

## COMMENT LETTER

## RESPONSES



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

September 8, 2000

*Approved  
9/8/00*

Robert W. Johnson, Regional Director  
c/o Jayne Harkins, BC00-4600  
Bureau of Reclamation  
Lower Colorado River Region  
Boulder Canyon Operations Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

Dear Mr. Johnson:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (DEIS) for the **Colorado River Interim Surplus Criteria, Colorado River Basin** (CEQ #239). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Secretary of the US Department of the Interior (Secretary), acting through the US Bureau of Reclamation (Reclamation), is considering the adoption of specific interim criteria under which surplus water conditions may be declared in the Lower Colorado River Basin during an interim period that would extend through 2015. The interim surplus criteria would be subject to five-year reviews concurrent with the Long-Range Operating Criteria (LROC) reviews, and applied each year as part of the Annual Operating Plan (AOP). To date the Secretary has applied factors, including but not limited to the LROC, in annual determinations of the availability of surplus quantities of water for pumping or release from Lake Mead.

For many years, California has been diverting more than its 4.4 maf apportionment from the Colorado River. Prior to 1996, California drew on unused apportionments of other Lower Division states made available by the Secretary. Since 1996, California has also drawn on surplus water made available by Secretarial determination. California is in the process of developing the means to reduce its annual use of Colorado River water to 4.4 maf (4.4 Plan). Adoption of specific interim surplus criteria would afford mainstream users of Colorado River water, particularly users in California who currently utilize surplus flows, a greater degree of predictability with respect to the likely existence, or lack thereof, of surplus conditions on the river in a given year. Thus, interim surplus criteria would accommodate implementation of California's 4.4 Plan and ease California's transition to living within its basic 4.4 maf apportionment.

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The DEIS considers four interim surplus criteria alternatives as well as a No Action Alternative (baseline). The four surplus criteria alternatives considered are the Flood Control Alternative, Six States Alternative, California Alternative, and Shortage Protection Alternative. In addition, another alternative was announced in the August 8, 2000 Federal Register (Volume 65, Number 153, pages 48531 - 48538), herein named the Seven States Consensus Alternative. This alternative is judged by Reclamation to be within the range of the four alternatives evaluated in the DEIS. All alternatives propose Lake Mead water surface elevations which would be used for determining the availability of surplus water through 2015. The Flood Control Alternative is the most conservative, even more than baseline, whereby a surplus condition is determined only when flood control releases from Lake Mead are required. Flood control releases occur only when Lake Mead is near a full condition. The Shortage Protection Alternative is the least conservative since surplus conditions are determined when Lake Mead surface water elevations are relatively low, thus providing for more frequent probability of surplus determinations. The Six States, California, and Seven States Consensus alternatives provide for tiered elevation criteria which could be tied to specific uses of the surplus water. A preferred alternative has not been identified.

The analysis presented in the DEIS is based on a computer model of the operation of the Colorado River system under baseline conditions and the four surplus criteria alternatives. Attributes modeled were Lake Mead and Lake Powell surface water elevations and Lower Colorado River flows from 2000 - 2050. In general, model results for all alternatives, including baseline, indicate that Lake Mead surface elevations are likely to decline over the 50-year period of analysis. This decline is attributed to increasing Upper Basin depletions. The proposed surplus criteria alternatives would increase the rate and magnitude of decline in Lake Mead surface elevations. Since Lake Mead carryover storage helps minimize water supply shortages during dry periods, a reduction in its surface elevation and associated volume could also increase the probable frequency and magnitude of shortages to Lower Basin States and Mexico.

EPA commends Reclamation and the seven basin states for their thoughtful efforts to address the growing need for water supply limits in the Lower Colorado River Basin. The reduction of unused apportionment and increased development in both the upper and lower basins, clearly demonstrate the potential for significant water scarcity and the need for long-term strategies to address future shortages. In fact, EPA advocates operation of the Colorado River system in a way which will provide flexibility to accommodate future shifts in water policy and assure a long-term, sustainable balance between available water supplies, ecosystem health (e.g., in-stream beneficial uses), and water contract commitments. To help provide this flexibility, we urge Reclamation to utilize all available tools for enhancing water management flexibility, supply reliability, and water quality. These tools could include water transfers and exchanges, conservation, pricing, irrigation efficiencies, operational flexibilities, market-based incentives, water acquisition, conjunctive use, voluntary temporary or permanent land fallowing, and wastewater reclamation and recycling. Within the context of interim surplus criteria, we believe the surplus determination should include more specific requirements, such as conservation measures, for efficient and beneficial use of the surplus water.

We strongly support California's reduction of its use of Colorado River water down to its basic 4.4 maf apportionment and acknowledge the need for interim surplus criteria to help ease California's transition. On-the-other hand, interim surplus criteria could incrementally increase

1: Comment noted.

2: Comment noted.