

Comment IND-03

navgal navGAL - Navajo-Gallup DEIS Comments

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From: "Taylor McKinnon" <taylor.mckinnon@gmail.com>
To: <navgal@uc.usbr.gov>
Date: Wed, Jun 27, 2007 5:42 PM
Subject: Navajo-Gallup DEIS Comments

Dear Rege,

Please find attached my comments on the Bureau's Navajo-Gallup Water Project DEIS. Please email me a quick reply verifying that you received this email and the attached comments.

Thanks.

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JUN 27 2007

Comment IND-03 – continued

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27 June 2007

Mr. Rege Leach
Bureau of Reclamation, Western Colorado Area Office
835 East Second Avenue, Suite 300
Durango, Colorado 81301

RE: COMMENTS ON NAVAJO-GALLUP WATER SUPPLY PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT

BY ELECTRONIC MAIL

Dear Mr. Leach:

Thank you for the opportunity to comment on the Navajo-Gallup Water Supply Project (Project) Draft Environmental Impact Statement (DEIS). My name is Taylor McKinnon. I am a commercial boatman for and a co-owner of Wild Rivers Expeditions on the lower San Juan River in Bluff, Utah. Wild Rivers Expeditions has been running commercial river trips on the lower San Juan River since 1957. Though I've detailed below issues and concerns with the Bureau of Reclamation's (Bureau) DEIS, I'm primarily concerned that there simply isn't enough water for this project to proceed without having severe and unmitigated impacts on ecological, economic and social values of the lower San Juan River.

1. Ensuring scientific integrity of NEPA analysis warrants independent peer review of the DOI Hydrologic Determination by NAS.

The proposed action's predicted viability relies centrally on Department of Interior's Hydrologic Determination (Determination)-which concludes that because less water evaporates from low reservoir pools during droughts, more water is in fact available than stated in the 1988 Determination, which used higher evaporation estimates. In effect, the Determination counter-intuitively concludes that droughts increase water availability. In order to insure compliance with the professional and scientific integrity requirements of the National Environmental Policy Act and Endangered Species Act, the Bureau should commission and in a subsequent DEIS analyze and discuss a peer review of the Determination by the National Academy of Sciences.

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2. The DEIS must, but does not, include a complete and accurate assessment of project costs and benefits.

Also of concern are the incompleteness¹ and high estimated cost of the project to the public (already approaching \$1 billion and sure to escalate), and, relatedly, the lack of a comprehensive economic evaluation of the project's costs and benefits. In order to facilitate a legally defensible comparison of alternatives, and in order for a Decision to comply with the Reclamation Reform Act and other relevant Acts, the DEIS must include a complete and accurate assessment of total project and construction costs, non-reimbursable costs, reimbursement responsibilities and terms and beneficiaries. The lack of a complete and accurate assessment of project costs renders impossible the Bureau's and public's ability to assess the relative costs and benefits of different project alternatives in the

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¹ Estimated costs do not include accompanying distribution systems to more than 43 Navajo chapters, the communities of Fort Defiance, Window Rock, Gallup and the Teepee Junction area of the Jicarilla Apache Nation.

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DEIS. A complete economic analysis must also include impacts to river recreation on the lower San Juan River that would result from river flows falling below minimum flow requirements for the use of normal rafts. Given suspect results of DOI's Hydrologic Determination, an accurate assessment of the frequency and magnitude of such conditions will require an analysis and discussion of an independent peer-review of the Determination. Our concern, which is not discussed in the DEIS, is that low flows resulting from the cumulative impacts of ALP, Chama-San Juan, and now Navajo-Gallup, will cause sufficiently frequent and low river flows in the lower San Juan to prevent us (and other outfitters and members of the public) from running river trips on a reliable basis.

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3. Section 7 consultation is required for the Navajo-Gallup Water Project

The Endangered Species Act requires that the Bureau shall, in consultation with and with the assistance of the Secretary, insure that the proposed action is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical. In fulfilling these requirements each agency shall use the best scientific and commercial data available. The DEIS does not indicate that the Bureau has or intends to initiate consultation, though consultation is required for several species found in and around San Juan River environs likely to be affected by the project alternatives. Consultation must not rely on the questionable analytical methods employed in the Determination; it should instead rely on the results of the independent peer review mentioned in section one above.

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4. The Bureau should issue a new DEIS with new alternatives based on above and other public comments

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In summary, a new DEIS should be issued that includes the following changes and analyses:

- A National Academy of Sciences peer review of the Hydrologic Determination.
- A complete and accurate assessment of total project and construction costs, non-reimbursable costs, reimbursement responsibilities and terms and beneficiaries.
- A complete economic analysis of impacts to river recreation on the lower San Juan River that would result from river flows falling below minimum flow requirements for the use of rafts.
- Pursuant to ESA and NEPA, a complete analysis of impacts to federally protected and other species in the river corridor, including and especially impacts to endangered fishes resulting from further altered flow regimes and reduced flexibility in Navajo Dam and river flow management resulting from various alternatives.

Thank you in advance for your time and consideration.

Sincerely,

/s/

Taylor W. McKinnon