



Delivering water and power®

Leslie A. Meyers, P.E.  
PAB232 | P.O. Box 52025  
Phoenix, AZ 85072-2025  
P: (602) 236-5355 | C: (480) 487-1887  
Leslie.Meyers@srpnet.com

March 2, 2026

The Honorable Doug Burgum  
Secretary of the Interior  
U.S. Department of the Interior  
Washington, D.C. 20240

Bureau of Reclamation  
Attn: BCOO-1000  
P.O. Box 61470  
Boulder City, NV 89006  
crbpost2026@usbr.gov

**RE: Comments on Draft Environmental Impact Statement, Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead**

The Salt River Project Agricultural Improvement and Power District and the Salt River Valley Water Users' Association (collectively, "SRP") respectfully submit the following comments in response to the Bureau of Reclamation's ("Reclamation") *Draft Environmental Impact Statement for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead* ("DEIS") which describes and assesses proposed alternatives for the Secretary of the Interior's ("Secretary") Colorado River reservoir system operations beginning in 2027.

**I. Summary of SRP Concerns With the DEIS<sup>1</sup>**

The Law of the River has historically sought to balance the tension between upstream depletions of the River and the exercise of downstream senior water rights through a series of agreements, resolutions, and resulting obligations. In sharp contrast with this measured approach, Reclamation's DEIS alternatives place the burden of protecting critical infrastructure and bearing shortages solely on the Lower Division States and Mexico. Though the DEIS does not select a

---

<sup>1</sup> SRP joins in the comments on the DEIS submitted by the State of Arizona and the Central Arizona Water Conservation District ("CAWCD") and incorporates those comments herein by this reference, to the extent not inconsistent with these comments. SRP's comments supplement and elaborate upon Arizona's and CAWCD's comments, focusing on issues of particular importance to SRP, the shareholders of the Salt River Valley Water Users' Association ("SRVWUA"), and water and power users in central Arizona.

Preferred Alternative, and recognizing that any “Basin State consensus alternative” is likely far preferable to any of those proposed in the DEIS, SRP finds the draft alternatives and their analyses and omissions problematic for the following reasons:

While severely reducing available Colorado River supplies in the Lower Basin, the alternatives proposed in the DEIS give little to no consideration of the Upper Division States’ obligations under the Law of the River. The DEIS’s environmental analysis additionally fails to adequately analyze the dire consequences of the proposed alternatives to Lower Basin economies, tribal resources (including multiple tribal water settlements), and the environment. Making no more than a cursory reference to conservation measures that will be needed to address protected species impacts, the DEIS also fails to adequately describe the relationship between the proposed federal action and alternatives and the Lower Colorado River Multi-Species Conservation Program (“MSCP”), which has been the means of achieving Endangered Species Act (“ESA”) compliance for the impacts of actions and activities on the Lower Colorado River to listed species since 2005.

Reclamation’s failure to analyze alternatives that balance the risk of shortages between the Upper and Lower Basin is a fatal flaw, rendering the alternatives analysis inadequate and unreasonably narrow. Reclamation’s incomplete and superficial consideration of the impacts of the proposed action and alternatives proposed likewise renders the document insufficient under the National Environmental Policy Act (“NEPA”). Additionally, the Final EIS must better explain the role of the Lower Colorado River MSCP in addressing the impacts to protected species and their habitats.

## **II. SRP Interests in Colorado River Issues**

SRVWUA (est. 1903) and the Salt River Project Agricultural Improvement and Power District (est. 1937) collectively operate the Salt River Federal Reclamation Project (“Project”), the nation’s oldest multipurpose federal reclamation project. SRP serves the Phoenix metropolitan area, delivering surface water and groundwater to municipal and agricultural water users within an approximately 250,000-acre area. SRP operates four reservoirs on the Salt River and two reservoirs on the Verde River. The Verde River is a tributary to the Salt River, and the Salt River is the largest tributary to the Gila River. The Gila River is a tributary to the Colorado River in the Lower Basin. SRP also operates a reservoir on East Clear Creek, which is a tributary to the Little Colorado River in northern Arizona. Consequently, the totality of SRP’s reservoirs and service areas lies within the Colorado River Basin.

SRP and its shareholders hold vested state-based appropriative rights to water from these sources, which are appurtenant to SRVWUA shareholder lands and predate both the Reclamation Act and the Colorado River Compact (“1922 Compact” or “Compact”). Additionally, SRP operates one of the nation’s largest not-for-profit public power systems, which provides electrical power to over

three million people in the Phoenix metropolitan area and to rural areas of central Arizona. SRP is a long-time purchaser of hydropower generated by the release of water from Hoover Dam, Parker Dam, and Davis Dam in the Lower Basin. Additionally, SRP is a long-time purchaser of hydropower generated by the release of water from Glen Canyon Dam, Flaming Gorge Dam, and Wayne N. Aspinall Unit in the Upper Basin. SRP also recently acquired a small contractual allocation of water from the Central Arizona Project (“CAP”), a federal reclamation project that transports water from the Colorado River in northwestern Arizona to Phoenix, Tucson, and other areas in central Arizona.

SRP’s interests in Arizona water and power issues, including issues relating to the Colorado River, extend well beyond SRP’s purchases of River hydropower and its recent CAP allocation. The CAP canal system is interconnected with SRP’s system and SRP transports CAP water through its distribution system and delivers that water to several cities in the Phoenix area that have their own CAP subcontracts. Any reduction of or restriction on the availability of Lower Colorado River water (including CAP water) would likely increase competition for other water supplies in central Arizona. These supplies include, principally, water from the Salt and Verde Rivers, to which SRP holds senior vested rights. The rights of SRP and its shareholders, perfected under Arizona’s prior appropriation doctrine, are exclusively appurtenant to member lands within the Project. These rights have been affirmed through various decrees, judgments, contracts, agreements and legislation at both federal and state levels. Congress and the United States Supreme Court have repeatedly and unequivocally recognized the rights of appropriators in Arizona, including SRP, to Lower Basin tributaries, wholly distinct from Colorado River allocations and operational compliance obligations. SRP will vigorously assert and defend that the appropriative rights of Lower Basin tributaries retain that distinction.

More generally, further reductions in the volume of Colorado River water delivered to the “Lower Basin States” (California, Arizona, and Nevada) would likely have severe impacts on Arizona and the CAP, as any Lower Basin shortage under the proposed alternatives would be borne primarily by the CAP and, by extension, the Arizona municipalities, industrial users, agricultural users, and tribes that rely on CAP water. Notably, reductions in water delivered by the CAP would severely impact numerous congressionally approved Indian water rights settlements with tribes in Arizona to which SRP is a party as the water budgets for those settlements rely, in significant part, on CAP water. Restrictions on releases of Colorado River water for hydropower purposes also would strain available power supplies in one of the nation’s fastest-growing areas.

Additionally, the Lower Colorado River MSCP, instituted in 2005, addresses the impacts of federal actions and nonfederal activities on the Colorado River on endangered, threatened, and other protected species and their habitats, thereby ensuring compliance with the ESA, 16 U.S.S. § 1531

et seq.<sup>2</sup> SRP is a participant in the MSCP and is a permittee under the incidental take permit issued by the U.S. Fish and Wildlife Service (“USFWS”) to the nonfederal participants, which addresses “take” associated with their Lower Colorado River activities. Upon completion of the NEPA process for the post-2026 operating guidelines, and as recognized in the DEIS, the federal and nonfederal permittees will work with the USFWS to make any changes or additions to the program to address new impacts resulting from any alternative adopted.

### **III. SRP Comments on the DEIS**

#### **A. The DEIS Alternatives Ignore Fundamental Elements of the Law of the River, Which Govern Any Post-2026 Colorado River Operations.**

The DEIS states that Reclamation’s intention is to adopt and implement the guidelines “in a manner consistent with the Law of the River.” At the same time, the document articulates no operating definition of the Law of the River and fails to explain how the alternatives selected for consideration are “consistent” with it.<sup>3</sup> The DEIS’s description of the alternatives also fails to disclose what legal criteria, if any, the agency applied in screening and selecting the alternatives.

In fact, the alternatives analyzed do not satisfy the agency’s stated goal. The alternatives do not address, and apparently were not intended to address, compliance with the 1922 Compact, the Colorado River Storage Project Act (“CRSPA”), the Colorado River Basin Project Act (“CRBPA”) and other important elements of the Law of the River. For example, none of the alternatives requires enforcement of or even acknowledges the Upper Division States’ delivery obligations under the 1922 Compact, instead placing the burden of Colorado River shortage entirely upon the Lower Division States. The DEIS also fails to clearly describe how the Colorado River Storage Project (“CRSP”) reservoirs, upstream of Lake Powell, would be operated under each alternative to ensure water deliveries to the Lower Basin as contemplated by the Compact, the CRSPA and the CRBPA. A reasonable range of alternatives must take into consideration these

---

<sup>2</sup> DEIS, at 1-29 (“The LCR MSCP is intended to avoid, minimize, and fully mitigate the incidental take of the covered species from the implementation of the covered activities to the maximum extent practicable. The EIS will evaluate operational interactions without altering LCR MSCP commitments. The LCR MSCP is being revisited in a separate process that will be finalized following the signing of the Post 2026 ROD”).

<sup>3</sup> The DEIS observes that there is “no single, universally agreed-upon definition of the Law of the River.” DEIS, at 1-4. Whether or not one agrees with this statement, no one questions that the 1922 Compact, the Colorado River Storage Project Act, and the Colorado River Basin Project Act, discussed in these comments, are essential elements of the Law of the River and govern any post-2026 shortage guidelines developed by Reclamation.

core elements of the Law of the River, which dictate and constrain the Secretary's actions in adopting and implementing the post-2026 guidelines.

To ensure compliance with NEPA, the EIS must identify and analyze alternatives that take into account and fully comply with applicable and underlying substantive law. As it stands, the alternatives analyzed in the DEIS are not "consistent with the Law of the River" and fail to meet Reclamation's stated Purpose and Need. Unmoored from the law that constrains the agency's actions, the alternatives are per se unreasonable. Adoption and implementation of any of the alternatives as written is likely to exceed the Secretary's legal authority. Reclamation must correct these errors in the Final EIS.

*1. None of the proposed alternatives calls for shared hydrologic risk, which is mandatory under the 1922 Compact.*

The 1922 Compact is a legal contract ratified by the seven Basin States<sup>4</sup> and approved by Congress through the Boulder Canyon Project Act of 1928.<sup>5</sup> The Compact is *the* foundational document of the Law of the River, which has provided certainty to Lower Basin and Upper Basin water users alike for over 100 years. Adherence to the Compact ensures that the Colorado River's flow at Lee Ferry will be sufficiently maintained to satisfy both the Lower Basin apportionment and the national obligation to Mexico under the Mexican Water Treaty. Specifically:

- Article III(c) provides that any right recognized to Mexico in the Colorado River, if surplus is insufficient to supply it, shall be "equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d)";<sup>6</sup> and,
- Article III(d) provides that the "States of the Upper Division 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 period of ten consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact."<sup>7</sup>

To withstand legal challenge, the post-2026 guidelines for Colorado River operations must comply with the 1922 Compact. But Reclamation's modeling of Lee Ferry ten-year flows raises questions about how or if the Upper Division States' compliance with the 1922 Compact can be achieved

---

<sup>4</sup> See *Texas v. New Mexico* 482 U.S. 124, 128 (1987) ("[a] Compact is, after all, a contract").

<sup>5</sup> 43 U.S.C. § 617.

<sup>6</sup> 1922 Compact, art. III(c) Nov. 24, 1922, 70 Cong. Rec. 324, 324 (1928).

<sup>7</sup> *Id.*, art. III(d).

during even moderately dry periods.<sup>8</sup> Notwithstanding this emerging crisis, the DEIS fails to propose alternatives that anticipate potential shortfalls and ensure the Upper Division States' compliance with Articles III(c) and (d) of the Compact. Not one of the DEIS's proposed alternatives integrates Compact compliance into post-2026 Colorado River operations.<sup>9</sup>

Among other things, none of the alternatives analyze:

- What Upper Basin curtailment or other reductions in consumptive use are necessary to comply with the Upper Basin delivery obligation;
- The actions that could or should be taken by the United States to manage Upper Basin federal reservoirs and infrastructure to satisfy Compact deliveries at Lee Ferry;<sup>10</sup>
- The actions that could or should be taken in advance of a call under the Compact, including moving water through Upper Basin system reservoirs to satisfy any near-term deficit in Compact deliveries at Lee Ferry;
- The impact of the required delivery obligations at Lee Ferry pursuant to Articles III(c) and (d) of the Compact; and
- If Lee Ferry deliveries are anticipated to fall below that delivery obligation, the impact of an inevitable Compact call by the Lower Basin States for delivery of the deficit;

Reclamation's failure to propose alternatives that, at a minimum, contemplate Compact compliance by the Upper Division States is a fatal flaw that renders the analysis inadequate. This flaw must be addressed in the Final EIS.

2. *The DEIS alternatives inadequately incorporate the CRSP Upper Initial Units whose chief purpose is to deliver water at Lee Ferry pursuant to the Compact.*

None of the proposed DEIS alternatives properly integrates the CRSP Upper Initial Units (UIUs), authorized by Congress in the CRSPA to ensure delivery of water at Lee Ferry as provided in

---

<sup>8</sup> Technical Appendix ("TA") 3, Hydrologic Resources. Figure TA 3-24.

<sup>9</sup> The DEIS's description of the proposed alternatives mentions the Compact only once, in a footnote.

<sup>10</sup> See DEIS, at 1-5 (three listed elements of the proposed federal action do not include any federal actions related to the Upper Basin).

Articles III(c) and (d) of the Compact.<sup>11</sup> Rather, the alternatives would dispatch those units or implement “additional Upper Basin actions” *only* when “required to protect critical infrastructure,”<sup>12</sup> and, in most cases, only *after* or *while concurrently* decreasing releases from Lake Powell.

As Section 3.3.1 of the DEIS acknowledges, the CRSPA authorized the UIUs for the chief purpose of ensuring compliance with Articles III(c) and (d) of the Compact. Twelve years later, Congress passed the CRBPA, which directs federal agencies to comply with the Law of the River, including the Compact and CRSPA, in the storage and release of water from the UIUs.<sup>13</sup> As directed by the CRBPA, operation of the UIUs is an integral component of the Secretary’s Colorado River operations in compliance with the Law of the River, including Article III of the Compact. The post-2026 operating guidelines must, therefore, integrate criteria for operation of the UIUs that manage supply and demand, and most importantly, ensure Compact compliance at Lee Ferry.<sup>14</sup>

In ignoring the crucial relationship between management of the UIUs and the Secretary’s post-2026 River operations, the DEIS alternatives fail to integrate operation of the UIUs into the analysis. The Final EIS must correct this error to ensure NEPA compliance and avoid the issuance of guidelines that are *ultra vires*.

3. *The DEIS misstates the Secretary’s obligations under Section 602(a) of the CRBPA and its implementing regulations, which survive expiration of the 2007 Guidelines and constitute the DEIS’s “no action” alternative against which the impacts of all action alternatives are to be compared.*

Section 602(a) of the CRBPA directs the Secretary “to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty” by developing “criteria for the coordinated long-range operation” of federally authorized Colorado River reservoirs.<sup>15</sup> To ensure the Secretary’s compliance with these authorities (i.e.,

---

<sup>11</sup> CRSPA, Sec. 1: for the purposes, among others, of... “storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, *consistently with the provisions of the Colorado River Compact*, the apportions made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively.” (emphasis added)

<sup>12</sup> DEIS, at 2-16 (describing “Releases to Protect Glen Canyon Dam”).

<sup>13</sup> CRBPA, § 601(c) (43 U.S.C. § 1552(c)).

<sup>14</sup> *See* DEIS, at 1-30 (acknowledging that the Secretary’s operation of the UIUs is subject to compliance with “applicable federal law”).

<sup>15</sup> 43 U.S.C. § 1552(a).

with the pertinent components of the Law of the River), the CRBPA specifies the following order of priorities for releases of water from Lake Powell:

- 1) *First*, releases to supply treaty obligations to Mexico referenced in Article III(c) of the 1922 Compact;<sup>16</sup>
- 2) *Second*, releases to comply with and carry out Article III(d) of the 1922 Compact;<sup>17</sup> and
- 3) *Third*, release of carryover storage that is not needed to meet the first and second priorities to the extent the Secretary finds it reasonably necessary to assure deliveries under the first or second priorities “without impairment” of consumptive use in the Upper Basin.<sup>18</sup>

As required by the CRBPA, the Secretary in 1970 issued the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs (“LROC”), which mirror Section 602(a)’s order of priorities.<sup>19</sup> As promulgated in 1970, the LROC’s stated objective was “to maintain a minimum release of water from Lake Powell of 8.23 million acre-feet” per year in times of shortage.<sup>20</sup> Decades later in 2005, the Secretary promulgated revisions to the LROC, continued to include the CRBPA’s order of priorities in its text, and reiterated that “the objective shall be to maintain a minimum release of water from Lake Powell of 8.23 million acre-feet” per year in times of shortage.<sup>21</sup>

The Secretary’s 2007 Interim Guidelines effected a compromise among the Basin States for implementation of the LROC during shortage periods. By their terms, the 2007 Guidelines expire at the end of 2026. Upon their expiration, in the absence of replacement guidelines, the LROC once again will serve as the operative interpretation of Section 602(a)’s storage and release requirements. Thus, as the DEIS acknowledges, the LROC are the basis for Reclamation’s “no action” alternative.

Historically, the Secretary has operated Glen Canyon Dam and Lake Powell consistent with the LROC’s objective of releasing a minimum of 8.23 million acre-feet (“MAF”) from Lake Powell,

---

<sup>16</sup> *Id.* § 1552(a)(1).

<sup>17</sup> *Id.* § 1552(a)(2).

<sup>18</sup> *Id.* § 1552(a)(3).

<sup>19</sup> *See* Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs, 35 Fed. Reg. 8,951, 8,951-52 (June 10, 1970) (art. III(1)(a-b))

<sup>20</sup> *Id.* at 8,951 (art. II(2)(b)).

<sup>21</sup> Review of Existing Coordinated Long-Range Operating Criteria for Colorado River Reservoirs, 70 Fed. Reg. 15,873 (Mar. 29, 2005).

as required by the priorities set in Section 602(a) of the CRBPA. The DEIS, however, would depart from this operational objective, positing instead that the CRBPA and LROC impose no set formula—only factors that the Secretary, in his discretion, may consider,<sup>22</sup> including historical stream flows, the most critical period of record, probability of available waters, and estimated future depletions in the Upper Basin.<sup>23</sup> The DEIS also erroneously states that the LROC lack “specific objective criteria to guide annual operations” and do not offer “specific guidance as to exactly when, how, or to whom reductions in deliveries would be made.”<sup>24</sup>

The DEIS’s flawed recitation of the law is not harmless error. Its expansive interpretation of the Secretary’s Section 602(a) authority results in the selection of alternatives that ignore the 8.23 MAF minimum delivery obligation, and, if adopted and implemented, would likely violate the Law of the River. The DEIS also uses its novel and incorrect interpretation of the LROC as the basis for its “no action” alternative. An essential part of the NEPA analysis, the “no action” alternative functions as the baseline against which the impacts of the action alternatives are measured. In this case, the DEIS’s mischaracterization of the LROC in the “no action” alternative, which disregards the constraints imposed by the CRBPA and the 1922 Compact itself, results in skewed and fundamentally flawed assessments of the environmental consequences of the action alternatives.

The DEIS would thus facilitate agency action that is arbitrary, capricious, an abuse of the Secretary’s limited discretion under the CRBPA and would be contrary to that Act and the 1922 Compact. To avoid this result, the Final EIS must correct the DEIS’s erroneous, overexpansive interpretation of the Secretary’s authority under the CRBPA, revise the description of the alternatives to reflect the law, and apply the impacts analysis to the revised alternatives.

4. *The scope of the DEIS should be expanded to address conservation and curtailment in the Upper Basin.*

The DEIS arbitrarily refuses to analyze alternatives that mandate conservation and curtailment above Lake Powell, claiming that the Secretary lacks authority to compel action by Upper Basin water users on the basis of the scope of the Final EIS for the 2007 Interim Guidelines—a decision that does *not* provide any legal restrictions for the NEPA analysis here.

---

<sup>22</sup> Section 602(a) does not leave room for the Secretary’s claimed “discretion” to operate Lake Powell. To the contrary, the statute is very clear that “the Secretary *shall* propose criteria” and “the criteria *shall* make provision for the storage . . . and releases of water” according to the priorities listed. (emphasis added)

<sup>23</sup> DEIS, at 1-26.

<sup>24</sup> *Id.* at 1-6, and 2-6 to 2-7, respectively.

The DEIS instead presumes, and thereby justifies and protects, the Upper Basin’s continued unrestricted use of the Colorado River, based on aspirational water supply assumptions derived from the Upper Division States and Upper Colorado River Commission’s calculations of “hydrologic shortage.” This “shortage calculation” compares modeled available water supplies against a baseline of the supplies necessary to meet *all theoretical Upper Basin demands*, including an additional 1 MAF to “grow into” on never-yet-irrigated lands by not-yet-identified water users. While actual Upper Basin consumptive use averaged 4.291 MAF/year from 2000-24, the figures in the DEIS derive from the Upper Division States’ legal position that they are entitled to fully utilize their 7.5 MAF Compact apportionment with disregard to their Compact delivery obligations to the Lower Basin.

These water supply assumptions cannot be used to justify the Upper Division States’ failure to meet their Compact obligations. More to the point, the Upper Division States’ compliance with the Compact is “reasonably foreseeable” for NEPA purposes and must be taken into account by Reclamation in the development of alternatives and assessment of their impacts.<sup>25</sup> The Upper Division States’ highly contested legal arguments must not form the basis of Reclamation’s analysis of the environmental impacts of future Colorado River operations. At a minimum, the DEIS must consider one or more alternatives that enforce the Upper Division States’ delivery obligations, even if that mandates conservation above Lake Powell.

**B. The DEIS Fails to Properly Analyze the Reasonably Foreseeable Effects of the Alternatives on Water and Power Supplies and Economies in the Lower Basin, Particularly in Arizona.**

An EIS must include consideration of reasonably foreseeable effects and actions.<sup>26</sup> The DEIS’s analysis of reasonably foreseeable effects on resources in Arizona and the Lower Basin more generally is woefully inadequate. While Technical Appendices 16 and 17 purport to discuss the socioeconomic impacts on Arizona, the analyses actually presented in those appendices are so limited as to be useless. Technical Appendix 16 focuses on agriculture, recreational activities, and non-market values such as aesthetics.<sup>27</sup> Technical Appendix 17 purports to “explore[] the baseline

---

<sup>25</sup> See Department of Interior NEPA Handbook, Section 2.3(b)(3) (“DOI Handbook”) providing for the inclusion of “reasonably foreseeable effects” of activities initiated by third parties in the EIS impacts analysis.

<sup>26</sup> See NEPA § 102(2)(C)(i),(ii), 42 U.S.C. § 4332(2)(C)(i),(ii); DOI Handbook, Sections 2.3(b)(1) and (3) and 6.1(j).

<sup>27</sup> See TA 16, at 16-1 (analysis of “impacts on economic and social conditions due to changes in agricultural production...recreational use...[and] ecosystem services and nonmarket values”).

conditions and potential impacts from proposed management on analysis area population dynamics and land use changes, with a focus on potential changes in developed lands and lands used for irrigated agriculture.”<sup>28</sup> Neither Technical Appendix analyzes the actual impacts of the proposed alternatives on Arizona.

*1. Impacts from Loss of Water Supplies in Arizona*

The most significant of the actual impacts to Arizona is the loss of water supplies in the CAP service area and the resulting competition for intrastate water supplies following CAP curtailments. As detailed in SRP’s Statement of Interest, above, Arizona’s intrastate streams are already heavily appropriated, with rights in some cases dating back to the 1860s. These early appropriative rights were perfected under the State’s Surface Water Code, exist wholly apart from the Law of the River and are not subject to federal control.<sup>29</sup> Per Arizona law, these rights can serve only the lands to which they are appurtenant. There simply is not enough unused water in the existing supply to cushion the blow of lost CAP supplies resulting from the DEIS’s alternatives, the worst of which would entirely cut off CAP deliveries. Likewise, Arizona’s groundwater supplies are finite and their use is heavily regulated by the State’s Groundwater Code. Groundwater pumping cannot be counted on as a solution to address any shortfall resulting from the Secretary’s curtailment of CAP water deliveries under any of the alternatives. The DEIS fails to discuss this real issue and what the loss of water supplies would mean for water users across the State.

*2. Impacts from Lost Power Generation and Cost Increases to Ratepayers*

As seen in the Near-Term Operations NEPA process during 2022-2024, the DEIS also fails to consider the alternatives’ rate impacts to hydropower customers, including Arizona customers receiving Hoover and Parker-Davis Project power. While providing estimated reductions in power capacity, the DEIS stops short of examining the economic and socioeconomic impacts of those reductions. These impacts are also reasonably foreseeable and must be described in the Final EIS.

SRP holds contracts for Firm Electric Service with the Western Area Power Administration (“WAPA”) for the generation from the CRSP (Contract No. 17-SLC-0828) and Parker-Davis

---

<sup>28</sup> TA 17, at 17-1.

<sup>29</sup> The DEIS does not describe how the Secretary would implement the alternatives to satisfy the United States’ delivery obligation to Mexico under the Compact and the 1944 Treaty, or what sources of water should count towards the satisfaction of that obligation. It is SRP’s position that Arizona’s tributaries to the Colorado River, including the Gila, Salt, and Verde Rivers, are not included in the water described in Compact Article III(b) and do not count in calculating the delivery obligation to Mexico under the Compact Article III(c).

Project (Contract No. 87-BCA-10103). The Contract Rate of Delivery that SRP holds for those projects is 95,998kW and 31,700kW in the Summer Season and 48,465kW and 22,500kW in the Winter Season, respectively. SRP also holds a contract with the Arizona Power Authority for part of their agreement (Contract No. 16-DSR-12626) with WAPA for the Boulder Canyon Project for 38,782kW of Hoover A Capacity. These contracts can provide approximately 166.5MW of capacity in the summer season for SRP, which is a summer peaking, not-for-profit electric utility that serves approximately 3 million customers in the Phoenix Metropolitan Area and rural areas of central Arizona. Additionally, multiple cities, towns, and tribes in Arizona hold allocations to these federal projects but lack the infrastructure to access the energy. SRP facilitates delivery of their allocations in the federal projects through Bill Crediting and Benefit Crediting agreements.

Impacts to the energy generation and ancillary services from the WAPA projects have a material effect on the energy SRP receives for and distributes to its power customers. SRP is an active member of the Colorado River Energy Distributors Association and agrees with their comments related to the CRSP. The DEIS analysis of impacts on the CRSP is insufficient. More tellingly, the DEIS contains *no* analysis of impacts of the alternatives on the Parker-Davis Project or Boulder Canyon Project. The Final EIS must analyze the reasonably foreseeable impacts of the proposed alternatives on energy generation and ancillary services from these facilities.<sup>30</sup>

Those impacts will be experienced at the minimum power pool lake levels included in the DEIS, but they will also be experienced at lake levels where cavitation and vortexing begin taxing the infrastructure. The 1,035' elevation for Lake Mead above minimum power pool is referenced in the DEIS but is not analyzed for rate impacts. The risk of cavitation damage to the infrastructure at Glen Canyon Dam below elevation 3,525' down to critical elevation 3,500' is not even referenced.

### **C. The DEIS Fails to Adequately Consider Impacts to Indian Water Rights Settlements in Arizona**

SRP has been a leading proponent of, and a party to, seven congressionally approved tribal water settlements in Arizona. Those settlements collectively resolve claims by a majority of the tribes in Arizona against SRP, the United States, and other state and private parties in ongoing general

---

<sup>30</sup> SRP notes that none of the proposed alternatives in the DEIS evaluate any direct options, such as repairs or modifications to existing facilities, that Reclamation could implement to address the operational issues discussed in the DEIS. SRP believes that one or more options that require repairs to Glen Canyon Dam should be analyzed in the Final EIS as part of the reasonable range of alternatives available to protect critical infrastructure, maintain the operational range of Glen Canyon Dam as it was designed and consistent with its Congressional purpose, and to ensure compliance with the Law of the River for water and power supply purposes.

stream adjudications in Arizona. In most of those settlements, water from the Colorado River delivered by CAWCD through the CAP canal has formed a significant portion of the water budget for the respective tribes. While Chapter 3 of the DEIS states that it “is the Department’s general policy to carry out activities in a manner that protects [Indian Trust Assets] and avoids adverse effects whenever possible (Reclamation 1993),”<sup>31</sup> the DEIS contains no analysis of the impacts of the proposed alternatives on Arizona’s Indian water right settlements.<sup>32</sup> Technical Appendix 18 recognizes that the CAP entitlements forming the basis for many of these settlements are tribal assets held in trust by the United States for benefit of the tribes.<sup>33</sup> Technical Appendix 18 does not explore the actual use of those entitlements by the tribes. It does not analyze the impact on municipal and industrial use of those entitlements by the tribes. Instead, it assumes, with no stated basis, that the only impact to the tribes from the curtailment or loss of their CAP entitlements under the congressionally approved settlements would be a reduction in irrigated acreage on their reservations or trust lands. That analysis is insufficient as the impact to the tribes would extend well beyond irrigated acreage.

**D. The Final EIS Must Better Explain the Relationship between the Secretary’s Lower Colorado River Actions and the Implementation of the Lower Colorado River MSCP**

As described in SRP’s Statement of Interest, the Lower Colorado River MSCP is a joint program intended to address the impacts of federal and nonfederal activities in and along the Lower Colorado River on endangered, threatened and other protected species and their habitats. Through coordinated and comprehensive species conservation and habitat management, the MSCP minimizes and mitigates the impacts of the “taking” of listed species caused by federal and nonfederal activities in and along the River and ensures that the Secretary’s Lower Colorado River operations are not likely to jeopardize the continued existence of any listed species or adversely modify critical habitat for any listed species. SRP is a participant in the MSCP and is a permittee under the incidental take permit issued by USFWS to the nonfederal participants, which addresses “take” associated with their Lower Colorado River activities. The MSCP anticipated and addressed the reductions in river flows that would result from implementation of the Secretary’s 2007 Interim Guidelines. Upon completion of the NEPA process for the post-2026 guidelines, the federal and nonfederal permittees will have to work with the USFWS to update the program, as needed, to address new impacts resulting from any alternative adopted.

---

<sup>31</sup> DEIS, at 3-194.

<sup>32</sup> A word search of Chapter 3 reveals that the term “settlement” is used twice in the entire Chapter. There is no mention of any impacts on tribal water right settlements.

<sup>33</sup> TA 18 at 18-9.

The DEIS briefly references the MSCP in summarizing species-specific impacts and minimization measures that are ongoing, noting that additional measures may be implemented as part of subsequent environmental compliance for the program.<sup>34</sup> But for the most part, the DEIS provides only general explanations of ongoing measures and their relationship to impacts to species and habitat anticipated by the proposed alternatives.<sup>35</sup> The Final EIS must do a better job of explaining the relationship of the program itself to Reclamation’s Lower Basin actions and the activities of nonfederal permittees (i.e., its intended purpose as a means of compliance with Sections 7 and 9 of the ESA), as well as the program’s future role in addressing any new impacts to species resulting from the post-2026 guidelines and associated nonfederal activities. This information will add important context to the EIS’s environmental consequences analysis.

#### **IV. A Careful Analysis of the Alternatives and their Impacts is Particularly Important at this Time Given Current Severe Hydrologic Conditions on the River**

Providing certainty on all of the outstanding issues raised above and in the comments of CAWCD and ADWR has become more pertinent since November of 2024—the month of modeling projections used to establish “Initial Reservoir Conditions” at Lake Powell at the end of Calendar Year 2026 (“EOCY26”).<sup>36</sup> Those projections show “Low” and “Mid” Powell Initial Conditions of 3,511.36’ and 3,574.39’, respectively. Since that time:

- Water Year (“WY”) 2025 was the sixth-driest inflow year since Glen Canyon Dam completion; Supporting Appendix G dedicates a section to “Comparison to Recent Projections” for November 2025 data against a year prior. Its analysis using the CRMMS-ESP<sup>37</sup> methodology notes “a broad range of potential [EOCY26 Powell elevations], spanning approximately 3,490.21 to 3,615.40 feet,”<sup>38</sup> but for closer comparison, the November 2025 24-Month Study (“24-MS”) shows Powell Probable Minimum (tenth-lowest percentile of modeled traces) and Most Probable (50<sup>th</sup> percentile of traces) EOCY26 elevations of 3,488.89’ and 3,533.77’, respectively.

---

<sup>34</sup> DEIS, at 1-27–1-29, 3-113.

<sup>35</sup> See general discussion of covered areas and activities for species evaluated in DEIS Sections 3.8–3.10.

<sup>36</sup> Supporting Appendix (“SA”) G, at G-1 (CRSS Initial Conditions).

<sup>37</sup> Colorado River Mid-term Modeling System, Ensemble Streamflow Projection method.

<sup>38</sup> SA G, at G-2 (Comparison to Recent Projections).

- Projected Powell inflows for WY 2026 have continued to diminish over the early-season 24-MS releases: the Probable Minimum and Most Probable EOCY26 Powell elevations under the February 24-MS are 3,469.23' and 3,488.42', respectively.

*The new “Most Probable” EOCY26 Powell elevation is now lower than the November 2025 “Probable Minimum,” and almost 23 feet below the “Low Initial Powell Condition” derived from November 2024 modeling.* While the November 2024 dataset showed over 11 feet of buffer above the 3,500' critical threshold to start 2027 in a “low” condition, the February 24-MS projects the 3,500' elevation being breached as early as *this July* in a Probable Minimum scenario without additional actions, such as releases from the CRSP reservoirs. Lee Ferry ten-year flows with an assumed WY 2026 Powell release of 7.48 MAF also approach thresholds that call Compact compliance into question as early as the Powell release determination for WY 2027—or earlier should that release volume be reduced and the UIUs not be utilized as authorized.

Until further explanation is provided regarding how any of the proposed alternatives would incorporate compliance with the Compact, the Congressionally authorized use of the UIUs, and the Section 602(a) storage requirement and scope of basin-scale use reductions—this DEIS contains fundamental errors constituting fatal flaws in its analysis.

## **V. Conclusion**

SRP commends the efforts of the Secretary, the Basin States, and water users throughout the Colorado River Basin to date to protect the viability of critical water and energy resources that millions of people rely on every day. The Basin has succeeded in those endeavors for well over a century through collaboration under the 1922 Compact. Here, however, consensus has remained elusive. In the absence of an agreed to compromise, it is particularly important that the Secretary clearly identify and analyze alternatives and their impacts that are within the Secretary's authority and consistent with the Law of the River.

The alternatives selected in the DEIS fail this test, as they appear to have been chosen without regard to their legality under the 1922 Compact and subsequent authorities comprising the Law of the River. This infirmity of the alternatives renders the DEIS's effects analysis incomplete and faulty, as well. The end result is a document that, without significant modification, will not withstand NEPA challenge. Because implementation of the proposed alternatives would conflict with provisions of the Law of the River, any newly issued guidelines also may be vulnerable to substantive legal challenge.

SRP urges the Secretary to revise the DEIS's alternatives to better reflect the applicable law and the Secretary's obligations under that law. To accomplish this, the Final EIS must analyze actions,

activities and water supplies in both Basins and propose solutions that honor the Upper Basin's commitments and obligations under Article III(c) and (d) of the 1922 Compact. The Final EIS must do a better job of explaining the impacts of the alternatives on both Upper and Lower Basin water users and their economies, including impacts to Indian trust assets and tribal water settlements. Additionally, the Final EIS should provide a more thorough explanation of the relationship between the proposed guidelines, their impacts on species and ongoing and future conservation efforts undertaken as part of the Lower Colorado River MSCP.

Please contact me or Craig McGinnis at [craig.mcginnis@srpnet.com](mailto:craig.mcginnis@srpnet.com) or (602) 236-7729 with any questions you may have.

Sincerely,



Leslie A. Meyers  
Associate General Manager & Chief Water  
Resources Executive