

INDIVIDUALS

IN36

March 6, 2000

Dear Pat Schumacher,

Until January 1998, I lived in Lyles New Mexico. If I had not moved to Minnesota to receive medical care at the Mayo Clinic, I would still be there. This explains my interest in, and concern about the Anemia la-plata Project.

It is clear that ^{while} my move has removed me from the environmental consequences of this ill conceived project, I will still pay the price as a taxpayer. I join my voice with all of those who oppose this project, and have written to my Minnesota Representative in Congress as well as to the President and vice President. ^{to express} ~~to~~ my opposition.

Thank you

Respectfully

Barbara Ferris

836 Vardon Court

Faulbault, Minn

55021

IN36-1 Comments noted.

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INDIVIDUALS

IN37

From: "Harlow Fischman" <bigfish@frontier.net>
To: <ALPDSEISComments@uc.usbr.gov>
Date: Sat, Apr 15, 2000 8:47 PM
Subject: Comments On Animas la Plata Draft SEIS

To the Bureau of Reclamation:

After careful analysis and consideration, I have come to the conclusion that the Non-Structural Alternative is the only reasonable and cost-effective plan for ALP. It will both settle the Ute Tribes' water rights and be environmentally sound. Conversely, I oppose the Bureau's two Preferred Alternatives, both of which involve the building of a reservoir and pumping station. Your PA's would cost the Colorado and American tax payers a great deal and would lead to considerable environmental damage in the Four Corners area.

The following are my reasons for (A) opposing the Bureau's Preferred Alternatives (PA's), and (B) supporting the Non-Structural Alternative (NSA):

1. ALP would not fulfill Durango's water needs

The town of Durango is projected as the recipient of a significant portion of ALP water. It is, however, highly doubtful that Durango would participate in the plan. The Durango Water Commission's analysis of the economics showed that building their own reservoir in Horse Gulch would be more cost-effective (\$7 million vs \$8.1 million), and indeed the Water Commissioner recommended to the City Council early in 1999 that they do just that.

IN37-1 Comment noted.

2. U.S. and Colorado taxpayers will foot the bill

In the Bureau's own words, "a substantial portion of the costs of the reservoir and associated works are anticipated to be non-reimbursable (italics are mine) to the treasury." This may refer specifically to the Tribe's share. However, it is clear that, in addition, ALP will use hundreds of thousands of dollars of taxpayer-subsidized federal power each year to pump water up into Ridges Basin reservoir. This cost is not even included in the Bureau's cost estimates for the project, but it is nevertheless considerable money out of the taxpayers' pockets and its impact should have been considered. It also does not include costs of means to get the water, mostly over considerable distances, to where use is anticipated.

Similarly, the 3% payback commitment for farmers does not seem to be based on any historical figures, and would be impossible for the farmers to meet, even in the best crop years. This leads to the inescapable conclusion that the taxpayers would be forced to make up the shortfall. The story is the same for M&I (Municipal and Industrial) water use paybacks. The Bureau used figures 30% higher even than the state of Colorado's estimate of population growth. Where did these figures come from?

Therefore, it is only prudent for the Bureau to carefully weigh cost alternatives for obtaining water for the Tribes. If you do so, you must conclude that the Non-Structural alternative is the only reasonable one.

IN37-2 The use of subsidized federal power for this purpose was authorized by Congress as part of the Colorado River Storage Project Act of 1956. A delivery system for the Colorado Ute Tribes' water may not be needed in the future; it may be a non-federal delivery system, or the river may be the delivery system. Reclamation is unclear as to where the "3% payback commitment for farmers" was obtained from since there is no irrigation water in the Preferred Alternative and therefore no irrigation repayment. This comment may pertain to the project plan in 1996. The population projections, from the Colorado Department of Local Affairs, are explained in the Dornbusch report contained in the Technical Appendices of the FSEIS. During the 1990's, the annual population growth rate in La Plata County averaged 2.49 percent, about 2.5 times the national average of 1.01 percent over the same period.

3. ALP will cause considerable environmental damage

IN37-3 Refer to General Comment No. 6 for a discussion of future water uses.

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(con't)

If a large, expensive water project is to be built, is it not reasonable to expect the supporters to enumerate specific and important uses for that water? Yet, it has not escaped the public's scrutiny that there are no actual uses for ALP water. Early this year the Ute tribes finally submitted a list of projected water use. For one thing, there is no hardware in place or as part of the Project to get the water to the places where they project using it! I would think that is a problem the Bureau is obligated to consider. However, you are silent on this crucial issue. Worse yet, almost all of the uses the Tribes consider for this water are environmentally disastrous. I reject the idea of using public money to subsidize, among other things, a coal-fired powerplant, a strip mine for coal, and water-guzzling golf courses. These first two projects, if they are ever built, will obviously further degrade the environment of the 4 Corners area, a place already beset by air pollution from other power plants. These projects will have an adverse effect on people's health, and damage the scenic beauty of the area. In addition it is well known that this kind of air pollution especially will further degrade the thousands of Anasazi and other Native American ruins around here. These scenic qualities and ruins are considered to be so important that they about to be included in a new National Monument. Here we have a situation in which one branch of the federal government, the Executive under President Clinton and Secretary Babbitt, is about to launch a project to insure its preservation, while another branch, the Bureau of Reclamation, under the same Secretary Babbitt, is supporting another project, which the declared main recipients plan to put to uses so damaging that federal environmental laws and regulations make it highly problematical that they will ever be allowed to construct them. Do you not see some degree of incongruity about this?

4. The advantages proclaimed for the added Recreational element ("Refined Alternative 4") have been grossly exaggerated by the Bureau, and have no basis in fact.

The Bureau proposes to add 30,000 acre/feet to the reservoir (increasing the reservoir's capacity by 33%), along with 196 camping units, 591 parking stalls, 26 boat slips, etc. In order to justify the inclusion of this element, the Bureau claims that Ridges Basin, with a surface area of 2,200 Acres, would attract 96,000 fishermen and 235,000 "other" recreationists, who would spend \$2,040,000 annually. Such figures, if true, would be impressive. One good way to analyze them for accuracy, is to look at the figures the Bureau projected for nearby McPhee Reservoir, and then to compare them with what actually happened there. These figures can then be compared with their estimated numbers for Ridges Basin. The results are very enlightening.

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McPhee Reservoir has a surface area of 4,410 Acres, twice the size of the projected Ridges Basin Reservoir. Prior to building it, the Bureau estimated 55,000 user/days at McPhee. How accurate did this turn out to be? In their peak year, 1995, only 7,200 people used McPhee. In other words, the Bureau overestimated the user/days at McPhee by 4,600 % ! If that was not bad enough, the Bureau now estimates that Ridges Basin, 1/2 the size of McPhee, will generate 13 times the number of user/days. To put it kindly, that is what I would call creative math. The Bureau cannot reasonably argue that the proximity of Durango will attract more reservoir recreationists than does the magnet of Mesa Verde National Park, only 16 miles from McPhee. The other day the Durango Herald (3/29/00) reported that the McPhee Marina and Restaurant was closed and a "for sale" sign was posted. Apparently business is not booming at McPhee.

IN37-4 Reclamation did not use McPhee Reservoir data to determine the recreation visitation estimates for Ridges Basin Reservoir because of their dissimilar characteristics. The number of visitor use information for McPhee Reservoir was originally supplied to Reclamation by the U.S. Forest Service and BLM. It was the best information available at the time of the study. The origin of the visitor use information mentioned is unknown to Reclamation. In addition, the information provided by the Forest Service is probably underestimated because it is based primarily on overnight camping use estimates and not from day use activity estimates. Even though Ridges Basin Reservoir may compete for visitors with the other reservoirs within the regional area, it is doubtful that overall visitation at other areas will decrease. Visitation estimates for the proposed Ridges Basin Reservoir are based on the many independent studies that show that there is an increased demand for flat water recreation opportunities, both nationwide and within the State of Colorado. As detailed in Chapter 3 under Project Area Reservoir Recreation, Reclamation used visitation estimates at Ridgway Reservoir to help predict the visitation at the proposed Ridges Basin Reservoir. Because both reservoirs have similar attributes (see Table 3.11-2), Reclamation felt that Ridges Basin Reservoir would have comparable visitation use figures.

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(con't)

A more realistic estimate, extrapolating from the Bureau's real figures on McPhee, is that Ridges would at best generate 3,600 user/days and \$22,176 spent by recreationists. These paltry numbers demonstrate that what we do not need and should not spend money on yet another recreational reservoir. The inescapable conclusion is that this costly recreational add-on is mere window dressing, should be eliminated,

5. A Cost-Benefit Analysis is mandatory

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The original cost-benefit analysis done by the Bureau in 1995, showed a 40 cent return on every dollar spent. (An independent analysis showed the ratio to be even lower, at around 33 cents/dollar) In this latest document, there is no cost-benefit analysis at all. The Bureau claims that such an analysis is inappropriate because ALP is a government treaty obligation to the Tribes. One obvious question is therefore, if it is inappropriate now, why was it appropriate in 1995? A more important point is, that even if such an analysis is inappropriate for the Tribes' portion of the Project, there remains a substantial portion of ALP, the greater part according to several estimates, that has nothing to do with the Tribes' water rights. At the very least, an analysis is mandated to be done on the non-tribal portion. The Bureau's refusal to do the analysis is therefore illogical, inconsistent, and of dubious legality. The final SEIS should include a Cost-Benefit Analysis.

IN37-5 Refer to General Comment No. 1 for a discussion of benefit-cost analysis for the project.

6. Inconsistency of the Bureau's rejection of the Non-Structural Alternative

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You have have stated that your rejection of the Non-Structural Alternative was based on two perceived faults. It does not not supply water to: (1) Water Districts, and (2) the Navajo nation. You have thus demonstrated, by your own admission, that ALP's purpose goes far beyond securing the Ute Tribes' water rights. The question of transporting water to Farmington, and to the Navajos should be dealt with separately, and should be severed from this project entirely. The last time I looked at a map of this region, I noted that every drop of water that comes out of the Animas eventually floats past Farmington and Shiprock. Unless that geography has changed in the meantime, I suggest that the water be pumped out at those locations. If it is objected that the water quality is too low, my reply is twofold: (1) Is it better to dirty that water in Ridges Basin with discharges from two-cycle motors of fishermen's boats after having pumped it up 500 feet? (2) If the water in the San Juan river is too dirty, Clean it up! There would be a project to truly challenge the legendary expertise of the Bureau of Reclamation. I am sure that you can do it.

IN37-6 Comment noted.

Thank you for your kind attention.

Sincerely yours,

H.

K. Fischman, Ph.D.

18953 CR 501

INDIVIDUALS

IN37

Bayfield, CO 81122

970-884-0599

2A

02/07/02

Dear Pat,

Very simply I would like to say the following:

"Indian water on Indian lands"

The reservoirs to meet their needs (+ the treaty obligation) should be built on their reservation lands. Ute Mtn Ute Indians can get their water from the Dolores Project. S. Utes can fill their reservoirs gradually from surplus and refined Alternative #6.

Thank you for your time,

Sincerely,

Herb Kohan
Box 716
Monte Vista, Co 81328

IN38-1 Reservoir sites located on Indian lands were evaluated in the 1996 FSFES, as well as in the FSEIS. None were feasible for the current project purpose and need, however some small terminal or reregulating reservoirs on Colorado Ute Tribal reservations were considered as components of the non-binding future water use scenarios. This FSEIS evaluated the potential for obtaining water from the Dolores Project (Section 2.3.2). The feasibility of obtaining water from surplus flows is contained in the evaluation of Refined Alternative 6 (Section 2.5.2).

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IN39

19 January 2000

To: Pat Schumacher, Manager
Four Corners Division of the Western Colorado Area Office
United States Department of the Interior
835 East Second Avenue, Suite 300
Durango, CO 81301-5475

From: Verna Forbes Willson
Post Office Box 2778
Farmington, NM 87499-2778

SUBJECT: Draft Supplement Environmental Impact Statement for the Animas-LaPlata Project (DSEIS), Colorado and New Mexico, Comments Regarding

It is necessary that I preface my comments on the subject document with the following disclaimer: I cannot, in conscience, support any A-LP alternative whose obvious basic purpose is simply to fulfill the excessive and racially biased water rights claims promoted by attorneys representing the two Colorado Ute Tribes. Those alternatives exhibit little or no concern for the welfare of the thousands of residents of New Mexico who will be affected, both physically and financially, by the project.

Nevertheless, because it seems certain that great pressure will be exerted to force the implementation of Reclamation's preferred alternative, comments on the document appear to be vital for the protection of those others of us - Hispanics, Blacks, Native Americans other than Ute Tribal members, Asians and "Whites" - who will bear the costs of the project for the foreseeable future, willing or not, being monetary supporters of the Federal Government through our income and other taxes.

That said, my comments will address the following omissions and apparent discrepancies noted in the subject document:

1. Omission of reference to Fault F-1, the existence of which, in close proximity to both the Durango Pumping Station and the intake conduit, was pointed out in the Final Supplement to the Final Environmental Statement published in April 1996.
2. Failure to explain the greatly varying repayment costs assigned to the SJWC shown in Tables B and C on pages E-43, E-45 and E-46 of Volume 2 of the subject document.
3. Failure to indicate the point at which New Mexico water releases will be measured and failure to discuss the mechanical means provided for so doing.
4. Failure to explain why return flows were not included in calculations throughout the subject document regarding the diversion/depletion/total allocation figures given.
5. Failure to discuss Federal and/or Reclamation responsibility for mitigation of a worst-case scenario in which lives are lost and property damaged downstream because of dam failure.
6. Failure to discuss terms of employment for non-Federal, non-Tribal employees involved in actual construction.

IN39-1 The fault is mentioned in a discussion of the Durango Pumping Plant geology, in Volume 2, Attachment E. The structural geology for the proposed Durango Pumping Plant and Ridges Basin Inlet Conduit is addressed in Section 3.8.3. The fault is a normal fault with down-to-the-east displacement. No features suggestive of late Quaternary displacement are visible along the fault. The fault does not disrupt the surface of a younger terrace of the Animas River.

IN39-2 Through refinement of the project, Tables B and C have been revised in Volume 2, Attachment E. As stated on page E-40 "The allocation methodology used is based on water storage provided to each benefitting entity in Ridges Basin Reservoir." The top portion of both Tables B and C indicate the amount the reservoir would supply and the percentage of the total project water supplied by the reservoir to all entities. (It should be noted a portion of the project water supplied to some entities is supplied directly from the Animas River and reservoir storage is not required.) For the allocation in Table C, the Colorado Ute Tribal supply was reduced by a total of 6,000 af and this 6,000 af was reallocated to Colorado and the Animas La Plata Water Conservancy District. The Colorado Ute Tribal supply is entirely supplied from the reservoir and only half of Colorado's and the Animas La Plata Water Conservancy District's allocation is supplied from the reservoir (the remaining one-half is supplied by direct diversions from the Animas River). This change in the amounts supplied by the reservoir changes the percentage of the overall project supply supplied by the reservoir to each entity. This percentage difference changes the overall cost allocation.

IN39-3 The measurement point for all project diversions will be at the point of diversion. The San Juan Water Commission water can be taken at several locations, depending on the point of use. Diversion points exist on the Animas and San Juan rivers presently. The hydrology modeling assumed diversion of project water from the existing diversion points for Bloomfield and Farmington, New Mexico. Measurement would occur at those locations. Section 3.2.2 of the FSEIS has been modified to clarify this.

IN39-4 By definition, the difference between diversion and depletion is return flow. Return flows are shown in Figures 3.2-1 and 3.2-2 and are discussed in several locations in Section 3.2.4. For clarification, Section 3.2.2 has been modified.

IN39-5 There have been substantial studies conducted on the proposed Ridges Basin Dam site. This was addressed in the 1996 FSFES, Vol. II, page 912. (The 1996 FSFES is incorporated by reference into the ALP Project FSEIS.) Once Ridges Basin Dam is constructed, Reclamation policy requires that Standard Operating Procedures (SOPs) be developed. The SOPs are a set of instructions which guides the damtender personnel to operate the dam in a safe and efficient manner. Part of the SOPs will be the development of an Emergency Action Plan. The Emergency Action Plan will be reviewed and updated on an annual basis and emergency drills, such as dam failure, will be exercised every three years with local, state and tribal governments to determine the capabilities and needs of emergency responders. In addition, Ridges Basin Dam will be equipped with modern instruments to monitor movements, reservoir levels and seepage. The instruments will be read and results interpreted on a routine schedule according to the SOPs, helping to give early indications of potential problems.

Page 2 of 3
Willson to Schumacher

ITEM 1. Volume I, Chapter II, page II-30 of the 1996 Final Supplement to the Final Environmental Statement says, "Hydrogeologic studies indicate that levels of contaminants in the groundwater are slightly elevated in the vicinity of a **fault** that runs through the site. The contamination is related to past uses of the site. Investigation shows that adequate foundation conditions exist for pumping plant construction on either side of the **fault**. However, to minimize the possibility of encountering contaminated groundwater during construction, the plant would be constructed entirely on the northwest, upgradient side of the **fault**. Constructing the pumping plant entirely on the northwest side of the **fault** limits design alternatives by confining the construction limits of the plant and intake structure."

Figure II-6 facing page II-30 of the 1996 document shows the intake conduit running closely parallel to this **fault** labelled **Fault F-1 for approximately 600 feet before crossing the same fault**. However,

Volume 2, Section E 2.2.3 on page E-7 of the subject document says, "No significant evidence of faulting was encountered in any of the Reclamation (1992) exploration drill holes or geologic mapping at the site. One significant bedrock fault was observed in a road cut about 580 feet downstream of the toe of the dam. No other evidence of faulting, such as surface offsets or a break in correlation of lithology has been found. If a fault does exist, other evidence surrounding the site suggests it would be of at least Tertiary age and would not have any impact on dam design."

My conclusion: If Fault F-1 does exist as indicated in the 1996 document and was felt important enough to be named therein, then it should be similarly acknowledged in the subject document. I will be interested to know why it was omitted. I would remind you that recent events in Southern California and elsewhere in this country indicate that so-called "inactive" or "unknown" faults can occasionally cause major unanticipated damage.

ITEM 2. SJWC spokesmen have recently stated publically that their only monetary obligation to the A-LP will be a one-time lump sum payment of \$13,254,000. That statement is not borne out by any of the information in Tables B or C in Volume 2 of the subject document. Table B shows their allocation to be 5.30% of total costs of \$428,012,900 (\$22,684,684). Table C, which is located on pages E-45 and E-46, ups that percentage to 5.48%, but the totals shown for SJWC on page E-46 add up to only \$16,239,818.

My questions: Which of these figures is more nearly correct? and, Taking their leaders' claims of a one-time lump sum payment of between two and seven million dollars less than either figure shown above, where did the SJWC figure come from and where does the apparent agreement regarding payment appear in the subject document? (Volume 2, Section E, page E-44 of the subject document *does say "Project beneficiaries will be responsible for paying federally funded portions of the project and the associated operation, maintenance and replacement in accordance with Reclamation law."*)

IN39-6 The design and construction functions of Reclamation with respect to the ALP Project are subject to the provisions of the Indian Self Determination and Education Assistance Act (P.L. 93-638). As required by law, preferences and opportunities for training and employment in connection with the administration of such contracts shall be given to Indian organizations and to Indian-owned economic enterprises. P.L. 93-638 requires that all laborers and mechanics employed by contractors or subcontractors (excluding tribes and tribal organizations) in construction of facilities in connection with contracts entered into pursuant to the Indian Self Determination Act, shall be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The FSEIS construction cost estimates for project features are in accordance with the Davis-Bacon Act.

ITEM 3. No mention at all has been located in the subject document of the place at which water allocated to SJWC will be measured after it leaves the reservoir and there is no means shown or described by which that measurement will take place.

My comment: Because considerable loss of such water during times of drought can obviously occur due not only to evaporation and seepage but also to possible taking by holders of Colorado water rights within the several miles between the dam and the New Mexico State line, this deserves full attention from Reclamation and requires detailed discussion in the subject document of means and methods for both measuring and monitoring to assure full delivery to the New Mexico state line.

ITEM 4. Tables of diversion/depletion shown in the 1996 document list return flows as a factor. No return flow figures appear in the subject document's similar tables. Why not?

ITEM 5. In my comments of 20 November 1992 which were published in the 1996 document's Volume II on page 981, I discussed the possibility of a worst-case scenario in which there was a collapse of the Ridges Basin dam with consequent disastrous flooding downstream. One reason for such a collapse is cited in Item 1. above. Failures of earthen dams are not unknown or unusual and have occurred in this country well within my lifetime.

My questions: Why was that possibility apparently ignored in the subject document? Why was Federal/Reclamation responsibility for mitigation in such a case not acknowledged?

ITEM 6. What terms of employment for workers on the project have been envisioned? Will there be any discrimination against Unionized workers or non-Tribal workers? Will wage scales reflect prevailing scales for similar work in the Durango area or where? I believe this should be addressed in the subject document as it can have a distinct bearing on construction costs.

Signed:



INDIVIDUALS

IN40

Kent Ford

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February 16, 2000

Pat Schumacher
Bureau of Reclamation
835 E. 2nd Ave
Durango, CO 81301

Thank you for the opportunity to comment on the DSEIS for ALP.

The DSEIS summary omitted several strengths of the citizen proposals #6 and #9. The preferred alternative was selected based on some of these omissions, and should be re-evaluated with these corrections. The summary is as far as most people read, and this was hopelessly biased.

To address a few of these errors, and apparent bias, I have posed questions...

1

The DSEIS failed to mention that citizen proposals #6 and #9 would allow for sufficient downstream flows. These flows were listed as benefits to other structural alternatives. Why the discrepancy? (pg S-23) The effect was to diminish the value of citizen proposals.

2

The DSEIS failed to mention that citizen proposals #6 and #9 would support existing recreation on the river. Meanwhile recreation components were listed as a strength of structural alternatives. Why the discrepancy?(pg S-23)

3

The DSEIS says Alternative 9 "has some merit" if combined with other alternatives. Why was this follow through not done? The effect was to diminish the value of the proposals that were evaluated. Was this DSEIS process trying to come up with the best solution, or was it the biggie sized administration proposal a done deal even before the DSEIS? (pg S-24)

4

Why were extra weaknesses added to Alternative 6, the Citizens proposal? "The likelihood of opposition from the farming community" is inappropriate at best. (pg S-23)

Why did structural alternatives not list as a weakness "The likelihood of opposition from taxpayers, small business owners, Durango citizens, Farmington Citizens, environmentalists, kayakers?" (pg S-22)

5

When and why were ALPWD and SJWD allocated so much water? What is the legislation that mandated their amounts? This allocation has the effect of reducing the value of Ute water by increasing the supply in this limited area. Please explain why these water districts couldn't buy their water from the Utes like every body else? pg 1-8

- IN40-1 The FSEIS includes the recognition of downstream flows as benefits to Alternatives 6 and 9.
- IN40-2 The FSEIS includes the recognition of the benefits of Alternatives 6 and 9 on the existing recreation.
- IN40-3 The intent was to allow sufficient opportunities to fully consider the merits of Alternative 9. Based on its own merits, the idea of opportunity costs was rejected as not being able to resolve the water rights claims of the Colorado Ute Tribes.
- IN40-4 There were significantly more components and options evaluated in Alternative 6 than any of the other alternatives. This alone increases the chances for either a larger number of strengths or a larger number of weaknesses to be identified. The likelihood of opposition from the farming community is included as a weakness because it has significant implications on the implementation of Alternative 6. That is, the farmers must be willing to sell their land in order for the alternative to be implemented. Initial contact with local irrigation companies indicated this would represent significant obstacles. Impacts to interests of the environmental community are important and are included in Table 2-10 through Table 2-50 .
- IN40-5 Water allocations to Indian and non-Indian entities is based on the Settlement Act and are described in Chapter 1, Table 1-1.

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6 | Were ALPWD and SJWD water amounts truly sufficient to warrant saying that not providing them was a "Fatal Flaw" to citizen proposals? Please justify. (pg 1-11)

7 | Why did the DSEIS fail to evaluate Navajo Reservoir with other potential water storage alternatives? Why wouldn't it supply NM M&I and Navajo water? This would eliminate nearly all of the "Fatal Flaw" to the Citizens proposal.

8 | Why did the table on pg. 1-6 not account for Pine River Ute Water? I estimate this was a 60,000 acre foot oversight, which significantly alters the understanding of how much water the Utes get even without ALP. Would the Bureau publicly correct this table in advance of the FSEIS, because of the massive nature of the omission.

9 | Why were the water quantities in Table on page 1-6 not totaled as in every other table in the DSEIS?

10 | Why were cost benefit analysis not included as part of the DSEIS?

11 | Why were the best solutions not pulled from each proposal to form a single best proposal?

12 | Would you please explain the contracting mechanism for the development of this DSEIS, and explain how these contracts followed applicable state and local laws for the awarding of government contracts?

13 | Would you please explain the relationship between the Bureau of Reclamation Durango Office and headquarters for this DSEIS development, the West Building, the Southern Ute Tribal Attorney, Mr. Maynes, and the Water Conservation district? Is it conventional for project proponents to serve as landlords for the Bureau of Reclamation? Does Bureau of Reclamation have any conflict of interest policies that might apply to this unusual situation?

Again thank you for the opportunity to comment.

Sincerely,



IN40-6 The overriding test of all alternatives was the ability to meet project purpose and need.

IN40-7 The availability of water from Navajo is evaluated under Refined Alternative 6 in Chapter 2. The coordinated operation of streams and reservoirs, such as Navajo, would eliminate some of the deficiencies of Alternative 6, but the Alternative would still have a fatal flaw in that as originally conceived it does not provide water to the Navajo Nation, the ALPWCD, or the SJWC. Refined Alternative 6 was developed to keep portions of Alternative 6 from altogether being rejected.

IN40-8 Table 1-1 provides a summary of the water rights under the 1986 Settlement Agreement with the Colorado Ute Indian Tribes. The purpose of the ALP Project is to bring final resolution to Colorado Ute Tribes' water right claims as contained in the 1986 Settlement Agreement. The water rights under the Pine River decree, dated 1930, is for the Southern Ute Tribe only and is in addition to the water rights in the 1986 Settlement Agreement. It would be inappropriate to commingle the water rights under these two different decrees.

IN40-9 It was not considered appropriate to total the water rights in Table 1-6 since the total was not used in any analysis in the FSEIS. In other tables in the FSEIS, an important component of the evaluation was the water budget and, in particular, the allowable depletions of 53,200 afy for the two Colorado Ute Tribes. (Note: The total allowable depletion under the ALP Project is 57,100 afy). Therefore it was important to total the water amounts for the purposes of keeping track of the allowable depletions so that this number was not exceeded.

IN40-10 Refer to General Comment No. 1 for a discussion of the need for a benefit-cost analysis.

IN40-11 In many respects this has been accomplished. The best parts of Alternative 6 were taken and improved upon to develop a Refined Alternative 6. Alternatives 1, 2, 3, 4, 5, 7 and 8 all involved Ridges Basin Dam and Reservoir but with different sizes and purposes. From this a Refined Alternative 4 was developed. Alternative 9 was considered on its own merits, as was the No Action Alternative.

IN40-12 The comment is outside the scope of the FSEIS.

IN40-13 The comment is outside the scope of the FSEIS.

INDIVIDUALS

IN41

From: Aniam - La Plata Project <swcbd@sw-center.org>
To: <gis@SW-Center.ORG>, <ALPDSEISComments@uc.usbr.gov>
Date: 1/29/00 2:01PM
Subject: Comments: Animas - La Plata Project

Name: Dave Foster
Address: 4513 N Via Entrada 168
City: Tucson
State: AZ
Zip: 85706
Phone: 520 615 1774
Subject: Animas - La Plata Project
Comments: Pat Schumacher
Bureau of Reclamation
835 E. 2nd Ave.
Durango, CO 81301

Dear Mr. Schumacher:

Six of us rented a house for two months in Durango last Summer in order to kayak the "town run section" of the Animas through Shelmeter Hole that you are threatening to dam. We bought four kayaks from the local store, took lessons, bought two mountain bikes and basically spent close to \$12,000 in the local economy. I think you will weaken the economic strength of your community if you dam that section of the river. We would not return. Durango is very nice, but it is not the only place to kayak. I expect we would probably just go to Salida, CO. I hope you decide not to do this project. Thanks Dave Foster

Remote_Addr: 63.11.141.42
HTTP_User_Agent: Mozilla/4.0 (compatible; MSIE 5.0; Windows 98; DigExt)
HTTP_Referer: http://www.sw-center.org/swcbd/activist/animas.html
HTTP_From: (null)

IN41-1 No dam is proposed on the Animas River. Refer to General Comment No. 15 for more information on this topic. Refer to General Comment No. 8 for concerns regarding recreational impacts.

1 |

Bureau of Reclamation
Attention: Pat Schumacher
835 E. 2nd Ave., Suite 300
Durango, Co 81301-0640

Dear Pat:

I strongly urge you to commit to any of the three alternatives for the A-LP that require no reservoir construction, or to come up with an even better plan. I have never been blindly opposed to progress, but strongly opposed to blind progress. The A-LP is a shining example of blind progress.

Having been a resident of La Plata County since 1964, I have lived with the conflict of the A-LP for a good portion of my adult life. It is now being actively protested by the second generation of concerned and informed adults. Unfortunately, the proponents of the A-LP have maintained an attitude of "It's going to happen and nothing can stop it".

The local news coverage has been one sided, glossing over negative facts. I have to read in the Denver, Farmington, or Albuquerque papers about anticipated coal slurry usage negating previous plans for a high tech rail system; the cancellation of efforts by the dryside residents to harness La Plata River water by incorporating it into the A-LP project; a coal fired power plant close enough to smog Durango forever out of the pristine environment category. The average Durango resident might well vote in favor of the project without a clue what all it entails.

The intensity of the negative cost vs. benefit is brought out only through newsletters sent at their own expense by A-LP opponents. The fact is, the Ute water rights as envisioned by the original signers of the 1868 treaty makes up a glorious 1% of the total usage of A-LP water. A whopping 64% of that negative cost vs. benefit is slated totally for non-indian use. Yet the political sentiments are screaming to pass this legislation to satisfy indian water rights. The indian water rights weren't even attached to the A-LP until 1968. Can't any intelligent person see that this much continuing opposition for this long by hardworking citizens and taxpayers might have a solid, valid reason for persisting?

The expense to date of keeping the A-LP alive on a yearly basis is in the vicinity of \$75 million since the 1960's, and so far no legitimate needs have

IN42-1 Comments noted.

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(con't)

been resolved. Instead of forcing this overpriced, top heavy and unnecessary dinosaur onto this pristine area, shouldn't we instead be tackling necessities, and only necessities, as the needs arise. That sum of money, used wisely, could have accomplished much towards resolving legitimate needs.

In 1868 our forefathers made a water settlement with the Colorado Utes as they foresaw needs for the tribe's future. Never in their wildest dreams did they anticipate giant government subsidized make-work projects as "needs".

Several years ago there was an election for City of Durango residents, not La Plata county residents, regards supporting the A-LP. The TV commercial showed a young indian woman, standing in a dust storm, asking for enough water to give her baby a bath. The future uses of A-LP M & I water shows only 1% of the total depletion for housing uses. No where in that TV commercial were coal mines, power plants, non-indian use of water, golf courses, etc, mentioned. That is deception in advertising, pure and simple. If no election is held involving all persons who will be taxed, and this includes every taxpayer in the United States, stating all of the negative facts as well as glossy idealisms, this will indeed be taxation without representation, which is exactly what triggered our Revolutionary war.

The Colorado River Basin Project Act of 1968 was part of a national move to retain the massive amounts of water at that time rushing to the western seas. That was then, this is now. Since 1968 many of the dams already built are proving to be inefficient, silting in faster than anticipated, destroying environment and wildlife. Promises made to deliver water from these existing water projects have not been fulfilled. Water already available from storage facilities needs to be allocated. Standing dams and reservoirs cannot be kept full do to weather variability, and the silting in is reducing their storage capacity. Developments downstream already need more water than is available.

Glen Canyon, original form, is extinct. Blow up Glen Canyon dam, and a wall of sludge will still choke that former wonder of the world. Looking at the color and the sediment of spring Animas run-off, the same will happen here. How long before Ridges Basin is a mudpot, and we need another storage area? We can't change the terrain or soil type that our melt water courses across. Why not change our attitude towards that water's future?

The Anasazi, our previous valley residents, had excellent water storage and

irrigation systems for their era. Their efforts failed and they had to leave. They overpopulated their resources. History is repeating itself. We still have the power to prevent it, by not making the same mistakes.

Attaching Ute Water Rights in 1986 to the already stagnant A-LP was a decided insult to Ute's needs, and was nothing but a power play trying to and force action on an unwanted, destructive project. Water from surface sources could have, and should have, at much less expense than now, made it's way to the Southern Ute and Ute Mountain Ute people. That same \$70 million +/- dollars that was poured into the giant A-LP void would have gone a long way towards getting water from Vallecito reservoir sent downstream via the Pine River, already flowing through Southern Ute land. The Ute Mountain Utes have geological access to water from the Dolores.

The delay forced upon these Americans through this bad legislation is an insult to their national citizenship. Utes have fought for America in our wars, and are legitimate veterans with the same hopes and dreams for their future as everyone else. Why are they used as a pawn to further political objectives? They have had to make do with what they had, why not developers?

Let us please abandon the idea of pumping water uphill to a site not guaranteed to hold water, and then charging fees to those it is supposed to serve to get their water out. How does anyone justify losing the volume of water evaporating from the reservoir and lengthy canals not yet built, when available water is flowing so closely to the needed areas. Water should come from the closest available source, at the least expense and minimal environmental intrusion. Water is to improve quality of existence, not to be forever polluted with industrial contaminants. Can't we learn anything from other's mistakes? Clear sparkling water is an endangered commodity.

The Animas River water is not pure, the mines upstream continue to leach poisonous minerals, the city sewer plant discharge hits the river directly upstream from the proposed A-LP intake site, and now the uranium tailings have been buried frighteningly close to the proposed reservoir site. This proposed reservoir has been suggested as a recreation site. With endlessly fluctuating water levels, slimy shore line, and increasing concentration of contaminants, who would choose to recreate there. It may become an illegal garbage dump, as is already happening along Navajo Reservoir south of us.

The Animas River as it is now, flowing free, offers endless recreation

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possibilities already in use. Industries profiting from the fishing and boating make substantial income from the river while letting it continue downstream. Changing the river with giant intakes and reduced water is merely destroying a proven industry that hurts no one, to permit untested, polluting enterprises to begin. Anyone, anywhere in this country, can go sit on the shore of an artificial lake and swat bugs. A free flowing river, and there are so few left, sparkling and dancing in the sunlight, is a treasured jewel to be protected. It in itself is an unrenueable resourse. Once altered, it can never be restored.

Over a hundred years ago, the Durango founders realized the problems with the Animas River's water drinkability, and went to considerable expense and effort to obtain city water from the Florida River. Their original water line lies behind our home, complete with heavy ceramic pipes, cedar shake strips, pipe clamps, over miles of pipeline to increase it's strength against water pressure, and scaffolding built of 10' square timbers to carry the pipe over ravines. It now lies in shambles on the ground. I can't help but wonder if it indeed was paid for, the cost amortized out, before it had to be upgraded.

Please, build nothing, no more dynamite, no masses of poured concrete, no giant diversions, intakes or uphill pumping, no storing to evaporate and concentrate, no canals going everywhere to accomplish what could have been done at a fraction of the cost. Cancel the top heavy A-LP and solve each need at a local, minimal expense, least destructive mode. Get needed water to reservations for personal use only, no government subsidized work projects. Let each of us learn to live with what is available, train our children to live in a world where education is more important than begging for more of whatever. Give those few truly wild and free things; rivers, valleys, basins, wildlife refuges, a sacred status, no longer up for grabs to the loudest voice or the most money. Bury the A-LP construction-destruction mode.
Most sincerely,

Kathy Fritch
Kathy Fritch
6355 County Road 240
Durango, Co 81301
(970) 247-4617

Dear Pat,

Here are my comments on the ALP,

Please consider all the non-structural alternatives to this destructive project, carefully and rationally. before you push any harder to kill our beautiful river.

I am writing in response to the latest SEIS, and I wish to comment on a few of my concerns. I am a lifelong resident of Durango, and the reason that I have remained in my home town is the fact that it is non-industrial, there is open space and wildlife, and most important of all, there is a clean, flowing, river.

For the past 22 years I have enjoyed the Animas River as a recreational and commercial rafter. For the past 18 years I have been a partner in Flexible Flyers Rafting, one of Durango's river companies. During my time in this sport I have seen the floaters go from a trickle of thrill seekers to a literal flood of moving water worshippers. This has raised the level of appreciation of this river to new heights. I have seen boaters picking up trash and old, rusty machinery that had lain for years. I have seen rafters reporting the illegal dumping of garbage and chemicals that otherwise would have gone unnoticed. The point I am making is that the boating community recognizes the Animas as something worth protecting. If the ALP is built as it is now proposed it would destroy a healthy and clean industry, as well as the recreational value of the river. The pumping schedule you outline would leave river craft high and dry from the middle of July on. Whoever wrote this latest version seems to feel that rafters and kayakers are too stupid to know the difference between natural river flows and really low water. In reality, this project would put all the commercial river companies out of business and seriously affect the other related industries (hotels, campgrounds, restaurants, sporting goods, and tourist shops). This is a loss that will be suffered by not only Durango, but also those towns along the San Juan River in Utah. The SEIS makes no mention of the fact that the Animas River is a major tributary to the San Juan. You should at least acknowledge that you will disrupt the lives of everything and everyone down stream. You owe it to all those affected to fully disclose the pumping design, mechanism, and diversions that will be obstructing and depleting the river channel. Also a reliable figure of downstream flows that will remain.

I have a real problem with your dismissal of the wildlife here. It

IN43-1 Refer to General Comment No. 7 for a discussion of the ALP Project's effect on rafting and kayaking.

IN43-2 Refer to General Comment No. 10 and Section 3.2.2.1.2 for a discussion of Durango Pumping Plant operations. Table 3.2-4 shows the range of impacts to the Animas River at three locations and during extreme and average conditions. The daily flows are plotted in Figures 2-4 through 2-6 of Appendix 2. Average monthly flows projected for the full period of analysis appear in the model output.

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INDIVIDUALS

IN43

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seems that you are totally ignoring the wetlands below your pumper. The U S Fish and Wildlife feels that this project will destroy the riparian habitat that is rare and important to this area. You seem to be unable to answer to that. Also your concerns to the elk's dilemma is lame. The Bodo Ranch wildlife area was identified in the 1970's as some of the best elk habitat in the state! Now it is also among the last. In the past 20 years, much of the other winter range has become homes and golf courses. The elk and their non-game friends have returned from the mountains each winter to find fewer and fewer safe havens. Apparently, the plan is to sacrifice most of the local herd as well as the many other seasonal and year round non-human residents who will literally die because they have nowhere else to go.

IN43-3 Wetland impacts are discussed in Chapters 3 and 5.

4

Finally, I am truly suprised at the glaring absence of any cost/benefit numbers. The last EIS at least admitted that the cost was hugely higher than any concieved of benefits. This time are they unable to come up with a competent mathamatician or are the real numbers so embarissing that they can't bring themselves to print it? Face the facts.... Durango doesn't need it, the farmers can't afford it, the indians will probably never see it, the only ones who will benefit are possibly the coal companies and certainly the water lawyers who are raking in millions of our taxpayers money while they ram their vague and destructive project down our unwilling throat!

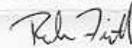
IN43-4 Refer to General Comment No. 11 for a discussion of the project's effects on elk.

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There is a non-structural alternative that will more than satisfy the Ute Tribes needs without killing our river. That is the ONLY legal obligation this project has and should be the only one persued!!!

IN43-5 Refer to General Comment Nos. 1 and 2 for a discussion of issues associated with benefit-cost analysis and project costs.

Sincerely,
Robin Fritch



2344 CR 225

Durango CO 81301

INDIVIDUALS

IN44

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Feb. 10, 2000
875 E. 6 Ave.
Durango, Co. 81301

U.S. Bureau of Reclamation
Re: Animas-La Plata Water Project
To whom it may concern,

I am opposed to almost everything about the ALP water project.

I am opposed to the ~~the~~ removal of the water from the river to Ridge Basin due to its environmental impact on the river and the Ridge Basin wildlife.

I am opposed to the public subsidy of the sort of suburban development (houses to golf courses) which the reservoir will likely provide & enable.

I am opposed to possible development of a coal-fired power plant on or near Ute land.

I do, however, believe that

IN44-1 The process of evaluating alternatives that would provide water to meet the Settlement Act water rights requirements of the Colorado Ute Tribes has involved extensive analysis of several structural and non-structural alternatives in an attempt to identify the alternative which would be least environmentally impactful. This analysis is included in Chapter 2 and 3 of the FSEIS. Some possible future water uses by the Colorado Ute Tribes are included in Chapter 2, but these uses are non-binding on the Tribes. Any water uses developed in the future would be subject to full environmental review at the time they are proposed.

INDIVIDUALS

IN44

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the Southern Ute Tribe has a claim to water under treaty rights. I believe that this can be met through the "non-structural" alternative; it would be granted to the tribe to purchase land and water rights.

Thank you for considering
my opinion.

Sincerely,

Pamela Furge

INDIVIDUALS

IN45

From: Polly Garner <garnervega@frontier.net>
To: Pat Schumacher <ALPDSEISComments@uc.usbr.gov>
Date: 2/15/00 3:32PM
Subject: ALP Comments

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I think the proposal that devotes such a large part of the ALP water to non Indian uses should be scaled back. The majority of the taxpayers DO NOT want to fund anything, but the bare commitment to the Indian nation. It is time to get control of the developers. They continue to use their influence on the government agencies to have their way at the expense of the rest of us.

Pauline Garner
83 Whispering Pines Circle
Durango, CO 81301

IN45-1 Approximately 75% of the water is allocated to the Colorado Ute Tribes and 25% to the Navajo Nation, ALPWCD, and the SJWC, all for the purpose of meeting M&I needs in the area. This is a significant departure from the original project.

INDIVIDUALS

IN46

From: Gerhardt Fritz <Fritz.Gerhardt@Colorado.EDU>
To: <ALPDSEISComments@uc.usbr.gov>
Date: 4/3/00 10:38AM
Subject: Animas-LaPlata Project

Dear Mr. Schumacher,
I am writing you to express my opposition to the DSEIS's preferred alternative for the Animas-LaPlata Project, which includes a large reservoir in Ridges Basin and a pumping plant. Instead I urge you to adopt Alternative 6, the Animas River Citizen's Coalition Alternative. None of the suggested future uses for the Animas-LaPlata water justifies the enormous cost and environmental damage that the A-LP will cause the Animas River. There are cheaper and less destructive alternatives (e.g. the Animas River Citizen's Coalition Alternative) that will meet treaty obligations to the Ute Indian water rights. Most of the water used in the preferred alternative will be diverted to non-Indian municipalities and corporations for coalmining, power plants, golf courses, and resorts. The proposed Ridges Basin Reservoir would displace native species such as elk and deer and threaten endangered native fish and bald eagles. In addition the preferred alternatives will greatly damage the natural riverine system of the Animas and LaPlata Rivers. Again I urge you to adopt Alternative 6, the Animas River Citizen's Coalition Alternative and to oppose the preferred alternative that includes the Ridges Basin Reservoir and the pumping station.
Thank you for your consideration,
Fritz Gerhardt

IN46-1 Comments noted. Reclamation's evaluation did not find the Citizen's Coalition Alternative (Alternative 6 and Refined Alternative 6) to be environmentally superior, nor did Reclamation conclude that it would provide a reliable water supply to meet the Colorado Ute Tribes' requirements under the Settlement Act.

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INDIVIDUALS

IN47

From: "Tammy" <tgoen@oneimage.com>
To: <ALPDSEISComments@uc.usbr.gov>
Date: 4/2/00 4:15PM
Subject: Animas-LaPlata

Mr. Pat Schumacher
Bureau of Reclamation

Mr. Schumacher,

I strongly appose the DSEIS's preferred alternative for the Animas-LaPlata project; I urge you instead to adopt Alternative 6, the Animas River Citizen's Coalition Alternative.

The DSEIS alternative is inadequate and does not fulfill the basic requirements of the NEPA to provide sufficient factual information to allow the public and decision-makers to make an informed decision regarding alternatives. None of the future uses, as suggested, for the A-LP water can justify the tremendous cost and environmental damage that the plan will cause to the Animas river. The DSEIS discounts the non-structural alternatives because they provide only "Indian" water (even though this is the mandate per the treaties). Most of the water from the A-LP won't even benefit the Indian communities, but will be poured into non-Indian energy and money making uses, such as coal mines and golf courses. The Ridges Basin Reservoir, as proposed would be an environmental disaster, displacing 800 elk and deer and bald eagles and threaten endangered fish species. Finally, although cheaper and much less destructive alternatives exist, US and Colorado tax payers would be forced to contribute \$300 million for the A-LP project.

I hope that you will consider my opinions and the proposed damages that the A-LP project would create and seek an alternative to fulfilling the Indian treaties that will not only actually meet these communities' needs, but maintain the wildlife and environment. Please adopt a NO-HARM alternative.

Sincerely,

Tammy Goen
233 Lupine Dr.
New Castle, CO 81647
tgoen@oneimage.com

IN47-1 Refer to General Comment No. 13.

INDIVIDUALS

IN48

Bureau of Reclamation - Dept District

I am writing in favor of the
ALP Ultra-light project.

I am not happy that all the irrigation
water has been cut out of the project, as the
farmers on the west side of LaPlata County
really needed a firm water supply for
irrigation & domestic water.

IN48-1 Comments noted.

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The reason that I am supporting this project
is that it would settle the Indian Water rights on
the LaPlata drainage. This would help the farmers
on the LaPlata River keep their water rights they
now have, no matter how low their priority may be.
It would also give the City of Durango & the
area more Municipal & Industrial water which they
really need.

I have lived here & hauled water all my
life & I would not wish hauling water on
any one.

I feel that we really need to keep the
water in the State of Colorado, & not let it
run down to Arizona, California & Nevada.

J. Pat Steer
2097 C.R. 100
Hesperus, Colo 81336