

## Comment TG-03

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### **THE NAVAJO NATION Department of Water Resources**

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**JOE SHIRLEY, JR.**  
PRESIDENT

**FRANK DAYISL JR.**  
VICE PRESIDENT

June 28, 2007

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

**SUBJECT: Navajo Nation Department of Water Resources Comments on  
the March 2007 Navajo Gallup Water Supply Project  
Planning Report and Draft Environmental Impact  
Statement.**

Dear Mr. Leach,

We are enclosing the Navajo Nation Department of Water Resources (NNDWR) comments on the March 2007 Navajo Gallup Water Supply Project Planning Report and Draft Environmental Impact Statement. The NNDWR would like to thank Reclamation for providing this opportunity to provide these comments and the Reclamation staff is to be commended for making significant document improvements.

Executive Summary, Introduction, Page S-1

Reclamation's statement that the indication of a Preferred Alternative is solely to meet the requirements of NEPA is an over simplification and that Reclamation takes no position on whether the project should be authorized is irrelevant within an EIS. The Preferred Alternative is based on the screening process described within the text of the EIS in order to meet the Project's stated Purpose and Need; therefore, it would be much more useful for Reclamation to explain more fully what the Preferred Alternative is within the Executive Summary instead of explaining what it is not.

Executive Summary, Introduction, Pages S-1 and S-2

Reclamation indicates that it is attempting to attain greater transparency and accountability with regard to its engineering analysis. This statement raises questions about the accountability and transparency of the current cost estimate. This statement could be construed as a disservice to the

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dedicated and talented Reclamation staff who prepared this work.

Reclamation also notes that the cost estimate is at appraisal level, not feasibility level and that "Additional analysis, detail, and updating of appraisal level cost estimates presented in this draft report are needed before project authorization can be supported." Reclamation notes that the cost of completing the additional work for a feasibility level product is "substantial" but there is no specific explanation. With the serious concerns expressed in these paragraphs, it is incumbent on Reclamation to explain what areas of the current cost estimate needs to be reevaluated, what work and budget would be required to complete the work to a feasibility level.

2

Executive Summary, Preferred Alternative, Page S-6

Reclamation notes that the current cost estimate was peer reviewed by Boyle Engineer but Boyle Engineer did not report any problems with transparency or accountability regarding the cost estimate.

Reclamation states, "This estimate represents what this project could be constructed for at a January 2005 price level. This assumes that no unknown factors were encountered or changes made." Does this mean that this project could be constructed at the total project costs presented and any potential increases would only be due to unknown factors. It would be useful for an explanation of what those unknown variables are and what it would take to address these concerns. Reclamation increased the indirect variable in the 2003 cost estimate and then increased again after the Boyle review. Does this mean that these indirect variables will need to be increased again?

3

Finally, it should be noted that neither Boyle Engineers nor Reclamation went through a Value Engineering process. Considering that the project cost is a major concern, should a Value Engineering be done and if it will be done, it should be performed sooner rather than later before a more refined level of design is reached.

4

Executive Summary, Economic and Financial Analysis, Page S-9

This section compares this project with only two other western water projects but in Part 2 of Appendix D, Reclamation compares this project with 18 other Western United States water projects. This project compares very favorable with those 18 projects and it would be appropriate to present the broader comparison within the Executive Summary.

5

Chapter 1, Introduction, Page I-1

As in the Executive Summary, Reclamation notes that the cost

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estimate is at an appraisal level, not at a feasibility level. Reclamation states that "Additional analysis, detail, and updating of appraisal level cost estimates presented in this draft report are needed before project authorization can be supported." Reclamation notes that the cost of completing the additional work for a feasibility level product is "substantial" but only a qualitative description of the work is given with no specific explanation. With the serious concerns expressed in these paragraphs, it is incumbent on Reclamation to explain what areas of the current cost estimate needs to be reevaluated, what work and budget would be required to complete the work to a feasibility level.

6

This paragraph appears to contradict the statement on Page S-6 in that the estimate represents what the project could be constructed for at the January 2005 price level.

Chapter 1, Navajo Indian Irrigation Project, Pages I-11 and I-12

Reclamation notes that NIIP would deplete 270,000 acre-feet per year, and would divert 337,500 acre-feet per year. It should be noted that this level of diversion includes significant conservation measures and alternatives that were incorporated into NIIP's biological assessment and biological opinion. In the final draft, the conservation measures and alternatives, especially those dealing with the 16,420 acre-feet of Hogback Irrigation Project depletions should be noted.

7

Chapter 1, Animas La Plate Project, Page I-14

Reclamation states that ALP construction is appropriately 45 percent complete while it was recently noted that it was 48 percent complete at the end of March 2007. In the final draft, the percent completion should be stated in the context of a specific time frame.

8

Chapter 1, Non-Indian Water Rights, Page I-17

In footnote 7, the statement "firmly believes that" should be replaced with "interprets".

9

Chapter 1, Document Organization, Page I-20 and I-21

There should be a reference to the numerous chapter resolutions supporting the project and the resolutions from the Navajo Nation Resources Committee supporting the Preferred Alternative.

10

Chapter 2, Introduction, II-1 and II-3

Reclamation frequently refers to the "current" year population of 90,000 which is presumably 2007. In this document, the specific year should be noted. This syntax leads to some confusion when on

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Page II-3, Reclamation notes that the project services area "includes" more than 77,000 people in New Mexico and Arizona in the present tense, but then states that this value is based on a 1990 statistic.

11

Chapter 2, Water Resources, Table II-2, Page II-4

The source of this information was provided by the NAPI General Manager and this should be added to footnote 9. This water amount should not be included in the groundwater and ALP column.

12

Footnote 5 should cite the Navajo Nation Department of Water Resources, 2001, as the reference for the sustainable ground water production numbers.

Chapter 2, Water Resources, Table II-4, Page II-7 and Page II-10

A footnote should be added to the 7,247 acre-feet of demand for NAPI that the source was provided by the NAPI General Manager.

Chapter 3, Introduction, Page III-1

Reclamation notes that a hydrologic determination is a project constraint but this issue has been addressed.

13

In the last paragraph, the statement "the lack of infrastructure, and the lack of groundwater" should be added after "the groundwater overdraft problem".

14

Chapter 3, Arizona Upper Colorado River Basin Water, Page III-1

The 1,000 acre-foot request by the City of Page will face objections that will need to be addressed by ADWR before a water permit can be issued.

15

Chapter 4, The No Action Alternative, Page IV-4

The poverty on the Navajo Nation is directly linked to the lack of adequate infrastructure, which makes it difficult to develop a sustainable economy. Under the No Action Alternative, it is very likely that these conditions will not improve.

16

Chapter 4, Figures IV-1 through IV-6

These figures portray outdated NTUA public water system coverages. The current NTUA systems are far more extensive than those portrayed in these figures. Due to the Congressional interest in the potable water service connections, it would be very helpful to incorporate more recent NTUA coverages.

17

Chapter V - Indian Trust Assets, Page V-21

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The Navajo Nation has sizable mineral deposits; specifically coal, which can be utilized for generating energy. These resources should be noted in this section and the development of this energy generating capacity requires significant amounts of water.

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Again, we appreciate the opportunity to provide these comments and look forward to working with you on finalizing this document leading to a prompt Record of Decision.

Sincerely,



Ray Benally, P.E., R.L.S.  
Director  
Navajo Nation Department of Water Resources