



**The Colorado River Basin States Representatives of  
Arizona, California, and Nevada**

December 11, 2023

The Honorable Camille Touton  
Commissioner  
U.S. Bureau of Reclamation  
1849 C Street, NW  
Washington, D.C. 20240

Sent via Electronic Mail

Dear Commissioner Touton:

The undersigned Governors' Representatives of the States of Arizona, California, and Nevada, (collectively, the Lower Division States) respectfully submit the following comments in response to the Bureau of Reclamation's revised draft *Supplemental Environmental Impact Statement for Near-Term Colorado River Operations* (Revised Draft SEIS). Reclamation's engagement with the Lower Division States is essential to ensure the effectiveness of Colorado River operations. As parties and beneficiaries to the interstate compacts, treaties, laws, and Supreme Court decrees that govern the Colorado River, the Basin States have significant interests in protecting the water supplies of the forty million people who rely on the Colorado River.

We agree with the conclusion in the Revised Draft SEIS that the No Action Alternative and the Lower Division States' Proposal (referred to as the Proposed Alternative) provide "a reasonable range of alternatives to reduce the risk of reaching critical elevations at Lake Powell and Lake Mead to acceptable levels in the pre-2026 SEIS timeframe." The Lower Division States requested analysis of the Proposed Action to allow water users to focus on the development of the Post-2026 Operational Guidelines. It appears that the Proposed Action will enable that change in focus.

We appreciate that Alternatives 1 and 2, which were included in the original draft SEIS in April 2023, have been "addressed as alternatives considered but eliminated from detailed analysis." However, in Section 2.4, the Revised Draft SEIS indicates that "The Department may select different parts of any of the alternatives to best meet the Purpose and Need." Selection of elements of Alternatives 1 and 2 could significantly disrupt not only the near-term operations, but the process for development of Post-2026 Operational Guidelines. The analysis of the alternatives is insufficient to include any elements of Alternative 1 and 2 in the final SEIS. As acknowledged in the Revised Draft SEIS, both the Proposed Alternative and the No Action Alternative satisfy the Purpose and Need. The final SEIS should clarify that elements of Alternatives 1 and 2 will not be included in the preferred alternative.

The improved hydrology that supported the analysis in the Revised Draft SEIS has provided an opportunity to focus on longer-term challenges in the Colorado River Basin. We appreciate



Reclamation's efforts to conclude the process for revising near-term operations and shift the focus to the Post-2026 operational guidelines.

By providing these comments, we do not waive any rights, including any claims or defenses, we may have or that may accrue under any existing federal or state law or administrative rule, regulation, or guideline. Any failure by the undersigned to address specific aspects of the Revised Draft SEIS – including, without limitation, the alternatives eliminated from full analysis and their underlying shortage allocation assumptions -, shall not be construed as an endorsement or an admission with respect to any factual or legal issue for the purposes of any future legal, administrative, or other proceeding. Moreover, we reserve the right to provide further comments and engage with Reclamation as it proceeds with subsequent phases of the NEPA process.

We look forward to continuing our work to protect the Colorado River system now and in the future.

Respectfully,

Thomas Buschatzke  
Governor's Representative  
State of Arizona

J.B. Hamby  
Governor's Representative  
State of California

John J. Entsminger  
Governor's Representative  
State of Nevada

cc: U.S. Bureau of Reclamation via Electronic Mail – [CRinterimops@usbr.gov](mailto:CRinterimops@usbr.gov)