



SOUTHERN UTE INDIAN TRIBE

December 6, 2023

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

VIA EMAIL: CRinterimops@usbr.gov

Re: Southern Ute Indian Tribe's comments on the Near-Term Colorado River Operations Revised Draft Supplemental Environmental Impact Statement

Dear Ms. Johnson:

The Southern Ute Indian Tribe ("Southern Ute," "Tribe," or "we") submits the following comments in response to the Department of Interior and Bureau of Reclamation's ("Reclamation") *Near-term Colorado River Operations Revised Draft Supplemental Environmental Impact Statement* ("Revised DSEIS") dated October 2023.

The Tribe signed a treaty with the United States in 1868, creating a large reservation in Colorado. Today, the smaller (15 miles wide by 75 miles long) reservation boundaries lie within Southwestern Colorado. Our reservation is in the Upper Basin of the Colorado River Basin. The Tribe, along with the rest of the Upper Basin, has been living with shortages throughout the drought, because we have to live with what Mother Nature provides. We understand that the Colorado River Basin is in its "driest 23-year period in more than a century and one of the driest in the last 1,200 years," which has resulted in historically low reservoir levels at Lake Powell and Lake Mead. (Revised DSEIS 1-2). We recognize that the geographic region that will be affected by the alternatives proposed in this Revised DSEIS "begins with Lake Powell and extends downstream along the Colorado River floodplain" to the border with Mexico. (Revised DSEIS 1-13). Southern Ute generally supports the objectives of addressing the low-runoff and low-level conditions at Glen Canyon and Hoover Dams.

No Action Alternative:

Southern Ute does **not** support selection of the No Action Alternative set forth in the Revised DSEIS. Although in the winter of 2022-23 snowfall in the Upper Basin exceeded recent trends, one year of improved hydrology does not change the fact that the Colorado River Basin is experiencing an ongoing drought. In the past few years, we have seen elevations in Lake Powell and Lake Mead decline to historically low levels. The current operating guidelines are not protecting critical elevations at either reservoir. The Tribe

does not support the continuation of the current operating guidelines with Reclamation taking no additional action to deal with the ongoing drought conditions and climate change. Going forward, we must ensure there is a plan in place to address the likelihood of the continuation of declining elevations and system shortages.

Proposed Action:

Southern Ute supports the selection of the Proposed Action set forth in the Revised DSEIS. The Tribe is pleased to see the Lower Division States agree to conserve 3 million-acre feet (“maf”) of water through 2026, with a minimum of 1.5 maf physically conserved by the end of the calendar year 2024. In addition, the Tribe supports the inclusion of the authorization for Reclamation to reduce water releases to 6 maf if Lake Powell is shown to drop below 3,500 feet in the 24-month Study’s minimum probable scenario. This will be an extremely helpful tool if the hydrology does not improve. We appreciate the additional included protections for the critical elevations at both Lake Powell and Lake Mead and that there is no impact on the apportionments in the Upper and Lower Division States. The Tribe urges Reclamation to choose the Proposed Action, in order to take steps towards addressing this ongoing 23-year drought and ensuring there are additional tools to assist Reclamation in protecting the dams, public health and safety, and any other emergency situations, while working to develop the Post-2026 Guidelines.

Consultation:

In Southern Ute’s comment letter regarding the “Notice of Intent to Prepare a Supplemental Environmental Impact Statement for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead,” we requested that the United States keep the Tribe informed throughout this process. Reclamation has provided monthly Tribal Information Exchange webinars and updates at the Ten Tribes Partnership meetings. We thank you for those efforts. We look forward to our consultation with Reclamation on December 6, 2023, on this Revised DSEIS.

Please note, this letter focuses on general comments regarding this Draft SEIS. That we chose not to address each and every section of the Draft SEIS should not be construed as support for those sections. We look forward to continuing to work with our federal trustee, and all the sovereigns in the Colorado River Basin, to meet the challenges at hand to protect and manage this critical resource.

Sincerely,



Lorelei Cloud, Chairman
Southern Ute Indian Tribe