

CITY OF TEMPE WATER UTILITIES DEPARTMENT



Mailing Address: P.O. Box 5002
Delivery Address: 255 East Marigold Lane
Tempe, Arizona 85280

Date: April 27, 2007

Pages to follow: 3

To: Regional Director - U.S. Bureau of Reclamation - Lower Colorado Region

Fax No.: (702) 293-8156

From: Eric Kamienski, Water Resources Administrator
Tempe Water Utilities Department

Comments: City of Tempe comments on Draft EIS -
Colorado River Interim Guidelines For Lower Basin
Shortages and Coordinated Operations For Lakes
Powell and Mead.

City of Tempe
255 E. Marigold Lane
Tempe, AZ 85281



Water Utilities Department

April 27, 2007

Via Fax (702) 293-8156 and Regular Mail

Regional Director
US Bureau of Reclamation
Lower Colorado Region (Attention: BCOO-1000)
PO Box 61470
Boulder City, NV 89006-1470

Re: Draft Environmental Impact Statement (EIS) - Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead, February, 2007

Dear Regional Director:

The City of Tempe ("City") provides these comments to the Draft EIS for Colorado River Interim Guidelines for Lower Basin Shortage and Coordinated Operations for Lakes Powell and Mead (72 Fed. Reg. 9026, February 28, 2007).

The City has previously provided comments to the U.S. Bureau of Reclamation during the scoping process for the Notice of Intent to Prepare the Draft EIS (November 30, 2005). The City has also participated in an Arizona stakeholder group process with the Arizona Department of Water Resources, the Central Arizona Project and Colorado River water users in Arizona to work together on development of shortage criteria for Lower Basin shortages that manage and minimize the impacts to Colorado River water users from shortage declarations by the Secretary of the Interior. This process led to recommendations that were adopted within the Seven Basin States Preliminary Proposal Regarding Colorado River Interim Operations (letter to the Secretary of the Interior, dated February 3, 2006).

The City has reviewed the Draft EIS for Colorado River Interim Guidelines for Lower Basin Shortage and Coordinated Operations at Lakes Powell and Mead. The City supports selection of the Basin States Alternative as the preferred alternative in the Final EIS and implementation of the Basin State Alternative through the Final Record of Decision.

Importance of Central Arizona Project Colorado River Water Supplies

The City of Tempe provides water service to a population of over 171,000 people in our water service area, in addition to a large concentration of industries, businesses, and educational institutions in the heart of the greater Phoenix metropolitan area. Colorado River water delivered to Tempe via the Central Arizona Project (CAP) is a significant component of Tempe's water resources portfolio. Tempe holds CAP contracts for Municipal & Industrial (M & I) priority water, and lesser amounts of Indian lease water and non-Indian agricultural priority water.

Some portions of the Tempe water service area lack rights to use Salt River Project water supplies, such as the adjacent Town of Guadalupe, to which Tempe has provided water service for over 30 years. Colorado River water delivered by the CAP is the single most important water supply to meet the needs of these areas, and Colorado River reservoir operations are fundamental to the CAP supply. The CAP has a junior priority under the Law of the River, and all CAP water users have a significant interest in the management strategies being developed by the U.S. Bureau of Reclamation.

The Basin States Alternative

The Basin States Alternative, developed through extensive negotiations between the seven Colorado River Basin States, is a compromise alternative acceptable to each of these States. The Basin States Alternative is the only alternative that does not require additional statutory authority and is the only alternative that can be implemented immediately after the Secretary of Interior issues the Final Record of Decision. The Basin States Alternative offers the most certainty to Colorado River water users in the Lower Basin, and the unique level of collaboration between the seven Colorado River Basin States should be considered in selecting this as the preferred alternative.

Other Alternatives in the Draft EIS

The "No Action" and "Water Supply" Alternatives do not propose operational changes that will address future reservoir shortage conditions due to prolonged drought conditions, and do not provide for coordinated operation of Lakes Powell and Mead.

The "Conservation Before Shortage" Alternative includes an intentionally created surplus through forbearance, but no funding mechanism for this intentionally created surplus exists. The "Conservation Before Shortage" Alternative also contains elements that would require additional statutory authority and necessitate amendment of the 1944 Treaty with Mexico.

The "Reservoir Storage Alternative" contains provisions for intentionally created surplus that protects water storage for power generation and recreation to the detriment of downstream water users. These provisions are contrary to the Law of the River which dictates that operation of the system for water supply purposes has a higher priority than operation of the system for hydropower generation purposes. This alternative also

contains tiered shortage criteria that significantly increase the water shortages for the Lower Basin compared to the Basin States Alternative (maximum shortage volume of 1,200,000 AF/year to the Lower Basin under the Reservoir Storage Alternative compared to a maximum shortage volume of 600,000 AF/year under the Basin States Alternative). The shortage criteria in the Reservoir Storage Alternative place nearly all the burden of future shortages on the Lower Basin water users in favor of maximizing hydropower generation capacity, contrary to the Law of the River. The Basin States Alternative is far more balanced in its provisions to further consult with the Secretary of the Interior for any potential reservoir operations requiring Lower Basin shortages greater than 600,000 AF/year.

Summary

The Basin States Alternative provides Lower Basin Colorado River water users with the greatest degree of certainty of any of the alternatives. The Basin States Alternative is the result of a unique collaborative effort on the part of all seven Colorado River Basin States. The City of Tempe supports selection of the Basin States Alternative as the preferred alternative in the Final EIS and implementation of the Basin State Alternative through the Final Record of Decision.

Thank you for the opportunity to comment on the Draft EIS for Colorado River Interim Guidelines for Lower Basin Shortage and Coordinated Operations for Lakes Powell and Mead.

Sincerely,

Eric S. Kamienski

Eric Kamienski
Water Resources Administrator
Tempe Water Utilities Department

cc: Herb Guenther, Director, Arizona Department of Water Resources