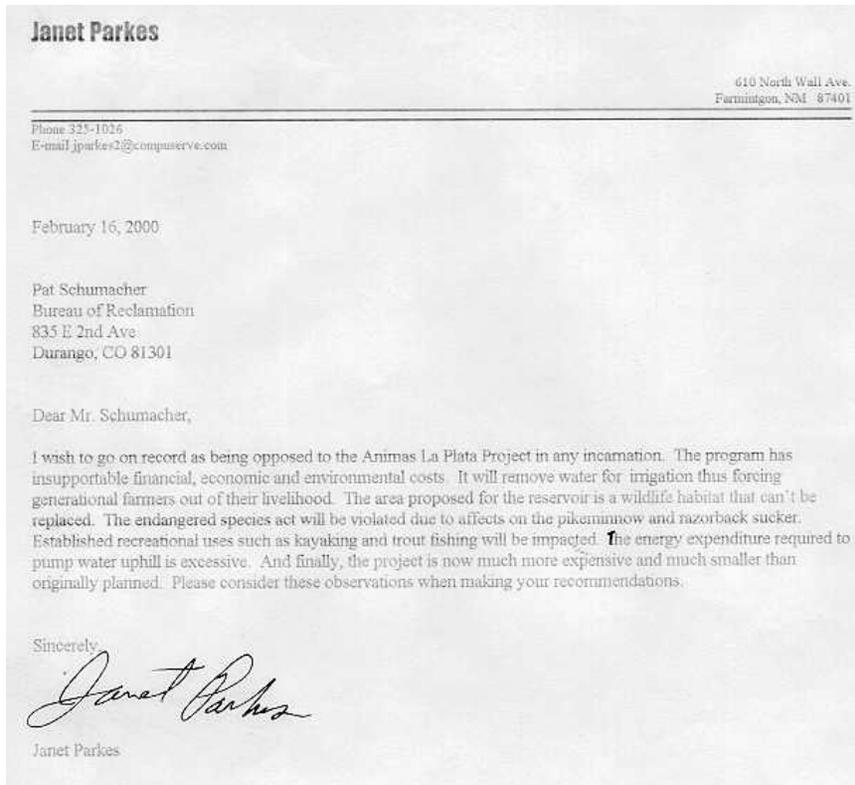


**Written Submissions  
Farmington, New Mexico**

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS1



1  
2  
3  
4

FWS1-1 The FSEIS analyzed Refined Alternatives 4 and 6 and determined that Refined Alternative 4 was the Preferred Alternative. Discussions are currently underway to affirm this determination. This alternative has a structural and a non-structural component. The structural component will provide a reservoir at Ridges Basin which will be filled by pumping water from the Animas River under a defined schedule of operation. The annual depletions from the San Juan River system are held to approximately 57,100 acre feet. There is no indication that this pumping will remove water from existing farming operations utilizing Animas River water for irrigation. The non-structural component provides for a discretionary fund to either purchase water rights from irrigated agricultural lands (and leave these lands in production), or to use the monies for other purposes. Refined Alternative 6 would require the purchase of irrigated agricultural lands and the transfer of water rights from these lands to a defined M&I use at another site. These lands would be dried up and depending upon soils and location, some of these lands could be dry-farmed as pasture and some would have to be returned to a non-farmed status. Since the acquisition of the land for water rights would occur under a "willing buyer, willing seller" basis, landowners would be making a free determination to sell based on market forces and would thus not be forced out of a livelihood.

FWS1-2 Although by implementing Alternative 4 there would be an unavoidable loss to wildlife habitat through the inundation of Ridges Basin, the impact would be fully mitigated by acquiring and managing lands within and near the La Plata River. The compensatory replacement and management of land impacted by development is a standard procedure to ensure that the wildlife habitat value of the lost habitat is restored and preserved in perpetuity.

FWS1-3 The Biological Assessment prepared pursuant to Section 7 of the Endangered Species Act of 1973 addressed potential impacts to endangered Colorado fishes and their designated critical habitat. The annual water depletion under Alternative 4 would meet the requirements of the 1991 and 1996 Reasonable and Prudent Alternatives outlined in the Biological Opinion of the Fish and Wildlife Service. In its most recent opinion on the project (2000) the Fish and Wildlife Service concludes that the project is not likely to jeopardize the continued existence of the endangered Colorado pikeminnow and razorback sucker nor is it likely to destroy or adversely modify designated critical habitat. This opinion is located as Attachment G.

FWS1-4 Please refer to General Comment No. 8 for a discussion of potential recreational impacts.

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS2

Dennis A. P. Rychlik  
6325 Jackrabbit Junction  
Farmington, New Mexico 87402

a-lp2-16

2-16-00

I would like to see the Anamas-LaPlata Project (A-LP) completed. First I would like to see us get what we can right now in the current form and then go after the full blown A-LP project.

Here we are; one more hearing to delay the A-LP plan less useful to the residents of the four corners area. This includes most of us at this hearing.

This is not the first hearing. The water right experts here know that there is a bunch of water diversion projects supplying Denver from the west slope waterflow. There is a bunch of water diversion projects supplying water to southern California. There is a bunch of water diversion projects supplying water to the Phoenix area.

Here is a window of opportunity for residents of the four corners area to get water rights. The only way we get these rights is to fund the project passed by Congress. Lets get it funded!

Promises were made to the Ute Mountain Ute Tribe. Lets keep this promise. Promises were made to the Southern Ute Tribe. Lets keep this promise. Opportunities are being sought by municipalities, water districts, ranchers and others in our four corners economic area. Lets pursue these opportunities. Again, lets press for the funding.

If we delay, if we do not act, this water will go to someone else and become someone else's rights, not ours. Lets make the best possible economic world for the four corners area.

1 | I would like to see a growing movement to fund what project is on the table, and then go after the original full A-LP Project!

Dennis A. P. Rychlik  
 2-16-2000

FWS2-1 For this FSEIS, the scope of the ALP Project is limited to developing a project that will serve only M&I needs. For the foreseeable future, any development beyond this M&I project such as the original ALP Project would be responsibility of non-federal entities.

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS3

Statement on the Animas-LaPlata Project: Draft Supplemental Environmental Statement, February 15, 2000.

James C. Decker  
220 Halto Via Circle  
Durango, CO .81301

Thank you for the opportunity to comment. This is my third statement in public hearings on the Animas-LaPlata Project in Durango. The first was in 1979 and second in 1996. In addition, I participated in the Romer-Schoettler negotiations that developed the non-structural conceptual alternative, which the current Draft Supplemental Environmental Statement claims to evaluate as Alternative 6. Since the proponents of the structural alternative unilaterally abandoned the Romer-Schoettler process, I no longer feel obligated to support the nonstructural alternative, which, as I mentioned, was only conceptual in form. Instead, I support and urge the administration to adopt alternative 10, the No Action Alternative.

The current draft supplemental environmental says the ~~no action~~ alternative is fatally flawed because it does not meet the purposes and needs of the project. By that standard, all the alternatives and configurations of the Animas-LaPlata Project are fatally flawed in that a project has never been designed that does not violate some aspect of environmental law, water law, or Bureau of Reclamation regulations.

1

It is said, by the proponents of the structural Animas-LaPlata, that no action will result in the breach of a moral obligation to the tribes. How are the ~~tribes~~ tribes injured? If no action is taken, they still retain the same rights they had prior to the Settlement Act and if these rights are good, they are good in perpetuity. Have they lost time in achieving their objectives? We are told they have been waiting for their water since 1868. Yet they still cannot specify, in this administration preferred alternative, the purposes and needs for their portion of the project. Instead, only "non-binding" scenarios are offered.

*Unlike the Navajo's*

2

Non-binding alternatives do not add up to the purposes and needs required of environmental law or the appropriations doctrine incorporated in federal interstate compacts and the law of the western states. Water must not be

FWS3-1 Fundamental to the NEPA process is the purpose and need statement. Any alternative which does not meet the purpose and need is unacceptable. To state that the Tribes have these rights in perpetuity and would not be lost, if the No-Action Alternative was adopted, is over simplifying a complex legal issue. This issue has been the subject of intense debate and negotiation. The ALP Project will bring final resolution to the water right claims of the two Colorado Ute Tribes.

FWS3-2 The purpose of presenting non-binding options in this FSEIS is to satisfy NEPA requirements. Because of the sovereignty of the tribes, they have a lawful right to self-direct the use of Tribal waters different from the non-binding options presented in this FSEIS. M&I water sales to the ALPWCD will be limited to M&I use. A contract will be negotiated between the Federal government and the ALPWCD that will dictate the terms of repayment of the water and the required uses M&I of the water.

2  
(cont'd)

diverted except for beneficial use. A reservoir without end uses is storage without beneficial use. And, if end uses are uncertain, cost benefit analysis would appear to be impossible. Non-binding scenarios can only suggest non-binding benefits.

The natural world should not be violated needlessly. Native American traditions incorporate that principle. How, then, can the tribes justify a reservoir without identifying the need for the water?

The fact is, there are no purposes and needs for M&I water that can't be supplied from other sources in the region. Given that, it is for the Casandras who wrote the evaluation of the No Action Alternative to explain why they think that the region will be left with uncertainty, litigation and delay.

There is yet another "non-binding" scenario that has not been evaluated by the DSEIS. The Animas-LaPlata Water Conservancy District is an irrigation district in that the members of the board of directors are mostly irrigators and the area served is preponderantly irrigation land. The directors are ready and able to convert the Ridges Basin Reservoir into an irrigation project for the dry side at the first opportunity. In any M&I scenario, the administration should first see to the deauthorization of all irrigation portions of the previous Animas-LaPlata project and furthermore, to contract only with municipal users for municipal water.

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS4

Comment Sheet  
Animas-La Plata Project  
Public Hearing--Farmington, New Mexico  
February 16, 2000

APRIL  
Return comments by ~~March~~ 17, 2000 (address below).

Name Helen B. Robinson (505) 334-9522 (Optional)  
(Telephone #, in case clarification is needed)

Mailing Address 500 Lovers Lane

City Aztec State NM Zip 87410

Include my name on future Animas-La-Plata mailings? Yes \_\_\_ No X

Comments on the Draft Supplemental Environmental Impact Statement:

I am an opponent of ALP (in whatever form)  
and I'll tell you why. There are alternatives  
and always have been, but they have never  
been seriously considered and probably never  
will be until ALP is deauthorized. The Animas  
river is on the 10 most threatened list just  
because of the proposed dam. It's time to scratch  
the whole thing and start over. Lots has happened  
since 1968 and we need to look at water needs  
from a new millennium perspective. So do  
the Utes!!  
Helen Robinson

FWS4-1 Comment noted. Meeting the water requirements of the Colorado Ute Tribes under the Settlement Act has been extensively evaluated, including a wide range of structural and non-structural components. This process, and the rationale for recommending Refined Alternative 4, are discussed in detail in Chapters 2 and 5 of the FSEIS.

1

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS5

Animas-La Plata Project  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT  
STATEMENT

Prepared by:

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
UPPER COLORADO REGION

COMMENTS OF THE NEW MEXICO STATE ENGINEER

PUBLIC HEARING  
FEBRUARY 16, 2000  
Farmington, New Mexico

The State of New Mexico has supported for many years an Animas-La Plata Project that would provide storage of Animas River flows to meet the needs of water users in New Mexico. The state of New Mexico has further supported implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988.

The Draft Supplemental EIS for the Animas La Plata Project, released last month, envisions a regional water supply concept under which water could be provided from structural and non-structural components for what the EIS has called Refined Alternative 4 and Refined Alternative 6. The regional demands do not specifically identify a water use or a timeline for the use. Examples of potential water demands and uses are included that could develop within a period of 30 years or more.

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS5

This concept of a regional water supply involves interstate leasing of water. The State of New Mexico cannot at this time embrace either interstate leasing or marketing of water.

However, we do not view our position as an obstacle to proceeding with implementation of Refined alternative 4, the preferred alternative identified in the Draft Supplemental EIS. There is a substantial need for water for future M & I needs in the area that can be supplied from the San Juan River system water supply. Storage of available Animas River flows is necessary to maximize the supply that can be made available from the San Juan River system to meet future needs.

Refined Alternative 4 appears to provide for implementation of the Colorado Ute Indian Water Rights Settlement. This alternative also provides water for New Mexico Communities in San Juan County.

Also, it would include as we previously requested, a new pipeline to serve the Navajo Indian communities from Farmington to Shiprock with high quality water from the Animas River. We appreciate the inclusion of this replacement pipeline as a structural component of Refined Alternative 4.

1 | We are concerned, however, that no allocation of water is included in Refined Alternative 4 for the La Plata Conservancy District in New Mexico. In our February 3, 1999 comments on the Notice of Intent to

FWS5-1 Volume 1, of the FSEIS states that the Colorado Ute Tribes are supportive of the reallocation of 6,010 afy to the State of Colorado and entities in New Mexico. Although an allocation to the LaPlata Conservancy District was not described in the Preferred Alternative, an allocation of 780 afy of deletion was made to the District in the cost allocation of project beneficiaries. Please refer to Volume 2, Attachment E, Designs and Estimates, Table C.

# FARMINGTON, NM WRITTEN SUBMISSIONS

FWS5

prepare this Draft Supplemental EIS, we requested that 780 acre-feet of depletion be considered for a future M & I water supply in this area.

2 The State of New Mexico urges that the Record of Decision select Refined Alternative 4, even though we have reservations concerning the very generalized, but non-binding uses of water in the State of New Mexico. If the future demand for water should mandate a concept of regional water supply that would suggest interstate leasing or marketing, the state could evaluate the specifics of a proposal in light of the conditions at that time.

3 The State of New Mexico cannot support Refined Alternative 6. This alternative has many objectionable concepts including minimizing the storage available from Navajo Reservoir to meet future Indian and non-Indian demands in New Mexico. We are concerned about the effect on the operation of Navajo Reservoir set forth in Public Law 87-483 as a result of a block of water that would flow into the reservoir from the acquisition and transfer of existing irrigation uses in the Pine River basin in Colorado.

4 The Draft Environmental EIS discussion of institutional constraints including state water law, interstate compacts, and federal legislation is, to put it gently and kindly, noticeably deficient. Only in Attachment D, Volume 2, is there any discussion of issues that would need to be addressed under the Upper Colorado River Basin Compact and the discussion made here is very brief. The constraints of the La Plata River Interstate Compact are not mentioned.

FWS5-2 The support of the State of New Mexico for the ALP Project and its concerns relating to interstate leasing would be important to the implementation of the ALP Project. Attachment D, Volume 2 of the FSEIS has only attempted to briefly highlight the complicated nature of the various interstate stream compacts and the obstacles to be overcome. If a future regional water supply concept became a reality, the State of New Mexico would be involved in the implementation of the leasing of waters from the Ute Tribes to entities in New Mexico.

FWS5-3 Comment noted.

FWS5-4 Comment noted. The FSEIS has been revised (see Section 2.1.3).

## **FARMINGTON, NM WRITTEN SUBMISSIONS**

**FWS5**

These general comments I have made this evening will be supplemented by more detailed comments on specific items of the Draft Supplemental EIS which the New Mexico Interstate Stream Commission will submit at a later date. We will also be addressing in more detail our concerns regarding the technical analysis performed for the Draft Supplemental EIS.

Thank you for letting me testify this evening.