NEW MEXICO INTERSTATE STREAM COMMISSION

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Bureau of Reclamation
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Via Fax (702-293-8156) and First-Class Mail

The New Mexico Interstate Stream Commission offers the following comments on the Bureau of Reclamation's February 2007 Draft Environmental Impact Statement on Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead. These comments are in addition to those made in the submittal of the seven Basin States. The State of New Mexico supports the Basin States' recommendation that is described in the comment letter submitted by the seven Basin States and dated April 30, 2007, as the preferred alternative for the Final Environmental Impact Statement and the Record of Decision on this matter. We recommend that the EIS be revised as necessary to reflect the seven Basin States' recommendation, including the terminology and provisions included therein.

Page 1-15, line 1, through page 1-19, lines 6; page 3-31, lines 12-19; and page 3-32, lines 10-11. The descriptions of compact and decree apportionments and of mainstream and tributary uses should be more accurately stated.

Page 2-13, lines 5-27. Conservation and storage in Lake Mead of water for consumptive uses or for environmental purposes in Mexico should be tied to resolution of other international issues affecting management of Colorado River Basin waters. In addition, at this time, there is no international agreement, or other guarantee, that water purchased for environmental purposes in Mexico would indeed be used for environmental purposes. Also, the funding mechanisms and the purchase prices for implementing voluntary conservation programs in the amounts suggested by the Conservation Before Shortage alternative are uncertain. The conservation targets may not be achievable on a voluntary basis.

Page 3-11; and page 3-84, line 14, through page 3-85, line 8. The Navajo Nation in northeastern Arizona also has an annual allocation of water from the Central Arizona Project. In addition, an allocation of 14,000 acre-feet per year of new consumptive use from the Gila River system within the State of New Mexico requires the exchange delivery of an equivalent amount of water from the Central Arizona Project for use by downstream water users on the Gila River in Arizona.

Page 3-32, lines 1-4. The Upper Basin depletion schedules do include average annual evaporation losses from most reservoirs, including Navajo Reservoir. The depletion schedules shown in Figure 3.4-1, however, may not include Colorado River Storage Project reservoir evaporation at Lake Powell, Flaming Gorge Reservoir and the Aspinall Unit that is shared among the Upper Division states.

Page 4-8, lines 7-9. The EIS should clarify the physical and operational parameters associated with installation of the Southern Nevada Water Authority's third intake.

Page 4-9, lines 3-4. The EIS should include a disclaimer that while the modeling assumes that the United States will not operate the Yuma Desalting Plant, the use of this modeling assumption does not represent any determination by Reclamation or the United States as to whether the plant will or will not be operated in the future.

Page 4-51, line 7, through page 4-52, line 1. The text is not consistent with Figure 4.3-23 and Figure 4.3-24, which both indicate that the Lake Mead water surface drops below 1000 feet elevation in 2025 and 2026 under the Basin States alternative.

Page 4-174, lines 2-25. At high storage levels in Lake Powell, water in storage inundates a waterfall on the San Juan River that otherwise provides an effective barrier to fish movement up the river. Also, bluehead sucker and flannelmouth are common in the San Juan River.

Page A-3, line 2, through page A-4, line 9; and page A-6, lines 5-7. The modeling on which the EIS relies should reflect for Navajo Reservoir operations the preferred alternative in the April 2006 Final Environmental Impact Statement and June 2006 Record of Decision on Navajo Reservoir Operations. Under the Navajo Reservoir Operations ROD, the minimum and maximum releases from Navajo Dam are 250 cfs and 5,000 cfs, respectively, and seasonal Navajo Dam releases to the San Juan River are based on the San Juan River Basin Recovery Implementation Program's flow recommendations for the San Juan River below Farmington so as to provide for habitat needs of populations of Colorado pikeminnow and razorback sucker.

Page A-11, lines 1-5. The following opinion is provided should the Secretary in the future conduct a review of the algorithm for determining 602(a) storage requirements for Lake Powell. The active storage in Navajo Reservoir should not be considered in determining whether the 602(a) storage requirement is met. During extended drought, Navajo Reservoir storage is drawn down to meet water use demands of contractors and may not be available for delivery to Lee Ferry either physically or without impairing contract uses in New Mexico. About ¾ of New Mexico's Upper Basin uses are serviced from the Navajo Reservoir water supply. Using Navajo Reservoir storage for release in the 602(a) storage algorithm does not protect Upper Basin uses in New Mexico.

Page C-1, Table C-1. The State of New Mexico's most recent schedule of anticipated Upper Basin depletions is appended to the Bureau of Reclamation's May 2006 Draft Hydrologic Determination, and indicates depletions of up to about 642,000 acre-feet per year within New Mexico. Upon the Secretary of the Interior's approval of the Hydrologic Determination, the New Mexico depletions should be revised accordingly.

Page N-3, lines 17-29. The EIS should include a brief statement of potential shortcomings of the Direct Paleo technique consistent with such statements included for other techniques.

Thank you for the opportunity to comment on the DEIS.

Sincerely,

John R. D'Antonio, Jr., PE
Secretary

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