

## VII. Industry / Business

### Introduction

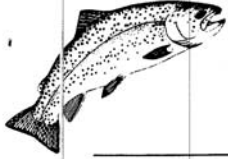
Beyond suggested editorial changes and broad expressions of approval or disapproval of the project, business and industry comments can be summarized approximately in the areas below.

### Issues Raised

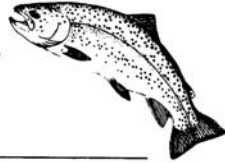
- ❑ More than one-third of comments centered on trout fishery and associated economic impacts, water quality concerns, and the selection and formulation of alternatives, including the No Action Alternative as the project baseline.
- ❑ Approximately another one-third of the comments comprised NEPA compliance, Basin-wide planning and cumulative impacts, socioeconomic issues, mitigation, flexibility and interim operations, and the hydrology model.
- ❑ The remaining one-third of the comments covered a full range of topics, from urging a new DEIS and/ or new Low Flow Test to hydropower issues, Flow Recommendations limitations, and others.

### Industries and Businesses in the Section

Abe's Motel and Fly Shop, Inc.  
AZRA  
BHP Billiton  
Bob Gerding's Outdoor Adventures  
Bolack Minerals Company  
Born 'N' Raised  
Durangler's, Inc.  
Four Corners Riversports  
Giant Refining Company  
Jack's Plastic Welding, Inc.  
Lee/ Hammond Water Treatment Plant  
Miller/ Sambrito Park  
San Juan Marina  
Sandstone Anglers, Inc.  
Soaring Eagle Lodge LLC



**ABE'S MOTEL & FLY SHOP, INC.**  
 P.O. BOX 6428, HIGHWAY 173  
 NAVAJO DAM, NEW MEXICO 87419  
 (505) 632-2194



Bureau of Reclamation  
 Western Colorado Area Office, Southern Division  
 835 E. Second Ave., Suite 300  
 Durango, CO 81301  
 Attn: Ken Beck

Dear Mr. Beck,

We have been in business on the San Juan River since 1958.

We are a small (minority) owned business that employes up to 30 people. Our business is completely dependent on the trout fishery of the San Juan.

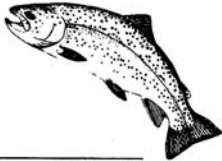
We are totally opposed to the 250 c.f.s. proposed flows for the river -- we believe these flows will cause pecuniary harm to our business. Please be responsible

OUTFITTING FISHERMEN FOR THE SAN JUAN RIVER SINCE 1958

IB1-1 Please see the response to General Comment 16.



**ABE'S MOTEL & FLY SHOP, INC.**  
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NAVAJO DAM, NEW MEXICO 87419  
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- 2 -

and prudent using common sense to seek a better balance for the San Juan River. A balance needs to be tirelessly sought:

ECONOMICALLY For the livelihood of NM businesses,

SOCIALLY resources are for all to enjoy,

MORALLY to follow thru with the historic reason of Navajo Dam's existence,

ENVIRONMENTALLY For all species of Fauna + Flora (endangered + otherwise) that have made the San Juan their home,

AESTHETICALLY and to preserve this resource.

THANK YOU - Sincerely, *Abe Chavez*

OUTFITTING FISHERMEN FOR THE SAN JUAN RIVER SINCE 1958

1  
cont.

4050 E. Huntington Drive, Flagstaff, AZ 86004 1(800)786-7238 Fax: (928)526-8246  
October 16, 2002



Bureau of Reclamation  
835 E. 2<sup>nd</sup> Ave., Suite 300  
Durango, CO 81301-0640

Dear Mr. Beck:

It appears evident that the 250/5000 Alternative will become a part of the Record of Decision since it is the only alternative in the DEIS that fully meets the Flow Recommendations of the United States Fish and Wildlife. Given that assumption, we would like to express our strong recommendation that two changes be made to the Preferred Operations:

1. Maintain a target flow of at least 500 cfs downstream of *Bluff*, not Farmington.
2. Give a minimum of seven days notice whenever flows are changed on a non-emergency basis

As the water below Mexican Hat drops below 500 cfs, it becomes increasingly dangerous to raft the lower half of the San Juan River. Our passengers, crew, and boats could be stranded at Government Rapid or on the lake, below Slickhorn Gulch. Therefore, it is **extremely important** to maintain flows of 500 cfs below **Bluff**. Though the Summary of the DEIS states that a target flow of 500 cfs would be maintained below Farmington, according to a conversation with Ed Warner (Resources Division Manager, BuRec), the 500 cfs minimum would be computed based on an average of four water gauges. This will not suffice, as two of those gauges are too close to Navajo Dam to adequately supply Bluff with 500 cfs.

San Juan River trips are typically seven days in length. With adequate notice, trips could be prepared for changes in water flows that could very seriously impact their experience. When water flows are changed suddenly, kitchens and toilet systems could be washed into the river or boats could be beached several feet from the river. Seven days notice would also allow us to cancel impacted trips when necessary. **It is imperative that we receive notice on river flow changes seven days in advance.**

We strongly encourage you to make these changes in the Final EIS.

Thank you for your time,

Alexandra Elliott  
San Juan River Program Manager

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IB2-1

The goal is to maintain flows above 500 cfs in the reach designated as critical habitat between Farmington and Lake Powell. It is Reclamation's intent to keep the public informed of reservoir release changes in a timely fashion. Flows in the Bluff area depend on many other water sources and are more difficult to predict. Also, please see the response to General Comment 15.

IB2-2

Please see the response to General Comment 15.



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bhpbilliton.com

VIA E-MAIL AND U.S. MAIL

December 4, 2002

Ken Beck  
Bureau of Reclamation - Western Colorado Area Office  
835 East Second Avenue  
Suite 400  
Durango, Colorado 81301  
e-mail: navcomments@uc.usbr.gov

RE: *Comments on Navajo Reservoir Operations Draft Environmental Impact Statement, September, 2002*

Dear Mr. Beck:

BHP Billiton ("BHP") owns and operates four coal mines in the San Juan Basin, New Mexico and utilizes the surface and groundwaters of the San Juan Basin for purposes of its operations, and to supply water to the Four Corners and San Juan Generating Stations. BHP has reviewed the September, 2002 Navajo Operations Draft Environmental Impact Statement ("DEIS") and submits these comments on the draft.

As a general matter, BHP supports the Preferred Alternative as outlined in the DEIS. The Preferred Alternative embodies the Flow Recommendations as currently approved by the San Juan Basin Recovery Implementation Program and is described in the DEIS as the 250/5000 Alternative. However, the DEIS fails to adequately analyze the impact of any particular flow regime on storage in Navajo Reservoir and impacts on water rights served by storage or native flow.

Of particular significance is the absence of any discussion regarding the impact of drought in conjunction with the implementation of any particular flow regime. In 2002, the San Juan Basin experienced the worst drought on record. The DEIS does not address the impact of the recent drought, or possible future droughts, on Navajo Reservoir operations including implementation of the Preferred Alternative in the form of the current Flow Recommendations. A drought of the magnitude experienced in 2002 was not anticipated when the Flow Recommendations were formulated. In order to fully assess the impact of implementing a particular flow regime, the DEIS must analyze the effect of the alternatives on Navajo Reservoir storage and water supply generally, in times of drought.

A member of the BHP Billiton group  
which is headquartered in Australia  
Registered Office: 600 Bourke Street  
Melbourne Victoria 3000 Australia  
ABN 49 004 028 077  
Registered in Australia

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IB3-1 Comment noted. Please see the response to General Comment 18a.

IB3-2 Please see the response to General Comment 13.

BHP notes that Table II-1, at II-6 of the DEIS attributes a "non-irrigation" depletion of 39,000 acre-feet to "Utah International." Although the depletion as described is correct, BHP Navajo Coal Company, a wholly owned subsidiary of BHP Billiton is the successor in interest to all rights Utah International held with regard to such depletions. Accordingly, the referenced Table in the DEIS should be changed to reflect the depletion right held by BHP Navajo Coal Company and not Utah International.

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IB3-3 The EIS has been revised to accommodate your concern.

With regard to mitigation, the DEIS states that "beneficiaries" of the re-operation of Navajo, including participants in the San Juan River Basin Implementation Program, should share in the funding of any mitigation measures. Any costs associated with re-operation of Navajo Reservoir should be borne by Reclamation, not by the "beneficiaries" of re-operation or participants in the San Juan River Recovery Implementation Program. Participants in the Recovery Implementation Program already are bearing a substantial cost for endangered species recovery in the San Juan Basin. The funding has been agreed upon by all participants and codified in P.L. 106-392. Funding for the program is specifically directed for recovery of endangered species and not any other purposes.

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IB3-4 Please see the response to General Comment 2.

Finally, there is a minor typographical error on page III-9 of the DEIS. The reference to the Public Law which serves as the basis for sharing of shortages is Public Law 87-483, not Public Law 87-4831.

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IB3-5 The EIS has been revised to accommodate your concern.

BHP appreciates the opportunity to submit these comments.

Very truly yours,



John Grubb, President BHP Billiton

cc: Arizona Public Service Company  
Public Service Company of New Mexico





November 19, 2002

Ken Beck  
Bureau of Reclamation  
Western Colorado Area Office  
835 East Second Ave., Suite 400  
Durango, Colorado 81301

Re: Navajo Reservoir Operations Draft EIS

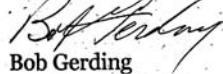
Mr. Beck,

The potential of reducing the flow to 250 cfs on the San Juan River, on a long term basis, really concerns me. The environmental impact is obviously of concern, particularly the effect upon insect life and the potential crowding of the fish population. I am also extremely concerned with the economic impact to the four corners area and Navajo Dam in particular.

In view of the current water availability, and the potential use requirements, and the economic slowdown, I do not believe that it is in the public best interest to consider reducing the flow and then raising it to 5,000 cfs to artificially imitate a springtime increased flow.

The decision should be based upon common sense and giving the public's opinion due consideration. While we don't have the Biology degrees, we do have common sense and those of us who make our living in the Outdoor Industry know what a negative effect this would have on the region.

Sincerely,



Bob Gerding

IB4-1 Please see the responses to General Comments 11 and 20c.

Bolack Minerals Company

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(505) 325-4275 / 325-7873

OIL & GAS  
B-SQUARE  
RANCH

TOM BOLACK  
TOMMY BOLACK  
TERRY BOLACK

November 6, 2002

Bureau of Reclamation  
835 E. 2<sup>nd</sup> Ave. Suite 400  
Durango, Colorado 81301

Re: Draft Environmental Impact Statement – Navajo Reservoir Operation

As a concerned farmer/rancher, President of Farmington Echo Ditch, and Chairman of the San Juan Soil and Water Conservation District, I offer the following comments and views:

I will be the first to admit the most dramatic environmental impact was the construction of Navajo Dam which created many of the positive results we are now attempting to protect (i.e. quality waters, electric generation, NAPI irrigation project, and increased development on formally flooded areas).

The statement appears narrow in not addressing all things which may be affected by not only the volumes released but the timing of such releases (loss of waterfowl nests). The three alternatives seem to “set in stone” and do not allow for flexibility for wet and dry years. We have lived with 500 cfs as a low for many years, and all agree that this poses few problems; however, the one week of 250 cfs test was hardly enough time to acquire a “stable” flow to assess results. My feeling is we actually do not know a bottom limit as to the least adverse effect. A number in the 350 in dry years and 600 in the wetter ones would seem to make more sense.

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IB5-1 Please see the responses to General Comments 11, 22, and 33

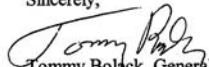
Operation of the Navajo Dam should not be for the benefit of a single concern (fish recovery). These fish were surviving in the river prior to the dam and had violently fluctuating waters from flood to nearly dry along with attempts to eradicate. Pampering the fish now may weaken its tolerance to stress and lead to its demise. Should we “operate Navajo Lake to a mudhole.” This year, a near record low snowpack and rainfall with normal releases has resulted in a much depleted Navajo Lake and is a serious concern should we experience another year such as 2002. In years of shortfall, all affected should share in any shortages.

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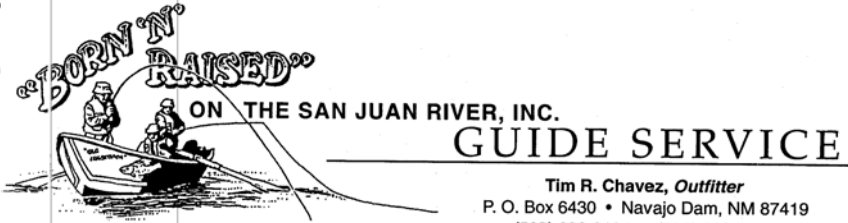
IB5-2 Please see the response to General Comments 10 and 16.

As the region grows, water and its efficient and wise use will become paramount in our survival.

Sincerely,

  
Tommy Bolack, General Partner  
Bolack Minerals Company  
Owner/Operator B-Square Ranch





Bureau of Reclamation  
835 E. Second Ave., Suite 300  
Durango, Co. 81301

Attn: Mr. Ken Beck

Dear Mr. Beck,

My name is Tim Chavez -- I am owner of

"Born 'n' Raised" on the San Juan River, Inc.

I operate the largest guide service on the river.  
Without question, 90% of our business is dependent  
on the ability to float the river in drift boats; as  
this is the greatest need we fill in our professional  
service.

At the proposed 250 c.f.s. flows we would no  
longer be able to SAFELY float the river.



\*\* TIGHT LINES!! \*\*





GUIDE SERVICE

Tim R. Chavez, Outfitter  
 P. O. Box 6430 • Navajo Dam, NM 87419  
 (505) 632-2194 or (505) 632-0492

The risk of Injury to our clients and damage to our boats from hitting rocks would be great.

At 250 c.f.s. flows my business and employees and their families would suffer greatly.

The potential to be driven out of business is significant.

I ask that you seek a balance that would benefit all parties. A popular consensus prefers to see the river managed at a 500/5000 Alternative vs. 250/5000.

I pray that our pleads don't fall on deaf ears. Please respond so that we don't loose faith in the only Avenue we have as U.S. Citizens to speak out on these heartfelt issues.



\*\* TIGHT LINES!! \*\*

Sincerely  
 Tim Chavez



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IB6-1 Please see the responses to General Comments 11 and 29.

IB6-2 Please see the responses to General Comments 3 and 10.



Mr. Ken Beck  
Bureau of Reclamation  
Western Colorado Area Office  
835 East Second Ave. Suite 400  
Durango, CO 81301

December 3, 2002

Re: Comments Regarding Draft EIS (No. DES-02-35)  
Navajo Reservoir Operations

Dear Mr. Beck,

As co-owner and operator of Duranglers, Inc. for 19 years, I would like to comment on the Draft EIS for the re-operation of Navajo Dam. Duranglers has been a fly fishing outfitter on the San Juan river below Navajo Dam since 1983. We also operate two retail fly fishing stores, one in Durango Colorado and the other is located 3 miles downstream of Navajo Dam. Our outfitting and retail operations will be devastated by implementation the 250/5000 preferred alternative as well as many other comparable businesses in the region. The San Juan river is one of the most unique trout fisheries in the United States and of the alternatives considered in the draft the 500/5000 flow regime better meets the full range of uses and resources. It is absolutely the wrong decision to accept the preferred alternative of 250/5000.



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e-mail: durnglrs@frontier.net • www.duranglers.com

In many ways the DEIS is incomplete, insufficient and thus flawed! It does not truly evaluate more than one alternative and it seems ridiculous not consider alternatives because of arbitrary assumptions about the operation of the Navajo Indian Irrigation Project and other future water development. The DEIS offers only one alternative that meets the Flow Recommendations, the Preferred Alternative. The BOR's failure to provide a range of alternatives that could meet the Flow Recommendations is perhaps this documents greatest failing.

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IB7-1 Please see responses to General Comments 5, 7, and 9.

250 Variable/5000 Alternative

The DEIS is confusing when discussing the 250 Variable/5000 alternative that was considered but eliminated. The DEIS states that "it would result in insufficient reservoir storage to provide releases to meet spring peak flow criteria". How do we know that when it has not been fully evaluated in this document? How do we know that when there is no specific information given in the document on how this alternative would be implemented? How do we know that it would not meet this criteria in the interim before future water development is fully developed? The DEIS does not give enough information on this alternative to determine if it is a reasonable alternative. The Document states under this alternative:

2

IB7-2 Please see responses to General Comments 4 and 5.

"Under the Proposed Federal Action section of the NOI, Reclamation stated the following:

Reclamation proposes to prepare a DEIS which will describe the effects of operation the Unit to implement the flow recommendations, or reasonable alternatives, as contained in the recommendations from the Programs's Biological Committee resulting from consultation under the ESA."

Under the 250 Variable/5000 alternative it was also stated that in a meeting with the Service on August 8, 2001 that there is flexibility in the Flow Recommendation that at least in the short term might allow for operation similar to this alternative. This alternative was the only one that attempts to address the flexibility the BOR says exits in operation before future water developments are operational. Many things can happen in the next 20 or 30 years and it seems insane to sacrifice resources now presuming what will happen in the future.

3

IB7-3 The EIS has been revised to be more specific about operational flexibility and how it will be used to reduce impacts. Please see the response to General Comment 11 concerning flexibility.

In volume 1 page 11-10 under the heading Interim Operation, it is stated that an interim period would be recognized until ALP and NIIP are fully operational along with 3000 AF of minor unspecified water depletion. First, what is this 3000 AF for and second how can 3000 AF be considered minor when it's dollar value could be worth millions? Additionally it state that there may be operational flexibility to provide supplemental flows for various purposes during this interim period. This must be explored much more extensively and addressed as part of whatever action alternative is chosen. The amount of flexibility needs to be defined at different stages of ALP and NIIP development along with what specifically this flexibility could and would be used for. Without exploring and defining this flexibility, the EIS will be an incomplete document.

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IB7-4 The 3,000 acre-feet is designated for a variety of minor/small volume uses and has completed ESA consultation. The EIS has been revised to better define flexibility. Also, see the response to General Comment 11.

Why consider the No Action and 500/5000 alternatives further and eliminate the 250 Variable/5000 alternative from further consideration? From all comments in the DEIS the 250 Variable/5000 alternative comes much closer to meeting your criteria than the No Action or 500/5000 alternatives. The 250 Variable/5000 alternative appears to have plenty of merit to have been considered fully.

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IB7-5 Please see response to General Comment 4.

Lack Of Alternatives

Actually one alternative that would make more sense is one that would allow for minimum flows to be maintained as close to 500 cfs as possible and still meet the Flow Recommendations. Use current flexibility to maintain minimum flows at 500 cfs or as close to as possible and still meet Flow Recommendations on a yearly and monthly basis while allowing current water development with environmental clearance to continue if and when they can. I like to think of it as the 250-500 Variable/5000 Alternative. This would be good for all users and resources with a commitment from the BOR not to needlessly damage or destroy resources and local economics. Thus allowing the BOR to better meet it's mission statements and goals. In fact, most times releases of 500 cfs would enhance endangered species (Colorado pikeminnow and Razorback sucker) more than 250 cfs, by maintaining flows through the critical habitat area more towards the upper limits of 1000 cfs which creates 40% more backwater habitat than flows of 500

6

IB7-6 Please see responses to General Comments 4 and 11.



cfs (Flow Recommendations Figure 7.3 Page 7-6). Bottom line the ability to maintain flows above 250 cfs in a prudent manner is a win win situation for everyone, including the BOR.

There also seem to be other potential alternatives which were not considered. With the extremely large inactive content (dead pool) of 625,675 AF (37% of total capacity) of Navajo Reservoir, has the BOR evaluated what would be required and the cost associated with pumping from the reservoir 10 feet lower than is currently possible. This could make 500/5000 alternative feasible without damaging any of the Trust responsibilities.

7

IB7-7 Please see the response to General Comment 8.

The purpose of the National Environmental Policy Act is to disclose environmental impacts and to ensure the analysis of a range of alternatives prior to taking significant actions. Unfortunately, in this DEIS the BOR has failed to offer a legitimate range of alternatives and has instead stacked the deck in favor of its Preferred Alternative. This is a fundamental failing in the DEIS and the BOR must correct it and resubmit a proper draft to the public before taking final action on Navajo Dam re-operations. Given the fishery, water quality, and economic impacts of the proposed low flows, the Bureau should have sought every possibly opportunity for maintaining higher base flows while still meeting other statutory obligations.

8

IB7-8 Please see the responses to General Comments 1 and 5.

250/5000 Alternative (Flow Recommendation)

In chapter II page II-23 when discussing the preferred alternative of 250/5000, it is stated that "Some flexibility in reservoir releases already exist because water omitted for present or future development is not currently used. This may be a significant amount of water in any given year and would be released downstream until used for development." How will the amount of water be determined? How can we be sure that the water will be released downstream instead of leaving it in the reservoir to be carried over? How these questions are answered have direct implications to the EIS for the Re-Operation of Navajo Dam and should be included in more detail. The DEIS is to vague about how or if this water will be

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IB7-9 Please see the responses to General Comments 11 and 16.

used. As long as it is not needed for high spring flows and before future developments are operational, this water should be used to augment summer, fall and winter flows, in that order of priority to mitigate damages to the cold water fishery, rafting, hydropower, water quality, wildlife, downstream irrigators ability to take water from their diversions and all other negative impacts to the preferred alternative of 250/5000. Striving to maintain flows in the critical habitat area more towards 1000 cfs than the low end of 500 cfs will also benefit endangered species allowing the BOR to better meet its obligations to not only conserve the Colorado pikeminnow and razorback sucker but to benefit or promote the recovery of these species pursuant to the June 2000 biological opinion prepared in response to a downsized ALP project. Is it not true that the Flow Recommendations show that habitat is better for these fishes at 1000 cfs than at 500 cfs?

The flow recommendations from the biology committee recommends flows of 500 to 1000 cfs through the critical habitat area for endangered fishes. In chapter II, page II-23, footnote 8 there is a discussion of how to properly determine meeting this flow criteria. If the Flow Recommendations are the main basis for the preferred alternative of 250/5000, it is extremely critical that these flows are met in the critical habitat area, regardless of the language used in the Flow Recommendation For The San Juan River. Which is to use the average of two of four gages (Farmington, Shiprock, Four Corners and Bluff). This method could actually be used to short the flows needed for endangered species and I strongly urge the BOR to accept the recommendations of the SJRBRIP Biology Committee to adjust how this base flow is calculated by using the lesser of the average of Bluff, Four Corners and Shiprock and the average of Farmington, Shiprock and Four Corners. The intent of the flow recommendation is more important than the interpretation of language.

10

250/5000 Alternative (Impact To Cold Water Fishery and Fishing)  
 On page III-67 once again there is reference to operations flexibility that could be used to reduce recreation impacts over the interim period. The BOR should not

IB7-10 Please see the response to General Comment 15 concerning monitoring of base flows.

use this to soften the devastating negative impacts that accepting this alternative will have to recreations and define how the flexibility will be used. There is no level of comfort to fishermen and other recreational users unless this is done.

On Page III-68 it is stated that flows above 1,000 cfs present problems to wade anglers and that these conditions would occur less often under the 250/5000 alternative. First this is not true, many anglers prefer flows above 1000 cfs and this should not be used to imply a benefit to the 250/5000 alternative.

11

It is stated on page III-68 that "This crowding may be somewhat offset by guides acquiring and using new equipment that requires less draft". How will fishing outfitters shifting from dory style boats to rafts offset crowding?

12

There is no discussion in this sections that fly fishing outfitters use of any section of the San Juan except in the Quality Waters section. This is an oversight in the DEIS that should be addressed. Many outfitters use the river downstream of the quality waters, including the section from Archuleta to Hammond. Some outfitters own or lease lands for wade fishing and many others float this section with rafts or dories. Page III-70 states "Downstream from Citizens Ditch, negative impacts on angling would be proportionally greater because of further reduced flows. Angler use figures for this reach are not available, so losses have not been projected." Without angling and outfitting data on this very significant reach, the evaluation of impacts are insufficient.

13

500/5000 Alternative

The 500/5000 is the preferred alternative of fisherman and other recreational interests. It is the status quo to all current users of the project and resources. This is the operation of the reservoir for the past decade and currently meets the flow recommendations most of the time.

In describing impacts of the 500/5000 alternative, the EIS states that the target flow range would be exceeded more frequently (EIS at III-18). However, there is no explanation of how often the flow range would be exceeded, nor of the flow

14

IB7-11 Flows of 1,000 cfs do provide good fishing conditions, but depths and velocities increase and make some areas more difficult for wade fishing.

IB7-12 The EIS has been revised to accommodate your concern.

IB7-13 The EIS has been revised to accommodate your concern.

IB7-14 Exceedence of target flows on the San Juan River under this alternative occur when flows are high in the Animas River. Table II-7 in the EIS shows the distribution frequency of monthly streamflow of the San Juan River at Bluff. Also, see the EIS Volume II, Attachment A and Monthly Modeled Output for each alternative. A listing of 1929-1993 monthly flow for each San Juan River gaging station is also shown.

conditions associated with those periods and the significance for recovery. For example: does this take place in wetter years when native fishes would naturally have experienced higher flows? Are these periods products of short-term spikes cause by thunderstorms or again, a natural phenomenon with which native fishes evolved?

14 cont.

The EIS also states that hydrologic modeling suggests that flow criteria for runoff periods could not be met under the 500/5000 alternative (EIS at III-18). The BOR should provide more information on how these modeled flows were generated, what the underlying assumptions of the model are, what the accuracy of the model is (i.e., plus or minus figures for different confidence levels), and in what specific ways the criteria were not met. Given the importance of a full, fair public review of the proposed re-operations, a more thorough explanation is needed than that provided in this section or in Table II-3. Moreover, more detailed information on these matters may suggest ways in which alternatives could be modified to better meet the full range of existing water uses while also meeting the flow recommendations.

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IB7-15 Volume II of the EIS (Appendix C: Hydrologic Modeling Analysis) details the analysis process for determining impacts to hydrology from operation of the No Action and Action Alternatives.

**Other DEIS Deficiencies:**

The socioeconomic impact to LaPlata and Montezuma Counties was ignored or intentionally omitted. LaPlata County would incur the second largest negative impact behind San Juan County in New Mexico regarding lost revenues by adopting the 250/5000 alternative. The impact to this world class fishery and the subsequent socioeconomic impacts are grossly under-appreciated.

16

IB7-16 Please see the responses to General Comments 29 and 31a.

The fact that the one-week summer low flow test showed no decline in fishing interest does not represent what will be seen over time. In fact the short term of this test gives the BOR nothing more than a guess at the negative impacts to the trout fishery, water quality, wetlands, threatened or endangered species (Southwestern Willow Flycatcher, Bald Eagle) and riparian habitat to name a few.

17

IB7-17 Please see the responses to General Comments 22, 28, and 33.



The evaluation of the Archuleta to Hammond section of the San Juan river on page III-48 is misrepresented. This section would be the most impacted from a cold water fishery standpoint by the 250/5000 alternative and stands on it's own as one of the best trout fisheries in New Mexico. The DEIS does not represent this sections in those regards seemingly to downplay it's importance.

18

IB7-18 Please refer to General Comments 27 and 28.

Reducing the trout habitat by a third or more at the 250 cfs flow will have the effect of reducing trout populations and concentrating anglers resulting in the substantial decline in the quality of the fishing and fishing experience. This will easily cut in half the number of out of state angler/days.

19

IB7-19 Please see the response to General Comments 27 and 28.

The cost to NIIP and other large water users under the 500/5000 alternative is grossly overstated with the assumption that nothing beyond the current development is possible unless the 250/5000 alternative is adopted. This cost must be fine tuned and balanced against the loss of this world class fishery and all of the resulting socioeconomic impacts.

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IB7-20 Please see the response to General Comment 10.

The EIS describes the potential for offsetting some of the reduction in trout habitat below Navajo Dam by increasing pool habitats and placing structure in the river (EIS at III-53), but again makes no commitment to conducting such work. Indeed, the BOR specifically states that it will not take a lead responsibility in terms of funding or implementation of measures to reduce adverse impacts (EIS at IV-3).

21

IB7-21 Please see the response to General Comment 2.

The mere existence of habitat improvement opportunities and of operating flexibility that may or may not be used to benefit downstream resources offers little comfort to those who value those resources. While we have no argument that beneficiaries of the proposed action, including participants in the San Juan River Basin Recovery Implementation Program, should also assist in these efforts (EIS at IV-3), the BOR's refusal to take lead responsibility is a recipe for inaction followed by unproductive finger-pointing about who is to blame for the lack of progress. The BOR must make a greater and more-defined commitment to mitigating the impacts of its actions and should embrace a leadership role in

22

IB7-22 Please see the response to General Comment 2.



ensuring that such measures are funded and implemented rather than trying to shift responsibility to others. || 22 cont.

In conclusion, if 250 or some minimum flow lower than 500 is to be adopted, BOR should commit to using undeveloped water for the fishery. There is no reason to destroy this valuable economic resource now when the actual use of the water will be taking place as far out as 2025 or beyond (or maybe never). If this commitment is not made there will be many temptations to temporarily use this water for other purposes until the future water commitments already approved come on line.

Sincerely,



Thomas J. Knopick  
Duranglers, Inc.  
President

Duranglers, Inc.  
923 Main Ave.  
Durango, CO 81301

(970)385-4081



October 28, 2002

Ken Beck  
 Bureau of Reclamation  
 Western Colorado Area Office  
 835 East Second Avenue, Suite 400  
 Durango, CO 81301

Navajo Re-operations Draft EIS comments

Dear Sirs,

Four Corners Riversports is one of the primary outfitters for non-commercial and commercial paddlers on the San Juan River, providing annual advice and equipment to tens of thousands of recreational kayakers and canoe paddlers.

We are very concerned with the proposed alternative in the draft EIS for operations of Navajo reservoir.

Our customer base, and in turn our business depends on adequate water in the river for floating on two sections, from Bluff to Mexican Hat, and from Mexican Hat to Clay Hills. Both sections depend on significantly more than 500 cfs for reliable boating, so we are extremely concerned that levels may be reduced to lower volumes.

In addition, the Goosenecks section is threatened by sedimentation due to insufficient flows, which will be reduced under the preferred alternative. This may make this section of river unusable for 15,000 people annually.

Please re-evaluate the preferred alternative, and more completely examine the potential impacts to the boating community and our business.

| 1  
 | 2

IB8-1 Please see the response to General Comment 32.

IB8-2 Please see the responses to General Comments 5 and 10.

Thank you,

*Andrew Corra*  
 ANDREW CORRA

DEC -2 2002



November 25, 2002

Mr. Ken Beck -  
Bureau of Reclamation  
Western Colorado Area Office, Southern Division  
835 East Second Avenue, Suite 300  
Durango, Colorado 81301

Re: BOR Draft Environmental Impact Statement

Dear Mr. Beck,

This letter documents Giant's comments concerning the Bureau of Reclamation's Draft Environmental Impact Statement to change the rules and regulations it uses to operate Navajo Dam.

As you know, Giant owns and operates an oil refinery located in Bloomfield, NM whose operation is dependent on a consistent source of water. Our primary products are gasoline and diesel fuel that are sold to customers throughout the Four Corners area. Giant owns and leases rights to water and is permitted to remove this water from the San Juan River. The water is utilized for processing purposes within the refinery. The refinery's river pump station is designed to divert water from the river based on historic release rates at the Navajo Dam. Additionally, the refinery voluntarily participated in the 2001 Summer Low Flow Test conducted by the Bureau of Reclamation. The results of this test showed that the refinery was restricted from maintaining adequate water supplies at the 250 cfs release rate.

The BOR's Preferred Alternative, the 250/5000 alternative, would force the refinery to face potential shutdown due to lack of fresh water or viable economic alternatives to provide for a reliable source of water. For this reason Giant opposes the BOR's Preferred Alternative and supports the 500/5000 Alternative.

Very truly yours,

  
Charley Yonker  
Vice President of Refining Operations

Box 159  
Bloomfield, NM 87413  
(505) 632-4105

1

IB9-1 Reclamation believes that the intake structure to the refinery could be modified to allow Giant Refinery to divert their appropriate leased water rights. Also, see the response to General Comment 31d.

PHONE  
505-632-8013  
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505-632-3911

50 ROAD 4990  
P.O. BOX 159  
BLOOMFIELD  
NEW MEXICO  
87413



Jack's Plastic Welding INC  
115 S Main  
Aztec NM 87410  
Phone 505 334 8748 Fax 505 334 1901  
Email: Web & financial: info@jpwinc.com  
Email shop: shop@jpwinc.com

October 17, 2002

Ken Beck  
Bureau of Reclamation  
Western Colorado Area Office  
835 East Second Avenue, Suite 400  
Durango, CO 81301

Dear Mr. Beck,

You may or may not be familiar with our business. We make most of our money on river related products. Fishing, rafting, and camping on rivers. We also love to recreate on the San Juan River. I would like you to consider this segment of the economy as a viable cost and benefit in the Navajo Reservoir Operations EIS.

If the river is de-watered, the trout fishing industry will be impacted, and there will be a net loss of revenue to the community. People come from all over the nation to fish the tail waters of Navajo Reservoir. Please consider the useful dollars generated by the tourism generated by this resource. The cost is leaving water in the river. The benefit is more tourism dollars, and a diverse outdoor environment for human activities.

If the river is de-watered, rafters will not float the San Juan. Business like ours, as well as hotels, restaurants and outdoor stores will suffer. It can result in millions of dollars of revenue lost to the area. The cost is leaving water in the river. The benefit is more tourism dollars, and a diverse outdoor environment for human activities.

We all live in this area because of its natural beauty. We all know how hard it is to make a living here. If those natural benefits are taken from us, we may as well live in Denver. We choose to live here partly because of the rivers. Please consider the Aesthetic value of our life styles, and the reasons why you live here.

The Colorado river system is already over allocated. I propose that we let the water flow down stream to some of the users down there. In this way the water in effect gets used twice.

I understand that it is hard to quantify the benefit that can occur from leaving the water in the river. Yet it does exist. Both from a fish and wildlife perspective, and from a human perspective. Help balance the equation from the human perspective. The decisions we make today will effect our children's' children. They deserve a wonderful environment too. Let's preserve it for them too.

Sincerely,

Jack Kloepfer

1

IB10-1 There are impacts from the Preferred Alternative as discussed in the EIS. Flexibility in operations may provide one way of reducing impacts (see the response to General Comment 11). The Preferred Alternative is designed as a balance between providing water for downstream endangered fish and for future water development.

LEE/HAMMOND WATER TREATMENT PLANT

Mailing Address  
5649 US HWY 64  
Farmington, NM 87401  
Phone: (505) 325-8317  
Fax: (505) 326-6756

Physical Address  
# 49 CR 5010  
Bloomfield, NM 87413  
Phone: (505) 634-2270  
Pager: (505) 324-7108

November 29, 2002

Ken Beck  
Bureau of Reclamation  
Western Colorado Area Office  
835 East Second Avenue, Suite 400  
Durango, Colorado 81301

Dear Mr. Beck:

On behalf of the Lee/Hammond Water Treatment Plant, we wish to thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Navajo Reservoir Operations. Our plant has a responsibility to provide safe water to the members of two separate domestic water associations. We are also held to strict state and federal water quality standards for the water within our system. It is, therefore, extremely disturbing to our operation and concerns for public health, when the Bureau of Reclamation can propose regulating flows and neglect their responsibility (moral and legal) for water quality. Under the National Environmental Policy Act of 1969 (NEPA) the law states that "It is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may:

- "1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- "2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- "3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;"

Executive Order 12866 also states; "The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society."



**What are the impacts to the safety and health of the American public from the degraded water quality of the Preferred Alternative?**

**What mitigated actions does the Bureau propose for the water quality due to their actions?**

1

Within the DEIS the Bureau stated that under the Preferred Alternative "A 250-cfs release from Navajo Reservoir during the irrigation season would probably result in low flows (in the range of approximately 60-150cfs) from Citizens Ditch diversion (river mile 217) to Farmington (river mile 181) due to irrigation demands. During the Summer Low Flow Test (Reclamation, 2002) several water quality parameters (temperature, aluminum, fecal coliform, total organic carbon, and conductivity) exceeded the State standards for this reach. Exceedences of water quality standards would probably increase at these lower flows over the long term." They also state "long-term summer low flows may cause exceedences of the water quality standards or an increase in bioaccumulation of some trace elements." (DEIS pg III-96)

**What baseline data was taken to compare the effects on water quality before the Summer Low Flow Test?**

**Do these "exceedences" pose a risk to the residents of San Juan County that have their drinking water taken out of the river? By how much do they exceed the standard?**

**If a 7 day test that had "potential limitations" and exceeded State water standards, then what kind of an effect would a prolonged 250 cfs flow have on the water quality above the Animas River confluence?**

2

It is even more disturbing that the Bureau has data concerning the "exceedence of standards" related to human health and safety and neglects to identify these within the DEIS. In *Catron vs. Babbitt* the courts stated that just because the Secretary says so, doesn't make it so. The Bureau has taken an even more evasive approach in that they don't specifically identify or mitigate the effects to water quality.

The Bureau also tries to pass the responsibility to the New Mexico Department of Environment with scheduled Total Maximum Daily Load (TMDL) studies to be completed in the next several years. The TMDLs will

IB11-1 Please see the responses to General Comments 2 and 23.

IB11-2 Please see the response to General Comment 23 which discusses water quality impacts.

identify "best management practice" to prevent violation of State water quality standards. Without addressing the fact that the Preferred Alternative will violate State water standards, and impose upon water users stricter regulations through the "best management practices" to reduce non-point source pollutant loading, the Bureau has neglected their responsibility, to the American Public and the citizens of San Juan County. Water quality, for health and safety reasons, should have been a primary focus of the DEIS and was only briefly mentioned. A lower quality of water due to the Preferred Alternative will also create a lower baseline for which the New Mexico Department of Environment has to apply the "best management practices". These "best management practices" will affect federal land uses (grazing, oil and gas, and recreation), Indian land uses (grazing, oil and gas, and recreation), private land uses (agriculture, oil and gas, development, and recreation), and municipalities. The DEIS neglects to identify and mitigate these impacts or to identify the population and environmental justice effects.

**Isn't the Bureau of Reclamation responsible for the degraded water quality due to their actions?  
What are the potential impacts to all the citizens of San Juan County, New Mexico of the lower water quality and the subsequent development of the "best management practices"?  
If the DEIS neglected to identify all potential impact of their action, then how could they have possibly identified all of the impacts to minorities/ low-income populations and measured the proportionality of those impacts?**

3

The mission statement of the Bureau is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American Public. The fact that the Bureau neglects water quality issues due to the adjusted flows is in direct violation of their own mission. NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. To make a statement that water quality will be diminished, but not specifically identify the extent of that diminishment to the public water systems is in complete disdain for the American Public and the citizens along the San Juan River.

IB11-3 Please see the responses to General Comments 23 and 31a.

Within the Summer Low Flow Test Results it was identified that "fecal coliform samples exceeded the standard at the sites above the Highway 44 bridge in Bloomfield and at the Geological Survey (GS) gauge in Farmington below the confluence of the San Juan and Animas River." This sample was taken just above the diversion for the Lee/Hammond Water Treatment Plant.

**Is the health and safety of the water users from this plant so unimportant that it was not worth mentioning in the DEIS? If the potential exists for their drinking water to be unsafe or harmful, doesn't the public have a right to know?**

4

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. The outright neglect of the Bureau to identify the impacts to water quality will lead to an arbitrary decision made and could detrimentally affect our water plant and the water we deliver to the public for consumption. Water quality is a serious issue and the fact that the Bureau only did a 7 day low flow test to determine impacts demonstrates the Bureau's trivial attitude towards water quality and public health and safety. The entire DEIS states fact and assumptions that are not based on any scientific conclusions.

The DEIS states that customers of the Farmington Electrical Service will have an increase in their electric bills. This will have significant affects upon our customers, both in their personal use of electricity and in their water bills. Of our total operating cost, electricity makes up about 57%. This additional cost for electricity and any additional costs of processing the "degraded water" will have to be passed on to the consumer. This is an effect upon the human environment and the Bureau, once again, neglected to identify it within the public DEIS. These undue costs have the potential to significantly affect the elderly and low income families everyday living expenses. This was never addressed within the DEIS under the environmental justice.

**What are the socioeconomic impacts to the local area, from the Navajo Dam to the confluence of the Animas River, of this major federal action?**

5

IB11-4 Water quality studies have been conducted on the San Juan River for the last 10 years and all indications are that most water quality parameters are within State standards and meet the water uses determined by the State. For those parameters listed by the State on the 303(d) list, further studies will be conducted to determine if TMDL's will be necessary. The State is presently conducting an extensive sampling program for the San Juan River. Also, see the response to General Comment 23 for additional information.

IB11-5 Please see response to General Comment 31.

Seven years of research went into developing the flow recommendations needed for the recovery of the two endangered fish species. To determine the effects of the 250 cfs flow during summer months to the environment, economies, and human population, a seven day test was conducted from July 9, 2001 to July 16, 2001. Then it is stated in the DEIS that an "adjustment in water releases from Navajo Dam takes about 3 days travel time to reach the Bluff gage in Utah." The Summer Low Flow Test that was conducted appears to raise more questions than it answered in terms of the long-term impacts of a 250 cfs flow. In the Summer Low Flow Test Report it stated "Potential limitations of the Test included its duration, the unpredictability of river bank storage, sporadic localized rainfall that augmented river flows, mechanical equipment limitations preventing the release of exactly 250 cfs, and lower rates of water diversion than anticipated. These issues will be addressed in the subsequent EIS." This short duration test didn't allow the ground water level in the river corridor to adjust and yet it was kept short because a lengthier period of time could have resulted in significant impacts to resources.

**Before issuing the Final EIS, why doesn't the Bureau perform the additional needed research, for a lengthier period of time, so that the true long-term impacts of the re-operation of Navajo Dam can be determined to downstream water users and resources?**

**If the true impacts are unknown of the low-flow, isn't the Bureau required to modify the DEIS and reopen the public comment period?**

**What is the statistical significance of a seven-day summer test to determine the long-term impacts of the action?**

**Where is the short falls of the summer low-flow test addressed in the DEIS?**

The DEIS states numerous times that the Preferred Alternative is flexible for an "Interim Period." It states, "... (The interim period is the time until the ALP Project and NIIP are fully operational along with 3000 acre-feet of minor unspecified water depletions). Additional operational flexibility may exist to provide supplemental flows for various purposes in this interim period as a result of these unutilized depletions." Furthermore the SJRBRIP Biology Committee indicated that "during the irrigation season (March through October) it may not be effective or necessary to

6

IB11-6 Please see the response to General Comment 22.



lower releases below 500 cfs until water use in the basin increases to the point that the water is needed to meet runoff period recommendations. This flexibility is extended only to the irrigation season as defined... and only until water development reaches the level that additional water is needed for Spring releases. (February 21, 2002, memorandum from Biology Committee to Reclamation)." Establishing the point that variability only exists in the short run and that variability is a must in meeting target flows downstream, leads us to a potential conflict.

**Where is the water going to come from in the long run to meet the flexibility demands, which is a must, in the Preferred Alternative?**

**How will this problem become compounded in times of extended droughts, which are fairly common in the Arid Southwest?**

**What are the potential regulatory takings risks to the Bureau, if at the 250cfs we are unable to divert the quantity of water required for the water consumers within our related water associations?**

7

IB11-7 Please see the responses to General Comments 11, 13, and 18 a.

Overall, the Draft Economic Impact Statement for the Navajo Reservoir Operations fails to objectively and honestly identify the environmental or economic impacts of re-operation of the Navajo Reservoir. The entire analysis is flawed due to the confusion of the baseline, which changes the impacts when evaluating the Action Alternatives. There have been limited efforts to identify the total impacts to the natural environment, or the human environment. Water is a precious resource within New Mexico and the arid southwest, the issues surrounding water quality within the DEIS are only given minimal attention, these should be an important component which received extensive analysis. Potential water quality impacts should have been identified, quantified, and mitigated in relation to the multiple water uses within the San Juan Basin.

The entire DEIS marginally attempts to identify the cumulative impacts to the multiple resources and communities of the San Juan Basin, including the endangered species. The Bureau makes numerous assumptions and statements of "fact" that are not justified or supported with any kind of scientific data. It is unclear, unproven and fails to address with any kind of reasonability the potential total cumulative impacts, mitigation measures, or regulatory takings implications to private property. There

8

IB11-8 Please see the responses to General Comments 1a and 19.



are numerous legal requirements of the Bureau of Reclamation to prepare a document that is clear, concise, and easy to understand. They are also required to involve and inform the public of any possible impacts and attempt to mitigate those impacts. Because the DEIS is the last avenue for public participation and the document fails in so many areas, a comprehensive, justifiable, understandable, and honest impact analysis should be conducted and the public should be allowed to evaluate that analysis before any action is taken or decisions made which could have irreversible and irretrievable impacts to the environment and economies of the San Juan Basin.

9

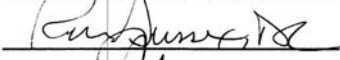

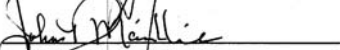
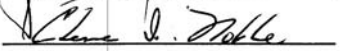

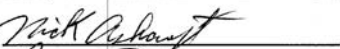

IB11-9 Please see the response to General Comment 1a.

Can the Bureau of Reclamation reasonably guarantee that the Lee/Hammond Water Treatment Plant will have the quantity and quality of safe drinking water to provide our water users with this necessary element of survival and quality of life?

10

IB11-10 Please see the responses to General Comments 18a and 23.

Board of Directors, Lee/Hammond Water Treatment Plant

-  Randy Sussex, President
-  Jack Stant
-  John Maillie
-  Cleve Noble
-  Keith Lee
-  Nick Ashcroft, Operator
-  Jim Renfro, Operator

cc: Sen. Pete Domenici  
Sen. Jeff Bingaman  
Rep. Heather Wilson  
Rep. Tom Udall  
Governor elect, Bill Richardson  
Diane Barnes, New Mexico Environmental Department

Ralph G. Phelps  
3626 CR 330  
Ignacio, Co. 81137

970 883 2331

Oct. 2, 2002

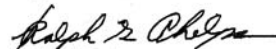
Bureau of Reclamation  
Western Colorado Area Office  
835 E. Second Ave. Ste. 400  
Durango, Co. 81301

Attn: Mr. Ken Beck

I am a lifetime, fourth generation resident of the four corners area. I and my partners currently operate the Miller/Sambrito perk in New Mexico. I am a rancher and developer.

Without question, water is the lifeblood of the four corners area. Development of projects to utilize available water sources has been necessary for mankind to develop and utilize the arid nature of the four corners area.

I find it very difficult to think the Endangered Species Act has removed the ability of those responsible for the management of such a vital and precious resource, to use their wisdom and understanding in the best interest of mankind. Navajo Dam was constructed primarily for irrigation and river flows should be regulated for that purpose.

  
Ralph G. Phelps

1

IB12-1 Please see the response to General Comment 16.



P.O. Box 1748  
Arboles, Colorado 81121

970/883-2343  
FAX 970/883-2295

October 13, 2002

Bureau of Reclamation  
Attn: Ken Beck  
835 E. 2nd ave., Suite 300  
Durango, CO 81301-0640

Ken,

The September 2002 DEIS indicates the preferred alternative, 250/5000 would be the most desirable of the presented alternatives, however I find no consideration toward Colorado's interests.

The financial concerns are mentioned for the fishing industry and the River rafters, but nothing concerning Colorado's Park, fishing, or boating activities.

I am told the BOR is doing a 50/50 cost split with Colorado Parks to develop the Park in Colorado. Approximately 7 million dollars, 3&1/2 million expense to the BOR.

This Park will not serve many people if there is no lake front. Fishermen will not use the river to the degree they fish the lake, costing Colorado Division of Wildlife in lost fishing license fees and eliminating the Marina operations in the State Park.

Possibly an alternative of 250/3000 or 250/3500 without the Spring peak release would provide adequate water for the endangered species and conserve enough water to continue having a lake in Colorado. The park and Marina are in Colorado's lowest income county. The loss of sales taxes and tourist expenditures along with the affected jobs will be detrimental to the entire area.

Please consider these additional facts in your final plan.

Respectfully Submitted,

Frank C. Jesmer  
President- San Juan Marina

E-MAIL: sanjuanmarina@compuserve.com  
Website: www.sanjuanmarina.net

IB13-1 Please see the responses to General Comments 5 and 31a.

John Tavenner  
83 CR 2929  
Aztec, New Mexico 87410

Ken Beck  
Bureau of Reclamation

To Ken and the Bureau of Reclamation

I am a owner of a outfitter business and guide service working on the San Juan River. I am writing in regards to the DEIS and your recommendation on the 250-5000 cfs flow.

There are many reasons why you should retain the 500-5000 cfs flow plan. First and most important is the economic devastation to this area if we see 250 cfs flows. The San Juan River below Navajo Dam generates millions of dollars to the economy of not only San Juan County, but to New Mexico as a whole. Not only will the recreation industry of the area be greatly impacted, but the cities of Bloomfield, Aztec and Farmington will have loss of revenue due to the low flows. Flows of 250 cfs will cause a domino effect. Businesses will go under and jobs will be lost.

The environment will be greatly affected. We will see a loss of 34% of the habitat in the area above the town of Navajo Dam, which is considered one of the greatest trout fishing river's in the world. Below the town the Citizen's ditch takes out more than half of the 250 cfs running through the river, and the Hammond Diversion will take out the rest, leaving a dry river bed and killing native fish. The area between the two diversions, is also a world class trout fishery, and will be lost forever. Not to mention all the wildlife that uses the river. During the summer's the run-off from farmer's fields will cause more pollution and poorer water qualities, including increased sedimentation, thus damaging the environment further.

The Bureau of Reclamation needs to do the right thing. We need to have the San Juan River as a viable resource in the future and forever. We need the 500-5000 cfs flows to be your recommendation for flows coming from Navajo Dam. It is the best alternative for everyone in San Juan County and for all the people who care about this great river.

Sincerely



John Tavenner  
President, Sandstone Anglers, Inc.

1

IB14-1 Please see the responses to General Comments 3, 5, and 11.

**SOARING EAGLE LODGE LLC.**

November 15, 2002

DEC -2 2002

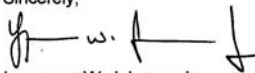
Bureau of Reclamation  
835 E. Second Ave. Suite 300  
Durango, Colorado 81301  
Mr. Ken Beck

Dear Mr. Beck:

I ask the Bureau of Reclamation to withdraw its plans to re-operate Navajo Dam as stated by its recommended alternative in the "Flawed" DEIS presented to the public this October 2002. The document has serious defects that do not meet NEPA standards. If implemented based on this document you will leave the BOR open hopeless litigation from, City, County, State and private businesses and citizens... that will be drawn out for years.... of course at the tax payers expense and this would be wrong to do.

I ask you to do the right thing and withdraw the DEIS until an accurate and fair document may be compiled by true independent group detached from the pressure of "ANY" Special Interest Groups. You should do this because it is in accordance with your own stated "Mission" and I quote, "to manage, develop and PROTECT water and related resources in an environmentally and economically sound manner in the interests of the American Public. The recommended alternative of the flawed DEIS is not in the interest of the American Public and only affords a very few... huge benefits of future water development. This of course is at the expense of a very fragile local economy and a huge expenditure to the American taxpayer.

I make these statements as a local businessman that will be denied his right to a livelihood and the livelihood of all his employees, of which many are minorities, if the BOR's recommended alternative is implemented. My overlying objection to any re-operation of Navajo Dam is because it is simply WRONG, morally and civically. I have been privy to a number of meetings in which senior BOR staff have to stated to myself and others (true witnesses) that "they" were NOT in favor of BOR's DEIS favored alternative but were pressured to support the position by "higher ups" and hence, sign off because of the clout these Special Interest Groups have on the bureau. In fact I have "on tape" a meeting in which a senior BOR official stated they were forced to sign off on a technical report that was so incorrect and false it eventually was an embarrassment to the entire department and they were ashamed their names were on the documents. The other BOR staff members at the meeting corroborated this information verbally. To this end I would like to ask the BOR to formally recognize my objection to the re-operation of Navajo Dam. To leave the flows with a minimum of no lower then 500 cfs and no higher then 5000 cfs. I would also ask that you please address my attached list of specific questions in regards to the DEIS as specified in the NEPA directive.

Sincerely,  


Lawrence W. Johnson Jr.  
President/Owner  
Soaring Eagle Lodge LLC  
1 of 9 pages

PO BOX 6340  
48 CR 4370  
NAVAJO DAM, NEW MEXICO  
87419 USA  
TELE: 505-632-3721  
FAX: 505-632-5621  
E-MAIL [info@soaringeaglelodge.net](mailto:info@soaringeaglelodge.net)

IB15-1 Please see the response to General Comment 1.

IB15-2 Please see the responses to General Comments 3 and 5b.



Questions for the BOR's DEIS on the Re-Operations of Navajo Dam:  
Larry Johnson SEL LLC November 15, 2002

My Statement: Within the Bureau of Reclamation NEPA Handbook (for public review), Chapter 8- 8.1 Preparation states that:

The document should not be written in such a way that it appears to justify decisions already made or to promote an alternative. The analysis must remain objective and free from editorial comment.

Question for the BOR

- o Is the primary purpose of modifying the operations of Navajo Dam to allow the continuation of the Animas La Plata Project?
- o Is the endangered species a primary or secondary purpose of the modified operation of Navajo Reservoir?
- o Should the analysis for the modified operation of Navajo Reservoir be included within the EIS for the ALP Project and all the negative impacts be included as costs of the ALP Project? (Instead of the ALP project being a benefit of the Navajo Reservoir Operations.)
- o Does this DEIS have a predetermined outcome that has already been determined within the NEPA process for the ALP Project?

3

IB15-3 Please see the responses to General Comments 1b, 10, and 19.

My Statement: Within the Bureau of Reclamation NEPA Handbook (for public review), Chapter 8- 8.6.2 Preparation states that:

Alternatives outside the agency's authority to implement should be considered. If such an alternative became the preferred alternative, implementation would depend on a change in authorization, a change of lead Federal agency to one with the appropriate authority, or a transfer of the project to a non-Federal entity. It could also lead to the cancellation of the project.

The DEIS only considered a total of 7 alternatives of which 4 were eliminated from the analysis without further consideration.

Question for the BOR:

- o Do you think that the 7 alternatives were enough to justify the requirement of NEPA?
- o Are there other alternatives that should have been considered that would be economically and technologically feasible?
- o Are there other alternatives that should have been considered outside the agency's authority?
- o Of the alternatives eliminated from the DEIS, do you feel that any of them were eliminated without just cause or a complete explanation?
- o In a comment on the Low Flow Test there was an alternative put forth by Trout Unlimited that NIIP water be sent down the river and pumped out after the Animas River confluence. Why wouldn't this alternative be a viable alternative?
- o If a 500/5000 Alternative was considered viable, then why wasn't a 350 or 400/5000 Alternative, a 250 variable/4500 Alternative, or a 250/500 (irrigation season)/4500 Alternative considered?
- o Were any alternatives considered that were not within the jurisdiction of the Bureau?

4

IB15-4 Please see the responses to General Comments 5 and 9.

5

IB15-5 Please see the response to General Comment 8.

6

IB15-6 Please see the responses to General Comments 4 and 5c.

My Statement: The 250/5000 Alternative's title appears to be very rigid in allowing release flows from the Navajo Reservoir. However, the document mentions flexibility during irrigation periods several times. (DEIS Pgs. II-5, II-8, III-83, III-138, III-145). The DEIS states that:

Some flexibility in reservoir releases already exists because water committed for present or future development is not currently used. This may be a significant amount of water in any given year and would be released downstream until used for development. (DEIS pg II-23)

It should be noted that reducing flows to 250 cfs in the irrigation season (March to October) might not occur until additional water development within the Basin requires it. (DEIS under the 250/5000 Alternative. pg III-52)

The short duration (July 9,2001 – July 16, 2001) Summer Low Flow Test appears to raise more questions than it answered in terms of the long-term impacts of a 250 cfs flow.

Potential limitations of the Test included its duration, the unpredictability of riverbank storage, sporadic localized rainfall that augmented river flows, mechanical equipment limitations preventing the release of exactly 250 cfs, and lower rates of water diversion than anticipated. These issues will be addressed in the subsequent EIS. (Summer Low Flow Test Report – April 2002 pg. 5)

**Questions for the BOR:**

- o Where within the Flow Recommendations publication is the 250/5000 Alternative defined or mentioned? 9
- o Where within the DEIS is the "Flow Recommendations", which are referred to within the document numerous times, defined or presented? 9
- o How flexible and for how long is the flexibility a part of the 250/5000 Alternative? 10
- o What are the differences between the 250/5000 Alternative (that is flexible) and the 250 Variable/5000 Alternative? 11
- o In the long term, when full water development occurs and there is no flexibility in the 250/5000 Alternative, how will the target flows of 500 cfs set forth in the Flow Recommendations be met below Farmington? 12
- o Where are the issues mentioned in the Low Flow Test addressed within this EIS? 13
- o Flexibility within the Preferred Alternative is dependent upon water that is currently not used. What are the expected impacts after this water is fully developed? Who will suffer these impacts and how significant will they be to that individual and the local economy? 13
- o Will the Preferred Alternative still meet the flow recommendations without flexibility? If not, who will have to forfeit their water rights to meet the target flows and how will this affect the agricultural industry and related economy? 14
- o How will the ALP Project effect the target flows for the endangered fish, this is not fully explained within the DEIS? 15

- IB15-7 Please see the response to General Comment 11.
- IB15-8 Please see the response to General Comment 22.
- IB15-9 The SJRBRIP and associated Flow Recommendations are discussed in Volume I (Chapter 1) of the EIS. For a more detailed discussion on the Flow Recommendations, please refer to the *Flow Recommendations for the San Juan River* (Holden, 1999).
- IB15-10 Flexibility will exist primarily until NIIP begins full water usage. Please see the response to General Comment 11 for additional information.
- IB15-11 Please see the responses to General Comments 4 and 5.
- IB15-12 Hydrologic modeling shows that the Flow Recommendations, including maintaining 500 cfs downstream from Farmington, can be maintained with full development of NIIP and the ALP Project.
- IB15-13 The low flow tests provided information on several resources. The results are used in individual sections of the EIS such as the section on aquatic resources or hydropower.
- IB15-14 The operating criteria and Flow Recommendations are designed to honor all senior water rights. The hydrologic studies account for future water developments shown in the depletion table (Table II-1) in Chapter II of the EIS.
- IB15-15 Full operation of the ALP Project was considered in the hydrologic modeling studies. The Flow Recommendations can be met with full ALP Project operation.

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My Comments: In summary, the No Action Alternative (baseline) should include the expansion of NIIP because it has the water rights and could occur and is a foreseeable action with further ESA consultation. Inclusion or exclusion of the ALP Project depends on the fact of whether the ALP Project would continue without implementation of an action alternative. It is unclear within the DEIS what the relationship is between the ALP Project and the re-operation of Navajo Dam. If the ALP Project has a Record of Decision (ROD) and is moving forward, then it is a foreseeable project and should be included in the No Action Alternative (baseline). However, if the ALP Project continuation is dependent upon the ROD for the Navajo Reservoir Operations then it's benefits and costs can be attributed to the action alternative. But the ROD for ALP has already been published and everything within this DEIS should have been analyzed within the ALP Project FEIS and the need for this DEIS evaporates.

16

Questions for the BOR:

- o If NIIP has priority water rights, then what is the possibility that they would be deprived of putting that water to beneficial use at any time in the future, regardless of Navajo Reservoir operations? 17
- o If the under the No Action Alternative the average content of Navajo Reservoir is higher than the Preferred Alternative by 170,000 acre feet, then why wouldn't NIIP be allowed to expand? 18
- o What is the baseline for all of the analyses within this DEIS? Is NIIP expansion and the ALP Project included or not? 19
- o How can the NIIP expansion be included as a direct benefit of the Preferred Alternative when it could occur without the selection of the Preferred Alternative and with further ESA consultation? 20
- o How can the ALP Project be included as a direct benefit of the Preferred Alternative when it could occur without the selection of the Preferred Alternative and with further ESA consultation? 20
- o If NIIP expansion and the ALP Project are to be considered as benefits from the Preferred Alternative, then shouldn't the costs associated with these projects should also be included within the analysis? 21
- o What would be the status of the ALP Project if the No Action Alternative were chosen? 21
- o If the ALP Project is not included in the baseline and is considered as a benefit of the Preferred Alternative, then where are the related costs of the ALP Project? 22
- o How can you assume that NIIP and the ALP Project will not be completed under the No Action Alternative, then assume that these projects are already in place when analyzing the impacts of the Action Alternatives, then count the benefits of these projects as related to implementation of the Preferred Alternative? 23
- o Without a constant baseline it is impossible to have a clear picture of the impacts and to form an educated position with which to comment. It is necessary under NEPA to perform an objective, consistent impact analysis and allow for a public comment period. If the inconsistency in baseline is corrected will the new analysis be open to a new public comment period? 24

My Comments: Although tailwater trout fisheries are common below western dams, few have been as successful as the fishery below Navajo Dam. Trout grew rapidly after stocking, and, encouraged by anglers, the NMDGF began managing a portion of the tailwater as "Quality Waters," restricted to artificial flies and lures and with restricted bag and size limits. This section of the river extends 4.4 miles downstream from the dam. One angler study notes, "most respondents came to the San Juan because it had lots of big fish and a reputation for having them"(NMDGF, 1994a). It is one of the most popular trout fisheries in the western United States, as can be attested by the visitation numbers. (DEIS pg III-62)

- IB15-16 Please see the responses to General Comments 1b and 10.
- IB15-17 Please see the responses to General Comment 1b, 18c, and 18b.
- IB15-18 Please see response to General Comment 6.
- IB15-19 Please see the responses to General Comments 18b, and 21.
- IB15-20 Please see response to General Comment 3.
- IB15-21 Under the ESA, reoperation of Navajo Dam is a conservation measure of the ALP Project Biological Opinion. If Navajo Dam is not reoperated to meet Flow Recommendations, reconsultation under the ESA may be required for the ALP Project. Please see the response to General Comment 3 for additional information.
- IB15-22 Please see the responses to General Comments 1b, and 3.
- IB15-23 Under the No Action Alternative, Navajo Reservoir would not be reoperated to help meet the Flow Recommendations. Under these conditions, the ALP Project and completion of NIIP would require reconsultation under the ESA with the Fish and Wildlife Service. The outcome of the reconsultation cannot be predicted completely at this time; however, completion of these projects would certainly be placed in doubt. Also, see the response to General Comment 3.
- IB15-24 Please see the response to General Comment 21.

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Currently, 43 outfitters and 89 guides are licensed to operate on this reach of the San Juan River. Outfitters are not limited on the number of days they can operate. (DEIS pg III-62)

Further downstream, a very good brown and rainbow trout fishing stretch exists below Citizens Ditch to the Hammond Diversion. Because private lands in this area bound the river, fishing data are not available. Within the Quality Waters along the San Juan River, over half of all visitors to the river were from out of State, primarily from Texas, Colorado, Arizona, or California. Only 25 percent of visitors to the river are of local origin. (DEIS pg III-62)

Most fishing on the San Juan River takes place between Navajo Dam and the Hammond Diversion, predominantly in the 4.4 miles designated by NMDGF as Quality Waters, where large numbers of anglers come to fish from all over the world. (DEIS pg. III-123)

These lower flows would make dory boat fishing difficult. Wade fishing is facilitated at lower flows; however, this does not mean wade fishing use would increase. Lower flows would increase conflicts between wade and boat anglers, as their areas of use would overlap more during low-flow periods. (DEIS pg. III-68)

- o Trout habitat is expected to be reduced 30 to 37 percent when dam releases decline from 500 to 250 cfs.
- o Average river depth would be reduced by 4.5 inches and wetted perimeter by 5 to 10 percent.
- o Trout numbers are not expected to decline proportionally to habitat reduction, but would be reduced significantly. (DEIS pg. III-69)
- o Dam release below 500 cfs make float fishing more difficult and may require switching from dories to rafts, and flows above 1,000 cfs make wade fishing more difficult. (DEIS pg III-70)

"Reduction in trout fishery results in lower quality and/or quantity of recreation associated with trout fishing."(DEIS pg. S-14)

It is estimated that a 34% loss in out-of-state angler days would translate into an economic loss of \$6.15 million and 134.3 jobs, due to a loss 9,400 out-of-state angler days.

If 50% of "Quality Water" users are from out-of-state and if the reputation of the "special trout waters" is reportedly diminished by 34% then there is the possibility that more than 34% of out-of-state anglers will go fishing at another non-diminished trout fishery. This could translate into a possible total loss of out-of-state anglers! A 100% loss of out-of-state anglers would be \$15.6 - \$18.0 million loss in total economic output.

"In-county expenditures are not considered an impact because it is assumed that they would make the same local expenditures on some form of recreation if fishing on the river did not exist." (DEIS pg III-119 - 120) These anglers may continue to spend locally, however if they have to travel further to fish, they probably will engage in recreational activities less often and spend a greater portion out of the county.

Even using the 34% reduction in out-of-state anglers the total impacts to local businesses are significant. - \$1.1 million and 29 jobs lost to Hotel & lodging places, \$1.1 million and 15 jobs lost to Automobile rental and leasing, \$620,259 and 20 jobs lost to the Eating and Drinking industry, and \$343,404 and 15 jobs lost to Amusement and Recreation Services (Fishing Guides and Outfitters). (DEIS Navajo Reservoir Operations Vol II)



# INDUSTRY/BUSINESS - Comments and Responses

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Economic entities have a threshold in which they cannot afford to keep doing business. This threshold was not identified and merits further study to assess the total economic impacts of this federal action. A reduced number of businesses would translate into reduced competition, which means recreational would have to pay more.

25

### Questions for the BOR:

- o Has the Bureau tried to mitigate the damages done to the recreation industry? | 26
- o With the numerous identified impacts to the fishery, are the assumptions for loss of angler days objectively determined? | 27
- o Was the economic model (IMPLAN- which uses national purchasing coefficients) modified to objectively estimate the impacts to the local economy? | 28
- o Has the total economic impacts to San Juan county been objectively analyzed? | 29
- o Was a 7 day summer low flow test sufficient to determine the total impacts to the fishery? | 30
- o What mitigation measure does the Bureau propose for the damage done to the recreation industry? | 31
- o How does the Bureau justify the assumption that reduction in trout habitat and angler days are linearly related, in the worst-case scenario? | 32
- o With the numerous identified impacts to the fishery, are the assumptions for loss of angler days objectively determined? | 33
- o Was the economic model (IMPLAN- which uses national purchasing coefficients) modified to objectively estimate the impacts to the local economy? | 34
- o What scientific evidence does the Bureau have to show that a limited 7 day summer low flow test is sufficient to determine the total impacts to the fishery? | 35

My Comments: Physical habitat reductions for native fishes would occur from the Hammond Diversion to the Animas River. (DEIS pg III-45)

Native fishes within this area can be found in high numbers. In particular, it is considered one of the more important sections of the river in terms of percentage of native fish numbers.... Reduced flows and associated physical habitat loss would likely reduce native fish populations and may also impede these fishes' ability to move freely within this section of river. Under a worst-case scenario, at the upper end of this reach, summer flows as low as 60 cfs or less could occasionally be expected. For native fish populations in this reach, the only effective way to reduce impacts associated with reduced flow would be to increase flow.

The relative effect of the test flows after 1991 on other native fishes, especially the bluehead and flannelmouth sucker, was not conclusive, although studies conducted under the SJRBRIP have shown that catch rates of adult native suckers have declined since 1991. This may or may not indicate these species are in decline or that changes in flow had a negative effect. (DEIS pg III-49)

The southwestern willow flycatcher may be affected by loss of any riparian habitat along the San Juan River or by reservoir operations that stress existing riparian habitats that occur in reservoir inflow areas such as the Piedra and San Juan arms of the reservoir. Stresses on riparian vegetation between the dam and Farmington due to low flows would be greatest under the Preferred Alternative. (DEIS pg. III-138)

- IB15-25 Please see the responses to General Comments 29 and 31.
- IB15-26 Please see the response to General Comment 2.
- IB15-27 Please see the response to General Comment 30.
- IB15-28 Please see the response to General Comment 31.
- IB15-29 Please see the response to General Comment 31.
- IB15-30 Please see the response to General Comment 22.
- IB15-31 Please see the response to General Comment 2.
- IB15-32 Please see the response to General Comment 30.
- IB15-33 Please see the response to General Comment 30.
- IB15-34 Please see the response to General Comment 31.
- IB15-35 Please see the response to General Comment 22.



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Reduced summer flows between Navajo Dam and Farmington under the Preferred Alternative may adversely affect leopard frog habitat, particularly in the extensive wetlands just downstream from Navajo Dam. (DEIS pg III-139)

Additional research is needed to determine the relationship between water quality and endangered fish recovery. (DEIS pg III-139)

8.810 Irreversible and Irrecoverable Commitments of Resources (NEPA Section 102(2)(C)(v) and 40 CFR 1502.16)

**Irreversible** commitments are decisions affecting renewable resources such as soils, wetlands, and waterfowl habitat. Such decisions are considered irreversible because their implementation would affect a resource that has deteriorated to the point that renewal can occur only over a long period of time or at great expense, or because they would cause the resource to be destroyed or removed.

**Irrecoverable** commitments of natural resources mean loss of production or use of resources as a result of a decision. They represent opportunities foregone for the period of time that a resource cannot be used.

The analysis shall, for each alternative, identify those actions that are irreversible and irretrievable.

**Questions for the BOR:**

- o What mitigation measures does the Bureau purpose for the native fisheries and special status species? | 36
- o Is there flexibility within the Preferred Alternative to change flows, if it is determined that adverse effects to either native fisheries or special status species is more significant than assumed within the DEIS? | 37
- o If so, where will the additional water come from to prevent the listing of these other species? | 38
- o It is unclear from the DEIS what possible irreversible and irretrievable resource commitments will be with the implementation of the Preferred Alternative, would the Bureau please identify these commitments and reopen the public comment period? | 39
- o If additional research is needed, as stated in the DEIS, why shouldn't this research be included before committing to the Preferred Alternative? | 40

My Comments: The elimination of Hydropower on Navajo Dam. The 250/5000 Alternative, along with future development of NIIP, would have a projected 10-year financial impact to the City ranging from \$5.3 million to \$7 million annually (based on a 10-year average loss), with a possible accompanying rate increase to customers."... "In addition, modification to existing equipment may be required, and/or purchasing additional replacement power from fossil fuel power plants could have negative environmental impacts under both action alternatives. (DEIS pg III-73)

These cost estimates are underestimates according to footnote 37 on page III-78. Replacement power costs during the summer of 2000 ranged from \$65 per MWh to \$750 per MWh, compared to the \$60 per MWh used in the cost analysis contained in this report.

- IB15-36 Please see response to General Comment 2.
- IB15-37 Please see the response to General Comment 11.
- IB15-38 The San Juan water supply is a finite resource and "additional" water would not be created. Future changes could involve modifications in how the available water was released in terms of timing and amount. See the responses to General Comments 11 and 17 for additional information.
- IB15-39 Please see the response to General Comment 1d.
- IB15-40 Research and monitoring of the endangered fish and their habitat is continuing. Research to date indicates that the Flow Recommendations are needed for the endangered fish habitat. See the response to General Comment 17 for additional information.

Power costs are based on actual proposals for replacement power received by the City in August of 2000 for the period of 2001 through 2005. The costs used in calculating the city's potential

replacement costs are the least cost of all the proposals received by the City. (DEIS pg III-77, footnote 36)

Questions for the BOR:

- o What mitigation measures are proposed for the impacts to hydropower?
- o What would be the amount per customer of the potential rate hike?
- o What is the estimated rate increases to the 37,000 customers of the \$5.3 to \$7 million annual cost and the equipment modification costs?
- o The contract received by the city for 2001 through 2005 is almost up for renewal (2 years). What is the chance that the rate will rise above the \$60 per MWH by that time? If it does increase, what will the new 10-year financial impact be to the city?

41

My Comments: The detriment of flows below 500 cfs on water quality. A 250 cfs release from Navajo Reservoir during the irrigation season would probably result in low flows (in the range of approximately 60-150 cfs) from Citizens Ditch (river mile 217) diversion to Farmington (river mile 181) due to irrigation demands. During the Summer Low Flow Test (Reclamation, 2002), several water quality parameters (temperature, aluminum, fecal coliform, total organic carbon, and conductivity) exceeded the State standards for this reach. Exceedences of water quality standards would probably increase at these lower flows over the long term. ... A few exceedences occur under the 250/5000 Alternative at Archuleta, Farmington, Four Corners, and Bluff GS gages. The increase in exceedences at Shiprock occurs in fecal coliform, temperature, turbidity, and mercury. (DEIS pg III-96)

In addition, fecal coliform samples exceeded the standard at the sites above the Highway 44 bridge in Bloomfield and at the Geological Survey (GS) gauge in Farmington below the confluence of the San Juan and Animas Rivers. (Summer Low Flow Test Report- April 2002, pg. 11)

Facilities with NPDES permits could be affected by reduced low flows in the river. The facility most affected by the change in flows would be the Bloomfield wastewater treatment plant where the critical low flow of approximately 373 cfs is much higher than would occur under the 250/5000 Alternative. ... The facility may have to modify its treatment of wastewater to meet new discharge values when the permit comes up for renewal. (DEIS pg III-97)

For water treatment plants and wastewater treatment plants this causes additional costs of processing water and storing treated water or modification of the plant. These costs will be passed on to the consumers or association members.

Questions for the BOR:

- o Does the DEIS clearly and completely address water quality issues related to the Preferred Alternative?
- o Does the DEIS attempt to mitigate the adverse impacts to water quality along the San Juan River?
- o Does the DEIS clearly identify the fee increases to these consumer, clients, or association members?

42

IB15-41 A detailed customer rate study was beyond the scope of the analysis provided by the City of Farmington. In addition, please see responses to General Comments 2, 25, and 26.

IB15-42 Please see the responses to General Comments 23, 31a, and 31b.

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- o If there are identified health hazards identified in the future does the 250/5000 Alternative have the flexibility to adjust flows for the health of the human population?
- o What are the costs or effects of violating State or Tribal water standards?
- o What mitigation measures does the Bureau propose for addressing the exceedence of State water quality standards?
- o What would be the estimated fee increase to water treatment and wastewater treatment consumers, clients, or association members?
- o If there are identified health hazards identified in the future does the 250/5000 Alternative have the flexibility to adjust flows for the health of the human population?
- o What are the costs or effects of violating State or Tribal water standards?
- o Does the predicted low flow water quality of the San Juan River meet requirements of the Clean Water Act?
- o Where within the DEIS are these impacts quantified as required in your own handbook?

43

IB15-43 Please see the response to General Comment 23.

My Comments: Is there scientific proof that these adjusted flows will benefit the endangered species. Since 1991, flows downstream of Farmington have been altered to more closely mimic a natural hydrograph. ... The relative effect of the test flows after 1991 on other native fishes, especially the bluehead and flannelmouth sucker, was not conclusive, although studies conducted under the SLRBRIP have shown that catch rates of adult native suckers have declined since 1991. This may or may not indicate these species are in decline or that changes in flow had a negative effect. (DEIS pg III-49)

Questions for the BOR:

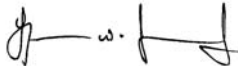
- o Does the DEIS provide the necessary data that would lead the reader to believe that mimicry of the natural flow will benefit the endangered fish?
- o Where is the scientific proof that mimicry of the natural flow will benefit the endangered fish?
- o Is it possible that the remaining populations of endangered fish within the San Juan River have adapted to the flow patterns of the last 40 years and that changing the flow could harm them?

44

IB15-44 Please see the response to General Comment 20.

In closing I look forward to your response to all of the above questions. I expect responses that are clear, to the point and in layman's terms.

Sincerely,  
Lawrence W. Johnson Jr.  
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