

FEDERAL AGENCIES

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COMMENT LETTER

RESPONSES



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825



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SEP 12 2000
4600

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

Dear Ms. Harkins:

We are writing to provide comments on the draft environmental impact statement (DEIS) for the **Colorado River Interim Surplus Criteria, Colorado River Basin**. It appears that implementation of interim surplus criteria is proposed largely to assist California in the transition to compliance with the basic 4.4 Million Acre Feet apportionment. Accordingly, there should be discussion of potential impacts to California Indian Trust Resources from the DEIS Interim Surplus Criteria Alternatives as associated with the various water management scenarios proposed for the California Colorado River Water Use Plan ("4.4 Plan").

1

We are particularly concerned about proposed groundwater recharge/groundwater storage (banking or conjunctive use of Colorado River Water) for tribes in the Salton Sea watershed under the 4.4 Plan as associated with the DEIS surplus alternatives. The DEIS must adequately describe potential adverse impacts to Federal Trust Assets of Indian Reservation water supplies that may become unusable due to the result of groundwater degradation from imported Colorado River water. In addition, the DEIS should include impact scenarios related to reduction of flows to MWD's Colorado River Aqueduct, including description of impacts to the Soboba Indian Reservation and Morongo Indian Reservation.

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Chapters 2 and 3 (Description of Alternatives and Affected Environment & Environmental Consequences, respectively) lack information with respect to the Federal Trust Assets or Resources affiliated with California tribes of the Salton Sea Watershed and the San Luis Rey River Watershed. The San Luis Rey Indian Water Rights Settlement Act of 1988 includes the Five Bands of Mission Indians involved with the Settlement Act, and the water to be delivered to each of the five Indian Reservations associated with the Act, of which source is likely to be diverted and conveyed from the Colorado River. The following Indian Reservations may receive adverse impacts, if not mitigated depending on final Alternative:

1: Metropolitan Water District of Southern California (MWD) and the Coachella Valley Water District (CVWD) have and are currently storing portions of their basic and surplus apportionments of Colorado River water for intrastate purposes. Intrastate storage (e.g. groundwater storage) activities/facilities are not within Reclamation's jurisdiction, and thus does not permit nor follow the water for environmental compliance purposes once delivered to a water user's point of diversion. The federal government does not have jurisdiction over groundwater aquifers, recharge sites or other off-stream storage sites within the states. Ongoing or new groundwater storage projects would be regulated by state and local regulations and compliance requirements under CEQA, California Water Control Board, and the California Department of Health Services. Some groundwater projects may require federal permits or approvals thus a CEQA/NEPA document may be prepared. Potential impact to trust assets on or adjacent to the Soboba Indian Reservation or the Morongo Indian Reservation from the operation and maintenance of MWD's Colorado River aqueduct are the responsibility of MWD and are not caused by or the result of the federal action addressed in this EIS.

2: The Salton Sea Watershed Tribes do not have Winters Rights to Colorado River Water thus there is no trust asset to impact. Potential impacts to Tribal assets from intrastate groundwater storage are not within the jurisdiction of Reclamation but are regulated by state and local regulations. Water to satisfy the San Luis Rey Water Rights Settlement is dependant on and shall be derived from conserved water from the lining of the All American Canal. Once lined, and conservation accounted for, a portion of the conserved water will be transferred by a point of delivery change to MWD facilities which is being addressed by separate Reclamation compliance documentation. Reclamation understands that the BIA is preparing separate environmental compliance for the use of this settlement water. The development nor transfer of the San Luis Settlement water is affected by the federal action addressed in this EIS.

COMMENT LETTER

RESPONSES

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cont'd**Salton Sea Watershed Tribes**

- Agua Caliente Band of Cahuilla Indians,
- Augustine band of Mission Indians,
- Cabezon band of Mission Indians,
- Morongo Band of Mission Indians,
- Torres-Martinez Desert Cahuilla Indians,
- Twenty-Nine Palms Band of Mission Indians;

San Luis Rey River Watershed Tribes

- La Jolla Band of Mission Indians,
- Rincon Band of Mission Indians,
- Pauma-Yuima Band of Mission Indians,
- Pala Band of Mission Indians,
- San Pasqual Band of Mission Indians.

3

The Distribution List does not indicate that BIA Southern California Agency (Riverside) was provided a copy of the DEIS. Reclamation did not include the BIA Pacific Regional Office in the initial distribution of the DEIS. This comment constitutes at least the 7th time your office has been notified to provide copies of NEPA-related notices and environmental documents to these offices.

If you have any questions concerning our request or need additional information, please contact William Allan, Regional Environmental Protection Specialist, at (916) 978-6043, or Dale Morris, Regional Natural Resources Officer at 978-6051.

Sincerely,

Regional Director

cc: Regional Environmental Officer, Office of Environmental Policy and Compliance
Superintendent, Southern California Agency
Director, Palm Springs Field Office

3: The Riverside office of BIA was sent a copy of the FEIS, as requested. As a commentor, the Pacific Regional Office was added to the distribution list.