

COMMENT LETTER

RESPONSES

**IRRIGATION & ELECTRICAL DISTRICTS  
ASSOCIATION OF ARIZONA**

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TELECOPIED AND MAILED  
(Fax no.: 702-293-8042)

September 8, 2000

*PC 001001  
4600*

Ms. Jayne Harkins, BC00-4600  
Lower Colorado Regional Office  
Bureau of Reclamation  
P.O. Box 61470  
Boulder City, Nevada 89006-1470

Re: Comments on the Draft Environmental Impact Statement for  
Lower Colorado River Interim Surplus Criteria (ISC), 65  
Fed.Reg. 42028 (July 7, 2000) and 65 Fed.Reg. 48531 (August  
8, 2000)

Dear Ms. Harkins:

These comments are intended to supplement my oral comments given  
at the Public Hearing on this subject on August 24, 2000 in  
Phoenix, Arizona, which oral comments are incorporated by  
reference. We also endorse and support the comments that have  
been filed by the Colorado River Energy Distributors' Association  
and the oral comments and written comments provided by the  
Arizona Power Authority Commission, the Arizona Department of  
Water Resources and the Central Arizona Water Conservation  
District.

These comments will deal with four subjects: the comment period  
and late comments, the preferred alternative, power impacts, and  
the extraterritorial application of the National Environmental  
Policy Act (NEPA) and the Endangered Species Act (ESA).

COMMENT PERIOD

At the hearing in Phoenix, there was some discussion about the  
need for acquisition of additional information and additional  
comments. After the original notice of availability and the  
availability of the Draft Environmental Impact Statement (DEIS),  
the seven Basin states proposed an alternative not included in  
the DEIS. That alternative was published in the Federal Register  
on August 8, 2000 and has since undergone some additional  
modification. The question arose whether the Bureau of  
Reclamation (Reclamation) could accept additional comments and  
information after the close of the comment period on September 8,  
2000. The simple answer to that question is yes. Commenting is  
covered by the Council on Environmental Quality (CEQ) regulations

1: Consultation and coordination is an ongoing process during the preparation of an EIS. Reclamation is aware of the regulations and guidance you cite, and makes every reasonable effort to include and respond to late comments from regulatory agencies. To the extent possible, Reclamation also includes other substantive comments received after the close of the public comment period for the DEIS.

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at 40 C.F.R., Part 1503. While the regulations in that part do not specifically address the question of comments received after the expiration of a comment period set under 40 C.F.R. § 1501.8, the regulations do anticipate that all substantive comments received will be attached to the Final Environmental Impact Statement (FEIS) and those meriting response will be included in the responses in the FEIS. The clear implication is that substance will control over form and that information received prior to the completion of the FEIS should be included in the process. Additionally, the Department of Interior Manual, at 516 DM 4.17, says

"B. When other commenters are late, their comments should be included in the final EIS to the extent practicable."

And the Bureau of Reclamation Handbook, paragraph 8.15.2.4 contains a similar requirement.

Thus, additional information and comments can be obtained by Reclamation for the FEIS. It would be important to have that material in writing so it can be included with the FEIS, as required by 40 C.F.R. § 1503.4(b).

PREFERRED ALTERNATIVE

2

In the FEIS, Reclamation must designate a preferred alternative. 40 C.F.R. § 1502.14(e). That should be the seven-state alternative articulated in the August 8, 2000 Federal Register notice as further modified and discussed at the Phoenix hearing and, we presume, the other hearings. NEPA is a planning process and the EIS a planning analysis document focused on environmental consequences to a proposed action and reasonable alternatives. As such, it is perfectly positioned to make the sort of adjustments necessary that are called for here in order for the seven-state alternative to be the preferred alternative in the final EIS. See Answer to Question 29b., 40 Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations. Indeed, the dialogue necessary to refine the seven-state alternative as the preferred alternative enhances the quality of the NEPA process by clarifying the proposed action and allowing the environmental analysis of it to be more discrete and comprehensive.

2: The preferred alternative in this FEIS is derived from the Seven State Proposal. 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 for the proposed action, Reclamation policy and operational procedures.

POWER IMPACTS

3

Without belaboring comments you have already received and other comments you are receiving on this subject, from the Arizona Power Authority, the Colorado River Energy Distributors' Association and others, let me focus on the cure to the

3: 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 compared with baseline conditions.

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inadequacies of Section 3.10 on energy resources in Chapter 3 on Affected Environment and Environmental Consequences. You must agree that the oversimplified discussion in this section does not pass the pink-face test. This region of the country is no longer capacity rich nor is it in a surplus condition with regard to energy, especially in summer months. If such surpluses existed, the 13 merchant plants being built in Arizona, or at least planned, would not even be being discussed. Nor would power bills have tripled this summer in San Diego. To correct the deficiencies in impact analysis on customers of the affected hydropower resources and the total lack of analysis of reliability impacts, I suggested to you at the hearing and I will repeat the suggestion that you reach out to the Western Systems Coordinating Council, the Colorado River Energy Distributors' Association, the Arizona Power Authority and other power customer organizations, including ours, for information on impacts that can be incorporated in the final EIS. Others have already volunteered to assist and we do likewise. These impacts must be quantified because the EIS is totally devoid, as are all of the action proposals, of any discussion of compensating those who will lose benefits from lost hydropower production and are not in a position to enjoy any of the benefits of water supply in return during times of shortage. One cannot ignore the class of beneficiaries of the hydropower projects involved that have this single source of benefit from these multi-purpose hydropower projects, i.e., hydropower.

EXTRATERRITORIAL APPLICATION OF NEPA

- I. It is inappropriate and unnecessary to include an analysis of impacts to the Mexican Delta in the ISC EIS.
  - A. There is a strong presumption against extraterritorial application of statutes.

"It is a longstanding principle of American law 'that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States.' ... This 'canon of construction ... is a valid approach whereby unexpressed congressional intent may be ascertained.'" *EEOC v. Arabian American Oil Co. ("Aramco")*, 499 U.S. 244, 248 (1991) (quoting *Foley Bros. v. Filardo*, 336 U.S. 281, 285 (1949)).

"The general and almost universal rule is that the character of an act as lawful or unlawful must be determined wholly by the law of the country where the act is done... [This] would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power."

4: 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.

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American Banana Co. v. United Fruit Co., 213 U.S. 347, 356, 357 (1909).

The presumption against extraterritorial application is expressed most clearly by the holding in Aramco, 499 U.S. 244 (1991). The Aramco Court applied the presumption to Title VII, concluding that the statute did not apply to employment discrimination by an American company against an American citizen that occurred beyond U.S. boundaries. Despite the argued evidence that Congress intended Title VII to apply extraterritorially (i.e., Congress' specific reference which exempted employers "with respect to the employment of aliens outside any State" 42 U.S.C. 2000e-1 (1988)), Chief Justice Rehnquist held that only a "clear statement" in the language of the statute would be sufficient to overcome the presumption. 499 U.S. at 258.

Congress subsequently amended Title VII to overcome the result in Aramco. See 42 U.S.C. 2000e(f) (1994); id. 2000e-1(c); and id. 2000e-1(b). However, this does nothing to the presumption as declared by Chief Justice Rehnquist. In fact, Congress' action in this instance highlights three of the six (see II.F., post) sound policy reasons for the presumption. They are (1) the presumption provides legislators with a clear rule which allows them to predict the application of their statutes; (2) "the commonsense notion that Congress generally legislates with domestic concerns in mind," (Smith v. United States, 507 U.S. 197, 204 (1993)); and (3) separation-of-powers concerns (i.e., determination of how to apply federal legislation is beyond the constitutional scope of the judicial branch).

Furthermore, the Supreme Court has recently applied the presumption against extraterritoriality not only to Title VII, but also to the Foreign Sovereign Immunities Act, the Federal Tort Claims Act, the Immigration and Nationality Act, and, in a concurring opinion, Justice Stevens applied it to the Endangered Species Act. See Argentine Republic v. Amerasia Shipping Corp., 488 U.S. 428, 440-41 (1989); Smith v. United States, 507 U.S. 197, 203-04 (1993); Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 173-74 (1993); and Lujan v. Defenders of Wildlife, 504 U.S. 555, 585-89 (1992), respectively. In Smith, Chief Justice Rehnquist applied the presumption again noting that it requires "clear evidence of congressional intent." 507 U.S. at 204. Similarly, in Sale, the Court held that Acts of Congress "do not have extraterritorial application unless such an intent is clearly manifested." 509 U.S. at 188. Therefore, in order to rebut the presumption against extraterritoriality, the statute must reflect the clear intent of Congress to do so. Language subject to varied interpretation is not sufficient. Aramco, 499 U.S. 244, 266-78 (1991).

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B. NEPA does not cover actions taken in other sovereign nations.

The issue of whether NEPA may be applied extraterritorially has yet to come before the Supreme Court of the United States. However, as noted above, there is a strong presumption against extraterritorial application of statutes, which includes NEPA, unless Congress clearly expresses otherwise. Aramco, 499 U.S. 244, 248 (1991). A review of the lower courts' case law supports applying this presumption to NEPA.

Three cases are most instructive in concluding that NEPA should have no extraterritorial application here. The first is Natural Resources Defense Council, Inc. v. Nuclear Regulatory Commission ("NRDC"), 208 U.S. App. D.C. 216, 647 F.2d 1345 (D.C. Cir. 1981). NRDC concerned nuclear shipments to the Phillipines, to which the court held that "NEPA does not apply" extraterritorially. Id. at 1366. While limited to nuclear export licensing decisions, the court explained "NEPA's legislative history illuminates nothing in regard to extraterritorial application." Thus, in the absence of any "clear evidence of congressional intent" the presumption against extraterritoriality will prevail. Smith v. United States, 507 U.S. 197, 204 (1993).

The second case regarding the extraterritoriality of NEPA is Environmental Defense Fund v. Massey ("EDF"), 300 U.S. App. D.C. 65, 986 F.2d 528 (D.C. Cir. 1993). The court in EDF held that the presumption did not apply, and consequently that NEPA did apply to the National Science Foundation's attempt to incinerate food wastes in Antarctica. However, the court relied heavily, if not entirely, upon Antarctica's sovereignless status and the potential "clashes between our laws and those of other nations." Id. at 532.

Most importantly, the court limited its holding to the specific facts of that case and did "not decide today how NEPA might apply to actions in a case involving an actual foreign sovereign..." Id. at 837. And EDF also preceded Chief Justice Rehnquist's reaffirmation in Smith, 507 U.S. at 204: "The presumption is rooted in a number of considerations, not the least of which is the commonsense notion that Congress generally legislates with domestic concerns in mind." Thus, the EDF holding is limited to its unique facts.

The third case that addresses extraterritorial application of NEPA also addresses the holding in EDF. In NEPA Coalition of Japan v. Aspin ("Aspin"), the court distinguished EDF, stating, "The [EDF] court expressly limited its ruling by refusing to decide whether NEPA might apply to actions involving an internationally recognized sovereign power." 837 F.Supp. 466, 467 (1993) (citing EDF, 986 F.2d at 537). The Aspin case asks whether NEPA requires the Department of Defense to prepare an EIS

5: NEPA does cover actions taken in the United States. The Executive Order 12114 is used to provide the decisionmaker complete information regarding the impact of the decision (See Section 1-1 of the EO in Attachment B). Additional guidelines on the applicability of NEPA to transboundary impacts that may occur as a result of proposed federal actions in the United States are contained in a memorandum prepared by the Executive Office of the President, Council on Environmental Quality. A copy of this document (CEQ Guidance on NEPA Analyses for Transboundary Impacts - July 1, 1997) is also provided in Attachment B.

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 for military installations in Japan. The court held that "the presumption against extraterritoriality not only is applicable, but particularly applies in this case because there are clear foreign policy and treaty concerns involving a security relationship between the United States and a sovereign power." 837 F. Supp. at 468. A similar result not involving a treaty was reached in Greenpeace, USA v. Stone, 748 F.Supp. 749 (D. Hawaii 1990), appeal dismissed as moot, 924 F.2d 175 (9th Cir. 1991). Therefore, because of the above-cited case law, NEPA remains subject to the presumption against extraterritoriality in other sovereign nations.

C. The Treaty implications here require restraint.

1. Water deliveries are not the only Treaty matters that can be impacted.

6: Reclamation agrees. See Chapter 5 for further information regarding consultation with Mexico.

Treaty relations and relationships will be impacted even if water deliveries are not.

"[The] presumption [against extraterritorial application] has special force when we are construing treaty and statutory provisions that may involve foreign and military affairs for which the President has unique responsibility." Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 188 (1993) (quoting United States v. Curtiss-Wright Export Corp., 299 U.S. 304 (1936)).

6

The DEIS states that treaty water deliveries to Mexico (1.5 MAF/year) will not be affected by the implementation of the ISC. Chapter 3, Subsection 3.16.3. However, availability of treaty surplus water is specifically excluded from the DEIS. Chapter 1, Subsection 1.1.4. That, in and of itself, impacts relationships governed by the 1944 U.S./Mexico Treaty and Minute 242. It is literally impossible to assess impacts in Mexico, presumably in the Mexican Delta, without affecting relationships in Mexico, including relationships with the Mexican government. What sort of separate consultations with the Mexican government through the International Boundary Water Commission (IBWC) result from IBWC cooperating agency status? Conduct of studies? Peer review? Where does it stop?

7: See response to Comments 22-4 and 22-5..

2. If there are no treaty water delivery impacts, then there is even less reason to invade Mexican sovereignty, especially for blatantly speculative analysis purposes.

7

Since water is the sine qua non for Mexican Delta impacts, if no changes in treaty water deliveries will result, an impact analysis is irrelevant, worthless, and a waste of scarce federal funds. Continued compliance with the treaty is the only relevant subject. Since that is a given, nothing else remains to be done.

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The DEIS notes that its analysis is keyed to the availability of "excess" water. However, the DEIS acknowledges that Mexico has no obligation to allow such water to flow through the Delta. Subsection 3.16.2. Indeed, the DEIS assumes consumptive use of such water. Ibid. Then the DEIS blithely goes on to model and discuss excess flows that are presumed to be targets of consumptive use demands as if they will flow through the Delta. This is sheer speculation and not required under NEPA. Environmental Defense Fund, Inc. v. Hoffman, 566 F.2d 1060 (8<sup>th</sup> Cir. 1977); Life of the Land v. Brinegar, 485 F.2d 460 (9<sup>th</sup> Cir. 1973); Forty Most Asked Questions, No. 18.

D. Executive Order 12114 does not support extraterritorial NEPA application.

8: See response to Comment 22- 4.

8

E.O. 12114 is cited as support for extraterritorial NEPA analysis. It cannot support studying the impacts of the ISC in Mexico for three reasons. First, it predates all of the relevant case law which contradict its basic premise, including NRDC and Aspin, as well as Smith, Sale, etc. Second, it exempts actions not having significant effect outside the United States. Third, it exempts "actions taken...pursuant to the direction of [a] Cabinet officer when the national...interest is involved...", i.e., when a treaty is implicated.

9: Reclamation notes that the cited CEQ guidance memorandum does not provide exemptions based on instances where treaties exist.

E. The memorandum entitled "Council on Environmental Quality Guidance on NEPA Analyses for Transboundary Impacts" does not justify extraterritorial NEPA application where, as here, a treaty is clearly implicated.

9

The CEQ Memorandum itself cautions that the scoping process should eliminate transboundary analyses if the information is not needed. Thus, here it would exclude Section 3.16 itself. But to the extent Reclamation relies on this document, we hasten to point out its two fatal flaws. First, it totally disregards the presumption against extraterritorial application. Second, it totally avoids discussion of applications of NEPA where treaty relationships are involved. Since the document recognizes that it has no force beyond existing case law, it provides no support here in the face of NRDC and Aspin.

EXTRATERRITORIAL APPLICATION OF ESA

II. ISC decisions cannot be based on analysis of ESA-related impacts, if any, to the Mexican Delta resulting from river operations conducted pursuant to the ISC.

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10 | A. Using the EIS to examine extraterritorial impacts to endangered and threatened species is extraterritorial application of the ESA.

10: ESA consultation on this domestic action was completed between Reclamation and the Service and NMFS as directed by the Department of Interior Solicitor and the Commissioner of Reclamation. There is no final resolution of the legal question of application of the ESA to extraterritorial impacts. Reclamation and the Department recognize that this consultation may provide more information than the law requires. However, doing so provides the Secretary a better basis for his determinations and a better understanding of potential impacts.

11 | By definition, any analysis which accounts for potential impacts beyond our borders necessarily is applying the Endangered Species Act extraterritorially. See: Lujan v. Defenders of Wildlife, 504 U.S. 555, 585-89 (1992) - Stevens, J., concurring in the judgment. Using a Mexican Delta endangered and threatened species analysis as part of the EIS extends the force of the ESA across the Southern International Border with Mexico, when that analysis is presented to the decision-maker, here the Secretary of the Interior.

11 | B. There is a strong presumption against extraterritorial application of statutes absent clearly expressed Congressional intent. [See I.A., supra.]

11: Comment noted.

12 | C. Section 7(a)(2) of the Endangered Species Act lacks any Congressional intent to apply these provisions extraterritorially.

1. Section 7(a)(2)'s silence on extraterritorial application requires a contrary conclusion.

12: Comment noted.

12 | In his concurring opinion, Justice Stevens addressed this precise point. He stated, "[T]he absence of any explicit statement that the consultation requirement is applicable to agency actions in foreign countries suggests that Congress did not intend that 7(a)(2) apply extraterritorially." Lujan v. Defenders of Wildlife, 504 U.S. 555, 588 (1992). The only geographic reference in Section 7(a)(2) is "affected States" as it applies to critical habitat. Clearly, Section 7(a)(2) lacks any explicit reference to application in foreign countries and thus, Congress did not intend that it apply extraterritorially.

Moreover, in reviewing Title VII, the Court held that vague references such as "outside any State" were not sufficient to apply that statute extraterritorially. Aramco, 499 U.S. at 258. Thus, if written, albeit vague, references were not enough to warrant an expression of Congressional intent, surely silence on extraterritorial application must also fail.

2. Section 7's silence reflects Congressional intent.

13: Comment noted.

13 | As noted by Justice Stevens concurring opinion in Lujan v. Defenders of Wildlife, Sections 8 and 9 of the Endangered Species Act specifically address application of these sections abroad. 504 U.S. at 588. Section 7 does not. Thus, Congress clearly knew how to draft extraterritorial application of ESA provisions,

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yet chose not to in Section 7. As reasoned above, this absence of Congressional intent necessarily must yield to the presumption against extraterritorial application of statutes.

D. Fish and Wildlife Service's own regulations prevent extraterritorial application.

1. The 1986 changes in the regulations specifically limited application of ESA.

14: Comment noted.

The scope of the ESA is expressed, in pertinent part, as follows:

"Section 7(a)(2) of the [ESA] requires every Federal agency, in consultation with and with the assistance of the Secretary, to insure that any action it authorizes, funds or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species." (Emphasis added.) 50 C.F.R. § 402.01.

14

The Secretary of the Interior and the Secretary of Commerce have consistently taken the position that they need not designate critical habitat in foreign countries. See 42 Fed. Reg. 4869 (1977) (initial regulations of the Fish and Wildlife Service ("F&WS") and the National Marine Fisheries Service ("NMFS")).

Conversely, in 1978 the F&WS and NMFS promulgated a joint regulation stating that the obligations imposed under 7(a)(2) extend abroad. However, almost immediately the Department of the Interior began to reexamine its position. Consequently, in 1983 a revised joint regulation, reinterpreting 7(a)(2) to require consultation only for actions taken in the United States or on the high seas, was proposed (48 Fed.Reg. 29990) and in 1986, promulgated (51 Fed.Reg. 19926; 50 C.F.R. 402.01 (1991)).

That this restriction applies to effects as well as actions must follow for it would prove "illogical to conclude that Congress required federal agencies to avoid jeopardy to endangered species abroad, but not destruction of critical habitat abroad." Lujan, 504 U.S. 555, 588.

This analysis is confirmed by the concomitant restrictive language in the definition of "action", in pertinent part, as:

"All activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas." (Emphasis added.) 50 C.F.R. § 402.02.

15

2. Agency construction of the Act was clearly expressed in the 1986 rulemaking.

15: Comment noted.

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One need look no further than the F&WS explanation in its 1986 rulemaking for clear intent that the ESA's operative provisions are not to be applied extraterritorially.

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"The 1978 rule extended the scope of section 7 beyond the territorial limits of the United States to the high seas and foreign countries. The proposed rule cut back the scope of section 7 to the United States, its territorial sea, and the outer continental shelf, because of the apparent domestic orientation of the consultation and exemption processes resulting from the Amendments, and because of the potential for interference with the sovereignty of foreign nations. Several commenters asserted that the rules should continue to have extraterritorial effect. The scope of these regulations has been enlarged to cover Federal actions on the high seas but has not been expanded to include foreign countries." 51 Fed.Reg. 19929-19930 (1986).

The F&WS has interpreted Congressional amendments to the ESA for over a decade as evincing an intent for domestic application. The F&WS is bound by its own longstanding administrative interpretation and so is Reclamation.

E. Using an analysis of extraterritorial impacts effectively applies § 7(a)(2) extraterritorially, which is unlawful.

16: Comment noted.

16

Because Section 7(a)(2) does not demonstrate any, much less clear, Congressional intent concerning their foreign application, under the presumption against application of statutes, Section 7(a)(2) must be confined to application within the United States. Inserting the ESA analysis in the DEIS, Subsection 3.16.6, coupled with consultation with IBWC, Subsection 3.16.3, constitutes preparation of a de facto Biological Assessment under the ESA. Thus, this analysis of extraterritorial impacts is an impermissible application of the ESA.

F. Sound public policy demands that ESA application remain focused on impacts in the United States where, as here, a treaty covers the area in question.

17: Comment noted. Reclamation acknowledges there are various sound public policy perspectives on this issue. Reclamation has appropriately focused on its ESA compliance within the United States.

17

There are six oft-cited reasons for the presumption against extraterritorial application. (1) The presumption provides legislators with a clear background rule which allows them to predict the application of their statutes; (2) "the commonsense notion that Congress generally legislates with domestic concerns in mind" (Smith, 507 U.S. 197, 204 (1993)); (3) Separation-of-powers concerns (i.e., the determination of whether and how to apply federal legislation to conduct abroad raises difficult and sensitive policy questions that tend to fall outside both the

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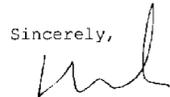
institutional competence and constitutional prerogatives of the judiciary); (4) international law limitations on extraterritoriality, which Congress should have been assumed to observe; (5) consistency with domestic conflict-of-laws rules; and (6) the need to protect against unintended clashes between our laws and those of other nations which could result in international discord. See, Dodge, "Understanding the Presumption Against Extraterritoriality," 16 Berk. J. Int'l Law 85 (1998).

1. Treaty relations and relationships will be impacted even if water deliveries are not. [See I.C.I., supra.]
2. Hydrologic impact would most likely result if extraterritorial impacts colored the decision.

It is difficult to imagine how a decision-maker, let alone the preparers of the EIS, will not be influenced by impact analysis in the Mexican Delta. Even if water deliveries are not impacted, some hydrologic, water quality or other changes will result from merely weighing the information. To think otherwise is to defy common sense. Treaty relations will be affected. Section 3.16 should be deleted from the FEIS.

Thank you for the opportunity to comment on this important proposal.

Sincerely,



Robert S. Lynch  
Asst. Secretary/Treasurer

RSL:psr

cc: Hon. Jane Dee Hull, Governor of Arizona  
Arizona Congressional Delegation  
IEDA Board of Directors  
John Lesby, Solicitor, Department of the Interior  
Rita Pearson, Director, Arizona Department of Water Resources  
Gerald Zimmerman, Executive Director, Colorado River Board of California  
George M. Caan, Director, Colorado River Commission of Nevada  
Wayne Cook, Executive Director, Upper Colorado River Commission

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Philip Mutz, New Mexico Interstate Stream Commission  
John Shields, Wyoming State Engineer's Office  
Douglas Miller, General Counsel, CAWCD  
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