

Document Citation: 87 FR 69042 **Page:**69042-69045 (4 pages)
Agency/Docket Number: RR03010000, 22XR0680A1, RX.18786000.5009000
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Send written comments or questions regarding the proposed SEIS to Reclamation 2007 Interim Guidelines SEIS Project Manager, Upper Colorado Basin Region, 125 South State Street, Suite 8100, Salt Lake City, Utah 84138; or by email to CRinterimops@usbr.gov.

Input offered by P. Brian McNeece December 20, 2022

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- 1. The Bureau needs to present a certified set of basic numbers for Colorado River hydrology and other relevant facts.*

A key issue I see in offering a plan to make the necessary cuts is the question of the reliability of the numbers used in the beginning assumptions for solving the problem.

For example, I have seen a variety of numbers given for the simple capacity of each of the two reservoirs, Lake Mead and Lake Powell. Numbers vary widely. Similarly, I have seen differing reports for the long-term average flow and for the recent, drought-era flow. Finally, I have seen numbers for evaporation losses on the whole river vary from 1 maf per year to 2.4 maf per year.

One number that is missing from most charts is the actual available water in each reservoir. I have read that when Lake Mead hits dead pool, there will still be 4 maf of water in the lake. At CRWUA, we were presented info that at 7.22 maf in Lake Mead, that means Lake Mead is 28% full. This implies a capacity of 25.7 maf. The Bureau of Reclamation's own webpage puts the capacity at 28.2 maf. If you subtract the 4 maf residual water from the current 7.22 maf listed, you have only 3.22 maf of available water. Using the higher capacity BOR number of 28.2 maf, Lake Mead is only at 11.4% capacity. Shouldn't this more accurate number, or THE more accurate number (you have the numbers) be used in these discussions?

How can anyone offer a plan for how much water to release to the major contractors without having confidence in the most basic numbers?

- 2. All allocations need to equitably re-set to numbers that will sustain the reservoirs and the hydropower plants.*

The fairest approach is to cut all water users from their recent historical use by the same percentage. Determining that percentage with enough accuracy to prevent Lake Mead and Lake Powell from dead pool requires an accurate number of how much water is available. The Bureau of Reclamation, along with the researchers in academia, are the ones with the expertise to have those numbers. They need to publish them in simple terms so that each agency knows the data.

Then the BOR needs to also publish the total amount of water needed to be cut. Only then will the agencies be able to formulate a plan.

Regarding the 2007 Guidelines, the new emergency cuts will simply have to be proportionately added to the levels already in place. There is not enough time to do otherwise.

But at the same time, some kind of official body needs to be formed to consolidate all the agreements into one. This should be accomplished by this time (December) of next year, 2023.

3. “Shortage conditions” needs to be redefined.

Many of the agreements in the Law of the River utilized the term “shortage conditions” to trigger action. Senior and junior water rights only get invoked during “shortage conditions.” We know now that this term has never had much of a relation to reality. The river could never provide all the water allocated in the Colorado River Compact of 1922 and the 1944 Treaty of Mexico. Luckily the Upper Basin states have not been able to develop all their water rights, or we would likely have reached dead pool fairly early in the drought back in 2005.

One of the Bureau’s big problems is to redefine what constitutes a shortage. This year, the shortage declaration has not yet affected California. That’s nuts. Everybody on the river should have already had to make cuts by now. The hydrology shows that all the conservation measures to date, in aggregate, have failed. And since California has not had to take cuts, the junior water rights holders such as MWD and SDCWA have not had to take cuts either.

The QSA has a shortage condition baked into it. But it only applies to the SDCWA transfer and only if IID gets cut. We’re 20 years into a drought, and these junior water rights holders haven’t been cut? It’s a failure.

Again, this is why there needs to be a reset of many numbers. If it is determined, for example, that all contractors on the river need to have their appropriation cut by 20% (it could be much, much more), this cut applies to all sub-agreements such as the QSA as well.

4. Push the limits on legal authority

The Bureau may be skating on thin ice regarding its legal authority, but this is a situation where one has to take action and ask forgiveness later. Others have learned how to stall the courts in order to take necessary action. The BOR can do the same thing and buy a few years as the lawsuits pile up. This may be a necessary course of action.

5. Enlist Congress to temporarily reduce PPRs

All the Present Perfected Rights along the Colorado River are the safe haven of many, but how can even the PPR's be considered inviolable if Mother Nature won't supply the water. Perhaps an act of Congress to temporarily suspend the PPRs will be necessary. If indeed the climate has been permanently changed, then the temporary reduction of the numbers on all the PPRs can be made permanent. Again, they should be cut by some reasonable percentage across all rights.

Return flow credit should be reexamined in light of returned flow being of lower quality water.

6. Instead of paying farmers to fallow, invest in permanent improvements in farming efficiency.

This is a nod to John Entsminger's comment at the recent CRWUA conference on December 16, 2022. The IRA money should not simply pay farmers not to farm but should pay for any equipment, training, or cultural practices that result in permanently lowering the needs for water without reducing farm production.

You may also refer to this more complete and still relevant document that I submitted for the previous NOI.

[http://www.ivvelo.com/media/managed/McNeece Meeting Colorado River Water Crisis 9 23 20221.pdf](http://www.ivvelo.com/media/managed/McNeece_Meeting_Colorado_River_Water_Crisis_9_23_20221.pdf)