

COMMENT LETTER

RESPONSES

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BATAAN MEMORIAL BUILDING, ROOM 101
 STATE CAPITOL
 POST OFFICE BOX 25102
 SANTA FE, NEW MEXICO 87504-5102

(505)827-6160
 FAX:(505)827-6188

SEP 11 2000

September 8, 2000

VIA TELEFAX AND FIRST-CLASS MAIL

Jayne Harkins
 Bureau of Reclamation, BC00-4600
 Post Office Box 61470
 Boulder City, Nevada 89006-1470

Dear Ms. Harkins:

This letter is to provide comments of this office on the Draft Environmental Impact Statement (DEIS) issued by the Bureau of Reclamation on the proposed adoption of specific criteria under which surplus water conditions may be determined in the Lower Colorado River during the next 15 years. These comments include the information provided Reclamation from the Seven Colorado River Basin States included in the Federal Register/Vol. 65, No. 153, August 8, 2000.

1

Page 1-11 DEIS. Paragraph 1.3.2.2 states, that the Colorado River Compact apportioned to each basin, (Upper and Lower Basins), the exclusive beneficial consumptive use of 7.5 million acre-feet (maf) of water a year. No mention is made of the apportionment of an additional 1.0 maf to the Lower Basin as provided in Article III(b) of the Compact. The final EIS should include the Article III(b) apportionment.

1: Paragraph 1.3.2.2 has been revised to include language describing the Lower Basin's right to increase its consumptive use by 1 maf.

2

Page 1-11, Paragraph 1.3.2.2.1. The paragraph states that the Upper Colorado Basin Compact divided the Upper Basin's 7.5 maf apportionment between the signatory states and lists the amount to Arizona and the percentage to each of the Upper Division States, which is not an accurate statement. The Upper Basin Compact apportioned among the four Upper Division States those percentages listed in Paragraph 1.3.2.2.1 of the total quantity of consumptive use apportioned to and available for use each year by the upper basin under the Colorado River Compact and remaining after deduction of the use, not to exceed 50,000 acre-feet per annum, made in Arizona.

2: Per your comment, paragraph 1.3.2.2.1 has been modified.

3

Page 1-12, Paragraph 1.3.2.2.2. The paragraph lists apportionments to the Lower Division states totaling 7.5 maf, but does not mention that the listed apportionment, as confirmed by the U.S. Supreme Court Decree in Arizona v. California, is for only the mainstream water available for release by the United States. The final EIS should explain carefully the apportionment.

3: Per your comment, the first sentence in the first paragraph of paragraph 1.3.2.2.2 has been modified.

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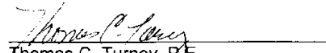
Ms. Jayne Harkins
September 8, 2000
Page 2


4

This office recommends that the Interim Surplus Guidelines-Working Draft provided to the Bureau of Reclamation by the Seven Colorado River Basin states be adopted by the Bureau of Reclamation as specific criteria for determining surplus, normal and shortage conditions for a 15 year interim period ending in 2016 and for determination of 602(a) storage in Lake Powell during the interim period.

We appreciate the opportunity to provide comment on the DEIS.

Sincerely,


Thomas C. Turney, P.E.
Secretary


Philip B. Mutz
Upper Colorado River Commissioner

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4: The preferred alternative in this FEIS is the Basin States Alternative which was derived from the draft Seven States Proposal. Reclamation was unable to 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.