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November 13, 2020

Ms. Jacklynn Gould
Acting Regional Director, Interior Region 7 – Upper Colorado Basin
United States Bureau of Reclamation
125 South State Street, Room 8100
Salt Lake City, UT 84138-1147

Subject: Comments on the Draft Report of the Review of the 2007 Interim Guidelines (7.D. Review)

Dear Ms. Gould:

We appreciate Reclamation's effort in preparing the Draft Report of the Review of the 2007 Interim Guidelines (7.D Review). As Reclamation embarked on this effort last Spring, comments on the planned approach for developing the report were solicited. Central Utah Water Conservancy District (CUWCD) submitted comments at that time, requesting consideration be given to four items (attached for reference).

Upon review of the Draft report, we were pleased to observe most of these items had been addressed. However, it was clear that our request for a retrospective analysis of operations under the 2007 Interim Guidelines versus operation under the Long-Range Operating Criteria (LROC) was not addressed. We acknowledge, as indicated under Section 6 of the draft report that "Reclamation anticipates focusing more" on these types of comments.

We recognize Reclamation had a limited window to complete this review and this type of analysis could not likely be completed in the time frame provided. Given the limited time frame, we suggest the report include a discussion of how, when, and if the retrospective analysis will be performed. We view this as fundamental to determining the effectiveness of the Interim Guidelines.

We believe Reclamation has acted in good faith in assessing the effectiveness of the Interim Guidelines in relation to the Record of Decision (ROD). However, we do not believe the 7.D review requirement is intended to determine how well the Interim Guidelines were implemented, and what the impact was, rather, how effective the Interim Guidelines were at meeting ROD criteria *in place of* the LROC.

We feel the effectiveness of the Interim Guidelines as identified in the ROD must be compared against the baseline that would have been in-place (LROC) had the Interim Guidelines not been implemented. Without performing this comparative analysis, we believe the standard for determining effectiveness is subjective.



We have heard reports that Lake Powell may have had significantly more water in storage than it does now had the LROC been followed in place of the Interim Guidelines. We have not yet verified this, but if it can be substantiated, it would indicate the Interim Guidelines have increased the Upper Basin's risk of curtailment, which does not support "avoid[ing] the risk of curtailments in the Upper Basin" as indicated in the ROD. We have heard similar comments indicating the amount of storage in Powell would have been lower than it is now had the LROC been followed in place of the Interim Guidelines. These contradictions should be explored through the proposed retroactive analysis.

Section 7.3 indicates the objectives of Section XI.G.6 of the ROD are "to avoid curtailment of uses in the Upper Basin, minimize shortages in the Lower Basin and not adversely affect the yield for development available in the Upper Basin." It seems possible only one of these objectives has been met, and further evaluation should be completed to better articulate how effective the 2007 Interim Guidelines were in accomplishing each.

If the 2007 Interim Guidelines are the starting point for the upcoming renegotiations, we believe the Basin States will require an understanding of how the results of these guidelines compare to what the storage status of the main stem reservoirs may have been if the guidelines had not been implemented. Further, its effectiveness should not be subjectively compared to itself rather than the LROC baseline.

As evidenced in the Draft Report, Reclamation has done an outstanding job implementing the 2007 Interim Guidelines and gained valuable operating experience. We also acknowledge and are grateful for the significant effort and obligation of resources made by our Lower Basin counterparts in reducing depletions and believe we will all be better informed by the requested analysis.

We appreciate the opportunity to provide comments on this Draft Report. We are happy to discuss our comments further if you have questions or seek further clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gene Shawcroft".

Gene Shawcroft, P.E.
General Manager/CEO

Attachment: CUWCD District Comments on 7.D review approach

cc: Wayne Pullan
Reed Murray
Todd Adams
Amy Haas
Jared Hansen
Bart Leeflang

ATTACHMENT

Central Utah Water Conservancy District 7.D. Review Scope Comments

Central Utah Water Conservancy District appreciates the opportunity Reclamation has provided to submit comments regarding the upcoming 7.D Review. We recognize the challenges Reclamation faces in accomplishing this task, and the relatively short window for producing the report. We support Reclamations efforts in its completion as a meaningful tool for future deliberations.

Reclamation has indicated the scope of the 7.D Review will be to evaluate effectiveness of the 2007 Interim Guidelines related to the December 2007 ROD and to document operational experience. Please consider the following comments in context of the charge and scope that Reclamation has been given.

COMMENT 1: The 2007 IG appear to be vulnerable to manipulation of flow release tiers according to downstream uses – as demonstrated by the identification of a “sweet spot”, where it appears efforts may have been made to keep Powell releases in the 9 million-acre-feet regime. That this can happen under the 2007 IG guidelines does not seem effective in encouraging conservation. This also has an impact on shortage planning.

Section 6 of the ROD indicates “The objective of the operations of Lake Powell and Lake Mead as described herein is to avoid curtailment of uses in the Upper Basin, minimize shortages in the Lower Basin and not adversely affect the yield for development available in the Upper Basin”. It would be helpful for CUWCD to understand how the impact of operating under the 2007 IG either increased or decreased the risk of Upper Basin curtailment.

COMMENT 2: Without performing a retrospective analysis of operations under the 2007 IG versus operation under LROC, an evaluation of effectiveness of the 2007 IG will be of limited value. We recommend Reclamation perform a comparative analysis of operation, storage, and deliver of the system under the 2007 IG versus where the system would be today under the same hydrologic and demand conditions but following the LROC operation criteria.

COMMENT 3: Based on coordinated operations of Mead and Powell, and projected hydrology and demand, it is our understanding that the 2007 IG were developed with the intent to result in average delivery of 8.23 million-acre-feet, allowing for some higher and lower deliveries; however, 24-month model predictions always overestimate Powell elevations resulting in higher releases than reality demands, without mechanisms in the 2007 IG to make corrections after projections have been established and release rates set. The 7.D review should include a discussion regarding the impact of setting releases according to projections, five months in advance, and absent mechanisms to correct for actual reservoir elevations.

Also, please include a discussion in the 7.D review report of what the impacts of the April adjustments have been in terms of storage/releases.

COMMENT 4: Section III.B.4 of Attachment A2 to the Agreement Concerning Colorado River Drought Contingency management and Operations (“Companion Agreement”) indicates “The Parties acknowledge and expect that operation and implementation of an Upper Basin Demand Management Program following the Term of this Demand Management Storage Agreement will be informed by and considered as part of the Secretary’s formal review to evaluate the effectiveness of the 2007 Interim Guidelines in consultation with the seven Colorado River Basin States...” . Although an Upper Basin Demand Management Program has not yet been established, we anticipate this will be included in the 7.D review. CUWCD recommends consideration be given to the effectiveness of the 500,000-acre-foot limitation in CRSP reservoirs, and its adequacy in reducing risk of shortages and curtailment.