

LOCAL AGENCIES

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COMMENT LETTER



City of Phoenix

OFFICE OF PUBLIC MANAGER

September 8, 2000

Mr. Robert Johnson
Regional Director
Lower Colorado Regional Office
c/o Jayne Harkins
BC00-4600
Bureau of Reclamation
P.O. Box 61470
Boulder City, Nevada 89006-1470

Re: 0100+
1-600

Re: Colorado River Interim Surplus Criteria Draft
Environmental Impact Statement

Dear Mr. Johnson:

On behalf of the City of Phoenix ("City of Phoenix") I hereby offer comments to the Bureau of Reclamation's ("Reclamation") Colorado River Interim Surplus Criteria Draft Environmental Impact Statement ("DEIS").

Colorado River Basin States Proposal

As outlined in the Federal Register Vol. 65, No. 153, dated August 8, 2000 the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming have agreed to Interim Surplus Criteria ("Seven Basin States Plan") and have consulted with the Secretary of the Interior ("Secretary") as contemplated by the statutory framework for the operation of Colorado River Reservoirs.

Phoenix supports Reclamation's preliminary determination that the Seven Basin States Plan is within the range of alternatives and impacts analyzed in the DEIS (65 Fed.Reg. 48531, August 8, 2000). Phoenix requests that the FEIS recognizes that the Seven Basin States proposal has been adequately analyzed. Phoenix supports the adoption of this alternative as the preferred alternative for the proposed action.

Baseline Condition

Phoenix believes that the 70R spill avoidance strategy more accurately reflects historical practices by the Secretary in managing the Colorado River Reservoir System. The 70R strategy should therefore be adopted as the baseline condition.

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 of the proposed action, Reclamation policy and operational procedures.

2: The 70R strategy is used for the baseline in this FEIS. For additional information, see response to Comment 57-11.

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The 70R strategy has been adequately analyzed in the DEIS because "modeling results from 70R strategy are very similar to the Flood Control Alternative, which is evaluated in the DEIS (described in Section 2.3.2). DEIS at 2-1. Adoption of the 70R strategy as the baseline in the FEIS will not require any major reworking of the data found in the DEIS.

California Colorado River Water Use Plan (4.4 Plan)

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The DEIS states that the Secretary "may condition the continuation of interim surplus criteria for the entire period through 2015 on a showing of satisfactory progress in implementing the 4.4 Plan." DEIS at 1-22.

Phoenix urges the Secretary to explicitly recognize that the continued effectiveness of the Interim Surplus Criteria proposed in the Seven Basin States Plan is to be conditioned on continued progress by California towards implementation of its 4.4 Plan.

Transboundary Impacts

Section 3.16 of the DEIS contains a lengthy discussion of the "potential effects that extend across the international border below the NIB." DEIS at 3.16-1.

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Phoenix does not believe that Reclamation's analysis of these potential impacts is warranted. Reclamation recognizes the tenuous nature of its analysis since the DEIS states that "the potential effects on Mexico's resources cannot be specifically determined due to the uncertainty of water use once it flows across the NIB into Mexico. The waters of the Colorado River, once delivered to Mexico, as agreed upon in the Mexican Water Treaty of 1944, are the exclusive property of Mexico. The treaty contains no provisions requiring Mexico to provide water for environmental protection, nor any requirements relating to Mexico's use of that water." DEIS at 3.16-1.

3: The selection of the Basin States Alternative as the preferred alternative incorporates the implementation of California's Colorado River Water Use Plan conservation progress. Proposed guidelines for this alternative are in Attachment I.

4: Comment noted. (See response to Comment 22-4.) In addition, CEQ guidance recognizes that there are concerns about the availability of information and agencies have a responsibility to undertake a reasonable search for relevant, current information.

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Water Rights Settlements

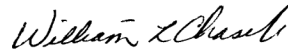
5: Comment noted.

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The DEIS states that "under shortage, potential impacts to Indian CAP water users differ depending upon whether CAP water is allocated under settlement or without settlement." DEIS at 3.14-13. The same holds true for municipal, industrial and non-Indian agricultural CAP water users in Arizona.

Potential allocations to CAP water users and Indian tribes are the focus of interrelated settlements involving CAP operation and repayment and Indian water rights. Phoenix has previously commented regarding the impacts to CAP allocations with or without settlement. These comments to the Draft Environmental Impact Statement, Central Arizona Project, Allocation of Water Supply and Long-Term Contract Execution are hereby incorporated by reference. They are attached hereto as Attachment A.

Sincerely,



WILLIAM L. CHASE, JR.
Water Advisor

TB:cf/#105593
Enc.