



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

APR 27 2007

4/30/07
BC00-1000
1003

Bureau of Reclamation
Attention: BC00-1000
P.O. Box 61470
Boulder City, NV 89006-1470

Dear Bureau Staff:

Thank you for providing the opportunity to review the Draft Environmental Impact Statement, titled *Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead* (DEIS). The United States Section, International Boundary and Water Commission (USIBWC) is charged through various treaties and international agreements to evaluate the relationship of projects to international obligations of the United States. The following and attached review comments are for your consideration and use.

The International Boundary and Water Commission (IBWC) is responsible for applying the boundary and water treaties between the two countries and settling differences that arise in the application of the treaties. The United States Section carries out the activities in the United States resulting from obligations and rights assumed with the Government of Mexico in accordance with these treaties and related agreements. The USIBWC duties include review of projects on resources in the United States and effects potentially crossing into Mexico.

The IBWC has agreements that pertain to issues within the Colorado River watershed, the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol, November 1, 1944 United States-Mexico (1944 Water Treaty), the Treaty to Resolve Pending Differences and Maintain the Rio Grande and Colorado River as the International Boundary Between the United States and Mexico, signed at Mexico November 23, 1970 (1970 Boundary Treaty), and several related agreements that merit consideration.

In accordance with the 1944 Water Treaty, the United States delivers 1.5 million acre-feet of Colorado River water annually to Mexico. The treaty also states that when there is water surplus to United States uses, an additional volume of up to 200,000 acre-feet/year may be delivered. The two Governments entrusted the IBWC to give attention to salinity control. Minute No. 242, a binding agreement of the United States and Mexican Governments, controls the salinity of Colorado River water delivered to Mexico. The Minute also provides for limits on groundwater pumping within five miles of the international boundary near San Luis, Arizona, and for consultations between the two countries prior to undertaking any new development of the surface or groundwater resources, or undertaking substantial modifications of present developments in the border area, that might adversely impact the other country. Commission Minute No. 306 provides for cooperation between the two countries in the development of studies and recommendations regarding the ecology of the Colorado River limitrophe and delta. The 1970

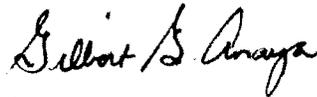
Boundary Treaty includes providing for the preservation of the Colorado River as the international boundary.

These agreements are all available on the USIBWC web page at www.ibwc.state.gov.

The USIBWC is the primary federal agency responsible for promoting the identification, investigation, and resolution of transboundary and boundary water and border technical issues along the United States and Mexico boundary region. The USIBWC carries out its statutory responsibilities through binational cooperation and in partnership with other entities. The United States Government gives limited technical investigative authority to the USIBWC.

Thank you again for the opportunity to review and comment on the DEIS. If you have any questions regarding these comments, please call me at (915) 832-4702 or contact R. Steve Fox, Environmental Protection Specialist, at (915) 832-4736.

Sincerely,

A handwritten signature in black ink that reads "Gilbert G. Anaya". The signature is written in a cursive style with a large initial "G".

Gilbert G. Anaya
Supervisory Environmental Protection Specialist
Environmental Management Division

DRAFT Review Comments, United States Section, International Boundary and Water Commission, April 2007, on the *Draft Environmental Impact Statement Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead*, February 2007, Bureau of Reclamation

General Comment.

The Draft Environmental Impact Statement (Draft EIS) seems to be on water management and deliveries.

Specific Comments.

Page TOC-viii, Section 6.8. Revise to “Consultation with Government of Mexico Agencies” or “Consultation with Agencies of Mexico.”

Page 1-3, line 34, delete “drought and”

Page 2-4, line 34. Revise to “In addition, the determination of shortages to Mexico does not fall under the authority of the Secretary, and therefore is not a part of the proposed federal action. Such determination would be made in accordance with the 1944 Treaty” (Section 1.7). Page 2-4, line 36. Specify the Subsection of the stated “(Section 1.7),” as the Section is broad.

Page 2-15. Line 22. Add a sentence or footnote to indicate that potential future Mexican participation in a storage and delivery mechanism is assumed to be included within the range for the “Unassigned” category in Table 2.6-1.

Page 3-3, Section 3.2. Please comment on the following. Based on the Section and Chapter 4, there could be effects to the services of MWD. MWD provides assistance to the IBWC on the “emergency transfer of a part of Mexico’s Colorado River water through the Southern California aqueduct system to the emergency water connection at Otay Mesa for deliveries to Tijuana, Baja California, Mexico.” Minute 310 was signed in 2003. The USIBWC FONSI notes that the agreement is for five year.

Page 3-46, line 1. Specify the Subsection of the stated “(Section 3.4).” Section 3.4 is referenced in line 1 of the Draft EIS in the context of salinity yet the Section is on water quantity, not quality. Recommended is stating such.

Page 4-8, lines 31-37 and Page 4-9, lines 1-2. This paragraph is confusing. It should be rewritten for clarification. The statement “replacement of bypassed water is not assumed to occur in the future” is particularly confusing. What does this mean in terms of modeling deliveries to Mexico or why was that assumption made?

Page 4-119, lines 1-3. The sentence: “The occurrences of deliveries greater than 1.5 mafy reflect both times when additional water up to 200 kafy is made available during Flood Control conditions.” After the word “available” insert the word “and.”

Page 4-119, Figure 4.4-32 and others. The Figure and other charts in this Section label the y-axis as “Annual Depletions.” Recommended is changing those labels to “Annual Deliveries,” though they are depletions from the system.

Page 4-131, Section 4.5. Subsections 4.5.2.1 and 4.5.3 are on salinity. It is suggested that the Draft EIS describe the Minute 242 requirements regarding the applicable salinity differential for water deliveries to Mexico, and reference Section 3.5.1, page 3-46, on salinity. It is also suggested that the Draft EIS state what the alternatives’ effect would be on the salinity of waters delivered to Mexico and Minute 242 compliance.

Page 6-5, line 16. The Draft EIS states “IBWC and Mexico National Water Commission Meetings with representatives of Mexico...” Revise to “IBWC, the Mexico National Water Commission, and Mexico Secretariat of Foreign Relations meetings with agencies of Mexico ...”

Page 6-8. Delete “**United Mexican States Agencies**” and insert “**Government of Mexico Agencies.**”

Page B-32, line 2. Delete “... approximately 25 miles ...” and insert “... 23.7 miles ...”

Page B-32, line 11. Insert “The current design flood flow in the limitrophe is 140,000 cfs.”

Page B-32, line 26. Insert after the words “The reach of” the word “the.”

Page B-32, line 33, after “up to” insert “an additional.”

With this change, it would read, “Mexico is allowed to schedule up to an additional 200 kaf pursuant to the 1944 Treaty during flood control years....”

Page I-1, Table I-1, U.S. Department of State. Insert after the stated “Various planning meetings” the punctuation and date “; 6/23/06.”

Page I-2. Delete “**United Mexican States Agencies**” and insert either “**Government of Mexico Agencies,**” or “**Agencies of Mexico.**”

Page I-2, Table I-1, International Boundary and Water Commission, Mexican Section. Insert after the stated date “2/8/06,” the words and punctuation “including the shortage issues and EIS,”. Also, insert after the stated “9/25-29/06” the words and punctuation “; including Upper Basin Tour.” Finally, insert, in bold in column one, another category at the end of the table, and title it “International Boundary and Water Commission (IBWC).” In column two of the same new entry, insert the words and meeting date “IBWC and Reclamation, meetings, including 6/23/06.”

Page I-2. Table I-1. It is recommended to add additional meeting dates that occurred in February and March 2007 with the Mexican representatives.

Page M-8, lines 10-18. This paragraph is confusing, especially the last sentence on lines 16-18. It is suggested that this concept be clarified. If the storage credits were assumed to be generated

via extraordinary conservation within Mexico, then how could they be used by the United States to be counted toward replacement of the bypass flows to the Cienega de Santa Clara in Mexico? Does this assume that U.S. entities would pay to acquire some of Mexico's water? If so, then it raises significant treaty compliance issues.