



Grand Valley Water Users Association

February 22, 2026

Bureau of Reclamation
Attn: BCOO-1000
PO Box 61470
Boulder City, NV 89006

RE: Draft EIS Comments regarding Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

Acting Commissioner Cameron,

Below you will find Grand Valley Water Users Association's comments on the BOR's Draft Environmental Impact Statement for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

Grand Valley Water Users Association has managed the Bureau of Reclamation's Grand Valley Project for 111 years, carrying not only the Project's water right, but water for our sister Reclamation Project, Orchard Mesa Irrigation District, and two other irrigation entities in the Grand Valley of Colorado's western slope, Palisade Irrigation District and Mesa County Irrigation District. Our works also manages with Orchard Mesa Irrigation District the BOR's power right to delivery water to the Vinelands Power Plant for the generation of green energy.

Grand Valley Water Users acknowledges that climate change and drought have caused significant impacts on river flows and its tributaries causing further strain on a system already stressed by long-term system imbalances and overuse.

We applaud Reclamation's vision with the many Projects constructed to transform the West and are proud to be a part of it. During this process, we urge Reclamation to be consistent with the 1922 Colorado River Compact, the 1944 binational treaty with Mexico, the 1948 Upper Basin Compact, and the other foundational elements of the Law of the River.

Please consider our following comments:

1. Sound science dictates that Colorado River management must evolve to handle a permanently drier future. The current federal preference for predictability is an atmospheric impossibility given that studies indicate rising temperatures have already slashed river flows by a fifth. This Draft EIS continues a dangerous trend of prioritizing Lower Basin stability over actual water availability, further unbalancing the system. We cannot manage the basin based on the storage levels of the past; we must instead implement a federal action that forces a long-term balance between a shrinking supply and current demand.

The Draft EIS exhibits a profound regional bias by codifying reliability for the Lower Basin while remaining silent on the precarious instability of the Upper Basin. By framing predictability as a mandate for downstream users, the Bureau effectively ignores the operational reality of the Upper Basin, which has always been forced to absorb the shocks

of hydrologic variability without the luxury of massive storage buffers. This one-sided prioritization is not just scientifically unsound; it is a discriminatory management framework that sacrifices the Upper Basin's future to maintain a Lower Basin status quo.

2. The Draft EIS is fundamentally flawed because it treats 'Western Slope conservation' as a math equation rather than a survival and economic issue. While the Bureau's analysis conveniently stops at Lake Powell, its management strategies depend entirely on massive water reductions upstream—specifically from the Grand Valley and across the Western Slope—without disclosing the devastating local consequences.

The Bureau claims it cannot analyze the impacts of these potential conservation activities because the specifics are unknown. This is a direct violation of NEPA requirements. You cannot include up to 500,000 acre-feet of Upper Basin water in your stability models to save the Lower Basin while simultaneously sidestepping the environmental and economic damage that fallowing can create. If the water is foreseeable enough to be put in a model, the damage is foreseeable enough to be analyzed.

To put these numbers into a local perspective:

- **Massive Fallowing:** Achieving just 200,000 acre-feet of conservation would require drying up roughly 52,000 acres of land on the Western Slope.
- **Economic Decay:** Scaling up to the Bureau's 500,000 acre-foot target would trigger a permanent collapse of agricultural economies in places like the Grand Valley.
- **Environmental Hypocrisy:** While the Draft EIS claims to protect the river system, it ignores that "conserving" this water means losing the late-season return flows that sustain our local aquatic habitats, terrestrial wildlife, and the migratory bird wetlands we've spent decades protecting.

The Bureau has meticulously analyzed how its actions affect Lower Basin users; it is a display of institutional bias to refuse the same level of programmatic analysis for the Western Slope. We are not a "buffer" for the reservoirs.

Recommendation: Any federal action that relies on Upper Basin conservation must fully disclose and evaluate the permanent loss of irrigated acreage, municipal stability, and ecological health in our valley.

3. The Bureau of Reclamation must stop using the term 'shortage' to describe the 1.5 million acre-feet (MAF) of annual transit and evaporation losses in the Lower Basin. Labeling these losses as a shortage is a mathematical fiction that protects downstream users at the expense of the Grand Valley and the Western Slope. These are not unexpected reductions; they are the fixed hydrologic costs of delivering water through a desert. Grand Valley Water Users, regardless of hydrology, is assessed system losses for all reservoir deliveries. We fail to understand why this elementary concept would not be adopted by Reclamation in the Lower Basin. Further, if these system losses had been accounted for previously, the current crisis would be somewhat muted by the resultant increase in storage.

For nearly two decades, the failure of the 2007 Interim Guidelines has been fueled by a refusal to account for these losses. The result has been a catastrophic drain on Lakes Powell and Mead.

- The 1.5 MAF Baseline: This volume represents the "cost of delivery" and must be subtracted from Lower Basin use at all times, regardless of which management alternative is chosen.
- Defining Real Shortages: Reductions in the Lower Basin should only be categorized as "shortages" once they exceed this 1.5 MAF baseline of system losses.
- Legal Allotments vs. Actual Use: No state or contractor should be permitted to draw a single drop beyond their legal allotment while ignoring the evaporation they cause. Until Lake Powell is full or in flood control, the Lower Basin must live within its actual, net apportionment.

It is a form of systemic bias to ask the Upper Basin to conserve water—often at the cost of dried-up Western Slope farms—to fill a 1.5 MAF hole that the Lower Basin refuses to put on its own ledger. Reclamation must stop treating these losses as a basin-wide problem and start treating them as a Lower Basin obligation.

Recommendation: The Final EIS must recognize the hydrologic reality that water lost to the air or the sand is water that was used. By forcing the Lower Basin to account for these losses, we move away from the crisis management of the last 20 years and toward a system where demand actually matches the physical supply of the river.

4. The Bureau of Reclamation's Draft EIS is currently operating on a mathematical fantasy. To protect the Colorado River system, the Final EIS must include at least one alternative that functions under critically dry hydrology. While Colorado has spent decades adapting to the river's actual "run-of-the-river" flows, the Draft EIS continues to shield downstream users from the hard truth: the river is shrinking, and the reservoirs can no longer buffer the Lower Basin's overconsumption.

The Bureau's own data (Appendix E7) confirms that the historical average flow at Lees Ferry has collapsed from 14.9 MAF to a mere 12.4 MAF. This downward trend isn't a 'temporary drought'—it is the new baseline.

- Upper Basin Reality: On the Western Slope, we already live within the means of the river. When the snow doesn't fall, our headgates reflect that reality immediately.
- Lower Basin Denial: The 2007 Interim Guidelines failed because they refused to anticipate these reductions. Repeating that mistake now, when Lake Powell is teetering on the edge of minimum power pool, is a dereliction of duty.

The current range of alternatives is insufficient because none of them actually perform when the water isn't there. The Final EIS must include a 'Survival Mode' alternative that:

- Protects Critical Infrastructure: Prioritizes the physical integrity of the dams over the "predictability" of deliveries.
- Eliminates the Buffer: Recognizes that the safety net of Lake Powell and Lake Mead is gone.
- Forces Regional Equity: Mandates that the Lower Basin adopt the same "live within your means" discipline that the Upper Basin has practiced by necessity for over a century.

5. The Bureau of Reclamation must stop governing by emergency. For the Grand Valley, the temporary measures and stop-gap tweaks of recent years have created an exhausting cycle of uncertainty. The Western Slope cannot sustain a future built on a crisis mindset that only reacts when Lake Powell hits a new record low. We urge Reclamation to pen a Final EIS that moves past incremental changes and establish long-term operating guidelines that reflect the permanent reality of a shrinking river. The Supplemental EIS for Near-Term Operations is a band-aid on a systemic wound. A short-term or phased approach is not a strategy; it is a delay tactic that favors the Lower Basin's refusal to adapt.
 - Stability for the Grand Valley: Our agricultural and municipal planning requires a 20-year horizon, not a 24-month study.
 - Minor adjustments to the 2007 Guidelines have already proven to be a failure. To continue "tweaking" a broken system while the Upper Basin bears the risk is a form of regional bigotry that prioritizes Lower Basin comfort over Upper Basin survival.

The proposed federal action must be bold enough to define how the river will be managed for the next generation, not just the next season.

- We reject any alternative that merely adopts "moderate measures" intended for the short term.
 - Commit to Long-Term Guidelines: Reclamation must codify rules that protect the Colorado River Basin's viability through 2046 and beyond, ensuring the Western Slope is no longer subject to "emergency" raids on its water security.
 - Account for Permanent Aridification: A long-term plan is the only way to force the Lower Basin to finally live within the river's actual, diminished means.
6. The Bureau of Reclamation must explicitly prohibit interbasin water transactions in the proposed action. For the Grand Valley, our water is not a commodity to be auctioned off to the highest bidder in the Lower Basin. The 1922 and 1948 Compacts were designed to provide the legal certainty that each state can develop its own resources when needed—not to create a marketplace that allows the Lower Basin to permanently 'buy out' the Upper Basin's future.

Opening the door to interstate water marketing introduces a dangerous new threat: predatory bad actors and private investment firms.

The Risk of Speculation: Allowing interbasin transfers invites water-ranching and speculative interests to buy up Western Slope agricultural rights, intending to ship that water downstream for a profit.

- Systemic Vulnerability: These bad actors prioritize short-term financial gains over the long-term survival of our local communities, potentially leading to the permanent 'buy-and-dry' of our fertile valley.
- Irreversible Damage: Once Western Slope water is marketed across state lines, the economic and environmental deprivation becomes permanent. Our farms, wetlands, and local economies would be sacrificed to subsidize growth in desert cities that refuse to live within their own means.

The State of Colorado has a clear public policy against interstate water marketing for a reason.

- **Preserving State Sovereignty:** Using Colorado’s water outside our boundaries violates the fundamental spirit of the 1922 Compact and erodes our ability to manage our own destiny.
- **Unquantified Risk:** Unlike the Lower Basin, the Upper Basin lacks a clearly quantified allocation between states, making any interstate marketing a recipe for legal chaos and prior appropriation conflicts we were told would be avoided.
- **The Lower Basin Exception:** While we support the Lower Basin states managing their shared pool through their own consensual marketing agreements, those tools have no place in the Upper Basin.

Recommendation: The Final EIS must be clear that no mechanism will exist that will allow or create a market of Colorado River water between the Upper Colorado River Basin and the Lower Colorado River Basin.

7. The Bureau of Reclamation must provide clear, modellable actions in the Final EIS rather than relying on ill-defined concepts that mask the true impact on Colorado and the other Upper Basin states. For the Grand Valley, the Basic Coordination and Supply Driven alternatives are currently built on ‘phantom water’ that creates an unacceptable risk to our agricultural economy and water rights.

The Supply Driven Alternative introduces a concept called ‘Gap Water’—a term that remains dangerously undefined. While the Draft EIS uses this Gap Water to magically balance the books when Lake Powell cannot meet its releases, it fails to disclose exactly where this water will be taken from.

- **Unrealistic Magnitudes:** Modeling suggests Gap Water could represent up to 23% of Upper Basin use. In a 4-million-acre-foot year, this would mean a staggering 1 million acre-feet could be demanded from the Upper Basin.
- **Ignoring Hydrologic Reality:** This calculation is completely untethered from reality. It ignores the shortages Western Slope users *already* face due to physical lack of snowpack and treats the Upper Basin as a bottomless reservoir to bail out the Lower Basin.

The formula used to calculate these potential hits to the Western Slope is fundamentally biased. The Bureau justifies a 23% reduction by comparing it to the maximum Lower Basin cuts, but this math is faulty at its base:

- **The 1.5 MAF Error:** The calculation fails to exclude the 1.5 million acre-feet of Lower Basin losses (evaporation/transit). By including these losses in the ‘shortage’ percentage, the Bureau is forcing the Western Slope to share a burden that actually belongs solely to the Lower Basin.
- **Artificial Parity:** There is no parity in asking a Grand Valley farmer to fallow 23% of their land to cover the Lower Basin’s refusal to account for desert evaporation.

The Basic Coordination Alternative is equally flawed, citing ‘non-specific actions’ to protect infrastructure without modeling what those actions actually are.

- The Grand Valley cannot evaluate its future if the Bureau hides its most drastic measures behind vague language.
- Transparency is a Requirement: NEPA demands that these ‘critical conditions’ and ‘Gap Water’ sources be identified and analyzed now—not hidden until a crisis occurs.

The Bureau must revise its formulas to reflect correct water accounting—starting with the removal of the 1.5 MAF from ‘shortage’ calculations. Western Slope refuses to be the source for ‘Gap Water’ that only exists because the Bureau is unwilling to hold the Lower Basin to its actual legal apportionment.

The Bureau of Reclamation must ensure that any water conserved in the Upper Basin remains in Lake Powell. If the Final EIS includes an Upper Basin conservation program, that water must be operationally neutral. This means Western Slope sacrifices must stay in the bank to protect the system, not be used as an excuse to trigger larger releases for the Lower Basin.

Water stored in Lake Powell and the other Colorado River Storage Project (CRSP) units (such as Blue Mesa, Flaming Gorge, and Navajo) is the Western Slope’s insurance policy.

- Direction of the UCRC: Conserved water should only be released at the express direction of the Upper Colorado River Commission.
- Specific Use Cases: This water has only two legitimate purposes: protecting the Upper Basin’s 1922 Compact obligations or being released when Lake Powell and the initial CRSP units are so fully recharged that flood control becomes a tangible reality.
- We reject the conversion concepts in the Draft EIS. These triggers currently allow conserved Upper Basin water to be converted into releases for the Lower Basin even when downstream reductions are minimal. This takes water from Western Slope headgates to keep Lower Basin taps running without accountability.

As a matter of hydrologic integrity, and as mentioned previously, the Bureau must stop treating the 1.5 million acre-feet (MAF) of Lower Basin system losses as a shortage.

- Integral Use: These losses—evaporation and transit—are part of the Lower Basin’s actual consumptive use.
- It is a regional double standard to ask the Upper Basin states to fallow its land to create conservation water just to fill a 1.5 MAF hole created by Lower Basin delivery costs.

The Western Slope should not have to participate in conservation programs that merely serve as a bypass for the Lower Basin. Any federal action must guarantee that our conserved water stays in our reservoirs to protect our power pool and our Compact security. Until the Lower Basin accounts for its 1.5 MAF of losses and the CRSP units are sufficiently recharged, our water should stay in our basin.

Thank you for your consideration and all the work being done by not only the Bureau of Reclamation, but by agents from both the Upper and Lower Basins.

Sincerely,

Tina Bergonzini
 Grand Valley Water Users Association
 General Manager

