



December 11, 2023

Reclamation 2007 Interim Guidelines SEIS Project Manager.
Upper Colorado Basin Region, 125 South State Street, Suite 8100,
Salt Lake City, Utah 84138

via email: CRinterimops@usbr.gov

RE: Revised Draft SEIS for near-term Colorado River operations

Dear Reclamation 2007 Interim Guidelines SEIS Project Manager:

NRDC submits the following comments on the draft SEIS for near-term Colorado River operations. We are disappointed that the draft SEIS identifies the Lower Colorado Basin states' proposal to add an additional 750k AFY of conservation on top of the existing 2007 agreements and the 2019 Drought Contingency Plan requirements as the preferred US Bureau of Reclamation (USBR) alternative for near-term operations. This is a major change/volume reduction from the previous draft that recommended two 2.083M AFY alternatives. The current recommendations at the existing Lake Mead water level are nearly one million AFY less the previous recommendations. In addition, the preferred alternative is substantially less than the 1.5M AFY proposal made by the six upstream states in the Colorado River Basin. Also, it is important to note NRDC strongly supports alternative analyses covering the original 2-4M AFY range that USBR was recommending prior to the 22-23 precipitation year. The draft SEIS demonstrates that the USBR has chosen to defer major Colorado River operations decisions until the Post-2026 period – a major lost opportunity to provide additional Lake Mead storage volumes and insurance for the 30 million plus people reliant lower Colorado flows during this interim period.

Overview

The current crisis facing the Colorado River system is a major test of the Nation's ability to respond to the effects of climate change that are already upon us. On June 14, 2022, Commissioner Touton publicly alerted the Colorado Basin states of the need to prepare for reductions of 2 to 4 million acre-feet of Colorado River water next year, or as much as 1/3 of the amount of water delivered in a typical year. Sharply declining water levels behind both Hoover Dam and Glen Canyon Dam raised alarms

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about the system's ability to continue to supply water and power, forcing the states to consider what was previously unthinkable.

The writing has been on the wall for some time. It was long known that the Colorado was over-allocated during the interstate compact negotiations of the 1920's, and that both the Basin states and the Bureau of Reclamation ignored this reality for decades. Numerous studies, scientists, and engineers warned that diversions from the Colorado were unsustainable. The last 23 years of unparalleled drought have further demonstrated that the scientific community was correct in their concerns, but even the climate modelers didn't predict that the scope and scale of drought and extreme heat impacts would be so monumental, so quickly.

Ten years ago, the Bureau, in cooperation with the basin states, completed the Colorado River Basin Water Supply and Demand Study. This 2012 report was the first comprehensive effort by state and federal agencies to factor the impacts of climate change into long-term projections for the basin. While many scenarios were evaluated, the trend was clear. A comparison of the median water supply projections against the median water demand projections showed a projected imbalance in supply and demand reaching 3.2M AFY by 2060.

Unfortunately, state leaders and stakeholders do not have 40 years to ponder and process the seismic shift that is now taking place. An opportunity to make the needed 2-4M AFY in cuts through the SEIS process has been effectively deferred until post-2026 operations because of one above-average precipitation year in the Colorado River Basin: a short-sighted approach that will make the post-2026 cuts that much more challenging. In an ideal world, major cuts in water use would be phased in over a decade or more, with accommodations and adjustments made at a manageable pace. But the opportunity for gradual adjustments has passed, and a soft landing for every impacted water user may not be obtainable. Also, there is an urgent need for equitable cuts that involve both agriculture and urban users.

Recommendations for the near-term Colorado River operations SEIS

Add the two 2m AFY scenarios back into the SEIS and seriously consider them for near-term actions

The previous SEIS included extensive analyses of two alternatives that would have resulted in a reduction of just over 2M AFY. The explanation for elimination of these alternatives was inadequate and largely relied on the fact that the Colorado River Basin had an above average precipitation year.

One good precipitation year is not enough to eliminate those two reasonable alternatives. NRDC understands why a three or four million acre-foot per year reduction scenario wasn't included in the SEIS in light of the good year, but the extensive analyses on the 2M AFY alternatives should be retained and seriously considered in USBR's final near-term operations decisions.

As a reminder, the six upper Colorado Basin states made a recommendation for 1.5m AFY reductions just one year ago. The preferred alternative is roughly 500K AFY less in water use reductions than that proposal at the current Lake Mead height of 1,066 feet. Lake Mead, over the first 23 years of the century dropped an astounding 150 feet. USBR's current recommended approach to Lake Mead management is for the 750k AFY reductions from the three Lower Basin states to be added to the 2007 and 2019 DCP reduction requirements with a panic lake level at 1,000 feet above sea level. That's a peak of about 1.875m AFY of water allocations, still below the previous dSEIS's preferred 2.083m AFY scenarios.

Why is 1,000 feet the panic level instead of a much higher Lake Mead level. As a former member of the MWD board, Mark Gold remembers that Met was extremely anxious when water levels dipped below 1,080 feet because Tier 1 reductions were right around the corner. With the current recommendations, it appears as if USBR is ok with Lake Mead levels at 1,000 to 1,025 feet despite the Tier 1, 2 and 3 reductions. And panic only hits below 1025 feet to require actions to develop and implement plans to prevent water levels from ever reaching 1,000 feet. This high-risk approach is only going to make reaching a safe, sustainable Lake Mead level that much harder for post-2026 operations.

Also, USBR must take into account evaporation, leakage and other losses throughout the system to more accurately assess potential impacts and to more equitably and sustainably allocate Colorado River resources. For the Lower Colorado Basin states, the estimated loss to evaporation was approximately 0.8MAF in 2021, a substantial volume that needs to be part of the SEIS alternatives assessments.

Allocation of water management funding through IRA and other federal assistance must be for measures with permanent conservation benefits

Despite the additional time extension to incorporate the Lower Basin states' modest 750K AFY reduction proposal, the SEIS did not include an analysis or recommendations on how to best use the \$4 billion plus in federal funds to reduce Colorado River water consumption in the basin. NRDC strongly recommends that this analysis be added to the SEIS and that USBR and the President Biden administration allocate those resources in a way that will achieve permanent conservation benefits in

an equitable manner. Paying water utilities hundreds of millions of dollars at a cost of \$500-\$750 per acre foot to not use water for irrigation is a failed policy because the benefits are ephemeral, the growers get the financial benefits – not the farmworkers -- compounding the major water subsidy issue at numerous utilities. Many utilities like Palo Verde Irrigation District, Imperial Irrigation District and others are only charging growers \$0 to \$20 an acre-foot respectively, so following programs with short term conservation benefits result in enormous economic benefits for growers that aren't shared with farmworkers that lost jobs due to following.

The SEIS should include an assessment of the volumetric benefits of USBR programmatic improvements including strong application of their authority to regulate unreasonable use of supplies.

All SEIS alternatives' analyses should include more rigorous application of the Bureau's authority under 43 CFR Part 417 to reduce a contractor's water order for delivery from the Lower Colorado River to the amount that ensures the beneficial use of all water so withdrawn. Part 417 specifies that each year's water order shall be evaluated by the Bureau taking into account several specific factors, including a contractor's land classifications, the kinds of crops raised, the type of irrigation systems in use, the condition of distribution facilities, and the operating efficiencies of the water users. Excessive water duty, antiquated distribution systems, promotional water pricing, and injudicious crop selection can all contribute to excessive water use that should no longer be accommodated. The Bureau should identify and enforce best practices for the avoidance of waste by all Lower Colorado contractors. As part of this process, Reclamation should articulate the criteria or standards that will guide its determinations of beneficial use of water, in a form that lends itself to objective application, monitoring, and compliance assurance to eliminate wasteful use. Such savings should be part of the baseline of each action alternative described in the SEIS.

As one example, Reclamation could evaluate a measure limiting deliveries to contractors to allow for no more than median levels of unrecovered system losses. That is, if median system losses for such contractors are currently 10%, but a particular contractor's unrecovered system losses are 20%, Reclamation would reduce deliveries to that contractor by 10%. Such a measure could further encourage best practices and reduce system waste; when paired with federal water efficiency incentives, it could reduce system demands without affecting beneficial uses.

The SEIS should include an analysis of the conservation benefits of water withdrawals conditioned upon the adoption of best practices for water efficiency that are already in use within the Colorado Basin states. Many important policies to promote water efficiency have been developed in the Basin states, but most are not universally applied. A non-exhaustive list that would provide short and long-term benefits include –

- Require removal of non-functional turf grass. (Nevada)
- Incentivize landscape conversion and turf removal statewide. (California, Utah)
- Adopt stronger efficiency standards for plumbing and equipment. (Colorado, California, and Nevada)
- Require urban utilities to report distribution system leakage, and to meet standards for reducing water losses. (California)
- Require all new urban landscapes to be water-efficient. (California)
- Require metering of landscape irrigation turnouts (Utah)
- Ensure that existing buildings are water-efficient when they are sold or leased. (Los Angeles, San Diego)
- Require agricultural water deliveries to be metered and priced at least in part by volume. (California)
- Develop regulations for indirect (IPR) and direct potable reuse (DPR) of recycled water. (California and Colorado for DPR, additional states for IPR). Provide extensive funding for large scale water reuse projects that reduce Colorado River and other potable water demand.

The technologies and practices that save water in urban and agricultural contexts are well known and available today. Reclamation should collate the best practices found within the basin, and complete and include an evaluation of how these measures would reduce Colorado River demand. Such measures alone will not provide the volume of water savings that is needed to protect critical reservoir elevations. Nevertheless, the avoidance of water waste and unnecessary consumption should be the *first* place to look for demand reductions, and these are concepts that should be integral to Colorado River operations going forward.

Conclusion

We strongly urge the President Biden administration to include the 2M AFY conservation program alternatives from the previous dSEIS, to USBR to employ rigorous application of their authority to eliminate unreasonable use of Colorado River water, federal funding eligibility requirements that are based on durable conservation and efficiency outcomes, and just transition opportunities for farm

workers vulnerable to job losses from fallowed fields. Despite one good precipitation year, the need for sustainable management and stewardship of the Colorado River remains extremely urgent.

Thank you for your consideration of these comments.

Sincerely,

Handwritten signature of Edward R. Osann in black ink.

Edward R. Osann
Senior Policy Analyst
Natural Resources Defense Council

Handwritten signature of Mark Gold in black ink.

Mark Gold, D.Env.
Director of Water Scarcity Solutions
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