THE SOUTHWESTERN WATER CONSERVATION DISTRICT
Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
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Bureau of Reclamation
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RE: Comments on the draft Environmental Impact Statement (EIS) for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

I am writing to provide comments on behalf of the Board of Directors of the Southwestern Water Conservation District regarding the draft EIS for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, which was released on January 9, 2026.

The Southwestern Water Conservation District (SWCD) was created in 1941 by the Colorado General Assembly (C.R.S. §§ 37-47-101, et seq.). SWCD comprises all or part of nine counties in southwestern Colorado: Archuleta, Dolores, La Plata, Montezuma, San Juan, San Miguel, and parts of Hinsdale, Mineral, and Montrose. SWCD's statutory authority, provided by the General Assembly, is to protect, conserve, use, and develop the water resources of the San Juan and Dolores River Basins for the welfare of our constituents, and safeguard for Colorado all waters to which the state is entitled. Following this mandate, SWCD has assumed a broad strategic role in interstate and intrastate matters on behalf of its diverse constituents for more than 80 years.

First and foremost, any operational scenario implemented by the Bureau of Reclamation must be consistent with the Law of the River, including but not limited to the 1922 Colorado River

Compact, the 1944 International Treaty with the Republic of Mexico, and the 1948 Upper Colorado River Basin Compact.

In addition, we offer the following comments for your consideration:

- **Geographic Scope:** The geographic scope of this EIS must be limited to Lake Powell and downstream. Although certain actions upstream of Lake Powell are discussed in this EIS, they are not fully analyzed and should not be included as part of the final EIS or Record of Decision. Any alternative that is selected to move forward cannot include any Upper Basin conservation activities or volumes without additional analysis as well as the express agreement of the Upper Basin States.

- **Federal Authorities:** The EIS should include a clear description of the authorities the federal government has, and conversely does not have, to manage water in both the Upper and Lower Basins.

- **Operational Guidelines Term:** Any new operational guidelines implemented on the system should be for a minimum of twenty years. This helps to ensure certainty and understanding for water users. Small incremental changes could be allowed when necessary and upon agreement of the impacted parties. If Reclamation elects to consider operational guidelines of a shorter duration, then the analysis must evaluate the impact of alternatives for both long- and short- term periods.

- **Supply-Driven System:** Given the changing climate the Colorado River Basin is facing, any new operational framework should be based on available supply, and not on demand. Water availability should be divided on an equal basis (50/50 split) between the Upper and Lower basins, recognizing the fact that there is no senior priority between either basin, just as the 1922 Compact intended. This is the only way to balance the system moving forward. Within this framework, some water must be available to recover the elevations of Lakes Powell and Mead. A supply-driven framework is the only way to manage towards a sustainable system in a future of climate uncertainty.

- **Lower Basin Use:** The accounting for Lower Basin's uses must include diversions, evaporation, and conveyance losses below and including Lake Mead. The 1.5 million acre-feet of "shortages" referenced in the EIS represents system losses solely occurring in the Lower Basin and should be considered a permanent, annual reduction to bring the Lower Basin into line with the appropriation provided to them in the 1922 Compact.

- **Upper Basin Shortages:** Hydrologic shortages occur every year in the Upper Basin. These shortages occur simply because there is not enough water available to meet demand. This situation is certainly exacerbated in years with below normal snowpack and/or when storage is low. On average, Upper Basin shortages are approximately 1.2 million acre feet per year. The failure to describe Upper Basin shortages in the main body of the document gives the mistaken impression that the Upper Basin experiences little or no shortage and only contributes voluntarily conserved water to the system.

The modeling used to support the alternatives proposed in the draft EIS recognizes that the Upper Basin already absorbs drought risk through these recurring shortages (Appendix I), as modeled depletions fall below assumed demand. The modeling also assumes that Upper Basin conservation activities will yield volumes that can reach several hundred thousand acre-feet annually under certain alternatives. The failure to explicitly disclose or analyze the myriad of impacts associated with these Upper Basin shortages introduces a messaging and operational bias that obscures the true distribution of risk due to increasingly dry hydrologic conditions across the basin.

- **Upper Basin Conservation**. We recognize and support the need for the Upper Basin to continue to pursue activities to conserve water. However, there is no mechanism in this EIS that could be implemented to require conservation. Such activities must be voluntary and only occur with the consent of the Upper Basin states. Conservation practices should be tailored to the needs and operations of each state, and only upon voluntary agreement from local water users.

  As noted above, the EIS is deficient without an analysis of the impacts resulting from Upper Basin conservation activities and hydrologic shortages. If any Upper Basin conservation actions move forward to a final EIS, Reclamation should demonstrate that these conservation activities are not speculative and re-evaluate the volume of water that may be reasonably generated through Upper Basin conservation activities. The range of volumes contained in the draft EIS are unrealistic, particularly in light of the amount of water that has been estimated to be conserved through the Upper Basin System Conservation Pilot Program. Any water conserved under an Upper Basin conservation program must remain in storage in the Upper Basin for the protection of Upper Basin water users and be converted to system water only upon consent of the Upper Basin states.

- **Gap Water.** The Supply Driven Alternative introduces additional "gap water" into the system when Lake Powell cannot meet its required water year release because of low elevation infrastructure constraints. The exact source of the gap water is unclear. Without this information, it is impossible to evaluate the feasibility of generating the amount of "gap water" relied upon in the draft EIS, let alone the impacts on Upper Basin communities, water users, and the environment.

- **Prohibition of any transfer of water between upper and lower basins:** One of the driving factors for the development and implementation of the 1922 Colorado River Compact was to provide a guaranteed volume of water for development to both the Lower and Upper basins. This continued certainty is critical to the well-being of communities in the Upper Basin. In short, as prescribed by the Law of the River, there should never be any allowance for water apportioned to the Upper Basin to be used in (let alone marketed to) the Lower Basin.

- **Protection of Upper Initial Unit Water:** Any water released from any of the three Initial Units (Flaming Gorge, Blue Mesa, Navajo) for the purpose of protecting/enhancing elevations at Lake Powell must remain in Lake Powell and not be released for use by the Lower Basin. In addition, any such releases must be done within the confines of the existing ROD for each particular facility.

- **Section 602(a) requirements:** Section 602(a) of the 1968 Colorado River Basin Project Act outlines storage requirements to protect Upper Basin uses and must be fully recognized and adhered to in any new operational framework.

We greatly appreciate the efforts of the Bureau of Reclamation team on this matter. Thank you for your consideration of these comments.

Sincerely,

Steven Wolff

Steven Wolff,
General Manager

cc: SWCD Board of Directors
Rebecca Mitchell, Colorado Commissioner, Upper Colorado River Commission
Andy Mueller, Colorado River Water Conservation District