

COMMENT LETTER

RESPONSES

**United States Department of the Interior**

U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 640-2720 FAX: (602) 640-2730



In Reply Refer To:

AESO/SE

September 6, 2000

Memorandum

AESO/SE

To: Regional Director, Lower Colorado Region, Bureau of Reclamation, Boulder City, Nevada (Attn: Jayne Harkins LC-4600)

From: Field Supervisor

Subject: Comments on Draft Environmental Impact Statement for Colorado River Interim Surplus Criteria, July 2000

The Fish and Wildlife Service has reviewed the draft Environmental Impact Statement (DEIS) for Colorado Interim Surplus Criteria and we have the following comments for your consideration in finalizing this document. General comments on the document are followed by specific comments relevant to each section of the document.

General Comments

1 The Service appreciates the efforts made to model the future water surface elevations, river flows and flood releases that have been made in this document. Discussions with Bureau of Reclamation personnel have assisted the Service in understanding the modeling assumptions and constraints and we thank the BOR for providing this opportunity. Future reservoir elevations, and thus the opportunity for declaration of surplus conditions over the interim 15 year period, are largely dependent upon inflows to the system, which in turn are dependent upon precipitation patterns that cannot be predicted. The models must therefore look back over the inflow records for the last 85 years to provide a potential view into the future. The effects to water supply and distribution that result from the application of the surplus alternatives to the model are thus entirely hypothetical and may never be realized under actual conditions. We suggest that this fact be stressed to assist the reader in understanding the implications of the action. Additionally, we have some other suggestions for improving the use of modeling.

2 cont'd
below

The analysis results from using the models are not clearly articulated, and often the results are not connected or integrated to other sections where they are used. For example, Arizona depletions in Figure 3.4-5 show a very large median decline that is not reflected in Lake Mead elevations for the same time period. The relationship is unclear. Another example is in the river flow section, 3.3-32, where the relationship between the two analyses and the graphs and tables is not clear and is difficult to follow. Table 3.3-13 is especially confusing since water levels appear to be going

1: Comment noted.

2: Additional explanation has been added to Section 3.3 and Section 3.4 with respect to the interpretation of the figures in these sections and the meaning of the analysis results. Mean monthly flows between Hoover and Parker Dams would increase during the interim surplus criteria period as a result of more frequent surplus deliveries (compared to baseline conditions).

COMMENT LETTER

RESPONSES

2

2
cont'd

up when they should not logically do so. There are also several places in the various figures and tables where different colors or scales or patterns are used than in others of the same type and this is confusing. For clarity we recommend graphing figures that show percent of time levels are likely to occur as either "greater than or equal to" or "less than or equal to" and not use both in different places.

3

There are also many subsections titled "baseline" that actually have all the graphs and tables that contain the surplus alternatives along with the baseline. This is helpful to provide side by side analysis. However, the text supporting the figures and tables does not always confine the observations to the baseline condition, and often there is no discussion anywhere later of the effects from the surplus alternatives. Please provide a discussion of all results in the appropriate places.

4

In Section 3, there are many graphs in which the various percentile lines suddenly join, for example, when the 50th and 10th percentiles become the same level. It would be helpful to the reader if the reason why this occurs was more fully explained. It may not be intuitively obvious why the 50th percentile (50% above and below) should suddenly be equal to the 10th percentile (90% above and 10% below).

5

At several places in the DEIS, the purpose and need for the adoption of interim surplus criteria are stated to be to increase the "predictability" and reduce the "uncertainty" of a surplus being declared by the Secretary. This is not exactly correct. The predictability of the 75R no action or Flood Control alternatives is based on the same water information as the more liberal alternatives. What is actually different is the probability that a surplus would be declared under the more liberal alternatives. The point of this exercise is to provide a way for California to be able to take more than its 4.4 maf apportionment while it implements the 4.4 Plan. This requires that the chance of a surplus being declared be increased from the baseline/no action.

6

We question the separation of NEPA compliance for interim surplus criteria from that for the California Colorado River Water Use Plan (the 4.4 Plan) appears to be questionable. The DEIS and the 4.4 Plan clearly state that without the water provided by some form of interim surplus criteria, the 4.4 Plan cannot be implemented, thus the reason why the criteria are being proposed is clear. The California and Six States alternatives analyzed in the DEIS are very clear on that point as well. We are also concerned that the Flood Control alternative does not have the same inclusion of the water transfers from 4.4 Plan that are in the California, Six States and Shortage Protection alternatives. This suggests that the Flood Control alternative is not meeting the goal of the designation of interim criteria and its validity as an alternative is then questionable. Please explain why this alternative is treated differently.

7

8
cont'd
below

We have other questions regarding alternatives. Given that this project is being done to provide California with a "soft landing" in bringing its actual water use in line with its allocation, we do not see any alternative that only provides exactly the amount of water each year over the 15 year period to keep Metropolitan Water District's aqueduct full. Additional water sources, such as

3: Comment noted. Additional explanation has been added to Section 3.3 and Section 3.4.

4: Specifically, changes in deliveries are often due to a "discrete" condition, such as the change from normal to shortage conditions. This can result in a sudden change in the 50th percentile line, as seen in Figure 3.4-5.

5: The purpose and need of the action is stated correctly. If surplus water is available all Lower Basin States may benefit as their water use needs approach and exceed their allocation. Nevada currently is using surplus water in calendar year 2000 and Arizona will benefit in the future when their need exceeds 2.8 maf. Reclamation's stated purpose to provide greater predictability allows Reclamation and users to project reservoir conditions and uses several years ahead. This allows users advance knowledge of when surplus will and more importantly will NOT be available. The current AOP decision making does not give basin users predictability regarding surplus designations. The Secretary may use the increased probability of surplus, given certain hydrologic assumptions, in making his decision regarding the choice of interim surplus criteria.

6: See response to Comment 13-5

7: The water transfers are in the Flood Control Alternative operational modeling used for the FEIS.

8: The proposed interim surplus criteria are not intended to provide California only with the amount of water to keep the Colorado river Aqueduct full. As is currently the case, when the Secretary determines that surplus water is available in the lower Colorado River Basin, the surplus water is available to the three Lower Division states as discussed in the Decree in Arizona v. California. Under the proposed interim surplus criteria, all three states may avail themselves of surplus water. Although, all use schedules may not have included unused apportionment available from other states. Certainly, the Secretary, each year when he develops the AOP and approves water orders, would consider Article II(B)6 of the Decree.