

# **SCOPING SUMMARY REPORT**

## **Implementation Agreement, Inadvertent Overrun and Payback Policy, and Related Federal Actions Environmental Impact Statement**

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## **1.0 INTRODUCTION AND BACKGROUND**

The scoping report has been prepared to provide a synopsis of the scoping process that has been conducted to date for the proposed execution of the Implementation Agreement (IA) for Secretarial actions associated with the proposed Colorado River Quantification Settlement Agreement (QSA) and other related Federal actions, including implementation of an Inadvertent Overrun and Payback Policy (IOP) on the Colorado River in the Lower Basin. This scoping report identifies efforts made to notify interested agencies, organizations, and individuals about the proposed Federal action and to obtain input from those entities regarding the range of alternatives to be evaluated and the issues to be addressed in the environmental impact statement (EIS) being prepared by the United States Department of the Interior, Bureau of Reclamation (Reclamation). These efforts have been carried out pursuant to the “scoping process,” as defined by the Council on Environmental Quality’s (CEQ) regulations implementing the National Environmental Policy Act (NEPA).

This report summarizes the major points made in the public comments received during the scoping process, and identifies how Reclamation has revised or further developed alternatives to address concerns and issues raised during the scoping process.

### **1.1 PURPOSE AND NEED FOR THE PROPOSED ACTION**

Consistent with implementation of NEPA, Reclamation is preparing an EIS related to the proposed execution of the IA and other related Federal actions, including implementation of an IOP on the Colorado River in the Lower Basin. The proposed action to be analyzed in the EIS includes:

- the execution of the IA which would provide the Secretary of the Interior's (Secretary) agreement to make Colorado River water deliveries in accordance with the terms and conditions of the proposed QSA;
- adoption of an IOP by Reclamation that would define inadvertent overruns, establish procedures that account for inadvertent overruns, and define subsequent payback requirements to the Colorado River for Colorado River water users in the Lower Basin for a 30-year period; and
- the implementation of the biological conservation measures identified in the U.S. Fish and Wildlife Service's (FWS) “Biological Opinion for Interim Surplus Criteria, Secretarial Implementation Agreements, and Conservation Measures on the Lower Colorado River, Lake Mead to the Southerly International Boundary Arizona, California and Nevada” (Biological Opinion), dated January 12, 2001, which relate to the IA.

The purpose of the proposed Federal action is to facilitate implementation of the QSA, which incorporates contractual agreements necessary for California to reduce its use of Colorado River water. The need for the proposed Federal action is to assist California’s efforts to reduce its use of Colorado River water to its 4.4 million acre-feet (MAF) normal year apportionment. It is anticipated that at the conclusion of this NEPA process, the Secretary will prepare a Record of Decision regarding Federal actions that are necessary to make operative the IA and the IOP.

## **1.2 COLORADO RIVER BACKGROUND**

### **Background Relevant to the IA**

The allocation, diversion, and use of Colorado River water is governed by a group of Federal and State laws, interstate compacts, an international treaty, court decisions, Federal contracts, Federal and State regulations, and multi-party agreements, commonly referred to as the “Law of the River”. (Refer to <http://www.lc.usbr.gov/~g1000/lawofrvr.html> for further discussion of the Law of the River.) Under the Law of the River, California’s normal year apportionment to the Colorado River is 4.4 MAF. (A “normal” year is defined as a year where 7.5 million acre-feet of Colorado River water is available for consumptive use by the States of Arizona, California and Nevada.) California’s use of Colorado River water from 1964 to 1999 varied from 4.2 to 5.4 million acre-feet a year (MAFY), with an average of 4.9 MAFY. From 1990 to 1999, California’s use of Colorado River water varied from 4.5 to 5.2 MAFY, with an average of 5.0 MAFY. The Decree Accounting process, established as a result of the 1964 *Arizona v. California* Decree, forms the basis for comparing years of California use of Colorado River water. To date, California’s demands in excess of 4.4 MAFY have been met in part by Colorado River water apportioned to Arizona and Nevada but not used by those States (unused apportionment), and by water designated as surplus by the Secretary. The amount of unused apportionment that previously was available to California is diminishing, and unused apportionment is not likely to be available in future years. This is due, in part, to the commencement of operation of the Central Arizona Project in 1985 (a project that delivers Colorado River water to central Arizona irrigation districts, cities, and Indian tribes), substantial completion of the Central Arizona Project in 1993, and growing demand for water in Nevada.

Recently, California water agencies completed a major step toward reducing California’s reliance on Colorado River water in excess of its normal year apportionment of 4.4 MAFY when they negotiated the Key Terms for Quantification Settlement, developed a draft QSA, and the draft California’s Colorado River Water Use Plan (California Plan). The purpose of the California Plan is to limit California’s use of Colorado River water to the State’s normal year apportionment of 4.4 MAFY, when required. The QSA, to be executed by Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), and The Metropolitan Water District of Southern California (MWD) is a key component of the California Plan. The QSA cannot be fully implemented without certain actions being taken by the Secretary, as the QSA involves transfers of Colorado River water among the three parties, and requires changes in points of diversion from the river, which must be approved by the Secretary. These changes in river diversions and specific deliveries of Colorado River water are specified in the IA.

### **Background Relevant to Inadvertent Overrun and Payback Policy**

In accordance with Article V of the Decree of the Supreme Court of the United States in *Arizona v. California*, dated March 9, 1964, the Secretary compiles and maintains records for the following: diversions of water from the mainstream of the Colorado River; return flow of such water to the mainstream of the Colorado River as is available for consumptive use in the United States or in satisfaction of the Mexican Treaty obligation; and consumptive use of such water. Reclamation reports these data each year in the “Compilation of Records in Accordance with Article V of the Decree of the Supreme Court of the United States in *Arizona v. California*, dated March 9, 1964” (Decree Accounting Record).

The Secretary annually consults with representatives of the governors of the Colorado River Basin States, general public and others, and then issues an Annual Operating Plan (AOP) for the coordinated operation of the Colorado River reservoirs. This is done pursuant to the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs, which were developed as a result of the Colorado River Basin Project Act of September 30, 1968. Reclamation also requires each Colorado River water user in the Lower Basin to schedule water deliveries, in advance, for the following calendar year (the calendar year is the annual basis for decree accounting of consumptive use in the lower Colorado basin). Each user must also later report actual water diversions and returns to the mainstream.

Pursuant to 43 CFR Part 417, prior to the beginning of each calendar year, Reclamation consults with entities holding Boulder Canyon Project Act (BCPA) Section 5 contracts (Contractor) for the delivery of water. Under these consultations, Reclamation makes recommendations related to water conservation measures and operating practices in the diversion, delivery, distribution, and use of lower Colorado River water. Reclamation also reviews the Contractor's estimated water requirements for the ensuing calendar year to determine whether or not deliveries of Colorado River water to each Contractor will exceed those reasonably required for beneficial use under the respective BCPA contract or other authorization for use of Colorado River water. Reclamation then monitors the actual water orders, receives reports of measured diversions and return flows from major Contractors and Federal establishments, estimates unmeasured diversions and return flows, calculates consumptive use from preliminary diversions and measured and unmeasured return flows, and reports these records on an individual and aggregate monthly basis. When final records are available, Reclamation prepares and publishes the final Decree Accounting Record on a calendar year basis.

For various reasons, a contractor may inadvertently consumptively use Colorado River water in an amount that exceeds the amount available under the users contract(s) (inadvertent overrun). Further, the final Decree Accounting Record may show that a Contractor inadvertently diverted water in excess of the quantity of water available under the Contract that may not have been evident from the preliminary records. Reclamation is therefore proposing an administrative policy that defines inadvertent overruns, establishes procedures that account for the inadvertent overruns and defines the subsequent requirements for pay back to the Colorado River mainstream.

### **Background Relevant to Biological Conservation Measures**

In August 2000, Reclamation submitted the “Biological Assessment for Proposed Interim Surplus Criteria, Secretarial Implementation Agreements for California Water Plan Components and Conservation Measures on the Lower Colorado River” (Biological Assessment) to the FWS. This assessment covered potential effects to threatened or endangered species along the lower Colorado River from implementing the proposed Interim Surplus Criteria and water transfers of up to 400 thousand acre-feet per year (KAFY) of Colorado River water, pursuant to the proposed IA. As part of the Biological Assessment, and in an effort to reduce impacts to federally listed species, Reclamation included as part of the proposed water transfers a number of biological conservation measures, such as creation of additional backwaters, and other specific measures. The FWS issued its Biological Opinion on January 12, 2001. The FWS concluded the proposed Federal actions, with implementation of the proposed conservation

measures, would not jeopardize the continued existence of any threatened or endangered species. These conservation measures, which are associated with the water transfers identified in the IA, require NEPA compliance documentation before they can be implemented by Reclamation. The EIS will provide such documentation at a programmatic level, based on available information.

### **1.3 NATIONAL ENVIRONMENTAL POLICY ACT**

NEPA establishes a general framework for evaluating environmental impacts prior to undertaking a Federal action. NEPA requires public disclosure about the environmental impacts of, and alternatives to, discretionary major Federal actions significantly affecting the environment. Scoping is one of the first steps in the process, followed by issuance of a draft EIS and a 45-day minimum public review and comment period, including holding public hearings. All public comments submitted prior to the close of the public review and comment period are considered. The draft EIS is modified, as determined appropriate by Reclamation, and is then issued as a final EIS. A Record of Decision regarding the action cannot be made for at least 30 days after the issuance of a final EIS. Reclamation is the lead Federal agency for the EIS on the IA, IOP and conservation measures, and will make the decisions regarding the project, pursuant to direction by the Secretary.

## **2.0 SCOPING ACTIVITIES AND ISSUES**

This section documents the purpose and objectives of scoping, and identifies issues that were frequently raised through the scoping process.

### **2.1 PURPOSE OF THE SCOPING PROCESS**

“Scoping” is an integral part of the NEPA process. Scoping provides “*an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.*” (40 CFR § 1501.7)

The objectives of scoping for this Federal action include the following:

- Identify significant issues related to the proposed project;
- Determine the range of alternatives to be evaluated;
- Identify environmental review and consultation requirements;
- Define the environmental analysis process and technical studies necessary to adequately address the impacts of the proposed project;
- Identify the interested and affected parties; and
- Provide information to the public regarding the proposed project.

### **2.2 SCOPING ANNOUNCEMENTS**

Reclamation published in the *Federal Register* a Notice of Public Comment Period on the draft proposal for the ‘definition and payback of inadvertent overruns for delivery of Lower Colorado River Water’ (Inadvertent Overrun Policy) on January 18, 2001 (*Federal Register* Vol. 66 No. 12 page 4856-4858). The public comment period extended until March 24, 2001. On March 9, 2001, Reclamation published in the *Federal Register* a second Notice, extending the public comment period on the draft proposal for the IOP from March 24, 2001 to April 10, 2001 (*Federal Register* Vol. 66 No. 47 page 14212). Sixteen comment letters were received on the proposed IOP.

Also on March 9, 2001, Reclamation published in the *Federal Register* a Notice of Intent (NOI) to prepare an EIS and initiation of scoping process for the ‘Implementation Agreement, for Secretarial Actions associated with California Parties’ Proposed Quantification Settlement Agreement and other Related Federal Actions, including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California and Nevada’ (*Federal Register* Vol. 66 No. 47 page 14211-14212). The scoping comment period ended April 10, 2001. Six comment letters were received in response the NOI.

The *Federal Register* notices are attached in Appendix A.

On April 26, 2001, Reclamation sent a separate letter to 55 Indian Tribal representatives, initiating government to government coordination pursuant to Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the NEPA (40 CFR 1500-1508, § 1501.7); the National Historic Preservation Act (Section 101(d)(2)) (16 U.S.C. § 470f), the Section 106 regulations, “Protection of Historic Properties” (36 CFR Part 800.2(c)(2)); and Executive Order 13175 of November 6, 2000 pertaining to consultation and coordination with Indian tribal governments. The letter and associated distribution list sent by Reclamation is attached as Appendix B. One comment letter was received in response to Reclamation’s letter.

## **2.3 INFORMAL MEETINGS**

On February 15, 2001, Reclamation staff met with members of seven interested environmental groups at their request to discuss the proposed IOP. In addition, informal discussions and a meeting on March 22, 2001 were held with representatives of the Colorado River basin states to discuss the technical details of the proposed IOP. On April 3, 2001, a conference call was held to discuss these technical aspects with the same environmental groups that attended the February 15, 2001 meeting.

Coordination with the FWS pursuant to the Fish and Wildlife Coordination Act was initiated in April 2001. Two meetings and informal discussions were carried out. Extensive coordination with the FWS had been previously conducted pursuant to the Endangered Species Act (ESA) Section 7 consultation on Interim Surplus Criteria and the IA.

In addition, numerous meetings were held with the four affected California agencies, CVWD, IID, MWD and San Diego County Water Authority (SDCWA), regarding coordination of NEPA and California Environmental Quality Act (CEQA) compliance.

## **2.4 SCOPING COMMENTS**

### **2.4.1 Number of Comments**

A total of 22 comment letters were received in response to the Notices of Public Comment Period, and the NOI published in the *Federal Register*. One comment letter was received in response to Reclamation’s letter sent to the 55 Indian Tribal representatives. All comment letters can be viewed at Reclamation’s offices in Phoenix and Yuma, Arizona, and Boulder City, Nevada, as identified in Appendix C.

The meeting and conference call held between Reclamation and the seven environmental organizations, the meeting with the representatives of the Colorado River basin states, the meetings with FWS, and the meetings with the four affected California agencies were intended to be informal information gathering/coordination sessions; therefore, discussions were not recorded.

### **2.4.2 Issues Raised through Scoping**

A number of written comments were received during the scoping process. A list of all commenters and their organizational affiliation, if any, is provided in Appendix D. Reclamation has reviewed and considered all the comments that have been received.



Fundamental questions, issues and themes are outlined below, along with Reclamation's response to these questions and issues.

### **2.4.2.1 Issues Related to the Proposed Action Components**

#### *General Issues*

1. *Comment:* The proposed water supply program should provide flexibility to accommodate future shifts in water policy and consideration of in-stream and other public interest beneficial uses in long-term water resource planning. Possible tools include water transfers and exchanges, conservation, pricing, irrigation efficiencies, operational flexibility, market-based incentives, water acquisition, conjunctive use, land fallowing, and wastewater reclamation and recycling.

*Reclamation's Response:* The IA provides the mechanism to implement the QSA. A component of the QSA is the quantification of IID's and CVWD's Colorado River water allocations. This quantification of IID and CVWD Colorado River water allocations under the QSA and IA would provide a maximum diversion amount for these agencies pursuant to Priority 3a under the Seven-Party Agreement and allow the IID/SDCWA water transfer to proceed. It further provides the basis for distributing supplies made available by specific conservation measures and projects, such as the All-American and Coachella Canal lining projects. By establishing the baseline from which shifts in water use can be carried out, the IA does provide flexibility to consider other water resource management tools such as those mentioned above. The IA is limited to water uses in California, and therefore would not provide a basis for similar types of exchanges within Arizona or Nevada.

#### *Content of the EIS*

1. *Comment:* The EIS should include an expanded project area to incorporate the agricultural valleys of Southern California, the Salton Sea, Southern California coastal areas and the Colorado River Delta. The EIS should provide a "road map" identifying the relationship of the proposed action to all major proposed and related Federal and State actions in the Lower Basin of the Colorado River.

*Reclamation's Response:* The California parties to the QSA are preparing a Program EIR for the QSA. The EIS will incorporate the EIR evaluation of impacts in the water service areas of CVWD, IID, MWD and SDCWA, and the impacts to the Salton Sea. The EIS will also include an evaluation of any potential transboundary impacts.

Reclamation agrees that it is important to understand how the proposed Federal actions relate to other activities and projects; the EIS will provide a "road map" describing the nature of the relationship among these activities/projects.

2. *Comment:* The EIS should describe and address impacts to the Colorado River corridor, and its associated biological resources, including the following: changes in water elevation, including groundwater levels; changes in sediment transport functions both on the main channel and associated backwaters, and into Mexico; need for additional

river bank stabilization and/or dredging; impacts to boat operators and/or recreational users of the river; and, impacts to backwaters and marsh areas and National Wildlife Refuges.

*Reclamation's Response:* The EIS will evaluate and address such impacts to the Colorado River corridor and its associated biological resources, as applicable.

- Comment:* The EIS should describe and address impacts to Mexico, including potential impacts to treaty deliveries, water quality, loss of flows above and beyond treaty waters, and the Colorado River Delta.

*Reclamation's Response:* The EIS will evaluate transboundary impacts, including those identified above. A specific run of Reclamation's Colorado River Simulation System RiverWare model is being conducted to allow analysis of transboundary impacts from the implementation of the proposed actions.

- Comment:* The EIS should describe and address impacts to the following resources: water quality (especially with regard to arsenic, mercury, nutrients, perchlorate and salinity); water supply; water rights; groundwater effects along the Colorado River and in areas transitioning to groundwater pumping; hydropower generation and equalization requirements; and Federally protected species.

*Reclamation's Response:* The EIS will evaluate and address such impacts, as applicable.

- Comment:* Reclamation must address impacts to Indian Trust Assets, including how Reclamation will meet its trust responsibilities to Tribes with Colorado River water rights. Tribes should be consulted on a government-to-government basis.

*Reclamation's Response:* Reclamation has initiated government-to-government consultations with potentially interested Tribes via a memorandum dated April 26, 2001 (refer to Appendix B). The EIS will address potential impacts on Indian Trust Assets, including water rights, as applicable.

- Comment:* The EIS should describe and address direct, indirect cumulative and third-party impacts including the following: Indian Trust Assets; relationship to other related actions (QSA/ISG); and change in rate and pattern of growth.

*Reclamation's Response:* The EIS will evaluate and address such impacts, as applicable.

7. *Comment:* The EIS should identify proposed location(s) of the IOP payback water.

*Reclamation's Response:* Reclamation expects that in general the extra-ordinary conservation will take place from within the district that incurred the overrun. However there will be examples where the over-running entity will make arrangements for another entitlement holder to implement the conservation measures. Reclamation expects arrangements to be developed and executed following finalization of the IOP.

8. *Comment:* The EIS should include a thorough evaluation of all potential tradeoffs and environmental consequences, including the need to coordinate with the California parties and the seven Basin States to consider and integrate all available tools for enhancing water management flexibility, supply reliability, and water quality.

*Reclamation's Response:* Reclamation coordinates with the seven Basins States and interested parties yearly during the development of the AOP. Colorado River operations and diversions, including enhancing water management flexibility and supply reliability must be consistent with the Law of the River. Maintaining water quality is of concern to Reclamation, the Seven Basin States and many of the interested parties; Reclamation currently coordinates with the seven Basin States and interested parties on water quality issues through development of the AOP, and implementation of the Colorado River Basin Salinity Control Program.

9. *Comment:* The EIS should provide a detailed mitigation plan.

*Reclamation's Response:* The EIS will address mitigation as deemed appropriate for impacts identified through the analyses and described in the EIS.

10. *Comment:* The wide range of connected actions are not included in the scope of the EIS; it is anticipated the EIS will incorporate, by reference, analyses identified in other NEPA and CEQA documents that are related to the proposed actions. Such incorporation by reference will significantly impede the agency and public review of the proposed action and as such, is not allowed (40 CFR 1502.21).

*Reclamation's Response:* Without incorporating by reference the analyses contained in other NEPA and CEQA documents, the size of the document itself, and amount of detailed material provided would significantly impede agency and public review of the EIS. Reclamation intends to include sufficient information from the referenced documents (e.g., summary of critical issues, assumptions and decisions) so the reader will not have to continually refer to the referenced document.

11. *Comment:* The EIS baseline or no action alternative should include a recognition and description of past and ongoing environmental degradation, as well as the role of river and water management for the benefit of California in contributing to that degradation.

*Reclamation's Response:* The No Action Alternative in the EIS will be formulated consistent with CEQ regulations, and Departmental and Reclamation NEPA guidance.

12. *Comment:* The Interim Surplus Criteria (ISC) should not be included as part of the EIS baseline or no action alternative.

*Reclamation's Response:* Reclamation carefully considered how best to define the baseline in order to isolate and describe the effects of the proposed action. In the ISC EIS, the IA water transfers were assumed to occur in order to isolate the effect of implementing the Interim Surplus Guidelines (ISG). In this EIS, it was determined that in order to isolate the effects of the IA water transfers, the baseline should assume the ISG are implemented. Recognizing that neither of these documents provide a complete snapshot regarding effects on the Colorado River from both the ISG and the IA water transfers, the EIS will also include a cumulative baseline that assumes the Colorado River continues to be operated under pre-ISC conditions (70R strategy). This cumulative baseline is then used to compare river operations assuming the ISG, the IA water transfers, and other reasonably foreseeable actions affecting river flow between Parker and Imperial Dams occur.

13. *Comment:* The EIS should address the potential of the proposed action to limit both the Secretary's discretion under the Law of the River, and the application of national environmental laws into the future. Either of these potential indirect impacts could have negative implications for future environmental protection, restoration or mitigation, and therefore there must be full disclosure and a clear basis for choice among options by the Secretary and the public.

*Reclamation's Response:* The proposed action does not limit the Secretary's discretion, but rather is an exercise of that discretion. Similarly, the requirement to comply with national environmental laws continues into the future and is not limited by the proposed action.

#### *Compliance with Other Statutes*

1. *Comment:* Reclamation will need to comply with ESA.

*Reclamation's Response:* In August 2000, Reclamation prepared its Biological Assessment dated August 30, 2001, that addressed the effects of the IA (including the transfer and change in the point of delivery of up to 400 KAFY) and adoption of ISC on threatened and endangered species. FWS issued its Biological Opinion on these actions on January 12, 2001.

The IOP had not yet been formulated at the time of that consultation and was not included in that consultation. Compliance with ESA must still be completed for potential impacts on federally protected species from implementation of the IOP.

#### **2.4.2.2 Inadvertent Overrun and Payback Policy**

##### *General Issues*

1. *Comment:* Reclamation should pursue use of a regulation rather than adoption of a policy regarding inadvertent overruns, since policies are more difficult to enforce.

*Reclamation's Response:* The IOP is a condition precedent to the execution of the QSA and, therefore, must necessarily proceed on a more expedited timetable. Rulemaking can be a lengthy process. Reclamation believes pursuing rulemaking at this juncture would jeopardize timely execution of the QSA and implementation of the California Plan, and would increase the potential for disruptive litigation and/or disputes. Reclamation does not believe enforcement will be an issue; however, implementing the IOP would not preclude the ability of Reclamation to pursue rulemaking in the future, should it be deemed necessary or desirable.

2. *Comment:* Allowing forgiveness of payback of inadvertent overruns when there are flood releases or when surplus water is available cannot be allowed because forgiveness of an overrun does not constitute a surplus use, and because non-payment of an inadvertent overrun would be a violation of the 1964 U.S. Supreme Court Decree in *Arizona v. California*.

*Reclamation's Response:* In general, once flood control releases are required from Lake Mead, previous uses of water are considered to have no effect on future supplies. The Colorado River Reservoir Storage system was constructed recognizing that the system is over appropriated. As there is more demand than annual supply, reservoir storage equal to about four times the annual runoff was constructed within the system to maximize utilization of the limited water supply. The storage system was constructed to capture flood flows, protect against flood damages, and provide long term assured water supplies. Once full reservoir conditions occur, the maximum assured water supply is realized and there is no basis for insisting that past use be repaid as it cannot be argued that the past use would impact future use.

3. *Comment:* Alternatives to the proposed policy should be considered, including the following: Eliminating the forgiveness of payment aspect; expanding the forgiveness of payment aspect to apply to periods of 70R strategy surplus conditions; reducing the maximum cumulative overrun amount; shortening the payback period; deferment of payback when water cannot be stored; requiring immediate payback; establishing penalties for overruns; developing incentives to minimize overruns; allowing voluntary payback starting the year prior to initiation of mandatory payback; prohibiting use of non-system water to pay back overruns that would introduce non-system water into the Colorado River system; and, requiring diverters that report annually to report on a monthly basis.

*Reclamation's Response:* In developing the draft policy and in preparation of the draft EIS, many of these concepts have been considered and investigated. Reclamation's position regarding these concepts is as follows:

- (a) *Eliminating the forgiveness of payment aspect:* As noted in response to the IOP General Issues Comment 2 above, Reclamation does not believe there is a requirement that past use be repaid once full reservoir conditions occur. However, given the potential for differing environmental effects, and based upon the number of commenters advocating this provision, this concept will be developed into an alternative and will be carried forward and fully evaluated in the draft EIS.

- (b) *Expanding the repayment forgiveness to apply to periods of 70R strategy surplus conditions:* Reclamation believes this option would pose a risk to third party water users. Although 70R strategy surplus conditions indicate the system is close to a flood control release and all demands are being satisfied, it is very plausible that system storage would not move beyond 70R strategy surplus and into flood control release. Rather, system storage would be drawn back down. Under that scenario, if the repayment were to be forgiven, the system storage loss caused by the unpaid overruns could eventually cause water use impacts.
  
- (c) *Reducing the maximum cumulative inadvertent overrun amount:* Reducing the maximum overrun account amount to five percent was considered and investigated. Analysis of historical irrigation use by "unquantified" agricultural users indicates that fluctuation in use is generally attributable to changes in rainfall. Setting the maximum overrun at five percent would tend to increase the frequency of exceeding the maximum, as seasonal rainfall cannot be predicted. Since exceeding the maximum cumulative overrun amount would require all of the excess and the normal portion of the five percent to be paid back the following year, it would be difficult for water user entities to manage, and would also cause greater reductions in river flow. Reclamation's initial investigations indicate there would be no environmental advantage (i.e., smaller or less frequent paybacks) resulting from a five percent maximum as opposed to a 10 percent cumulative overrun.
  
- (d) *Shortening the payback period, and/or requiring immediate payback:* The current policy makes the length of time allowed for the payback commensurate with the storage available within the system. As storage gets drawn down and water supplies become more critical, the payback period shortens to one year. Should shortages be declared, paybacks become immediate. Colorado River water contractors would be required to adjust orders within the year to assure that by the end of the year there is no overrun. In order to maintain a safe, reliable supply, most of the time it is expected water contractors would incur small (less than five percent) overruns. By establishing a minimum payback, small overruns would be paid back within one or two years. For larger overruns, the water contractor may have up to three years to make the arrangements for an orderly, and manageable payback.

The early drafts of the policy considered allowing even longer payback periods (five years). This was thought to be too long, especially in future years when the likelihood of the system getting drawn down into a shortage condition exceeds 40 percent. In addition, the nature of the overrun is intended to be inadvertent. It was felt allowing a longer time to pay back the overrun could result in water contractors making it part of their normal operation, rather than a type of safety net that is available, but should be used only under exceptional conditions. Requiring that a water contractor pay a minimum of 20 percent of the maximum overrun amount (assuming the contractor owes that much) was an additional provision that, in effect, significantly shortened the payback period.

- (e) *Establishing penalties for overruns:* If predicting crop demands, irrigation use, conveyances losses, and unmeasured return flows was an exact science, then

overruns could be viewed as more intentional rather than inadvertent, and penalties rather than just payback may be more appropriate. However, given the inexact nature of large-scale irrigation use, and the difficulties in measurement, Reclamation believes penalties would not be appropriate.

In addition, requiring that extra-ordinary conservation, such as fallowing, be the means for payback, does impose a form of penalty. Regardless of the factors that have been mentioned and all of the unknowns, districts are expected to stay within their entitlements. If they exceed their entitlements, payback must be in the form of verifiable extra-ordinary conservation, rather than a typical weather, or market related, reduction in use. Requiring that payback be from extra-ordinary conservation, such as fallowing, is a significant deterrent, and assures that districts will strive to stay within entitlements, using their inadvertent over-run flexibility only when absolutely necessary.

- (f) *Developing incentives to minimize overruns:* The policy does facilitate minimizing overruns as use would be monitored and projections of end-of-year use would be made. Water users would be notified during the year if/when Reclamation's forecast indicates they are approaching their entitlement.
- (g) *Allowing voluntary payback starting the year prior to initiation of mandatory payback:* The proposed policy will revised to include this provision.
- (h) *Prohibiting use of non-system water to payback overruns that would introduce non-system water into the Colorado River system:* Several of the entities that utilize Colorado River water have access to non-system water, such as stored groundwater. By utilizing water from these resources, and forbearing their use of Colorado River water, they can effectuate a payback, without physically introducing non-system Colorado River water into the Colorado River system. As long as the reduced use of Colorado River water can be verified and documented, the procedure is very similar to an interstate transfer, where an entity intentionally utilizes water from another source, and forbears the use of Colorado River water, thus making the water available to the other state. In the case of an IOP payback, however, the forbearance would not result in more water being made available for direct use, but rather the resulting Colorado River system storage increase would be treated as repayment of system water and would stay in storage for use by all entitlement holders. Should water from another river system be physically introduced into the Colorado River system, the potential for environmental impacts due to the introduction of exotic flora and fauna would need to be addressed.
- (i) *Requiring diverters that report annually to report on a monthly basis:* Many of the water users who report their use on an annual basis are home owners whose annual water use is not significant, and does not vary significantly year to year. Requiring monthly reporting of these uses would place an unnecessary burden on small-scale users that would have marginal benefit to the larger scale users and Reclamation. However, there may be other medium scale users, whose monthly water use is significant enough to warrant the monthly reporting requirement. Reclamation intends to separately review the water use of entities reporting annually to

determine if revisions to monthly reporting requirements should be made. Monthly estimates and projections would be made for large-scale users.

4. *Comment:* The policy needs to adequately address implementation, monitoring and enforcement issues such as the following: clarification regarding the definition of inadvertent overruns, source and quality of payback water; enforceability; accounting during shortage conditions; 5-year policy review; environmental review of payback plans; public availability of results of IOP reviews; and, fulfilling trust responsibilities to Tribes with Colorado River water rights.

The policy also needs to be clarified regarding the following areas: maximum volume of overrun water involved; payback time frames; accounting method; accounting procedural handbook or similar documentation that includes description and definition of terms used; payback options for contracts that hold only surplus water contracts; applicability of the policy to Arizona and Nevada Colorado River water contractors; payback options when proposed extra-ordinary conservation measures are not feasible; and, circumstances other than surplus or flood releases where payback would be forgiven.

*Reclamation's Response:* The draft EIS will include an IOP Appendix which will provide examples of how the IOP will be implemented. We agree that the final policy must address terms, methods and procedures as mentioned above.

5. *Comment:* How will the water savings that result from extra-ordinary conservation measures be measured and verified.

*Reclamation's Response:* Examples of how water savings will be measured and verified will be provided in the IOP Appendix to the draft EIS. While the extra-ordinary conservation would be monitored and verified, the final measure of the effect of the extra-ordinary conservation would be the reduction in diversions less return flows of the entitlement holder. For the payback to occur, the extra-ordinary conservation must be monitored and verified, and the district's diversion minus return flow must be equal to or below its entitlement minus the extra-ordinary water savings.

6. *Comment:* How does the IOP address the relationship to non-contracted Colorado River users.

*Reclamation's Response:* Reclamation is developing an Accounting Surface procedure for determining which users of well water, that are presumed to be pumping Colorado River water, would need Colorado River water use contracts. However, the well data and technical studies are still being compiled. Reclamation expects to initiate a public process within the next one to two years to establish this procedure. If and when these users are determined to be using Colorado River water and a contract is executed for such use, the IOP would apply to that use.



### **3.0 INTEGRATION OF ISSUES WITHIN THE EIS**

Most of the issues raised through scoping will be integrated into the EIS through revision of the alternatives under consideration and the approach taken in analyzing impacts.

#### **3.1 REVISION OF ALTERNATIVES UNDER CONSIDERATION**

Reclamation received extensive comments regarding the alternatives for the IOP. As a result of the comments received, Reclamation has added one additional IOP alternative for analysis in the EIS. This alternative is the elimination of the forgiveness of payment in years when Reclamation makes a flood control or space building release. The proposed IOP contains the provision that in a year during which the Secretary makes a flood control release or a space building release, an accumulated amount in an overrun account would be forgiven. The additional No Forgiveness alternative to be analyzed in the EIS would eliminate that provision of the IOP. Under the No Forgiveness alternative, during a flood control or space building release year, the overrun amount to be paid back would be deferred, but not forgiven. Payback would resume in the next year when flood control or space building releases are not scheduled.

#### **3.2 GENERAL APPROACH TO ANALYSIS OF IMPACTS**

The process for analyzing the environmental impacts involves identifying and estimating certain background or baseline information for six different geographic areas (which include the mainstream of the Colorado River within the Lower Basin and its historic floodplain, the Salton Sea, and the water service areas and Colorado River water conveyance facilities of IID, CVWD, MWD, SDCWA). Resource areas to be considered in the EIS include the following: Hydrology/water quality/water supply, biological resources, power generation, land use, recreation, agricultural resources, socioeconomic, environmental justice, cultural resources, Tribal resources, air quality, and transboundary impacts. The timeframe for the analysis of the IA, including the changes in points of diversion for the participating California agencies will extend forward for 75 years, from 2002 to 2077. As the biological conservation measures are related to the IA, the timeframe for the analysis will also extend forward for 75 years, from 2002 to 2077. The timeframe for the analysis of the IOP will extend forward for 30 years, from 2002 to 2032.

The process for analyzing the environmental impacts involves establishing baseline or current conditions for each geographic area of analysis for each resource area. The RiverWare computer simulation model (described below), the Biological Assessment, current data and other current reports or studies are being used to determine the probable environmental impacts of the proposed project.

Due to the bulk of materials relating to the Lower Basin of the Colorado River, material may be incorporated by reference. Where material is incorporated by reference, a summary of that material will be provided in either the text of the EIS or as an appendix. All material incorporated by reference will be available for public viewing at locations to be determined.

## **Modeling**

The computer simulation model being used to determine impacts of the proposed project on the mainstem of the Colorado River in the Lower Basin is based upon the commercial river modeling software RiverWare. The model has been configured to simulate the Colorado River System and its operation, based upon the Colorado River Simulation System model that was modified to include current rules and policies. The model's operation parameters to be simulated and analyzed include the water entering the river system, storage in system reservoirs, releases from storage, river flows, and the water demand of, and deliveries to, the Basin States and Mexico. The EIS will provide an extended description of RiverWare and the modeling efforts.

### **3.3 SCHEDULE FOR NEPA PROCESS**

Reclamation is proceeding to conduct the technical studies necessary to complete the analysis for the proposed action and alternatives, as revised as a result of the scoping process. Reclamation anticipates a draft EIS will be available for public review and comment in December 2001. Reclamation will publish a Notice of Availability of the Draft EIS in the *Federal Register*. The Draft EIS will also be sent to individuals and entities on the mailing list<sup>1</sup>. The draft EIS will be available on the internet at <http://www.lc.usbr.gov/>.

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<sup>1</sup> To be added to the mailing list, please contact Ms. Molly Sweat, Lower Colorado Region, Bureau of Reclamation, BC00-1001, P.O. Box 61470, Boulder City, NV 89006-1470, telephone (702) 293-8415 or fax (702) 293-8156. All commentors were added to the mailing list.

## 4.0 ACRONYMS

AOP	Annual Operating Plan
Biological Assessment	Biological Assessment for Proposed Interim Surplus Criteria, Secretarial Implementation Agreements for California Water Plan Components and Conservation Measures on the Lower Colorado River, dated August 30, 2001
Biological Opinion	Biological Opinion for Interim Surplus Criteria, Secretarial Implementation Agreements, and Conservation Measures on the Lower Colorado River, Lake Mead to the Southerly International Boundary Arizona, California and Nevada, dated January 12, 2001
BCPA	Boulder Canyon Project Act of 1928
California Plan	California Draft Colorado River Water Use Plan
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CVWD	Coachella Valley Water District
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FWS	U.S. Fish and Wildlife Service
IA	Implementation Agreement
IID	Imperial Irrigation District
IOP	Inadvertent Overrun and Payback Policy
KAFY	Thousand Acre-Feet per Year
MWD	Metropolitan Water District of Southern California
NEPA	National Environmental Policy Act
NOI	Notice of Intent
QSA	Quantification Settlement Agreement
Reclamation	U.S. Bureau of Reclamation

***Scoping Summary Report***

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SDCWA                      San Diego County Water Authority  
Secretary                      Secretary of the Interior

## **APPENDIX A**

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**Federal Register Notices**

**ADDRESSES:** If you wish to comment, you may submit your comments by any of several methods. You may mail your comments to Mr. Charles R. Danner, Team Leader, Planning and Support Team, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, Georgia 30345. You may hand-deliver your comments to Mr. Danner at the same address. Or you may submit your comments by telephone at 1-800-419-9582. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations and businesses, available for public inspection in their entirety.

**SUPPLEMENTARY INFORMATION:** The proposal would establish a national wildlife refuge on up to 23,000 acres of wetlands and bottomland hardwoods along the confluence of the Green and Ohio Rivers in Henderson County, Kentucky. The Service is proposing to establish the refuge through a combination of fee title purchases from willing sellers and leases, conservation easements, or cooperative agreements from willing landowners.

The goals of the proposed refuge would be to provide (1) Habitat for migrating and wintering waterfowl, (2) habitat for non-game land birds, (3) habitats for a natural diversity of fish and wildlife, (4) nesting habitat for wood ducks and other locally nesting migratory waterfowl, (5) quality hunting and sportfishing opportunities, and (6) opportunities for environmental education, interpretation, and wildlife-oriented recreation.

Dated: January 5, 2001.

**Sam D. Hamilton,**  
Regional Director.

[FR Doc. 01-1441 Filed 1-17-01; 8:45 am]  
BILLING CODE 4310-55-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-957-1430-BJ]

#### Idaho: Filing of Plats of Survey

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of the following described lands were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., on the dates specified:

The plat representing the entire survey record of the dependent resurvey of a portion of the subdivisional lines, T. 5 N., R. 1 E., Boise Meridian, Idaho, Group Number 1092, was accepted October 2, 2000. The plat was prepared to meet certain administrative needs of the Bureau of Land Management.

The plat representing the dependent resurvey of a portion of the east boundary and of the subdivisional lines, and the subdivision of section 36, T. 2 S., R. 36 E., Boise Meridian, Idaho, and the plat representing the dependent resurvey of portions of the east and north boundaries, and the subdivisional lines, and the subdivision of sections 13, 14, and 24, T. 3 S., R. 36 E., Boise Meridian, Idaho, Group Number 999, were accepted November 6, 2000. The plats were prepared to meet certain administrative needs of the Bureau of Indian Affairs, Fort Hall Agency.

**FOR FURTHER INFORMATION CONTACT:** Duane Olsen, Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709-1657, 208-373-3980.

Dated: January 3, 2001.

**Harry K. Smith,**  
Acting Chief, Cadastral Surveyor for Idaho.  
[FR Doc. 01-1395 Filed 1-17-01; 8:45 am]  
BILLING CODE 4310-GG-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Definition and Payback of Inadvertent Overruns for Delivery of Lower Colorado River Water; Notice of Public Comment Period

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of public comment period.

**SUMMARY:** The Bureau of Reclamation (Reclamation) proposes a policy that will identify inadvertent overruns, will

establish procedures that account for inadvertent overruns, and will define subsequent payback requirements to the Colorado River mainstream, and invites comments on its draft proposal.

**DATES:** Comments on this notice must be received at the address below on or before March 24, 2001.

**ADDRESSES:** If you wish to comment, you may mail comments to Deputy Area Manager, Boulder Canyon Operations Office, Lower Colorado Region, Bureau of Reclamation, BCOO-1010, P.O. Box 61470, Boulder City, Nevada 89006. You may also comment via the Internet at [InadvertentOverrun@lc.usbr.gov](mailto:InadvertentOverrun@lc.usbr.gov). If you comment via the Internet, please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation via e-mail that we have received your Internet message, please contact us directly at (702) 293-8592.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Redlinger, (702) 293-8592.

**SUPPLEMENTARY INFORMATION:** In its June 3, 1963 opinion in the case of *Arizona v. California* (373 U.S. 546), the Supreme Court of the United States held that the Congress has directed the Secretary of the Interior (Secretary) to administer a network of useful projects constructed by the Federal Government on the lower Colorado River, and it has entrusted the Secretary with sufficient power to direct, manage, and coordinate their operation. The Court held that this power must be construed to permit the Secretary to allocate and distribute the waters of the mainstream of the Colorado River within the boundaries set down by the Boulder Canyon Project Act (45 Stat. 1057, 43 U.S.C. 617) (BCPA). The Secretary has entered into contracts for the delivery of Colorado River water with entities in Arizona, California, and Nevada in accordance with section 5 of the BCPA. The

Secretary has the responsibility of operating Federal facilities on the Colorado River and delivering mainstream Colorado River water to users in Arizona, California, and Nevada that hold entitlements, including present perfected rights, to such water.

Article V of the Decree of the Supreme Court of the United States in *Arizona v. California* dated March 9, 1964 (376 U.S. 340) requires the Secretary to compile and maintain records of diversions of water from the mainstream, of return flow of such water to the mainstream as is available for consumptive use in the United States or in satisfaction of the Mexican Treaty obligation, and of consumptive use of such water. Reclamation reports this data each year in the Decree Accounting Record.

Pursuant to the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs developed as a result of the Colorado River Basin Project Act of September 30, 1968, the Secretary annually consults with representatives of the governors of the Colorado River Basin States, general public and others and issues an Annual Operating Plan (AOP) for the coordinated operation of the Colorado River reservoirs. Reclamation also requires each Colorado River water user in the Lower Basin to schedule water deliveries in advance for the following calendar year (calendar year is the annual basis for decree accounting of consumptive use in the lower Colorado basin) and to later report its actual water diversions and returns to the mainstream.

Pursuant to 43 CFR part 417, prior to the beginning of each calendar year, Reclamation consults with entities holding BCPA section 5 contracts (Contractor) for the delivery of water. Under these consultations, Reclamation makes recommendations relating to water conservation measures and operating practices in the diversion, delivery, distribution, and use of Colorado River water. Reclamation also makes a determination of the Contractor's estimated water requirements for the ensuing calendar year to the end that deliveries of Colorado River water to each Contractor will not exceed those reasonably required for beneficial use under the respective BCPA contract or other authorization for use of Colorado River water. Reclamation then monitors the actual water orders, receives reports of measured diversions and return flows from major Contractors and federal establishments, estimates unmeasured diversions and return flows, calculates consumptive use from preliminary

diversions and measured and unmeasured return flows, and reports these records on an individual and aggregate monthly basis. Later, when final records are available, Reclamation prepares and publishes the final Decree Accounting Record on a calendar year basis.

For various reasons, a user may inadvertently consumptively use Colorado River water in an amount that exceeds the amount available under its entitlement (inadvertent overrun). Further, the final Decree Accounting Record may show that an entitlement holder inadvertently diverted water in excess of the quantity of the entitlement that may not have been evident from the preliminary records. Reclamation is therefore considering an administrative policy that defines inadvertent overruns, establishes procedures that account for the inadvertent overruns and defines the subsequent requirements for pay back to the Colorado River mainstream.

Any effects of the proposed administrative policy decision on the environment will be addressed pursuant to the National Environmental Policy Act.

#### Inadvertent Overruns

Reclamation is proposing for the Lower Colorado River Basin an inadvertent overrun policy that would include the following features:

a. Inadvertent overruns are those which the Secretary deems to be beyond the control of the water user; for example, overruns due to the discrepancy between preliminary and final stream flow and diversion records, or overruns due to an unanticipated but lawful use by a higher-priority water user.

b. An inadvertent overrun is Colorado River water diverted, pumped or received by an entitlement holder in excess of the water user's entitlement for that year. The inadvertent overrun policy provides a structure to pay back the amount of water diverted, pumped or received in excess of entitlement. The inadvertent overrun policy does not create any right or entitlement to this water, nor does it expand the underlying entitlement in any way. An entitlement holder has no right to order, divert, pump or receive an inadvertent overrun. If, however, water is diverted, pumped or received inadvertently in excess of entitlement, and the Contractor's State's apportionment of Colorado River water for that year is exceeded, the inadvertent overrun policy will govern the payback.

c. Payback will be required to commence in the calendar year that

immediately follows the release date of a Decree Accounting Record that reports uses that are in excess of an individual's entitlement.

d. Payback must be made only from measures that are above and beyond the normal consumptive use of water (extraordinary conservation measures). Extraordinary conservation measures mean actions taken to conserve water that otherwise would not return to the mainstream of the Colorado River and be available for beneficial consumptive use in the United States or to satisfy the Mexican treaty obligation. Any entitlement holder with a payback obligation must submit to Reclamation, along with its water order, a plan which will show how it will intentionally forgo use of Colorado River water by extraordinary conservation and/or following measures sufficient to meet its payback obligation, which are in addition to the measures found in its Reclamation approved conservation plan. Plans for payback could also include supplementing Colorado River system water supplies with non-system water supplies. Water banked off-stream or groundwater from areas not hydrologically connected to the Colorado River or its tributaries are examples of such supplemental supplies.

e. Maximum cumulative inadvertent overrun accounts will be specified for individual entitlement holders as 10 percent of an entitlement holder's normal year consumptive use entitlement. (Normal year means a year for which the Secretary has determined that sufficient mainstream Colorado River water is available for release to satisfy 7.5 maf of annual consumptive use in the States of California, Arizona and Nevada.)

f. The number of years within which an overrun, calculated from consumptive uses reported in final Decree Accounting Records, must be paid back, and the minimum payback required for each year shall be as follows:

1. In a year in which the Secretary makes a flood control release or a space building release, any accumulated amount in the overrun account will be forgiven.

2. If the Secretary has declared a 70 R surplus in the AOP, any payback obligation will be deferred at the entitlement holder's option.

3. When Lake Mead elevation is between the elevation for a 70R surplus declaration and elevation 1125 feet above mean sea level on January 1, the payback obligation must be paid back in full within 3 years, with a minimum payback that year of the greater of 20

percent of the individual entitlement holder's maximum allowable cumulative overrun account amount or 33.3 percent of the total account balance.

4. When Lake Mead elevation is at or below elevation 1,125 feet above mean sea level on January 1, the total account balance will be paid back in full in that calendar year.

5. For any year in which the Secretary declares a shortage under the Decree, the total account will be paid back in full that calendar year, and further accumulation of inadvertent overruns will be suspended as long as shortage conditions prevail.

g. A separate inadvertent overrun account may be established in those limited cases in which a lower priority user is, or has agreed to be, responsible for consumptive uses by one or more un-quantified senior water entitlement or right holders having finite service area acreage. The separate inadvertent overrun account will be limited to a maximum cumulative amount of 10 percent of the senior right holders average consumptive use. Such inadvertent overrun accounts will be the assigned responsibility of the lower priority user. If, however, such senior entitlement or right holders' approved aggregate calendar year water orders are in excess of the specified amount above which the lower priority user will be responsible, such excess will not be deemed inadvertent and the lower priority user's water order for that year will be reduced accordingly by Reclamation.

h. Each month, Reclamation will monitor the actual water orders, receive reports of measured diversions and return flows from Contractors and federal establishments, estimate unmeasured diversions and return flows, and project individual and aggregate consumptive uses for the year. Should preliminary determinations indicate that monthly consumptive uses by individual users, or aggregate uses, when added to the approved schedule of uses for the remainder of that year, exceed contract entitlements but are not exceeding the maximum inadvertent overrun account amount, Reclamation will notify in writing the appropriate entities that the preliminary determinations are forecasting annual uses in excess of their entitlements.

i. During years in which an entitlement holder is forbearing use to meet its payback obligation, should preliminary determinations of monthly consumptive uses indicate that sufficient forbearance is not projected to occur, Reclamation will also notify the appropriate entitlement holders in

writing that the preliminary determinations are forecasting that their annual payback obligations are not on target or being met. If this condition occurs for two consecutive years, in the second year Reclamation will advise the entitlement holder in writing by July 31, will consult with the entitlement holder on a modified release schedule and will limit releases to the entitlement holder for the remainder of the year such that by the end of the year the individual entitlement holder has met their payback obligation.

j. Should preliminary determinations indicate that monthly consumptive uses by individual users, or aggregate uses, when added to the approved schedule of uses for the remainder of that year, exceed the individual entitlement holder's maximum cumulative overrun account amount, Reclamation will advise the entitlement holder in writing by July 31, will consult with the entitlement holder on a modified release schedule and will limit releases to the entitlement holder for the remainder of the year such that by the end of the year the individual entitlement holder's maximum cumulative overrun account amount has not been exceeded.

k. Procedures will be established for accounting for inadvertent overruns on an annual basis and for supplementing the final Decree Accounting Record.

Reclamation invites comments on the features noted above and in particular on: what limits might be placed on any maximum cumulative overrun account; the duration of the payback period; and from what types of water would payback be allowed.

#### Public Meetings

Reclamation will hold public meetings to present information and solicit public input if there is a sufficient level of interest. Submit any request for a public meeting to Mr. John Redlinger (see ADDRESSES).

Dated: January 12, 2001.

**Robert W. Johnson,**  
Regional Director, Lower Colorado Regional Office.

[FR Doc. 01-1531 Filed 1-17-01; 8:45 am]

BILLING CODE 4310-MN-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[INT-DES-01-02]

#### Pick-Sloan Missouri Basin Program, Angostura Unit, South Dakota

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability and public hearing on draft environmental impact statement (DEIS).

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation, has prepared a DEIS on the proposed renewal of a long-term water service contract for irrigation water from the Federal Angostura Unit, Cheyenne River basin, South Dakota. The DEIS describes four alternatives, including no action, and evaluates their environmental consequences. No Preferred Alternative has been chosen at this time. One will be selected after the public review period. Public hearings have been scheduled to provide interested parties an opportunity to provide oral or written comments on the proposed renewal of a long-term water service contract.

**DATES:** A 90-day public review and comment period commences with the publication of this notice. Written comments on the DEIS should be submitted by April 27, 2001.

Written comments from interested parties unable to attend the hearings, those not wanting to make oral presentations, or those wishing to supplement their oral presentations at the public hearing should be transmitted to the Rapid City Field Office by April 27, 2001, for inclusion in the public record.

Public hearings have been scheduled for the following dates, times, and locations:

February 13, 2001, 7-9 PM, Rushmore Plaza Holiday Inn 505 N 5th St., Rapid City, South Dakota

February 14, 2001, 7-9 PM, Mueller Civic Center, 801 S. 6th St., Hot Springs, South Dakota

February 15, 2001, 1-5 PM, Oglala Lakota College, 3 Mile Creek, Piya Wiconi Rd., Kyle, South Dakota

February 21, 2000, 2-4 PM, Super 8 Motel, West Highway 212, Eagle Butte, South Dakota

February 22, 2001, 2-4 PM, Lower Brule Convention Center, Lower Brule Sioux Tribe, Lower Brule, South Dakota

Written comments on the DEIS should be submitted to the Rapid City Field Office Manager (Attention: Kenneth Parr), 515 9th Street, Room 101, Rapid City, SD 57701, or through email to [kparr@gp.usbr.gov](mailto:kparr@gp.usbr.gov).

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home



## DEPARTMENT OF THE INTERIOR

## Bureau of Reclamation

**Implementation Agreement for Secretarial Actions Associated With California Parties' Proposed Quantification Settlement Agreement and Other Related Federal Actions, including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California, and Nevada**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) and initiation of scoping process.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Bureau of Reclamation (Reclamation) proposes to prepare an environmental impact statement (EIS) concerning execution of an Implementation Agreement (IA), and implementation of other interrelated Federal actions. The IA is required to implement actions by the Secretary of the Interior (Secretary), that are necessary to make operative a proposed Colorado River Quantification Settlement Agreement (QSA) among certain California water agencies that hold contracts with the Secretary, for delivery of Colorado River water. The EIS will describe the potential environmental consequences of the following: Secretarial execution of the IA which, generally, would result in a change in the point of delivery of up to approximately 400,000 acre-feet (AF) of Colorado River water per year; implementation of a lower Colorado River inadvertent overrun accounting and payback policy (IOP), intended to be implemented for a 30-year time period (see *Federal Register*, Vol. 66, No. 12, pages 4856-4858); and implementation of biological conservation measures related to the IA that were identified in the Fish and Wildlife Service's (FWS) "Biological Opinion for Interim Surplus Criteria, Secretarial Implementation Agreements, and Conservation Measures on the Lower Colorado River, Lake Mead to the Southerly International Boundary Arizona, California and Nevada," (Biological Opinion), dated January 12, 2001. This is to provide notice to potentially interested entities and the public regarding Reclamation's intent to prepare an EIS, and to request comments regarding the scope of the

issues to be addressed and identification of significant issues related to the proposed action.

**ADDRESSES:** Send written comments concerning the proposed action or issues to be addressed in the EIS to Mr. Bruce D. Ellis, Phoenix Area Office, Bureau of Reclamation, PXAO-1500, P.O. Box 81169, Phoenix AZ 85069-1169, with a copy to Ms. Gracie Chirieleison, Lower Colorado Region, Bureau of Reclamation, BCOO-1001, P.O. Box 61470, Boulder City, NV 89006-1470. Comments should be received by April 10, 2001.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the process, potential alternatives, or this notice should be directed to Mr. Ellis at the Phoenix Area Office address above, telephone (602) 216-3854. To be placed on a mailing list for any subsequent information, please write or telephone Ms. Chirieleison at the Lower Colorado Regional Office address above, telephone (702) 293-8415 or fax (702) 293-8156.

**SUPPLEMENTARY INFORMATION:** Reclamation intends to prepare an EIS to describe the potential environmental consequences that would result from execution of the proposed IA with Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), The Metropolitan Water District of Southern California (MWD), and San Diego County Water Authority (SDCWA) (collectively referred to as the "California Parties"). The IA enumerates Secretarial approvals and/or actions that are needed to implement the proposed QSA. The proposed QSA is a consensual agreement among the California Parties for distribution and use of Colorado River water for a period of up to 75 years. The QSA is anticipated to be considered by the boards of directors of IID, CVWD, and

MWD by December 2001, following completion of a final environmental impact report regarding implementation of the QSA. The QSA and IA are integral to the successful implementation of California's Draft Colorado River Water Use Plan (CA Plan), released for public review by the Colorado River Board of California. The purpose of the CA Plan is to ensure California limits its annual use of Colorado River water, starting in year 2016, to no more than 4,400,000 AF per year in normal years. Normal years are those in which 7,500,000 acre-feet are made available by the Secretary for beneficial consumptive use collectively in Lower Colorado River Division States (Arizona, California, and Nevada). The Department of Interior believes the proposed QSA cannot be lawfully carried out absent a fully executed IA.

Federal actions identified in the IA to be covered by the EIS include approving changes in the point of delivery of up to approximately 400,000 AF of Colorado River water annually, from Imperial Dam to the intake of the Colorado River Aqueduct (CRA), located in Lake Havasu upstream of Parker Dam. Of this amount, between 130,000 and 300,000 AF per year would be made available through conservation by IID. Of the total amount conserved by IID, between 130,000 and 200,000 AF per year would be transferred to SDCWA. In accordance with an IID/SDCWA Water Transfer Agreement, SDCWA and MWD have executed an Exchange Agreement providing for delivery of the conserved water into the CRA and the delivery of a like amount of water to SDCWA through MWD's facilities. Through the QSA, an additional amount of up to 100,000 AF per year of water to be conserved by IID, would be made available to CVWD and, if not used by CVWD, to MWD. The change in the point of delivery of up to an additional 93,700 AF per-year of Colorado River water would be authorized upon the conservation of an equal amount of water through the concrete lining of portions of the All American Canal (AAC) and Coachella Canal (CC). This conserved water would be used by MWD and the San Luis Rey Indian Water Rights Settlement parties in accordance with the terms of a proposed Allocation Agreement.

Under the EIS' proposed action, in addition to the change in the point of delivery of Colorado River water, the Secretary, as Water Master, would deliver Priority 3a Colorado River contract water to IID in quantified amounts not to exceed 3,100,000 AF per year, less the amount of water conserved by IID and by the All American Canal Lining Project. The Secretary would also

deliver Priority 3a Colorado River contract water to CVWD in quantified amounts not to exceed 330,000 AF per year exclusive of amounts associated with water conserved by IID and made available to CVWD and amounts exchanged by MWD with CVWD, less the amount of water conserved by the Coachella Canal Lining Project. This quantification would result from execution of the IA, in conjunction with the QSA.

The EIS will also address potential effects of implementing an inadvertent overrun accounting and payback policy (IOP) regarding use of Colorado River by the Lower Colorado River Division States. In addition, the EIS will programmatically address the implementation of biological conservation measures related to the IA that have been identified in the FWS' Biological Opinion dated January 12, 2001.

The project area of the EIS will generally include the lower Colorado River and its 100-year floodplain between Lake Mead and the southerly international boundary. The EIS will address effects in river flow between these two points along the lower Colorado River that would occur from the suite of Federal approvals/actions included in the Proposed Action. Changes in river flow could, in turn, potentially affect resources along the river (e.g., biological, cultural and recreational), Colorado River water quality, and power generation at Parker and Headgate Rock power plants. The EIS will also incorporate, by reference, analyses identified in various other NEPA and California Environmental Quality Act (CEQA) documents related to local and regional effects resulting from implementation of the QSA.

As indicated above, Reclamation received the Biological Opinion from the FWS and has completed Endangered Species Act (ESA) consultation requirements for the transfer of water and change in its point of delivery from Imperial Dam to Lake Havasu, and for the previously referenced conservation measures associated with the water transfers. Reclamation will work with the FWS, as appropriate, to determine if additional ESA compliance is necessary.

Having reached agreement through the QSA, the California Parties are requesting Secretarial execution of the IA, which constitutes the proposed action that will be described in the EIS. A No Action Alternative will be included, against which potential environmental consequences resulting from implementing the proposed Federal actions will be compared.

Reclamation is circulating this notice to provide the public with an opportunity to identify issues and concerns regarding this proposed action, to ensure that all relevant issues are evaluated in the EIS. All comments received in response to Reclamation's request for comments on the IOP, found in the **Federal Register**, Vol. 66, No. 12, pages 4856-4858, will also be taken into consideration as part of the scoping process for this EIS. Reclamation will consult other Federal, State, Tribal and local agencies having specific expertise regarding environmental impacts related to the proposed actions.

Dated: March 2, 2001.

Lorri J. Gray,

*Assistant Regional Director.*

[FR Doc. 01-5909 Filed 3-8-01; 8:45 am]

BILLING CODE 4310-MN-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Definition and Payback of Inadvertent Overruns for Delivery of Lower Colorado River Water; Notice of Extension of Public Comment Period

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of public comment period extension.

**SUMMARY:** Reclamation published a Notice of public comment period in the **Federal Register**, (66 FR 4856), on January, 18, 2001, requesting comments on a proposed policy that will identify inadvertent overruns, establish procedures that account for inadvertent overruns, and define subsequent payback requirements to the Colorado River mainstream. This notice extends the original comment period, as identified below in the **DATES** section.

**DATES:** The comment period for receiving comments on the proposed policy regarding definition and payback of inadvertent overruns for delivery of Lower Colorado River water, has been extended from March 24, 2001, to April 10, 2001.

**FOR FURTHER INFORMATION CONTACT:** If you wish to comment, you may mail comments to Deputy Area Manager, Boulder Canyon Operations Office, Lower Colorado Region, Bureau of Reclamation, BCOO-1010, PO Box 61470, Boulder City, Nevada 89006. You may also comment via the Internet at [InadvertentOverrun@lc.usbr.gov](mailto:InadvertentOverrun@lc.usbr.gov). If you comment via the Internet, please submit comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a

confirmation via e-mail that we have received your Internet message, please contact us directly at (702) 293-8592.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Redlinger, (702) 293-8592.

**SUPPLEMENTARY INFORMATION:** The period for receiving public comments on the proposed inadvertent overrun policy, described in detail in the **Federal Register** dated January 18, 2001, (66 FR 4856), has been extended until April 10, 2001. The comment period has been extended in response to several requests, and because Reclamation intends to prepare an environmental impact statement that will evaluate the potential environmental effects of implementing the inadvertent overrun policy (see the Notice of intent to prepare an environmental impact statement (EIS) and initiation of scoping process for the "Implementation Agreement for Secretarial Actions Associated with California Parties' Proposed Quantification Settlement Agreement and other Related Federal Actions, including Implementation of an Inadvertent Overrun Policy, Lower Colorado River, Arizona, California, and Nevada," elsewhere in this **Federal Register**. The public scoping comment period for this EIS ends on April 10, 2001. Comments received on the inadvertent overrun policy will also be taken into consideration during the scoping process for the EIS.

Dated: March 2, 2001.

Lorri J. Gray,

*Assistant Regional Director.*

[FR Doc. 01-5907 Filed 3-8-01; 8:45 am]

BILLING CODE 4310-MN-P

## **APPENDIX B**

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**Tribal Letter/ Distribution List**



# United States Department of the Interior

BUREAU OF RECLAMATION  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

ACTION BY		
DUE DATE		
APR 30 2001		
DATE	INITIALS	REVISIONS
5/1	LSO	FK
CLASSIFICATION		
CONTROL NO.		
FOLDER NO.		

IN REPLY REFER TO:  
LC-2506  
ENV-7.00

APR 26 2001

## MEMORANDUM

ACTING FOR  
FRONT

To: Tribal Representative

From: Robert W. Johnson  
Regional Director

Subject: Reclamation Invites Comments on Scope of Environmental Impact Statement (EIS) for California's Proposed Quantification Settlement Agreement Activities and Other Related Actions Including Implementation of an Inadvertent Overrun Policy on the Lower Colorado River

Reclamation is preparing an EIS for activities that will allow the Secretary of the Interior (Secretary) to execute an Implementation Agreement (IA) associated with a proposed Colorado River Quantification Settlement Agreement among several California water agencies that hold contracts with the Secretary for delivery of lower Colorado River water.

The EIS will describe the potential environmental impacts of Secretarial execution of an IA which would result in the approval of water transfers that change the point of delivery of up to approximately 400,000 acre-feet of lower Colorado River water per year between California parties; the implementation of biological conservation measures related to the water transfers; and implementation of a 30-year lower Colorado River inadvertent overrun accounting and payback policy.

The project area of the EIS will include the lower Colorado River and its 100-year floodplain between Lake Mead and the southerly international boundary between the United States and Mexico. The document will address effects in river flow between these two points that would occur from Federal activities included in the proposed action and other related environmental consequences.

Indian tribes are invited to comment on the scope of the issues to be addressed in the EIS and to identify significant issues they believe are related to the proposed action. This invitation to comment and participate in this process is pursuant to the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500-1508, § 1501.7), the National Historic Preservation Act (Section 101(d)(2) (16 U.S.C. § 470f), the

new Section 106 regulations, "Protection of Historic Properties" (36 CFR Part 800.2(c)(2), and Executive Order 13175 of November 6, 2000, pertaining to consultation and coordination with Indian tribal governments. More details on this activity can be found in the March 9 Federal Register notice posted on Reclamation's lower Colorado Region web site at <http://www.lc.usbr.gov>.

Questions or potential alternatives concerning the process, or written comments, should be directed to Mr. Bruce D. Ellis, Bureau of Reclamation, Phoenix Area Office, Attention: PXAO-1500, PO Box 81169, Phoenix, Arizona 85069-1169, or by telephone at 602-216-3854. A copy of the comments should also be sent to Ms. Gracie Chirieleison, Lower Colorado Region, Bureau of Reclamation, Attention: BCOO-1001, PO Box 61470, Boulder City, Nevada 89006-1470. We will place you on our mailing list for any subsequent information.

#### Attachments

bc: Regional Director

Attention: LC-1000

Area Managers

Attention: PXAO-1500, BCOO-1000, BCOO-1010, and BCOO-4600

(w/atts to ea)

## Implementation Agreement Tribal Mailing List

### TEN TRIBES PARTNERSHIP

Honorable Claudia J. Vigil-Muniz  
President, Ten Tribes Partnership  
Jicarilla Apache Nation  
PO Box 507  
Dulce NM 87528

Honorable Edward Tito Smith  
Chairperson  
Chemehuevi Indian Tribe  
PO Box 1976  
Chemehuevi Valley CA 92363

Mr. David Chavez, Vice-Chairman  
Cultural Resources Representative  
Chemehuevi Tribal Council  
P.O. Box 1976  
Havasu Lake, CA 92362

Honorable Sherry Cordova  
Chairperson  
Cocopah Indian Tribe  
West County 15<sup>th</sup> & Avenue G  
Somerton AZ 85350

Mr. Billy White  
Cultural Program Representative  
Cocopah Indian Community  
County 15<sup>th</sup> and Avenue G  
Somerton AZ 85350

Mr. Paul Soto  
Tribal Resource Planner  
Cocopah Indian Community  
County 15<sup>th</sup> and Avenue G  
Somerton AZ 85350

Honorable Nora Helton  
Chairperson  
Fort Mojave Indian Tribe  
500 Merriman Avenue  
Needles CA 92363

Ms. Elda Butler, Chairperson  
Aha Mahav Cultural Society  
Cultural Resources Management  
10225 South Harbor Avenue  
Mohave Valley, AZ 86440

Mr. Chad Smith, Archaeologist  
Aha Mahav Cultural Society  
Cultural Resources Management  
10225 South Harbor Avenue  
Mohave Valley, AZ 86440

Honorable Daniel Eddy, Jr.  
Chairman  
Colorado River Indian Tribe  
Route 1 Box 23-B  
Parker AZ 85344

Ms. Betty Cornelius  
Colorado River Indian Tribal Museum  
Route 1, Box 23-B  
Parker, AZ 85344

Honorable Kelsey Begaye  
President  
Navajo Nation  
PO Box 9000  
Window Rock AZ 86515

Dr. Alan Downer, Tribal Historic  
Preservation Officer  
P.O. Box 4950  
Window Rock AZ 86515

Honorable Leonard Burch  
Chairman  
Southern Ute Indian Tribe  
PO Box 737  
Ignacio CO 81137

Honorable Ernest House, Sr.  
Chairperson  
Ute Mountain Ute Tribe  
PO Box 248  
Towaoc CO 81334

Honorable O. Roland McCook  
Chairperson  
Northern Ute Tribe  
Uintah and Ouray Reservation  
PO Box 190  
Fort Duchesne UT 84026

Honorable Michael Jackson, Sr.  
President  
Quechan Indian Tribe  
PO Box 1899  
Yuma AZ 85366-1899

Ms. Pauline Jose  
Cultural Preservation Committee  
Fort Yuma Quechan Tribe  
P.O. Box 11352  
Yuma AZ 85366-9352

#### **Other On-River Colorado River Tribes**

Ms. Louise Benson, Chairperson  
Hualapai Tribal Council  
P.O. Box 179  
Peach Springs AZ 86434

Mr. Monza Honga  
Tribal Historic Preservation Officer  
Hualapai Tribe  
P.O. Box 310  
Peach Springs, AZ 86434-0310

Ms. Lorretta Jackson  
Hualapai Department of Cultural Resources  
P.O. Box 310  
Peach Springs, AZ 86434

Mr. Augustine Hooper, Chairman  
Havasupai Tribal Council  
P.O. Box 10  
Supai, AZ 86435

Mr. Roland Manakaja  
Cultural Resources Contact  
Havasupai Tribe  
P.O. Box 10  
Supai, AZ 86435

## Tribes Having Interest/Involvement In the Colorado River/Grand Canyon

Ms. Carmen Bradley, Chairperson  
Kaibab Paiute Tribal Council  
HC-65, Box 2  
Freedonia, AZ 86022

Ms. Brenda Drye  
Cultural Resources Contact  
HC-65, Box 2  
Freedonia AZ 86022

Mr. Wayne Taylor, Jr, Chairman  
Hopi Tribal Council .  
P.O. Box 123  
Kykotsmovi, AZ 86039

Mr. Liegh Kuwanwisiwma, Director  
Hopi Office of Cultural Preservation  
P.O. Box 123  
Kykotsmovi, AZ 86039

Mr. Curtis Anderson, Chairman  
Las Vegas Paiute Tribal Council  
One Paiute Dr.  
Las Vegas, NV 89106

Mr. Kenny Anderson  
Cultural Representative  
Las Vegas Paiute Tribe  
One Paiute Dr.  
Las Vegas NV 89106

Mr. Dan Cloquet, Member  
Board of Directors  
Las Vegas Indian Center, Inc.  
2300 West Bonanza Road  
Las Vegas, NV 89106

Mr. Richard Arnold, Chairman  
Pahrump Paiute Tribe  
P.O. Box 3411  
Pahrump, NV 89041

Mr. Eugene Tom, Chairperson  
Moapa Business Council  
P.O. Box 340  
Moapa, NV 89025

Mr. Everett Pikyavik  
Cultural Resources Contact  
Moapa Paiute Tribe  
P.O. Box 787  
Moapa, NV 89025

Ms. Geneal Anderson, Chairperson  
Paiute Tribe of Utah Tribal Council  
440 N. Paiute Dr.  
Cedar City, UT 84720-2613

Ms. Gloria Bullets Benson  
Cultural Representative  
Paiute Tribe of Utah  
440 N. Paiute Dr.  
Cedar City, UT 84720-2613

Mr. Malcolm Bowekaty, Governor  
Pueblo of Zuni  
P.O. Box 339  
Zuni, NM 87327

Ms. Suzette Homer, Zuni Historic  
Preservation Officer  
Zuni Cultural Resource Enterprise  
P.O. Box 339  
Zuni, NM 87327

Mr. Glen Rogers, Chairman  
Shivwits Band of Paiutes  
370 N 400 W #2  
St. George, UT 84770



## Arizona Tribes With Interest on Colorado River Issues

Ms. Bernadine Boyd, President  
Fort McDowell Mohave-Apache  
Community Council  
P.O. Box 17779  
Fountain Hills, AZ 85269-7779

Mr. Louis Hood, Planner/Cultural  
Preservation Representative  
Fort McDowell Mohave-Apache  
Indian Community  
P.O. Box 17779  
Fountain Hills, AZ 85269-7779

Mr Donald R. Antone, Governor  
Gila River Indian Community Council  
P.O. Box 97  
Sacatone, AZ 85247

Ms. Elaine Notah, Cultural Preservation  
Representative  
Land and Water Resources Division  
Gila River Indian Community  
P.O. Box E  
Sacatone, AZ 85247

Mr. Stan Rice, Jr., President  
Yavapai Prescott Board of Directors  
530 E. Merritt St.  
Prescott, AZ 86301-2038

Ms. Nancy Hayden, Director  
Tribal Cultural Research  
Yavapai Prescott Indian Tribe  
530 E. Merritt St.  
Prescott, AZ 86301-2038

## Coachella Valley Tribes

Ms. Mary E. Belardo, Chairperson  
Torres-Martinez Desert Cahuilla Indians  
P.O. Box 1160  
Thermal, CA 92274

Mr. Richard Milanovich, Chairman  
Agua Caliente Band of Cahuilla Indians  
600 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Ms. Maryann Martin, Chairperson  
Augustine Band of Mission Indians  
84-481 Avenue 54  
Coachella, CA 92236

Mr. John James, Chairperson  
Cabazon Indians  
84-245 Indio Springs Dr.  
Indio, CA 92201

Ms. Mary Ann Martin Andreas, Chairperson  
Morongo Band of Mission Indians  
11581 Potrero Road  
Banning, CA 92220

Dr. Susan Pantell, Environmental Officer  
Morongo Band of Missions Indians  
11581 Potrero Road  
Banning, CA 92220

## **San Luis Rey Bands of Mission Indians**

Mr. Robert Smith, Chairman  
Pala Band of Mission Indians  
P.O. Box 50  
Pala, CA 92059

Mr. Benjamin Magante, Sr., Chairman  
Pauma/Yuima Band of Mission Indians  
P.O. Box 369  
Pauma Valley, CA 92061

Mr. John Currier, Chairman  
Rincon Band of Mission Indians  
P.O. Box 68  
Valley Center, CA 92082

Mr. Jack Musick, Chairman  
La Jolla Band of Luiseno Indians  
22000 Highway 76  
Pauma Valley, CA 92061

Mr. Allen E. Lawson, Jr. Chairman  
San Pasqual Band of Diegueno Indians  
P.O. Box 365  
Valley Center, CA 92082

## **APPENDIX C**

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**Bureau of Reclamation Offices**

## **APPENDIX C**

All public comments received pursuant to the scoping process are available for public viewing between the hours of 8:00 am and 4:00 pm at the following locations:

U.S. Bureau of Reclamation  
Phoenix Area Office  
2222 West Dunlap Ave., Suite 100  
Phoenix, Arizona 85021  
Contact: Ms. Janice Kjesbo at 602.216.3864

U.S. Bureau of Reclamation  
Lower Colorado Regional Office  
500 Date Street  
Boulder City, Nevada  
Contact: Ms. Molly Sweat at 702.293.8415

U.S. Bureau of Reclamation  
Yuma Projects Office  
7301 Calle Agua Salada  
Yuma, Arizona 85364  
Contact: Mr. Michael Collins at 928.343.8120

## **APPENDIX D**

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### **List of Commenters**

## APPENDIX D

Table D-1 outline comments received by individuals, organizations, and agencies, in response to the Notice of Public Comment Period for the Inadvertent Overrun Policy. Table D-2 outlines comments received in response to the Notice of Intent to Prepare an EIS for the IA, IOP and conservation measures. All comments are available for viewing at locations identified in Appendix C.

**Table D-1. Comments Received in Response to the Notice of Public Comment Period for the Inadvertent Overrun Policy**

<i>Date</i>	<i>Name of Commenter</i>	<i>Affiliation</i>
04/09/2001	John Penn Carter	On behalf of the Imperial Irrigation District
04/10/2001	Michael Cohen	Pacific Institute
04/10/2001	Wayne E. Cook	Upper Colorado River Commission
04/10/2001	Herb Dishlip	State of Arizona, Arizona Department of Water Resources
04/09/2001	Ronald R. Gastelum, Tom Levy, Jesse P. Silva and Maureen A. Stapleton	Metropolitan Water District of Southern California, Coachella Valley Water District, Imperial Irrigation District and San Diego County Water Authority, respectively
04/05/2001	David Hogan, Kara Gillon, Jennifer Pitt, Tim Flood, Michael Cohen, Steve Glazer and Pamela Hyde	Center for Biological Diversity, Defenders of Wildlife, Environmental Defense, Friends of Arizona River, Pacific Institute, Sierra Club and Southwest Rivers, respectively
03/22/2001	David L. Harlow	U.S. Fish and Wildlife Service
03/06/2001	Rod Kuharich	State of Colorado, Colorado Water Conservation Board
04/09/2001	Rod Kuharich	State of Colorado, Colorado Water Conservation Board
03/14/2001	Carlos Marin	International Boundary and Water Commission
02/28/2001	Joshua J. Meyer	On behalf of the Hillander "C" Irrigation District
03/08/2001	Mason D. Morisset	On behalf of the Quechan Indian Tribe
04/10/2001	David Orr and Lisa Force	Glen Canyon Action Network
04/10/2001	Jennifer Pitt	Environmental Defense
04/10/2001	Patrick T. Tyrrell	State of Wyoming, State Engineer's Office
04/09/2001	Gerald R. Zimmerman	State of California, Colorado River Board of California

**Table D-2. Comments Received in Response to the Notice of Intent to Prepare an EIS for the IA, IOP and Conservation Measures**

<i>Date</i>	<i>Name of Commenter</i>	<i>Affiliation</i>
04/09/2001	Kara Gillon	Defenders of Wildlife
04/05/2001	Lisa B. Hanf	U.S. Environmental Protection Agency
04/09/2001	David L. Harlow	U.S. Fish and Wildlife Service
04/05/2001	David Hogan, Jennifer Pitt, Michael Cohen, Steve Glazer and Pamela Hyde	Center for Biological Diversity, Environmental Defense, Pacific Institute, Sierra Club, and Southwest Rivers, respectively
04/11/2001	Sylvia A. Waggoner	International Boundary and Water Commission
03/13/2001	Earl Zarbin	None given