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is particularly disturbing to note in paragraph S 4.4 of the DEIS that the “Secretary may choose to 
terminate the interim criteria and revert to the current method” if California fails to meet its 
goals. We believe the commitment to terminate the interim criteria must be an enforceable 
agreement among the states and the Department of the Interior, not a purely discretionary action 
on the part of the Secretary.

As the single largest contract holder for Arizona’s share of Hoover B power, we are interested in 
the impacts of interim criteria on the long term trends of Hoover power production. The model 
results indicate, as expected, that in all scenarios increasing demands for water supply will lower 
reservoir levels and the resulting loss of power head will reduce generation. In analyzing the 
various alternatives, the DEIS compared the changes in hydropower production on a regional 
basis, noting that the hydropower provides only 3.6% of the region’s resources. It would be 
more helpful if the impacts were noted on the specific group of federal hydropower contractors. 
This would be more consistent with the analysis of the economic impacts on pumping costs for 
the SWFA or the economic impact analysis on recreation facilities at Lake Mead and Lake 
Powell.

The DEIS is quite detailed. We question some of the modeling assumptions used, particularly 
the surplus demand schedule, but will not offer any specific comments. We believe adequate 
comments on modeling concerns were raised at the modeling workshop conducted by 
Reclamation.

We disagree with the analysis of the impact of shortages. On page 3.4-5, the DEIS states that 
shortages will impact agricultural water use and recharge initially, then M&I use later. We 
believe shortages will impact Indian use if current settlement discussions result in non-Indian 
agriculture being reallocated for Indian use. In addition, some Indian agricultural water is 
shorted before M&I. While there is more detail included in Tables 3.14-3 and 3.14-4, there is 
some confusion because both Tables have the same title. We believe Table 3.14-4 should be 
titled... With GRIC... In any case, it doesn’t appear the assigned shortages are consistent with 
our interpretation of current priorities or with the priority scheme developed in the GRIC 
settlement discussions.

CAWCD believes that the DEIS improperly considers the impacts in Mexico from Reclamation’s 
actions in the United States. In general, there is a strong presumption against the extraterritorial 
application of U.S. laws. The courts have held that NEPA, in particular, should not be applied 
outside the United States, in part because of potential conflicts with foreign policy and treaty 
matters. That is especially true here, given the 1944 treaty with Mexico.

The CAWCD supports the comments offered by the Arizona Department of Water Resources 
and intends these comments to complement and supplement their comments.

9: Comment noted. Reclamation believes that the level of analysis for energy resources 
presented in the EIS appropriately identifies the potential effects of interim surplus criteria.

10: The water depletion schedules used in DEIS for the modeling of the baseline conditions 
and surplus alternatives were revised and updated by the Basin States for the FEIS. The 
individual states developed these revised schedules in coordination with Reclamation, the 
various Colorado River water contractors, Indian Tribes and local agencies. A summary of the 
updated Upper and Lower Division depletion schedules are presented in Attachments H and K 
of the FEIS, respectively.

11: The modeled Colorado River water deliveries under the baseline conditions and surplus 
alternatives assumed that all Arizona shortages would be absorbed by the Central Arizona 
Project. Reclamation acknowledges that under the current priority framework, there would be 
some sharing of Arizona shortage between the Central Arizona Project and other Priority 4 
users. However, the bases or formula for the sharing of Arizona shortages is the subject of 
current negotiations and as such, could not be adequately modeled for the FEIS. The water 
supply conditions modeled for the FEIS were used to evaluate the relative differences in water 
deliveries to each state under baseline conditions and the surplus alternatives. The normal, 
surplus and shortage condition water depletion schedules modeled in the FEIS are consistent 
with the depletion schedules prepared by the Basin States for this purpose.

12: The applicable guidance appears to be contrary to your comment. EO 12114, 
Environmental Effects Abroad of Major Federal Actions, 44 FR 1957, 1979 WL 25866 (Pres.) 
requires that federal agencies "... consider the significant effects of their actions on the 
environment outside the U.S., its territories and possessions,..." Recent CEQ guidance for 
transboundary impacts, dated July 1, 1997, appears consistent with the approach in the 
Executive Order.

13: Comment noted.
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In summary, CAWCD can support the 7-Basin States’ Proposal with: 1) a stronger enforcement mechanism in the event that California does not comply with its 4.4 MAF plan; 2) enforceable commitments for California’s repair of increased water supply shortages; and 3) a commitment to develop more specific supply/demand short-term criteria similar to the 602(a) criteria used for Lake Powell in the future.

Sincerely,

[Signature]

David S. “Sid” Wilson, Jr.  
General Manager

[Email]

[File location]

cc: Rita Pearson, ADWR