

# IRRIGATION & ELECTRICAL DISTRICTS ASSOCIATION OF ARIZONA

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August 8, 2014

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Re: 1024-COLORIV, **Proposed Information Collection (ICR)**, "*Colorado River Total Value Study*," 79 FR 38946-38947, July 9, 2014

Ladies and Gentlemen:

The Irrigation & Electrical Districts' Association of Arizona is a non-profit Arizona association whose 25 members and associate members acquire federal hydropower from the Colorado River through the Western Area Power Administration or, as to the Boulder Canyon Project the Arizona Power Authority. As such, our members and associate members are vitally interested in any activity undertaken by the National Park Service (NPS) that relates to the pending processes under the National Environmental Policy Act (NEPA) for the Long-term Experimental and Management Plan (LTEMP) environmental impact statement (EIS) affecting hydropower generation at Glen Canyon Dam.

You have already received thoughtful and pointed comments from the American Public Power Association, the National Water Resources Association, the Upper Colorado River Commission, the Colorado River Energy Distributors' Association, and the Western Area Power Administration, among others. Uniformly, they lay out the case for extending the comment period for the above NPS proposal for another 60 days. We echo that request.

However, we are concerned that the proposed survey, hidden in obscure documents and not easily available for review by the general public, let alone interested parties, is so fatally flawed as to be beyond salvage. In that regard, we echo suggestions of some others that this entire matter should be rejected as an improper use of public funds for which there is no credible use in the upcoming environmental impact statement analysis.

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Simply put, what the National Park Service is proposing is nothing short of a “push poll”. The questions are deliberately slanted to elicit anti-hydropower opinions. This is such a blatant attempt to provide a skewed public opinion result for use in the EIS that it is, potentially, an illegal use of public funds. There is absolutely no way that this opinion poll could withstand scrutiny in a court of law. No self-respecting public opinion polling firm would give this effort any credence whatsoever. If it is used by NPS as the co-lead in the EIS process, it will create a significant flaw in the EIS process that will be a focus of the litigation that everyone anticipates this NEPA process will generate.

Additionally, this product is so blatantly biased that it violates not one but two provisions in the Council on Environmental Quality regulations. First, it is evidence of a prejudgment bias concerning the alternatives that need to be analyzed in the upcoming EIS on LTEMP. Thus, it contravenes the direction given in 40 C.F.R. Section 1502.2(f). Second, while an agency may solicit appropriate information from the public, no court in the land would consider this appropriate information given the bias so facially evident in the questioning, thus violating 40 C.F.R. Section 1606.6(d).

Were the National Park Service actually concerned about public opinion, it would have proposed that an unbiased professional source be utilized for that purpose. It did not. One can speculate that somehow the agency would retreat to a point of scientific inquiry in this matter. But that is merely speculation. There is little if anything in the NPS proposal to suggest that such a course of action would even be considered by the agency.

Thus, we have to come to the conclusion that the proposal is so fatally flawed that even a 60-day extension of this matter is, while at the very minimum useful, not a course of action likely to achieve a balanced and credible product.

In sum, we would be happy to participate in further dialogue and analysis of this proposal over the next 60 days but we think that the time of the Office of Management and Budget is better spent elsewhere and it should reject this skewed and biased product out of hand now and direct the National Park Service back to its regular duties.

Sincerely,

/s/

Robert S. Lynch  
Counsel and Assistant Secretary/Treasurer

RSL:psr

cc: Jan Brewer, Governor of Arizona  
Jim Ogsbury, Executive Director, Western Governors' Association  
Arizona Congressional Delegation  
American Public Power Association  
National Water Resources Association  
Western Area Power Administration  
Upper Colorado River Commission  
Colorado River Energy Distributors' Association  
IEDA Presidents/Chairmen and Managers