



Office of the Attorney General

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Deputy Attorney General
Thomas J. Davidson

April 5, 2002

Mr. Robert W. Johnson
Regional Director
Lower Colorado Regional Office
U.S. Bureau of Reclamation
P.O. Box 61470
Boulder City, Nevada 89006-1470

Re: Five-Year Review of the 1970 Criteria for Coordinated Long Range Operation of Colorado River Reservoirs

Dear Bob:

This letter is sent in response to the January 15 and March 6, 2002 *Federal Register* notices associated with the five-year review of the Coordinated Long Range Operating Criteria for the Colorado River Reservoirs (CLROC). We also wish to acknowledge Jayne Harkins' Memorandum of March 7, 2002 advising of the extension of the comment period deadline. We appreciate the opportunity to provide comments at this juncture during the CLROC review process. We apologize that this letter is a few days late, but trust that you will read it and to the extent allowable, include same in the same category as other comments received by the March 29, 2002 deadline. As Wyoming's Commissioner to the Upper Colorado River Commission and as the Governor's representative on Colorado River matters, it is my responsibility to advise you of the State's views concerning Colorado River issues such as these.

As you are most certainly aware, Section 602(a) of the Colorado River Basin Project Act (Public Law 90-537) requires criteria for the coordinated long-range operation of the reservoir system and further provides that "... as a result of action operating experience or unforeseen circumstances, the Secretary of the Interior may thereafter modify the criteria to better achieve the purposes specified in Section 602(a) ..." Further, within the CLROC is the specific directive that the "... Secretary will sponsor a formal review of the Operating Criteria at least every 5 years, with participation by State representatives as each Governor may designate and such other parties and agencies as the Secretary may deem appropriate."

Mr. Robert W. Johnson
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Looking back over the period since the Secretary advised Governor Geringer, through his letter of February 18, 1998, that the prior review had been concluded and that the decision had been made that the Operating Criteria would not be changed at that time, we note with pleasure that much favorable action has taken place in the Colorado River Basin. In particular, we note the adoption and implementation of the Colorado River Interim Surplus Guidelines on January 16, 2001 (as noticed in the *Federal Register* on January 25, 2002 (Vol. 66, No. 17, Thursday, January 25, 2001, commencing on page 7772: "... on the proposed adoption of specific criteria under which surplus water conditions will be determined in the Lower Colorado River Basin during the next 15 years. We are now notifying the public that the Secretary of the Interior signed the Record of Decision (ROD) on January 16, 2001 ...").

It is the intent, we believe, of the Department of the Interior and the seven Colorado River Basin States that the management and operation of the Colorado River reservoirs are therefore well defined through the ending date of the interim surplus guidelines, that is, through the end of 2016. It is our conclusion that there is no need to revise or modify the CLROC at this time and that the result of this current, recently initiated five-year review of the CLROC should be the same.

Changing the Long-Range Operating Criteria at this present juncture is neither necessary nor acceptable in our view. We greatly appreciate your full consideration of our views concerning these important matters. Should you have any questions concerning our comments, please don't hesitate to contact me, Patrick Tyrrell or John Shields of the Wyoming State Engineer's Office. Thank you.

With best regards,



Thomas J. Davidson
Wyoming Commissioner
Upper Colorado River Commission

TJD/jws

cc: Governor Jim Geringer
Patrick T. Tyrrell, State Engineer
Seven Colorado River Basin State Representatives
Wayne Cook, Executive Director, Upper Colorado River Commission

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State Engineer's Office

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JIM GERINGER
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STATE ENGINEER

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April 5, 2002

WYOMING STATE ENGINEER'S OFFICE FACSIMILE COVER SHEET

The following document is being sent to you via fax and consists of 2 pages plus this telecopy cover sheet. It has been faxed to you at your fax machine phone number of (702) 293-8614.

Please deliver to: Robert Johnson, Regional Director
Lower Colorado Regional Office
U.S.D.I, Bureau of Reclamation
P.O. Box 61470, Boulder City, NV 89006-1470

Bob: Enclosed are the State of Wyoming's comments submitted as part of the ongoing 5-Year Review of the Coordinated Long Range Operating Criteria, as per the *Federal Register* notice of public comment period, for your consideration. Please feel free to contact me if you have any questions whatsoever. Thank you. With best regards, *John Shields*

The sender is: John W. Shields, Interstate Streams Engineer
Wyoming State Engineer's Office
Herschler Bldg., 4-E, Cheyenne, WY 82002

If you have questions about the material faxed to you, please contact: John W. Shields at phone (307) 777-6151. Our facsimile machine telephone number is (307) 777-5451; the confirmation number for this machine is (307) 777-7354.

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