



Upper Gunnison River Water Conservancy District

March 2, 2026

Sent via electronic mail: crbpost2026@usbr.gov

U.S. Bureau of Reclamation
Attn: BCOO-1000
P.O. Box 61470
Boulder City, NV 89006

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

Dear Acting Commissioner Cameron:

Please accept the comments of Upper Gunnison River Water Conservancy District (UGRWCD) in response to Reclamation's Draft Environmental Impact Statement (DEIS) for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

Our District's mission is to be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin.

Our Upper Gunnison River Basin water user community desires guidelines that restore system balance and long-term sustainability and prevent overuse in the Lower Basin which has kept our system in a perpetual state of crisis at the sacrifice of the security of all water users in the Colorado River Basin.

To that end, we are providing the following comments related to the draft operating guidelines which we see as necessary to the successful development of guidelines that will result in long-term balance between supply and demand across the Colorado River Basin.

Before we provide our comments, we wish to state that we have received a copy and conducted a review of the comments provided by the Colorado River Water Conservation District. We strongly ask that you identify our organization as supporting those comments and that you incorporate their suggestions for further analysis and revisions during the development of the Final EIS.

The Colorado River District's comments are as follows:

Reclamation Must Prioritize Hydrologic Reality Over Predictability: *The DEIS places undue emphasis on “predictability” for water users. Predictability cannot be achieved under future hydrologic conditions unless demands are permanently adjusted to align with reduced supply.*

Flows in the Colorado River have declined approximately 20% over the past two decades and reservoir elevations remain critically low. The DEIS' focus on predictability disproportionately favors Lower Basin users who rely on reservoir releases, while Upper Basin communities live with hydrologic variability and limited storage buffering.

The proposed federal action must focus on restoring long-term structural balance across the basin and performing under all ranges of hydrology, including critically dry conditions.

The Final EIS Must Evaluate and Adjust the Scale of Upper Basin Conservation: *Several alternatives rely on assumed Upper Basin conservation volumes of up to 500,000 acre-feet annually. However, the DEIS does not analyze the reasonably foreseeable environmental and socioeconomic impacts required to achieve conservation at that scale.*

In Upper Basin communities, conservation at these levels would likely require significant and sustained reductions in irrigated acreage and municipal uses and decreased economic activity.

Such reductions would have direct and potentially permanent impacts on:

- *Agricultural economies and employment*
- *Rural tax bases and county revenues*
- *Habitat for aquatic and terrestrial species*
- *Community stability and small business viability*

These impacts must be analyzed programmatically and cumulatively under NEPA. Furthermore, the modeled conservation volumes exceed demonstrated program performance to date. The Final EIS should evaluate how alternative outcomes are impacted utilizing real world conservation program amounts.

Upper Basin Shortages Must Be Explicitly Disclosed: *The DEIS repeatedly quantifies Lower Basin shortages in the main body of the document while relegating Upper Basin shortages to Appendix I.*

Failure to clearly disclose these shortages in the main body of the EIS creates a misleading narrative regarding risk distribution across basins.

Lower Basin Water Use Must Account for System Losses: *Approximately 1.5 million acre-feet annually represents system losses, including evaporation and transit losses. These losses are an integral part of Lower Basin consumptive use and should not be classified as “shortages.” Failure to account for these losses contributed to storage decline under the 2007 Interim Guidelines. No basin or contractor should be permitted to deplete water beyond legal apportionments unless Lake Powell is in full or flood-control conditions.*

Lower Basin conservation water must be subject to realistic, recurring evaporation and transit loss accounting. One-time assessments are insufficient.

At Least One Alternative Must Perform Under Critically Dry Hydrology and Hydrology Must Drive Post-2026 Operations: *None of the DEIS alternatives perform adequately under critically dry hydrology. Given declining natural flows at Lees Ferry and current reservoir elevations, at least one alternative must achieve performance metrics at least 90% of the time under critically dry conditions.*

Additionally, operating regimes based solely on comparative reservoir elevations have failed to protect storage at Lake Powell. The Draft EIS must model realistic operations and its effects instead of allowing reservoirs to drop below critical elevations. This is critical for the public to understand and evaluate impacts of likely operations given current reservoir levels and hydrologic conditions.

Interbasin Transactions Must Not Be Allowed: *The interstate compacts were designed to provide legal certainty and prevent interstate water marketing across basins. Interstate marketing mechanisms threaten Upper Basin water security, economic stability, and legal clarity. Colorado law also reflects a long-standing public policy limiting interstate export of waters of the state. We will not support any mechanism authorizing interstate or interbasin water marketing between the Upper and Lower Colorado River Basins.*

Alternatives Must Contain Clearly Defined and Modeled Actions: *The Basic Coordination Alternative includes non-specific actions above Lake Powell (i.e. in the Upper Basin) regarding additional reductions for infrastructure protection without modeling or clearly defining those triggers. These additional and unspecified actions must be disclosed and modeled to allow decision-makers and the public an opportunity to fully understand and assess the impact of these actions.*

Similarly, the Supply Driven Alternative includes undefined “Gap Water,” with modeling assumptions that do not exclude Lower Basin system losses. The concept of “Gap Water” must be fully defined with disclosure on how often it is introduced to the system and the range of its magnitude.

Upper Basin Conservation Water and CRSP Upper Initial Units Water Must Remain in Lake Powell: *If Upper Basin conservation is included, conserved water must be operationally neutral with respect to Lake Powell releases and Lower Basin shortage determinations. Conserved water should only be released at the direction of the Upper Colorado River Commission for Compact compliance or meaningful reservoir recovery.*

Releases from CRSP Upper Initial Units for infrastructure protection must remain operationally neutral and remain in Lake Powell until sufficient system recovery occurs. Repeated modeled releases raise feasibility and NEPA concerns that must be analyzed.

At this point, we now turn to specific comments from the Upper Gunnison River Water Conservancy District:

Limitation on Geographic Scope of the EIS:

1. The DEIS correctly identifies the proposed federal action of “adopting specific guidelines and coordinated reservoir management strategies to address operations of Lake Powell and Lake Mead through their full operating ranges.”

However, Reclamation repeatedly identifies federal action in the Upper Basin above Lake Powell for which the Secretary of the Interior does not have authority under the 1956 Colorado River Storage Project Act (CRSPA).¹ Reclamation cannot modify operations (i.e., make any additional releases at the CRSPA Upstream Initial Units) and must limit its alternatives and actions to the geographic scope from Lake Powell to the Mexican international boundary.

Secretary’s Authority

Reclamation states that the goal of the DEIS “...was to develop a reasonable and broad range of alternatives for managing the Colorado River system and its resources post-2026,” but the Secretary’s authority is much more limited in the Upper Basin than it is in the Lower Basin. Reclamation’s reference to the *Colorado River System* is inaccurate as to the Secretary’s actual authority and is in direct conflict with the Law of the River. UGRWCD requests that Reclamation correct the DEIS goal statement to make it consistent with the Secretary’s actual authority.

Exclusion of Critical Data

1. Reclamation’s exclusion of the Consumptive Uses and Losses (CU&L) report for the Lower Basin creates an appearance of Reclamation bias, creates doubt as to the adequacy

¹ 43 USC. §§ 620-620o

of the alternatives presented and the analyses in the DEIS. Under NEPA, federal agencies are *required* to make information like this available and include it in the analyses of the proposed federal action. UGRWCD requests that this data be included and analyzed. Importantly, this data highlights the impact of not accounting for evaporation and system losses in the Lower Basin as well as years of overuse by the Lower Basin States which have all contributed to the current crisis in the system.

2. Reclamation's exclusion of the Consumptive Uses and Losses (CU&L) data for 2006-2024 from the DEIS does not support Reclamation's statements throughout the DEIS that drought response and conservation activities in the Lower Basin "have resulted in continued reduction in use." This statement would only be applicable to the mainstream uses and would exclude transit and evaporation losses. UGRWCD requests that this clarification be made throughout the document.
3. The exclusion of the Central Arizona Project's underground storage of water that is not consumed in a given water year is a critical piece of missing information in Reclamation's accounting of basin storage. UGRWCD requests that this data be disclosed, included and considered in the DEIS.
4. The exclusion of data related to the Lower Division's tributary consumptive uses is also a fatal flaw in the DEIS putting into doubt the alternatives analyses. UGRWCD requests that this data be included and analyzed.
5. Reclamation's exclusion of the alternative presented by the Upper Division States is short sighted. Although Reclamation may not see it as a "complete" solution – none of the proposals in the DEIS are - but it should not be entirely disregarded. UGRWCD requests that the Bureau include the analysis of the Upper Basin States alternative in the DEIS.

Alternatives Analysis

1. The inclusion of federal actions that involve the use of CRSPA Upstream Initial Units may conflict with existing law and exceed Reclamation's authority and are therefore not feasible and should be removed.
2. Reclamation's inclusion of Upper Basin contributed water from CRSPA Upstream Initial Units is outside the DEIS geographic scope and authority of the Secretary and should be removed, or if included, must be analyzed in the final DEIS.
3. Reclamation's inclusion of impermissible legal authorities for contemplated releases made from CRSPA Upstream Initial Units, such as Blue Mesa Reservoir, excludes any analyses of impacts to the Upper Basin, blurs the geographic scope and clearly demonstrate Reclamation's bias toward the Lower Basin and the disparity in how Reclamation treats the Lower Basin and Upper Basin in the DEIS.

4. Reclamation's treatment of 1.48MAF for the Lower Basin as "conservation" is entirely inappropriate. The 1.48MAF is not conservation as it only accounts for the Lower Basin's need to account for evaporation and system losses in their uses. Reclamation continues to ignore this inconvenient truth and this fact has contributed to the current crisis the system is experiencing.
5. Reclamation's impact analysis and modeling entirely ignores the environmental, social, public health, and economic and cultural impacts of proposed releases from CRSPA Upstream Initial Units including Blue Mesa Reservoir.

A. Environmental:

- i. A U.S. Geological Survey Scientific Investigations Report (2025-5109) titled *Environmental Characterization of Blue Mesa Reservoir and Potential Causes of and Management Strategies for Harmful Algal Blooms, 1970 through 2023, Curecanti National Recreation Area, Colorado*, shows a direct causal relationship between the formation of Harmful Algal Blooms (HABs) and Blue Mesa Reservoir levels (<https://doi.org/10.3133/sir20255109>). The study period covered the 2021 DROA "emergency" release period which when coupled with drought caused the lowest reservoir levels on record since initially filling the reservoir following construction and when a 1984 intentional release was made for flood control.

Any additional contemplated reservoir releases which lead to water quality degradation and eutrophication of CRSPA Upper Initial Units like Blue Mesa Reservoir must be evaluated consistent with NEPA requirements. The USGS report above also showed the reservoir trophic state transitioning in 2021 from normally mesotrophic conditions to eutrophic or hypereutrophic conditions not previously ever reported (<https://doi.org/10.3133/sir20255109>; pages 27-28).

B. Public Health Impacts:

- i. Cyanobacteria produce a variety of toxins that can have adverse acute and chronic health impacts to humans and animals. There are various exposure routes including direct ingestion through activities like swimming and airborne inhalation via water spray or dust. Boating activity which creates spray can create a potential exposure route and impact public health. High winds are also a common occurrence most afternoons on Blue Mesa Reservoir. When reservoir levels are low due to drought or emergency DROA releases, significant dust storm events occur on the lake bottom that can result in microcystin becoming airborne and creating a public health risk to recreationists on or around the reservoir and to the local community.

A May 2025 review published in *Molecules* (2025, 30, 2320) by scientists from the Department of Biological Sciences at Bowling Green State University and the Department of Neurology, Geisel School of Medicine at Dartmouth, Dartmouth-Hitchcock Medical Center emphasized concerns regarding airborne cyanobacterial neurotoxins, research gaps, health effects, and the need for management practices to protect human and animal health (<https://doi.org/10.3390/molecules30112320>).

- ii. An April 2024 Review of *Microcystin Contamination of Irrigation Water and Health Risk* was published in *Toxins* (2024, 16, 196) and highlighted that Microcystins (MCs) “...can bioaccumulate, migrate, potentially biodegrade, and pose health hazards to humans within the terrestrial food systems.” This study highlights Gunnison Basin concerns around HAB formation and potential public health impacts as a result of downstream agricultural water uses (e.g., Lower Gunnison Project Area) and consumption of crops irrigated with water contaminated with cyanotoxins (<https://www.mdpi.com/2072-6651/16/4/196>).

C. **Economic Impacts:** The exclusion of economic impacts for any federal action above Lake Powell is in violation of NEPA requirements. In 2024, Curecanti National Recreation Area which includes Blue Mesa Reservoir had a total of \$57.2M in economic output, contributed \$51.5 million dollars to the local economy, created 412 jobs, \$19 million in labor income, and \$35.7 million dollars in value added (e.g., groceries, gas, restaurants, hotels, etc.). Drought years and low reservoir and stream flows have a significant impact on the Upper Gunnison basin community which are only exacerbated by DROA releases from Blue Mesa Reservoir.

For example, Elk Creek Marina, normally operates through October but in the 2021 following Reclamation’s DROA emergency release were forced to eventually shut down operations at the Marina in August because the boat docks were non-functional.

Elk Creek Marina continued operating at a 180 percent deficit and only at the Lake Fork Marina with 4 employees. The Lake Fork Marina was the only boat docking system that was functional that year on Blue Mesa Reservoir. In most years, Elk Creek Marina operates with 20 staff members. This year due to uncertainty around future releases, they are unsure if they will be successful in hiring staff because they can’t guarantee these people that they will have jobs throughout the entire summer/fall tourist season.

In conclusion, the Upper Gunnison River Water Conservancy District has significant interest and knowledge of Upper Gunnison Basin water resources. Our rural agricultural and recreation-based tourism economy is dependent upon a healthy and sustainable water supply. Not having a large storage bucket above our community, we live within annual available hydrology each year. We are very accustomed to water rights administration in our state and what it means to suffer shortage as water rights are curtailed almost every year somewhere in our basin due to varying hydrology

and snowpack.

We appreciate the opportunity to provide public comment on behalf of our constituents and appreciate your full and fair consideration of these comments.

Sincerely,



Sonja Chavez, General Manager

Cc: John McClow, General Counsel
UGRWCD Board of Directors