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unused allocation from Arizona and Nevada, should be factored into the amount actually needed by California. This concept is mentioned in the Six States Plan, but the analysis on that plan does not appear to include this point. If this idea was rejected early on, it should be mentioned as is the Pacific Institute's proposed alternative.

9

The descriptions of the alternatives in the Attachments contain ideas and concepts that do not appear to be reflected in the models or analyses done on the results. This includes requirements for California to meet at intervals during the 15 years, commitments to offset increased risks to Arizona that result from increasing supplies of water to California and other issues. It may be appropriate to include in the main part of the DEIS a discussion of these other issues to provide a fuller picture of each alternative.

10

We are concerned about the inclusion of the approximately 1.2 million acre foot increase in Upper Basin water depletions between 2000 and 2050 being considered part of the baseline for running the models. Environmental compliance under the National Environmental Policy Act and Endangered Species Act may not have been completed for all 1.2 million acre feet. Future water depletions should be considered under cumulative effects for NEPA, not as baseline unless compliance has been completed. Under the ESA, future Federal actions cannot be considered as cumulative because they must undergo their own section 7 consultation, so they do not factor into the analysis at all. It is important to provide for accurate analysis in both the NEPA and ESA forum. It may be useful to provide an explanation of why this increase in depletions is considered as it is in the document.

11

The DEIS could be more clear on which criteria, the 75R or Flood Control, has been used since 1998 to declare surplus conditions on the river. Our impression was that Flood Control criteria devised by the BOR and Corps of Engineers to provide for adequate space in Lake Mead was the governing factor. However, there is mention in the Attachments of the development of the 75R criteria to address surplus determinations. Please clarify which is correct for use as the no action alternative and which would be the default post 2015.

12

The effects analysis concentrates on the river section in the Grand Canyon and often does not include the river sections from Davis Dam to Lake Havasu or the Parker to Imperial reach. Since there will be effects to these reaches, they should be included in the effects sections.

13

There are many words and phrases in the text that could benefit from being placed in the Glossary such as the difference between water allocations, allotments and entitlements. Perhaps it would also be helpful to the reader if all words and phrases in the Glossary were highlighted somehow when they appear in the text.

Specific Comments

Note: Specific comments are grouped by the section of the document. Where there are comments common to several parts of the section, for example, models and results for Arizona,

9: The alternatives based on proposals by the states do not necessarily contain all the provisions of the state's proposals.

10: Reclamation did not structure the alternatives precisely as described in the attached proposals, but made some changes for consistency with Reclamation policy and operational procedures.

11: The 75R strategy was used for the baseline to represent the operation that has occurred in the recent past. In Reclamation's judgement the results of modeling the operation of Lake Mead with the 75R strategy provided a suitable representation of the past conditions. The choice between 75R and 70R was a "close call"; however, and as the result of public comment of the DEIS, Reclamation used the 70R strategy for operational modeling of the alternatives in this FEIS. While it is correct that the flood control operating rules have played a major role in operating the system and determining surplus water in the last few years, the flood control rules have not always been used so the average operation is not strictly consistent with the flood control rules. Moreover, in the future when flood control operation does not occur, surplus determinations will be made using the AOP process which considers a dynamic range of factors that may not involve flood control operations.

12: Additional discussion of potential effects below Lake Mead have been incorporated into Section 3.5, Water Quality; Section 3.8, Special-Status Species; and Section 3.7, Aquatics (potential effects of changes in Hoover Dam release water temperature on fisheries below Hoover Dam to Lake Mohave).

13: The FEIS includes definitions in the glossary for water allocations, water allotments, and water entitlements. Words cited in the glossary will not be highlighted in the text of the document due to concern that it would be confusing and detract from the flow and readability of the document.

Nevada and California, they are provided once with the understanding they apply to all times the issue is presented.

Summary

Most of the comments in this section reflect ones that will be made in the appropriate DEIS section, but are provided here for completeness.

- 14 | Page S-2, S.1.4
The purpose and need for the action should more clearly focus on the need for California to have additional water in order to implement the 4.4 Plan, and that "predictability" is not a driving force for the interim criteria.
- 15 | Page S-3, S.1.5
Please explain why the California Colorado River Water Use Plan is not considered to be a part of this action since the interim surplus criteria are essential to its success.
- 16 | Also, under "Actions Related...", reasonable and prudent alternatives are not conservation actions. The latter are voluntary and the former are mandatory.
- 17 | Page S-4, S.2.1
Please clarify whether the 75R or the Flood Control alternative should be correctly considered the baseline condition.
- 18 | Page S-5, S.2.2.
Please clarify how this is different from the way past surpluses were declared. Also, please explain whether or not this alternative provides all the water anyone wants to request, or if it is limited to the amount of water over the 1211 elevation that can be given out to contract holders.
- 19 | Page S-6, S.2.4
Please explain what would be meant by adjustments to the tiers based on demand projections and other factors. Does this mean the tiers could be made more liberal or only more conservative? If more liberal, would additional compliance be needed?
- 20 | Page S-6, S.2.6.
Which option, the 75R or the Flood Control, would become the default criteria in 2016?
- 21 | Page S-7, S.3.3.
Under Reservoir levels, it should also be noted that the lowest reservoir levels do not occur in January, which is when the value for the models is taken. Thus, reservoir levels in July, which for Lake Mead is the lowest month, will be lower than the analysis assumes. This difference has effects to the analysis. Also, although monthly fluctuations may be within the

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14: The form and content of the summary has changed to reflect the FEIS. All Lower Basin States will benefit from the purpose and need for the action with the predictability of surplus triggers and deliveries that are dependable over the 15 year period. The surplus water that California will receive is replacement water for declining unused apportionment of the other Lower Basin States. Without the proposed action, under the No Action Alternative surplus determinations would be made by the Secretary through the AOP process. Under the Law of the River, California would still be entitled to 50% of any surplus determination and any basic or surplus apportionment unused by the other Lower Basin States. The purpose and need for this action will firm up water supplies for the next 15 years for water management purposes for all Lower Basin States.

15: The California Colorado River Water Use Plan is not part of the federal action because the Plan contains purely California state actions. Reclamation's only federal action is to develop and implement interim surplus criteria which has independant utility in Colorado River management. The Secretary can and has delivered surplus without these criteria as noted under the No Action Alternative. California could be successful in reducing its excessive use of Colorado River Water through the Seven Party agreement if the parties could resolve their differences. The Plan will augment the Seven Party agreement for future water needs and uses.

16: Comment noted

17: The 70R strategy has been used for the baseline in this FEIS.

18: Under this alternative, surplus water would be determined to be available using the same procedure that has been used in the past when flood control releases have been made. Surplus water determinations would be limited to years when flood control releases are needed. Once a surplus determination has been made, the Lower Division States would be allowed to divert as much surplus water as they can put to beneficial use. The estimated amounts of surplus water they would divert in specific future years are contained in the States surplus water demand schedules, as discussed in Section 3.4.

19: The elevations of the tiers in the California Alternative were selected so as to control the depletion of storage in Lake Mead and Lake Powell year by year in the light of the growing Upper Basin depletion schedules. The provision for adjustment is to compensate for shifts in Upper Basin water use and thus keep total Basin depletions in future years as presently projected under this alternative. The direction (up or down) in which the Upper Basin depletion schedule may change is conjectural. No additional NEPA compliance would be made in the event of such change.

20: After the 15-year interim period, the operation of Lake Mead would revert back to the AOL process, which is represented in the operation model by the 70R strategy for the FEIS.

21: The distinction between the summer low and the end-of-year level is noted in Section 3.3.4.2.3 of the FEIS. The summary has been rewritten.