

COMMENTS
DRAFT ENVIRONMENTAL IMPACT STATEMENT
IMPLEMENTATION AGREEMENT, INADVENTENT OVERRUN AND PAYBACK
POLIGY, AND RELATED FEDERAL ACTIONS
January 2002
Bureau of Reclamation

VOLUME I

T2-8 Page ES-10, Col. 3. The primary hydrologic impact below Parker Dam is said to be a decrease of from 138 KAFY to 388 KAFY and a potential lowering of the median water surface of up to 4.4 inches. Although subsequent discussions regarding hydroelectric impact compute a reduction in kilowatt-hours at Headgate Rock attributable to the estimated reduction in annual flow, there is no reduction in generation attributable to a loss of 4.4 inches of hydraulic head. Such a loss of head would reduce the electric generation from all the flows at the Headgate hydroelectric plant and should be included in the estimate of lost kilowatt-hours.

T2-9 Page ES-19, Col. 3. The IA is said to reduce electric generation at Headgate Rock, which "could impact BIA's ability to meet new tribal energy demands." The impact is not only inability to meet growing tribal energy demands but also the loss of economic value of the lost electric energy, particularly at the time of the summer peak.

T2-10 Page ES-27, Col. 3. No socioeconomic impact from the IA is shown for the Colorado River Indian Reservation. This overlooks the impact from the lost hydroelectric generation at Headgate. If such generation is lost, it must be replaced with high-cost energy purchased on the open market and such higher costs must be borne by the residents of the reservation.

T2-11 Page ES-29, Col. 3. The decreased water level resulting from the IA is said to have no disproportionate impact on minority populations. This overlooks the loss of head at Headgate, and the loss of flows there, that would reduce the electric supply of only the minority Indian population on that reach of the river.

T2-12 Page ES-30, Col. 3. In the second line, "parities" should be "parties."

T2-13 Page ES-32, Col. 3. The IA impact on Tribal Resources, specifically hydroelectric power, is misstated. The authors state that the hydroelectric power produced at Headgate is not an "Indian Trust Asset" and hence there is no Bureau of Reclamation duty to protect that hydroelectric power.

This is a narrow and misguided view. The Headgate plant itself, the dam into which it is built, the power produced at the plant and the trust fund maintained partially by the plant's power sales revenues are all assets of the Colorado River Indian Tribes (CRIT) that were established by the Federal government for the sole benefit of CRIT. The

Response to Comment T2-8

We did not include loss impact associated with head reduction at Headgate because it will not occur. The water elevation reduction impacts of 4.4 inches referenced may occur along the riverbanks, not the lake or reservoir banks. The Headgate hydraulic head is determined by measuring the distance between the water elevation of Lake Moovalya and the water elevation at the tailrace of Headgate. The lake elevation of Lake Moovalya remains steady regardless of increased or decreased Parker Dam water deliveries through the operation of Headgate control facilities. For example, historically for the last 9 years, Parker Dam water releases have varied from year to year an average of plus or minus 900 KAF, nevertheless, the elevation of Lake Moovalya remains steady within programmable limitations.

Response to Comment T2-9

The potential value of replacement energy is discussed in Section 3.3.3 of the IA EIS. Reclamation has met with BIA and CRIT; Reclamation requested information from BIA and CRIT to assist it in its analysis of potential impacts. To date, only general information has been received, and in the absence of more specific information, the economic value of the lost energy cannot be evaluated.

The analysis of Headgate energy on a monthly or seasonal basis would not yield a significant difference of energy reduction. Because of the volatility of energy prices, it would be difficult, if not impossible, to estimate future seasonal differences.

Response to Comment T2-10

Currently, Headgate Rock Dam generates more energy than is needed by CRIT. In the future, depending on growth of energy demands by CRIT, Headgate may not be able to meet CRIT's total demand, especially with the 5 percent reduction predicted as a result of the Proposed Project. At that time, BIA would have to purchase power from another source to meet the additional demand. Depending on the open market rate for energy at the time, there could be an economic impact to the Tribe. We believe the future economic impacts, which would depend on future energy costs, are too speculative to describe with any greater clarity in the EIR/EIS. Nevertheless, the previous Draft EIR/EIS has been revised to reflect this concern. This change is indicated in this Final EIR/EIS in subsections 3.14 and 5.2.1.7 under Section 4.2, Text Revisions.

Response to Comment T2-11

Pursuant to Executive Order 12898, Reclamation made special efforts to encourage the participation of CRIT with respect to the Project's impact on power production at Headgate Rock Dam. Reclamation has provided two grants to assist the Tribe in technical review of the impacts of the Proposed Project, one for power impacts and one for hydrologic effects. We do not believe that the 5 percent reduction in power produced at Headgate Rock Dam constitutes a high and adverse impact to the Tribe. Consequently, the reduction in power cannot be described as having a disproportionately high and adverse effect on a minority or low-income population.

Response to Comment T2-12

The correction has been made in the Final IA EIS.

Response to Comment T2-13

Reclamation acknowledges the concerns raised by CRIT with regard to the potential diminution of power to be generated at Headgate Rock Dam. Reclamation does not agree, however, with CRIT's assessment that "[t]he Headgate plant itself, the dam into which it is build, the power produced at the plant and the trust fund maintained partially by the plant's power sales revenues are all assets of the Colorado River Indian Tribes (CRIT)..." Tribal trust assets are defined by the Department of the Interior's Departmental Manual at 303 DM 2, Section 2.5(C) as follows: "Indian trust assets' means lands, natural resources, money, or other assets held by the federal government in trust or that are restricted against alienation of Indian tribes and individual Indians."

Reclamation has consulted with the Phoenix Field Solicitor and believes that neither Headgate Rock Dam, as a man-made federal facility paid for, built, owned, and operated by the United States, nor the power generated at the dam, falls within the definition of a tribal trust asset. Reclamation's conclusion is not affected by Western Area Power Administration's determination not to take Headgate Rock Dam generation into account when determining the Final Allocation of the Post-2004 Resource Pool-Salt lake City Area Integrated Projects, Federal Register, Vol. 67, No. 23, at 5113.

Headgate Rock Dam was authorized under the Rivers and Harbors Act of 1935, 49 Stat. 1028, which authorized construction "of a dam in and across the Colorado River at or near Headgate Rock, Arizona". Construction of the dam was initiated by the Bureau of Indian Affairs in 1938 using federal funds and was completed in 1941. The United States holds title to the dam which is operated by the Bureau of Indian Affairs. In 1985, under the authority of the Snyder Act, 42 Stat. 208 (1921), additional federal funds were appropriated for the Bureau of Reclamation "for the purpose of designing and initiating construction of the Headgate Rock Hydroelectric Project." The Snyder Act authorizes the Bureau of Indian Affairs to expend funds appropriated by Congress "for the benefit, care, and assistance of the Indians throughout the United States" for various purposes.

Headgate Rock Dam is located on the CRIT Reservation, and power generated from Headgate Rock Dam hydroelectric facilities is provided by the BIA, first to the CRIT Reservation to operate the irrigation and drainage facilities and to supply a portion of the residential and commercial power requirements on CRIT Reservation lands, then to other tribes. Power generated from Headgate Rock Dam hydroelectric facilities has been provided by the BIA to the Fort Mojave Indian Tribe and the San Carlos Irrigation Project, in addition to CRIT. Funds received by BIA for this power are deposited by BIA into the United States Treasury and used for operation, maintenance, and replacement purposes relating to Headgate Rock Dam and its hydroelectric facilities in accordance with 25 C.F.R. Part 175.

electric power, most particularly, is produced at a relatively new plant that became operative in 1993. That plant was built with federal funds authorized under the Snyder Act (Act of November 2, 1921, 42 Stat. 208) which is an Act intended solely to benefit Indian tribes. Federal assistance to build the plant was requested by CRIT in 1977 and justified by a 1980 Bureau of Reclamation Planning Report that found the plant to be feasible with 19.5 KW of installed capacity and annual production of 86.5 million kilowatt-hours. The plant would produce hydropower for the BIA-operated electric system that serves only the CRIT reservation. The Planning Report estimated that all the plant's output would be absorbed on the CRIT reservation and that the output would allow CRIT ratepayers to avoid the cost of much higher cost power purchased from Arizona Public Service Company. With this justification, Congress authorized the plant's construction beginning in Fiscal Year 1985. Additionally, please note that under Snyder Act funding, no construction cost repayment is due to the Federal government from CRIT ratepayers.

When the plant went into service in 1993, the CRIT loads had not grown enough to absorb the total output of the plant so excess power was sold. The revenues from such sales were placed in the CRIT Electric Trust Fund, a pool of revenues from CRIT retail electric ratepayers and from surplus hydroelectric sales. Like other Indian trust funds, this one is maintained to accumulate interest for the benefit of CRIT, as well as pay for operation and maintenance of the reservation electric system and the power plant. The operation of the trust fund is described at 25CFR175.

None of this unique Congressional authorization, funding and trust fund maintenance is described in the dEIS, indicating inadequate research. The unique background of the plant was more thoroughly researched in 2002 by Western Area Power Administration and they concluded the plant is not a federal resource, like those at Parker, Davis and Hoover (Federal Register, Vol. 67, No 23, February 2, 2002, page 5113). The plant is clearly a CRIT asset, like the Reservation itself, and deserves the same protection from federal agencies. Equally important, the plant was authorized by Congress to provide 86.5 kilowatt-hours annually to CRIT in perpetuity. Thus, the dEIS declaration that "Reclamation does not propose to mitigate or compensate for this reduced opportunity to produce power" simply ignores Congressional intent and ignores Reclamation's federal responsibility to help protect Indian assets.

We recognize that the Bureau of Reclamation is primarily responsible for administering water deliveries that are approved by the Secretary of the Interior and that the Bureau did not initiate or propose the IA. If the Bureau of Reclamation does not recognize and act to protect CRIT's assets, we must look for mitigation or compensation to the parties to the IA, primarily, Imperial Irrigation District and the San Diego County Water Authority and secondarily, the Coachella Valley Water District and the Metropolitan Water District of Southern California.

Page ES-33, Col 3. IA impact on air quality could occur if CRIT's lost hydroelectric generation is replaced by local thermal generation.

Response to Comment T2-14

This is true. However, the source of replacement energy is so speculative, and the amount of replacement energy is so small, that no meaningful analysis of the impact on air quality can be made.

T2-13

T2-14

T2-15 [Page 1-5, Table 1.2-1. The documents included in the Law of the River should include the enabling authorization for the construction of the Headgate hydroelectric plant under the Snyder Act.

Response to Comment T2-15

See response to Comment T2-15.

T2-16 [Page 2-40, Col. 3. The IA impact at Headgate Rock is described inadequately. See the above comments for page ES-32.

Response to Comment T2-16

See response to Comment T2-13.

T2-17 [Page 2-48, Col. 3. See comments for page ES-27.

T2-18 [Page 2-48, Col. 3. See comments for page ES-29.

T2-19 [Page 2-53, Col. 3. See comments for page ES-32.

Response to Comment T2-17

See response to Comment T2-10.

T2-20 [Page 3.1-23, line 12. Here it is stated that the 1988 MWD/IID transfer agreement (110 KAF from IID to MWD) is included under the No Action Alternative. This raises the question whether the 110 KAF is not recognized when one subtracts the No Action plan from the IA plan to identify the 388 KAF below Parker (See page 3.3-5, lines 30-31). This should be clarified.

Response to Comment T2-18

See response to Comment T2-11.

T2-21 [Page 3.3-4, lines 8-9. It is stated that the BIA operates Headgate power plant for the purpose of satisfying CRIT "and other Indian tribe power needs." This is incorrect as indicated in our comments for page ES-32. The purpose of the plant is solely to satisfy the needs of CRIT.

Response to Comment T2-19

See response to Comment T2-13.

T2-22 [Page 3.3-4, lines 12-14. Headgate energy is not "sold" to CRIT. The needs of CRIT are provided from the plant, and CRIT retail ratepayers cover the full cost of plant operation and maintenance through the operation of the CRIT Electric Trust Fund. Surplus plant generation not needed by CRIT has been sold by BIA on the open market, and most recently is sold to the Fort Mohave tribal utility and to the San Carlos Irrigation Project. The latter utility serves two Indian reservations as well as non-reservation retail customers. All revenues from such surplus sales are added to the CRIT Electric Trust Fund.

Response to Comment T2-20

The existing 110 KAFY transfer from the 1988 MWD/IID Transfer Agreement is included in both the No Project and IA scenarios; therefore, it has no effect on the calculation of IA effects. Please refer to the Master Response on *Hydrology—Development of the Baseline* in Section 3 of this Final EIR/EIS.

T2-23 [Page 3.3-11, Figure 3.3-5. On this chart, the No Action alternative appears to produce annual generation of approximately 80 million kilowatt-hours at Headgate. However, the Headgate plant is said to average 87.165 million kilowatt-hours of generation annually (page 3.3-1, line 33). Where are the missing 7 million kilowatt-hours? Also, we note that the median No Action and IA energy numbers, derived from the modeled hydrologic data, were not subjected to detailed scrutiny and hence cannot be supported by CRIT.

Response to Comment T2-21

See response to Comment T2-13.

T2-24 [Page 3.3-14, lines 4-10. The IA would indeed impact CRIT's hydroelectric resource negatively. See our comments for page ES-32. Also, as stated at line 9, CRIT's retail electric rates could be increased if the lost hydroelectric supply at Headgate must be replaced with costly purchases on the open market and if sales of surplus energy are similarly curtailed. The higher purchase costs and the loss of surplus sales would both

Response to Comment T2-22

The text of the Final IA EIS was modified to replace *sold* with *supplied*. Also, please refer to response given for Comment T2-10.

Response to Comment T2-23

The stated yearly average of net energy is only for 1996 and 1997. The years 1996 and 1997 were relatively high with regard to total outflows

Response to Comment T2-23 (continued)

from Parker Dam because of surplus deliveries. Consequently, flows available for the Headgate powerplant were also relatively high.

The median Parker Dam outflows for the future under the No Action Alternative reflect the fact that in many years, surplus may not occur due to increasing Upper Basin and low hydrologic conditions on the river system. As presented in Appendices G and J of the IA EIS, the 50th percentile (or median outflow) for Parker Dam is approximately 6.8 MAF under the No Action for the next 75 years, some 0.5 MAF less than 1996. Subtracting 0.6 MAF for CRIT water diversions yields an estimate of 6.2 MAF for the median future flows available for Headgate generation. Using the conversion factor of 12.97 kWh/AF, this would translate into approximately 80.4 MWh of energy, as reported in the IA EIS.

It is also noted that Reclamation used an acceptable model (CRSS), which has undergone much public review and scrutiny to estimate future water flows available at Headgate. Furthermore, energy and flow data were available at Headgate only for calendar years 1996 and 1997 and, therefore, represent the best available data to estimate the energy to flow relationship.

Response to Comment T2-24

See response to Comment T2-9.

T2-24

act to diminish the CRIT Electric Trust Fund so that replenishment from increased retail rates would be needed.

T2-25

Page 3.3-15, lines 13-19. To the best of our knowledge, BIA does not have a duty to supply energy to Indian tribes that cannot acquire energy themselves. CRIT is fortunate to have its own hydroelectric resource, with or without BIA involvement, and CRIT wants that resource to be protected and undiminished. The sale of surplus hydro energy does not assist BIA to cover the Headgate plant operation and maintenance costs because accumulated CRIT retail revenues already cover those costs. Instead, the sale helps maintain the CRIT Electric Trust Fund at a reasonable level so that CRIT retail rates are stabilized.

T2-26

Page 3.3-17, lines 13-18. The cited Law of the River and project specific legislation clearly does not include the Headgate plant authorization under the Snyder Act. That Headgate authorization extends a priority to Headgate power generation at 86.5 million kilowatt-hours per year.

T2-27

Page 3.7-8, lines 19-25. This assertion, that no socioeconomic impact will occur at CRIT, is superficial. CRIT will lose millions of dollars worth of electricity over the 75-year term of the proposed IA transfer. And, the IA loss is only the beginning. The cumulative result could be four times as large as this IA impact (See page 4-19, line 9). Such losses may seem miniscule to the giant water agencies that seek to reduce CRIT's electric resource but to CRIT the losses are major and must be recognized in an environmental statement that purports to reflect damages to everyone's property rights.

T2-28

Page 3.8-5, lines 11-16. This section, Environmental Justice, seeks to identify disproportionate impacts on minority populations. CRIT is clearly a minority population. The authors recognize that reduced electric generation at Headgate will have to be replaced by expensive open-market purchases. As already noted in our response to Page 3.3-14, substitution of open-market supplies will immediately reduce balances in the CRIT Electric Trust Fund and lead to increases in CRIT retail electric rates. No other population, minority or non-minority, is faced with such an impact from the IA.

T2-29

Page 3.10-6, lines 1-7. In this Tribal Resources section, the Reclamation authors declare that Headgate power generation is not an "Indian Trust Asset" as defined in Reclamation policy ECM 97-2 (Page 3.10-1, lines 11-13) and hence deserves no protection from Reclamation. It is also stated that a tribal suggestion for compensation from the California parties to the IA would create "concern about the precedent such compensation would create."

T2-30

If Reclamation continues to evade its responsibility for mitigation of the damages to CRIT's electric resource, CRIT must look to the California IA parties and require mitigation from them, regardless of their concern for any precedent that may be created. In the absence of any voluntary mitigation efforts by the Bureau of Reclamation or those parties, CRIT will seek whatever remedies appear available.

Response to Comment T2-25

The text of the Final IA EIS has been revised regarding the "duty" of BIA to supply energy. For additional information, please refer to the response given for Comment T2-13.

Response to Comment T2-26

Reclamation does not agree that the documents included in the Law of the River should include the Snyder Act. The Snyder Act of November 2, 1921 is general in purpose and authorized the Bureau of Indian Affairs to expend funds appropriated by Congress "for the benefit, care, and assistance, of the Indians throughout the United States" for various purposes. The documents included in the Law of the River are generally considered to be those documents relating the Colorado River matters.

Response to Comment T2-27

The socioeconomic section of the Final IA EIS has been revised to include this impact. In addition, the previous Draft EIR/EIS has been revised to reflect this concern. This change is indicated in this Final EIR/EIS in subsection 3.14 under Section 4.2, Text Revisions.

Response to Comment T2-28

This impact is described in the Environmental Justice section of this Final EIR/EIS in subsection 3.15 under Section 4.2, Text Revisions. See also response to Comment T2-24 in this Final EIR/EIS.

Response to Comment T2-29

Comment noted.

Response to Comment T2-30

Comment noted.

T2-31 [Page 3.10-7, lines 2-13. See our comments on pages ES-32

T2-32 [Page 3.10-7, line 14. This line should be in bold type.

T2-33 [Page 4-14, Table 4.2-2. In this Cumulative Impact section, the effect of the proposed Palo Verde Irrigation District Land Management, Crop Rotation and Water Supply Program is described. An additional 111 KAF would be diverted from the River at Lake Havasu and deprive Headgate of flows that could total 499 KAFY (388 KAFY from the IA program plus 111 KAFY from the PVID program). The specific loss of Headgate electric generation is not shown but it is certain that the PVID program would clearly magnify the loss threatened by the IA. Moreover, since the PVID program is keyed to a reduction of downstream irrigation, the loss of flows may occur in the summer season when electric generation is most essential at CRIT.

T2-34 [Page 4-16, lines 2-22 and Page 4-19, lines 8-9. Here the cumulative impact of proposals is described to be 1,574 KAFY of water transfers or more, a total more than four times the 388 KAFY transfer proposed in the IA. Again, there is no attempt to compute the reduction of Headgate electric generation but it would clearly be very major.

T2-35 [Page 4-21, lines 39-42 and Page 4-23, line 1. The loss of the full use of the Headgate hydroelectric plant is clearly an "irretrievable" loss of the use of production by a tribal resource. That loss would be magnified by proposed future transfers. Such losses should be recognized in the final EIS.

T2-36 [Pages 5-1 and 5-3. The references for *Great Basin* appear to be duplicated.

Response to Comment T2-31

See response to Comment T2-13.

Response to Comment T2-32

The correction has been made in the Final IA EIS.

Response to Comment T2-33

This analysis was included for the purpose of identifying future projects that could cumulatively impact resources affected by the IA. Power produced at Parker and Headgate Rock Dam is one of those resources. The previous Draft EIR/EIS has been revised to reflect this concern. This change is indicated in this Final EIR/EIS in subsections 5.1.1.1 and 5.2.1.7 under Section 4.2, Text Revisions.

Response to Comment T2-34

Your comment is noted. The 1.5 MAF of proposed impact is for the MSCP, which is being processed under the ESA, and not the IA EIS. The 1.5 MAF figure is the most extreme possibility, and it is not reasonably expected to occur. The actions that add up to the worst-case scenario of 1.5 MAF have not yet been defined.

Response to Comment T2-35

The text of the Final IA EIS has been changed to include this impact.

Response to Comment T2-36

The correction has been made in the Final IA EIS.

LAW OFFICES
MORISSET, SCHLOSSER, JOZWIAK & McGAW
 A PROFESSIONAL SERVICE CORPORATION

FRANK R. JOZWIAK (WA)
 KYME A. M. MCGAW (WA)
 MASON D. MORISSET (WA)
 THOMAS P. SCHLOSSER (WA)

OF COUNSEL
 SHARON I. HAGNELY (WA)

LEGAL ADMINISTRATOR
 JEARLE RUGH

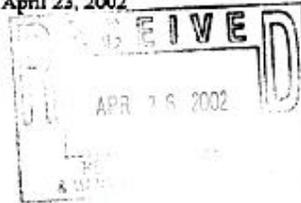
1116 NORTON BUILDING
 801 SECOND AVENUE
 SEATTLE, WASHINGTON 98104-1008
 FACSIMILE: (206) 368-7322
 (206) 896-5436

WASHINGTON, D.C. OFFICE
 1710 RHODE ISLAND AVENUE, N.W.
 SUITE 300
 WASHINGTON, D.C. 20046-5130
 FACSIMILE: (202) 331-8738
 (202) 331-8630

PLEASE REPLY TO THE
 SEATTLE OFFICE

Via Facsimile - (602) 216-4006

April 23, 2002



Mr. Bruce D. Ellis
 United States Bureau of Reclamation
 Phoenix Area Office (PXA0-1500)
 P O. Box 81169
 Phoenix, Arizona 85069-1169

Re: Quechan Tribe's comments on DEIR/DEIS and Draft HCP for Imperial Irrigation
 District Water Conservation and Transfer Project (Jan. 2002)

Dear Mr. Ellis:

We are submitting these comments on the above DEIR/DEIS on behalf of the Quechan Indian Tribe, whose Fort Yuma Reservation is located in southwestern Arizona and southern California near Yuma, Arizona. The Tribe possesses present perfected rights ("PPR") from the mainstem of the Colorado River pursuant to the Decree and supplemental Decrees (1979 and 1984). The amounts, priority dates, and state where the rights are perfected are as follows:

Amount (AFY)	Acreage	Priority Date	State
51,616	7,743	Jan. 9, 1884	California

This water is diverted at Imperial Dam through the Yuma Project Reservation Division - Indian Unit.

In addition, a Supreme Court decision issued on June 19, 2000 allows the Tribe to proceed with litigation to claim rights to an additional 9,000 acres of irrigable lands and about 78,000 AFY of water. Proving this claim would increase the water rights for the reservation.

The Tribe has the following specific comments on the DEIR/DEIS:

1. **Impact on Water Flow and the Quechan Tribe's Senior Water Rights.** Decreasing flows in the lower Colorado River and All American Canal ("AAC") by up to 300 KAFY

Letter - T3. Quechan Indian Tribe. Signatory - Mason D. Morisset.

Response to Comment T3-1

The Project will not affect the Tribe's senior water right to use all of its present perfected rights (PPRs), including any additional rights granted in a supplemental decree. If the United States Supreme Court in *Arizona v. California* upholds the Tribe's claim to additional land and enters a supplemental decree to set forth that claimed right, the priority date of the right in the supplemental decree will be established by the court. If the court follows the criteria it used for its supplemental decree entered October 10, 2000, the priority date will be the same as the Tribe's original federal reserved right PPR (January 9, 1884).

The Proposed Project would not impact the normal flow regimes in the portion of the Colorado River system below Imperial Dam. The observed impacts to river flows in this portion of the river relate to excess flows (e.g., primarily flood control operations at Hoover Dam). The impact to excess flows in this reach of the river would be consistent with the impacts observed and documented for the portion of the Colorado River below Morelos Dam (see Section 3.12.2 or Appendix C of the IA EIS).

The Project will reduce California's dependence on surplus water. As agricultural water within California is conserved and transferred to other users within California, the state's dependence on surplus water is reduced. Further, we do not agree with the premise that surplus water is the Tribe's unused entitlement. Each Colorado River entitlement holder has the right to schedule, divert, and use its full entitlement for reasonable beneficial use. A State or Tribe may authorize groundwater recharge or water banking as a beneficial use through an appropriate state law or tribal ordinance. If the entitlement holder has a place to store water, and the location of the storage site is within the place of use authorized by the underlying water entitlement, water banking or groundwater recharge may be considered a beneficial use. If an entitlement holder does not divert its Colorado River water for direct use, recharge, or storage, the unused portion of the entitlement remains Colorado River system water. Colorado River system water is available for release by the Secretary to other entitlement holders in accordance with the Law of the River, the Secretary's authority, and established priority systems.

T3-1



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will surely interfere with the Tribe's water rights, particularly when considered with other Colorado River water project, particularly the AAC's lining. How exactly will the project affect the Quechan Tribe's perfected and unperfected water rights? Are there any indirect effects? The DEIR/DEIS does not specifically address this issue. Instead, it describes reduced flows between Parker and Morelos dams. The Quechan Tribe, however, is located between Laguna and Morelos dams. This information is particularly critical because BOR must ensure that this project and the many other projects affecting the lower Colorado River do not interfere in any way with the Tribe's right to use all of its PPR and to its potential rights to an additional 9,000 acres of irrigable lands.

What will be the reduced flow between Laguna and Morelos dams? Finally, what is the reduced flow between these two dams due to the cumulative impact of the many projects affecting the lower Colorado River?

Will the project alone, or with the other projects affecting the lower Colorado River, facilitate others' use of surplus water, which is the Tribe's unused entitlements?

2. **Impact on Water Salinity.** How much will the project cause a salinity rise in the stretch between Laguna and Morelos dams? Will the increased salinity impact the quality of water taken by the Tribe? Finally, what is the cumulative salinity increase between these two dams of the many projects affecting the lower Colorado River?

3. **Impact on Ground water.** Will the project cause a there be a reduction in ground water, or in the ground water levels, underlying the Fort Yuma Reservation? What is the cumulative reduction in or lowering of ground water underlying the Fort Yuma Reservation due to the many projects affecting the lower Colorado River?

4. **Impact on Electricity Supply.** Will the Fort Yuma Reservation experience a reduced electricity supply due to 1) the project, or 2) the cumulative impact of all of the projects affecting the lower Colorado River? Will there be a sufficient supply to accommodate the Tribe's future plans for development?

5. **Impact on Agricultural Uses.** How exactly will the Tribe's and its members agricultural uses be affected 1) by the project, or 2) by this and the many projects affecting the lower Colorado River?

6. **Disproportionate Impact on Low Income and Minority Populations.** Please explain and inform the Tribe about specific impacts on the Tribe and its Fort Yuma Reservation, since the DEIR/DEIS does not do so.

Response to Comment T3-2

The Proposed Project in this Draft EIR/ EIS would not impact the normal flow regimes in the portion of the Colorado River system below Imperial Dam. Therefore, in the stretch between Laguna and Morelos Dams, the salinity increase is not expected to be any greater than that expected at Imperial Dam, 8 mg/L in the year 2076. This increase in salinity is expected to be mitigated by programs undertaken by Reclamation, USDA, and BLM as part of the Salinity Control Forum.

Response to Comment T3-3

No change in groundwater levels under the Fort Yuma Reservation is anticipated to occur as result of the Proposed Project.

Response to Comment T3-4

It is Reclamation's understanding that Fort Yuma Reservation does not receive energy from any of the hydro-dams below Parker Dam, or any Parker-Davis Project preference power. Therefore, the Proposed Project should have no impact to its current or future electricity supply.

Response to Comment T3-5

Agricultural land along the LCR would not be affected by the execution of the Proposed Project. The proposed biological conservation measures could potentially impact farmland along the mainstem of the lower portion of the Colorado River. The precise locations of the areas to be developed as habitat are not known at this time; thus, the exact impact to the Quechan Indian Tribe cannot be identified. However, use of tribal land for habitat development would be subject to tribal approval and an appropriate level of environmental analysis will be conducted once sites are selected.

Response to Comment T3-6

The Tribe's Colorado River entitlement would not be impacted; however, there would be minor changes to the degree the Tribe uses or benefits from floodflows. The modeled conditions that were analyzed in

Response to Comment T3-6(continued)

the IA EIS do not impact the normal flow regimes in the portion of the Colorado River system below Imperial Dam. The observed impacts to river flows in this portion of the River relate to excess flows (e.g., primarily flood control operations at Hoover Dam). The impact to excess flows in this reach of the River would be consistent with the impacts observed and documented for the portion of the Colorado River that exists below Morelos Dam (see section 3.12.2 or Appendix C of the IA EIS, which is incorporated into this EIR/EIS by reference). No disproportionately high and adverse effects on a minority or low-income population would occur.