



COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

September 1, 2022

Via E-mail: CRB-info@usbr.gov

Carly Jerla
Senior Water Resources Program Manager
Bureau of Reclamation

**RE: Comments Regarding Proposed Development
of Post-2026 Colorado River Operational Strategies**

Dear Ms. Jerla:

Thank you for inviting public comment on the proposed development of post 2026 Colorado River Operational Strategies. We offer the following comments and thoughts for your consideration.

By way of background, the Colorado River District is a political subdivision of the State of Colorado formed by the Colorado Legislature (*see*, C.R.S. § 37-46-101, *et seq.*) in 1937 for the purpose of safeguarding that portion of the waters of the Colorado River apportioned to the state by interstate compact and for promoting the welfare of the inhabitants of the River District. Geographically, the River District encompasses an area of approximately 29,000 square miles, including all of twelve and parts of three western Colorado counties. Included in that area are the headwaters and tributaries of the Colorado River mainstem and its principal tributaries, the Gunnison, the White and the Yampa Rivers.

Our water users in our District include municipalities, industry, agricultural and recreational water users. All of these users depend upon the wise and proper development and implementation of policies to assure the continued availability of reliable water resources in the Colorado River Basin. All 40 million people who rely upon the Colorado River, the significant recreational economy, our nation's food security and the abundant wildlife and ecosystems up and down the river rely upon the proper development and management of the shared resource that is the Colorado River. The Colorado River District understands that the Colorado River is in fact the resource that binds us together.

The largely empty Colorado River system reservoirs are at testament to the failure of the current operating guidelines. We do not provide this statement to ascribe blame or fault on any party or agency, but the operating guidelines developed in 2007 as well as the adaptive management strategies developed and implemented since that time have failed to keep pace with the speed of change in the climate and resultant dwindling water supply in the Colorado River Basin. While it is human nature, and historic practice in the water management of the Colorado River to pursue



CRD Comments Regarding Proposed Development of Post-2026 Colorado River Operational Strategies

September 1, 2022

Page 2

incremental policy and operational change, it is essential for the environment and economic and water security of all who depend upon the Colorado River Basin, for radical and rapid departure from our current and past operating guidelines and politically influenced policies and regulations. To be clear, we believe that such policy and operational change can and should be developed and implemented in a manner that is consistent with the 1922 Colorado River Compact, the 1944 bi-national treaty with Mexico and the 1948 Upper Basin Compact. Such change will require risk by those of us who are in leadership positions within the Basin. Such change will require forceful and clear leadership and speedy collaboration. Below please find a short list of the areas which we believe the post 2026 operational guidelines should address and which we see as most important and worthy of study and modelling by the Bureau of Reclamation:

- **Hydrology, not reservoir levels must drive post 2026 operations.** Operating guidelines based upon comparative reservoir elevations which do not factor in real time hydrology have been proven to be disastrous for protecting water supply certainty in the Colorado River. Post 2026 guidelines must not be solely or largely based upon reservoir levels, rather the operating guidelines going forward should be based on real time hydrology, especially when any of the major system reservoirs are at anything less than full capacity.
- **Depletion accounting must replace delivery accounting in the Lower Basin.** If not addressed prior to 2026, any operational guidelines should unilaterally institute proper accounting procedures in the Lower Basin resulting in the proportional assessment of system losses, (i.e., transit losses, ordered but not delivered and reservoir evaporation) against all entities holding contracts pursuant to the Boulder Canyon Project Act. No contractor, state or basin should be allowed to deplete or cause to be depleted more water from the system than the bare minimum they are legally allotted unless the system reservoirs are fully recharged, and the Colorado River has re-established its connection with the Sea of Cortez.
- **Operational Guidelines must address a wide range of hydrologic futures.** Post 2026 guidelines must consider the potential reality of living with a river system that produces significantly less water and is potentially more variable than anticipated by the 2007 interim guidelines. Specifically, the guidelines should cover a range of potential futures which sets forth the operations of the river under a range of long-term average annual flows between 9 million acre feet and 17 million acre feet. A set of guidelines that addresses this potential range of futures should be politically palatable for most stakeholders and more importantly, if done right, it should provide as much certainty as possible for all of those who depend upon the Colorado River for sustenance.
- **Tiers that can be gamed must be done away with.** Post 2026 guidelines should not have black line tiers that can be gamed by contractors in such a way as to dictate large volumetric swings in the release volumes from Lake Powell and/or the triggering of Lower Basin shortage declarations. We would recommend the development of a rule curve which allows for Powell releases and Lower Basin shortage declarations that grow and/or reduce in size in small gradual increments.
- **Changes in releases should be incremental.** Post 2026 guidelines should do away with large swings in releases from Powell due to balancing and/or equalization releases.



**CRD Comments Regarding Proposed Development
of Post-2026 Colorado River Operational Strategies**

September 1, 2022

Page 3

- **DROA water must remain in Lake Powell.** Post 2026 operational guidelines should unambiguously protect all water released from any initial Colorado River Storage Project Act (CRSP) reservoirs for the purposes of protecting infrastructure in Lake Powell, (i.e., DROA or other future releases for similar purposes) such that the water stays in Lake Powell and is operationally neutral in such a manner that it is not subject to balancing and/or equalization releases. Water released to protect the infrastructure at Lake Powell needs to stay in Lake Powell until Lake Powell and the other initial CRSP reservoirs have sufficiently recharged.
- **Demand Management water must remain in Lake Powell.** Should Demand Management and/or a similar programmatic Upper Basin wide program be incorporated into the post 2026 operational guidelines, the guidelines should provide for that water to be operationally neutral with respect to balancing and/or equalization and should only be released from Lake Powell at the direction of the UCRC for the sole purpose of protecting the Upper Basin's obligations under the 1922 Compact or when Lake Powell and the other initial CRSP units are sufficiently recharged to a point where flood control is a real, predictable, tangible reality.
- **Section 602(a) of the 1968 Act must be honored by the guidelines.** Post 2026 operational guidelines should be more consistent with the wording and intent of Section 602(a) of the 1968 Colorado River Basin Projects Act with respect to adherence to principles set forth therein regarding non impairment of annual consumptive uses in the Upper Basin.

Thank you very much for your efforts and consideration. Please feel free to contact me should you have any questions or concerns about our suggestions contained herein.

Sincerely,

Andrew Mueller
General Manager