

Part 2 Public Hearing Transcripts

Reclamation conducted three hearings to invite public input on the Draft EIS on April 3, 4, and 5, 2007. The hearings took place in Henderson, Nevada; Phoenix, Arizona; and Salt Lake City, Utah, respectively. Transcripts were prepared for each public hearing to provide a written record of the meeting and oral comments. A copy of the transcript from each of the three public hearings is included in this section.

Public Hearing – April 3, 2007
Henderson Convention Center, Henderson, Nevada

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PUBLIC MEETING
US DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Draft Environmental Impact Statement
Overview and Opportunity for Public Comment

Held at the Henderson Convention Center
200 South Water Street
Henderson, Nevada

On Tuesday, April 3, 2007
6:15 p.m.

Reported by: Lori M. Judd, CCR #233, RMR

Lori M. Judd, CCR #233, RMR
702-260-9678

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APPEARANCES:

Terrance J. Fulp, Ph.D
Area Manager, Boulder Operations Office

Nan Yoder
Amber Cunningham
Boulder Canyon Operations Office

Public Attendees as indicated on
Sign-in sheet

* * * * *

Lori M. Judd, CCR #233, RMR
702-260-9678

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1 HENDERSON, NEVADA, APRIL 3, 2007, 6:15 p.m.

2 * * * * *

3 (Introduction and overview by Nan Yoder.)

4 (Project presentation by Terry Fulp.)

5 QUESTION BY MR. DANOS: Have you had
6 any requests to extend the comment period yet?

7 MR. FULP: No, we have not. We are
8 hopeful to stay on schedule, by the way. We will
9 certainly listen to such requests.

10 (Continuation of presentation by Mr. Fulp.)

11 (Question and answer session as follows:)

12 MR. FULP: Are there any other
13 questions that we could take and answer?

14 QUESTION BY MR. DANOS: What was the
15 basis of the assumption that the YDP would not be
16 operated for any of the alternatives?

17 MR. FULP: That's a good question.

18 Well, we had a couple things in mind.
19 The primary one was we wanted to look at kind of the
20 worst case impact, particularly to Lake Mead. And so
21 those bypass flows coming from the Wellton-Mohawk
22 return flows, we assumed those would happen every
23 year. And that in some sense gives us a worst case,
24 at least with regard to that decision at Lake Mead.
25 That's water leaving the system, which would lower

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1 the lake and continue those types of impacts. So
2 that was primarily a worst case.

3 Now a couple of alternatives assume
4 some other things can happen to replace those bypass
5 flows, primarily due to conservation, conservation
6 mechanisms, but none of them assumed that the YDP
7 would operate. Again, in order to get to that
8 maximum impact of water leaving the system.

9 Any other questions?

10 QUESTION BY MR. BARON: Alex Baron,
11 UNLV. Which models are used to predict the inflows?

12 MR. FULP: It's actually a pretty
13 simple technique that we have used on the system for
14 quite awhile. We take the 100 year historical
15 record, and we just sample out of that record and so
16 we do not create any future inflow sequences that
17 have not been seen in 100 year records and we also
18 don't create any magnitudes that we have not seen in
19 the 100 year historical record.

20 With that technique, what we did do in
21 this EIS, this draft is we did a sensitivity analysis
22 and it's in an appendix, so if you are interested in
23 that, we did look at three other alternative
24 techniques of looking at future inflows that do, in
25 fact, generate sequences we have not seen in the past

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1 and magnitudes we have not seen in the past and we
2 did that again as a sensitivity analysis on the
3 hydrologic resource. We did not continue that all
4 the way through all the resource analyses.

5 Does that help a little bit? So one
6 of the key pieces of information that the three
7 scenarios used, the real key one was we looked at
8 tree ring construction data and used it in a couple
9 of ways to generate that.

10 Any others?

11 QUESTION BY LESLIE JAMES: Leslie
12 James, from CREDA. I have a pretty small question.

13 I'm interested in why the reference in
14 a couple of places to the beach/habitat building
15 flows -- BHBF -- because I don't believe the analysis
16 assumed any specific BHBF, and given the controversy
17 and the current state of discussion -- I just came
18 from an all-day meeting on that today -- I was
19 interested in why reference was included on that.

20 MR. FULP: Well, let me clear up
21 something and make sure that I explain what we really
22 did do and then perhaps we didn't disclose that in a
23 reasonable or understandable way.

24 MS. JAMES: I didn't understand it.

25 MR. FULP: What we have assumed is in

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1 Lake Powell operation for all the alternatives, that
2 BHBF would be made under those triggering, I'll call
3 them criteria that were put in place in about 1997.
4 So it's at those high reservoir levels of Lake
5 Powell, that's that criteria that's been built into
6 here and boy, Leslie, if you ask me to remember the
7 details of that, I would probably not.

8 MS. JAMES: Not the sentiment
9 triggering criteria, but the lake level triggering
10 criteria?

11 MR. FULP: Yes, the lake level, high
12 level. It's essentially near spill avoidance, if
13 Powell is near spill avoidance, it's triggered.

14 Now there's a bunch of rules on
15 forecast, and you understand that. I don't remember
16 all the details, but it's at that spill avoidance
17 level.

18 MS. JAMES: We'll probably make some
19 comment to clarify that, because we just heard
20 yesterday, in fact, that there is not yet a science
21 plan that's been put in place to even be able to do
22 another one of those and there's been a lot of
23 discussions about utilizing other triggering criteria
24 besides just sediment triggers, like economic
25 criteria and other criteria. So it's still very

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1 controversial.

2 MR. FULP: I understand that. And I'll
3 only make one other clarification, I think you know
4 this, but for everyone else's benefit, those two, if
5 that happened would not be modeled with those
6 triggering criteria that are in place in the model.
7 Those were not done at the high level spill avoidance
8 level. They were more experimental, I guess is maybe
9 the proper term.

10 MS. JAMES: That helps clarify for me
11 because I didn't understand that the triggering
12 criteria you were talking about were the high levels,
13 not the sediment triggering criteria that the 1996
14 and 2004. Okay, thank you.

15 MR. FULP: Correct, we did not do that.
16 That should be detailed, and it's probably buried in
17 Appendix A, but I can direct you to Appendix A and
18 don't worry about all the other flub, but hone in on
19 the BHBS and it will explain those exactly.

20 Any other questions?

21 Okay. Then I think we get to sit down
22 and let you, if you would like to make a public
23 comment to us, we'll capture it, record it, and
24 essentially listen to you all.

25 (No public comments.)

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1 MR. FULP: Well, okay, we've got plenty
2 of time. Don't feel pressured.

3 MS. YODER: If you didn't want to speak
4 right now, you can express whatever comments you have
5 to us in writing. And again, you can fax those
6 comments to us, e-mail them to us, or if you want to
7 use the good old postal mail, you can do those as
8 well. And again, the close of the comment period is
9 April 30th, so we're hoping to hear from everyone.

10 We put a lot of effort into the
11 document and putting it out there for your
12 consideration and we're sure that you will have a lot
13 of things to share with us as a result. And that is
14 the end of our presentation tonight.

15 So we thank you all for being here and
16 if there is any other questions, we will be staying
17 here through 9:00, should anyone show up late after
18 having done their civic duty and voted, okay. Thank
19 you very much.

20 (The floor remained open for public
21 comment until 9:00 p.m., whereupon the proceedings
22 concluded.)
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Public Hearing – April 4, 2007
Phoenix Airport Marriott, Phoenix, Arizona

COLORADO RIVER INTERIM GUIDELINES FOR LOWER BASIN SHORTAGES
AND COORDINATED OPERATIONS FOR LAKE POWELL AND LAKE MEAD

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KEY ASPECTS OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC MEETING

Q&A SESSION

Phoenix, Arizona
April 4, 2007
6:17 p.m.

REPORTED BY:
RABIN MONROE, RMR, CR
CERTIFIED REPORTER
CR #50653

PREPARED FOR:
BUREAU OF RECLAMATION

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PUBLIC MEETING

BE IT REMEMBERED that the Public Meeting was taken before RABIN' MONROE, RMR, CRR, Certified Reporter #50653, in and for the County of Maricopa, State of Arizona, on Wednesday, April 4, 2007, commencing at 6:17 p.m., at the PHOENIX AIRPORT MARRIOTT, 1101 North 44th Street, Buckhorn Room, Phoenix, Arizona.

A P P E A R A N C E S

BUREAU OF RECLAMATION:

- TERRY FULP
- NAN YODER
- ROBERT ZOBIA
- GREGG ROY
- JAYNE HARKINS
- CAROL ERWIN
- AMBER CUNNINGHAM

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P R O C E E D I N G S

(Presentation by Terry Fulp.)

TERRY FULP: If there's any other questions, we'd be glad to answer them, and if not, we're gonna turn it over to see if you have any formal comments.

Yes, sir.

PLACIDO DOS SANTOS: Saw that there was consultation with Mexico.

TERRY FULP: Yeah.

PLACIDO DOS SANTOS: And I was wondering if the results of that consultation -- consultation are public. Can we learn what they said?

TERRY FULP: They -- certainly we can provide the materials we presented. In terms of their comments, they also have been asked to submit formal comments. Those will obviously be published and everyone can see those. But at this point we've not planned to make these meetings, what's been discussed, exactly available. We can make our materials available to you, sir.

NAN YODER: Can you --

TERRY FULP: I'm sorry. Could we have your name?

PLACIDO DOS SANTOS: I'm sorry. I'm Placido dos Santos with the Arizona Water Institute.

TERRY FULP: Yeah, that's a very good question.

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1 Might -- if you don't mind, I might just try to explain
2 something there, make sure it's very clear to us.

3 This is a U.S.-only action. The Secretary of the
4 Interior is only adopting these -- this proposed action
5 would only adopt it for U.S. users. It would not extend to
6 Mexico.

7 Now, in the draft EIS we made some modeling
8 assumptions with regard to how Mexico might share in
9 shortages, but that's essentially what they are, is
10 assumptions, modeling assumptions. We've certainly in our
11 consultations with Mexico explained that to them, explained
12 what we've assumed, you know, and explained all the stuff
13 we've talked to you about -- about tonight.

14 But the point I really want to make sure is clear
15 is there's a separate, parallel process through the State
16 Department and the International Boundary of Water
17 Commission that is dealing with how Mexico might in fact
18 incur water reductions under the treaty. It's not -- would
19 not be done in this process.

20 Does that make -- if that makes sense.

21 Any other questions?

22 ROBERT S. LYNCH: There are, however, assumptions
23 in the Seven Basin States Alternative with regard to
24 shortage-sharing by Mexico.

25 TERRY FULP: That's correct. And we, by the way,

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1 adopted those assumptions for this model.

2 Now, the key I want to make sure and state there
3 is those assumptions are consistent through all the
4 alternatives. We aren't changing between alternatives these
5 assumptions on how shortages will be shared.

6 So we -- again, because we're not doing that
7 analysis in this process, but ...

8 NAN YODER: And your name?

9 ROBERT S. LYNCH: I'm Bob Lynch. I'm an attorney
10 here in Phoenix, and among others I represent the Irrigation
11 and Electrical District Association of Arizona.

12 TERRY FULP: Great.

13 ROBERT S. LYNCH: I had a follow-up.

14 I've only had a chance to go through the executive
15 summary so far, but somewhere in the document do you explain
16 the differentiation among surpluses? There are four
17 surpluses on the river.

18 TERRY FULP: Yes.

19 ROBERT S. LYNCH: There's gonna be California,
20 Interim Surplus, RofA, and Treaty. And they use the same
21 word, but they use them in different contexts.

22 TERRY FULP: Yes, they do.

23 ROBERT S. LYNCH: And it can be very confusing.
24 I'm just wondering if -- if that sorting-out process is in
25 chapter two.

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1 TERRY FULP: It's not in two. It's sorted -- I
2 mean, there's some preliminary materials in one, chapter
3 one, introduction that addresses some of that, albeit maybe
4 not exactly to the detail you -- you propose there.

5 But in chapter four in the Water Delivery section,
6 we do look at the different types of surpluses, the
7 probability of them occurring, and try to make that
8 distinction particularly with regard to the idea of surplus
9 for the Treaty.

10 But again, we'd certainly accept any comment if --
11 if you thought that ought to be even made more clear. But
12 we've attempted to.

13 ROBERT S. LYNCH: Are there in these A1 -- in the
14 substantive alternatives are there off-ramps?

15 TERRY FULP: Off-ramps meaning if it didn't work
16 out there's --

17 ROBERT S. LYNCH: Well, you start -- the nice
18 thing about the annual operating plan is every year you're
19 taking another look at where you are and -- with updated
20 data.

21 You lock into some assumptions in 2008 for a
22 19-year period, you get four or five years down the road
23 this isn't working, what's the mechanism -- do you have to
24 go back through the same process? Is there an off-ramp? Is
25 there a t- -- is there a default position like going back to

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1 the AOP and -- and bagging this whole thing?

2 TERRY FULP: Yeah ...

3 ROBERT S. LYNCH: Is that -- is that cranked into
4 any of these alternatives?

5 TERRY FULP: It's not at this point.

6 A couple things to say there. I think the answer
7 to one of your questions, what would we have to do. Yes, if
8 we wanted to implement other guidelines, we'd have to go
9 back through a similar type of process.

10 I believe we're -- when that'll come out would
11 really be in the development of the guidelines. That would
12 be where that discussion would happen.

13 I'll look at any of my project team to -- to chime
14 in there if you think it's somewhat different.

15 But when we develop those guidelines, that's where
16 we would discuss that; are there off-ramps. If so, what are
17 they, how they work.

18 That allows me to stand on the thing that I've
19 probably forgotten, and that is we plan to publish some
20 draft guidelines in the final EIS so at least you can see
21 what -- what we're thinking before we go -- get all the way
22 to the record of decision.

23 Did that answer that?

24 NAN YODER: We actually --

25 TERRY FULP: I think he had his hand up first.

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1 Sam?

2 SAM SPILLER: Sam Spiller, U.S. Fish and Wildlife
3 Service, Phoenix.

4 Could you discuss further, Terry, in regard to
5 just -- just what the parameters are regarding how Mexico
6 would share? That was mentioned earlier that they -- to use
7 the Basin States Alternative in regard to how they recommend
8 it?

9 TERRY FULP: Yes.

10 SAM SPILLER: Can you define more --

11 TERRY FULP: What it is? You bet.

12 These assumptions, again, are consistent between
13 all the five alternatives. What it basically does is come
14 up with a fixed percentage for each of the entities that
15 would share in the shortages. Now, that's essentially the
16 concept.

17 The way we came up with the numbers, or that this
18 proposal came up with the numbers, is a ratio of the
19 entities' apportioned value to the total delivery
20 apportioned value.

21 Give you an example. Mexico, 1.5 million
22 acre-feet is their allotment, and the total in the Lower
23 Basin States plus Mexico is nine million acre-feet. So in
24 the numerator is 1.5, the denominator is 9, and that equals
25 16.7 percent.

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1 If you substitute Nevada in the numerator, that's
2 a 300,000 over 9 million, that ends up being 3.3 percent.
3 And finally in -- Arizona is assumed to take the rest.

4 It's the -- that's essentially what you were
5 asking, Sam; is that right?

6 SAM SPILLER: (Inaudible response.)

7 TERRY FULP: Yeah. So the Mexico percentage
8 doesn't change no matter how big the shortage gets. It
9 turns out Nevada's percentage doesn't change no matter how
10 large the shortage gets.

11 But Arizona's is a little different, and it's a
12 little complicated, but the idea really is it -- the break
13 point is once all of Arizona's fourth priority has been
14 reduced to zero, there's a shift of the percentages, because
15 California now would come in under these assumptions and
16 start to share somewhat in the shortages.

17 So I know that's a little complicated. It's
18 listed in Appendix G. Is that right? Appendix G if you're
19 interested, in the front part of it, we explain those
20 shortage-sharing assumptions that have been made in more
21 detail. But I hope I addressed your question.

22 NAN YODER: You'll also find it in Chapter 4.3.

23 TERRY FULP: Yeah, probably is there, too, isn't
24 it? Okay.

25 VAL DANOS: Val Danos with AMWUA.

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1 I'm -- I'm a little confused. You spoke -- you
2 answered one of Bob's questions at the end you were talking
3 draft guidelines in the final EIS. I may be a little slow,
4 but wasn't the purpose of this EIS process to evaluate
5 guidelines for operation of the river under low-flow
6 conditions and the operation of the reservoirs so --

7 TERRY FULP: Yeah --

8 VAL DANOS: -- so what new guidelines -- I mean,
9 are we talking about different guidelines here or --

10 TERRY FULP: No. I didn't make it very clear.
11 Let me try again with you.

12 The -- this draft makes these key -- as I
13 mentioned, these key elements, and we're looking at the
14 differences of what the impacts would be if you determine
15 Lake Powell release, for instance, in a certain way. Right?
16 Similarly if you declare shortages in a certain way. That's
17 what we mean, and that's what this is evaluating.

18 Now, when we talk about the actual guidelines,
19 what I meant to say there were things, like Bob mentioned,
20 about off-ramps. Well, the modeling doesn't know anything
21 about that. This draft doesn't go as far as to say, "Hey,
22 what if by 2010 you wanted to do something different?"

23 That would be done when you implement actually the
24 record of decision and say:

25 "Here's how the guidelines will work. Here's

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1 exactly how this prescribed element that we
2 just -- have just mentioned on Powell's release
3 and how that gets determined. Here's how it would
4 exactly work in practice."

5 So it's the same concept; it's just you gotta get
6 it down finally to say, "Here's exactly how it works."

7 Let me give you an example. Maybe that helps that
8 again. I know this is not very straightforward.

9 Lake Mead's operated on a calendar-year basis.
10 And similar if we had dropped it something similar to the
11 way the surplus guidelines works, you're doing your annual
12 operating plan in the fall of the year, ready to go at the
13 start of January.

14 Well, you don't want to wait till January to see
15 where Mead is, because your users need to know what their
16 water deliveries are going to be; right?

17 So you could say in the guidelines, "In August
18 we'll run our midterm operational model, project where Mead
19 will be on January 1st, and that come -- gets compared to
20 those trigger elevations." That's the guidelines.

21 The how it actually works is what we're talking
22 about, those nitty-gritty details that this level of
23 analysis doesn't need to know about and would only make it
24 even more cumbersome. But that's what we mean by the
25 guidelines.

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1 Did that help any, sir?

2 VAL DANOS: Yes.

3 TERRY FULP: Yeah, sorry, it's ... I -- I know
4 that's a bit confusing.

5 Bob.

6 ROBERT S. LYNCH: When you get to the details, are
7 these the kinds of things that are gonna be sorted out in
8 the AOP process? Are we -- I mean, once you've established
9 the shortage criteria, we have surplus criteria, we have
10 interim surplus criteria, all of that affects what we
11 discuss at the end of the operating plan.

12 Should we assume, then, that once this process is
13 set and these criteria are in place that a lot of that
14 dialogue will be occurring in that same fashion?

15 TERRY FULP: Yeah, I think that dialogue will
16 still occur, to -- to answer your straightforward question,
17 but if we -- and again, we haven't written these guidelines
18 yet, so --

19 ROBERT S. LYNCH: Yeah.

20 TERRY FULP: I'm just supposing what they might
21 look like.

22 But much as our domestic surpluses are determined
23 now by this projected January 1st elevation, that's how --
24 what we run and show you in August, and we say, "If
25 Lake Powell is above 1125 or below 1125, it's a normal

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1 condition."

2 Well, a similar type of guideline could be put in
3 place here that said, "Hey, if Lake Mead on January 1st at
4 or below 1075, there will be a shortage of X thousand
5 acre-feet."

6 We'd still have the dialogue, of course, because
7 it's an interactive process, but it would be more
8 prescriptive of applying the methodology that the guidelines
9 might outline.

10 Did that help?

11 ROBERT S. LYNCH: Yeah. I -- yeah, we've got
12 stops --

13 TERRY FULP: Yeah.

14 ROBERT S. LYNCH: -- and we talk about 'em, but
15 the stops would be automatic.

16 TERRY FULP: Yeah. Yeah. Yeah.

17 Yes.

18 GARY PARKER: Gary Parker with the Gila River
19 Indian Irrigation and Drainage District.

20 When you identified the different alternatives and
21 that you're going to after this comment period possibly
22 select parts of any or all of them, are you then going to
23 publish as part of the final EIS the model with those
24 modifications and all of those scenarios that go with that
25 final?

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1 TERRY FULP: Certainly.

2 GARY PARKER: And that's going to be open for
3 public comment?

4 TERRY FULP: It would be open for comment, but
5 most likely we wouldn't have a set-aside comment period.
6 Point is we've got a pretty rapid turnaround there to get a
7 record of decision, and we certainly will take comments all
8 along the way, but particularly during that period of time.

9 NAN YODER: If I could just clarify. Certainly
10 when we notice availability of the final EIS there will be a
11 30-day comment period on that final document as is
12 prescribed for all of the NEPA documents. So that will be
13 available.

14 TERRY FULP: Thank you, Nan.

15 GARY PARKER: Could I ask a follow-up to that?

16 TERRY FULP: You bet. Sure.

17 GARY PARKER: If you have -- if you have that
18 final alternative, the preferred alternative, and you go
19 through that, are you also going to have the policy that
20 goes with it at that time? Because --

21 TERRY FULP: Like the guidelines we were just
22 talking about?

23 GARY PARKER: Right.

24 TERRY FULP: Yes. That's the goal --

25 GARY PARKER: They will be done?

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1 TERRY FULP: -- is we will have draft guidelines
2 published in that final Environmental Impact Statement, yes.

3 GARY PARKER: Okay.

4 TERRY FULP: Very good question. Thank you.
5 Thanks, Nan.

6 Yes.

7 ROBERT S. LYNCH: Yeah, to clarify a little more,
8 you're gonna come out with the final EIS that'll have the
9 criteria -- and those are, shall we say, automatic stops,
10 elevation, certain things happen -- and draft guidelines.

11 How -- what process do you then envision using to
12 finalize the guidelines related to the criteria?

13 TERRY FULP: Well, again, based on the comments we
14 receive and the things we've heard, we would go through the
15 Department and we would finalize those guidelines in
16 anticipation to publish the record of decision, and I think
17 our goal would be we publish the final guidelines in the
18 decision. And the record of decision would essentially be
19 guidelines plus the other associated information that should
20 be disclosed at that time. And again, that's targeted for
21 December.

22 Okay. Any other questions? They were all very
23 good questions.

24 Well, with that, I think we'll --

25 VIKKI DEE BRADSHAW: I have one question. I'm

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1 sorry.

2 TERRY FULP: No, not a problem.

3 VIKKI DEE BRADSHAW: Dee Bradshaw, Imperial
4 Irrigation District.

5 In the context of the Conservation Before Shortage
6 Alternative, since it is willing conservation, I assume that
7 there will be other areas that would be impacted other than
8 just, you know, Metropolitan Service Area and Southern
9 Nevada Water Authority Service Area.

10 How would you handle with that -- I mean, if that
11 is -- some element of that is part of the preferred
12 alternative, that would mean that the impacts would clearly
13 be addressed for maybe air quality or socioeconomics or
14 something of that nature.

15 TERRY FULP: That's a very good question. Because
16 we don't know who may want to participate in such a
17 voluntary program, it's very difficult to analyze impacts
18 today, and so we have I hope made it fairly clear in the
19 draft that we weren't able to do that. What we were looking
20 at are the impacts to the river corridor of this kind of --
21 of mechanism.

22 And what we'd anticipate is whenever in the future
23 willing sellers or leasers of water come forward and say,
24 "Hey, I want to conserve water and put it in Lake Mead,"
25 then whatever analyses we need to do at that time would get

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1 done at that time.

2 And could be a State process more, as you are very
3 familiar with, and it could be very straightforward
4 depending on what the activity is. So we just can't predict
5 them, and so we -- we chose to -- to not try to analyze what
6 we couldn't forecast or even somewhat anticipate.

7 ROBERT S. LYNCH: Is part of the answer to her
8 question that to the extent that you create for short-end
9 purposes a market mechanism is then executed by nonfederal
10 entities, there is no federal action to analyze?

11 TERRY FULP: That's -- could certainly be the
12 case. Again, our goal here is to achieve our environmental
13 compliance for allowing the water to move around in the
14 system, to be put in Mead, taken out of Mead, and
15 corresponding reductions and increases in river flows and
16 any associated impacts of that.

17 And that really is our part in this action, is to
18 allow that to happen. And as Bob said, whatever's
19 appropriately needs to be done with at the time of the
20 activity is proposed, that's what we would have to happen.
21 Could very well be not the feds doing it.

22 Anything to add back there? Okay.

23 I have to look to the environmental compliance
24 folks here to be sure --

25 MITCH HAWS: Terry, Mitch Haws with the Bureau of

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1 Reclamation in the Phoenix area office.

2 I was asked by one of our local partners here:
3 Are you planning to give one of these meetings in
4 California? Or is there a reason why California's not on
5 the fact sheet?

6 TERRY FULP: We are not -- yeah, we are not
7 planning to. We didn't just over -- omit it by mistake.
8 The idea really was that from the perspective of these
9 critical elements and what we know about them -- and again,
10 saying that we don't know much about what a mechanism
11 might -- how it might want to be used, particularly with
12 regard to shortage -- the risk of California of sharing in
13 shortages is fairly -- is fairly low. Pretty low.

14 And again, due to the '68 Basin Project Act that
15 deemed essentially the fourth priority post-1968 water
16 rights in Arizona to be subservient to California
17 4.4 million acre-feet.

18 So given that, we felt that we could touch most
19 everyone that needs to through either this outreach and/or
20 through other meetings. And I think we're gonna be
21 successful doing that. At least we feel like -- for
22 instance, I'll be honest, some of the California agencies
23 have asked us to come out this month, and we -- IID's one,
24 in fact. And so we'll go there and deal with it that way.

25 Great. Any other -- any other questions?

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1 Yes.

2 VAL DANOS: What's the nature of these meetings in
3 California? Are they hearings or --

4 TERRY FULP: No, not at all. It's a request from
5 an agency for information, so -- and so we'll -- we'll do
6 that. We try to meet all the requests we get, so ...

7 They are not public hearings. They're just
8 requests for either additional information or some dialogue
9 in terms of explaining what the analysis is.

10 Okay. If that's the case, then we'll turn it back
11 over to you, and ask you if anyone would like to make a
12 public comment, please -- please do so.

13 NAN YODER: Okay. I have one.

14 Was anyone else going to be brave?

15 Okay. Well, then the spotlight is for
16 John Weisheit. And if you would like to get up and give us
17 your comment, we'd appreciate it.

18 JOHN WEISHEIT: My name is John Weisheit. I am
19 the conservation director of Living Rivers. Our base is in
20 Moab, Utah. I'm also a Colorado River Keeper, which has an
21 affiliation of an international organization called the
22 Water Keeper Alliance. As background, we submitted comments
23 as an organization during scoping called the One Dam
24 Solution, and it is a dam-decommissioning alternative to
25 decommission Glen Canyon Dam.

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1 The reason is to save water through the loss of
2 evaporation because of its existence, to also reduce
3 salinity in the Colorado River, and also to take care of the
4 environmental problems that are being -- that are occurring
5 in Grand Canyon National Park as the result of the
6 operations of Glen Canyon Dam.

7 This alternative was not -- was rejected in this
8 EIS. There is a -- a ban, congressional rider, against
9 federal funds being used to study -- to decommissioning of
10 Glen Canyon Dam, and that is why it was not considered as an
11 alternative.

12 I did bring some copies of our document. It's
13 outside the door on a chair on the right as you're leaving
14 if you care to look at it. I have extra copies in my
15 backpack, too, in case we run out.

16 These are my comments.

17 Models are only as valuable as the inputs they
18 receive. While the sophistication and effort put into these
19 projections are unprecedented and well-appreciated, the
20 models' inputs, however, fail to provide the public the
21 results necessary from which to make an informed decision as
22 to merits of any of the proposed alternatives.

23 Garbage in, garbage out, as they say, but this
24 garbage is so well masked that the people of the Colorado
25 River Basin are being asked to put the rubber stamp on a

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1 Katrina in the making. Those levees in New Orleans did not
2 hold, nor will the assumptions painted on what otherwise is
3 probably a very valuable model.

4 Scientists have been in agreement for decades that
5 the Colorado River flows through the past century were among
6 the wettest in 1200 years. Scientists are also in agreement
7 that the Colorado River Basin in modern times has warmed
8 upwards to two degrees during this period, and the trend is
9 expected to continue, compromising streamflows upwards of 20
10 percent in the next 50 years.

11 We're now in the longest drought in recorded
12 history. Things are changing all over the Basin, but not at
13 the Bureau of Reclamation.

14 The results produced by their inflated inputs are
15 based on historical streamflows that, while useful, in and
16 of themselves must not alone be used to gauge future runoff.

17 Failing to account for a more long-term historical
18 view of streamflow coupled with the climate change we are
19 already experiencing is tremendously misleading to the
20 public when developing shortage strategies.

21 Even under Reclamation's inflated scenario, this
22 system is headed for an imbalance of water use, namely an
23 oversupply of 400,000 acre-feet annually in the next 50
24 years. Corrected for a more accurate presentation --
25 representation of historical streamflow, this increases to

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1 1.1 million-acre-feet.

2 But most importantly, we must begin to accept the
3 reality of climate change. Anyone can notice how the
4 reservoirs are dropping. A ten percent reduction on
5 long-term flow estimates show an annual deficit right now of
6 1.1 million acre-feet rising to 2.8 million acre-feet by
7 2060.

8 Adjust this to 20 percent, as an increasing number
9 of scientists are recommending, and we're looking at a
10 2.6 million -- million acre-feet deficit now, and nearly
11 4 million acre-feet in 50 years.

12 We're at ground zero tonight. Phoenix, Chandler,
13 Tucson are not going to be protected by token changes in
14 reservoir operations or even its ground-water banking
15 Arizona is first in line for cuts, and there is no plan or
16 how -- for how the state will survive if the rosy inputs put
17 into this model evaporate away as Lakes Powell and Mead drop
18 lower and lower.

19 The public is quite fortunate that the National
20 Research Council has completed its recent Colorado River
21 Report at this time. It reiterates the warnings that have
22 yet found their way into the assumptions used by this model.
23 We certainly hope these changes in the final EIS will
24 present a more realistic view of what the future may hold.

25 And the public would also benefit from a more

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1 comprehensive presentation of what the real benefits are to
2 these minimal dam operational changes it is being asked to
3 support.

4 Chart 4.3, dash, 26 and 27 illustrate that a
5 significant amount of water savings, at least in terms of
6 increased levels for Lake Mead, occur not because of new
7 operating plans that are the focus of these documents, but
8 the results of anticipated but as yet mostly undetermined
9 water-conservation activities.

10 It's already clear in looking at the plotted data
11 represented from the 50th percentile the net volume of
12 stored water in Lake Powell and Mead is greater under the No
13 Action Alternative than what the Basin States -- States hope
14 to implement.

15 Reclamation must present a comparable analysis of
16 strictly the reservoir-operation component of the Basin
17 States Alternative, not volumes of studies and charts based
18 on undefined activities that may be exaggerating these
19 limited benefits.

20 There is no question that the objective of this
21 DEIS is critical or that valuable work has not gone into
22 developing the model, but the public is anxiously awaiting
23 some assurances that the water managers they rely on will
24 develop a real strategy to guide us through what looks to be
25 a very parched future ahead.

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1 Unfortunately, Reclamation is still hoping history
2 repeats itself and high flows will bail us out as demand
3 continues to grow and temperatures continue to rise. But
4 we're already at the end of what the river has historically
5 provided.

6 There's no water left, and climate change is
7 taking what their -- what's there back. It's time for
8 Reclamation to admit this and get on with the real task
9 ahead: Developing a solution for managing the system headed
10 for failure.

11 Thank you.

12 NAN YODER: John, thank you for your comment.

13 Is there anyone else? No?

14 Okay. All right. So we'll remind you one more
15 time that we're in our public-comment period. It closes
16 April 30th. And we are more than welcome to hear from you
17 tonight or also from here forward to fax or e-mail. And
18 again, your input is valuable to our process. Thank you
19 very much.

20 (Whereupon the presentation was concluded at
21 7:30 p.m.)

22 (Whereupon the public-comment session at this
23 public meeting was concluded at 9:00 p.m.)

24

25

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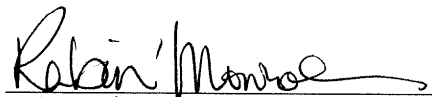
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1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)

4 BE IT KNOWN that the foregoing Public Meeting was
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6 Reporter, No. 50653, in and for the County of Maricopa,
7 State of Arizona; that the proceedings were taken down by me
8 in machine shorthand and thereafter transcribed by
9 computer-aided transcription under my supervision and
10 direction; that the foregoing pages, numbered from 1 to 24,
11 inclusive, constitute a true and accurate excerpt of all the
12 proceedings had upon the taking of said public meeting, all
13 done to the best of my skill and ability.

14 I FURTHER CERTIFY that I am in no way related to
15 any of the parties hereto, nor am I in any way interested in
16 the outcome hereof.

17 DATED in Phoenix, Arizona, this 20th day of April,
18 2007.

19
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21
22 
23 RABIN' MONROE, RMR, CRR
24 CR #50653
25

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4/4/07
Date

JOHN WEISHEIT (WHY-SIGHT)
Name*

PO BOX 466 MOAB UT 84532
Address* Please check this box if you'd like your address withheld from publication

LIVING RIVERS
Organization

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**Public Hearing – April 5, 2007
Hilton Hotel, Salt Lake City, Utah**

1 U.S. DEPARTMENT OF THE INTERIOR
2 BUREAU OF RECLAMATION
3
4

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6 IN RE:
7

8 PUBLIC HEARING ON THE DRAFT EIS,)
9 COLORADO RIVER INTERIM)
10 GUIDELINES FOR LOWER BASIN SHORTAGES)
11 AND COORDINATED OPERATIONS FOR)
12 LAKE POWELL AND LAKE MEAD.)
13)

14 Held at the Hilton Hotel
15 Salt Lake City, Utah
16 April 5, 2007, 6:00 PM
17
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21
22
23
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25

0001

1 APPEARANCES:
2
3 BUREAU OF RECLAMATION STAFF PARTICIPATING:
4
5 AMBER CUNNINGHAM
6 NAN YODER
7 TERRANCE FULP
8
9 Comments and Questions by:
10
11 David Kanzer, Colorado River Water Conservation District
12 Tony Willardson, Western States Water Council
13 V.C. Danos, AMWUA
14 Janice Houston, University of Utah
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0002

1 SALT LAKE CITY, UTAH, APRIL 5, 2007, 6:00 PM
2 (Opening comments by Nan Yoder and Presentation of
3 Project by Terrance Fulp.)
4 MR. KANZER: This might be too specific, but the
5 Drop 2 reservoir, is that an ICS conservation measure?
6 You guys are assuming that it gets built?
7 MR. FULP: That's a good question and it is fairly
8 detailed, I don't mind at all you asking it.
9 MR. KANZER: I'm sorry, my name is David Kanzer,
10 Colorado River Water Conservation District.
11 MR. FULP: Great. All five alternatives,
12 including no action, assume the Drop 2 reservoir is
13 constructed, okay? And so, under no action or other
14 alternatives that have no mechanism, that water that's
15 conserved is just treated as system water. Okay? It
16 just goes into Lake Mead and stays and is available for
17 future delivery as any system water is. Okay? Does that
18 make sense?
19 And then under -- for this particular proposal,
20 the proposal was Nevada would pay for that reservoir and
21 get an equivalent amount of water back and we've modeled
22 that in this mechanism essentially. So, up until, oh,
23 remind me, 250,000 acre feet? 300,000 acre feet was
24 assumed, based on some assumption of the price of the
25 reservoir, would be assumed that Nevada could draw on of

0003

1 the conserved water due to Drop 2. And it's spread out
2 through, I don't know, 10, 12 years, is that about
3 right?

4 MR. KANZER: And that's only in one alternative?

5 MR. FULP: It's actually in three alternatives and
6 we'll get to that. There's three other alternatives
7 that have this mechanism. They all assumed that same
8 participation by Nevada, okay? Did that answer it,
9 Dave?

10 MR. KANZER: Yes.

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1 (Presentation continues.)
2 MR. KANZER: Dave Kanzer, Colorado River Water
3 Conservation District. The CSD service area has got
4 that break in it. Is that the Salt River -- what's the
5 link there?
6 MR. FULP: Well, this is back here, these are some
7 reservations out here. I will not remember who all is
8 sitting here, but we can find out for you.
9 MR. KANZER: Do they get tap water through the
10 Indian settlement?
11 MR. FULP: Right.
12 MR. WILLARDSON: Tony Willardson with Western
13 States Water Council. Can you say if there had been any
14 discussions on the definition of the ICS water, and how
15 that would be monitored? What actions would create ICS
16 water?
17 MR. FULP: Oh, sure, there's been discussions.
18 Absolutely. The states themselves, in their proposal in
19 February that they sent to us that we published in our
20 scoping, proposed some things that they thought were
21 reasonable in terms of creating conserved water.
22 Certainly internally, Interior and Reclamation, we are
23 having discussions as we move forward in the process to
24 figure out how the guidelines might end up being written
25 and what they say with regard to that.

0005

1 MR. WILLARDSON: My understanding is extraordinary
2 conservation methods have to be verifiable.
3 MR. FULP: Verifiability is an important part in
4 our opinion. We usually use the term it needs to be wet
5 water. It needs to really create a benefit and be water
6 that's truly stored and ends up in Mead, you know. But
7 there's certainly -- it's not been settled on completely
8 by any means.
9 MR. KANZER: But the Drop 2 is one?
10 MR. FULP: The Drop 2 system efficiency, the
11 state's termed that, but yes, Drop 2 certainly would be
12 one, too.
13 MR. KANZER: Most obvious and the biggest, right?
14 MR. FULP: Yes. Okay, any other questions?
15 MR. LIND: Gordan Lind, Sierra Club. Which is the
16 environmentally preferred alternative?
17 MR. FULP: We have not identified that either.
18 MR. LIND: In the draft, you will identify one in
19 the final?
20 MR. FULP: We will. Yes, we will. I looked at my
21 NEPA person and she said yes, she absolutely will.
22 Thank you Nan.
23 MR. DANOS: Val Danos of AMWUA. I have one
24 question. What happens between September of 2007 and
25 December of 2007? I mean, it would seem to me that the

0006

1 Record of Decision presumably would be consistent with
2 the final alternative in the final EIS.

3 MR. FULP: That's a good question. We will have
4 the public comment period, as I mentioned, of 30 days.
5 We've built -- this is a little bit of our float that's
6 left, a little bit, not much. There's a little. But
7 then also we'd have to develop the Record of Decision,
8 write it and work through all the details of how the
9 guidelines would work so that we can include those in
10 the Record of Decision. So, we won't, I'm sure, be
11 twiddling our thumbs during that period.

12 MR. DANOS: It's not like you're gonna spend three
13 weeks with spell check.

14 MR. FULP: Not at all. Dave?

15 MR. KANZER: Dave Kanzer, Colorado River District.
16 It's more of a comment. I mean, the way that we're --
17 we do the, what do you call it, the management group,
18 we're always looking one year ahead, right? Now, this
19 year we're doing 2008. So, in fact, we wouldn't
20 implement these guidelines until 2009, correct? And so,
21 are we incorporating any of this stuff into this year's
22 process and do you need to change one of your slides to
23 talk about the guidelines that really start in 2009?

24 MR. FULP: That's a really good question and I
25 think we don't have a firm answer. It's not been

0007

1 obviously decided. But one approach might be that
2 obviously we would develop our 2008 operating plan based
3 on the guidance we have today, and that is not a
4 decision yet. So we know what the guidance is, we have
5 no storage criteria, we know what Powell's release, how
6 it would be determined, right? There would be no
7 storage and delivery mechanism, etcetera, right? One
8 possibility might be, if we're successful and we
9 implement a Record of Decision, as you well know Dave,
10 you've been through this many times, there is a mid year
11 review option in the AOP and we might, in fact if we
12 have guidelines, sit down with the work group and say
13 hey, we think it's appropriate to do review and see if
14 we really need to change this operation based on the
15 current knowledge.

16 And so that might be a possible way to go about
17 it. So I guess to answer your question, no, we weren't
18 willing to put 2009 down on the slide yet. We want to
19 go ahead and see the process through and let us see. If
20 we got into '08 and we have these guidelines in place
21 and it looks like they ought to be applied, it seems to
22 us we ought to apply them. That's one way we could do
23 that.

24 MR. KANZER: So there may be discussion in this
25 year's process which starts next month?

0008

1 MR. FULP: June actually. I can almost guarantee
2 there will be discussion. Yes.

3 MS. HOUSTON: Janice Houston, University of Utah.
4 Just a quick question about water delivery. I see that
5 on the slide. Was there any consideration taken into
6 the modeling of water delivery with the potential
7 project that the State of Utah is kicking around about
8 building of the pipeline from Lake Powell to St. George?

9 MR. FULP: There was not any assumption made with
10 regard to that. Now, what we would point out that we
11 did take the, you know, essentially the depletion
12 schedules that are in the model, and I think you're
13 probably familiar with that, that the Upper Colorado
14 River Commission has supplied. Those are constant
15 through the alternatives and no additional assumptions
16 were made.

17 Anyone else?

18 (BEGINNING OF COMMENT PORTION)

19 MR. WECHSLER: I'm Jim Wechsler, I'm with the
20 Sierra Club Southwest Waters Committee, which is a
21 Regional committee, and we were one of the environmental
22 groups that submitted the conservation before shortage
23 proposal which was originally submitted as a
24 conservation before shortage and then later adapted to
25 the basin states. And I haven't read the DEIS yet. I

0009

1 have been practicing with the Manhattan telephone book,
2 but I haven't read it yet. And so these comments are
3 all taken from somebody else who glanced at Volume I and
4 this managed to arrive in my E-mail this morning and I
5 think it needs some clarification.

6 It's about how the conservation before shortage is
7 represented in this DEIS. One thing that he noticed,
8 and other people have said, is that the term voluntary
9 shortage is quite common. We actually think that -- we
10 didn't think anybody needs practice, and so we think
11 voluntary conservation would probably be a better way to
12 say it. Or as it said in one place, voluntary
13 compensated reductions in water use. As Terry pointed
14 out, compensation is a major feature. And another
15 comment is that the ICS intentionally created surplus
16 under the conservation before shortage proposal, can be
17 assigned to other entities, and they aren't specified.
18 And the other entities that we would -- was in our mind
19 and we thought in our proposal were U.S. agencies, non
20 governmental organizations, Mexican agencies and water
21 users. So for unassigned, read that.

22 And I'm not sure this is correct. But he said
23 that the way he read it was that the federal funding for
24 ICS appeared to be limited to flows that were bypassed
25 to the wetlands of Mexico to the Senega to Santa Clara.

0010

1 If it gives that impression, it's wrong, and I think
2 everybody agrees that would be wrong.
3 And finally, that the ICS has talked about,
4 relative to evaluation before shortage, suggests that
5 all of it is assigned to Mexico. One of the things that
6 the conservation before shortage proposal does is it's
7 saying why not add Mexico to the mix, not just the basin
8 states can create these, through extraordinary
9 conservation events, a intentionally created surplus,
10 but Mexico could as well. The reason for doing that is
11 one, it adds flexibility and two, it does go directly to
12 something we're interested in, which is the Delta area
13 New Mexico. And to give an example of how you could add
14 Mexico into that mix is, for example, southern Nevada is
15 looking for more water. Southern Nevada could fund a
16 project in Mexico that would conserve water. Some of
17 that water would presumably go to Mexico, and Mexico,
18 we've certainly had talks with them about the
19 possibility of using some of their, what amounts to
20 additional water. I mean, this could be lots of things.
21 But for example, taking the most, perhaps most
22 significant asset would be for southern Nevada to say
23 construct a desalinization plant for agricultural runoff
24 in Mexico, give some portion of that water back to
25 Mexico.

0011

1 We would only be happy if we could convince Mexico
2 in putting some of that to environmental uses in Mexico.
3 The other portion would be stored in Lake Mead for
4 southern Nevada's use. So, that that's a way for
5 southern Nevada to gain more water out of the total
6 system. That's one concept there, and that's why we
7 added or suggested adding Mexico to the mix.

8 And those are just things I wanted to point out
9 when you're reading this. Thanks.

10 MS. YODER: Thanks Jim.

11 MR. KANZER: I noticed on the list of areas where
12 hard copies are available, none in western Colorado?
13 I'm wondering whether the western area office could
14 receive a copy?

15 MR. FULP: Absolutely.

16 MR. KANZER: Is this the full list, or what do you
17 have to do to -- or maybe --

18 MR. FULP: We'll make sure they have it, we'll make
19 sure they get a hard copy right away, that's an
20 oversight.

21 (End of questions and comment session.)

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0012

1 STATE OF UTAH)
2
3 COUNTY OF SALT LAKE)
4

5
6 I, Linda J. Smurthwaite, Certified Shorthand
7 Reporter, Registered Professional Reporter, and notary
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14 That the foregoing pages contain a true and
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16 taken.

17 In Witness Whereof, I have subscribed my name this
18 7th day of April, 2007.
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21 LINDA J. SMURTHWAITE
22 CERTIFIED SHORTHAND REPORTER
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0013



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4/5/07
Date

JIM WECHSCER
Name*

Address* Please check this box if you'd like your address withheld from publication

2975 EMERSON AVE.
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