cont'd

which is currently managed through the Glen Canyon Dam Adaptive Management Program. The DEIS states that there may be effects from the action on Beach Habitat Building Flows (BHBFs) and low steady summer flows, and models some of the potential effects, but provides no analysis on the potential effects to the environment of impacting those management tools. Subsequent analysis of environmental consequences virtually ignores the Grand Canyon reach, based on a determination that beyond the affect of these actions on "riverflows" this action has no affect on the Grand Canyon reach, and "the unaffected aspects of dam operations and the effect on downstream resources need no further analysis outside of the ROD and the Adaptive Management Program." (DEIS, 3.2-5)

These omissions are inappropriate. CEQ regulations regarding analysis of environmental consequences requires discussions of, among other things, "indirect effects and their significance" (40 CFR 1502.16(b)) and "possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned." (40 CFR 1502.16(c)) The potential conflicts or affects of the proposed action on other environmental mitigation programs must be included in the supplemental DEIS.

9

G. Cumulative impacts are not fully addressed

The DEIS omits any discussion of cumulative impacts resulting from a number of other ongoing actions. Most notably, it fails to consider cumulative impacts from the actions following from the U.S. Fish and Wildlife Service's Biological and Conference Opinion on Lower Colorado River Operations and Maintenance (1997), impacts from the California 4.4 Plan, and impacts from the regulation for off-stream storage and banking. Such omissions should be corrected in the supplemental DEIS.

10

H. A Preferred Alternative is not identified

CEQ regulations require that agencies "identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." (40 CFR 1502.14 (e)) The DEIS does not identify a preferred alternative. In the interest of meaningful public review and comment, a supplemental DEIS should be prepared and distributed which either identifies a preferred alternative or provides an explanation for why a preferred alternative does not exist.

II. Some Analysis in the DEIS is Deficient and/or Inaccurate

Southwest Rivers has identified a number of ways in which the analysis of the proposed action in the DEIS is deficient and/or inaccurate.

9: Additional information has been included in Section 4.2 of the FEIS to expand the cumulative impacts analysis. However, impacts of the California Colorado River Water Use Plan or from off-stream storage and banking is considered to be outside of the area of potential effect of the proposed action. The 4.4 Plan and off-stream storage by the California parties are ongoing and other projects are only proposals at this time. These potential actions are speculative at present and without decisions that constitute an action for analysis; and do not depend on interim surplus criteria but rather are state actions. Reasonably foreseeable California actions will be analyzed through the CEQA process and, if decision documents are available will be incorporated into this EIS. Actions required under the approved 1997 LCR Operations Biological Opinion are not subject to NEPA.

10: CEQ regulations do not require the identification of a preferred alternative in the DEIS, if none has been determined. A preferred alternative will be identified in the FEIS. Defining a preferred alternative in the FEIS does not define the agency's final decision but lets the public know what the agency considers the best alternative. No supplemental DEIS is required.

Southwest River comments on
Interim Surplus Criteria DEIS
8 September 2000
Page 5

A. Modeling assumptions may be inaccurate and create distortion of results

11 Reclamation has used results of a basin-wide model to analyze the impacts of the various alternatives. However, the sensitivity of the model to certain questionable assumptions belies the confidence in the results, manifested in their detailed presentation, contained within the DEIS. In particular, the results of the model are most sensitive to projections of future inflows, the least reliable data, which may not even fall within the range of flows seen in the period 1906-1990, the range used for modeling. Furthermore, the accuracy of the model decreases the further it projects into the future.

Southwest Rivers suggests that several of the assumptions common to all alternatives be refined.

12 • The Index Sequential Method (ISM) used in the model may not capture the full range of potential inflows, given the extreme variability that characterizes the Colorado River system. We suggest that a partially random model be used in order to increase the range of possible flows in the interim period.

21 • As mentioned above, more recently developed depletion schedules for Upper Basin use are available. We suggest that the more recent schedules be used in the model.

22 • We recommend that the starting elevation for Lake Mead be changed from the level on January 1, 2000 to the projected elevation on December 31, 2000, which is expected to be approximately thirteen feet lower due to lower than average inflows in 2000.

23 • The model assumption for the delivery point to Mexico is inaccurate. We suggest that the model be refined to reflect the actual delivery point at the SIB, the fact that the SIB delivery is not made within the delivery channel, and the fact that SIB deliveries are actually Arizona return flows rather than mainstem water.

24 • The model assumes operation of the Yuma Desalting Plant by 2015, but the DEIS gives no justification for the assumption. The model should eliminate this assumption unless and until the environmental impacts of operating the YDP have been analyzed and documented.

Similarly, we suggest that some of the assumptions particular to individual alternatives be clarified or refined.

25 • The baseline, which in essence follows the "criteria" used in 1997 (equivalent of a 75R strategy) to declare a surplus, appears to have been arbitrarily selected. Surplus declarations were made by the Secretary without formal criteria for the years 1996 through 2000. Selecting 1996 as the baseline would have created a baseline from a much more liberal definition of surplus, while selecting the years 1998-2000 would have created a baseline that matched a flood-control definition of surplus. Given the importance of the baseline (No Action) alternative in evaluating the other alternatives, Reclamation should explain why it used a single year (1997) as the correlative of the baseline condition instead of the three most recent years of surplus declarations.

26 • The baseline and flood control alternatives assume that California will consume only about 4.4 maf a year. This does not accurately reflect actual conditions. If California were only

11: See response to Comment No. 31-8a for a discussion of the Index Sequential Method of modeling.

12: See response to Comment No. 31-8a for a discussion of the Index Sequential Method of modeling.

21: Revised depletion schedules provided by the Basin States were used in FEIS analyses. See response to Comment No. 14-10 for more detail.

22: The starting Lake Mead elevation used in the FEIS model was changed from January 1, 2000 to January 1, 2002 in order to reflect estimated reservoir conditions at the beginning of the interim surplus period. Reclamation used the 24-month study model to develop a January 1, 2002 projection based on reservoir content in September 2000 and forecasted and average future hydrologic conditions. This enabled setting the FEIS model start date to match the interim surplus criteria start date of January 1, 2002.

23: The delivery of Colorado River water to Mexico was simplified in the model to simplify and facilitate the analysis of water deliveries to Mexico. An explanation of how water is actually delivered to Mexico and the modeling assumptions with respect to the delivery of water to Mexico has been added to Section 3.3.3.3 (General Modeling Assumptions).

24: The FEIS assumed that the Yuma Desalination Plant would be operational after 2022. See response to Comment No. 37-11 for further discussion.

25: The 75R modeling criteria used in the DEIS has been changed to 70R for the FEIS. Section C of this volume includes a discussion of this change.

26: Reclamation assumes that California will abide by the use determinations as spelled out in Article II(B)(1-3) of the Decree, therefore ALL alternative model runs assume a California use of 4.4 maf when the Secretary makes the determination of a normal year (7.5 maf available) in accordance with Article II(B)(1) of the Decree. California has prepared and submitted depletion schedules that specify the amount of water scheduled for delivery and the location at which delivery is requested under normal, surplus and shortage water supply conditions. The delivery of water to California during the interim surplus criteria period is dependent on the prevailing water supply conditions and is modeled pursuant to this and the applicable depletion schedule. A copy of the revised depletion schedule prepared and submitted by California and used for the modeling of the baseline and surplus alternatives for the FEIS is included in Attachment H.