

COMMENT LETTER

RESPONSES

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September 7, 2000
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Ms. Jayne Harkins
Attention BC00-4600
P. O. Box 61470
Boulder City, Nevada 89006-1470

Subject: Public Comment on Draft Environmental Impact Statement,
Proposed Colorado River Interim Surplus Criteria

Dear Ms. Harkins:

1 Subject Draft EIS is seriously flawed because: (1) There is a high probability California's
2 Colorado River Water Use Plan is not sustainable over time; (2) The Plan ignores the
3 increased hydrologic and political risks for Upper Basin States; and (3) The values of
additional Upper Basin storage for solving Western water, power and air problems were
not considered.

4 An anonymous survey among Southern California water managers would reveal serious
doubts regarding California's ability to reduce its dependence on Colorado River water
during the next 15 years. Although the Plan's objectives may seem reasonable and logical,
a false sense of security can do more harm than good for the entire Western Region,
including California. Colorado River Compact guarantees for Upper Basin States would
quickly evaporate under the powerful political pressures created by California's thirsty
farmers and urban areas during a devastating drought cycle.

5 Any agreement that allocates water surpluses and shortages within Lower Basin States, can
also have profound impacts on Upper Basin States. For example, if Arizona uses Colorado
River water for groundwater banking during normal conditions, the resulting lower levels
in Lake Mead and Lake Powell, could greatly increase political pressures on Upper Basin
States during times of hydrologic crisis.

6 Upper Basin States also have good reason to be concerned with the cumulative impacts of
the 15 Year Plan with recent federal rule changes and national environmental trends. For
example, Interior implemented the Colorado River Endangered Fish Recovery Program
without first considering the multi-billion dollar impacts on future Upper Basin storage for
drought, growth, and environmental needs on both sides of the Divide. Interior is also
claiming in Colorado Supreme Court that federal hydropower operations at the Aspinall
Reservoirs preempt Colorado's right to store its unallocated Colorado River entitlements
above these reservoirs for consumptive needs of both slopes. National, regional, and local
environmental groups continue to use unreasonable tactics to stop cooperative headwater
storage projects that could benefit the entire Western Region.

1: Comment noted.

2: Comment noted. Risks to Upper Basin states are limited due to Article III (3) (b) of the
Criteria for Coordinated Long-Range Operation of the Colorado River Reservoirs pursuant to the
Colorado River Basin Project Act of September 30, 1968 (Long Range Operating Criteria -
LROC). Pursuant to these documents, equalization criteria for Lakes Mead and Powell are
suspended as reservoir elevations decrease and demands increase, delinking effects in the
Upper Basin from surplus declarations.

3: Development of additional water storage within the Upper Colorado River Basin would not
satisfy the need for the proposed action and is therefore not addressed in this EIS.

4: Comment noted.

5: See response to Comment 5-2 above.

6: Comment noted.

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In short, Interior's subject Colorado River proposal should not be signed without a concurrent binding commitment to evaluate, permit, and construct a viable high altitude, off-channel storage capability for Upper Basin States during the same 15 year period. The unprecedented merits of such an overlooked storage program can be quickly determined using Interior's advanced River Ware Model for simulation. A modeling effort will clearly show substantial water quantity and quality benefits for both Upper and Lower Basin States, for a small fraction of the life-cycle cost of alternatives currently being considered. The Southwestern Region's endangered species, recreation, power, and air impacts can also be included in this evaluation.

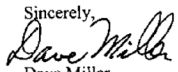
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BUREC had one million dollars in its FY 1990 budget for a similar computer study of Colorado's high altitude Gunnison storage sites. Unfortunately, misguided Gunnison activists and Colorado officials were successful in killing this early BUREC effort to objectively evaluate high altitude storage for the Western Region. Regrettably, BUREC has now apparently lost its interest in high storage.

It should also be noted that a 1987 U.S. Army Corps of Engineers' simulation of the South Platte River determined that an average annual 60,000 acre feet from high altitude Gunnison storage could increase the safe-yield of Denver's existing reservoirs by 111,000 acre feet. The additional multiple benefits for the entire Platte and Colorado River systems were not considered. In spite of this Corps of Engineers' study, Colorado's high storage alternatives were improperly excluded from the Final Two Forks Dam EIS for political reasons. These examples are typical of misguided federal, state, and environmental community efforts to prevent development of Upper Basin Colorado River entitlements.

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In view of the above and the overlooked interrelationships between Upper and Lower Basin water agreements, I respectfully recommend at least a 90 day extension of time for public comment. To allow only 30 days for comments on a proposal that is 10 years in the making is both dangerous and unprecedented. This is especially true, considering the current trends against water development in Upper Basin States.

Sincerely,

Dave Miller
Independent Water Planner

cc: Council on Environmental Quality, Western Governors, Congressional Committees

7: As discussed above, the effects of interim surplus criteria on the Upper Basin are limited to changes in Lake Powell water level due to equalization provisions of the Colorado River Basin Projects Act of 1968. Given the current climate surrounding new water storage projects in the West, high elevation storage would take many years for formulation, approval and development. Your suggested commitment is beyond the scope of this EIS, which is to evaluate impacts of proposed criteria for declaring surplus conditions on the Colorado River during the next 15 years.

8: We believe that coordination between the Upper Division and Lower Division states has resulted in an adequate assessment of potential impacts to the Upper Basin. We further believe that no extension of the comment period for the DEIS was warranted. In accordance with Department of the Interior Departmental Manual, the comment period was open for 60 days following filing of the DEIS with EPA. The notice that provided the working draft of the Seven States proposal for consideration along with the DEIS specified that its availability did not change the length of the DEIS comment period.