



9379 E San Salvador Drive  
Scottsdale, AZ 85258

Phone: 480-312-5650  
ScottsdaleAZ.gov/Water

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United States Bureau of Reclamation  
Attn: BCOO-1000  
P.O. Box 61470  
Boulder City, Nevada 89006

*Via email to [crbpost2026@usbr.gov](mailto:crbpost2026@usbr.gov)*

**Re: Request for Comment on Draft Environmental Impact Statement on Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead – 91 FR 2131**

The City of Scottsdale (Scottsdale) appreciates the opportunity to respond to the U.S. Bureau of Reclamation's (Reclamation) request for comments in the Draft Environmental Impact Statement (DEIS) for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, published in Federal Register Notice 91 Fed. Reg. 2131 (January 16, 2026). The City of Scottsdale has a population of more than 250,000 and holds a subcontract of 81,271 acre-feet annually for Colorado River water delivery through the Central Arizona Project (CAP) system. This translates into ≈70-75 percent of Scottsdale's water deliveries on an annual basis. Thus, Colorado River water is a very significant portion of Scottsdale's supply and it cannot be understated how detrimental significant cuts would be to Scottsdale.

Water is the foundation for the operation of Scottsdale and the continued health, safety and prosperity of its residents, visitors, and business community. Scottsdale supports a wide range of businesses that not only provide for the local Scottsdale economy and the broader Phoenix Metropolitan area, but also the larger United States economy. Scottsdale is a hub for medical excellence, semiconductor manufacturing and defense contracting. Scottsdale relies on Colorado River deliveries from the CAP to serve these vital industries. This critical supply is necessary to maintain Scottsdale's water portfolio and level of service, thereby sustaining our ability to serve our residents and businesses.

The DEIS acknowledges the challenges the Colorado River system faces moving forward and that past agreements have not been sufficient to stabilize the system especially given the on-going worsening hydrology in the system. However, the DEIS does not adequately consider the implications of these very serious impacts on municipal providers like the City of Scottsdale. Scottsdale continues to support and advocate for a consensus based inter-state and international agreement that incorporates tribal sovereigns as the foundation for the post-2026 operations at Lake Powell and Lake Mead. Nevertheless, Scottsdale urges reclamation to expand its review and consideration of other alternatives that are not analyzed in the current DEIS. The current alternatives are insufficient and present an unacceptable level of risk and harm to Scottsdale for the following reasons.



**I. The DEIS fails to consider the local, state, regional, and national economic consequences stemming from any of the alternatives' impacts on cities like Scottsdale.**

The CAP is essential to sustaining cities like Scottsdale and without modeling the economic impacts in the DEIS alternatives, there is no clear quantification of the effects these alternatives will have on Scottsdale. Not only does the DEIS fail to analyze these impacts, but the DEIS is completely devoid of the potential impacts to Scottsdale, Arizona and the nation as a whole. Scottsdale is one of the top 100 largest cities in the United States and an important economic engine for the region and the nation. If Scottsdale is unable to meet the demands of any portion of the customers we collectively serve, this could have devastating and unacceptable impacts. The socio-economic repercussions of significantly decreasing the volume within the CAP canal (or effectively reducing that delivery volume to the CAP canal to zero as the "Maximum Operational Flexibility" Alternative models) must be analyzed in the DEIS.

In addition, Scottsdale is home to major defense and semiconductor manufacturers like ASM and General Dynamics. These facilities contribute to vital industry and broader goals around national security, ensuring the nation stays competitive in technology and innovation. Scottsdale is a destination for healthcare, including Mayo Clinic, HonorHealth and Banner Health campuses that are renowned for their quality care. Significant CAP shortages would negatively impact Scottsdale's ability to serve these industries as well our broader community, resulting in significant negative impacts on our national economy, healthcare system and national security.

The City of Scottsdale has made it a priority to efficiently use and reuse every drop of water possible. One important use for that wastewater resource is delivery for power plant cooling. Scottsdale is part of a partnership with other cities in the Phoenix metropolitan area that provide wastewater to cool the Palo Verde Nuclear Generating Station. This power plant is the largest power producer in the nation and the largest nuclear plant that is not located on a body of water. This vital, carbon-free energy provider is a critical asset to the Southwest and significant Colorado River cuts could negatively impact the city's ability to not only meet customer delivery obligations, but could reduce the wastewater we are able capture and provide to critical infrastructure like Palo Verde Nuclear Generating Station.

Furthermore, Scottsdale's renowned destination economy—including nationally recognized venues such as TPC Scottsdale and the city's role as the Spring Training home to three Major League Baseball franchises—supports thousands of jobs in hospitality, events, restaurants, and retail, while generating significant local and state tax revenue. Prolonged water supply uncertainty or aggressive shortage frameworks could increase operating costs, influence visitor demand, and slow private investment, with direct consequences for employment and public revenue. A more robust assessment of tourism-related job and tax impacts would ensure the DEIS reflects the full economic stakes tied to Colorado River policy decisions.



Under 42 U.S.C. § 4332(C)(iii), Reclamation is required to consider “a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal.” It is impossible to rigorously explore and objectively evaluate these alternatives without consideration of the impacts on the communities and industries that depend on Colorado River deliveries from CAP. Reclamation has failed to meet these regulatory obligations by ignoring the economic impact of the DEIS alternatives on Scottsdale.

In addition, if the aim of post-2026 operations on the Colorado River is to stabilize the system and reduce the likelihood of dead pool in Lake Powell and Lake Mead, there are no proposed alternatives that don’t have an unacceptably high risk of reaching dead pool. There is also no analysis of the impacts to municipalities like Scottsdale if these critical reservoirs do reach dead pool.

The National Environmental Policy Act (NEPA), which creates the EIS requirements, requires federal agencies like Reclamation to consider the “reasonably foreseeable environmental effects of the proposed agency action.”<sup>1</sup> Under 40 C.F.R. § 1508.1(i)(4), “effects” are defined to include “aesthetic, historic, cultural, economic, social or health” impacts on communities. Through the NEPA process, Reclamation must fully analyze the impacts of water curtailments to Scottsdale and the greater Phoenix area caused by the alternative to limit CAP supplies.

## **II. The DEIS does not address the environmental effects of potential CAP cuts under any of the proposed alternatives.**

Reclamation must consider the foreseeable environmental impacts of the proposed alternatives in the DEIS.<sup>2</sup> Outside of the implications of reduced deliveries of CAP water to Scottsdale’s residents and businesses, there are concerns about the broader environmental impacts within Scottsdale’s service area.

Without access to this important surface water supply, Scottsdale and others would need to mine non-renewable groundwater supplies. The DEIS does not analyze the role CAP water has played in helping the Phoenix-area overcome historic groundwater overdraft or the potential environmental impacts related to groundwater use caused by reduced CAP deliveries. Central Arizona aquifers are effectively a non-renewable resource. Overdraft—pumping more groundwater than is replenished—has been a persistent challenge in Arizona for decades. One condition that the federal government placed on Arizona to construct the CAP and receive Colorado River water from this 336-mile infrastructure water was the adoption of the 1980 Groundwater Management Act, which regulated groundwater pumping in and around metropolitan areas. CAP water has been vital in helping the Phoenix-area achieve this law’s aim of stable groundwater levels. Both direct deliveries of CAP water to offset groundwater pumping and underground storage have stabilized aquifer levels in the Phoenix area. If Colorado River water deliveries from CAP are significantly reduced, the Phoenix area will once again be faced with groundwater overdraft

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<sup>1</sup> 42 U.S.C. § 4332(C).

<sup>2</sup> *Id.*

and the associated environmental problems that will result, such as fissuring, land subsidence, and aquifer compaction.

Scottsdale and other municipalities routinely blend CAP water with groundwater or other water sources to address water quality concerns, thus reducing the cost of additional infrastructure and treatment. Additionally, Scottsdale, like many municipal providers in the Phoenix area, will need to pump more groundwater to offset reductions in CAP deliveries. Depending on the depth of pumping, this groundwater may have higher levels of contaminants which Scottsdale will need to treat. As such, shortages in CAP deliveries will impact drinking water quality in Central Arizona as well as add to the potential cost for additional treatment needed to meet water quality standards, which is left unmentioned in the DEIS.

In the same vein, the DEIS fails to analyze wildlife impacts or impacts on access to shade caused by reduced landscape watering. Scottsdale carefully plans how and where to plant and maintain trees in public parks and around the city. In addition to providing shade necessary to mitigate heat island effects and providing for cooler temperatures to protect human health, these trees are a habitat for numerous species of birds and other fauna. If cities are forced to cut landscape watering due to reduced CAP deliveries, many of these trees will die and will have adverse impacts on animals and human health.

The DEIS also doesn't address impacts related to changes in public park infrastructure like the potential need to reduce man-made lakes that support riparian wildlife and provide recreational benefit to residents within Scottsdale. Some of these lakes require CAP supplies to help ensure the continued operation of these public spaces.

### **III. The DEIS fails to address foreseeable violations of the Colorado River Compact delivery obligations or whether its alternatives might result in violations of those obligations.**

Article III of the Colorado River Compact apportions 7.5 million acre-feet (MAF) per year to the Upper and Lower Basins, with an additional one million acre-feet apportioned to the Lower Basin. Article III(d) further provides that the Upper Basin "will not cause the flow of the River at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any ten consecutive years", as well as the Upper Basin's share of the obligation owed to Mexico. NEPA requires Reclamation to include "reasonably foreseeable effects" in the considerations of its actions.<sup>3</sup>

It is reasonably foreseeable that the Upper Basin will fail to meet its obligation under the Compact soon, and how Reclamation responds to a Compact violation is critical to address. Despite these clear statutory requirements, the DEIS fails to include any consideration of the possibility of a Compact violation by the Upper Basin. Any alternative considered by Reclamation must comply with the Compact, and yet the DEIS fails to consider whether any of its proposed alternatives would result in a violation of the Upper Basin's obligations under the Compact.

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<sup>3</sup> 42 U.S.C. § 4332(2)(C)(i)

#### IV. The DEIS fails to consider good faith proposed alternatives from the Lower Basin.

As noted above, Reclamation is required to evaluate “a reasonable range of alternatives” for the management of the Colorado River post-2026.<sup>4</sup> The Lower Basin submitted a suggested alternative in March of 2024, which represents a consensus of the three Lower Basin states for the post-2026 management of the Colorado River Basin, including significant reductions proposed by those three states. Despite its support from three states and the significant reductions and management criteria proposed by the Lower Basin in March 2024, the DEIS completely fails to evaluate that proposal as a reasonable alternative. Taking certain aspects of that proposal and separating them out into parts of other alternatives is not the equivalent of taking that proposal seriously as a stand-alone alternative. The DEIS is inadequate and falls short of the standards established in NEPA by failing to fully consider the Lower Basin’s March 2024 proposal as its own potential management alternative.

#### V. Conclusion

In conclusion, the DEIS fails to fully address the full socio-economic and environmental impacts of the proposed alternatives on municipalities like Scottsdale as required by NEPA. The DEIS does not address the implications of a call on the river as stipulated through the 1922 Colorado River Compact, and it doesn’t address what the Bureau of Reclamation would do in the event of dead pool at Lake Mead. Reclamation must provide clear guidance on an equitable way to address the impacts of a shrinking Colorado River system in a post 2026 world in a way that addresses critical infrastructure and appropriately distributes risk across all stakeholders in the basin.

The second most important goal for the Bureau of Reclamation should be to guide the Colorado River basin states to a consensus-based management system that equitably addresses stakeholder risk. Viable alternatives must include some amount of mandatory, enforceable reductions or conservation requirements for the Upper Basin states and must be consistent with the Law of the River to be included as part of the NEPA process. All alternatives should also ensure clear and careful consideration of the socio-economic and environmental impacts of shortage to cities like Scottsdale and the Central Arizona municipalities and tribes that rely on the CAP canal.

The City of Scottsdale appreciates the opportunity to provide input on the DEIS and looks forward to continuing to engage with Reclamation through the process to promote an equitable and robust management regime for all stakeholders that rely on the Colorado River system.

Sincerely,



Lisa Borowsky  
Mayor, City of Scottsdale

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<sup>4</sup> 42 U.S.C. § 4332(C)(iii)