

Chapter Six

Consultation and Coordination

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1 **6.1 Introduction**

2 This chapter describes Reclamation's public involvement program and coordination with specific
3 federal, state and local agencies, NGOs, and the general public for the preparation of this Draft
4 EIS. In addition, this chapter describes Reclamation's government-to-government consultation
5 with Indian tribes and with Mexico.

6 **6.2 General Public Involvement Activities**

7 The public involvement program leading to this Draft EIS included project scoping, consultation,
8 and coordination with interested stakeholders and the public.

9 In a May 2, 2005 letter to the Governors of the Colorado River Basin States issued to complete
10 the 2005 AOP mid-year review, the Secretary directed Reclamation to develop additional
11 strategies to improve coordinated management of the reservoirs in the Colorado River system.
12 Pursuant to that direction, Reclamation conducted a public consultation workshop on May 26,
13 2005 in Henderson, Nevada; issued a *Federal Register* notice on June 15, 2005 soliciting public
14 comments (70 Fed. Reg. 34794); and conducted public meetings on July 26 and July 28, 2005, in
15 Henderson, Nevada, and Salt Lake City, Utah, respectively. Reclamation received a broad range
16 of comments and suggestions from the public, and based in part on these comments, Reclamation
17 determined that a process consistent with NEPA would be the appropriate method to use for the
18 development of the of Lower Basin shortage guidelines and coordinated management strategies
19 for the operation of Lake Powell and Lake Mead under low reservoir conditions.

20 On September 30, 2005 Reclamation published a NOI (70 Fed. Reg. 57322) to prepare an EIS.
21 The NOI also initiated a public scoping process for soliciting input on the scope of specific
22 shortage guidelines and coordinated reservoir management strategies, and the issues and
23 alternatives to be considered and analyzed in this Draft EIS. As part of this process, Reclamation
24 conducted public scoping meetings on November 1, 2, 3, and 8, 2005. The meetings took place
25 in Salt Lake City, Utah; Denver, Colorado; Phoenix, Arizona; and Henderson, Nevada,
26 respectively. Reclamation also consulted with representatives from the Basin States, Tribal
27 representatives, NGOs, and other interested parties. A 62-day public comment period was
28 noticed by the NOI which started on September 30, 2005 and ended on November 30, 2005. A
29 total of 1,153 written comment letters were received during the scoping process. The comment
30 letters were submitted by a wide-range of interested parties that included businesses; federal,
31 state and local agencies; Indian tribes; special interest groups; and individuals.

32 Reclamation prepared and published a Scoping Summary Report on the development of Lower
33 Basin shortage guidelines and coordinated management strategies for the operation of Lake
34 Powell and Lake Mead. A NOA was published on March 31, 2006 (71 Fed. Reg. 16341). This
35 Scoping Summary Report provided a summary of the comments received and the issues raised
36 during the scoping process and provided a summary of the proposed scope of the environmental
37 analysis to be included in this Draft EIS.

1 Reclamation discussed the development of the proposed federal action with various agencies and
2 organizations at (1) agency/organization regular meetings, (2) public conferences and events
3 sponsored by the agency/organizations, and (3) meetings sponsored by Reclamation. The entities
4 included the Basin States' water resource departments, water agencies within these states,
5 contractors and associations for federal hydropower, and NGOs. Reclamation also consulted
6 with Indian tribes and Mexico. The coordination activities with each agency, entity or group are
7 summarized below in this chapter. Table 6.9-1 in Section 6.9 lists the agencies and organizations
8 that were invited to such meetings by letter, met with Reclamation and/or invited Reclamation to
9 their meetings or events. Entities participating in these meetings and the meeting dates are listed
10 in Appendix I. Public conferences and events that Reclamation attended and presented
11 information on the proposed federal action are also listed in Appendix I.

12 **6.3 Cooperating Agency Involvement**

13 In compliance with NEPA and its implementing regulations, Reclamation worked with five
14 cooperating agencies in the preparation of this Draft EIS. The primary role of the cooperating
15 agencies was in the development of alternatives considered in this Draft EIS. Specific
16 contributions of the cooperating agencies are summarized here.

17 **6.3.1 Bureau of Indian Affairs**

18 The BIA is a cooperating agency in recognition of its administration of the federal trust
19 responsibility to Indian tribes. The BIA staff provided updated lists of Tribal governmental
20 representatives, assisted in government-to-government consultations, and assisted in the
21 preparation of Indian trust asset analyses. The BIA also assisted Reclamation with the Tribal
22 consultations described in Section 6.4 and generally served in an advisory capacity to
23 Reclamation and the Indian tribes.

24 **6.3.2 Fish and Wildlife Service**

25 The FWS is a cooperating agency in recognition of its jurisdiction by law and special
26 expertise with respect to the ESA and biological resources within the study area, and its
27 administration of several wildlife refuges in the study area.

28 Under Section 7(a)(2) of the ESA, each federal agency must, in consultation with the
29 Secretary (either the Secretary of Commerce through the National Marine Fisheries Service
30 or the Secretary of the Interior through the FWS), insure that any proposed discretionary
31 action authorized, funded or carried out by that agency is not likely to jeopardize the
32 continued existence of any listed species or result in the destruction or adverse modification
33 of designated critical habitat. To assist agencies in complying with the requirements of
34 Section 7(a)(2), ESA's implementing regulations set out a detailed consultation process for
35 determining the biological impacts of a proposed discretionary activity. The consultation
36 process is described in regulations promulgated at 50 C.F.R. pt. 402.

37 Adoption of the proposed federal action by the Secretary is a discretionary federal action and
38 it is, therefore, subject to compliance with the ESA. Reclamation will request a species list
39 from the FWS and subsequently prepare a BA to address the potential effects of the proposed
40 federal action on listed species. Once a preferred alternative is identified, the BA will be

1 finalized and formal consultation will be initiated, if appropriate. Reclamation and the FWS
2 will consult during 2007, with the intent of completing a BO for inclusion in the Final EIS.

3 Reclamation is also analyzing information that will identify any potential impact of the
4 proposed federal action on United States listed species that are found in Mexico. Consistent
5 with Section 8 of the ESA, Reclamation intends to conduct appropriate consultation through
6 the Secretary of State, to assist in conservation efforts for listed species outside of the United
7 States. Reclamation will identify such potential impacts and transmit its analysis of potential
8 impacts, as appropriate, to the FWS, to facilitate consideration of such potential impacts
9 under Section 8 of the ESA.

10 **6.3.3 National Park Service**

11 The NPS is a cooperating agency in recognition of its administration of park units along the
12 Colorado River. The NPS staff participated in developing the Reservoir Storage Alternative
13 (along with Western), and in providing data on visual resources and recreation. The Colorado
14 River Coordinator, Mr. Norman Henderson, and staff at GCNRA, Grand Canyon National
15 Park, and the LMNRA, assisted in the preparation of this Draft EIS.

16 **6.3.4 Western Area Power Administration**

17 Western is a cooperating agency in recognition of its role in marketing and transmitting
18 electricity from various Reclamation-operated powerplants located within the study area.
19 Western customers include municipalities, cooperatives, public utility and irrigation districts,
20 federal and state agencies, investor-owned utilities (only one of which purchases firm power
21 from Western), marketers and Indian tribes located throughout the Colorado River Basin who
22 in turn, provide retail electric service to millions of consumers within the seven Colorado
23 River Basin states. Western participated in developing the Reservoir Storage Alternative
24 (along with the NPS), and in preparing the hydropower analyses contained in this Draft EIS.

25 **6.3.5 United States Section of the International Boundary 26 and Water Commission**

27 The USIBWC is a cooperating agency in recognition of its administration of the 1944 Treaty
28 obligations with Mexico. As such, USIBWC staff participated in numerous meetings with
29 Reclamation's project evaluation team and participated in internal document reviews as
30 sections of the Draft EIS were prepared. These activities facilitated close coordination with
31 the USIBWC in developing information needed for this Draft EIS and in Reclamation's
32 participation in support of the USIBWC's consultations with Mexico as discussed further
33 below. The USIBWC's input on this Draft EIS was coordinated through the Commissioner of
34 the USIBWC, as well as USIBWC staff located in their offices in El Paso, Texas, Yuma,
35 Arizona, and San Ysidro, California.

36 **6.4 Tribal Consultation**

37 For purposes of this NEPA process, Reclamation, assisted by the BIA, conducted government-
38 to-government consultations with the Indian tribal entities with entitlements to or contracts for
39 Colorado River water, and those that may be affected by or have interests in the proposed federal
40 action. The correspondence concerning consultation efforts are provided in Appendix I.

1 Representatives of various Indian tribes also attended the scoping meetings in November 2005,
2 and some provided Reclamation with written and oral comments on the proposed federal action
3 and its potential effects on resources of Tribal concern, including ITAs. Table 6.9-1 lists the
4 federally-recognized Indian tribes that participated in this NEPA process.

5 **6.5 State and Local Water and Power Agency Coordination**

6 Since the June 15, 2005 *Federal Register* notice announcing Reclamation's interest in soliciting
7 comments on the development of management strategies for Lake Powell and Lake Mead,
8 including Lower Basin shortage guidelines, Reclamation has had various discussions with state
9 and local water agencies regarding the proposed federal action. These meetings are listed in
10 Appendix I by entity and date. However, the Basin States have been continuously engaged in
11 drought mitigation discussions since 2004, at the request of the Secretary, to develop
12 recommendations on how to lessen the impacts of droughts. Reclamation provided the Basin
13 States technical support during these discussions by modeling various strategies, including
14 protection of key elevations of Lake Powell and Lake Mead.

15 As a result of these ongoing discussions, the Basin States provided Reclamation with projections
16 of the future depletions of the Colorado River water anticipated in each state. The Upper
17 Colorado River Commission compiled Upper Basin depletions, and the Lower Division states
18 compiled their respective depletions. The projections were used as input to Reclamation's
19 operational modeling analysis, as discussed in this Draft EIS.

20 In 2004, the Basin States began formulation of a proposal for management strategies for
21 Lake Powell, Lake Mead, and Lower Basin shortage guidelines. The Basin States submitted
22 their "Seven Basin States' Preliminary Proposal Regarding Colorado River Interim Operations"
23 in a letter addressed to the Secretary dated February 3, 2006. A copy of this proposal is
24 included in Appendix J. Reclamation subsequently conducted several consultations with
25 representatives from the Basin States and several water agencies and worked with them to
26 formulate an alternative (Basin States Alternative) that reflected the contents of the Seven Basin
27 States' proposal.

28 **6.6 Non-Governmental Organizations Coordination**

29 Reclamation contacted and coordinated the preparation of this EIS with multiple recreational and
30 environmental groups. A consortium of environmental NGOs that included the Defenders of
31 Wildlife, Environmental Defense, National Wildlife Federation, The Nature Conservancy,
32 Pacific Institute, Sierra Club, Sonoran Institute, and Rivers Foundation of the Americas,
33 developed what became the Conservation Before Shortage Alternative analyzed in this
34 Draft EIS.

35 This consortium of environmental NGOs developed and submitted its first proposal,
36 "Conservation Before Shortage", on July 18, 2005. After publication of the Summary Scoping
37 Report, this consortium of environmental NGOs modified elements of its proposal. The final
38 proposal of this consortium, "Conservation Before Shortage II," was submitted to Reclamation

1 on July 7, 2006. A copy of this proposal is included in Appendix K. From 2005 through 2006,
2 Reclamation met with representatives of the consortium of environmental NGOs and worked
3 with them to formulate what became the Conservation Before Shortage Alternative, as analyzed
4 herein. These meetings are listed in Appendix I by entity and date.

5 **6.7 Other Consultations**

6 In compliance with the NHPA, Reclamation will initiate the process of consultation with SHPO
7 in Arizona, California, Nevada, and Utah. Consultations regarding eligibility of cultural
8 resources to the National Registry and effect of the proposed federal action are ongoing. In
9 addition, consultations are underway with THPO (e.g., Navajo Nation THPO, Hualapai Indian
10 Tribe THPO). Indian tribes with concerns under Exec. Order No. 13007 and the Native
11 American Graves Protection and Repatriation Act are also being consulted.

12 **6.8 Consultation with Mexico**

13 The USIBWC has begun consultation with Mexico regarding the proposed federal action.
14 Reclamation has assisted USIBWC in conducting this consultation by providing information on
15 the proposed federal action and by participating in briefings with the Mexican Section of the
16 IBWC and the Mexico National Water Commission. Meetings with representatives of Mexico
17 were conducted, during which representatives of Mexico provided their views, input, and
18 concerns regarding the potential effects of the proposed federal action. These meetings are listed
19 in Appendix I by entity and date.

20 Exec. Order No. 12114 instructs federal agencies to investigate the effects of proposed federal
21 actions in other countries. This Draft EIS documents the hydrologic and water quality effects of
22 the proposed federal action on deliveries to Mexico.

23 As indicated elsewhere, the modeling assumptions used in this Draft EIS are not intended to
24 constitute an interpretation or application of the 1944 Treaty or to represent current or future
25 United States policy regarding deliveries to Mexico or potential storage of conserved water by
26 Mexico.

27 **6.9 Summary of Coordination and Consultation Contacts**

28 Table 6.9-1 lists those Indian tribes, agencies, organizations, interest groups, and representatives
29 of Mexico that Reclamation notified, consulted and coordinated with regarding the proposed
30 federal action. Consultations are ongoing with most of these entities. These entities, meeting
31 dates and related correspondence are listed and/or provided in Appendix I.

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Table 6.9-1 Consultation and Coordination Regarding the EIS	
Federal Agencies	
National Oceanographic and Atmospheric Administration	
Bureau of Indian Affairs – Cooperating Agency	
Fish And Wildlife Service - Cooperating Agency	
National Park Service	
U.S. Department of State	
U.S. Section of the International Boundary and Water Commission – Cooperating Agency	
Western Area Power Administration – Cooperating Agency	
State and Local Water and Power Organizations and Agencies	
Arizona Department of Water Resources	
California Department of Water Resources	
Central Arizona Water Conservation District	
Coachella Valley Water District	
Colorado Department of Natural Resources	
Colorado River Board of California	
Colorado River Commission of Nevada	
Colorado River Energy Distributors Association	
Colorado River Water Conservation District	
Colorado Water Conservation Board	
Imperial Irrigation District	
Interstate Stream Commission	
Las Vegas Valley Water District	
Metropolitan Water District, California	
Nevada Department of Justice	
New Mexico Interstate Stream Commission	
Office of the State Engineer, Wyoming	
Palo Verde Irrigation District	
Parker Valley Natural Resources Conservation District	
San Diego County Water Authority	
Southern Nevada Water Authority	
Upper Colorado River Commission	
Utah Attorney General's Office	
Utah Division of Water Resources	
Wyoming Water Association	
Environmental and Recreational Organizations (NGOs)	
Center for Biodiversity	
Defenders of Wildlife	
Environmental Defense	
Glen Canyon Action Network	

Table 6.9-1
Consultation and Coordination Regarding the EIS

Grand Canyon River Guides
High County Citizen's Alliance
Living Rivers
National Wildlife Federation
Nature Conservancy in Arizona
Pacific Institute
Sierra Club
Sonoran Institute
Southwest Rivers
Utah Water & Sierra Club Southwest Water Committee
American Indian Tribe, Community, Pueblo¹
Ak-Chin Indian Community of the Maricopa Indian Reservation
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cocopah Tribe of Arizona
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Fort McDowell Yavapai Nation
Fort Mojave Indian Tribe of Arizona, California, and Nevada
Gila River Indian Community
Havasupai Indian Tribe of the Havasupai Reservation
Hopi Tribe of Arizona
Hualapai Indian Tribe of the Hualapai Indian Reservation
Jicarilla Apache Nation
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
Navajo Nation, Arizona, New Mexico, and Utah
Paiute Indian Tribe of Utah
Pascua Yaqui Tribe of Arizona
Pueblo of Acoma
Pueblo of Cochiti
Pueblo of Jemez
Pueblo of Laguna
Pueblo of Nambe
Pueblo of Pojoaque
Pueblo of San Felipe
Pueblo of San Juan
Pueblo of Sandia
Pueblo of Santa Ana
Pueblo of Santa Clara

**Table 6.9-1
Consultation and Coordination Regarding the EIS**

Pueblo of Tesuque
Pueblo of Zia
Quechan Tribe of the Fort Yuma Indian Reservation, California and Arizona
Salt River Pima-Maricopa Indian Community of the Salt River Reservation
San Carlos Apache Tribe of the San Carlos Reservation
San Juan Southern Paiute Tribe of Arizona
Southern Ute Indian Tribe of the Southern Ute Reservation
Tohono O'odham Nation of Arizona
Tonto Apache Tribe of Arizona
Ute Indian Tribe of the Uintah and Ouray Reservation
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, and Utah
White Mountain Apache Tribe of the Fort Apache Reservation
Yavapai-Apache Nation of the Camp Verde Indian Reservation
Yavapai-Prescott Tribe of the Yavapai Reservation
Zuni Tribe of the Zuni Reservation
United Mexican States Agencies
International Boundary and Water Commission, Mexican Section
National Water Commission
Secretariat of Foreign Relations
<small>¹ Source of Names: Bureau of Indian Affairs, Tribal Leaders Directory. Accessed on-line, December 2006 at http://library.doi.gov/internet/native.html.</small>

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2 **6.10 Federal Register Notices**

3 Several *Federal Register* notices have been issued to inform the public about the formulation
 4 of interim operational guidelines and the preparation and availability of this Draft EIS.
 5 Table 6.10-1 lists the *Federal Register* notices and their full text is provided in Appendix L. In
 6 addition to the notices issued, additional notices are planned for the publication of this Draft EIS
 7 and the subsequent Final EIS to announce their availability and the Secretary's ROD based on
 8 the Final EIS.

**Table 6.10-1
Federal Register Notices Regarding the Proposed Federal Action**

Notice	Title
70 Fed. Reg. 34794 (June 15, 2005)	Notice to solicit comments and hold public meetings on the development of management strategies for Lake Powell and Lake Mead, including Lower Basin shortage guidelines, under low reservoir conditions.
70 Fed. Reg. 57322 (September 30, 2005)	Notice of intent to prepare an environmental impact statement (EIS) and notice to solicit comments and hold public scoping meetings on the development of Lower Basin shortage guidelines and coordinated management strategies for the operation of Lake Powell and Lake Mead
71 Fed. Reg. 16341 (March 31, 2006)	Notice of public availability of a Scoping Summary Report on the development of Lower Basin shortage guidelines and coordinated management strategies for the operation of Lake Powell and Lake Mead, particularly under low reservoir conditions.