

## COMMENT LETTER

## RESPONSES

KENNY C. GUINN, Governor  
RICHARD W. BUNKER, Chairman  
JAY D. BINGHAM, Vice Chairman  
GEORGE M. CAAN, Director

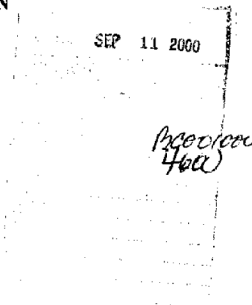
STATE OF NEVADA

COLORADO RIVER COMMISSION  
OF NEVADA

September 8, 2000

Mr. Robert W. Johnson  
Regional Director  
Attn: Jayne Harkins (LC-4600)  
Lower Colorado Region  
Bureau of Reclamation  
P.O. Box 61470  
Boulder City, NV 89006-1470

SHERI BUCK  
~~XXXXXXXXXXXX~~, Commissioner  
LAMOND R. MILLS, Commissioner  
BRYAN NIX, Commissioner  
ROLAND D. WESTERGARD, Commissioner  
MYRNA WILLIAMS, Commissioner



Re: Draft Environmental Impact Statement, Colorado River Interim Surplus Criteria

Dear Mr. Johnson:

The Colorado River Commission of Nevada has received two comment letters in its capacity as designee of the Nevada Department of Administration's environmental document review Clearinghouse (Nevada SAI # E2001-005). Those two comment letters, from the Nevada Department of Transportation and the State Historic Preservation Officer, are attached.

Sincerely,

James H. Davenport  
Chief, Water Division

Attachments

cc: Heather Elliott, Nevada State Clearinghouse

JHD:sh

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[http://www.state.nv.us/colorado\\_river/](http://www.state.nv.us/colorado_river/)

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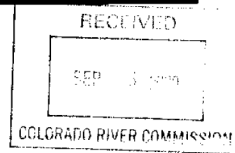
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## RESPONSES

**I N T E R  
O F F I C E**

**MEMO**

**To:** James Davenport, Colorado River Commission  
**From:** Rebecca Lynn Palmer, Archaeologist  
**Subject:** Colorado River Interim Surplus Criteria DEIS  
 Nevada SAI #E2001-005  
**Date:** August 30, 2000



The Nevada State Historic Preservation Office (SHPO) has reviewed the subject document and has the following comments:

1. The SHPO concurs with the Bureau of Reclamation's determination that the "No action and each of the action alternatives could result in changes in the surface elevation of Lake Powell and Lake Mead and changes in release patterns and flow of the Colorado River below Hoover Dam." The SHPO also agrees that "These changes could result in changes in erosional and/or depositional processes that could affect historic properties, were such properties present" (3.13.4). As a result, the SHPO does not agree with the Bureau of Reclamation's determination that this undertaking has no potential to affect historic properties (3.13.2). By the agency's own definition, this undertaking does have the potential to affect historic properties. The probability that significant historic properties would or would not be present in the area of potential effect is not germane to this determination.
2. By making a determination that this undertaking does not have the potential to affect historic properties, regardless of the agency's own assertion to the contrary, the Bureau of Reclamation has precluded this agency, the public, affected Indian Tribes, and local governments from commenting on the effect of this undertaking.
3. The Bureau of Reclamation has emphasized the significance of archaeological and architectural resources to the exclusion of resources that could be of religious or cultural significance but contain no archaeological or architectural materials. The SHPO recommends that this document take the potential for Traditional Cultural Properties into consideration before preparing a final EIS.
4. The SHPO recommends that the Bureau of Reclamation obtain Advisory Council comment on the effect of this undertaking.

1: Thank you for your comments and for bringing to our attention your concerns regarding Reclamation's ongoing operation of the Colorado River. Per your request, the matter of effects to historic properties resulting from the development of Interim Surplus Criteria (ISC) has been forwarded to the Advisory Council on Historic Preservation (Council). However, because development and implementation of ISC falls within the range of ongoing operations, and because the reservoirs will continue to be operated within historic operational parameters under the baseline conditions and action alternatives, Reclamation believes that the issues you raise are better addressed under Section 110, rather than Section 106, of the National Historic Preservation Act. Reclamation is aware of its responsibilities under Section 110 for managing historic properties on lands under its jurisdiction and will commit to consulting with you, the Council, tribes, and other interested parties within that framework.

2: Your office, the public, affected Indian tribes and local governments were provided an opportunity to identify concerns for the effects of the proposal for interim surplus criteria as part of scoping and individual meetings with interested publics and the Ten Tribes, CAP Tribes, and Colorado River Tribes. Distribution of the DEIS and public hearings were another means of providing opportunity to comment on our assessment of the effects of this undertaking on cultural resources. Reclamation is also consulting with potentially affected tribes on a government-to-government basis to understand and address their concerns. Reclamation will stand by its determination of effect of this action on historic properties and will refer our disagreement to the Advisory Council for further comment and consultation.

3: Resources of religious or cultural significance are Traditional Cultural Properties included in our definition of historic properties in Chapter 3.13.1.

4: Reclamation has referred the SHPO and Reclamation's disagreement to the Council for comment and further consultation.

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KENNY C. GUINN  
Governor

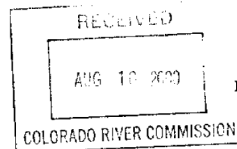
STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

August 3, 2000

TOM STEPHENS, P.E., Director

In Reply Refer to:

JAMES DAVENPORT  
555 E WASHINGTON AVE  
STE 3100  
LAS VEGAS NV 89101



PSD 7.01

Dear Mr. Davenport:

The Nevada Department of Transportation has reviewed the project titled: DEIS for the Colorado River Interim Surplus Criteria, SAI# E 2001-005.

5 | Based on the information submitted there are no conflicts with Nevada Department of Transportation projects, plans or policies.

Thank you for the opportunity to review this project.

Sincerely,

Thomas J. Fronapfel, P.E.  
Assistant Director-Planning

TJF:TM:nc

cc: Heather Elliott, Nevada State Clearinghouse

5: Comment noted.

PS-1007