



September 1, 2022

Carly Jerla
Senior Water Resources Program Manager
Bureau of Reclamation, Interior
Submitted via email to CRB-info@usbr.gov

Dear Ms. Carly Jerla,

American Whitewater appreciates the opportunity to provide comments on the pre-scoping for the Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead.

American Whitewater is a national 501(c)(3) non-profit organization with a mission to protect and restore our nation's whitewater resources and enhance opportunities to enjoy them safely. With over 6,000 individual and 100 affiliate club members, American Whitewater represents the interests of over 80,000 river enthusiasts nationally. As conservation-minded whitewater recreationists, we place a high value on protecting naturally functioning river ecosystems, including their fish and wildlife, geomorphic processes, and potential to provide clean and safe drinking water.

American Whitewater is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and we have members that live and recreate throughout the Colorado River Basin. American Whitewater and our members are invested in ensuring that management of the Colorado River Basin is informed by science and robust public participation, and that the ecological and recreational values of the Colorado River Basin are adequately included in post-2026 operations.

The Bureau of Reclamation has asked for input on strategies that will lead to robust stakeholder participation in the upcoming NEPA process and on major elements for post-2026 operations. The below comments address those two areas directly.

- 1) Processes that can be employed to encourage and facilitate meaningful participation of Colorado River Basin (Basin) partners, stakeholders, and the general public in the anticipated upcoming NEPA process(es).
 - a) *Provide adequate time for public participation, beyond the minimum requirements under NEPA.* Western water law and particularly Colorado River Basin management is more nuanced than many other complicated issues that are reviewed through NEPA. Community citizens, NGOs, Tribes, small businesses, farmers, local governments, and many other stakeholders will need more time than usual to digest the NEPA materials on this critical issue. Under 40 CFR § 1501.10(c), the senior agency official may extend the Environmental Impact Statement (EIS) timeline longer than two years under qualifying circumstances. Operations of Lake Powell and Lake Mead qualify for at least 5 of the 7



qualifying circumstances for a EIS timeline longer than two years.¹ These factors include the potential for environmental harm, the size of the proposed action, state of the art analytical techniques, degree of public need for the proposed action, and the number of persons and agencies affected. While operational plans need to be in effect for 2026, the full amount of time between the Notice of Intent (early 2023) and 2026 should be dedicated to development of the Environmental Impact Statement and robust public input.

- b) *Produce succinct educational materials that are digestible to the layperson and made accessible to the broader public.* Colorado River management has the potential to significantly impact people across the country and needs to be communicated successfully. While managed and operated by a large body of laws and precedent too vast for most laypeople to digest, this public NEPA process provides an opportunity to explain clearly how different management scenarios could affect their lives and livelihood. The general public who will arguably be impacted the most by management decisions neither have the time nor the expertise to digest thousands of pages of NEPA reports. While these reports are necessary for professionals, partner organizations, scientists, and other stakeholders, condensed materials need to be developed in concert to be shared with the general public. Meaningful summaries, graphics, story maps, and other tools need to be used to help communicate each phase of the NEPA process and to facilitate public participation from a wide range of people.
- c) *Ensure targeted outreach to and partnership with a broad range of stakeholders.* In addition to creating resources for the general public, meaningful engagement with a broad range of stakeholders needs to be prioritized. Stakeholders should include federally recognized tribes and non-federally recognized tribes, historically underserved communities, recreation and conservation interests, outdoor recreation businesses, outdoor recreation industry experts, and other organizations. Stakeholders throughout the basin, including upstream from Lake Powell should be included in meaningful engagement. Water deliveries from upstream reservoirs as part of Colorado River Basin management have the potential to greatly impact environmental and river recreational values on numerous rivers and river-dependent communities, including the Green River, Gunnison River, Dolores River, San Juan, Upper Colorado and many others. Meaningful engagement is more than simply allowing for public comment and meeting minimum requirements for publication in the Federal Registrar. Meaningful engagement with impacted stakeholders needs to include additional communications, such as press releases, targeted social media advertising, and other print or digital advertising. All materials including public outreach and messaging should provide translations into Spanish in local communities throughout the Colorado River Basin. Additionally, Reclamation staff should dedicate time to meet with impacted stakeholders throughout

¹ National Environmental Policy Act 40 C.F.R. § 1501.10(c) (2022).



the NEPA process and these opportunities should be made aware to all potential stakeholders.

- d) *Apply NEPA regulations to the current pre-scoping phase, including a summary analysis of public comment, and agency response to public comments. All public comments should also be made available for review electronically.* American Whitewater appreciates that Reclamation has taken extra time to conduct the current pre-scoping phase prior to the formal NEPA process and we strongly encourage Reclamation to treat this process as if it were a formal NEPA phase. The information gained from the pre-scoping phase will only be helpful if it is given full consideration and analysis. A full detailed report of the pre-scoping phase should be included in the initiation of the scoping process. The report should include 1) a summary analysis of all pre-scoping public comments, including themes and places of disagreement, 2) agency response to all public comments, including which strategies will be included in the NEPA process or justification for why not, and 3) an electronic library (i.e., reading room) of all original public comments submitted.
- 2) Potential substantive elements and strategies for post-2026 operations to consider in the anticipated upcoming NEPA process(es).
 - a) *Analyze a broad range of management options, including dam renovation and implication of other federal water projects.* Water availability in the Colorado River Basin has such great uncertainty, a wide range of approaches and management tools need to be considered in the post-2026 operations. For this reason, the Environmental Impact Statement and included “alternatives” need to be more comprehensive than a typical EIS and must reflect the complexities of the Colorado River Basin. At a minimum, alternatives should include the following:
 - i) Reassessment of dam engineering at Lake Powell and identification of feasible options for renovation or removal. A recent report by Utah Rivers Council, Glen Canyon Institute, and Great Basin Water Network highlighted that the archaic engineering of Glen Canyon Dam could not only curtail hydropower, but could limit or completely halt downstream water deliveries to the Lower Basin States.² In addition to the inability to meet water delivery obligations, environmental and recreation resources downstream in Grand Canyon National Park would be severely impacted.
 - ii) Complete analysis of other federal water projects not currently included in the Colorado River Basin System. Every federal water project that is connected to the Colorado River Basin should be included in basinwide operations planning. According to the 2019 Drought Contingency Plans, Reclamation committed 100,000 acre-feet in water reductions at Lake Mead elevations of 1090’ and

²Utah Rivers Council, Great Basin Water Network, and Glen Canyon Institute. (2022 August). *Antique Plumbing and Leadership Postponed*.
<https://static1.squarespace.com/static/5a46b200bf2007bcca6fcf4/t/62e9d5e66e6ec602d2575e30/1659491822127/Antique+Plumbing+at+Glen+Canyon+Dam.pdf>



lower.³ As of July 18, 2022, Lake Mead's elevation was 1041.30' and is continuing to drop.⁴ More drastic federal water reductions need to be fully analyzed in the EIS alternatives, including a cost-benefit analysis that addresses a broad range of federal water projects in the Colorado River Basin.

- b) *Extensively analyze the environmental and river recreation impacts of each alternative.* Every alternative in the EIS must fully analyze the impacts that changes in streamflow quantity and timing and water quality will have on river recreation and the environment. The scope of these impacts should include the Colorado River and its tributaries where there are proposed changes in streamflow management. Existing studies defining streamflows that support the environment and river recreation in the Basin should be used and additional research should be completed where there are data gaps. American Whitewater and our partners have completed numerous recreational flow studies on segments of the Colorado River and its tributaries, including through Cataract Canyon.⁵ American Whitewater can provide Reclamation with previously completed flow studies and in partnership with Reclamation can help meet existing data gaps.

Additionally, new and existing tools should be used to identify the overlap of environmental and recreational flows. Where there is overlap in flow needs for the environment and recreation, these flows should be prioritized when determining the quantity and timing of downstream water deliveries. Overlapping environmental and recreational flows should be analyzed in each alternative and an overarching objective of each alternative should be to optimize environmental and recreational flows to the extent possible. Reclamation needs to consult directly with scientists, NGOs, river outfitters, and other river recreation and environmental experts, including American Whitewater, to ensure that the latest science and data is used in this analysis.

- c) *Tribal water rights and Indigenous Traditional Ecological Knowledge need to be prioritized in all management decisions.* Tribes have some of the most senior water rights on the Colorado River, yet they have been left out of management decisions since those water rights were established. Any proposed water allocations and reductions in post-2026 operations need to fully analyze impacts to both developed and undeveloped Tribal water rights. Many of these Tribes and other Native American communities in the Colorado River Basin have spent millenia living in symbiosis with the Colorado River despite droughts, floods, and other extreme environmental conditions. Their wealth of experience passed down through generations should be sought out and prioritized in the

³ United States. (2019, May 20). Lower Basin Drought Contingency Plan Agreement. Colorado River Basin Drought Contingency Plans. <https://www.usbr.gov/dcp/docs/final/Attachment-B-LB-DCP-Agreement-Final.pdf>

⁴[https://earthobservatory.nasa.gov/images/150111/lake-mead-keeps-dropping#:~:text=As%20of%20July%2018%2C%202022%2C%20the%20water%20elevation%20at%20the,1199.97%20feet%20\(341%20meters\).](https://earthobservatory.nasa.gov/images/150111/lake-mead-keeps-dropping#:~:text=As%20of%20July%2018%2C%202022%2C%20the%20water%20elevation%20at%20the,1199.97%20feet%20(341%20meters).)

⁵ Stafford, E., Fey, N., and Vaske, J. (2016). Quantifying Whitewater Recreation Opportunities in Cataract Canyon of the Colorado River, Utah: Aggregating Acceptable Flows and Hydrologic Data to Identify Boatable Days. *River Research and Applications*, 33(1), 162-169. <https://onlinelibrary.wiley.com/doi/abs/10.1002/rra.3049>



development of NEPA alternatives. The use of Indigenous Traditional Ecological Knowledge should be used to inform federal decision making as directed by White House Memorandum dated November 15, 2021, *Indigenous Traditional Ecological Knowledge and Federal Decision Making*.⁶

The Colorado River Basin generates over \$25 billion from river related outdoor recreation⁷ and supports the quality of life of Americans across the country who travel to the Colorado River Basin to recreate. River recreation needs to be a fundamental component of the NEPA analysis and river recreation stakeholders must be meaningfully engaged in the process.

Thank you for considering American Whitewater's above comments and don't hesitate to reach out to us with questions.

Sincerely,

A handwritten signature in black ink that reads 'Kestrel'.

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A handwritten signature in black ink that reads 'Hattie Johnson'.

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⁶ The White House. (2021, November 15). Indigenous Traditional Ecological Knowledge and Federal Decision. <https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf>

⁷ Southwick Associates. (2012). *Economic Contributions of Outdoor Recreation on the Colorado River & Its Tributaries*. Protect the Flows.