

COMMENT LETTER

RESPONSES

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264 | paragraph 3: Historically, clapper rails probably used the available marshes in the alluvial valleys of the lower Colorado, the mouth of the Bill Williams River and the considerable marsh habitat of the Gila River valley.

265 | paragraph 4: The recovery goals for the clapper rail are being clarified by the Service based on information provided by rail experts in 1999.

266 | Page 3.16-24, 3.16.6.2
paragraph 6: There has not been a final, one-year finding on the status of the yellow-billed cuckoo. The finding referred to here is the preliminary 3 month finding and this is not definitive as to the status of the subspecies.

Chapter 4: Other NEPA Considerations

267 | Page 4-1, 4.2
paragraph 1: Aren't cumulative impacts the result of other activities than the proposed action that may affect the same resources? If so, the definition here is unclear on that point.

268 | paragraph 2: We understand that no separate analysis of the cumulative impacts has been done, but that all future and baseline effects were carried forward in the modeling. For NEPA considerations, the origin of an action (Federal or non-Federal) is not an issue. However, it is for analyses done for the ESA under section 7. Future Federal actions cannot be considered as baseline or cumulative unless consultation has been completed for them. This is where the question of how future water depletions in the Upper Basin should be considered in this analysis. Future changes in water use in the Lower Basin, especially as regards currently unused apportionments being used by another party, should also be examined. Although this is not a NEPA question, it might be useful to the reader to include a summary of the different ways cumulative effects are defined in NEPA and ESA.

269 | paragraph 3: Cumulative effects are not baseline effects. This should be made clear in this paragraph that there was a compression of the effects analysis to do all things at once.

270 | Page 4-2, 4.3
paragraph 2: The benefit of the proposed action is not increasing the efficiency of the decision making process, it is to increase the availability of surplus water by redefining what is a surplus.

271 | paragraph 3: Over the shortterm, decreased reservoir levels and decreased flood flows and the natural resources affected by these changes are the costs of implementing a surplus alternative.

272 | Page 4-3, 4.4
cont'd | paragraph 1: The surplus criteria could only be revised to be more conservative at the 5
below

264: Comment noted.

265: This update has been added to the discussion.

266: Information on the legal status of the yellow-billed cuckoo has been revised.

267: As stated in the definition from the CEQ regulations, cumulative impact analyses include the proposed action and other actions.

268: Comment noted.

269: The text has been edited.

270: Increasing the availability of surplus water is not the purpose and need of the proposed action. See FEIS Section 1.1.3 for a definition of the purpose and need.

271: Comment noted.

272: Following a decision to implement one of the action alternatives, the Secretary could choose to revert to the current method for determining surplus. A subsequent decision by the Secretary to revert to the current method (i.e., the AOP process without specific interim surplus criteria in effect) would be different than selecting the No Action Alternative at the present time. The likelihood and timing of such subsequent decision is speculative and not analyzed in the FEIS. Any changes to the interim surplus criteria or the LROC at the 5 year reviews would institute the need for appropriate environmental compliance.

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- 272 cont'd | year intervals or additional compliance would be needed. This compliance would have to be based on the present no-action alternative, not on conditions at the time of the review.
- 273 | paragraph 4: There is an irreversible cost in terms of recreational losses and power production, as well as losses resulting from decreased flows occurring earlier in the time period because of the new criteria.
- Chapter 5: Consultation and Coordination
- No comments on this section.
- Supporting Materials
- Glossary*
- 274 | We suggest that more technical terms such as "annual magnitude" flows be included here. Also, that words in the glossary be highlighted in the text at their place of first usage.
- References Cited*
- 275 | Please check with L. Fitzpatrick re the information she provided to A. Pool on 14 April as there may have been a mis-communication.
- 276 | There is no citation for McKernan 1999 and 2000 listed here. These were cited in the Mexico section of the DEIS.
- 277 | Why are the references for section 3.16 separated from the others?
- Attachments
- 278 | *Attachment A: LROC*
page 2: We assume the requirement for the 75 maf over 10 years was included in all modeling done for future conditions?
- 279 | *Attachment D: Surplus Criteria Proposed by Six States*
page 1: We suggest that those parts of the Six States plan that were accepted for the modeling or other consideration in this DEIS be summarized or highlighted in this attachment.
- 280 | page 6, item #6: This is an example for the first comment. There is nothing in the DEIS text that describes a need for California to do this.
- 281 | page 6, item #7: This an another example. In this case, the amount of water available to California would be limited to only that needed to provide for M&I deliveries. There is nothing in the DEIS that accepts or denies this.

273: Reclamation does not believe recreational losses would be irreversible because the reservoirs and river level are constantly fluctuating up and down over time. Lower levels may actually improve some kinds of recreation such as reservoir fishing as fish become more concentrated. Regarding power losses, power production is not a primary function of Hoover Dam. It is third on the list of dam operation priorities behind flood control/improved navigation and irrigation/domestic uses/satisfaction of present perfected rights.

274: The term "annual magnitude flows" is not commonly used in hydrology. In the FEIS, flows shown on an annual basis represent total volume over the year at the specified point.

275: The L. Fitzpatrick citation has been replaced with information from McKernan (1999).

276: Please see response to Comment 57-275 above.

277: This error from the DEIS has been corrected. These and additional references revising the transboundary impacts analysis have been incorporated into a single list of references in the FEIS.

278: Yes, the requirement was included.

279: Reclamation's Six States Alternative was derived from the Six States proposal. The alternative is as described in Chapter 2, and the assumptions used for modeling are described in Section 3.3.

280: Please refer to the purpose and need discussion in Chapter 1.

281: Please refer to Attachment H for a discussion of the water demand schedules.