager existence, (Seney: Yeah.) you know, for something less than 200 acres or 300 acres. (Seney: Right.) You just about have to have a second job anyway. (Seney: Yeah. Yeah.) So I, I very much sympathize with, with the sensitivities and the concerns out there.

Seney: You know, I'm a little vague on the pricing and the new O&M Agreement, but apparently the pricing did not get raised to the level maybe that some people in the Bureau would have, or maybe your office would have liked it to be raised, that they're kicking in very little for

Bureau oversight. I think, what, \$20,000 a year, or something of that kind?

New O&M Agreement

- Crawford: Right. I think there's a . . .
- Seney: Which is woefully inadequate (Crawford: Right.) to pay for the OCAP Office, (Crawford: Right.) and all of that that the Bureau's got out there?
- Crawford: Yeah. I think, certainly one concern is the fact that it's priced on a, not priced on the unit base, I guess, (Seney: Yeah.) but priced on a per-acre basis, (Seney: Right. Right.) across the board, and there's no incentive to conserve if you're paying a flat rate (Seney: Right.) of \$32.50 an acre. Then, you know, what does it matter if I use under my duty or over my duty, and there's (Seney: Yeah.) no measurement and nobody to say, "You've got to turn that off now. (Seney: Yeah.) You've used your duty. You've used your entitlement for the year."
- Seney: Because the, when you say "measurement" there were not rigorous measurements required in the new contract, were there? I mean . . .

Crawford: Well, the new O&M contract calls for the purchase and installation of measurement devices on seventy-five percent of the turnouts. In effect, you're measuring seventy-five percent of the delivered water.

Seney: Yeah. Turnouts to the farm?

Crawford: Turnouts to the farm. (Seney: Okay.) That's correct. And in fact the, a study that was done, a measurement study that was done by San Luis Obispo two years ago, give or take, that came as a result of the O&M Agreement that was signed by the irrigation district and Reclamation, pretty much put together a schedule of implementation that, you know, you probably want to focus on those properties or those parcels where you have the most water delivered, you know. And, with those you're going to, to capture, or you're going to measure most of the water.

Seney: Ninety percent, maybe?

Crawford: Yeah.

Seney: Or seventy-five percent of the turnouts are (Crawford: Yeah. Seventy-five percent.) taking

maybe ninety-five percent of the water?

Crawford: Right. Exactly. And they kind of set forth this implementation schedule in this, in the study. Now, according to what Betsy Rieke has been saying, the district has been successful in purchasing and installing one measurement device in the last two years. So.

Seney: One?

Crawford: One.

Seney: In two years?

Crawford: One in two years.

Seney: And this is where you get to the comment you made earlier about, you know, policing these things, and overseeing them, and pressuring the district to live up to its agreements?

Crawford: That's exactly correct. If the irrigation district were to comply and to be a little bit more responsive, and to act as a contractor to the federal government, as they're supposed to, I think they would, in fairly short order, realize a

lot less oversight. You know, there's, Reclamation, I know, and the Department, I know, would just as soon not be devoting the staff time and the money to this oversight that (Seney: Yeah.) they're having to (Seney: Yeah.) do.

Seney: It's a hell of a lot of money to spend (Crawford: It is.) on a little bitty project?

Crawford: It is.

Seney: Yeah.

Lot of Money on a Little Project

Crawford: I mean, one that, you know, and this sounds belittling to the project, but one where if you pulled that entire alfalfa production component out of the market it would not register at all. I mean it's, it's marginal agriculture at its finest.

Seney: You mean in alfalfa market we wouldn't be paying (Crawford: No.) even a dollar more a ton?

Crawford: No. No. It's meaningless. Absolutely meaningless. And, I could never say this

publicly, (Seney: Yeah.) (Laughter) but other people admit to it. (Seney: Yeah.) I mean, you know, it's like the farmers in the Fernley area, in the Truckee Division of the Newlands Project, they will readily admit that there is not a one of them there that makes a living off agriculture. And, that's in contrast to the Carson Division of the Newlands Project. (Seney: Right. Right.) But, you have to be, I think the threshold, from an economics perspective, is in the 300 acre, 250-350 acre range (Seney: Right.) where you can make a living off of selling alfalfa, own your own equipment, you know, and those sorts of things. But, I think the last couple of years have proven the point that they're so dependent on the market. The Asian market went to hell. The alfalfa market went to hell. They . . .

Seney: Well, I know a lot of it they were exporting to Japan.

Crawford: Right. They are very dependent on the export market, you know. They supply it locally, some of the dairy hay, if it's good quality hay, but that represents a small portion (Seney: Yeah.) of the production (Seney: Yeah.) out there.

Seney: Well, you get some people like Charlie Frey¹³ and Carl Dodge (Crawford: Uhm-hmm.) who run very modern (Crawford: Yes.) automated, highly intelligent. Now, they happen to be on the best land in the (Crawford: Right.) project, too. The Old River Ranch land, (Crawford: Yeah.) which is *the* very best.

Crawford: It is. Very productive soils.

Seney: The topsoil is eight feet deep, or something like that? (Crawford: Right.) I mean, my God, it's, it's paradise for alfalfa. (Laugh)

Crawford: They have the cream of the crop.

Seney: Absolutely. And, they make good money.

Crawford: Yeah, they do.

Seney: You know.

Crawford: They're progressive farmers.

13. Charles Frey participated in Reclamation's oral history program, see Charles Frey, Jr., *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Andrew H. Gahan, historian, Bureau of Reclamation, 2012.

Seney: Yes, they are.

Crawford: They recognize technological (Seney: Yeah.) changes, (Seney: Right.) and they employ and implement them (Seney: Right. Right.) regularly, (Seney: Yeah.) you know. Where I think Norm Frey and Charlie as another example, you know, are pretty cognizant in changes, you know, (Seney: Right.) in agricultural technology. I think they, they watch the market pretty closely as well, you know. Where, you know, (Seney: Yeah.) if they see things are, well maybe not going to be quite as good this year then they'll either oversee with something else, you know, make that hay, or add, or say make oat hay out of it, (Seney: Yeah.) oat and alfalfa hay, or they'll go in and put a good crop of corn silage in there, (Seney: Yeah.) and that's going to give them enough diversity that they're not dependent on one crop (Seney: Yeah. Yeah.) you know, that is dependent on the market fluctuating considerably.

Seney: What are the estimates of what are hobby farms out there? Which, I guess the general, the general definition of ten acres or less. Is that sixty-five percent?

Hobby Farms

Crawford: That's, that's, it's the majority. Yeah.

Seney: Somewhere in that ballpark? Yeah.

Crawford: Yeah, it's the majority. Yeah. (Seney: Yeah.) In fact, there's only a few farms that are in the 200-acre-plus size. (Seney: Yeah.) If you're much below that, one you're going to have a second job, and secondly you probably won't own your own equipment, that you're going to be leasing, you're going to be having someone do the custom work for you, (Seney: Right.) because it's just not economical (Seney: Sure. Sure.) to have your own. But, you know, there are . . .

Seney: By "custom work" you mean harvesting? Right? (Crawford: Well . . .) Mainly?

Crawford: Yeah, mainly.

Seney: Yeah.

Crawford: I mean, whether it's swathing and baling, you know, those sorts of things. (Seney: Right.) Or, you're going to lease your land out to somebody

else that then, you know, is going to have, say, three or four parcels of a hundred acres, (Seney: Yeah. Yeah.) and then it's again he pays you whatever the lease rate is and then he takes home sixty percent of the, of the proceeds, (Seney: Right.) something like that.

Seney: Sharecropping, I think we call that?

Crawford: Yeah. Yeah.

Seney: Yeah.

Crawford: Yeah.

Seney: What haven't we covered that we need to talk about? Have you been working on the TROA?

Truckee River Operating Agreement

Crawford: I have been working on TROA only on the periphery.

Seney: Meaning?

Crawford: Meaning . . . that I have been involved in facilitating contract work between Reclamation

or our office and the university, University of Nevada, Reno; their Department of Applied Economics and Statistics.

Seney: They're doing some studies for the Bureau?

Crawford: There are, well they are and they have. For the Water Quality Settlement Agreement E-I-S, we contracted with the university to develop an economic impact model in which I can key in changes in agricultural alfalfa output in the Truckee Division of the Newlands Project, which is where a portion of the water rights would be acquired. (Seney: Yeah.) Because that ties very closely with the economic model that Reclamation had U-N-R [University of Nevada, Reno] develop four years ago, and wanted to have modified based on comments

I received in TROA, I've been involved with Chuck Borda, who is an economist with Denver Service Center, Reclamation's office is there. The revised economic model, the revised TROA economic model, or Water Quality Settlement Agreement E-I-S model now incorporates the, the counties of Churchill and Lyon. So I, in estimating the impacts from the Water Quality Settlement Agreement E-I-S, can assess the

impacts to the local economy and regional economy from removing agricultural production from that component of the economy. From the TROA perspective, the TROA E-I-S perspective, there were concerns raised by the state of Nevada about the impacts to Lahontan Reservoir and recreation. So, Reclamation wanted to have included in the revised model that then Churchill County and Lyon County also.

Seney: We're talking about carryover, particularly . . .

Crawford: Yeah. Carryover. Whatever, you know, . . .

Seney: Maintain the fish population and . . .

Crawford: Right.

Seney: Yeah.

Crawford: Right. The state does not own a water right. Their only water right's in Lahontan Reservoir. The irrigation district, through an agreement, carries over 4,000 acre feet of water just to leave a minimum recreation pool there that might keep a few catfish (Laugh) alive.

- Seney: That's not much water.
- Crawford: You might give a boater the opportunity to try to (Laugh) Yeah.) move through the mud, and that sort of thing. (Seney: Yeah.) But, you're right, it's not much water. (Seney: Yeah.) It's kind of a token amount, but . . .
- Seney: Out of a reservoir that holds what, without the boards, 266,000?
- Crawford: Two hundred and, yeah, 260. Yeah, 290.
- Seney: Yeah, 305 with the boards?
- Crawford: Yeah, 305 with the boards, I think it is.
- Seney: And then 290 without them.
- Crawford: Yeah, 290 without the boards. Right.
- Seney: And they've been wanting a larger minimum pool, have they not, 20,000 acre feet?
- Crawford: I suspect at various times, in fact those discussions probably came up during the Facilitated Negotiations, (Seney: Right. Right.) where the state sat in and had recreation

interests, (Seney: Right.) and so it was certainly in that.

Seney: I can understand that. That's (Crawford: You bet.) one of the few resources in this part of the state that (Crawford: Well, yeah.) along with Pyramid Lake. Yeah. Right.

Crawford: Well, and now that, you know, they've put, or taken jet skis off of Lake Tahoe, and two-cycle engines, that, you know, now those people who used to go to Lake Tahoe are now going to Donner Lake, or Pyramid Lake, or Lahontan where, (Seney: Yeah. Yeah.) you know, they can still run those jet skis.

Seney: For a while, at least?

Crawford: Right.

Seney: Yeah. (Crawford: Right.) Yeah. Yeah, it's been a struggle at Lake Tahoe, and you still see a few on there and I, they're having enforcement problems but they'll work it out. (Crawford: Yeah.) Yeah.

Crawford: They will. (Seney: Yeah.) They will.

Seney: What as you, as you sit on the periphery, what is your view of the TROA negotiations? What would you, if someone were to ask you, “What the hell is to go on there?” what would you say?

Agreement Almost Within Reach

Crawford: I would say that we’re within half an inch of getting the agreement in place, and then completing the work on the Environmental Impact Statement.

Seney: That’s being redone, isn’t it?

Crawford: It is.

Seney: Now, we have the Environmental Impact Report, that’s California, under . . .

Crawford: E-I-S/E-I-R is . . .

Seney: E-I-S is under the federal, under NEPA [National Environmental Policy Act]?

Crawford: That’s NEPA. Right.

Seney: And CEQA [California Environmental Quality Act] is the California equivalent of that?

Crawford: Correct.

Seney: The California Environmental Quality Act?

Crawford: Correct.

Seney: It needs an Environmental Impact Report (Crawford: Uhm-hmm.) as opposed to an Environmental Impact Statement, (Crawford: Uhm-hmm.) which comes under NEPA? So, it's an E-I-R/E-I-S, right?

Crawford: Right. Right. And, I think the components are effectively the same, (Seney: Right. Right.) which is [inaudible].

Seney: It'll be a combined document (Crawford: Yes.) I suppose? Right.

Crawford: Right.

Seney: And, that first one, when I read that first one, I mean I don't read these very often, which, for which I'm grateful, (Laugh) but, and so I'm no expert by any means on these, but I thought, "My God, this doesn't look like it's (Crawford: Yeah.) weighty enough, meaty enough for this."

Crawford: I think there is concerns about that. (Seney: Yeah.) And certainly, and again from my involvement on the periphery, but having an interest in the economics, the economic impacts that were estimated, which ties to upstream recreation as being a significant contributor (Seney: Right.) to the local economy.

Seney: From the Truckee Basin?

Crawford: Right. Right.

Seney: Yeah.

Crawford: There was considerable concern expressed in the comments, which is one reason that Reclamation took a step back and decided, “Well, we have this opportunity now since, you know, we don’t have an agreement yet. We soon will, but we’re going to have another draft document. Let’s, again, collect some more information.” And again, it goes back to this contract work where Reclamation had contracted initially with U-N-R to do a lot of recreation survey work up there. That work was done and is in the draft E-I-S as a study. The comments that were received suggested strongly that, “Let’s get some statistics on wet-

year recreation, because in the past it's been dry or normal-year recreation." (Seney: Right.)

And, U-N-R didn't have the opportunity to do it. They didn't have the staff to devote to it. So, in fact, Reclamation contracted with Colorado State University to do the recreation work, which is going to encompass resurvey of the recreation levels, kind of a contingent valuation survey, for lack of a better term, on the various water levels in the upstream Truckee River reservoirs, primarily Prosser, Stampede, Boca, Donner Lake, to look at recreation usage given currently a wet year and some consecutive wet years. (Seney: Uhm-hmm.) That survey work will be expanded on by Colorado State University to include some instream recreation work also, whether you're talking kayaking or rafting, bank fishing or instream fishing.

So, I think that will help Reclamation get a better fix yet on (Seney: Yeah.) what opportunities there are, you know, what it means in terms of reservoir levels and then the intended recreation levels. (Seney: Yeah.) And, what it means with instream flows, you know, because there are some opportunities that are to, to store

water under different regimes and release that water under different regimes. And, then U-N-R will take that data and then incorporate it into the existing models and revise those models.

And, from our perspective in the Water Quality Settlement Agreement E-I-S that we have interest in those upstream reservoirs and instream recreation also because that Water Quality Settlement Agreement water will be stored in (Seney: Right.) most likely Stampede, possibly Boca as well, and be released during the low-flow months of (Seney: Right.) September/October/ November, August/September/October, which from my perspective can do nothing but benefit instream recreation (Seney: Right.) for a longer period of time.

Seney: So you're going to, you're going to try to do two things? That is to increase the flows for recreation and for water quality?

Crawford: Sure. And that water will be stored during the earlier months and then released during the drier months.

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Crawford: I would guess a measurable recreation benefit from the Water Quality Settlement Agreement E-I-S.

Seney: Well, you know, also I think it may have the effect on, with the Upper Truckee interests of building a little more credibility for the TROA (Crawford: Yes.) and what's going on, (Crawford: Yeah.) which from their point of view there isn't a great deal of it they're concerned about, issues like depletion (Crawford: Yes.) and how California has represented their interests, which they're not particularly happy with.

Crawford: That's correct.

Seney: Yeah.

Crawford: But, you know, at the same time you, I mean, you hear the arguments yet the town of Truckee does not own a single water right, you know, and the Donner Lake Homeowner's Association don't own a water right. So, it's like, "Well, you're using somebody else's water and you're

(Seney: Yeah.) you know, you better, you ought to try to work with them a little more closely instead of being [inaudible].”

Seney: Yeah. I’ve heard that said. Right. Right. That unlike, say, the Truckee Meadows, where you’ve got to buy every water right (Crawford: Right.) before you can use it, they’ve got an allocation (Crawford: Sure.) that’s essentially free? Right. I’ve heard that argument.

We’re Muddling Through

Crawford: So, there are a number of issues, but, you know, we’re muddling through them and I think at a point in time when the Truckee River Operating Agreement is signed that it’s going to give a lot more flexibility in management of the reservoirs and the river flows, and I think the, the E-I-S in support of that will be a lot better because there’s been some opportunity, one, to sit back and take stock of things, and secondly we’ll have an agreement in place before the E-I-S is written. (Laughter)

Seney: That’s right, which is usually the way it’s done. Well, did you play any role at all in A-B 380 [Assembly Bill 380] that was in the Nevada

legislature over water rights transfers?

Crawford: I did, only from the perspective of providing Senator Reid's office with a capitalized value of the O&M costs with that 6,500 acres. That, as those are pulled out of production, or those water rights are sold, then it reduces the base over which the irrigation district can charge O&M assessments. And, even though the federal government had little role in A-B 380, we were asked to take a look at that. In fact, I was asked by Betsy Rieke if I would examine those and provide to her, and ultimately to Mary Conelly what an estimate of the value would be over, I think I ran it over thirty years, what the value on an acre basis would be for those water rights for the amount of acres that would be retired.

Seney: Yeah.

Crawford: And—yeah.

Seney: State law requires that if you buy water rights out on the project you continue to pay the O&M costs, right?

- Crawford: That's correct. (Seney: Yeah.) In fact, that was, it's more of an agreement. And, I'm not sure, from the perspective of the state, but say the water rights that were acquired or are acquired by the Fish and Wildlife Service, while by agreement—and, I don't know if there's necessarily a law.
- Seney: They're saying there is. Senator Carl Dodge got it passed during his tenure.
- Crawford: Then it applies, well it applies not, because it's not federal law I don't think that would, that applies because it's, if it was law we wouldn't have to have this agreement (Seney: Oh.) with, between the Fish and Wildlife Service and the irrigation district, or by the Fish and Wildlife Service agrees to pay a reasonable and customary O&M charge on the acquired water rights. And how, I, I'm not sure exactly how that works. Because I think even under the water rights that are acquired by the Truckee Meadows communities under the Water Quality Settlement Agreement, in Fernley and the Truckee Division, (Seney: Right.) again I think it's an agreement. I don't know that there's any, any requirement that they pay those.

Seney: My understanding is that, and I interviewed Carl Dodge¹⁴, (Crawford: Uh huh.) and this was his brainchild, and I thought it was a quite clever one really, of, to try to obviate the impact of shrinking the project through the purchase of water rights (Crawford: Right.) by increasing the O&M costs on the remaining farmers and perhaps forcing them then to (Crawford: Yeah.) get out, that he had a state law passed which said, “If you buy the water rights you, you maintain, you pay the reasonable and customary O&M charges.” (Crawford: Right.) And, further my understanding is that the federal law always says that, “We’ll abide by state water law.”

Crawford: Yeah.

Seney: That’s to be—yeah.

Crawford: And that may well be the basis for the . . .

Seney: For the—then the agreement is folded in because

14. Senator Carl Dodge participated in Reclamation’s oral history program, see Carl Dodge, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews, conducted by Donald B. Seney, Bureau of Reclamation, in 1994, in Fallon, Nevada, edited by Brit Allan Storey.

it's (Crawford: Yeah.) required to be folded in.
Yeah.

Crawford: Yeah. And there may be some citation in there
(Seney: Yeah.) to state law.

Seney: Pursuant to whatever state statute. Right. Right.

Crawford: Right. And that would make sense that the same
applies to whoever purchases the water rights
(Seney: Right.) whether you're talking about
developers or (Seney: Right.) otherwise.

Seney: Yeah. I thought that was a very clever thing.
He's a very clever man.

Crawford: He is.

Seney: Very intelligent.

Crawford: I have a lot of respect for the senator.

Seney: Grudge, perhaps? (Laughter)

Crawford: Well, it's interesting . . .

Seney: It doesn't make your life easier, perhaps?
(Laughter)

- Crawford: He hasn't, but at the same time he's very fair.
- Seney: He's a real leader out there.
- Crawford: He is. He respects, respects your rights, respects you as a person, and (Seney: Yeah.) certainly as a defender of the irrigators out there.
- Seney: Yeah. No question about it.
- Crawford: But in the same sense, a defender of the wetlands, you know. (Seney: Yeah. Yeah.) He realizes that, you know, what they bring in in terms of revenues, and certainly its importance to the Pacific Flyway. And, it's becoming (Seney: Yeah.) more and more important since there's fewer and fewer wetlands (Seney: Yeah. That's right.) out there.
- Seney: Yeah, that's right. Yeah. What haven't we talked about that we need to talk about?
- Crawford: We've touched on the O&M Agreement. We've touched on water pricing, the Conservation Plan, on the Water Quality Settlement Agreement, on the Adjusted OCAP, on our office, our longevity, why we're here,

why we're not going to be here. (Laugh)

Seney: I don't know, did we say why you're not going to be here? You're wrapping up soon?

Closing the Truckee-Carson Coordinating Office

Crawford: We, our office formally goes away at the end of this fiscal year, September 30th. It no longer exists as an entity under the Department of the Interior. Where we all go and what we all do is still somewhat open-ended, at least in my case.

Seney: You still haven't found . . .

Crawford: I, (Laugh) I have not had a job secured for me yet, (Laughter) in spite of my efforts and others. (Seney: Yeah.) Tom Strekal will go back to Indian Affairs, the entity from which he's detailed. Steve Elkhorn [spelling?], I think Betsy has publicly announced that he will be her deputy, and he will start mid-September. Our secretary, Anita Mars [spelling?] goes back to B-L-M. We worked out an agreement with the B-L-M at the time that we hired her, where if we paid a hundred percent of her costs we would share her twenty percent with the B-L-M if they guaranteed her a job at the time this office

(Seney: Ah.) closed.

Seney: That's good for her and good for you too?

Crawford: Yes. Yeah. It was.

Seney: Good for her now and—yeah.

Crawford: Because it gave us some longevity where (Seney: Yeah.) Secretary, secretaries in the past have said, "Well, this is a temporary job. You know, I'm going to keep looking." (Seney: Yeah. Yeah.) As soon as something comes up they're out of here. (Laughter) So, this has given us some continuity and stability. My druthers are that I enjoy the issues here. There's a lot that still needs to be done, and I want to stay here.

Seney: Have you found anything that looks promising here?

Crawford: Well, in spite of some of the arrangements that have been worked out, that have not come to pass, Betsy offered, Reclamation offered to the Bureau of Land Management State Office a proposition whereby if they picked me up as an

employee she would pay half my salary, and I would continue to work for Reclamation on Reclamation issues half-time, and B-L-M issues half-time until a point in time where the Reclamation issues were completed and I'd work full-time as a B-L-M employee. And during the half-time arrangement for B-L-M, I would work on land exchange issues and Walker River and Walker Lake issues. But, to date, that arrangement has not been worked out. My plight has been elevated to the assistant secretary's level and to the director for the B-L-M. (Laughter) But, as of yet there's, there's been no answer.

Seney: Yeah. Well, you must have tenure? You must have . . .

Crawford: I've--yeah. Yeah.

Seney: Whatever you call it in . . .

Crawford: Well, and . . .

Seney: We call it "tenure" of course. (Laughter) Right.

Crawford: Yeah. I got that. (Seney: Yeah.) I'm a full professor. (Laughter)

- Seney: Yeah. Good. Good. Yeah, there's nothing more secure. (Laughter)
- Crawford: And, we all have Reemployment Agreements. Jeff Zippin and Steve Elkhorn [spelling?] and myself—now, Steve, again, is taken care of. (Seney: Yeah.) Jeff took advantage of his Reemployment Agreement, which called for moving back to the Office of the Secretary. After the first three years, the original three years was up, he had a daughter that was starting school (Seney: Right.) and a family that he wanted to get moved back to Washington again, and so he took advantage of that. I opted, instead, to stay out here for the additional two years. My Re—(hiccup) excuse me—Reemployment Agreement calls for going back to the Office of the Secretary. In fact, that's where my detail is from. I . . .
- Seney: So, that's an active option, if something doesn't (Crawford: Yeah.) work out you can go back?
- Crawford: My—sure. And, that's what's been said. “Well, short of anything else we'll move, move you back to Washington.” (Seney: Yeah.) And so, I've been putting up, you know, “Well, it's going

to cost you close to \$100,000 to do that. And, (Seney: Yeah.) you know, you still have to find me a job back there.”

Seney: “And you waste all the stuff I’ve learned out here,” right?

Crawford: Yeah. Yeah.

Seney: Yeah.

Crawford: I mean, there’s definitely a loss of continuity here.

Seney: Yeah. Yeah.

Crawford: In terms of the contracts that we have going on, in terms of the work that still needs to be done that needs an economist. So, to me it just makes too much sense. (Laugh)

Seney: Yeah. Right. And, you love it here?

Crawford: And, I do. (Laughter) I do.

Seney: Well, for a boy from Las Cruces I look out the window here and there’s nothing but bare hills and dry brown grass.

Crawford: Yeah.

Seney: This must seem almost like home?

Crawford: It's almost home. (Laughter)

Seney: Good.

Crawford: It's not home, but you can see it from here.

Seney: Yeah. Right. (Laughter)

Enjoyed the Issues and the People

Crawford: No. So, my hopes are to stay out here, (Seney: Good.) because again I enjoy the issue and I enjoy the people I work with. (Seney: Yeah.) You know, and whether, whether it will come to the point of push and shove on this I don't know, but you know, the interesting part of it is, you know, the last two months. (Seney: Yeah. Yeah.) The fact that we've got the month of August and September, and, you know, if they're going to move me back there then, you know, there's going to have to be kind of a contingency plan set up because I can't just pick up and, you know, move. (Seney: Yeah.) I've

got to sell the house and things like that.

Seney: Well, I get a feeling they'll find a place for you.

Crawford: Well, I feel the same way, you know. It's going to be really a disappointment if I have to pack up and move.

Seney: I would think if Betsy Rieke wants you she can, she must ways to effect that?

Crawford: I think, I think so. I think there's a concern right now that she, through an error, had \$800,000 taken out of her budget. If she has that restored then I think, you know, that maybe she could keep me on as a soft-money employee for a year until we work out something with the B-L-M or something (Seney: Right. Right.) like that. Or, alternatively, you know, as that may be the B-L-M State Director, Bob Abby [spelling?] is using me as some leverage to get some money out of Congress, knowing that (Laugh) we have ties to the senator's office. (Laughter)

Seney: You're a pawn? (Laugh)

Crawford: And, I don't mind being used as leverage. I don't mind being used (Seney: Yeah.) as a

pawn, you know, so much . . .

Seney: You're valuable? Right. Right.

Crawford: So long as there's some certainty to it.
(Laughter) And, I know up until, you know, certainly until the eleventh hour that I know that, you know, I have some assurances. (Seney: Sure. Sure.) But . . .

Seney: Well, I mean, they're not going to get people to come around on these kinds of details if they don't treat them right.

Crawford: No. No. That's exactly right.

Seney: It's as simple as that, you know. And . .

Crawford: Yeah. And, and it's been good for the Department. (Seney: Yeah.) There's no question about it. It's been, was an excellent move on Bill Bettenberg's part.

Seney: Well, I can, I can understand now. When Bill and I discussed this he never, he may have said, and it's been some time since I've spoken to him, that his idea was to bring people like you,

and Jeff Zippin, and others (Crawford: Uhm-hmm.) who, Steve Elkhorn [spelling?] I guess too came from Mineral, Mineral . . .

Crawford: He came from the California O-C-S office (Seney: Yeah.) from the Camarillo Office.

Seney: That came from offices that had skills that would be important to these problems but didn't have any experience (Crawford: Right.) and baggage (Crawford: Right.) associated with these problems.

Crawford: Right. Right. Yeah.

Seney: Yeah.

Crawford: Yeah. And that, I think that was one of the (Seney: Yeah.) underlying motives, is that there wasn't this baggage, (Seney: Yeah.) or, you know, even me as an ag economist, you know, I had been away from that for some time, yet still had the (Seney: Yeah.) background (Seney: Right. Right.) in resource economics, and ag economics, and coming from a farming background and things like that, to where, you know, I was somewhere here on the learning curve instead of, you know, (Seney: Yeah.) like

an oil and gas economist, a petroleum economist down here someplace (Seney: Yeah.) trying to figure out (Seney: Right.) you know.

Seney: Well, Bill's a very wily guy, I think. (Crawford: Yeah.) I mean, I think he understands how the system (Crawford: He is.) works and how to work it.

Crawford: Yeah. He's incredibly bright, and I think that, that's, you know, with his being able to survive many different administrations at high levels in the Department (Seney: Yeah.) is a credit to his craftiness and wiliness.

Seney: Yeah. Absolutely.

Crawford: People recognizing and realizing that (Seney: Yeah.) you know, if you want it done you give it to Bill.

Seney: That's right. (Crawford: Yeah.) That's right. Yeah.

Crawford: And I think Senator Reid fully recognized that after three years of 101-618 languishing, (Seney: Yeah.) having the secretary turn it over to Bill

and then Bill's formulating the team and . . .

Seney: Moving it along?

Crawford: Yeah.

Seney: Yeah. Absolutely.

Crawford: And getting things done, because it's, not to be self-serving, but as a credit to this office I think 101-618 is a far cry closer to being fully implemented now than it would have been five years ago.

Seney: Well, I can certainly understand what you said about the Bureau of Reclamation not being the one to do this, (Crawford: Uhm-hmm.) that their habits and inclinations were just not, not the ones needed to (Crawford: Right.) spell out what the senator had included in that legislation. And after all, Congress is the basic policy-making entity here, (Laugh) and you have to have some respect for what they say. (Laughter) And . . .

Crawford: Well, it's true. And, you know, from my perspective also if it's a law then, you know, it was put in place for a reason. (Seney: Right.) You know, again, it goes back to welfare

economics and society's taste and preferences.
(Seney: Yeah.) And, there must have been a reason.

Seney: That's right. That's right.

Crawford: Yeah.

Seney: And, you're obliged to (Crawford: Yeah.) follow that?

Crawford: Yeah. As a federal employee, I mean, you know, you have to look at it as objectively as you can (Seney: Yeah.) possibly look at it. You can't have a bias one way or the other.

Seney: Well, you know, when I interviewed Bill Bettenburg I was impressed by his, he's got the same kind of attitude, of course, that this is, you know, this is a federal perspective, a national perspective, to what goes on in this project and you've got to look at the water in that way, (Crawford: Uhm-hmm.) and not from the point of view of the farmers, or (Crawford: Yeah.) any other. But, you've got to remember that there's a national perspective. (Crawford: Right.) This is the nation's water. (Crawford:

Right.) And, there's something to be done
(Crawford: Yeah.) in that regard.

Crawford: And the balance, it was out of balance.

Seney: Yeah.

Crawford: You know. I mean, and people say, "Well, you're pro-weapons, or you're pro-T&E species." I said, "No I'm not." I said, "You know, I may appear that way, you know, but I'm working to push that balance (Seney: Yeah.) or those scales back into balance again, (Seney: Yeah.) because they've been out of balance (Seney: Yeah.) for a long time."

Seney: Yes, for years the irrigation district and the Bureau got what they wanted (Crawford: Sure.) and did as they pleased?

Crawford: And, you know, up until the time that Reno-Sparks started growing and there started the national concern about shrinking wetlands and . . .

Seney: Indian tribes?

Crawford: Indian tribes.

- Seney: And environmental dangers? Yeah.
- Crawford: Yeah, you could use the water willy-nilly. Nobody (Seney: Yeah.) cared. Nobody was looking (Seney: Yeah.) over your shoulder.
- Seney: That's right.
- Crawford: You know? But, you can't do it anymore.
- Seney: Yeah.
- Crawford: Nobody can do it anymore.
- Seney: Yeah.
- Crawford: You know? It doesn't matter who you are, you just can't do it anymore. It's a much more enlightened world. (Laugh)
- Seney: Yeah. I agree. (Laugh) Well, thank you very much, on behalf of the Bureau. I really appreciate your taking the time.
- Crawford: It was certainly my pleasure.
- Seney: Good.

Crawford: I enjoyed it.

Seney: All right. Well, thank you.

END SIDE 2, TAPE 3. JULY 27, 1999.
END OF INTERVIEW.