

**Aurora Water
Colorado River Water Conservation District
Colorado Springs Utilities
Denver Water
Northern Colorado Water Conservancy District
Pueblo Water
Southeastern Colorado Water Conservancy District
Southwestern Water Conservation District
Twin Lakes Reservoir and Canal Company**

December 20, 2022

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

VIA ELECTRONIC MAIL

CRinterimops@usbr.gov

RE: Scoping Comments on the Supplemental Environmental Impact Statement for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead

Dear Mr. Beaudreau:

On behalf of our respective organizations, we are writing in support of comments submitted by the state of Colorado, and to provide our own comments pursuant to the "Notice of Intent To Prepare a Supplemental Environmental Impact Statement for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations For Lake Powell and Lake Mead," (Notice) dated November 17, 2022 and published at 87 CFR 69042.

These comments reflect the unified position of our districts and municipal water utilities, throughout western Colorado, and the Front Range.

The Notice acknowledges that the Department lacks analyzed alternatives and measures that may be necessary to address projected conditions in and risks facing the Colorado River Basin. We agree that the immediate development of additional operational alternatives and measures for Lake Powell and Lake Mead are necessary.

Without repeating data concerning current and projected hydrologic conditions or storage levels in Lakes Mead and Powell, we note the alarming decline in storage to the point where potential actions may in fact be "too little, too late." The 2007 Interim Guidelines were intended to better coordinate operations of Lakes Mead and Powell, and particularly to define the conditions under which different

volumes would be released from Lake Powell, and the reservoir elevations in Lake Mead at which shortages in the lower basin would be imposed.

However, the measures provided in the 2007 Interim Guidelines have proven woefully inadequate due to declining hydrology and continued overuse in the lower basin. Moreover, despite both required and voluntary shortages in the lower basin, total lower basin water use, system losses and deliveries to Mexico have remained constant at around 10 maf, causing the alarming reduction in storage levels in Lakes Mead and Powell.

At the same time, water supply in the upper basin has fluctuated, and water users have suffered proportionately much larger shortages, driven by hydrology and the operation of the prior appropriation doctrine. For example, without large storage volumes upon which to rely, total use in the upper basin in 2020 was about 4.5 maf. In contrast, in the much drier year 2021, total use in the upper basin was only around 3.5 maf.

The Secretary enjoys broad authority to implement measures in the lower basin to address this system imbalance. Although the Secretary's authority with respect to Lake Powell is different and narrower, Lake Powell operations under the Interim Guidelines are driven in large part by storage levels in Lake Mead. Water use in the Upper Division states are administered under state authority, and the Secretary's authority in those states is much more limited.

In light of these conditions and the Secretary's authorities, we suggest the SEIS should analyze significant actions that will be necessary to mitigate the impacts of continued drought on storage levels in Lakes Mead and Powell. These actions are justified by the significant risks to infrastructure and by the clear potential for severe economic consequences to the 40 million people and 5 million acres of irrigated agriculture that depend on the Colorado River.

The Notice references preliminary alternatives that might be analyzed through the SEIS process. The "Framework Agreement Alternative" invites consensus-based proposals from states or other interests in the basin that would inform any decision. The "Reservoir Operations Modification Alternative" would be developed by the Department in the absence of (or in combination with) any Framework Agreement Alternative. We remain committed to work with the state of Colorado, other states and water users in the basin, Tribes, NGOs and the federal government in the consideration and development of a Framework Agreement Alternative. However, the comments below apply to the consideration of either of these alternatives. Given the tight timeframes, the dynamic nature of this process, and the critical need for action, we anticipate commenting further as the EIS process proceeds.

The scope of the SEIS should be limited to the operation of Lakes Mead and Powell. The 2007 Interim Guidelines relate exclusively to the coordinated operation of Lakes Mead and Powell. That scope should not be expanded to include other issues or facilities, for at least two reasons.

First, the scope should not include operation of Reclamation reservoirs in the upper basin. Those facilities are operated under different authorities and records of decision than the 2007 Interim Guidelines.

Second, the immediate problem is stabilizing and then recovering storage levels in Lakes Mead and Powell. As noted above, the critically low elevations in Lakes Mead and Powell have been caused by the inadequacy of the 2007 Interim Guidelines to respond to continued overuse in the lower basin, the

hydrology of the last 20 years, and the lack of action by the Secretary to date to address rapid and predictable declines in storage levels. Expanding the scope of the SEIS beyond the operation of Lakes Mead and Powell would only introduce greater uncertainty, complexity, and time to the SEIS process.

The scope of the SEIS should include the potential for deep cuts in deliveries from Lake Mead, and earlier imposition of shortages in the lower basin, than provided in the 2007 Interim Guidelines and the DCPs. The SEIS should consider significant expansion of the responses outlined in the 2007 Interim Guidelines, earlier and deeper shortages to lower basin deliveries from Lake Mead, in addition to accounting for system losses.

Specifically, the range of alternatives presently contemplated by Reclamation seem focused on protecting very low elevations in Lakes Mead (at 950' or 1000') and Powell (at 3490' or 3500'). The SEIS should include consideration of higher elevation alternatives in order to protect critical infrastructure in the face of rapidly declining hydrology.

It is apparent that reductions in demands in the lower basin will need to occur to deal with reduced deliveries from Lake Mead. With the availability of funding, the Department has the opportunity to mitigate the impact of such reductions in demands. The SEIS should consider not only reductions in demand during the interim period, but also permanent reductions in demands from the mainstem in the lower basin, to make the most effective use of such funds.

The SEIS should build upon the actions required by the Interim Guidelines and the DCPs. Concurrent with and separate from the 2007 Interim Guidelines are actions taken pursuant to the 2019 DCPs. The DCPs are interstate agreements that are currently being implemented. It is unclear how Reclamation intends to distinguish between actions taken pursuant to the DCPs and actions developed under the SEIS. The SEIS should build upon the commitments made in the DCPs and analyze new additional actions developed to address current conditions. The SEIS should not duplicate or conflict with the concurrent actions of the DCPs. All accounting under modified Interim Guidelines should reflect hydrologic reality.

The scope of the SEIS should include analysis of the allocation of system losses in the lower basin among water users from Lake Mead. System losses (including evaporation, evapotranspiration from riparian vegetation, waste, and bypasses), deplete the river by about 1.5 million acre-feet annually. The SEIS should consider the potential for imposing and allocating system losses among water users receiving deliveries of water from Lake Mead.

The SEIS should consider removing the ability of contractors to release ICS from Lake Mead during the interim period. Lake Mead currently stores nearly 3 million acre-feet of water characterized as ICS. Releasing this water to contractors will only exacerbate the already worsening conditions on the river. The SEIS should consider removing the ability of contractors to release ICS during the interim period.

The SEIS should consider eliminating balancing releases from Lake Powell during the interim period. Balancing of contents in Lakes Mead and Powell has served only to worsen conditions in Lake Powell. The SEIS should consider eliminating balancing releases from Lake Powell during the interim period, to protect Glen Canyon Dam, and provide the Secretary with additional flexibility to manage releases.

The SEIS should recognize the Secretary's authority and discretion to further modify the 2007 Interim Guidelines. As mentioned above, the Secretary exercises broad authority in the lower basin to manage

water supplies and determine how much and under what circumstances deliveries of water are made from Lake Mead. For example, Section 7.D. of the 2007 Interim Guidelines provides the Secretary will operate Lakes Mead and Powell pursuant to the Guidelines “unless extraordinary circumstances arise,” which “could include operations that are prudent or necessary for safety of dams, public health and safety, other emergency situations, or other unanticipated or unforeseen activities arising from actual operating experience.” The SEIS should recognize the Secretary’s continued authority to act in such circumstances and, given recent operating experience under the Guidelines, consider a broader reservation of that authority in order to more swiftly respond to rapidly changing conditions in the lower basin.

We appreciate the opportunity to comment.



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