

## Chapter Six

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## 6.1 Introduction

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

## 6.2 General Public Involvement Activities

The public involvement program leading to this Final EIS included project scoping, consultation, and coordination with interested stakeholders and the public. Reclamation developed and implemented a robust public involvement plan to satisfy the public participation requirements set forth in NEPA and also to establish a consistent and constant level of engagement with interested parties and stakeholders. The multi-faceted approach consisted of informational materials, formal consultations, general and stakeholder outreach, and media relations.

A variety of informational materials to educate and inform audiences about the study and related issues were employed. Fact sheets were produced and distributed that provided general project updates and also targeted specific issues or processes throughout the period of preparing this EIS. A website was established and maintained for this EIS, and contained project documents, press releases, fact sheets, points of contact, and the project schedule. An electronic mailing list was used to notify interested parties of website postings, project meetings, and documents. A project phone line and email account were maintained live during the entire period of preparing this EIS for interested parties to express opinions, ask questions, and submit comments.

Briefing packets were developed for the media, periodic media briefings with direct access to project staff were offered, and one-on-one interviews with various news outlets and journals were held.

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

A synopsis of the NEPA-related outreach efforts for this EIS follows:

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

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

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

On February 28, 2007, Reclamation published a NOA (72 Fed. Reg. 9026) for the Draft EIS which commenced a 61-day public review period that ended on April 30, 2007. As part of this review process, Reclamation conducted three public hearings, on April 3, 4, and 5, 2007. The hearings took place in Henderson, Nevada; Phoenix, Arizona; and Salt Lake City, Utah, respectively, to invite public input on the Draft EIS. Additionally, a Modeling Workshop was held on March 6, 2007 in Henderson, Nevada to provide the public with information on the modeling performed in the Draft EIS to analyze the potential impacts of hydrologic resources and water deliveries. A total of 78 written comment letters were received in response to the Draft EIS public review period and two individuals provided oral comments during the public hearings. The comment letters were submitted by a wide-range of interested parties that included businesses; federal, state and local agencies; Indian tribes; special interest groups; and individuals. Volume IV of this Final EIS contains reproductions of letters received from the

public and transcripts of the three public hearings held in connection with the public review of the Draft EIS and Reclamation's responses to the comments received.

## 6.3 Cooperating Agency Involvement

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

### 6.3.1 Bureau of Indian Affairs

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

### 6.3.2 Fish and Wildlife Service

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

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

Adoption of the proposed federal action by the Secretary is a discretionary federal action and it is, therefore, subject to compliance with ESA. Reclamation prepared a Draft BA (Appendix R) to address the potential effects of the proposed federal action on listed species. Formal consultation was initiated in September 2007 with the intent of completing a BO prior to the ROD in December 2007.

### 6.3.3 National Park Service

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

### **6.3.4 Western Area Power Administration**

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

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

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

## **6.4 Tribal Consultation**

For purposes of this NEPA process, Reclamation, assisted by BIA, conducted government-to-government consultations with Tribal entities having entitlements to or contracts for Colorado River water, and those that may be affected by or have interests in the proposed federal action. The correspondence concerning consultation efforts is provided in Appendix I. Representatives of various Indian tribes also attended the scoping meetings in November 2005 and the public hearings in April 2007, and some provided Reclamation with written and oral comments on the proposed federal action and its potential effects on resources of Tribal concern, including ITAs. Table 6.9-1 lists the federally-recognized Indian tribes that participated in this NEPA process.

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

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

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

In 2004, the Basin States began formulation of a proposal for management strategies for Lake Powell and Lake Mead, and Lower Basin shortage guidelines. The Basin States submitted their "Seven Basin States' Preliminary Proposal Regarding Colorado River Interim Operations" in a letter addressed to the Secretary dated February 3, 2006. A copy of this proposal is included in Appendix J. Reclamation subsequently conducted several consultations with representatives from the Basin States and several water agencies and worked with them to formulate an alternative (Basin States Alternative) that reflected the contents of the Seven Basin States' proposal. In response to the Draft EIS public review, the Basin States revised and submitted a final multi-agreement proposal on April 30, 2007 (Appendix J). That proposal has been analyzed herein.

## 6.6 Non-Governmental Organizations Coordination

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

This consortium of environmental NGOs developed and submitted its first proposal, "Conservation Before Shortage", on July 18, 2005. After publication of the Summary Scoping Report, this consortium of environmental NGOs modified elements of its proposal. The final proposal of this consortium, "Conservation Before Shortage II," was submitted to Reclamation on July 7, 2006. A copy of this proposal is included in Appendix K. From 2005 through 2006, Reclamation met with representatives of the consortium of environmental NGOs and worked with them to formulate what became the Conservation Before Shortage Alternative, as analyzed herein. These meetings are listed in Appendix I by entity and date.

## 6.7 Other Consultations

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

## 6.8 Consultation with the Government of Mexico Agencies

The USIBWC has engaged in consultation with agencies of Mexico regarding the proposed federal action. Reclamation has assisted USIBWC in conducting this consultation by providing information on the proposed federal action and by participating in briefings with the Mexican Section of the IBWC, the Mexico National Water Commission, and Mexico Secretariat of Foreign Relations. Consistent with these consultations, Section 397 of Public Law 109-432 directs Reclamation to utilize these treaty-related processes to identify potential impacts beyond the borders of the United States. Accordingly, meetings with representatives of Mexico were conducted, during which representatives of Mexico provided their views, input, and concerns regarding the potential effects of the proposed federal action. These meetings are listed in Appendix I by entity and date.

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

The modeling assumptions used in this Final EIS are not intended to constitute an interpretation or application of the 1944 Treaty or to represent current United States policy or a determination of future United States policy regarding deliveries to Mexico.

## 6.9 Summary of Coordination and Consultation Contacts

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

Table 6.9-1 Consultation and Coordination Regarding the EIS
<b>Federal Agencies</b>
National Oceanographic and Atmospheric Administration
Bureau of Indian Affairs – Cooperating Agency
United States Fish And Wildlife Service – Cooperating Agency
National Park Service – Cooperating Agency
United States Department of State
United States Environmental Protection Agency
United States Section of the International Boundary and Water Commission – Cooperating Agency
Western Area Power Administration – Cooperating Agency
<b>State and Local Water and Power Organizations and Agencies</b>
Arizona Department of Water Resources
California Department of Water Resources
Central Arizona Water Conservation District



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

Coachella Valley Water District
Colorado Department of Natural Resources
Colorado River Board of California
Colorado River Commission of Nevada
Colorado River Energy Distributors Association
Colorado River Water Conservation District
Colorado Water Conservation Board
Imperial Irrigation District
Las Vegas Valley Water District
Metropolitan Water District of Southern California
Nevada Department of Justice
New Mexico Interstate Stream Commission
Office of the State Engineer, Wyoming
Palo Verde Irrigation District
Parker Valley Natural Resources Conservation District
San Diego County Water Authority
Southern Nevada Water Authority
Upper Colorado River Commission
Utah Attorney General's Office
Utah Division of Water Resources
Wyoming Water Association
<b>Environmental and Recreational Organizations (NGOs)</b>
Center for Biodiversity
Defenders of Wildlife
Environmental Defense
Glen Canyon Action Network
Grand Canyon River Guides
High County Citizen's Alliance
Living Rivers
National Wildlife Federation
The Nature Conservancy
Pacific Institute
Sierra Club
Sonoran Institute
Southwest Rivers
Utah Water & Sierra Club Southwest Water Committee
<b>American Indian Tribe, Community, Pueblo<sup>1</sup></b>
Ak-Chin Indian Community of the Maricopa Indian Reservation
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cocopah Tribe of Arizona

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

Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Fort McDowell Yavapai Nation
Fort Mojave Indian Tribe of Arizona, California, and Nevada
Gila River Indian Community
Havasupai Indian Tribe of the Havasupai Reservation
Hopi Tribe of Arizona
Hualapai Indian Tribe of the Hualapai Indian Reservation
Jicarilla Apache Nation
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
Moapa Band of Paiute Indians of the Moapa River Indian Reservation
Navajo Nation, Arizona, New Mexico, and Utah
Paiute Indian Tribe of Utah
Pascua Yaqui Tribe of Arizona
Pueblo of Acoma
Pueblo of Cochiti
Pueblo of Jemez
Pueblo of Laguna
Pueblo of Nambe
Pueblo of Pojoaque
Pueblo of San Felipe
Pueblo of San Juan
Pueblo of Sandia
Pueblo of Santa Ana
Pueblo of Santa Clara
Pueblo of Tesuque
Pueblo of Zia
Quechan Tribe of the Fort Yuma Indian Reservation, California and Arizona
Salt River Pima-Maricopa Indian Community of the Salt River Reservation
San Carlos Apache Tribe of the San Carlos Reservation
San Juan Southern Paiute Tribe of Arizona
Southern Ute Indian Tribe of the Southern Ute Reservation
Tohono O'odham Nation of Arizona
Tonto Apache Tribe of Arizona
Ute Indian Tribe of the Uintah and Ouray Reservation
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, and Utah
White Mountain Apache Tribe of the Fort Apache Reservation
Yavapai-Apache Nation of the Camp Verde Indian Reservation
Yavapai-Prescott Tribe of the Yavapai Reservation
Zuni Tribe of the Zuni Reservation

Table 6.9-1  
Consultation and Coordination Regarding the EIS

Government of Mexico Agencies
International Boundary and Water Commission, Mexican Section
National Water Commission
Secretariat of Foreign Relations

<sup>1</sup> Source of Names: Bureau of Indian Affairs, Tribal Leaders Directory. Accessed on-line, December 2006 at <http://library.doi.gov/internet/native.html>.

## 6.10 Federal Register Notices

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

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

Notice	Title
70 Fed. Reg. 34794 (June 15, 2005)	Notice to solicit comments and hold public meetings on the development of management strategies for Lake Powell and Lake Mead, including Lower Basin shortage guidelines, under low reservoir conditions.
70 Fed. Reg. 57322 (September 30, 2005)	Notice of intent to prepare an environmental impact statement (EIS) and notice to solicit comments and hold public scoping meetings on the development of Lower Basin shortage guidelines and coordinated management strategies for the operation of Lake Powell and Lake Mead.
71 Fed. Reg. 16341 (March 31, 2006)	Notice of public availability of a Scoping Summary Report on the development of Lower Basin shortage guidelines and coordinated management strategies for the operation of Lake Powell and Lake Mead, particularly under low reservoir conditions.
72 Fed. Reg. 9026 (February 28, 2007)	Notice of availability and notice of public hearings for the Draft EIS for the Colorado River interim guidelines for Lower Basin shortages and coordinated operations for Lake Powell and Lake Mead.

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