FRONT RANGE WATER COUNCIL

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Sent Via Email

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March 2, 2026

Mr. Scott J. Cameron
Acting Commissioner
Bureau of Reclamation
Attn: BCOO-1000
P.O. Box 61470
Boulder City, NV 89006

Re: Comments of Front Range Water Council on Draft Environmental Impact Statement for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

Dear Mr. Cameron,

The Front Range Water Council ("FRWC"), appreciates the opportunity to submit comments on the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead – Draft Environmental Impact Statement ("DEIS"). The FRWC supports the Bureau of Reclamation's efforts to develop new guidelines for post-2026 management of Lake Powell and Lake Mead.

The FRWC consists of seven major water users—Northern Colorado Water Conservancy District, Denver Water, Pueblo Water, Colorado Springs Utilities, Aurora Water, Southeastern Colorado Water Conservancy District, and Twin Lakes Reservoir and Canal Company—who each hold water rights or rights to use water rights that divert from the Colorado River to meet municipal and irrigation demands on the Front Range of Colorado. The FRWC members collectively deliver water to meet the needs of a large portion of Colorado's population, helping to support a substantial portion of the State's economy.

The FRWC has the following comments intended to improve the DEIS to ensure that it is consistent with all applicable statutory and regulatory requirements, relies on trustworthy data and resources, and includes only realistic feasible alternatives.

NEPA requires that an EIS ensure the professional and scientific integrity of its analysis and disclose the methodologies and assumptions used. *See* 42 U.S.C. § 4332(2)(D). An EIS must reflect current physical, hydrologic, and operational realities so that decision-makers and the public are fully informed of the environmental consequences of a proposed action. Where updated data materially affects modeling assumptions or operational outcomes, continued reliance on outdated inputs risks undermining the analytical integrity of the EIS and informed decision-making. As discussed below, several components

of the DEIS modeling framework rely on legacy assumptions that no longer reflect present-day reservoir capacity, depletion schedules, or hydrologic conditions. These issues should be corrected in the Final EIS.

1) **The No Action Alternative improperly includes elements of the 2007 Interim Guidelines that expire at the end of 2026:**

To the extent the No Action Alternative relies on continuation of elements of the 2007 Interim Guidelines, it is analytically flawed because the 2007 Interim Guidelines expire at the end of 2026 and do not provide continuing legal authority for post-2026 assumptions. In particular:

- The No Action Alternative inappropriately uses an extrapolation of the line adopted in the 2007 Interim Guidelines to subject storage above that line to equalization. (DEIS at 2-10; Appendix A, A-21.).

- The No Action Alternative wrongly assumes releases from Lake Powell of 8.23 million acre feet ("MAF") under all conditions (absent spill avoidance) until equalization occurs because it ignores the necessary steps of determining the release amount and order of operations under section 602(a) of the Colorado River Basin Project Act of 1968 ("1968 Act"). 43 U.S.C. § 1552(a). (DEIS at 2-9 & Fig. 2-2.)

- The No Action Alternative incorrectly assumes the shortage elevation and volumes from the 2007 Interim Guidelines Record of Decision, improperly limiting the Secretary's broad authority over water distribution in the Lower Basin to imposition of shortages of up to a mere 600 kaf. (DEIS at 2-7.)

The No Action Alternative must reflect the legal and operational framework that would exist absent new adopted guidelines, rather than perpetuate modeling constructs and sideboards on the Secretary's authority derived from a policy framework with an express sunset date. To correct this deficiency and accurately characterize the reasonable consequences of no action, the No Action Alternative should not incorporate equalization concepts from the 2007 Interim Guidelines, should not implement an across-the-board 8.23 MAF release without regard to 602(a), and should not limit Lower Basin shortages based on the 2007 Interim Guidelines Record of Decision.

2) **For all alternatives, Reclamation should use more recent Lake Powell capacity survey results:**

To the extent Lake Powell's capacity is relevant to Reclamation's analysis, it should use the updated 2017 Lake Powell Stage-Area-Capacity survey.[1] This more recent survey found that Lake Powell has 1 MAF less capacity than the old survey used for the 2007 Interim Guidelines. The 2017 survey represents the best and most accurate available science.

3) **The Basic Coordination Alternative is flawed because it does not rely on the most current available information:**

For the Basic Coordination Alternative, at the start of each calendar year, Reclamation calculates the 602(a) storage requirement using the following formula:

$$602(a) = \{(UBDepletion + UBEvap)* (1 – percentShort/ 100) + minObjRel –criticalPeriodInflow\} * criticalPeriodLength + minPowerPoolStorag$$

(DEIS, App. J, J-2.)

Some of the inputs that Reclamation is proposing to use rely on outdated information and should be updated to use more current reliable information that is available. Specifically, the inputs should use the most recent demand schedule, as well as the most critical period of record, which is embodied by approximately 1999-2018 hydrology, not the DEIS's assumed 1953-1964 hydrology. *See* DEIS App. J at J-5.

4) **Both the No Action Alternative and Basic Coordination Alternative must abide by the non-discretionary requirements for developing criteria under section 602(a) of the Colorado River Basin Project Act of 1968:**

Under section 602(a) of the 1968 Act, the Secretary *shall* propose criteria for the coordinated long-range operation of the reservoirs. Under 602(a), the criteria "*shall* make provision for the storage of water in storage units of the Colorado River storage project [("Initial Units")] and releases of water from Lake Powell in the following listed order of priority." Section 602(a) defines the order of releases to require: (1) releases to supply one-half the deficiency described in article III(c) of the Compact, if such deficiency exists; (2) releases to comply with article III(d) of the Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division; and (3) storage of water not required for the release specified in (1) and (2) to the extent the Secretary finds this to be reasonably necessary to assure deliveries under (1) and (2) *without impairment* of annual consumptive uses in the Upper Basin under the Compact. In making this finding, the Secretary must

[1] Bradley, N., and Collins, K. (2022). Lake Powell Reservoir 2017 Area and Capacity Tables, Technical Memorandum ENV-2021-98, U.S Department of Interior, Bureau of Reclamation

consider all relevant factors, including but not limited to historic stream flow, the most critical period of record, and probabilities of water supply.

Additionally, under 603(a) of the 1968 Act, "rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact *shall not be reduced or prejudiced* by any use of such water in the lower basin."

These statutory requirements to develop criteria for the coordinated long-range operation of the reservoir that are consistent with 602(a)'s order of operations and that do not impair Upper Basin consumptive use is non-discretionary. The No Action Alternative must strictly follow this process to establish an accurate baseline condition for comparison to the other alternatives carried forward for further detailed analysis in the EIS.

5) **Use of releases from the Upper Initial Units:**

   a. **The DEIS improperly considers actions upstream of Lake Powell:**

The DEIS properly limits the geographic scope of impacts analysis to Glen Canyon Dam and below. Despite this limitation, the DEIS improperly includes significant actions in the Upper Division States but fails to include an analysis of impacts of the actions in the Upper Division States. Due to the very limited authorities of the Secretary/Reclamation in the Upper Basin, the appropriate remedy is to exclude all actions above Glen Canyon Dam from the analysis.

   b. **To the extent the alternatives rely on water from the Upper Initial Units to protect critical infrastructure, the Final EIS must assume such water will only be made available according to the conditions of the individual records of decision for each reservoir.**

All of the alternatives appear to assume water from the Upper Initial Units will be available for release to downstream facilities to protect critical infrastructure. To make this water available for this purpose, Reclamation must consider and assume in its analysis that such water can only be made available according to the conditions of the individual records of decision (and associated environmental compliance documents) for each of the Upper Initial Units.

   c. **Releases from the Upper Initial Units to protect Lake Powell elevations must be used only to support Lake Powell's ability to make continued releases.**

If releases from the Upper Initial Units are made consistent with their respective records of decision to protect critical infrastructure at Glen Canyon Dam, then such releases should be made for the sole purpose of supporting Lake Powell's continued ability to make releases.

6) **The Maximum Operation Flexibility Alternative exceeds the scope of the EIS and Reclamation's authority:**

The Maximum Operation Flexibility Alternative defines "total system effective storage" by combining Flaming Gorge, Blue Mesa, Navajo, Lake Powell, Lake Mead, Lake Mohave, and Lake Havasu reservoirs for the purpose of determining shortage volumes up to 4.0 MAF. This approach would improperly expand Reclamation's role in the Upper Basin. Reclamation must revise the Maximum Operation Flexibility Alternative to eliminate the combined use of the reservoirs in this alternative.

7) **Any alternative that relies on "gap water" in the modeling is detached from physical reality and is not a feasible alternative:**

For the Supply Driven Alternative, in years when the DEIS modeling shows Lake Powell "cannot meet its required WY release because of low elevation infrastructure constraints," the modeling "injects" additional water into the system to (partially) make up the shortfall, termed "gap water." (DEIS Ch. 2 § 2.8.4.3.).

The use of gap water in the modeling inflates the performance of the Supply Driven Alternative, thus skewing the performance of this alternative and making it impossible to properly compare its performance against the other alternatives. Equally important, if modeling assumptions are detached from physical reality, then the alternative is not a feasible alternative and cannot reasonably be included within the range of alternatives carried forward for further detailed analysis in the EIS. *Seven Cnty. Infrastructure Coal.*, 605 U.S. at 181–82 (NEPA requires federal agencies to prepare an environmental impact statement, or EIS, identifying significant environmental effects of the projects, as well as feasible alternatives). Reclamation must eliminate the reliance on gap water to bridge the deficits in the modeling, including through elimination or reconfiguration of the Supply Driven Alternative, and instead develop final alternatives that are fully balanced without injecting gap water.

8) **Conservation Pools**

a. The Enhanced Coordination and Maximum Operational Flexibilities Alternatives must be revised so that the Upper Basin conservation pool may not be used to meet Lower Basin shortages:

As discussed in the DEIS and Appendix B, three alternatives (Enhanced Coordination, Maximum Operational Flexibilities, and Supply-Driven) include assumptions for new storage and delivery mechanisms for conserved water in Lake Powell and Lake Mead.

The Enhanced Coordination alternative assumes water held in the Lake Powell conservation pool would be converted to system water and combined with Lower Basin shortages to provide system benefits based on the shortage curve in Figure 2-5. (DEIS Ch. 2 § 2.6.3.1.) Under this proposed alternative, when Lower Basin calendar year shortages are greater than 1.5 MAF, a volume equal to one-third of the volume above 1.5 MAF would be converted from the Lake Powell pool into system water such that the total of Lower Basin shortages and conversion of Upper Basin water is equal to the required total shortage volume (i.e., above 1.5 MAF, there is a 2-to-1 Lower Basin shortage-to-Upper Basin conversion ratio).

For the Maximum Operational Flexibilities alternative, Reclamation proposes to "allocate the Conservation Reserve volume between reservoirs and could increase or decrease Lake Powell's basic WY release volume to meet infrastructure needs or resource goals." (DEIS Ch. 2 § 2.7.3.1.) As proposed by Reclamation, "[w]hen Lower Basin shortages are greater than 2.0 MAF, the volume above 2.0 MAF would be converted from Upper Basin users' Conservation Reserve water to system water, subject to availability in the Reserve. The required Lower Basin shortage volume would be reduced by whatever volume of previously conserved Upper Basin water is converted." (DEIS Ch. 2 § 2.7.3.1.)

It is unreasonable to assume that Upper Basin water users will conserve water in any significant amount if Reclamation can then deliver it below Lake Powell for the purpose of increasing use in the Lower Basin. It is unacceptable for Reclamation to assume Upper Division States will conserve for the benefit of the Lower Division States; it also is inconsistent with the Compact and equitable division of water. Conserved water should only convert to system water and be released from Lake Powell when the UCRC determines it is needed for Compact Compliance, or when Lake Powell spills.

b. Reclamation should apply annual evaporative losses to the conservation pools in each of the three alternatives and use the same value for evaporation:

Reclamation must apply evaporative losses to the conservation and protection pools in the Enhanced Coordination, Maximum Operational Flexibility, and Supply Driven Alternative, rather than only in the Supply Driven Alternative. The inconsistent application of evaporative losses in the three Alternatives makes it impossible to compare the performance of the alternatives against each other.

c. Reclamation should use realistic assumptions regarding the amounts of voluntary Upper Basin conservation that can be achieved:

Due to legal limitations, any Upper Division States' conservation can only be generated through voluntary, compensated conservation efforts. To the extent Reclamation includes any assumptions regarding Upper Division States' conservation, Reclamation should substantially reduce the conservation amounts to align with more realistic expectations.

During the Colorado River System Conservation Pilot Program ("SCPP"), which extended from 2015 through 2018, as well as 2023-2024, the amount of conservation achieved through voluntary, compensated measures was relatively limited as shown in the table below:

Year	Total Estimated Conserved Consumptive Use (acre-feet)	Total Cost (In Millions)
2015	3,227	$0.9
2016	7,475	$1.5
2017	11,408	$2.2
2018	25,097	$4.0
2023	37,810	$14.9
2024	63,633	$28.6

It is unclear whether any of the amounts conserved under the SCPP reached Lake Powell. Voluntary conservation efforts also required considerable sums of money, the majority of which originated from federal funding. At this time, it appears highly unlikely that additional federal funding will be available in the coming years, making it extremely difficult for the Upper Basin to achieve voluntary compensated conservation at levels that will come anywhere close to the amounts assumed in the DEIS alternatives. Because of the high degree of uncertainty in the ability of the Upper Division States to achieve the assumed levels of conservation, as assumed in the DEIS, Reclamation's alternatives that include Upper Division States' conservation are not realistic or feasible. *Seven Cnty. Infrastructure Coal*, 605 U.S. at 181–82 (NEPA requires federal agencies to prepare an environmental impact statement that includes feasible alternatives).

9) The analyzed alternatives must perform well in a broad range of hydrologic conditions and for the period of time the guidelines will be in effect:

Reclamation proposes that the post-2026 guidelines will continue for the next twenty years after adoption, but notes that "the Secretary remains open to a shorter duration or phased implementation as part of a longer-term framework." DEIS at ES-3. If the term of the guidelines is subject to change, then Reclamation must develop and analyze alternatives that are adaptive to a broad range of hydrologic conditions and perform well within the full range of temporal periods the Secretary is considering.

In closing, the FRWC believes the best approach is for all Basin States to reach agreement on operational guidelines that will bring sustainability, reliability, and balance to the system under a Basin State's alternative. We recognize the significant challenge that Reclamation faces in developing new guidelines that will protect the system, and ensure future reliability and sustainability for all water users, and thank Reclamation for its continued leadership in this effort.

Sincerely,

Marshall Brown
Chair, FRWC

Cc: Becky Mitchell

March 4, 2026

The Honorable Doug Burgum
Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, DC 20240

RE: Post-2026 Colorado River Operations – Support for a Lawful and Durable Consensus Framework

Dear Secretary Burgum:

The Front Range Water Council — comprised of Aurora Water, Colorado Springs Utilities, Denver Water, Northern Colorado Water Conservancy District, Pueblo Water, Southeastern Colorado Water Conservancy District, and the Twin Lakes Reservoir and Canal Company — together with the Colorado River Water Conservation District and the Southwestern Water Conservation District, write as negotiations over post-2026 Colorado River operations stall. On the central question of how to stabilize the system under worsening hydrologic conditions, Colorado speaks with one voice.

With reservoir conditions increasingly precarious, the path forward must reflect one simple reality: **the river is smaller.** Policy must follow hydrology.

Recent Lower Basin statements emphasize percentage reductions and shared sacrifice. That framing obscures the structural problem. The issue is not which Basin can cite reductions; it is whether total consumptive use reflects the water the river actually produces.

Colorado has been living with a smaller river for more than two decades. When flows decline, uses decline. That is not a negotiated concession — it is how water administration works in Colorado and throughout the Upper Basin. Priority administration reduces use automatically in dry years. We absorb hydrologic shortages without compensation, without delay, and without debate.

The Lower Basin has not yet fully lived within that same hydrologic reality. Its delivery structure does not internalize reservoir evaporation and system transit losses at and below Lake Mead as part of consumptive use, and continued deliveries have been sustained in part by drawing down storage in Lake Mead and Lake Powell despite a shrinking river. Reclamation's own materials acknowledge this "structural deficit." In practical terms, the Lower Basin has been operating on a river larger than the one nature now provides.

The frequently cited 1.5 million acre-foot reduction corresponds generally to long-term average evaporative and system losses in the Lower Basin— recognizing that those losses fluctuate with reservoir elevations and hydrologic conditions. In short, that figure largely corrects an accounting imbalance. It does not close the broader supply-demand gap created by "mining" reservoir storage despite sustained drought and continued aridification.

If hydrologic trends persist — and all credible science indicates they will — additional reductions in the Lower Basin will be necessary. Stabilizing Lake Powell and Lake Mead requires aligning total consumptive use with actual long-term supply. It does not require shifting structural risk upstream.

We respectfully urge the Department to look beyond percentage-based narratives and evaluate proposals against the current conditions of the reservoirs, the river's hydrologic limits, and the statutory framework that governs operations. Durable solutions must correct structural imbalance, not redistribute it.

Proposals to expand releases from the Colorado River Storage Project Initial Units or impose additional "mandatory reductions" on the Upper Basin misunderstand how water supply functions in Colorado and the Upper Basin States. The Upper Basin already operates under mandatory reductions driven by hydrology. Consumptive use in the Upper Basin has ranged roughly between 3.5 and 4.5 million acre-feet annually — far below the 7.5 million acre-feet apportioned under the 1922 Compact — precisely because our system responds directly to snowpack and runoff. We do not have a reservoir upstream guaranteeing fixed deliveries; our uses fluctuate with the physical and legal availability of natural supply.

Congress enacted the Colorado River Storage Project Act to protect and prioritize Upper Basin development and help ensure Compact compliance at Lee Ferry if determined necessary by the Upper Colorado River Commission. Glen Canyon Dam was authorized to store water in wet years and release it in dry years to meet Compact obligations — not to serve as a permanent backstop for downstream structural imbalance and overuse. Expanding CRSP releases to sustain continued Lower Basin overuse shifts risk upstream and undermines the statutory purpose of those facilities. Any such departure also raises significant legal questions under CRSPA, the Compact, NEPA, ESA, tribal trust obligations, hydropower commitments, and existing contracts.

Colorado is united in its support for Commissioner Becky Mitchell and for the collective efforts of the Upper Basin Commissioners. We stand firmly behind their commitment to secure a lawful, equitable, and hydrologically sound framework for post-2026 operations.

A durable seven-state agreement remains the best path forward. But durability requires candor: the reservoirs have been operated to the brink of collapse and the river is smaller. The solution is to reduce use to match supply — not to mask imbalance by shifting risk upstream.

We appreciate your leadership at this critical moment and would welcome further discussion.

Respectfully,

Marshall P. Brown
General Manager
Aurora Water

Alan Salazar (Feb 27, 2026 15:31:56 MST)

Alan Salazar
CEO/Manager
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Leann Noga
Executive Director
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Travas Deal
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Andrew A Mueller (Feb 27, 2026 16:22:31 MST)

Andrew Mueller
General Manager
Colorado River Water Conservation District

Steven Wolff

Steve Wolff
General Manager
Southwestern Water Conservation District

Cc:

The Honorable Jared Polis, Governor of Colorado
The Honorable Michael Bennet, United States Senate
The Honorable John Hickenlooper, United States Senate
Members of the Colorado Congressional Delegation
Becky Mitchell, Colorado Commissioner, Upper Colorado River Commission

Gene Shawcroft, Utah Commissioner, Upper Colorado River Commission
Brandon Gebhart, Wyoming Commissioner, Upper Colorado River Commission
Estevan Lopez, New Mexico Commissioner, Upper Colorado River Commission