

COMMENT LETTER

RESPONSES



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

September 7, 2000

Ms. Jayne Harkins
Bureau of Reclamation
Attn: BCOO – 4600
P.O. Box 61470
Boulder City, NV 89006-1470

RE: Comments on Draft EIS on Colorado River Interim Surplus Criteria

Dear Ms. Harkins:

The Navajo Tribal Utility Authority (NTUA) has numerous interests in the operation of dams in the Upper and Lower Colorado River Basins. NTUA has reviewed the Draft EIS on the Interim Surplus Criteria and finds that there will be significant impacts to NTUA. NTUA has the following concerns and comments on the scope of the proposed EIS.

- 1 a. NTUA is a member of the Colorado River Energy Distributors Association and purchases approximately 22 MW of hydropower from the Colorado River Storage Project (CRSP). We feel that generating capacity at Glen Canyon Dam will be reduced and higher cost replacement power will impact NTUA significantly.
- 2 b. The existence of Lake Powell will also be affected in some manner and will have an impact on NTUA's, and the Navajo Nation's, plans to capitalize on tourism and economic development on the Lake. NTUA has expended considerable energy and resources on the development of Antelope Point Marina at Lake Powell and we are concerned.
- 3 c. Water in the Colorado River, its tributaries, and the associated lakes are sources of Indian water rights. For example, water in Lake Powell helps the Upper Colorado River Basin meet its commitments to Lower Basin States under the Colorado River Compact of 1922, thus, firming up the water supply for the Navajo Indian Irrigation Project. Calls of water from the Upper Basin are made from Lake Powell and may be affected from

1: Please see response to Comment 16-2.

2: Reclamation recognizes the Navajo Nation's concerns with regard to facilities at Antelope Point. Section 3.9 of the EIS discusses potential effects of interim surplus criteria on shoreline facilities at Lake Powell, including those at Antelope Point. The analysis in Section 3.9 of the FEIS has been modified to consider the probability of Lake Powell surface elevations occurring below 3,677 ft msl (as opposed to an elevation of 3,670 ft msl considered in the DEIS) and 3626 ft msl, based upon information provided by the NPS and the Navajo Nation.

3: (a) Reclamation recognizes that the Navajo Nation is a preference customer at Glen Canyon Dam. The status of a Tribe doesn't sanction any more of a status than that of a preference customer. This action will in no way affect the Tribes right to the power. Impacts to the power and energy produced at Glen Canyon Dam are found in Section 3.10. The Department does not view this as a trust asset as we are not affecting the contract right to the power. (b) Section 3.9.2.2.2 discusses impacts to Lake Powell and the operation of Antelope Point Marina. Reclamation and the Department have considered the analysis and feel the ISC alternatives are minor impacts to Lake Powell elevations. Reclamation and the Department believe that inflows and increasing UB depletions will have a greater impact on Lake Powell water surface elevations. The Marina and any other economic ventures on Lake Powell need to take into consideration the normal operational ranges of Lake Powell. (c) In the DEIS, Reclamation attempted to consider all Indian water rights that could be affected by interim surplus criteria, covering both adjudicated and non-adjudicated water rights. For the FEIS, Reclamation's RiverWare model, which simulates the operation of the Colorado River Basin, was modified to more accurately and precisely account for Indian water rights.

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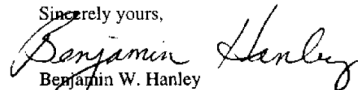
COMMENT LETTER

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interim surplus criteria. The draft EIS must include Indian water rights which are vested property rights to meet the present and future needs of Indian Tribes, regardless of whether those rights have been adjudicated or otherwise formally recognized and regardless of whether those rights have been exercised.

The impacts of the surplus criteria on NTUA deserve full analysis and discussion in the EIS process. NTUA will be willing to assist in any way possible to achieve this goal. I can be reached at (520) 729-6203 or email bhanley@ntua.com.

Sincerely yours,



Benjamin W. Hanley
Government Liaison