

STATE OF NEW MEXICO



December 20, 2022

Genevieve Johnson
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 only to CRinterimop@usbr.gov

RE: State of New Mexico's Comments on Notice of Intent to Prepare a Supplemental Impact Statement for 2007 Interim Guidelines Coordinated Operations for Lake Powell and Lake Mead

Dear Ms. Johnson:

This letter constitutes the State of New Mexico's comments in response to the Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the December 2007 Record of Decision entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead ("NOI"). The Bureau of Reclamation ("Reclamation") published the NOI in the Federal Register on November 17, 2022. The deadline to provide comments on the NOI is December 20, 2022.

The Colorado River is a resource shared by seven "Basin States" (Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming) and two countries (the United States and Mexico). Since all users share the benefits of this wondrous resource, we must also all share the responsibility of protecting it, including the sacrifices that are required by the current drought.

This drought, which has plagued the Colorado River Basin since 2000, has been worsened by climate change. Those two factors, plus continued near full-supply reservoir releases from Lake Mead, have led to the storage supply in Lakes Powell and Mead being almost exhausted. As a result, the Lower Division States (Arizona, California, and Nevada) could soon be in a run-of-the-river situation similar to what parts of the Upper Basin have experienced for a number of years. New Mexico appreciates the Department of the Interior's leadership in issuing this NOI.

In New Mexico, water shortages occur annually in the San Juan River Basin. Those shortages have been exacerbated by this drought. As examples, the San Juan-Chama Project, the major trans-basin diversion project in New Mexico, has experienced significant variability in water supply availability. It has suffered a shortage of 10 to 15 percent for many of the past ten years, and a shortage of approximately 35% in both 2021 and 2022. Water users have also been experiencing

shortages on the La Plata River during the same period and, on the Animas River, they have implemented shortage sharing operations on several occasions.

New Mexico water users have been taking proactive actions to further reduce their uses of Colorado River water. The cities of Albuquerque and Santa Fe are leading this effort, reducing their use while continuing to grow. And, the Middle Rio Grande Conservancy District has significantly modified its irrigation practices to optimize its use of Colorado River water as has Reclamation for endangered species. Further, New Mexico is committed to additional contributions to protect the system through the Five Point Plan announced in a July 18, 2022, letter from the UCRC to Commissioner of Reclamation Camille Touton.

In the NEPA process initiated by the NOI published on November 17th, Reclamation will consider reducing releases from Glen Canyon Dam below 7.00 MAF a year. As you know, the 1922 Compact requires that the States of the Upper Division not cause the flow of the Colorado River at Lee Ferry to be depleted below an aggregate of 75 MAF over any period of ten consecutive years. The operations that may be contemplated as part of this Supplemental Environmental Impact Statement (“SEIS”) and the corresponding Record of Decision will likely have ramifications on the flows passing Lee Ferry. New Mexico recognizes that, as the operator of Glen Canyon Dam, the Secretary may have the discretion to act unilaterally. If the Secretary does act unilaterally, the Secretary needs to explicitly acknowledge that reduced releases from Glen Canyon Dam are not caused by New Mexico or any of the Upper Division States. As outlined above, New Mexico has implemented measures that help continued compliance with the 1922 Compact. New Mexico cannot support any proposed action that could affect its compliance with Article III(d) of the 1922 Compact.

Reclamation should focus the scope of this SEIS only on the topics necessary to sustainably manage water supplies through 2026. In the NOI, Reclamation discusses three potential alternatives that it will study: The No Action alternative, the “Framework Agreement Alternative” (consensus-based, developed by stakeholders), and the “Reservoir Operations Modification Alternative” (developed by Reclamation). New Mexico proposes the following elements be included in any of the action alternatives being analyzed in the SEIS:

- Reclamation must operate Lake Powell and Lake Mead sustainably going forward. Protecting Glen Canyon Dam infrastructure has to be one of the main goals driving releases from Lake Powell for the next few years. Moreover, in order to protect Lake Mead, the amount of water that is released from Lake Mead should not exceed the amount of water it receives. This dynamic should continue at least until such time as storage in Lakes Powell and Mead has been replenished.
- As stated in the NOI, Reclamation anticipates publishing a separate informational report in 2023 addressing potential methodologies to support assessments for evaporation, seepage and other system losses in the Colorado River Basin in future years. New Mexico supports this effort. However, New Mexico feels this needs to be part of an alternative studied in

the SEIS. New Mexico urges Reclamation to include evaporation and transit losses below Lee Ferry into its calculations of the available water supply starting in 2024.

New Mexico also would like some clarity about Reclamation's projected schedule for development of action alternatives. The NOI suggests that Reclamation envisions an iterative process for developing the action alternatives. Reclamation should make more details and the timeline for such a process available publicly before the beginning of 2023.

Finally, New Mexico and the other Upper Division States, through the UCRC, have committed to a process with the Lower Division States to develop a consensus Framework Agreement Alternative. The seven Basin States will be working on this process through January 31, 2023. In addition, New Mexico is communicating with the Navajo Nation and the Jicarilla Apache Nation about this process. Given the urgency of completing this SEIS for the 2023 – 2024 period, we appreciate Reclamation's commitment to provide time for the seven Basin States to revise and refine the conceptual Framework Agreement Alternative under consideration.

We appreciate the opportunity to comment on the Department's intent to prepare a SEIS. If you have any questions about our comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Estevan López". The signature is written in a cursive style with some loops and flourishes.

Estevan López
Governor's Representative
State of New Mexico

cc: Courtney Kerster, Office of the Governor
Mike Hamman, New Mexico State Engineer
Rolf Schmidt-Petersen, Director, New Mexico Interstate Stream Commission
Chuck Cullom, Executive Director, Upper Colorado River Commission