

COMMENT LETTER

RESPONSES

COLORADO RIVER WATER CONSERVATION DISTRICT

Protecting Western Colorado Water Since 1937

SEP 11 2000

September 8, 2000

SENT VIA FACSIMILE & U. S. Mail

Ms. Jayne Harkins
Attention BCOO-4600
U. S. Bureau of Reclamation
P. O. Box 61470
Boulder City, NV 89006-1470

Dear Ms. Harkins:

The Colorado River Water Conservation District ("CRWCD") thanks you for the opportunity to review and comment on the Bureau of Reclamation's July 2000 "Colorado River Interim Surplus Criteria Draft Environmental Impact Statement" ("DEIS"). The CRWCD is an agency of Western Colorado with a mission to promote the protection, conservation and development of Colorado's water resources in order to secure the greatest utilization of those resources for the benefit of present and future generations. The CRWCD has reviewed the DEIS and provides the following comments.

1 The CRWCD strongly supports the Interim Surplus Criteria developed by the seven Colorado River basin states and noticed in the Federal Register of August 8, 2000 as Supplemental Information to the DEIS. These criteria are a modification of the six state proposal described in the DEIS. Based on our analysis of the seven state proposal, we believe that proposal is superior to the six state proposal in the DEIS because there is less impact to reservoir storage, yet it still provides the water supplies sought. The interim criteria proposed by the seven basin states were developed using a 70R strategy, which is and has been the standard Colorado River reservoir operating strategy since the mid 1990s with one exception. While the 75R strategy has been reviewed on occasion as part of the annual operating plan development, it has never been the standard and we object to the DEIS suggesting that it is or has been the standard.

2 The seven state interim criteria were also developed using the Upper Colorado River Basin depletion schedule adopted by the Upper Colorado River Commission in December 1999. The December 1999 depletion schedule shows that depletions are occurring slightly more rapidly than in the Upper Colorado River Basin depletion schedule used in the DEIS. However, the most important point to make is that, while these differences resulted in modifications to the six state

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below

1: The preferred alternative in this FEIS is derived from the Seven States proposal. Reclamation did not structure the preferred alternative precisely as described in that draft proposal, but made some changes for consistency with the purpose and need for the proposed action, Reclamation policy and operational procedures.

2: The baseline has been changed to a 70R strategy for the FEIS.

3: The preferred alternative in this FEIS is derived from the Draft Seven States Proposal. The Upper Basin depletion schedule prepared in December 1999 was used to model the operation of the baseline and all the alternatives in this FEIS. The baseline has also been changed to the 70R operating strategy.

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proposal discussed in the DEIS, those differences and the impacts are within the range of alternatives and impacts analyzed in the DEIS. Because of its knowledge of the development of the DEIS supplemental information, the CRWCD is comfortable that the seven state proposal in the superior alternative and would likely strongly oppose the adoption of any interim surplus criteria that would change the standard or "no action alternative" in any other way.

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Furthermore, the CRWCD, in its review of the DEIS, finds that there are a number of views expressed in the DEIS concerning the "law of the river" with which it disagrees or does not wholly concur. However, these differences do not significantly impact the results of the DEIS and, thus, the CRWCD does not see any merit in debating them in the DEIS process. However, the CRWCD wants it clearly understood by all parties that it is not, in any way, changing long standing positions on Colorado River issues as a result of the way they may be stated in the DEIS. Rather, we would strongly encourage the Bureau of Reclamation to include the usual disclaimer it uses to address the differences that exist with respect to the "law of the river."

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In particular, in Section 1.4.2 of the Glen Canyon Dam Operations, the discussion of Glen Canyon operations is not precise. The Colorado River Compact requires the Upper Division states to not cause the flow at Lee Ferry to be depleted below an aggregate of 75 MAF (plus $\frac{1}{2}$ of the Mexican Treaty Deficiency, if any) for any period of ten consecutive years. The Upper Division states have never agreed with the 8.23 MAF minimum objective release identified in the Long Rang Operating Criteria. We would encourage that language be added to this section and others to fairly reflect what the compact requires.

In conclusion, even though we disagree with the way in which the law of the river is characterized in a number of places in the DEIS, we believe the DEIS and the supplemental information fairly portray the potential impacts of the possible actions and recommend that the Secretary adopt and implement the Seven Basin States Interim Surplus Guidelines. Thank you for considering the CRWCD's comments on this very important matter.

Sincerely,



R. Eric Kuhn
General Manager

4: Comment noted.

5: Glen Canyon Dam is operated according to the LROC as discussed in Section 1.4.2. Section 1.3.3 discusses the LROC and the process for review and modification of the LROC. This EIS does not address disparities between the LROC and the Colorado River Compact. Concerns over the relationship between the Colorado River Compact and the LROC should be addressed though the LROC review process.