

COMMENT LETTER



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RESOURCES

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
D. Larry Anderson  
Division Director  
1594 West North Temple, Suite 310  
PO Box 146201  
Salt Lake City, UT 84114-6201  
801-538-7230  
801-538-7279 (Fax)

SEP 11 2000

September 6, 2000

BCCO/BCCO  
4600

Ms. Jayne Harkins  
Attention BCCO-4600  
P.O. Box 61470  
Boulder City, Nevada 89006-1470

*Jayne Harkins*  
Ms. Harkins

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) and supplemental information on the "Colorado River Interim Surplus Criteria". This important issue is of vital concern to Utah and all of the Colorado River Basin States.

1 While Utah recognizes the Lower Colorado River Basin's (in particular California's) demand for water exceeds their Compact apportionment, we have long been concerned that little was being done in California to manage its demand for Colorado River water. It is with hope that we see the development of Interim Surplus Criteria as a way to provide California and the Lower Basin an opportunity to put in place demand management constraints that will allow the Lower Basin to live within its compact apportionment, while providing California with a higher degree of certainty of keeping the Metropolitan Water District aqueduct full for the next 15 years. All of the Basin States and the Department of Interior (DOI) are to be congratulated for their earnest efforts in cooperating on this issue and attempting to develop an acceptable solution.

1: Comment noted.

As in many issues dealing with the Colorado River, technical answers are far easier to obtain than acceptable solutions. In dealing with interstate and federal/state issues on the Colorado River, political compromise and consensus is, along with technical knowledge, the only way to obtain a workable solution. With this in mind, I would like to address a disconcerting premise in the No Action/Baseline alternative of the DEIS.

2 The DEIS states "In order to follow the Council on Environmental Quality (CEQ) guidelines calling for No Action alternative for use as a "baseline" against which to compare project alternatives, the Bureau of Reclamation selected a specific operating strategy that represents possible future operating conditions in the absence of interim surplus criteria..." (Paragraph 3 of page S4 of the DEIS). The No Action/Baseline strategy wrongly selected by the Department of Interior was 75R. Without getting into the technical merits of a 75R versus a more conservative 70R strategy, I would point out that prior to the start of the Interim Surplus Criteria process, the 70R strategy was the political compromise accepted by the Seven Colorado River Basin States as part of the Annual Operating Plan (AOP) development process. For the DOI to

2: The 70R strategy is used for the baseline in this FEIS.

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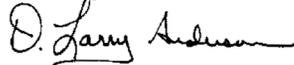
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choose any other baseline than 70R is unacceptable and raises questions of trust and hidden agendas. We understand this baseline was an error and will be corrected in the final document. Utah requests the No Action/Baseline alternative be rewritten using a 70R strategy to reflect the historic process that has been use by the Department of Interior and the Seven Colorado River Basin States in developing the Annual Operating Plan each year.

3

In the spirit of cooperation and consensus, the Seven Basin States have recently developed and presented the "Seven Basin States Interim Surplus Guidelines" (Guidelines), as requested by the Secretary of Interior in his keynote address at the December 1999 Colorado River Water Users Workshop in Las Vegas. The Secretary indicated he would use the states Guidelines to administer the Lower Colorado River Basin water supply during the next 15 years if the states could develop a consensus position. The Guidelines have been painstakingly developed and are the result of much effort and compromise of all the parties. The Guidelines have been published in the Federal Register (August 8, 2000, page 48531). These Guidelines include: 1) protection of Upper Colorado River Basin Water Users, 2) protection of water levels in Lake Powell, 3) and enforceability of California's commitment to manage demand to 4.4 million acre-feet per year of Colorado River Water. These three items are critical for Utah's and the other basin states support of the new Interim Surplus Criteria.

Utah feels the Guidelines fit within the range of the alternatives evaluated as part of the DEIS. It is Utah's full expectation the Guidelines will be adopted by the Secretary of Interior in his Record of Decision. Given how hard it is to craft a compromise and develop support for these issues on the Colorado River, the "Seven Basin States Interim Surplus Guidelines" must not be ignored; and the Secretary of Interior needs to fulfill his promise to implement the Guidelines developed by the states as the preferred alternative in the Final EIS.

Thank you,  
  
D. Larry Anderson, P.E.  
Director

cc: Governor Michael O. Leavitt  
Upper Colorado River Commission  
Seven Basin States

3: The preferred alternative in this FEIS is the Basin States Alternative which was derived from the draft Seven States Proposal. Reclamation was unable to structure the preferred alternative precisely as described in that draft proposal, but made some changes for consistency with the purpose and need of the proposed action, Reclamation policy and operational procedures. Reclamation's detailed description of the Basin States Alternative is in Attachment I.