



SONORAN  
INSTITUTE

August 26, 2022

Ms. Carly Jerla  
Senior Water Resources Program Manager  
Bureau of Reclamation  
CRB-info@usbr.gov

*Re: Joint Response of Upper Basin Dialogue Participants to the Bureau of Reclamation's "Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions."*

Dear Ms. Jerla,

Sonoran Institute is a 32-year-old conservation organization that works to ensure that the Colorado River is managed in a more holistic, inclusive, and adaptive fashion to benefit communities and wildlife in the US and Mexico. We have a long history of facilitating dialogue in the Colorado River Basin with rural landowners, small towns, water districts, cities, Tribes, and government agencies in developing collaborative approaches to management of land, water, and the species they support. Through our Growing Water Smart Program, we provide training and technical assistance to communities in the Colorado River Basin to address water supply-demand gaps and advocate for policies that promote water conservation and re-use of stormwater, treated wastewater, and agricultural return flows in urban settings. We also have pioneered river restoration efforts in the Basin, including the Colorado River Delta and Santa Cruz watershed, demonstrating the feasibility and benefits of large-scale restoration and policies that allocate water and funding for such efforts.

Building on these efforts, Sonoran Institute prepared these comments to the Bureau of Reclamation's (Bureau) "Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions" (a/k/a Pre-Scoping Notice) as published in Federal Register Notice – 87 FR 37884 on June 24, 2022.

We would like to thank the Bureau for acknowledging the seriousness of the problem we all face. As we develop policy that will govern the Colorado River in years to come, it is imperative that we acknowledge that the river has never had the volume originally apportioned under the 1922 Colorado River Compact, that the current volume is declining rapidly, and that we may never return to the flows that we have been accustomed to in previous decades.

We want to thank the Bureau for recognizing the importance of active and meaningful involvement by all sovereigns, including Mexico and the 30 Colorado River Basin Tribes, as well as stakeholder groups, in developing and implementing river management policy from the outset of the development of the Post-2026 Colorado River operational strategies. Sonoran Institute has staff and programs in Mexico who work daily with people that live in the Delta region. We understand their personal relationship with the lower Colorado River and their desire to ensure the river's importance remains a key part of their culture and society.

Sonoran Institute acknowledges that the pre-scoping effort is the first step toward the formal scoping NEPA process that is scheduled to begin in early 2023. This pre-scoping effort is intended to help identify issues that will frame development of the NEPA process both procedurally and substantively. It is with this understanding that we provide the following recommended guiding principles and shared priorities that we believe are important to the development and success of the post-2026 management framework for the Colorado River Basin.

#### *Guiding Principles for Future Colorado River Strategies and Operations*

1. *Integrity*. An overarching goal of any management framework involving the Colorado River Basin should be to help ensure the overall physical, social, and ecological integrity of the Colorado River and its tributaries, while providing water for our farmers, ranchers, and growing communities, Tribal nations, and the environment in both the US and Mexico.
2. *Resilience*. The future of the Colorado River and its tributaries depends on whether the Basin can adapt and adjust to the hotter, drier conditions and the increased frequency and severity of drought, wildfire, and flooding confronting the Basin. To be successful, future management strategies and operations will have to incorporate an ethic of resilience that focuses on helping establish the sustainable use of the Colorado River and its tributaries for people and the environment in the US and Mexico for years to come.
3. *Sustainability*. For too long the Colorado River has been treated as a water supply that would sustain the Colorado River Basin forever. Beginning in the early 2000's, the hydrology of the Basin began to shift to one of depletion rather than surplus. Ensuring the sustainability of the river, watershed, and all people who depend on its water supply must involve a commitment to negotiations and balanced outcomes, where current needs are met without compromising the ability to meet those needs in the future.
4. *Equity*. Any future management framework must ensure that Colorado River water is equitably distributed and that the Basin's diverse communities and economic interests are engaged in the development and implementation of a new framework.

## *Key Themes and Priorities for Colorado River Strategies and Operations*

1. *NEPA Process Considerations:* The Pre-Scoping Notice identifies that the Bureau intends to design and implement the next Colorado River management framework using “a stakeholder engagement process that is inclusive, transparent, encourages and supports meaningful engagement.” To achieve this goal, it is necessary to commit to inclusivity, consultation, and outreach, and we would emphasize that the NEPA process should, among other things:
  - a. Specify the opportunities and timeframes to inform and consider the input from Tribes and stakeholders to comprehensively address Colorado River challenges with state and federal agencies.
  - b. Recognize that meaningful engagement of Tribes and stakeholders will be conducted at useful intervals and provide reasonable opportunities for understanding, discussing, and ultimately providing feedback in building the future management framework.
  - c. Proactively identify topics or issues that could be the subject of convenings, research, or activities that generate ideas to inform the process, and encourage universities, non-governmental organizations, and other stakeholder groups to lead such complimentary efforts.
  - d. Be transparent with respect to process, sharing data, identifying decision-making points, and discussing the assumptions and hypotheses being tested and evaluated.
  - e. Develop a sustained public engagement strategy that takes full advantage of Web-based and social media platforms (e.g., webinars, virtual/hybrid/recorded meetings, data hubs, online dashboards, and story maps) to update and educate the public on the process. For an example, see: <https://www.epa.gov/sfbay-delta>.
  - f. Establish advisory groups around particular topics or areas of expertise (e.g., hydrologic data and modelling, environmental and cultural resource preservation, public engagement) that can assist with the development of the new framework and potentially evolve into standing advisory groups that can guide the framework’s implementation.
2. *NEPA Analysis Considerations:* The Pre-Scoping Notice explains the need to consider future operations and management strategies under conditions of deep uncertainty and best available science. Pre-scoping is done when issues are complex, there is considerable public interest and/or there are likely to be challenges to the approach and assumptions. To further the substantive development of the next Colorado River management framework, the NEPA process should:
  - a. *Clearly define a management goal or set of goals for the new framework.* The purpose of a goal is to clarify the ultimate end(s) to be achieved by

the management framework and to assist with measuring progress in, and impact of the framework's implementation. It should articulate how goals related to storage and allocation are re-defined in a volatile and uncertain operating environment.

- b. *Perform a comprehensive analysis:* As the Pre-Scoping Notice identifies, current operations under changed circumstances have produced adverse impacts to society, the environment, and the economy. All indications are that the Basin's hydrology will not improve anytime soon. Accordingly, the next Colorado River management framework cannot simply focus on short-term efforts to stabilize the system. It must also promote the long-term sustainability of the Basin's people and natural environment in the US and Mexico. To achieve this outcome, the NEPA process must:
  - i. Identify, assess, and address the possible impacts not only to the operation of Colorado River reservoirs but also to the critical social, cultural, and environmental resources that serve as a foundation for the Basin's integrity.
  - ii. Build on a range of modeling scenarios, including driest and wettest conditions, that account for the hydrologic realities of both the Upper and Lower Basins and anticipate a robust range of responses in the face of uncertain future conditions. This will require incorporation of updated and advanced modeling efforts, as well as integration of information from a diverse group of perspectives, including traditional indigenous knowledge.
  - iii. Develop and include short-term adaptive actions in response to more immediate changing hydrologic conditions and longer-term mitigative measures that could be implemented to reduce the overall risk exposure and impacts to the public and the environment.
  - iv. Identify the ecological and ecosystem critical aspects, specifically ESA driven issues, and ecosystem integrity thresholds that can be brought into the assessment and decision process. This should include all the major ESA focused adaptive management, mitigation and recovery programs that today are spread throughout the Basin.
- c. *Work to complement essential parallel efforts:* We recognize the next Colorado River management framework may not encompass every issue plaguing the Basin. Future management strategies and operations, therefore, must be sufficiently complementary to parallel efforts that remain essential to the Basin's integrity and long-term sustainability. Such parallel efforts include, but may not be limited to:

- i. Reaching agreement with Mexico on use of Colorado River resources after expiration of Minute 323 and a commitment to continue to have an open dialogue that encourages engagement.
- ii. Securing reliable access to clean water for all Tribal members and other Colorado River Basin residents. This includes developing water infrastructure that allows for the delivery of water to Tribal members.
- iii. Capitalizing on the Infrastructure Investment and Jobs Act, Inflation Reduction Act, and other funding opportunities, including watershed management, that will allow us to build the efficiency and conservation mechanisms needed to enable us to do more with less.
- iv. Identifying other federal water programs that could be utilized to augment water supply for selected areas of the Basin. Expanding the water portfolio for urban, rural, agricultural, and Tribal communities and sectors is necessary. Programs such as stormwater capture, water reuse, recycling, agricultural efficiency technology, evaporation reduction—all can be used to augment water supplies to reduce the strain on the Colorado River.

Because these and similar efforts are of such great importance to the health of the Basin, our support for a future Colorado River management framework will be measured in part by how this framework works in concert and avoids conflict with other related efforts aimed at promoting greater certainty, building more resilient communities, ecosystems, and economies, and reducing potential conflict over water management decisions going forward.

In a constrained water future, communication and coordination between decision makers, stakeholders and the public will be critical. Creating and supporting forums that allow for quick and accessible levels of communication will be essential to maintaining a knowledgeable and supportive public.

- d. *Allow for greater flexibility:* A key element of the next Colorado River management framework must also be flexibility—the framework must be able to quickly adjust to and account for changing conditions without requiring complete system overhaul in parts of, or throughout, the Basin. For the framework to provide flexible water management strategies that contribute to Basin-wide water security for all water users, including the environment, it must be based on a range of modeling scenarios.

Flexibility requires real time data and information. The present management of the Colorado River system is based on 24-month studies and restricted shifting from historical protocols. That worked fine when there was excess water in the system. With the structural water deficit that

now exists in the Basin and shifting demands, a real-time approach that allows for daily and hourly fine tuning of water deliveries and reservoir management is required.

- e. *Creatively utilize, conserve, and diversify local water portfolios within the Basin.* The future will include a less robust and more variable Colorado River water supply. Achieving water supply resilience requires integrated water resource management, or effective use of all forms of water to augment existing supplies, as well as increases in water conservation and efficiency. Support for rain and stormwater capture, water reuse and recycling, improved efficiency of fixtures, appliances, and urban irrigation are vital to support the new management framework and should be promoted as such.

Sonoran Institute values the opportunity to inform the processes for developing the NEPA efforts related to the next Colorado River management framework. Sonoran Institute is a part of the western landscape and community. We live and work here, and we are committed to being engaged in ensuring that our water future is based on good science, transparent process, equitable apportionment of impacts and benefits, and engaged decision-making. We look forward to working together in the months and years to come to meet the immediate needs in the Colorado River Basin and to ensure long-term sustainability for the people, plants, and other species within the Basin.

Signed,



Mike Zellner  
Chief Executive Officer  
Sonoran Institute