

ATTACHMENT P

Public Scoping Process

This attachment to the Colorado River Interim Surplus Criteria DEIS summarizes the scoping process conducted by Reclamation in 1999 to inform the public of the proposal to formulate interim surplus criteria and to obtain public input to the alternative formulation process.

PUBLIC SCOPING PROCESS

INTRODUCTION

This attachment summarizes public and governmental agency responses received during the initial scoping process. It consists of verbal responses at public scoping meetings held by Reclamation and written responses that are included in the summary table. This section also describes the various agencies involved in the production of this document, and associated permitting or formal consultation that may be necessary.

“Scoping” is an integral part of the NEPA process. It provides “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action” (40 CFR § 1501.7).

In the June 9, 1999 letter, addressed to “all interested persons”, Reclamation inviting public participation in the scoping meeting, Reclamation invited oral or written comments concerning the following:

“(1) the need for the development of surplus criteria, (2) the format for the criteria [either by revising Article III(3) of the Long-Range Operating Criteria or by developing interim criteria pursuant to Article III(3) of the Long-Range Operating Criteria], and (3) the specific issues and alternatives to be analyzed in the National Environment Policy Act process.”

SCOPING ACTIVITIES AND ISSUES

SCOPING ANNOUNCEMENTS

Two notices were published in the Federal Register regarding the proposed reallocation of Colorado River water. The first notice (64 FR 27008), published on May 18, 1999, was Reclamation’s Notice to solicit comments and initiation of NEPA Process. The second notice (64 FR 29068), published on May 28, 1999, was Reclamation’s Notice of public meetings.

Reclamation issued a press release on May 19, 1999 to ten newspapers, announcing the publication in the Federal Register of the Notice of Intent.

The public scoping meetings were announced by press release and by a memorandum sent to interested parties. Reclamation sent the press release to ten newspapers on May 28, 1999 with the dates and locations of the scoping meetings. The memorandum was sent on June 9, 1999 to nearly 530 interested parties.

PUBLIC SCOPING MEETINGS

Four public scoping meetings were held within the Colorado River Basin (including the Southern California service area) as part of the scoping process. The location, date, attendance and number of oral comments received at each meeting are summarized in Table 5-1.

**Table 1
Summary of Scoping Meetings**

Date	Location	Number Attending	Number Speaking
June 15, 1999	Phoenix, AZ	34	4
June 16, 1999	Ontario, CA	12	1
June 22, 1999	Las Vegas, CA	32	6
June 23, 1999	Salt Lake City, UT	15	2

ISSUES RAISED THROUGH SCOPING MEETINGS

A total of 35 response letters and eight oral responses (several individuals and organizations made both oral and written comments) were received during the scoping process.

To assist in understanding public concerns, a list of all responses including the name of the person commenting, their organizational affiliation, if any, and the subjects which they commented on is included in Table 2. A review of the responses helped identified areas of concern. The review used a list of five areas to categorize the responses:

- Authorized project purposes (32 comments, 26% of the comments)
- Habitat (12 comments, 10%)
- Socio-economic (11 comments, 9%)
- Special concerns (10 comments, 8%)
- Process (57 comments, 46%)

Typically the responses included comments in several different categories and often had several thoughts in a single category. For purposes of quantifying the public concerns, multiple thoughts in a single category contained in a single response were only counted once.

AUTHORIZED PROJECT PURPOSES

The Boulder Canyon Project Act identified five authorized project purposes: navigation, flood control, water supply, recreation and power. Nineteen (19) of the 32 comments in this category focused on water supply. There was no single focus of these water supply comments. Only one comment was received on navigation and the concern with regard to navigation was not identified.

HABITAT

The twelve (12) comments on habitat were wide ranging. There were no concerns expressed over air quality.

SOCIO-ECONOMIC

The comments on Socio-economic concerns were highly focused. All eleven addressed the regional distribution of water supply. This high level of concern is due to recognition that the allocation of surplus water and impacts of shortages are not equally shared among all users of Colorado River water. There were no concerns raised with possible impacts on land use, social conditions or growth inducing impacts. Note that the comments on project purposes discussed previously could also be considered socio-economic.

SPECIAL CONCERNS

The ten comments received within the area of Special Concerns noted the potential impacts of the Interim Surplus Criteria on Indian Issues (predominately reliability of water supply) and on obligations to Mexico.

PLAN FORMULATION PROCESS

The 57 comments received on the process to be followed dominated the letters. Many had specific alternatives they wanted considered. Most significant among those were supporters of the "Six States Plan" and supporters of the "California Plan" Additional remarks included opinions as to whether or not the Long-Range Operating Criteria should be modified to implement to Interim Surplus Criteria,

concerns that the alternatives address the impacts on Lake Powell and three requests for additional time to respond.

Table 2
Colorado River Interim Surplus Criteria -- Analysis of Public Scoping Meetings & Response Letters

Letter #/Oral Comment #	Meeting Date	Transcript Page	Name	Position	Organization	Authorized project purposes				Habitat					Socio-economic			Special concerns		Process				Remarks (Note: "1" is used throughout as an indicator that can be computed by Excel. There is no ranking or priority associated with this digit)			
						Navigation	Flood Control	Water Supply	Recreation	Power	Fishery Habitat	Backwater Channel	Colorado River Delta	Endangered Species/ESA	Water Quality	Air Quality	Salton Sea	Other habitat/general	Land Use Change	Social Conditions	Regional Impacts	Growth-inducing	Mexico		Indian Issues	Geology	Alternatives
1			Pamela Hyde	Executive Director	Glen Canyon Institute			1						1					1		1		1	1			Water Supply: Increased water from surpluses increases dependency in-lieu of alternative supplies or conservation. Alternatives: Analysis based on no storage available at Lake Powell. Need for Development of Surplus Criteria: LROC is inadequate. Wants criteria established. Habitat: Increased consumptive use reduces instream uses. Other Process: Wants full NEPA.
2			Joe Muniz (faxed by Jessica Aberly, att.)	Chairman, Apache Tribe	Colorado River Basin Tribes Partnership ("Ten Tribes Partnership")			1											1					1			Water Supply and Indian Issues: May impact tribes' water supply rights. Other Process: Tribes need funding for technical assistance in review of study. Tribes need more time to comment on Scope.
3			Maureen George	City Attorney	Lake Havasu City			1								1											Water supply & Regional: Concerned with impact of shortages on City and AZ. Some cities along river do not have supplemental source to river.
4			Rachel Thomas	President	Arizona People for the USA																			1			Other Process: Request extension to comment period.
5			Joe Muniz (original of letter 2)	Chairman	CO River Basin Tribes Partnership																						Original of letter No. 2. (Boxes checked at letter only to avoid double counting)
6			Donald R. Pope	Manager	Yuma County Water Users' Association	1	1													1	1	1	1				Criteria Format: No need to revise LROC. Need for Development of Surplus Criteria: More definitive criteria needed, but w/i framework of AOP. Mexico: Need more specific guidelines for surpluses to Mexico. Water Supply & Alternatives: Favor more liberal definition of surplus -- 50% or 30% flood probability should trigger surplus releases. Flood Control & Geology: Hoover releases in excess of 19,000 cfs cause flooding/high groundwater on 25,000 ac of farm land. Also subject to flooding: Gila Valley, City of Yuma, County of Yuma, Cocopah Indians, Yuma Project, Bard ID, Quechan Tribe.
7			Tom Levy	Gen. Managr & Ch Eng'r	Coachella Valley Water District			1													1	1	1	1			Support comments of Colorado River Board of California.

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8			Stanley M. Pollack	Water Rights Counsel	The Navajo Nation, Dept of Justice, Natural Resources Unit.																								1	Indian Issues: May impact tribal water rights. Other Process: Tribes need more time to comment on Scope.
9			Larry J. Paulson, Ph.D. (via e-mail) (reference No. 25 also)	Citizen	Public (member of Lake Mead Water Quality Forum & SNWA Water Quality Citizens Advisory Committee)			1											1							1	1	Water Supply, Water Quality & Regional: In favor of lower levels at Lake Mead to reduce evaporation. Concerned with hierarchy of beneficial uses (see oral comments O-6) NV needs more than 4%. NV relies of credits due to return flows of treated wastewater and contaminated groundwater to Lake Mead via Las Vegas Wash. Criteria Format: Follow NEPA. Alternatives: Operate Mead to reduce evaporation.		
10			Peter H. Evans (via fax) (original received 7/6/99)	Director	State of Colorado, Colorado Water Conservation Board, Department of Natural Resources			1										1								1	Alternatives & Regional: Will not favor any alternative which isn't tied to CA 4.4 Plan (specific steps are listed). Needs to allocate surpluses among states. Banking in CA of Co River water limited to when a reservoir spill is otherwise imminent. Must be interim. Must examine & mitigate increased risk of shortage on AZ & NV. Includes a proposed criteria. Extra M&I water to CA must be incremental to other sources available to CA. Water Supply & Regional: Concerned that balancing between Mead and Powell and more liberal criteria at Mead will lead to lowering Powell and impacts on Upper Basin supply.			
11			Robert S. Lynch, Attny (via fax-original rec'd 7/6/99)	Chairman of the Board	Central Arizona Project Association																			1	1	Need for development of surplus criteria: Not needed. Implementation Options: Don't change LROC. Power: Study 1083 elevation and gauge power impacts.				
12			Manuel R. Ybarra (via fax) (original rec'd 7/6/99)	Secretary	International Boundary and Water Commission														1							Mexico: Must meet treaty obligations. Water quality: Salinity of water delivered to Mexico.				

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					Navigation	Flood Control	Water Supply	Recreation	Power	Fishery Habitat	Backwater Channel	Colorado River Delta	Endangered Species/ESA	Water Quality	Air Quality	Salt on Sea	Other habitat/general	Land Use Change	Social Conditions	Regional Impacts	Growth-inducing	Mexico		Indian Issues	Geology	Alternatives	Criteria Format	Need for Development of Surplus Criteria
13		Rita P. Pearson (via fax) (original rec'd 7/6/99)	Director	Arizona Department of Water Resources	1	1	1	1														1	1					Criteria Format & Need for development of Surplus Criteria: No change in LROC is needed. Regional Impacts: AZ is particularly sensitive to shortages. Power: Normal water deliveries probably maximize power. Flood control & Geology: Minimize flood damage. High flows cause water logging and increase need for drainage pumping in Yuma Area (per oral comments). Recreation & Environment: Balance these purposes.
14		Gregory Oleson	Corporate Counsel	US Filter																			1			1	Criteria Format & Legal Issues: Criteria should address & establish consistency w/ exist laws. Alternatives: Emphasize efficiencies of water markets.	
15		William J. Snape, III and John A. Fritschie (via fax-original rec'd 7/6/99)	Legal Director Litigation Counsel	Defenders of Wildlife																				1			Colorado River Delta: Cottonwood-willow forests depend on spills. Need for development of surplus criteria: Dire need for specific criteria for surplus, shortage and normal years. Endangered Species: Compliance with Endangered Species Act. Other issues: Letter listed others without discussing, they have been checked off.	
16		Bernadine Boyd (via fax-original rec'd 7/6/99)	President, Tribal Council	Fort McDowell Indian Community		1													1								Water supply & Indian Issues: Water supply must be reliable.	
17		Gordon W. Fassett (via fax - original rec'd 7/6/99)	State Engineer	Wyoming State Engineer's Office																		1	1				Need for development of Surplus Criteria: Support development of both Surplus and Shortage criteria. Criteria Format: Don't modify LROC.	
18		Larry R. Dozier (via fax)	Deputy General Manager	Central Arizona Project (Central Arizona Water Conservation District)		1	1								1							1	1	1			Criteria Format: NEPA process not required. Use the AOP process. Alternatives & Regional: AZ is impacted first by shortages. Thus consider shortages. CA to comply with 4.4. AZ to get RRA Section 215 waiver. Power & Regional: CAP is largest AZ user of Hoover B & C power allocation (from 15 Jun hearing comment O-3)	
19		Wayne E. Cook (via fax) (original received 7/6/99)	Executive Director	Upper Colorado River Commission																		1	1				Criteria Format: NEPA process not required. Use the AOP process. Alternatives: Concur with Six Basin States Proposal recommendations.	

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20			D. Larry Anderson, P. E. (via fax)	Director	State of Utah, Dept of Natural Resources, Div of Water Resources																	1	1	1				Need for development of Surplus Criteria: Concur. Alternatives: Dependent on CA 4.4 Plan. Criteria Format: Oppose changes to LROC.
21			Richard Bunker and Patricia Mulroy (via fax)	Chairman General Manager	Colorado River Commission of Nevada & Southern Nevada Water Authority			1									1					1	1				Water supply: M&I uses should be higher priority than before other uses. Alternatives: Depend on CA efforts and success with 4.4 Plan. Must address shortages. Format for the criteria: Do not incorporate into LROC. Use AOP as vehicle it implement criteria. Other process: Develop specific surplus criteria prior to NEPA process. Regional: States have special role.	
22			Tim Henley	Manager	Arizona Water Banking Authority			1									1						1			1	Water supply: Generally in favor of more liberal surplus as long as shortage addressed. Legal: Consistent w/ AZ vs. CA. Also, concur w/AZ DWR comments.	
23			Michael Cohen	Research Associate	Pacific Institute for studies in development, environment, and security.							1							1			1				1	Alternatives: Address shortages include climate changes. Other process: Include range of consumption scenarios, include water conservation. Colorado River Delta: Cottonwood-willow forests depend on spills. Endangered species: Include formal Section 7 consultations w/USF&W. Mexico: Mexico has surplus rights under '44 treaty. (Oral Comments O-7).	
24			Roger Manning	Executive Director	Arizona Municipal Water Users Association		1	1	1	1							1						1	1			Concur with AZ DWR comments.	
25			Larry J. Paulson, Ph.D.	Citizen	Public																						See letter 9. (Boxes checked at letter 9 only to avoid overcounting)	
26			William I. Jackson, Ph.D. (via fax-original rec'd 7/6/99)	Chief, Water Operations Branch	National Park Service	1			1							1						1	1	1			Criteria Format: Support NEPA process. Recreation & Habitat in General: Dependent on frequency of spills from Powell & impacted by flows. Liberal surplus criteria will reduce natural spills. Recreation and Fishery Habitat: Impacts when Powell below 3,650. Navigation: Issue when Mead below 1170. Alternatives: Prefer fuller reservoirs. Need for development of surplus criteria: In favor.	

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27			Gerald R. Zimmerman	Executive Director	Colorado River Board of California		1															1	1	1	1	1	Alternatives: Must have specific term. Contain 3 tiers of surplus. Criteria Format: Develop pursuant to LROC & use in conjunction w/LROC to develop AOP. Need for Development of Surplus Criteria & Water Supply: Exist criteria does not optimize Water Supply. Other Process: Dependent on Cal 4.4 Plan & agreements internal to CA, or comments don't apply.
28					Gental Arizona Project																						Original of No 18 Fax.
29			Jay B. Burnham	City Attorney	City of Farmington		1								1												Water Supply & Regional: Upper Basin will in future need more than allocation & should have rights to surplus flows.
30			R. Eric Kuhn	Secretary/General Manager	Colorado River Water Conservation District		1	1	1						1											Water Supply & Regional: Oppose increased drawdown of Powell caused by equalization. Recreation and Power: Drawdown of Powell would adversely affect both. Alternatives: Must be tied to CA 4.4 Plan. Must be interim. Modify or eliminate equalization. Also: Endorse comments of Colorado Water Conservation Board.	
31			Ronald R. Gastelum	General Manager	Metropolitan Water District of Southern California		1														1	1	1	1	1	Concur with Colorado River Board comments.	
32			Thomas C. Havens	President	American Water Resources, Inc.																				1	Other process: Need to address 50 to 100 year path rather than short term.	
33			Philip B. Mutz	Upper CO River Commissioner for NM	New Mexico Interstate Stream Commission																1	1	1			Need for Development of Surplus Criteria: Not until CA 4.4 Plan is developed. Criteria Format: Use the Annual Operating Plan. Alternatives: Short term strategy must terminate if CA doesn't make progress.	
34			John Penn Carter	Attorney, Horton, Knox, Carter & Foote	Imperial Irrigation District																			1		Other Process: Concur with Colorado River Board of CA comments only if settlement of issues being negotiated by CRB agencies. Otherwise, reopen comment period to allow IID & other CA agencies to submit independent comments..	
35			Nino J. Mascolo		Southern California Edison Co.																					No comments, but interested in water banking.	
O-1	15-Jun	49	Herb Dishlip	Assistant Director	AZ DWR																					See letter 13. (Boxes checked at letter only to avoid double counting)	

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O-2	15-Jun	57	Larry Dozer	Deputy General Manager	Central Arizona Project (Central AZ Water Conservation District)																							See letter 18. (Boxes checked at letter only to avoid double counting)			
O-3	15-Jun	61	Bob Lynch	Chairman	Central Arizona Project Assoc.																							See letter 11. (Boxes checked at letter only to avoid double counting)			
O-4	16-Jun				No comments at this hearing.																							There were no comments at the 16 Jul scoping meeting.			
O-5	22-Jun	28 & 35	Donald Pope	Manager	Yuma County Water Association																							See letter 5 (Boxes checked at letter only to avoid double counting).			
O-6	22-Jun	31 & 41	Larry Paulson		Public																							See letter 9. (Boxes checked at letter only to avoid double counting).			
O-7	22-Jun	33	Mike Cohen		Pacific Institute for Studies in Development, Environment and Security.																							See letter 23. (Boxes checked at letter only to avoid double counting).			
O-8	22-Jun	36	Mary Manning		Las Vegas Sun Newspaper			1																				Water Supply: Consider extended drought.			
O-9	23-Jun	29	Brent Israelsen		Salt Lake Tribune			1							1													Water Supply and Regional: Estimation of Upper Basin depletions.			
Comments by category						1	3	19	4	5	1	0	2	1	2	0	1	5	0	0	11	0	3	5	2	16	16	13	7	5	
Comments by group						32				12				11			10		57												
Total comments						122																									