



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 25, 2006

Pat Page
Bureau of Reclamation
Western Colorado Area Office
835 East Second Avenue, Suite 300
Durango, Colorado 81301

Subject: Final Environmental Impact Statement (FEIS) for the Navajo Reservoir Operations
(CEQ# 60157)

Dear Mr. Page:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the document referenced above. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are attached.

The Bureau of Reclamation (Reclamation) is proposing to modify the operation of Navajo Dam to meet Flow Recommendations designed to maintain or improve habitat for the razorback sucker and Colorado pikeminnow. The Flow Recommendations attempt to mimic the natural hydrograph in the San Juan River in terms of magnitude, duration, and frequency of flows downstream from Farmington, New Mexico. The Recommendations would allow water development to proceed consistent with the Endangered Species Act (ESA) and other applicable laws. EPA is supportive of the effort to mimic the San Juan River natural hydrograph for the benefit of native endangered fish species and restoration of the river habitat while also meeting authorized project purposes for the Navajo Unit.

However, we have continuing concerns regarding the project's impacts to water quality and monitoring and mitigation measures. We encourage Reclamation to implement measures to improve water management flexibility and finalize commitments on mitigation and adaptive management plans. Due to the numerous water supply demands being made on the already constrained San Juan River Basin supply, all available tools, such as water management

techniques and institutional mechanisms, for enhancing water management flexibility and reliability should be evaluated for use.

We appreciate the opportunity to review this FEIS. Please send two copies of the Record of Decision to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions or wish to discuss our comments, please call me at (415) 972-3988 or Summer Allen, of my staff, at (415) 972-3847 or allen.summer@epa.gov.

Sincerely,

/S/
Duane James, Manager
Environmental Review Office

Main ID # 4041

Enclosure: Detailed Comments

cc: Stanley Pollock, Navajo Nation
US Fish and Wildlife Service
New Mexico Department of Game and Fish
New Mexico Department of the Environment
Bill Miller, San Juan River Basin Recovery Implementation Program

Water Quality

EPA continues to be concerned with the potential for increased exceedences of water quality standards. In particular, several reaches of the San Juan River are on the Clean Water Act Section 303(d) list (FEIS, p. III-99) and the proposed project will result in low flows which will further exacerbate this degraded water quality condition. While the document notes that Reclamation will work with the New Mexico Department of Environment to address Total Maximum Daily Loads (TMDLs) (Response to Comments, CA5-4), Reclamation notes that they have no authority over water pollutants or programs and there is no further information regarding additional mitigation to protect water quality.

As we noted in our December 4, 2002 comments on the DEIS, one method of reducing adverse water quality effects of low flows is to increase water management flexibility through greater water use efficiencies. In our comments, we listed possible options, including irrigation methods, recycling, conservation, institutional changes, and cropping changes. In the Response to Comments, Reclamation has noted that some water use efficiency mechanisms are currently being implemented. However, there is no further discussion on the methods being implemented or the potential for application of additional methods. Response to Comments #11 also states that there is flexibility in reservoir releases because all of the committed water is not being utilized (Vol. III, p. 14). However, there is no supporting information for this statement, such as the history of supply and demand in the area.

The facility most affected by the proposed change in San Juan River flows would be the Bloomfield wastewater treatment facility. The FEIS notes that a revised river low-flow condition could result in the need to amend the Bloomfield permit conditions to assure that in-stream water quality requirements are attained. It also notes that improvements to the plant, by the City of Bloomfield, are planned in anticipation of stricter New Mexico water quality standards (Vol. I, p.III-101). However, there is no information on the management techniques that will be used to identify changes needed for the Bloomfield permit conditions or the types of improvements proposed for the plant.

Recommendations:

As Reclamation's action will be directly affecting flows and therefore, water quality, we continue to urge Reclamation to work with other Federal, Tribal, and State agencies, and the San Juan River Basin Recovery Implementation Program to aggressively address the degraded water quality conditions. Improving existing water quality will help maintain and enhance beneficial uses.

The Record of Decision (ROD) should discuss further commitments to increasing flexibility for water use in the area and any additional mitigation measures that will be taken to avoid adverse water quality impacts.

Information regarding the monitoring and management techniques that will be used to recommend changes to the Bloomsfield permit conditions should be included in the ROD. Any planned changes to the plant should also be summarized in the ROD.

Mitigation and Adaptive Management

In our comments on the DEIS, EPA recommended a Memorandum of Agreement (MOA) or other mechanism be put in place that administers and protects the environmental water released from Navajo Reservoir given the increasing competition for San Juan River water. However, while the DEIS stated that Reclamation was evaluating the need for an MOA (p. 2-11), there is no additional information included in the FEIS regarding the MOA or another mechanism for protection of environmental water. This should be clarified in the ROD.

The Response to Comments also notes that more information is included in the FEIS regarding the Adaptive Management Plan for the area, but EPA has not been able to locate that information. Without a detailed monitoring or adaptive management plan, we are concerned that the adaptive management process may not be effectively implemented.

The FEIS notes that “the action would have adverse impacts on...the trout fishery, recreation, water quality, and some riparian resources” (p. IV-3). However, “Reclamation has not included the specific wildlife mitigation measures recommended by the Service in the Fish and Wildlife Coordination Act Report or by New Mexico Department of Fish and Game” (p. IV-3).

Recommendation:

While we understand the need for all parties benefiting from the alternative to share in mitigation funding and implementation, EPA continues to urge Reclamation to take a leadership role in the development of a detailed mitigation plan which identifies mitigation measures, funding sources, and implementation responsibility.

We recommend the ROD provide a detailed monitoring and adaptive management plan. We recommend the ROD document how adaptive management will address indirect and cumulative impacts to the San Juan River system and its beneficial uses. In particular, it should be able to respond to the potential loss of sensitive species habitat from induced growth or conversion to agricultural land and higher pollutant loads to the river from irrigation return flows in a timely manner and adjust management goals to mitigate these impacts.

We recommend the Fish and Wildlife Service’s recommendations be included as part of the ROD.