

COMMENT LETTER

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- 39 | Page 1-12, 1.3.2.2.2
paragraph 2: Is it appropriate here to note how much of the state allocations are not being used (this would include Tribal Rights) that is currently being used by California, and how that amount of water should be first considered before any surplus is provided?
- 40 | Page 1-14, 1.3.2.2.2
paragraph 1: Could a reference be made here to where the listing of PPRs and amounts is given in the DEIS?
- 41 | Page 1-14, 1.3.2.2.3
paragraph 1: In the event of Gila River flows, are normal deliveries to Mexico suspended, under the concept that they can take their apportionment out of the excess water in the river?
- 42 | Page 1-15, 1.3.3
paragraph 2: Please describe the type of NEPA and ESA compliance done for the LROC reviews and modifications.
- 43 | Page 1-15, 1.3.4.1
paragraph 2: The Secretary retains the discretion to give unused allocation to another State. Is there any situation where he would not give the water to a potential beneficial use? For example, if reservoir levels were depressed by several years of drought? The contracts for such use are always temporary, are they not?
- 44 | paragraph 3: Can a State that is not using its whole allocation get any surplus water under the present criteria or any of the potential interim surplus criteria?
- 45 | Page 1-16, 1.3.5
paragraph 1: This paragraph is confusing. We suggest the storage amounts for Mead and Powell be specifically mentioned here instead of in the 2nd paragraph. If Lake Powell also contains upper and lower basin storage, that should be broken out.
- 46 | Page 1-18, Table 1-2
Please note where the AAC contribution mentioned in the preceding paragraph is included in this Table. How does the AAC contribute to Mexico deliveries?
- 47 | Page 1-19, 1.3.6
cont'd
below | paragraph 3: The issue of how much space in Lake Mead is dedicated to flood storage is not completely clear. The 1.5 maf of space for rainfall floods is clear, however, the amount of space needed for snowmelt is not provided. The total storage space needed is defined on page 1-20, but it is still unclear how much is needed in Mead. If this space requirement is flexible based on the amount of storage in other reservoirs, the amount of snowpack predicted, or other factors, these should be provided in the explanation. Perhaps a table of storage space provided in Mead over time would be helpful. Since the availability of flood storage space is an important factor in

39: Consumptive use of Colorado River water in Arizona reported in the Article V Decree accounting records was 2,853.9 kaf in calendar year 1997. Annual consumptive use in Arizona has been less than 2.8 maf in calendar years 1998 (2,566.7 kaf) and 1999 (2,728.0 kaf), and has been projected to be about 2.7 maf for 2000. Consumptive use of Colorado River water in Nevada is projected to exceed that state's 300 kaf apportionment during calendar year 2000. To the extent that all water apportioned to any Lower Division state is not used in that state during any year, the Secretary may release that unused apportionment water under Article II (B) (6) of the Decree for consumptive use in another Lower Division state. Any unused apportionment so released for use in another state will be accounted for as such, effectively reducing a state's use of surplus water.

40: The listing of PPRs and amounts is not in this FEIS but may be found in the supplemental Decree in Arizona v. California, entered by the United States Supreme Court on January 9, 1979 (439 U.S. 419).

41: In the event that the Gila River flows, normal deliveries to Mexico are not suspended. Any Gila River water that flows into the Colorado River becomes Colorado River System water that can be delivered to Mexico in satisfaction of the Mexican Water Treaty. If any Gila River flows result in more water being delivered to Mexico than Mexico scheduled, such excess deliveries do not count against the quantity of water delivered under the Treaty.

42: No NEPA or ESA compliance is required for ongoing operations, such as the LROC reviews under the criteria. However, a categorical exclusion checklist, dated October 31, 1997, was completed for the most recent LROC review that was initiated on August 14, 1996. In the event a review of the LROC identifies a need for a revision of the LROC, appropriate environmental compliance will be completed.

43: Article II(B)(6) of the Decree does not preclude the Secretary from releasing a Lower Division State's unused apportionment for consumptive use in the other Lower Division States. This article of the Decree further stipulates that the users of another state's unused apportionment do not accrue rights to repeated use of this water. This means the Secretary has discretion as to whether to release this water. The Secretary will consider many factors, including but not limited to current and projected reservoir storage, hydrologic conditions, and requests for water deliveries for beneficial use in determining whether to release a state's unused apportionment for use in another state. Section 5 of the Boulder Canyon Project Act requires contracts for delivery of Colorado River water to be for permanent service. Although a Colorado River water delivery contract is for permanent service, unused apportionment is available only when a state does not use all its apportionment and the Secretary releases that water for consumption in another state.

44: During a surplus year, an individual entitlement holder's schedule, diversion, and use of Colorado River water may include both a basic entitlement and surplus water. At the end of the year, the total consumptive use in the entitlement holder's state that year may be less than the apportionment that otherwise would have been available for use in that state in a normal year (basic apportionment). Therefore, even though Colorado River water may be scheduled, diverted, and used as surplus by individual entitlement holders, when Reclamation compiles the annual Article V Decree accounting records after the end of the year, Reclamation would account for this water as basic apportionment. Reclamation accounts for all water use in a Lower Division State as basic apportionment until the consumptive use in that state equals the basic apportionment for that state. This method of accounting is possible because any Colorado River water not used by an entitlement holder in any year passes to another entitlement holder in that state through existing contracts under the water-use priority system for that state.

45: We have modified the section for clarification. Section 1.3.5 describes the facilities on the Colorado River system and their respective storages, not the allocation of water to the Upper and Lower Divisions.

46: A portion of the water delivered to Mexico at the NIB is diverted in to the All American Canal and is delivered through the Pilot Knob and Siphon Drop powerplants into the Colorado River above the NIB.

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- 47 cont'd | the analysis, this additional information would be useful to the reader. Also, if there is flexibility on where the water is stored, this could provide a method to prevent Mead elevations from declining as much if flood storage was available upstream and Mead allowed to stay at a higher elevation.
- 48 | Page 1-20, 1.3.6
paragraph 3: Please describe the relationship between rainfall and snowmelt storage space in Lake Mead.
- 49 | paragraph 4: Since other parts of the DEIS evaluate the effects of having 40,000 cubic feet per second flows, and we know that there are portions of the channel that cannot safely pass those flows, please discuss how the floodway program will be implemented to provide for such capacity.
- 50 | Page 1-21, 1.4
1.4.1: There is no extant NEPA or ESA on this action. We still have concerns about the lack of integration in this DEIS of portions of the 4.4 Plan that require the surplus criteria to be in place. That the section 7 consultation on the interim surplus criteria will also include portions of the 4.4 Plan indicates the degree of linkage between these actions.
- 51 | Page 1-23, 1.4
1.4.3: As noted in the summary, reasonable and prudent alternatives are mandatory, and do not qualify as voluntary conservation actions.
- 52 | Page 1-26, 1.4
1.4.4: The 2nd sentence of the 2nd paragraph addressing surplus criteria in the 1997 BCO is out of place in this paragraph. In the 4th paragraph, it should be noted that non-Federal partners in the LCRMSCP will obtain ESA coverage along with the Federal partners.
- Chapter 2: Description of Alternatives
- 53 | Page 2-1, 2-2-1-1
paragraph 2: Are the total runoff figures for the 70R and 75R based on runoff in the entire Colorado River basin? If so, perhaps it would be helpful to include the average runoff amount for reference purposes. Additional information on why the 75R and not the Flood Control alternative was selected to represent the baseline is needed here. It is important to be clear on what method was used to determine if surpluses in the past did or did not exist.
- 54 | Page 2-2, 2.2.1.2
The "R" strategy is based on the yearly availability of storage space. Is the "P" strategy based on a yearly Lake Mead storage, or is it computed using more than one year to project the risk of shortage?
- 47: The paragraph has been modified for clarification. For more detail regarding flood control releases, we would refer you to the COE Water Control Manual for Hoover Dam, Lake Mead.
- 48: Clarification has been made in Section 1.3.6.
- 49: Details of the responsibility of the various federal agencies is outlined in the "Final Report of the Secretary of the Interior to the Congress of the United States on the Colorado River Floodway Protection Act", dated October 1992. Some of the major implementation methods have been the incorporation of the floodway maps into the National Flood Insurance Program and the Department ensuring that leases and uses of federal lands adjacent to the river are consistent with the operation and maintenance of the floodway.
- 50: See response to Comment 13-5.
- 51: Comment noted.
- 52: The text has been revised as noted.
- 53: The "R" strategies are based on the runoff in the Upper Basin, measured at Lees Ferry, which is described in Section 3.3. Please See the response to Comment 57-11 regarding the selection of the 70R strategy.
- 54: The "P" strategy is computed using more than one year to project the risk of shortage. See Section 2.2.13 for additional information.