

December 9, 2022

Reclamation 2007 Interim Guidelines SEIS Project Manager
Upper Colorado Basin Region
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Salt Lake City, Utah 84138
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(Both hard copy and electronic comments submitted)

RE: [RR03010000, 22XR0680A1, RX.18786000.5009000] 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

Dear SEIS Project Manager:

Following are comments from the Central Arizona Project (CAP) 4th priority municipal and industrial subcontract entitlement holders¹ and potentially impacted municipalities, regarding the proposed Supplemental Environmental Impact Statement (SEIS) to modify operating guidelines for Glen Canyon Dam and Hoover Dam to address historic drought and low runoff conditions in the Colorado River Basin. Modified operating criteria are necessary to address the potential catastrophic loss of water supply in the Colorado River Basin and damage to critical infrastructure. We support the expeditious adoption of modified operating criteria and the equitable distribution of Extraordinary Conditions reductions; Arizona water users must not bear this burden alone.

The operating alternatives described in the SEIS are very general in nature, making it difficult to accurately assess potential impacts, and provide detailed and meaningful feedback. We encourage Reclamation to specifically define the criteria that will trigger a determination of “Extraordinary Conditions” and define the proposed operational response so that we may better evaluate the impacts.

The health and safety of the millions who rely upon water delivered through the CAP canal are at risk if new operating criteria are not adopted which protect critical potable supplies. Arizona water users have accepted significant supply reductions for multiple years, over and above agreed upon shortage reductions, in an attempt to stabilize Lake Mead. But these reductions have not been enough. It is beyond the ability of the state of Arizona, even if it were to forego its entire 2.8 million acre-feet apportionment, to produce the up to 4 million acre-feet of conservation that is currently needed to stabilize Lake Mead. For these reasons, we offer the following recommendations.

Apportionment of the Structural Deficit equitably between the Lower Basin states

Approximately 1 million acre-feet of water is lost each year from Lake Mead due to evaporation and conveyance losses downstream of Lake Mead. These losses are referred to as the “Structural Deficit.” The Interim Operating Guidelines and the Drought Contingency Plan both treat the Structural Deficit as

¹ Some CAP subcontractors also serve communities on the mainstem Colorado River and hold mainstem entitlements.

shortage and assign these losses largely to Arizona. This Structural Deficit is a cost of doing business, and losses should not be borne by the reservoir resulting in more rapidly lowering water surface elevations in Lake Mead, thereby increasing shortage reductions primarily to Arizona. Instead, this cost of doing business should be apportioned equitably among the beneficiaries. Those with the greatest benefit of this Colorado River water supply, by volume, should bear the greater proportionate reduction in supply on an annual basis, separate and distinct from the implementation of shortage reductions.

Continued depletion of Lake Mead associated with the Structural Deficit increases the risk of serious reductions to the Municipal and Industrial (M&I) priority CAP water supply. Conflating the Structural Deficit with shortage accelerates and increases the volume of shortage reduction to Arizona. Arizona water users and especially CAP subcontractors, should not bear the sole responsibility to mitigate the Structural Deficit. This responsibility should be equitably apportioned to the Lower Basin State's water users based upon entitlement or other right and must be applied before Lake Mead reaches the currently defined shortage trigger elevations.

Establishing Beneficial Use Priorities

Based on statements made by Reclamation representatives, up to 4 million acre-feet of reductions, in addition to already agreed upon shortage reductions, are needed to avoid catastrophic Colorado River water supply reductions. Current Arizona mainstem priorities 1-4 water use is approximately 1.1 million acre-feet during normal operations. CAP diverts all otherwise unused Arizona apportionment up to 2.8 million acre-feet. Arizona shortage reductions under current guidelines range from 192,000 acre-feet to 720,000 acre-feet; at the highest level of reduction less than 1 million acre-feet is available for diversion by CAP. Critical, but lower priority CAP supplies will be greatly impacted or completely eliminated during shortage operations.

Critical potable uses must not be interrupted unless an alternate water supply exists and is readily available for delivery. Some subcontractors have more flexibility than others, and those with flexibility need to accommodate subcontractors with less flexibility. Subcontractors need the freedom to manage priorities within their service territories.

CAP water providers have invested millions in the construction and operation of water treatment plants for their Colorado River water supplies, but acknowledge that supplies may be reduced to address the current crisis. For some providers, this reduction cannot be met by simply reverting to groundwater use. In some instances, groundwater pumping capacity has been reduced and resources shifted to increase surface water capacity.

During critical shortage operations and barring other requirements, conditions, contractual or other obligations, the reduction in CAP supplies should prioritize uses in the following order. The direct delivery of water to water treatment plants should be the first delivery priority unless the subcontractor has sufficient redundancy to reduce water treatment plant operations. Direct delivery of CAP water including water delivered for Annual Storage and Recovery is the next highest priority and water providers should be free to decide how to prioritize beneficial uses in this category based on their specific needs. Storing CAP water for future use should be the lowest priority.

Proposal to Decrease Deliveries Pursuant to a Mid-Year Review

The SEIS proposes revision of Section 7.C (Mid-Year Review) to allow for a determination mid-year, to reduce deliveries from Lake Mead. This proposal is counter to the approach taken to date of adopting quantified criteria in advance of the need to implement supply reductions. It should be noted that the 2007

Guidelines only allow for an increase in deliveries mid-year, and only in response to an improved hydrology. It would be difficult for Arizona subcontractors to implement additional supply reductions mid-year, on top of already agreed upon shortage reductions.

Instead of adopting the proposed mid-year reduction, it would be preferable to adopt criteria for greater volume reductions prior to the start of the operating year. Although shortage and other proposed reductions are difficult to manage, it is better to adjust deliveries to meet critical needs early rather than scrambling to do so late in the year. This proposal runs the risk of endangering public health and safety by unnecessarily delaying supply reduction decisions.

Conclusion

Thank you for the opportunity to submit comments and explain our unique concerns and perspective regarding the Notice of Intent to prepare a Supplement to the 2007 Guidelines. This is a critical and necessary process that must proceed expeditiously. With regard to the alternatives described in the Notice of Intent, they are very general and do not yet allow for any detailed analysis of potential impacts to CAP water users.

We acknowledge that there are difficult decisions to be made through this process. We understand that these decisions will likely adversely impact our organizations and water users. For this reason, we believe that precisely defining these operations as early as possible will help us all to prepare for the difficult times ahead. Modified operating guidelines developed through this process must protect critical water related health and safety needs and additional supply reductions related to the Structural Deficit must be applied equitably across all Lower Basin States.

Sincerely,

Shared Interest Group Members of the Arizona Re-consultation Committee

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Arizona Water Company – Casa Grande – CAP M&I Subcontract No. 07-XX-30-W0456

Arizona Water Company – Coolidge – CAP M&I Subcontract No. 07-XX-30-W0457

Arizona Water Company – Superstition – CAP M&I Subcontract No. 07-XX-30-W0455

City of Buckeye – CAP M&I Subcontract No. 07-XX-30-W0510

City of Eloy – CAP M&I Subcontract No. 07-XX-W0464

EPCOR Inc – Agua Fria – CAP M&I Subcontract No. 07-XX-30-W0485

EPCOR Inc – Paradise Valley – CAP M&I Subcontract No. 07-XX-30-W0486

EPCOR Inc – Sun City – CAP M&I Subcontract No. 07-XX-30-W0488

EPCOR Inc – Sun City West – CAP M&I Subcontract No. 07-XX-30-W0487

EPCOR Inc – Chaparral City Water Co. – CAP M&I Subcontract No. 07-XX-30-W0460

EPCOR Inc – Rio Verde Utilities – CAP M&I Subcontract No. 07-XX-30-W0512

EPCOR Inc – Mainstem Colorado River Contract No. 00-XX-30-W0391

Town of Florence – CAP M&I Subcontract No. 07-XX-30-W0481

Town of Marana – CAP M&I Subcontract No. 07-XX-W0470

Town of Queen Creek – CAP M&I Subcontract No. 09-XX-30-W0542

Water Utility of Greater Tonopah (Global Water Resources) – CAP M&I Subcontract No. 07-XX-30-W0475

City of Casa Grande, Arizona

City of Coolidge, Arizona

City of Maricopa, Arizona

County of Pinal, Arizona

Todd Pryor Superior, Arizona