

COMMENT LETTER

RESPONSES

DEIS COMMENTS, BOR, INTERIM SURPLUS CRITERIA, SEPT. 2000

DETAILED COMMENTS**ENVIRONMENTAL ANALYSIS****Indirect and Cumulative Impacts**

- 9 1. The implementation of interim surplus criteria releases are key to the implementation of California's 4.4 Plan and its transition down to its basic Colorado River apportionment. California would receive surplus water which it can store for future use when surplus is not available and prior to achieving its 4.4 maf demand goal. The FEIS should fully evaluate the potential indirect and cumulative impacts of storage and use of surplus water obtained pursuant to the interim surplus criteria.
- 10 2. One tool which California could use to store surplus water is provided by Reclamation's Off-Stream Storage Rule. This rule allows storage and transfer of water between lower Basin States. The DEIS does not mention the Off-Stream Storage Rule or how it relates to interim surplus criteria and implementation of California's 4.4 Plan. The FEIS should describe the Off-Stream Storage Rule, its role in water management of the Lower Basin States, and potential indirect and cumulative impacts of storage of surplus water pursuant to this Rule. Of specific concern are potential effects to Tribal Trust lands especially where there is a shared aquifer that is not adjudicated.
- 11 3. It is our understanding that surplus water allocated to California could be used for groundwater banking within the Cadiz Basin, Hayfield/Chuckwalla Basin, and Desert/Coachella Basin. While these groundwater basins may already be used for water banking, the potential increase in surplus water could significantly alter their management and rate of use. Furthermore, there is a significant concern regarding potential adverse effects to groundwater quality from the injection of lower quality Colorado River water. The FEIS should fully evaluate potential indirect and cumulative impacts of storage of surplus water in these groundwater basins. In addition, the FEIS should describe management of these groundwater basins, for example, storage criteria, extraction of stored surplus water, and protections for users of a shared aquifer.

General Environmental Analysis Comments

- 12 1. The environmental analysis is based upon computer models simulating potential future Lake Mead and Lake Powell surface elevations and flows in the Lower Colorado River. Many model assumptions are made (pg. 3.3-9). Given the large number of assumptions, the FEIS should include sensitivity analyses for those parameters which may be especially vulnerable to slight changes in assumptions, e.g. fisheries and sensitive species. Parameters which may be of

9: The direct, indirect, and cumulative effects of the interim surplus criteria alternatives were analyzed within the project area, which extends from the upper reaches of Lake Powell to the Southerly International Boundary with Mexico within the 100-year floodplain. Off-river effects of storage and use of surplus water have been or are being addressed in existing or ongoing NEPA and/or California Environmental Quality Act and California Endangered Species Act compliance documents as appropriate. These activities are authorized by state actions. These include the Quantification Settlement Agreement PEIR, Secretarial Implementation Agreement EA, IID/SDCWA Transfer EIS/EIR, and the San Diego County HCP. The federal government does not have jurisdiction over groundwater aquifers, recharge sites or other off-stream storage sites within the States.

10: The Rule would establish the procedural framework for the Secretary to follow in considering, participating in, and administering Storage and Interstate Release Agreements (SIRA). The Rule establishes a framework only and does not authorize any specific activities. The Rule is based on the understanding that this type of offstream storage is a beneficial use of Colorado River water. To date no SIRA have been received by Reclamation for review and approval. California, specifically MWD, has voiced interested in interstate storage in Arizona. However, the quantity of water for storage and retrieval is substantially in excess of what is permitted by law for the Arizona Water Banking Authority. MWD's schedule for storage and retrieval also does not comply with Arizona State law. It is unknown if MWD would revise its proposed storage and retrieval quantities and schedule to meet Arizona law or if Arizona would amend its law. It is highly speculative if interstate banking under the Rule would benefit MWD considering MWD's development of its own storage facilities for intrastate storage purposes. It should be noted that California entities have and are presently storing portions of their basic and surplus apportionments for intrastate purposes. Interim surplus is unlikely to vary in quantity or quality from surplus Colorado River water already delivered. Intrastate storage activities/facilities are not within Reclamation's jurisdiction but are regulated by state and local regulations and compliance requirements under the California Environmental Quality Act (CEQA). Some groundwater projects may require Federal permits or approvals thus a joint CEQA/NEPA may be prepared for the Cadiz, Hayfield/Chuckwalla, and Desert/Coachella projects. A draft EIR/EIS and Supplement for the Cadiz project has been published. Environmental documents for the latter two projects are in progress.

11: Comment noted. See response to Comment 56-10.

12: The FEIS includes sensitivity analyses related to California intrastate transfers and the Lake Mead elevation at which shortage is declared.

COMMENT LETTER

RESPONSES

DEIS COMMENTS, BOR, INTERIM SURPLUS CRITERIA, SEPT. 2000

- cont'd | critical concern to the Basin States, such as level of water supply depletions during shortages, should also be considered for sensitivity to different model assumptions.
- 13 | 2. The DEIS states that interim surplus criteria alternatives are not expected to affect flows in the Colorado River between Glen Canyon Dam and Lake Mead because it is assumed flow release patterns would be determined by the Glen Canyon Adaptive Management Program pursuant to the Glen Canyon Dam Operations Record of Decision (ROD) (pg. 3.2-5, 3.9-33). Although the Glen Canyon Adaptive Management Program would still be in effect, the timing and magnitude of releases from Glen Canyon Dam could be influenced by interim surplus criteria and subsequent equalization requirements between Lake Powell and Lake Mead. We note that even slight changes in flows can significantly alter the configuration of whitewater rapids within the Grand Canyon changing the level of risk and safety. The FEIS should include a summary of the Glen Canyon Dam Operations ROD and additional data supporting the assumption of no effect on river flows.
- 14 |

WATER NEEDS ASSESSMENT

- 15 | EPA has concerns with both the assumptions and calculation methods for water needs projections. The DEIS appears to use water supply projections provided by the States. It is not clear whether Reclamation has evaluated these projections to determine whether they are fully protective of beneficial uses, ensure efficient use of water, and integrate aggressive water conservation and demand management. We recommend the FEIS describe the processes used by the States to derive their water supply projections and whether these methods assure that water would not go to waste, go to environmentally harmful areas, or hinder achieving water quality objectives within the scope of applicable state water law.

TRANSBOUNDARY EFFECTS

- 16 | 1. Interim surplus criteria could reduce by up to 37% the frequency of Mexico receiving surplus water (pg. S-14, Section 3.16). The release of excess flood flows could also decrease. The lower frequency of surplus water and excess flood flows to Mexico could significantly reduce the amount of flows reaching the Colorado River Delta (Delta). Historically, the Delta was an extensive and rich wetland area of significant cultural and economic importance to the Cocopah Indian Tribe and other Mexicans of the Gulf of California. Already greatly depleted and only recently partially revived by excess flood flows, further reduction of Colorado River flows could have adverse effects on Delta wetlands and hinder efforts to restore this area.
- We urge Reclamation to actively work with Mexico, the International Boundary and Water Commission (IBWC), States, Federal agencies and other stakeholders in restoration of the Delta region. We understand that such a process is under development. We would like to be

13: The Bureau has determined that the Adaptive Management Program will protect whitewater boating opportunities in the Colorado River between Lake Powell and Lake Mead in compliance with the Grand Canyon Protection Act. Therefore, the interim surplus criteria would not adversely affect whitewater boating opportunities in the Colorado River. The Grand Canyon Protection Act directs the Secretary, among others, to operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 1804 of the Act and to exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including but not limited to the natural and cultural resources and visitor use. The Glen Canyon Dam Adaptive Management Program (AMP) was established as a Federal Advisory Committee to assist the Secretary of the Interior in implementing the Grand Canyon Protection Act. We agree that interim surplus criteria could have an influence on releases from Glen Canyon Dam; however, releases will continue to be governed by the criteria in the Record of Decision which was developed in full consideration of both the safety and quality of recreational experiences in Glen and Grand Canyons. A summary of the Glen Canyon Dam Record of Decision has been included as Appendix D of this document.

14: The ROD for the Operation of the Glen Canyon Dam is included as Attachment D. Pertinent information from it is summarized in various sections throughout the FEIS. The section on river flows (3.6) identifies that the action alternatives would have an effect on the frequency of Beach/Habitat-Building Flows and Low Steady Summer Flows.

15: Reclamation does not review and independently change the Tribes and States water supply projections, though Reclamation staff has some understanding of the calculation methods used. See response to Comment 56-29 of this letter for a complete description of Reclamation's process for assuring the beneficial use of Colorado River water.

16: The delivery of water to Mexico under all modeled conditions in this FEIS were consistent with the requirements of the Treaty. The diversion and use of such Treaty water is solely at Mexico's discretion. The delivery of excess flows to Mexico occurs when available flows in the Colorado River exceeds that amount that is necessary to meet the beneficial needs and uses of Lower Basin users in the United States. It is not within Reclamation's discretionary authority to make unilateral adjustments to water deliveries to the international border. Also, as mentioned in response to Comment 56-7, potential effects on habitat and special status species along the river in Mexico and efforts to restore the Delta are being addressed through continued coordination with Mexico. The Executive Order on Environmental Effects Abroad, as discussed by section 3.16.2, focuses on impacts to natural resources, and specifically excludes consideration of socioeconomic impacts.