



# COLORADO

## Colorado Water Conservation Board

Department of Natural Resources  
1313 Sherman Street, Room 718  
Denver, CO 80203

November 13, 2020

Bureau of Reclamation  
Attention: Ms. KayLee Nelson, LC-6056  
P.O. Box 61470  
Boulder City, NV 89006-1470  
7DReview@usbr.gov

RE: State of Colorado Comments on the Draft Report, Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Mead and Lake Powell

Dear Ms. Nelson:

The Colorado Commissioner to the Upper Colorado River Commission (UCRC), on behalf of the State of Colorado, thanks you for the opportunity to comment on the Bureau of Reclamation's (Reclamation) Draft Report, Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Mead and Lake Powell (Draft 7.D Review Report). The Colorado Commissioner to the UCRC represents Colorado for the purposes of negotiating and entering interstate water compacts or agreements between or among states concerning the Colorado River. Colo. Rev. Stat. § 37-60-109.

The *Record of Decision [(ROD)] for the Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead (Guidelines)* provide operating criteria for Lake Powell and Lake Mead, including provisions designed to avoid curtailment of uses in the Upper Basin and not adversely affect the yield for development available in the Upper Basin. ROD, Section XI.G.6. The Guidelines provide that “[b]eginning no later than December 31, 2020, the Secretary shall initiate a formal review for purposes of evaluating the effectiveness of these Guidelines. The Secretary shall consult with the Basin States in initiating this [7.D] review.” ROD, Section XI.G.7.D.

Colorado appreciates the Secretary's continued consultation with the States as the 7.D Review Report is finalized. In the interest of furthering these consultation efforts, Colorado offers the following comments:

### 1. Section 7.2.1: Implications of Projections When Reservoirs Are Near Thresholds

In Appendix A.4, it appears that Reclamation performed some analysis of the accuracy of the 24-Month Studies. Reclamation acknowledges that forecasts have bias and, as a result, have overestimated storage contents in Lake Powell and underestimated storage contents in



Lake Mead, thus impacting reservoir elevations. Colorado questions why additional analysis of the forecasting inputs is not provided in the body of the Draft 7.D Review Report. Colorado trusts that Reclamation will endeavor to improve the forecasting system and strengthen assumptions, modeling, and calibration developed going forward.

2. Section 7.5.1.2: Observations Related to Intentionally Created Surplus (ICS)–Creation

This Section provides that “[a]lthough it has not occurred, it is theoretically possible that adjustments in ICS behavior could result in a different April adjustment in Lake Powell operations than would have otherwise occurred.” Draft 7.D Review Report at 32. Colorado looks forward to working with Reclamation to determine the best way in which to acknowledge the creation of ICS and preclude unexpected adjustments to ICS that would impact Lake Powell releases.

3. Section 7.6.4.1: Implementation of the Long-Range Operating Criteria (LROC)

This Section quotes the Guidelines’ statement that “It is the Department’s decision that the Guidelines implement the LROC on an annual basis through the Interim Period and that the operation of the relevant Colorado River reservoirs be documented in each year’s [Annual Operating Plan]. . . .” Draft 7.D Review Report at 38-39.

Colorado appreciates Reclamation’s acknowledgment that the Guidelines implement LROC. It is important to note that the Decision set forth in the ROD provided that “[t]he interim Guidelines would be used each year by the Department [of the Interior] in implementing the [LROC] . . . through the issuance of the Annual Operating Plan for Colorado River Reservoirs.” ROD at 4.

The ROD further provides that “[t]he [Colorado River Basin Project Act of September 30, 1968 (CRBPA)] directed the Secretary to propose and adopt criteria: ‘[i]n order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Compact, and the Mexican Water Treaty . . . , for the coordinated long-range operation of the reservoir constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act and the Boulder Canyon Project Adjustment Act.’” ROD at 5. The ROD goes on to state that “[p]ursuant to the CRBPA, the narrative provisions of the LROC are utilized by the Secretary [of the Interior], on an annual basis, to make determinations with respect to the projected plan of operations of the storage reservoirs in the Basin.” ROD at 5.

Recognizing that these statements taken together establish that LROC forms the legal and operational basis for the Guidelines, Colorado suggests including such context for the development of operational guidance for reservoirs constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act and the Boulder Canyon Project Adjustment Act. Colorado recommends that Reclamation further acknowledge the role of LROC in Section 2: Background on the Development of the Guidelines.

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Colorado remains committed to working with the Secretary in meeting the obligations set forth in Section XI.G.7.D of the ROD and looks forward to continued collaboration with Reclamation on the 7.D Review Report.

Sincerely,



Rebecca Mitchell  
Colorado Commissioner to the Upper Colorado River Commission

