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**COLORADO RIVER COMMISSION  
OF NEVADA**

September 1, 2022

**VIA ELECTRONIC MAIL**

[CRB-info@usbr.gov](mailto:CRB-info@usbr.gov)

**Re: Notice of 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:

The Colorado River Commission of Nevada (CRCNV) respectfully submits these comments in response to the Bureau of Reclamation's ("Reclamation") Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions, Fed. Reg. Vol. 87, No. 121 dated June 24, 2022 (Post-2026 Operations). Please consider these comments for development of the Post-2026 Operations process.

With respect to Reclamation's request for input on (1) processes that can be employed to encourage and facilitate meaningful participation of Colorado River Basin partners, stakeholders, and the public in the upcoming National Environmental Policy Act (NEPA) process and (2) potential substantive elements and strategies for Post-2026 Operations to consider in the anticipated upcoming NEPA process, the CRCNV offers the following comments.

**PARTICIPATION PROCESSES**

The CRCNV is the state agency responsible for protecting Nevada's annual 300,000 acre-feet allocation from the Colorado River. Southern Nevada relies on the Colorado River for ninety percent of its drinking water. Additionally, CRCNV's customers rely on the CRCNV's hydroelectric power allocation from the Colorado River Storage Project, Boulder Canyon Project, and the Parker-Davis Projects. The hydropower generated from these projects supports the communities' energy demand in southern Nevada, energy delivery for water pumping and wastewater treatment, and energy for

industrial manufacturing for critical elements for the industrial economy and national defense.

The CRCNV is one of the primary state representatives and beneficiaries in the long history of the development of the Law of the River and has been a party to the vast number of collaborative efforts and operational negotiations over the last century. It is important and necessary that the Secretary of the Interior continue to consult and collaborate with the Basin State principals, including the CRCNV, in the development of this NEPA process for post 2026 operational guidelines. The CRCNV anticipates, along with the other Basin States, it will develop an alternative for Reclamation to consider during this NEPA process consistent with the Basin States effort in the 2007 Interim Guidelines' NEPA process.

The CRCNV also recognizes that for the outcome of this NEPA process to be successful, the process must be inclusive of the wide spectrum of stakeholder interest. The process should include direct collaboration with the Tribes, whose interest in the river is significant, and engagement with interested Non-Profit Groups as well as other water users and stakeholders. Any sustainable future mandates this wide spectrum of participation and engagement. The CRCNV agrees with the Governors' representatives that any unresolved Tribal water rights should be addressed through different, parallel paths.

The CRCNV shares the desire with the other Basin States to continue to collaborate directly with Mexico in future Minute negotiations. It is imperative, given the dire state of the river under the persistent megadrought, that Mexico continue to share with the United States in the effort to ensure a sustainable river system capable of supporting both countries' needs into the future.

## **SUBSTANTIVE ELEMENTS AND STRATEGIES**

Despite the concerted effort of addressing and responding to the ensuing drought through the development of the Interim Guidelines and the Drought Contingency Plan, the river system continues to decline in a dangerous and alarming downward trajectory. Increasing temperatures in the basin must be considered and addressed in planning for the next series of operational rules, as well as the lessons learned from these previous operational guidelines. Accordingly, considerations must include hydrological data with an emphasis on climate scenarios with increasing temperature, particularly given the serious impacts of the warming trend over the last 20 years on our water and hydropower resources.

The CRCNV agrees with the Governors' representatives that balancing consumptive uses and depletions with available supply is critical for the future post-2026 management of the river. The CRCNV looks forward to meaningful discussions in developing sustainable post-2026 operational guidelines through this NEPA process with the federal parties, Basin States, and other stakeholders. Thank you for the opportunity to provide these comments.

Sincerely,



Eric Witkoski  
Executive Director



Sara Price  
Senior Assistant Director