

COMMENT LETTER

RESPONSES

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

cont'd

active participants in this process. When appropriate, please contact Catherine Kuhlman of our Water Division at 415-744-2001, regarding upcoming meetings and forums. Per Mexico's request (Attachment Q), the FEIS should describe mitigation for possible transboundary impacts and means to address the concerns of Mexico. Potential indirect and cumulative impacts to the Cocopah Indian Tribe and Mexican residents of the Gulf (e.g., shrimp fisherman) should also be acknowledged and described in the FEIS.

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2. Describe in the FEIS what water is used to satisfy the 1.5 maf allocation to Mexico. Is this water part of the 7.5 maf allocated to the Lower Basin States? Is it taken from unused Lower Basin States' apportionment? or Is this water taken equally from the upper and lower basins? Describe where this water would come from under shortage conditions.

WATER QUALITY

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1. The DEIS appears to address only salinity (total dissolved solids) and potential impacts to the Southern Nevada Water Authority (SNWA) drinking water intakes in Lake Mead. EPA is significantly concerned with the potential impacts of interim surplus criteria on perchlorate, nutrients, and mercury in fish tissue. It is clear that Lake Mead surface elevation and volume would decrease thus reducing dilution effects and potentially changing contaminant movement from Las Vegas Wash and within Las Vegas Bay (Section 3.5). The FEIS should evaluate the potential direct, indirect, and cumulative effects of interim surplus criteria on the concentration and movement of perchlorate, nutrients, mercury and other heavy metals within Lake Mead and downstream. Modeling and monitoring of these contaminants and projection of downstream flows may be needed. Amounts of mercury and other heavy metals in fish tissue should be described more accurately. These contaminants are of grave concern because of their potential adverse health effects.

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2. Perchlorate contamination is already known to travel down to the international border. Thus, the FEIS should evaluate potential contaminant impacts to drinking water intakes below Lake Mead. Of special interest are the intakes for MWD's California Aqueduct, especially since the interim surplus criteria will be providing more water for MWD.

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3. Lower Lake Mead surface elevations could result in a reduction in water quality from tributaries (pg. 3.5-22). The reduced water quality is a result of longer channels, more evaporation and heating, and the resulting greater concentration of contaminants. The DEIS states that this adverse effect may be offset by the development of riparian habitat at the mouths of the tributaries which would help filter the water. If this is the case, Reclamation should consider sponsoring efforts to restore tributary wetlands as mitigation for reduced water quality. For example, there is a major effort to restore the historical wetlands of Las Vegas Wash which Reclamation could actively support.

17: The U.S.-Mexico Treaty of 1944 guarantees an annual quantity of 1.5 maf to Mexico. This quantity is a scheduled delivery from Lake Mead, in addition to the 7.5 maf allocated to the Lower Division states. The Colorado River Compact of 1922 stated that if this right was recognized, the water would be supplied by water over and above the Basin States apportionment of 16 maf, and that if such water was insufficient, any deficiency would be borne equally by the upper and lower basin. Under shortage conditions, Article 10 (b) of the Treaty states "in the event of extraordinary drought or serious accident to the irrigation system in the United States....the water allotted to Mexico....will be reduced in the same proportion as consumptive uses in the United States are reduced."

18: Comment noted. Additional information regarding contaminants has been added to Section 3.5 of the FEIS.

19: Through a 1999 consent agreement with the Nevada Department of Environmental Protection, remediation of perchlorate in groundwater entering Las Vegas Wash and Lake Mead will continue into the future which will reduce the concentration of perchlorate down river, at the MWD intake, and below this point. It is expected that the California standard of 18 ppb for drinking water will not be exceeded but reduced in Colorado River water through time. See also response to Comment 56-18.

20: Reclamation is a partner in the Las Vegas Wetland Restoration program and other programs around Lake Mead and along the Lower Colorado River.

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ALTERNATIVES ANALYSIS

Seven States Consensus Alternative

1. Since the alternative announced in the August 8, 2000 Federal Register (Volume 65, Number 153, pages 48531- 48538) appears to represent a consensus agreement between the seven basin states, we anticipate the selection of this alternative as the preferred alternative in the FEIS. As such, we urge Reclamation to provide a full description and environmental evaluation of this alternative in the FEIS. While this alternative may be within the range of the alternatives evaluated in the DEIS, we believe it is important to include a full evaluation of its potential effects in the FEIS to provide a clear comparison with other proposed alternatives. This comparison is of special interest because the Seven States Consensus alternative appears to propose significantly more complex criteria and a shortage determination elevation well below existing management triggers or those proposed by the other alternatives.

As stated, the Seven States Consensus Alternative appears to propose a shortage determination criteria of 20% or greater probability of going below a Lake Mead surface elevation of 1050 msl. This shortage criteria is of significant concern because it is well below the minimum elevation level required for power generation (1083 msl). In addition, reduction of Lake Mead surface elevations below 1050 msl could have significant adverse effects to recreation, water quality, and future water supplies.

2. Give the close link between interim surplus criteria and transition of California down to its 4.4 maf basic apportionment, we are pleased with the proposed review of progress in implementation of California's 4.4 Plan and the specific California water conservation targets set out in the Seven States Consensus Alternative.

3. The Seven States Consensus Alternative includes a commitment by the Metropolitan Water District (MWD) to reparation to Arizona for increased water supply shortages. This reparation would be by MWD agreement to forbear the delivery of a specific quantity of Colorado River water. It appears that the water which would be foregone by MWD would be Priorities 6 and 7 water. The FEIS should describe how this reparation would work, especially in the likely shortage years when water may not be sufficient to provide for priorities 6 and 7 water.

General Alternatives Analysis Comments

1. We strongly recommend anticipated storage and use options for the surplus water be described (e.g., groundwater banks, storage reservoirs, recharge basins). Although these options may already be in use, water available pursuant to interim surplus criteria could significantly modify the management of these facilities and the rate and magnitude of indirect effects.

21: The preferred alternative in this FEIS was derived from the draft Seven States Proposal, and was evaluated at the same degree of detail as the other alternatives. Reclamation did not structure the preferred alternative precisely as described in that draft proposal, but made some changes for consistency with the purpose and need of the proposed action, Reclamation policy and operational procedures. The proposed shortage determination criteria were not included in the preferred alternative. Reclamation regards California's proposed reparation to Arizona for increased shortages as a matter between California and Arizona, and has not included the reparation in this FEIS. The Secretary intends to honor reparation agreements among various entities.

22: Reclamation does not federalize intrastate uses of Colorado River water and does not 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. Those activities are authorized by state and local actions. Other federal permits and environmental compliance may be required for specific facilities on a case by case basis. See also response to Comment 56-10.