



# BARD WATER DISTRICT

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December 7, 2023

VIA U.S. AND ELECTRONIC MAIL

[CRinterimops@usbr.gov](mailto:CRinterimops@usbr.gov)

Ms. Genevieve Johnson  
2007 Interim Guidelines SEIS Project Manager  
Upper Colorado River Basin Region  
Bureau of Reclamation  
125 South States Street, Suite 8100  
Salt Lake City, Utah 84138

*Re: Revised Draft Supplemental Environmental Impact Statement for Near-Term Colorado River Operations*

Dear Ms. Johnson,

The Department of Interior (Department) through the Bureau of Reclamation (Reclamation) published its Revised Draft Supplemental Environmental Impact Statement for Near-Term Colorado River Operations (SEIS) to supplement the December 2007 Record of Decision entitled *Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead* (2007 Interim Guidelines).

Bard Water District (the "District") respectfully submits the following comments regarding the Revised Draft SEIS:

## **Value of Agriculture in Yuma Growing Region and Importance of Colorado River**

The District is located in Imperial County, California, across the Colorado River from Yuma, Arizona. The District is part of the Yuma growing region as designated by the United States Department of Agriculture and contributes to the food security of this Nation. Together with the growers who farm in the Yuma area, the District's growers help provide 80-90 percent of the country's fresh vegetables and leafy greens from November to April.

Pursuant to the Boulder Canyon Project Act, and other subsequent and supplementary agreements, the United States Bureau of Reclamation (the “Bureau”) delivers Colorado River water in second priority to the Bard Water District as part of the Reservation Division of the Yuma Project. Bard Water District is entitled to divert Colorado River water sufficient to irrigate 25,000 acres of farmland. Given its proximity to the River, the District and its water users rely solely on the Colorado River to deliver water to their fields and homes. Because of this, the District and its landowners and growers have a vested interest in the Colorado River and its management.

### **Support of the Proposed Action (Lower Basin Proposal) – Voluntary, Compensated Reductions**

Mandatory, involuntary reductions in water use would be painful and devastating for most users and communities that rely on Colorado River water. The District and its growers and landowners are among those that would suffer significant impacts from uncompensated, mandatory cuts. The District supports the Proposed Action of the revised draft SEIS to the extent that it meets conservation requirements or needs through voluntary and/or compensated reductions.

### **Emergency Clause**

Under the emergency clause of the Proposed Action, whenever Lake Mead’s content is projected to be below an elevation of 1,025 feet, based on the April 24-Month Study minimum probable projection, the Lower Division States, after consultation with the Upper Division States, have 45 calendar days to provide Reclamation with an implementation plan to protect Lake Mead from reaching an elevation of 1,000 feet. If an implementation plan is not acceptable to Reclamation, then Reclamation may take additional action to protect 1,000 feet.

### Law of the River

The District, and other water users on the River, have come to rely on the Law of the River and the Bureau’s commitment to it and the water delivery contracts signed by the United States many decades ago. A key tenet of the Law of the River is the priority system. Users have acted in line with and have placed enormous reliance on the system and the whole of the Law of the River for almost a century. Proper application of the priority system is vital. As a result, implementation of any operational guidelines developed through the revised draft SEIS, and any additional actions taken by the Basin States or Reclamation under the emergency clause of the proposed action must certainly follow and comply with the Law of the River.

## Shared Shortages

California and the Lower Basin states cannot bear the full burden of maintaining elevations in Lake Powell and Lake Mead under the emergency clause of the Proposed Action, or otherwise. The Upper Basin states, along with Mexico, need to share in shortages and make contributions to the system as part of any established near-term operations and the implementation of the emergency clause under the proposed action.

## Full Consideration of Impacts Upon Further Action

If mandatory, uncompensated reductions are to be made under the emergency clause of the Proposed Action, the Bureau should consider whether water users have access to other sources of water, whether water users have an opportunity to become more efficient or conserve water, and/or whether water users have historically forgone opportunities to conserve in determining what water users take reductions and in what volumes. These factors most certainly effect outcomes and the severity of impacts those reductions have on water users and, therefore, must be considered. If it becomes necessary, as part of its decision-making under the emergency clause, or as necessary in implementing any Basin States plan under the emergency clause, the Bureau must not only include this evaluation and use it to determine where mandatory, uncompensated reductions will be made but must also disclose to the public which users may receive a favorable exercise of discretion, why and with what environmental effects.

## **Public Health and Safety**

Under both actions, Reclamation reserves the right to operate facilities to address extraordinary circumstances, including operations that are prudent or necessary for public health and human safety. As with other actions that may be taken under the emergency clause of the Proposed Action, such operational decisions made in the interest of “public health and human safety” should consider the Law of the River and include a full analysis of a user’s available water resources and the impacts to other water users that would result.

## **Deliveries under the Compact**

The Upper Basin should continue to be required to meet its delivery obligations to the Lower Basin under the 1922 Colorado River Compact, ensuring that 7.5 million acre feet, along with one-half of Mexico’s entitlement, is apportioned and delivered to the Lower Basin and Mexico each year. If it is found to not be possible to deliver 7.5 million acre-feet in a given year, any deficit should continue to be made up in succeeding years, consistent with the Compact’s provision that the Upper Basin states will not cause the flow of the River at Lee Ferry to be depleted below an aggregate of 75 million acre-feet for any period of 10 consecutive years.

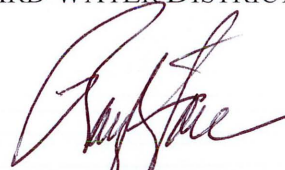
## Post-2026 Precedent

Nothing in this SEIS process or the Record of Decision should inform or create precedent for the post-2026 guidelines. The full EIS process required by the development of post-2026 guidelines should be separate and distinct in its analysis and proposed outcomes.

Thank you for your consideration. Should you have any questions or if you would like additional information, please do not hesitate to contact the District.

Sincerely,

BARD WATER DISTRICT

A handwritten signature in dark ink, appearing to read "Ray Face", written in a cursive style.

Ray Face, President

A handwritten signature in dark ink, appearing to read "Nick Bahr", written in a cursive style.

Nick Bahr, General Manager