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November 13, 2020

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

**Re: Comments by the State of New Mexico on Reclamation's 7.D. Report entitled
"Review of the Colorado River Interim Guidelines for Lower Basin Shortages and
Coordinated Operations for Lake Powell and Lake Mead"**

Dear Ms. Nelson:

On behalf of the State of New Mexico as the Governor's Representative for Colorado River Basin compact issues, I wish to thank the Bureau of Reclamation ("Reclamation") for the opportunity to provide comments on its draft report entitled "Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead" ("7.D. Review") pursuant to Section XI.G.7.D of the Record of Decision for the Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead ("Interim Guidelines") as explained below. In particular, New Mexico appreciates Reclamation's efforts to take into account the input provided by the seven Colorado River Basin States in general, and by New Mexico in particular, during the course of the 7.D. Review process, beginning with the original outline and all the way to the present.

New Mexico is providing overarching comments on the 7.D. Review report in this letter. In addition, since Reclamation has indicated that it will accept edits/comments on the report, New Mexico is providing additional suggested edits and comments in the body of the draft report. Those are incorporated in the MS Word file, which is enclosed with this letter.

In the 7.D. Review, Reclamation evaluated the Interim Guidelines principally from the perspective of the States of the Lower Division of the Colorado River Basin ("Lower

Basin”). Some of this is to be expected, since the Interim Guidelines deal more with Lower Basin operations than with Upper Basin operations. However, an Upper Basin perspective should have been recognized and addressed as well. The effects of the Interim Guidelines on Upper Basin water users may primarily have been positive due to the basin-wide stability afforded by the Interim Guidelines, but Reclamation should also have indicated that – at least in some ways and to some degree – the Interim Guidelines have increased risk for Upper Basin water users. For instance, if the level of Lake Powell is lower because of the Interim Guidelines, then Upper Basin water users are at increased risk. Risk also increases from the practice under the Interim Guidelines of releasing extra water from Lake Powell, even when the Upper Basin has less than its 602(a) storage amount available. Maybe in the future Reclamation can engage with the Upper Division States and the Upper Colorado River Commission on such an effort.

In the 7.D. Review, Reclamation could have addressed the effects of the Interim Guidelines on Upper Basin water users in part by making a greater effort to evaluate the first purpose articulated in the 2007 Record of Decision for the Interim Guidelines, which states in relevant part that one purpose is to “improve Reclamation’s management of the Colorado River ... considering the effects on water storage in Lake Powell and Lake Mead, and on water supply, power production, recreation, and other environmental resources.” The seven States made this request in their May 19, 2020 letter to the Secretary of the Interior on the proposed scope of the 7.D. Review. Have the Interim Guidelines improved Reclamation’s management of the Colorado River considering the effects on water supply and power production at Lake Powell? Reclamation did not make the comparisons that would be necessary to answer that question.

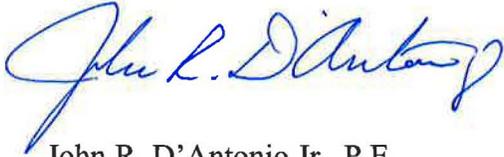
New Mexico still believes in the need for a comparison between how the system performed under the Interim Guidelines with how the system would have performed under the operations used before implementation of the Interim Guidelines. Was storage in both Lake Powell and Lake Mead improved because of the Interim Guidelines, did it remain the same, or was it improved in one and less in the other because of the Interim Guidelines? The best way to figure that out would be to look at how the system would have performed since 2007 under the operations used previous to the Interim Guidelines. During the seven Basin States call on October 20, 2020, Reclamation stated that, while this topic was outside their scope of the 7.D. Review, performing this analysis was eventually inevitable due to significant interest expressed by parties in the Upper Basin. New Mexico understands Reclamation’s reasons for not including this analysis in the 7.D. Review report. When appropriate, New Mexico would like to participate in a discussion with the parties who were involved in the operations of Lake Powell and Lake Mead prior to implementation of the Interim Guidelines regarding such an analysis, and how it may help inform future efforts.

Finally, New Mexico supports Reclamation’s often asserted position that the 7.D. Review is a retrospective look at the Interim Guidelines. As such, its usefulness may be limited to “lessons learned.” New Mexico would like to stress that, while the 7.D. Review report may

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be a tool that can be used to inform future negotiations, it is not a roadmap for what a future replacement of the Interim Guidelines may look like.

Sincerely,

A handwritten signature in blue ink, reading "John R. D'Antonio Jr.", written in a cursive style.

John R. D'Antonio Jr., P.E.
New Mexico State Engineer/Secretary of the Interstate Stream Commission
New Mexico Principal for the Colorado River Basin

JRD/kme

Enclosure: Draft 7.D. Review Report with New Mexico suggested edits and comments

cc (w/encl.): Rolf Schmidt-Petersen, Director, New Mexico Interstate Stream Commission
Amy I. Haas, Executive Director, Upper Colorado River Commission