

December 20, 2022

MEMBER AGENCIES

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Municipal Water District

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Municipal Water District

Ramona  
Municipal Water District

Rincon del Diabolo  
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Santa Fe Irrigation District

South Bay Irrigation District

Vallecitos Water District

Valley Center  
Municipal Water District

Vista Irrigation District

Yuima  
Municipal Water District

OTHER  
REPRESENTATIVE

County of San Diego

[Via Electronic Mail]

Genevieve Johnson  
2007 Interim Guidelines SEIS Project Manager  
United States Bureau of Reclamation  
[CRinterimops@usbr.gov](mailto:CRinterimops@usbr.gov)

RE: San Diego County Water Authority Comments - Proposed Development of SEIS for the  
2007 Interim Guidelines

Dear Ms. Johnson:

The San Diego County Water Authority (Water Authority) appreciates the opportunity to respond to the Bureau of Reclamation's (Reclamation) published November 17, 2022, Federal Register Notice (notice) seeking comment through a pre-scoping process on the development of a Supplemental Environmental Impact Statement (SEIS) and a Modified Record of Decision (ROD) for the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines). Specifically, the notice seeks input concerning the scope of the analysis, the potential alternatives under consideration, and any additional information that will be relevant toward considering actions for years 2023-24 and likely years 2025-26. The Water Authority is pleased to participate in this process to consider how to address the near-term needs of the Colorado River, as the decisions made through this SEIS process will affect the development of the post-2026 guidelines for the river's long-term operation.

The November notice highlights the worsening hydrologic conditions on the river since the development of the 2007 Interim Guidelines and the need for collaborative solutions to address the supply/demand imbalance and critically low levels in Lakes Mead and Powell. The Water Authority supports the actions that have been taken to date to protect the river as well as critical infrastructure and hydropower generation, including the shortage reductions in the Lower Basin under both the 2007 Interim Guidelines and the 2019 Drought Contingency Plan (DCP), and the implementation of Drought Response Actions, including the emergency Drought Response Operations Agreement releases in the Upper Basin, and withholding 480,000 AF in Lake Powell as an action that allowed for operational neutrality with Lake Mead. In addition, there is currently a call for 2 million to 4 million acre-feet (AF) of additional conservation annually through 2026 Basin-wide to which California agencies have proposed providing up to 400,000 AF annually through the interim period. The notice further highlights that continued low run-off in the Colorado River Basin brought on by the ongoing drought has led to a need for Basin stakeholders to consider additional actions as contemplated in the 2007 Interim Guidelines and DCP.

As an engaged partner in developing the 2007 Interim Guidelines and the post-2026 guidelines, the Water Authority recognizes that this SEIS is intended to consider a range of alternative

actions in support of the entire Basin, and specifically to keep Lakes Mead and Powell from reaching dead pool levels. Toward that end, we request that this SEIS process prioritize the Framework Agreement Alternative, which focuses on continuing to seek a consensus-based set of actions.

The Water Authority, as a member of the Colorado River Board of California (CRB), also agrees with the points identified in CRB's comment letter to Reclamation, most importantly:

- Reclamation should operate Glen Canyon Dam in compliance with the 1922 Colorado River Compact, which establishes delivery obligations in Article III(c), III(d), and III(e).
- Implementation of shortage operations in the Lower Basin by the Secretary of Interior should be guided by the Law of the River and consistent with existing commitments.
- Reservoir evaporation, seepage, and other system losses should not be assessed against Lower Basin water users and instead such losses should continue to be treated as a diminution of supply, which can then be met through application of the Law of the River as supplemented by voluntary agreements.

Further, the Water Authority calls on Reclamation to consider the following additional points in developing the SEIS and a Modified ROD.

- While the Water Authority supports considering a wide range of approaches to addressing the supply/demand imbalance through 2026 (the end of the 2007 Interim Guidelines), any actions must be designed to prevent both Lakes Mead and Powell from falling to dead pool levels and involve actions in both the Upper and Lower Basin (keeping in mind the additional conservation already proposed by California).
- The importance of the 2003 Quantification Settlement Agreement (QSA) in generating conservation needs to be considered in the analysis of the SEIS. The QSA serves as a model for the entire Basin through a collaborative approach to conservation and water management. Through the conserved water transfer agreement, the Water Authority has funded conservation implemented by the Imperial Irrigation District (IID) in a mutually beneficial program that has provided conserved water supplies to the San Diego County region while protecting agriculture and the environment, most importantly the Salton Sea. In total, the Water Authority's QSA supplies include 200,000 AF annually of conserved transfer water and 77,700 AF annually of water conserved through the concrete lining of sections of the All-American and Coachella Canals, which the Water Authority funded along with additional funding received from the state. These conserved QSA supplies also facilitated, in large part, the 2007 Interim Guidelines. Specifically, by quantifying water rights within California through capping annual entitlements, the QSA allowed for the development of future conservation, forbearance, and storage programs. As the QSA continues to serve these purposes, it remains a critical component of river operations.
- Any revisions to the 2007 Interim Guidelines should consider the impacts to the Salton Sea and recognize that environmental mitigation will be necessary separate from the mitigation work moving forward under QSA-related legislation and in addition to the state's restoration efforts under the Salton Sea Management Program (SSMP). The work of the QSA Joint Powers Authority, of which the Water Authority is a member, can serve

as a model for successfully implementing a mitigation program at the Salton Sea that is separate from but complements the state's SSMP.

- Protections for agriculture must be considered as part of the SEIS, in particular in response to California's proposal to conserve up to 400,000 AF annually, including up to 250,000 AF annually from IID (contingent upon completion of conservation agreements) in response to Reclamation's existing call for additional conservation. There needs to be recognition of agriculture's importance in this process, both to the economy of California and to food production for the nation.
- Additional recognition should be given to the importance of ensuring an adequate water supply for all other water users (in addition to agriculture), including cities, Tribes and Mexico.
- As valuable as the Intentionally Created Surplus (ICS) program is to maintaining elevations in Lake Mead, the limited access to Lake Mead storage has stood as a barrier to those who could help support the river. Specifically, the Water Authority does not currently have a storage account despite meeting ICS participation requirements, including having an entitlement to mainstream water under a water delivery contract with the United States, a reservation of water by the Secretary of Interior, and conserved water supplies that qualify under the ICS program parameters. Granting the Water Authority a Lake Mead storage account would have Basin-wide benefits, providing additional water within the Colorado River system to build elevation in Lake Mead to protect water supply, hydropower production and infrastructure. Considering such benefits, the Water Authority requests that you incorporate expanded access to the ICS program and Lake Mead storage accounts as part of the SEIS analysis.

The Water Authority looks forward to continued engagement in the SEIS process and the steps to follow just as we engaged in the development of the 2007 Interim Guidelines, and before that in the adoption of the QSA. This process, which will shape future river operations, must be as inclusive as possible. Please feel free to reach out to the Water Authority with questions regarding our comments.

Sincerely,



Dan Denham  
Deputy General Manager