

Table 2—List of comment designations with corresponding responses¹

Federal Government Agencies (FG)	
FG-01	No response required.
FG-02	No response required.
FG-03	No response required.
Tribal Governments (TG)	
TG-01-01	A draft programmatic agreement (PA) will be prepared and transmitted to the Navajo Nation, Hopi Tribe, State of New Mexico, Bureau of Land Management, Bureau of Indian Affairs, city of Gallup, and the Advisory Council on Historic Preservation for review. A traditional cultural property study will be included as part of a cultural resources inventory once a corridor is identified on the ground. A draft Native American Graves Protection and Repatriation Act Plan of Action will be prepared as an attachment to the draft PA and transmitted for Hopi Tribe review. Both PAs will be finalized and executed prior to construction.
TG-02-01	The Navajo-Gallup Water Supply Project's (proposed project) purpose is to identify water supply alternatives for a projected water demand for the year 2040. Population growth and per capita water demand are the two factors to determine water demand. Both of these factors are based on conservative estimates for this area of the Southwest. Population growth is continuing throughout the proposed project area as evidenced by the growth of the student body in the schools throughout the Navajo Nation and that the existing groundwater supplies are not able to meet the even limited demand.
TG-03-01	The San Juan River Public Service Company of New Mexico (SJRPNM) Alternative was selected as the preferred alternative for meeting the established purpose and need. This alternative was selected as a result of a rigorous screening process, including factors from the National Environmental Policy Act and the <i>Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies</i> . The SJRPNM Alternative ranked highest (or most preferable) in the overall combined analysis. This screening process is described in chapter V and attachment J of volume I.
TG-03-02	<p>The Bureau of Reclamation (Reclamation) updated cost estimates to 2007 levels and made this information available to all interested parties. Updated costs did not change project impacts. Changes to cost estimates and economic analyses were incorporated into the final document. Peer review of the design and cost estimate was also completed by an independent engineering consultant.</p> <p>The Indian Health Service and State of New Mexico are members of the steering committee and participated actively in the design of the project.</p> <p>Budget constraints limited Reclamation to conducting only appraisal-level design and cost estimates.</p>

¹ The terms document, volume I, and PR/FEIS all refer to the same document: **volume I** of the PR/FEIS.

Tribal Governments (TG)

TG-03-02 (continued)	<p>In the cost estimate, Reclamation included 22.5 percent in contingencies to cover minor differences in actual and estimated quantities, difficulties unforeseeable at the site, possible minor changes in plans, and other uncertainties.</p> <p>Reclamation estimates that between \$5 and 10 million may be needed to collect additional design data, develop detail designs, and refine the cost estimate.</p>
TG-03-03	See response to comment TG-03-02.
TG-03-04	Value engineering is a step undertaken as part of the final design and prior to preparing construction specifications. The result of value engineering should be the most long-term, cost-efficient alternative to provide the specific desired benefits.
TG-03-05	This comment was considered, but no changes were made to the document.
TG-03-06	See response to comment TG-03-02.
TG-03-07	The Navajo Indian Irrigation Project (NIIP) is one of the Navajo Nation's sources to implement the Navajo Depletion Guarantee and would share facilities with the Navajo-Gallup Water Supply Project. Completion of NIIP is dependent on congressional appropriations, and it is assumed that NIIP is fully developed under all alternatives. Additional language was added to the description of NIIP in chapter I and tables in chapter II.
TG-03-08	Document text was revised to reflect the current status of the Animas-La Plata Project and average annual depletions.
TG-03-09	In volume I, page I-17, footnote 8: the wording has been changed from "firmly believes that" to "interprets."
TG-03-10	Navajo Nation Resource Committee and Navajo chapter resolutions are included in volume I as attachments C and D.
TG-03-11	Changes were made to reflect that the 90,000 estimate is based on 2000 census data.
TG-03-12	Changes were made in the document to address the comment.
TG-03-13	The Secretary of the Interior (Secretary) is delegated the responsibility for development of the hydrologic determination. In fulfilling this responsibility, the Secretary consulted with and received concurrence from the Upper Basin States in completing the hydrologic determination. The Secretary's hydrologic determination and Upper Colorado Basin resolution supporting the determination and use of Upper Basin water in the Lower Basin in New Mexico are included in volume I, attachment N.
TG-03-14	Changes were made in the document to address the comment.
TG-03-15	Comment noted.
TG-03-16	This comment is addressed in the "Socioeconomics" section of chapter V (volume I).
TG-03-17	Figures IV-1 through IV-6 were updated in chapter IV (volume I) to include the current Navajo Tribal Utility Authority public water system overages.
TG-03-18	Additional discussion of Navajo mineral ownership was added to the "Indian Trust Assets" section of chapter V (volume I). However, additional development of these resources is beyond the scope of this document.

Tribal Governments (TG)

TG-04-01	<p>The Navajo-Gallup Water Supply Project (proposed project) is to be implemented and operated to reduce the impact on use of existing water rights on the San Juan River in New Mexico and Colorado. Without specific details on how a water right would be developed or impacted, it is not possible to address concerns.</p> <p>New Mexico is limited by its Colorado River Compact (Compact) allocation in the water depletion it can take from the San Juan River. Implementation of the proposed project prior to putting other water rights to use may impact those water rights. The States will be responsible for administering the water rights to ensure compliance with State water law and the Compact.</p>
TG-04-02	<p>The planning report and draft environmental impact statement tables V-3 and V-5 did not incorporate the San Juan River Basin (Basin) in New Mexico Navajo Nation Water Rights Settlement Agreement. At the time, legislation was introduced in the Congress, but the settlement had not been passed. With the passage of Public Law (P.L.) 111-11, the Secretary of the Interior shall execute an agreement consistent with the provisions of P.L. 111-11 by December 31, 2010. The planning report and final environmental impact statement (PR/FEIS) does not analyze the Navajo Settlement Agreement (volume I, attachment P). Table V-5 is a summary of major existing and future Tribal uses of Basin water previously used in the final environmental impact statement - <i>Navajo Reservoir Operations</i> - dated April 2006.</p> <p>Changes to table V-5 in the PR/FEIS included moving the Jicarilla Apache Nation's Public Service Company of New Mexico Third- Party Water Service Contract from the "future use" category to "existing uses," correcting the 563 acre-feet per year (AFY) of Southern Ute Indian Tribe future use from the Florida Project to show that its is included in the environmental baseline for recent Endangered Species Act (ESA) consultations, and correcting the 1,090 AFY direct diversion right of the Southern Ute Indian Tribe future use to show that is has not been included in the environmental baseline for recent ESA consultations. Additional detail to water rights descriptions shown in the future uses - Southern Ute Indian Tribe - was added as requested by the Tribe.</p> <p>The inclusion of all Southern Ute Indian Tribe and Jicarilla Apache Nation settlement water in the existing environmental baseline continues to be questioned by the two Tribes. Historic and current depletions are included in the existing baseline; however, the Bureau of Reclamation (Reclamation) has been unable to find ESA section 7 consultations that include Tribal future use water (with exception of the Animas-La Plata Project, Navajo Indian Irrigation Project, Florida Project, San Juan-Chama Project, Stollsteimer Creek, and the Jicarilla Apache Nation Navajo River Water Supply Project).</p> <p>Reclamation held additional discussions with the Southern Ute Tribe and the State of Colorado regarding the Tribe's unused water settlement right within the existing baseline. Table V-5 appears consistent with existing information, and it appears that not all of the Tribe's water rights may be included within the environmental baseline. With or without the Navajo-Gallup Water Supply project, future Tribal water development projects with a Federal nexus would likely require additional section 7 consultation to determine effects to endangered species if not included in previous consultations.</p> <p>The San Juan Basin Recovery Implementation Program serves to allow for future development of water rights. The specific goals of the recovery program are to:</p> <ol style="list-style-type: none"> 1) Conserve populations of the Colorado pikeminnow and razorback sucker in the Basin consistent with recovery goals established under the ESA, 16 U.S.C. 1531 et seq. 2) Proceed with water development in the Basin in compliance with Federal and State laws, interstate compacts, Supreme Court decrees, and Federal trust responsibilities to the Southern Utes, Ute Mountain Utes, Jicarillas, and the Navajos.

Tribal Governments (TG)

TG-04-03	Additional consultation with the Southern Ute Indian Tribe addressed this issue, which is discussed in the “Indian Trust Assets” section of chapter V (volume I) and in the response to comment TG-04-03.
TG-04-04	Additional detail was added to the description of the Navajo Depletion Guarantee (depletion guarantee) developed by the Navajo Nation. Additional detail was also added to include what would trigger implementation of the depletion guarantee. Changes in the depletion guarantee language reflect additional discussions between the Navajo Nation, Bureau of Reclamation, U.S. Fish and Wildlife Service, the States of Colorado and New Mexico, and other interested parties. See Chapter VI for the description of the Navajo Depletion Guarantee and response to comment SLG-03-07 and SLG-03-05.
TG-04-05	This section was modified to address the comments to more fully recognize the San Juan River Basin Recovery Implementation Program and its purpose. Also see responses to comments SLG-03-05 and SLG-03-07.
TG-04-06	See response to comment TG-04-04.
TG-04-07	Duly noted.
TG-04-08	There is no requirement to include the biological assessment or other technical reports in the planning report and draft environmental impact statement or the planning report and final environmental impact statement (PR/FEIS). The Bureau of Reclamation determined that to reduce the bulk of the PR/FEIS, the biological assessment and some technical reports cited in the analysis would not be included in the appendices. These are large documents and are available upon request.
TG-04-09	Changes were made to the document, chapter V, “Aquatic Resources” section to address the comment.
TG-04-10	Edits were made.
TG-04-11	<p>The biological opinion (BO) determined that the level of anticipated take is not likely to result in jeopardy to the razorback sucker and Colorado pikeminnow or result in the destruction or adverse modification of their critical habitat. Reasonable and prudent measures are included in the final BO.</p> <p>Estimates of native fish entrainment were based on each species’ distribution and the fraction of flows diverted during the time of peak drift. Impacts were analyzed in the report entitled, <i>Navajo-Gallup Water Supply Project - Aquatic Disturbance</i> prepared by Ecosystems Research Institute, dated November 2003. Reference to this report was added to the planning report and final environmental impact statement.</p>
TG-04-12	This section compares the No Action Alternative to the NIIP-Amarillo Alternative. No additional impacts on the native fish community or trout community below Navajo Reservoir result when comparing base flows.
TG-04-13	This section was revised to state that no mitigation measures are proposed. Screening the Public Service Company of New Mexico intake pump and implementation of Best Management Practices as described in the “Water Quality” section of chapter V (volume I) would minimize impacts to aquatic resources.
TG-04-14	The final biological opinion has been added to the appendices. The biological assessment is available upon request.
TG-04-15	See response to TG-04-11.

Tribal Governments (TG)

TG-04-16	Conservation measures for endangered fish are sufficient to reduce potential impacts to native fish by the Navajo-Gallup Water Supply Project.
TG-05-01	The document was changed to incorporate comments on Tribal water quality standards.
TG-06-01	Footnote added.
TG-06-02	Changes were made to the document to reflect the Jicarilla Apache Nation's comment regarding their settlement and contracts with the city of Gallup and other entities.
TG-06-03	See response to comment TG-06-02.
TG-06-04	See response to comment TG-06-02.
TG-06-05	See response to comment TG-04-02.
TG-06-06	<p>Sections of the document were modified to more accurately describe implementation of the Flow Recommendations as one component of the San Juan River Basin Recovery Implementation Program (SJRBRIP). In the Animas-La Plata (ALP) section 7 consultation, the Bureau of Reclamation's conservation measure commitment to re-operate Navajo Reservoir to mimic a more natural hydrograph to benefit endangered fishes and their critical habitat serves as the reasonable and prudent alternative.</p> <p>Regarding Flow Recommendations, the ALP biological opinion (U.S. Fish and Wildlife Service [Service], 2000) states:</p> <p><i>"Because Reclamation has committed to operate Navajo Reservoir to benefit endangered fishes as a conservation measure, the Service would consider the inability to meet the flow recommendations as a significant modification of the conservation measure that would affect the Colorado pikeminnow and razorback sucker and their designated critical habitat on the San Juan River. Therefore, upon completion of the Navajo Reservoir EIS, the Service in coordination with Reclamation will determine if the San Juan River flow recommendations can be met. If it is determined that the flow recommendations cannot be met, Reclamation is required to reinitiate section 7 consultation on the Animas-La Plata Project.</i></p> <p><i>Following the San Juan River flow recommendations is expected to result in a positive population response for the Colorado pikeminnow and razorback sucker in the San Juan River. If a positive population response for both species is not realized as measured by criteria developed by Reclamation with the next year, this would be considered new information that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion. Therefore, if the flow recommendations do not result in a positive population response, Reclamation will be required to reinitiate section 7 consultations."</i></p> <p>Also regarding Flow Recommendations, the Service's concurrence letter dated July 14, 1999, regarding completion of the Navajo Indian Irrigation Project (Service, 1999) states:</p>

Tribal Governments (TG)

TG-06-06
(continued)

“Colorado pikeminnow and razorback sucker. May affect, not likely to adversely affect. The Service concurs, based on the following components of the proposed action, the capability of the river to achieve the flows recommended for the endangered fish species over and above the depletions caused by the proposed action, and on the commitments made by the Bureau of Indian Affairs and the Navajo Nation to the San Juan River Recovery Implementation Program.

Reoperation of Navajo Dam to mimic a natural hydrograph of the San Juan River and to meet the flow recommendations for recovery of the endangered Colorado pikeminnow and razorback sucker. The information present in the biological assessment reflects the findings of the San Juan River Recovery Implementation Program’s Flow Recommendations Report (1999) – that the depletion of water from the San Juan River necessary to support the proposed project would still allow the flow recommendations formulated for the recovery of the two endangered fish species to be met through the reoperation of Navajo Dam.”

In the Navajo Reservoir Operations biological opinion (Service, 2006), regarding population response to SJRBRIP actions, the opinion states:

“...From these data, we conclude that the razorback sucker and pikeminnow populations in the San Juan River are more secure today than they were through the 1980s and 1990s and that the threat of extinction has been reduced. Of the two species, razorback sucker populations currently appear to be benefiting more from management efforts. The number of razorback sucker larval fish caught appears to be increasing (Brandenburg et al, 2003) and in 2003, two juvenile razorback sucker (249 and 274 mm TL) were collected in the lower San Juan River (at RM 35.7 and 4.8, respectively)...While it is still too early to determine if these fish will survive to the adult stage and reproduce, the trend is encouraging. Because the effective riverine habitat in the San Juan River has been shortened by 87 km (54 mi) by inundation of Lake Powell and 150 km (93 mi) by cold water releases from Navajo Dam, it is unclear if truly self-sustaining populations of pikeminnow can be established without the presence of warmer water so that spawning can occur further upstream. However, with continued management (e.g., adherence to the flow recommendations, removal of fish passage barriers,) and stocking/augmentation, it is expected that population numbers will increase and be maintained. . .

The magnitude of the proposed action is large since it affects the full length of San Juan River occupied by the two endangered fish and extends in perpetuity. Because of the large magnitude, it is essential that the SJRBRIP continue with at least the same level of agency commitment, intensity, and funding to be able to monitor and counteract the effects of this proposed action and all the projects that are linked to it (e.g., Animas-La Plata Project, Navajo Indian Irrigation Project, and numerous smaller projects). As full implementation of projects increases in the basin, leading to greater depletions, the SJRBRIP will need to determine if, and when, conditions which currently are not detrimental to the endangered fishes (e.g., water quality) become more severe with additional depletions. Continued long-term monitoring is essential, and initiating new studies may also be needed. . .”

The SJRBRIP has been instrumental in the development and implementation of the Flow Recommendations. The benefits of implementing the Flow Recommendations outweigh impacts from depletions, cold water releases, changes in channel morphology associated with the action; and are expected to lead to the conservation and recovery of the species.”

Tribal Governments (TG)

TG-06-07	See response to comment TG-06-02.
TG-06-08	See response to comment TG-06-02.
TG-07-01	The settlement agreement is outside the scope of this document.

State and Local Government Agencies (SLG)

SLG-01	Duly noted.
SLG-02-01	Duly noted.
SLG-02-02	Cost allocation breakdowns are provided in volume II, appendix D, part II.
SLG-03-01	See response to comment TG-03-13.
SLG-03-02	The use of Arizona's upper or lower compact allocation could potentially be used to meet Navajo-Gallup Water Supply Project demands. The State of Arizona and the Navajo Nation will make this determination in consultation with the Basin States consistent with the laws of the Colorado River. Dependent on the outcome of the accounting of the Arizona depletions, additional National Environmental Policy Act review may be needed. Upper Basin depletions are listed in table V-3.
SLG-03-03	<p>The differences between the two tables are a result of different methods of calculating evapotranspiration (consumptive use) in New Mexico. These differences are being addressed by the San Juan River Basin Recovery Implementation Program. Additional details concerning the Navajo Depletion Guarantee have been incorporated into chapter VI.</p> <p>Table V-3 (table IV in the biological assessment) in volume I has been updated to incorporate footnotes included in the San Juan River Basin Recovery Implementation Program's final program report.</p>
SLG-03-04	See response to comment TG-04-04.
SLG-03-05	<p>The Navajo Nation developed the Navajo Depletion Guarantee (depletion guarantee) language to obtain successful section 7 consultation on the Navajo Gallup Water Supply Project (proposed project). The section 7 consultation process has been consistent with the section 7 principles developed by the San Juan River Basin Recovery Implementation Program (SJRBRIP). Additional discussion of the section 7 principles was added in the description of the SJRBRIP.</p> <p>The section 7 principles specifically state:</p> <p><i>"5.0 Section 7 Consultations</i> <i>The Program is intended to identify and implement actions that assist in the recovery of the species and provide compliance with sections 7 and 9 of the ESA for water development and water management activities in the Basin. It is recognized that federal agencies and/or project sponsors may wish to carry out actions that provide ESA compliance for their activities independently of the Program, and not rely on the Program to provide actions for ESA compliance. In addition, federal agencies and/or project sponsors may modify their activities to eliminate or minimize adverse effects, avoid jeopardy, and/or avoid adverse modification of critical habitat, and by so doing, remove the need for actions by the Program to provide ESA compliance."</i></p> <p>During informal consultation, the U.S. Fish and Wildlife Service (Service) stated that the SJRBRIP was still in its infancy and had not made enough progress to serve as the reasonable and prudent alternative for the additional depletions associated with the proposed project. At that time, the Service could not identify additional recovery implementation</p>

State and Local Government Agencies (SLG)	
SLG-03-05 (continued)	program recovery action plan items to be added to the Long Range Plan that would offset new project depletions. The depletion guarantee language is intended to allow the proposed project to move forward without jeopardizing the endangered fishes. The depletion guarantee encumbers only the Navajo Nation. Changes in the SJRBIP Flow Recommendations or change in the status of listed species may result in reduction or removal of the depletion guarantee in the future based upon re-consultation, as described in the final biological opinion.
SLG-03-06	See response to comment TG-04-04.
SLG-03-07	Because the biological opinion is a U.S. Fish and Wildlife Service (Service) document, comments on the draft biological opinion included with the planning report and draft environmental impact statement were forwarded to the Service for consideration. A final biological opinion for the Navajo-Gallup Water Supply Project is included in volume II, appendix C, part III.
SLG-03-08	See response to comment TG-07-01.
SLG-03-09	See response to comment TG-04-02.
SLG-04-01	See response to comment TG-04-04.
SLG-04-02	See response to comment TG-04-05.
SLG-04-03	The planning water use rate of 160 gallons per capita per day includes a community use of water, which includes household use, outside residential watering, and commercial use in a community such as laundromats, hotels, car washes, schools etc.
SLG-04-04	<p>The \$1.00 per acre-foot charge is the annual operation and maintenance fee, and the \$60.00 per acre-foot is the water service cost, both of which were included in the economic analysis.</p> <p>The Bureau of Reclamation will enter into water service contracts with all applicable entities, and carriage contracts for the use of Navajo Indian Irrigation Project facilities may be required depending on authorizing legislation.</p>
SLG-04-05	<p>It is acknowledged that depletion of water from the San Juan River by the Navajo-Gallup Water Supply Project (proposed project) may impact the success of consultations under the Endangered Species Act for proposed future water development.</p> <p>The proposed project water depletions associated with the Window Rock area in Arizona are estimated to be 6,400 acre-feet annually at full project development. The accounting for this water depletion would come from Arizona's apportionments of water from either the upper or lower basins. There appears to be water available in both Arizona's upper and lower apportionments to meet this demand. Arizona and the Navajo Nation will have to resolve the accounting and Colorado River Compact issues with the Upper Basin River Commission, the Lower Basin States, and the Secretary of the Interior.</p>
SLG-04-06	In the final environmental impact statement analysis, it is estimated that San Juan River flows would increase by approximately 5 cubic feet per second (cfs) from additional releases from Navajo Reservoir to meet Navajo-Gallup Water Supply Project (proposed project) demands. At times, dependent on natural flows, up to 40 cfs of additional releases from Navajo Reservoir may be needed to meet proposed project demand. This increase is not provided for dilution or aquatic habitat, but may occur during low flow periods between Navajo Reservoir and the Public Service Company of New Mexico diversion. The increase to meet proposed project demand is predicted to improve water quality and aquatic habitat benefit. Providing an additional 40 cfs flow to the 250 cfs minimum flows described in the Navajo Operations environmental impact statement is a 16-percent increase.
SLG-04-07	See response to comment TG-04-11.

State and Local Government Agencies (SLG)

SLG-04-08	See response to comment SLG-04-05.
SLG-04-09	See response to comment SLG-03-05.
SLG-04-10	“Ongoing” consultation was used to reflect that additional discussions with the U.S. Fish and Wildlife Service were occurring and that a final biological opinion had not been issued.
SLG-04-11	An eastern portion of the Navajo Nation to be provided water from the Navajo-Gallup Water Supply Project lies within the Rio Grande Basin. This proposed 1,119 acre-foot water depletion in the Rio Grande Basin will be accounted for as part of New Mexico’s upper Colorado River water allocation.
SLG-04-12	Project authorization is required for all Navajo-Gallup Water Supply Project features. Public Law 111-11 has provided that authorization.
SLG-04-13	See response to comment TG-03-07 and TG-04-04.
SLG-04-14	See response to comment SLG-03-02.
SLG-04-15	Additional National Environmental Policy Act (NEPA) compliance may be needed for construction of a Jicarilla Apache Nation distribution system from the Cutter Lateral if there is a Federal nexus. The Federal agency (i.e., Indian Health Services, Bureau of Indian Affairs, etc.) that has the nexus would be responsible for any additional NEPA compliance.
SLG-04-16	See response to comment TG-03-07.
SLG-04-17	See response to comments SLG-03-05 and TG-04-05.
SLG-04-18	See response to comment TG-03-08.
SLG-04-19	See response to comment TG-06-06.
SLG-04-20	It is noted that under the San Juan-Chama Project authorizing legislation, diversions to New Mexico should not limit current and future beneficial uses in Colorado.
SLG-04-21	See response to comment TG-04-04.
SLG-04-22	See response to comment TG-03-07.
SLG-04-23	The analysis in this report did not assume that the project would be a Colorado River Storage Project (CRSP) participating project or use CRSP power. The 2007 project cost updates included current CRSP power rates for comparative purposes only. The benefit/cost evaluation uses local commercial power rates. However, the recently enacted Public Law 111-11 states “The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the project.”
SLG-04-24	See response to comment TG-06-06.
SLG-04-25	Text was changed to “while not exceeding the existing depletion baseline (table V-3) or limiting the implementation of the SJRBIP.”
SLG-04-26	This section was updated to reflect the consultations.
SLG-04-27	See response to comment TG-06-06.
SLG-04-28	See response to comment TG-06-06.
SLG-04-29	See response to comment TG-04-04.
SLG-05-01	This information was added to the “Land Use” section of chapter V (volume I) of the planning report and final environmental impact statement.
SLG-06-01	See response to comment TG-06-06.

State and Local Government Agencies (SLG)

SLG-06-02	<p>The water demand assumption was 160 gallons per capita per day per person, which represents water uses in a typical southwestern community including residences, businesses, hospitals, schools, etc. Uses include personal water use and outside residential use.</p> <p>The Navajo-Gallup Water Supply Project (proposed project) is not intended to provide large amounts of water for agricultural or livestock use. Some individuals may choose to water small numbers of livestock or develop gardens; however, the cost of water would be a limiting factor for large-scale agriculture.</p> <p>Existing water resources will continue to be used until the proposed project is completed. The planning horizon for this project is 2040. Water demand and supply beyond 2040 is outside the scope of this analysis.</p>
SLG-06-03	See response to comment SLG-06-02.
SLG-06-04	See response to comment SLG-04-04
SLG-06-05	See response to comment SLG-04-23.
SLG-06-06	See response to comment TG-03-02.
SLG-06-07	See response to comment SLG-03-02.
SLG-06-08	See response to comment SLG-04-06.
SLG-06-09	See response to comment TG-04-11.
SLG-06-10	<p>The project steering committee includes the public entities that would be provided water supplies by the project and entities that would be responsible for overseeing any proposal's implementation and funding. The project steering committee has been in existence for over 2 decades, directing and promoting the various surges in project planning. The San Juan Recovery Implementation Program was represented by the Bureau of Reclamation, State of New Mexico, the Navajo Nation, and the Jicarilla Apache Nation on the steering committee. The State of Colorado was not part of the steering committee because the proposed project was not providing a water supply to areas within Colorado.</p>
SLG-06-11	See response to comment SLG-04-10.
SLG-06-12	See response to comment TG-04-04.
SLG-06-13	See response to comment TG-04-04.
SLG-06-14	See response to comment SLG-04-11.
SLG-06-15	See response to comment SLG-04-12.
SLG-06-16	See response to comment TG-03-07.
SLG-06-17	See response to comments TG-03-13 and SLG-03-02.
SLG-06-18	See response to comment SLG-04-15.
SLG-06-19	See response to comment SLG-06-10.
SLG-06-20	See response to comment TG-03-07.
SLG-06-21	See response to comment SLG-03-05.
SLG-06-22	See response to comment TG-04-10.
SLG-06-23	See response to comment TG-03-08.
SLG-06-24	See response to comment TG-06-06.

State and Local Government Agencies (SLG)

SLG-06-25	See response to comment SLG-04-20
SLG-06-26	See response to comment TG-04-04.
SLG-06-27	See response to comment TG-03-07.
SLG-06-28	See response to comment SLG-04-23.
SLG-06-29	See response to comment TG-06-06.
SLG-06-30	See response to comment TG-04-04 and/or TG-06-06.
SLG-06-31	See response to comment TG-04-03 and SLG-04-25.
SLG-06-32	The following was added for clarification. <i>“Actual pipeline disturbance may be 50 to 100 feet on either side of the pipeline. Because the level of detail included in final designs is not available, 500 feet was used as a conservative estimate to capture the various habitat types along the proposed pipeline alignments.”</i>
SLG-06-33	See response to comment TG-06-06.
SLG-06-34	See response to comment TG-06-06.
SLG-06-35	See response to comment TG-04-04.
SLG-07-01	See response to comment TG-04-01.
SLG-07-02	The Bureau of Reclamation has consulted with the U.S. Fish and Wildlife Service and the State of New Mexico to address impacts to endangered species and existing water users.
SLG-07-03	See response to comment SLG-03-05.
SLG-07-04	See response to comment SLG-03-07.
SLG-07-05	See response to comment SLG-03-07.
SLG-07-06	See response to comment TG-04-01.
SLG-07-07	See response to comment TG-04-01.
SLG-07-08	See response to comment SLG-04-23.

Power and Water Interests (PWI)

PWI-01-01	See response to comment SLG-04-23.
PWI-01-02	See response to comment SLG-04-23.
PWI-01-03	Changes were incorporated.
PWI-01-04	This comment was considered, but no changes were made to the document.
PWI-01-05	The NIIP-Amarillo Alternative was the least cost alternative; however, other factors were also included in the selection of the preferred alternative. See volume I, attachment J.
PWI-01-06	See response to comment PWI-01-04.
PWI-01-07	See response to comment PWI-01-03.

Power and Water Interests (PWI)

PWI-01-08	<p>The power transmission facilities needed to connect the existing facilities to the proposed Navajo-Gallup Water Supply Project (proposed project) power demands have been estimated based on the facilities in place when this planning was done. These facilities and their estimated construction and maintenance costs were included as project costs and in the economic analysis.</p> <p>For this analysis, it has been assumed that the local available commercial power would be used and the local cost of power was used in the economic analysis. If any other source of power were to be made available, such as Colorado River Storage Project power, the associated costs to get that power to the point of proposed project use would need to be evaluated. A comparison of potential alternative power sources would be needed to determine specific details at the time the project was ready for the next level of study.</p> <p>The June 30, 1994, letter from the Bureau of Reclamation's Rob Leuthouser, which was referenced in the Technical Memorandum, March 16, 2001, by the Navajo Nation Department of Water Resources, has not been found.</p> <p>The cost of using water from Navajo Reservoir includes two elements. The cost to help offset the capital cost of constructing the reservoir is estimated to be \$60 per acre-foot, and the associated operation and maintenance cost to deliver the water from the outlet of the reservoir is estimated to be \$1 per acre-foot. Both of these costs were used in the economic analysis of the proposed project.</p> <p>The San Juan River Infiltration Alternative included collecting water in caissons adjacent to the river then pumping the water to the water treatment plant. The power and cost of pumping this water to the treatment plant was not included as a treatment plant cost, but was included as a pumping plant power demand and cost.</p> <p>The estimated year 2040 power demand is 21,276 kilowatts based of the San Juan Public Service Company of New Mexico 2040 alternative.</p> <p>The project economic analysis has considered the foregone cost of power generation by the depletions of this project from the Colorado River System. The analysis considers only the cost of local sources of commercial power. Until authority is given to do otherwise, it cannot be presumed.</p>
PWI-01-09	See response to comment PWI-01-08.
PWI-01-10	See responses to comments SLG-04-04 and PWI-01-08.
PWI-01-11	See response to comment PWI-01-08.
PWI-01-12	See response to comment PWI-01-08.
PWI-01-13	See response to comment PWI-01-08.
PWI-01-14	See response to comment PWI-01-08.
PWI-02-01	See response to comment TG-03-02.
PWI-02-02	Public Law 109-451 cited as the "Rural Water Supply Act of 2006" has specific provisions relating to projects to be authorized using that act that do not pertain to Public Law 92-199 of 1971, which authorized the Bureau of Reclamation to conduct this study.

Power and Water Interests (PWI)

PWI-02-03	40 Code of Federal Regulations (CFR) defines legislation as follows: “Legislation includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations. The test for significant cooperation is whether the proposal is in fact predominantly that of the agency rather than another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include requests for ratification of treaties. Only the agency which has the primary responsibility or the subject matter involved will prepare a legislative environmental impact statement.
PWI-02-04	See response to comment TG-03-02.
PWI-02-05	See response to comment SLG-03-02.
PWI-02-06	See response to comment SLG-04-12.
PWI-02-07	See response to comment SLG-04-23.
PWI-02-08	<p>All rights-of-way acquired for the Navajo-Gallup Water Supply Project (proposed project) will include access for long-term operation and maintenance activities of the proposed project. The proposed project will not include obtaining additional rights-of-way for new Navajo Tribal Utility Authority or other delivery pipelines.</p> <p>As stated in the document, all rights-of-way for Navajo Nation and public land are assumed to be at no cost except for identification, processing, and recording. Only 13 percent of the pipeline alignment is proposed to cross private lands, and proposed legislation authorizing eminent domain is outside the scope of the analysis. Public Law 111-11 establishes as a condition of construction of the proposed project facilities, the project participants shall provide all land and interest in land, as appropriate, that the Secretary of the Interior (Secretary) identifies as necessary for acquisition at no cost to the Secretary.</p>
PWI-02-09	See response to comment SLG-04-23.
PWI-02-10	See response to comment PWI-01-04.
PWI-03-01	See response to comment SLG-03-05.
PWI-03-02	See response to comment TG-06-06.
PWI-03-03	This section was reworded to state: “ <i>Future water uses with valid water rights and environmental clearances (NEPA and ESA) would likely continue assuming that the SJRBRIP continues to function and serves as the reasonable and prudent measure (RPM) and/or reasonable and prudent alternative (RPA) for adverse impacts to listed species.</i> ”
PWI-03-04	See response to comment TG-06-06.
PWI-03-05	See response to comment TG-04-05 and SLG-03-05.
PWI-03-06	This section was rewritten.
PWI-03-07	See response to comment TG-06-06.
PWI-03-08	See response to comment SLG-03-05.
PWI-03-09	See response to comment SLG-03-07.
PWI-04-01	See response to comment TG-04-01.
PWI-04-02	Public Service Company of New Mexico (PNM) will be consulted in the development of detailed designs of the San Juan PNM diversion to ensure that adverse impacts are avoided. Agreements, permits, or other required documents will be obtained from all parties prior to construction to protect existing rights and uses.
PWI-04-03	See response to comment PWI-04-02.
PWI-04-04	See response to comment PWI-04-02.

Other Organizations (OO)

OO-01-01	See response to comment TG-03-13.
OO-01-02	Settlement issues are outside the scope of the document.
OO-01-03	See response to comment SLG-03-02.
OO-01-04	The Congress directed the Bureau of Reclamation to include the city of Gallup in the authorization for the feasibility study for the project.
OO-01-05	See response to comment IND-03-02.
OO-01-06	See response to comment TG-04-04.
OO-01-07	Additional service infrastructure would be constructed by Navajo Tribal Utility Authority and/or Indian Health Services to deliver water from the Navajo-Gallup Water Supply Pipeline to individual communities and residences.
OO-01-08	This is outside the scope of the Navajo-Gallup Water Supply Project. However, the Long Hollow depletions are included in the hydrologic analysis.
OO-01-09	The Bureau of Reclamation (Reclamation) prepared and distributed the <i>Cost and Economic Update to 2007 Prices of the Planning Report and Draft Environmental Impact Statement (Includes Appraisal-Level Designs and Cost Estimates)</i> , Navajo-Gallup Water Supply Project on November 13, 2007. Reclamation mailed 483 update request cards to agencies, groups, and individuals who were on the Navajo-Gallup Water Supply Project planning report and draft environmental impact statement mailing list. Twenty-eight percent (137) of the response cards were completed and returned to Reclamation. Updated costs were also posted on Reclamation's Web site.
OO-01-10	See response to comment TG-07-01.

Individuals (IND)

IND-01	No response required.
IND-02-01	This is beyond the scope of the document. However, Public Law 111-11 states “. . .the Indian Self Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to design, construction, operation, maintenance, or replacement of the project.”
IND-02-02	The Congress is the only entity with authority to suspend the Historic Preservation Act, and it is beyond the scope of this document.
IND-02-03	The Navajo Nation Department of Water Resources has consulted with the chapters within the project area, and resolutions of support are included in the attachments of volume I.
IND-03-01	See response to comment TG-03-13.
IND-03-02	See response to comment TG-03-02.
IND-03-03	The impact analysis for the Navajo Reservoir Operations environmental impact statement for implementation of the Flow Recommendations was used to evaluate the effects of the Navajo-Gallup Water Supply Project. When compared to the No Action Alternative, which includes operating Navajo Reservoir to meet the Flow Recommendations, the preferred alternative resulted in no significant changes in the number of days of flows below 500 cubic feet per second (minimum raft-able flow).
IND-03-04	See response to comment TG-04-04.
IND-03-05	Cost updates did not change the results of the analysis presented in the draft planning report and draft environmental impact statement. See responses to comments TG-03-13 and TG-03-02.

Individuals (IND)

IND-04-01	The proposed project alignment does not cross designated wilderness or wildlife study areas or any of the drainages described in the comment.
IND-05-01	Existing and future water demands cannot be sustainably met from local water supplies (primarily groundwater). The existing groundwater supplies are being used at a rate greater than groundwater recharge. The San Juan River was the only practical identified source of water able to meet current and future water demands.
IND-05-02	Noted.
IND-05-03	The use of existing localized water sources will be required to meet the future projected 2040 water demand along with surface water from the San Juan River. Water reuse by the city of Gallup is part of the overall plan to meet its demand. Water reuse in other parts of the Navajo-Gallup Water Supply Project area will be needed to reduce water demand on the proposed project and to reduce costs. As with all decisions and timing, it will be guided by economics. Overall water reuse, water conservation, and surface water from the San Juan River will all be required to meet the projected project area water demand.
IND-05-04	See response to comment TG-03-11.
IND-05-05	See response to comment SLG-06-02.
IND-05-06	See response to comment TG-02-01.
IND-05-07	See response to comment TG-03-02.
IND-05-08	This type of analysis is beyond the scope of the Navajo-Gallup Water Supply Project (proposed project); however, impacts to listed species in the biological assessment as a result of this proposed project with climate change were evaluated.
IND-05-09	See response to comment IND-05-03.
IND-05-10	See response to comment OO-01-07.

Public Hearing 1 (PH)

PH-01-01	No response required.
PH-01-02	No response required.
PH-01-03	No response required.
PH-01-04	No response required.
PH-01-05-01	See response to comment TG-03-02.
PH-01-05-02	See response to comment TG-03-04.
PH-01-06	No response required.
PH-01-07-01	See response to comment OO-01-04 and SLG-02-02.
PH-01-07-02	Comment noted.
PH-01-07-03	See response to comment SLG-02-02.
PH-01-08-01	See response to comment TG-03-02.
PH-01-09	No response required.
PH-01-10	No response required.
PH-01-11	No response required.

Public Hearing 2 (PH)

PH-02-01-01	See response to comment TG-03-04.
PH-02-02-01	The scope of the project area was developed with input from representatives of the Navajo Nation Department of Water Resources. This area, population, water availability, and water demand were provided in the March 16, 2001, Technical Memorandum by the Navajo Nation Department of Water Resources. Water availability and water needs for all chapters of the Navajo Nation have been assessed and plans for providing water are being developed for all chapters, not all of which are to be supplied water from this proposed project.
PH-02-03	No response required.
PH-02-04	No response required.
PH-02-05	No response required.
PH-02-06-01	The Bureau of Reclamation provided Navajo interpreters during both the scoping meetings and public hearings on the planning report and draft environmental impact statement. In addition, the Navajo Nation Department of Water Resources held numerous meetings at the local chapter houses where discussions regarding the Navajo-Gallup Water Supply Project were primarily held using the native Navajo language.
PH-02-07	No response required.
PH-02-08-01	See response to comment TG-03-02.
PH-02-09-01	Supplementing or replacing the limited and poor quality of the available groundwater through the Navajo-Gallup Water Supply Project (proposed project) area is the primary purpose for this proposed project.
PH-02-10-01	The scope of this project does not include development of additional groundwater. The assumption has been made that available groundwater will be used in addition to surface water from this project to meet future water demands. However, section 10606 of Public Law 111-11 allows the Secretary of the Interior (Secretary), subject to a Conjunctive Groundwater Development Plan to be developed by the Navajo Nation, to construct or rehabilitate wells and pipeline facilities to provide for the diversion and delivery of not more than (1) 1,670 acre-feet of groundwater in the San Juan Basin in New Mexico, (2) 680 acre-feet of groundwater in the Little Colorado River Basin in New Mexico, (3) 80 acre-feet of groundwater in the Rio Grande Basin in New Mexico, and (4) 770 acre-feet of groundwater in the Little Colorado River Basin in Colorado for municipal and domestic uses.
PH-02-10-02	See response to comment PWI-02-08.
PH-02-10-03	See response to comment PH-02-02-01.
PH-02-11-01	See response to comment SLG-04-03.
PH-02-11-02	It is not anticipated that the hauling of water will stop completely, but there will be more people who will have access to water in their communities, and those that haul water will have to drive less of a distance to get clean plentiful water.
PH-02-11-03	See response to comment PH-02-02-01.
PH-02-12-01	See response to comment PH-02-02-01.
PH-02-13-01	See response to comment PH-02-02-01.

Public Hearing 3 (PH)

PH-03-01-01	Water usage in schools is part of the 160 gallons per capita per day water demand. Population growth is projected to continue as it has over the last 20 years throughout the Navajo-Gallup Water Supply Project (proposed project) water service area. These two factors were used to determine the projected water demand in 2040, which is the proposed project design horizon.
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Public Hearing 3 (PH)

PH-03-02	No response required.
PH-03-03	No response required.
PH-03-04	No response required.
PH-03-05	No response required.
PH-03-06-01	See response to comment PH-02-02-01.
PH-03-07	No response required.
PH-03-08	No response required.
PH-03-09	No response required.
PH-03-10	No response required.
PH-03-11	No response required.
PH-03-12	No response required.
PH-03-13-01	See response to comment SLG-06-02.
PH-03-14-01	Safety and security are elements of the design and operation of public water supply facilities. These will be taken into consideration during the facilities design, operation, and maintenance.
PH-03-15	No response required.
PH-03-16	No response required.
PH-03-17	No response required.

Public Hearing 4 (PH)

PH-04-01	See response to comment PH-02-02-01.
PH-04-02	No response required.
PH-04-03-01	The scope of the Navajo-Gallup Water Supply Project (proposed project) does not include development of additional groundwater. The assumption has been made that available groundwater will be used in addition to surface water from this proposed project to meet future water demands.
PH-04-04	No response required.
PH-04-05-01	See response to comment IND-05-10.
PH-04-06-01	See response to comment SLG-06-02.
PH-04-06-02	This pipeline route was considered initially, but water could not be provided throughout the entire Navajo-Gallup Water Supply Project service area.
PH-04-06-03	Until facilities are transferred from the Bureau of Reclamation (Reclamation), project operation, maintenance, and replacement (OM&R) would be the responsibility of Reclamation through contract with the Navajo Tribal Utility Authority (NTUA) and the city of Gallup. The costs of OM&R would be paid by NTUA, the city, and the Jicarilla Apache Nation. The arrangement would be detailed in an agreement among the entities. Additional detail is included in attachment I of volume I.
PH-04-07	No response required.
PH-04-08	No response required.

Public Hearing 4 (PH)

PH-04-09	No response required.
PH-04-10	No response required.
PH-04-11-01	<p>Regarding water rights on allotted lands, Section 3.3 of the San Juan River Basin in New Mexico Navajo Nation Water Rights Settlement Agreement dated April 19, 2005, signed by the Navajo Nation and the State of New Mexico also states:</p> <p>“Allottees, or the United State as trustee for Allottees, are not bound by the Partial Final Decree from making claims to water rights in the San Juan River Basin in New Mexico. Allottees, or the United States as trustee for Allottees, may make claims to, and may be adjudicated, individual water rights in the Basin. Notwithstanding the forgoing, the Agreement shall not diminish the Navajo Nation’s authority to administer the use of water on lands held in trust by the United States for Allottees.”</p> <p>Under the Navajo-Gallup Water Supply Project, domestic water services would continue to be available to Tribal, allotted, and private lands via Navajo Tribal Utility Authority and the Gallup Regional System.</p>
PH-04-12-01	Water of any quality is not available to sustainably meet Navajo-Gallup Water Supply Project demands.
PH-04-13-01	Surface water within the Navajo-Gallup Water Supply Project area is inadequate to meet municipal water demands.
PH-04-13-02	The “willingness to pay” analysis for the Navajo Nation is included in volume II, appendix D, part II. The estimated cost of hauling water is \$113 per thousand gallons in 2005 dollars.
PH-04-14-01	See response to comment SLG-02-02.
PH-04-15-01	See response to comment PH-02-02-01.

Public Hearing 5 (PH)

PH-05-01-01	Duly noted.
PH-05-02	No response required.
PH-05-03-01	See response to comment PH-02-02-01.
PH-05-04	No response required.
PH-05-05	No response required.
PH-05-06	No response required.
PH-05-07	No response required.
PH-05-08	No response required.
PH-05-09-01	Noted.
PH-05-10	No response required.
PH-05-11	No response required.
PH-05-12-01	See response to comment SLG-06-02.
PH-05-13	No response required.
PH-05-14	No response required.
PH-05-15	No response required.

Public Hearing 5 (PH)

PH-05-16-01	The cost of hauling water today is considerably more expensive than the currently estimated cost of water from the Navajo-Gallup Water Supply Project. Refer to volume II, appendix D, for more details on costs of water and the comparative alternatives, benefits, and social impacts.
PH-05-17-01	See response to comment PH-02-09-01.
PH-05-18	No response required.
PH-05-19	No response required.
PH-05-20-01	See response to comment PH-02-02-01.
PH-05-21	No response required.
PH-05-22	No response required.
PH-05-23-01	See response to comment PH-04-03-01.
PH-05-23-02	See response to comment SLG-06-02.
PH-05-24	No response required.
PH-05-25	See response to comments OO-01-01 through OO-01-10.
PH-05-26	No response required.
PH-05-27	No response required.
PH-05-28	No response required.