



## IRRIGATION & ELECTRICAL DISTRICTS' ASSOCIATION OF ARIZONA

Commissioner Touton  
Bureau of Reclamation  
1849 C Street NW  
Washington DC 20240

December 6, 2022

c/o Reclamation 2007 Interim Guidelines SEIS Project Manager  
Upper Colorado Basin Region  
125 South State Street, Suite 8100  
Salt Lake City, UT 84138

Re: Supplemental Environmental Impact Statement for 2007 Interim Guidelines

Dear Commissioner Touton:

On behalf of IEDA, we submit the following comments in response to the proposed Supplemental Environmental Impact Statement posted in the Federal Register Notice on November 17, 2022. In addition to the comments included below, we also include via reference, the letter sent on August 16, 2022, regarding Colorado River Drought Operations – Now & Post-2026.

The FRN highlights three possible options to address the current situation in which we find ourselves. Given the potential for the system to crash, We believe everyone would agree that “No Action” is not an option. We appreciate the proposed “Framework Agreement Alternative,” allowing the states to figure it out, but based on the entrenched positions of some of the Basin States, it is unlikely that they will be able to come to the table and provide enough conservation/mitigation to achieve the reductions necessary to prop up the system. Therefore, we address our comments with the assumption that the “Reservoir Operations Modification Alternative” will be necessary.

The “Law of the River” has 100 years of history that has created parameters that the United States and the Basin States must operate within. While not a water law expert, I wish to highlight items from the Colorado River Compact and the Mexican Water Treaty of 1944, which may provide an option to help weather these next few years.

One of the biggest issues that needs to be addressed is the system losses in the Lower Basin. Article 1 of the Compact discusses the promotion of interstate “comity.” How can we have “comity” when system losses are not applied similarly across the Basin?

In a brief research of the term, “beneficial consumptive use” should include the system losses in the amount diverted (Colorado River Basin Consumptive Uses and Losses Report 2001-2005). The estimate of losses has changed over time from 1.1 MAF to (now)1.5 MAF. Therefore, the Bureau should establish a formula that determines and accounts for system losses across the Basin to ensure “comity.” Consumptive use is also included in the language of the 1944 Mexico Water Treaty, so the same methodology should be applied to their allocation.

The treaty allows for an equal reduction to Mexico as that which might occur in the United States. If a 13.3% reduction were to be applied to the Upper and Lower Basins, Mexico would also have to be reduced by 13.3% (200K Ac-FT), bringing the total system savings to 2.2 MAF. It is unclear how this could be accomplished given the Compact, but we continue to encourage discussions with Mexico to assist in finding the 2-4 MAF that you are seeking.

The difficult aspect of this above idea would be the provision that the Upper and Lower Basins would share in this fulfillment of the treaty if surplus proved to be insufficient. While the Upper Basin, given their existing consumptive use could accommodate this amount, it might be difficult for the Lower Basin to come up with their half of the treaty obligation.

It might be possible to utilize Article III(g) and Article VI(d) of the Colorado River Compact for Lower Basin states to lease unappropriated rights from the Upper Basin on similar terms provided by the New Lower Colorado River Basin System Conservation and Efficiency Program created after the passage of the Inflation Reduction Act.

In our opinion, the Conservation and Efficiency Program should be expanded to allow participation from the Upper Basin. The economics of the offer, given the abundance of high valued crops in the Lower Basin, will not attract the interest that it would if it was expanded to include the Upper Basin. A short-term lease of Upper Basin water to satisfy the Treaty could allow for satisfaction of both Article III(c) & (d).

The Inflation Reduction Act also allows for ecosystem restoration. With the recent announcement regarding the Salton Sea agreement, we hope that there are sufficient safeguards included in that agreement to prevent the parties involved from receiving the money if California does not fulfill their obligations or if they pullback if system losses are applied.

The 2007 Interim Guidelines discuss analyzing the impacts to hydropower. We have repeatedly asked for this analysis, and to date, have only received it from Western Area Power Administration’s Desert Southwest Region. We continue to highlight the need for sensitivity analyses needed for federal hydropower program dams on the Colorado River considering the proposed additional reductions. Given the complex variability of the system, please put together a generation table per acre foot, based on elevation in 5’ increments, as well as a historical throughput volume over the last 10 years for the hydropower dams along the Colorado River. With the added need to protect the hydropower infrastructure (by-pass tubes), this would allow

us to execute our own scenarios to get a rough estimate of power impacts depending on where water is being conserved.

While outside the scope of this FRN, we recommend the following projects for the Bureau and Western Area Power Administration to consider that would benefit the overall system.

Given the water consumed by phreatophytes, a pilot project to remove these trees should be included in future appropriation requests. The benefits to the system should be studied and used to determine a formal removal program, specifically of salt cedars and tamarisks.

A federal desalinization project along the California coast would not be subject to the California Coastal Commission jurisdiction. Given the water demands of Southern California, its proximity to the ocean and the distance from the Colorado River, an exchange program that utilizes desalinization for water left in the river would seem warranted.

Finally, with already realized and potential future hydropower losses that will occur from further reductions, WAPA should acquire or construct long-term replacement power either via purchase power agreement or some other method to protect the viability of these existing contracts. Failure to do so might result in a wave of cancelled contracts due to unaffordability.

Sincerely,

A handwritten signature in blue ink that reads "Ed Gerak". The signature is written in a cursive, slightly slanted style.

Ed Gerak  
IEDA