STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY **GAVIN NEWSOM**, *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

Bureau of Reclamation 2007 Interim Guidelines SEIS
Attention: Project Manager
Upper Colorado Basin Region
125 South State Street, Suite 8100
Salt Lake City, Utah 84138

The California Department of Water Resources (CDWR) submits the following comments in response to the Bureau of Reclamation's (Reclamation) Notice of Intent to prepare a Supplemental Environment Impact Statement (SEIS) for the December 2007 *Record of Decision (ROD) for the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead*. Our interest in this matter is based on our responsibility for management of California's water resources at the statewide scale.

CDWR owns and operates the multi-purpose State Water Project (SWP), which supplies water to 27 million people and 750,000 acres of farmland and is the State's fourth-largest producer of energy. CDWR also prepares for and responds to droughts and floods; administers statutory mandates for sustainable groundwater management; provides financial and technical assistance to local agencies; and maintains numerous data and scientific programs. We also act as a backstop to California's Strategic Electricity Reliability Reserve to support electric grid reliability under extreme events. Sustainability is one of our core values and we work to ensure that the State's resources can meet the needs of the present and future generations. We are represented on the Colorado River Board of California, and we work through the California Natural Resources Agency to implement the Salton Sea Management Program and to backstop, when needed, the environmental mitigation commitments associated with the Quantification Settlement Agreement water transfers.

California historically swings from drought to flood, and climate change has made those swings more extreme. We are currently in a flood emergency while we still have an active drought emergency. And while we cannot accurately predict if 2023 will end up wet or dry, we must be prepared for the possibility of continued dry conditions in California and in the Colorado River Basin. Both locations are experiencing added water supply stress as climate change exacerbates drought impacts. Historically, the Colorado River has been California's most reliable surface water supply during droughts. The availability of that resource and California's network of extensive water infrastructure has facilitated transfers and other actions that provide drought response benefits and water supply stability statewide. Our SWP provides the ability to link Northern California water supplies and reservoir and groundwater basin storage to the Colorado River service area. As it considers interim guidelines for addressing lower Colorado River shortages, we encourage Reclamation to look beyond a narrow focus of simply making short-term modifications to near-term reservoir operations, and to instead consider how the river's supplies are managed in conjunction with other water resources and how Reclamation can help water users mitigate and manage the impacts of shortages.

A series of storms in late December and early January raised many reservoirs to near- or even above-average storage, but dry conditions may yet return this winter, as happened in 2021. We are urgently working to move storm runoff into storage. As we do so, we are reminded of the limitations of our current water infrastructure and the need for further investments in infrastructure modernization to handle climate-driven extremes.

All of California is covered by the Governor's proclamation of a drought emergency, and this spring the Governor ordered the adoption of emergency regulations to require larger urban suppliers statewide to implement at a minimum Stage 2 of their water shortage contingency plans, corresponding to a 20 percent cut in their supplies. Impacts from the present drought have included two consecutive years of zero agricultural allocations for most contractors of Reclamation's Central Valley Project (CVP) and a first-ever health and safety-only allocation to CVP municipal and industrial contractors. The State of California has been providing unprecedented emergency drinking water assistance to communities and individuals affected by the drought, including within the CVP and Colorado River service areas and to federally recognized tribes. Since 2020, we have taken numerous drought response actions to benefit both CVP and SWP supplies, and this year the State is providing $130 million to the Metropolitan Water District for drought emergency mitigation measures and a new water recycling project to provide drought-resistant supplies. The State Water Resources Control Board has provided more than $300 million to support the Los Angeles Department of Water and Power's remediation of contaminated groundwater in the San Fernando Valley to enable Los Angeles to be less dependent on imported water sources. In total this year, CDWR will commit more than $500 million in urgent drought response funding to help local water agencies and communities, in addition to the $300 million we committed in urgent drought response grants last year.

The present ROD for the Interim Guidelines has provided a management structure for responding to declining Colorado River reservoir levels and developed the capacity to store intentionally created surplus water in Lake Mead (much of it created by California) to delay the onset of Lower Basin shortages. However, the Basin's prolonged dry conditions have increased shortage risks beyond the extent that was anticipated in 2007, resulting in Reclamation's Notice of Intent for the preparation of an SEIS to examine additional measures for protecting target elevations at Lake Mead and Lake Powell. CDWR supports the additional examination of reservoir operations to protect targeted elevations during the present interim period; these evaluations will additionally inform preparation of new guidelines subsequent to the 2026 Annual Operating Plan. The substantial depletion of storage in Lake Mead and Lake Powell cannot be remedied rapidly and will need to be addressed beyond the time remaining in the present interim period.

A better balance between annual water supply availability and water uses is needed to allow reservoir storage to stabilize. This balance must be achieved within the context provided by the Law of the River and supported, as needed, by improvements to Glen Canyon Dam's River outlet works to ensure that infrastructure conditions are not a limiting factor in reservoir operations. We believe that the Law of the River is clear as expressed in the Section 5 water delivery contracts and that reservoir evaporation and other system losses must be accounted for as a diminution of the available supply and not as a consumptive use charged to individual contractors or reserved rights holders. We also

believe that Reclamation and water users should take all possible steps to manage and use water more efficiently. Many actions have already been taken in California to improve water use efficiency, including infrastructure and operational improvements in agricultural systems and the landmark 2018 State legislation that requires the setting of standards that will make water conservation a way of life for urban Californians. However, opportunities remain to use new tools to support water management.

When adopted 16 years ago, the existing ROD relied only on management tools then available: shortage sharing, forbearance, and conservation efforts. New technology is becoming available that can enhance water management efficiency, and we urge Reclamation to broaden the alternatives being considered in the SEIS to explicitly implement and further develop these new tools. The tools will assist Reclamation in managing its infrastructure and help water contractors and present-perfected right holders better plan for and manage their Colorado River supplies. This will expand the ability of those with other sources of supply to manage their supplies conjunctively and enable those lacking other sources to more efficiently implement demand management measures. Improving the long-term efficiency of operations in the basin is an authorized purpose of funding provided in the Infrastructure Investment and Jobs Act.

CDWR recommends that Reclamation focus on tools to improve forecasts of Colorado River water availability at longer lead times (improvement of seasonal precipitation forecasting, expansion of airborne snow observations) and to operate reservoirs more efficiently to maximize water supply storage (forecast-informed reservoir operations, or FIRO, at U.S. Army Corps of Engineers Section 7 dams). CDWR supported the initial development of these tools in California and is continuing to provide funding as available to support them, but the scope of needed investments exceeds a state's jurisdiction. Reclamation can partner with the National Oceanic and Atmospheric Administration's (NOAA's) Office of Atmospheric Research to improve seasonal precipitation forecasting, specifically, the western pilot project recommended in NOAA's report to Congress pursuant to Public Law 115-25 (included in the fiscal year 2023 omnibus package adopted by Congress) and NOAA's proposal of a precipitation prediction grand challenge strategy. Reclamation already has been gaining experience with the use of airborne snow survey data and could operationalize this monitoring for key watersheds that drain to Lake Powell. The U.S. Army Corps of Engineers is completing a review of its Section 7 dams to identify those suitable for FIRO; this work will identify candidates for possible water control manual modifications. More efficient management of combined federal, state, and local resources throughout the Colorado River service area will support shortage response during the interim period and post-2026. It has taken more than two decades for system storage to fall to its present lows and rebuilding storage will be a long-term process.

If you have any questions or need additional information, please contact me at (916) 651-5937.

Sincerely,

Karla A. Nemeth

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Director