

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT
Post-2026 Colorado River Operations**

Submitted to:

U.S. Bureau of Reclamation

Comment Period Closing:

March 2, 2026

Submitted by:

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Date Submitted:

February 27, 2026



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February 27, 2026

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Subject: Draft EIS Comments by Circle C Ranches, LLC – Post-2026 Colorado River Operations

I. Introduction

These comments are submitted in response to the Draft Environmental Impact Statement (“Draft EIS”) published in January 2026 by the U.S. Bureau of Reclamation addressing post-2026 operations of the Colorado River system. They are submitted on behalf of Circle C Ranches, LLC, and its affiliates (“CCR”), pursuant to Reclamation’s request for public comment during the period ending March 2, 2026.

CCR is a Colorado water right holder with significant water rights interests, including in the Upper Colorado River Basin, and holds decreed rights that would be directly affected by Compact administration in Colorado. CCR also owns decreed conditional storage rights that, under Colorado law, are intended to be developed over time and play a role in future water management.

CCR supports long-term Compact compliance and system reliability. These comments are intended to highlight analytical gaps in the Draft EIS—particularly the assumption that Upper Basin conditions remain static—that bear directly on the evaluation of impacts and management flexibility under the proposed federal action.

II. Storage Has Been Central to the Compact’s Durability

The Colorado River Compact has endured for more than a century not because hydrologic conditions matched early assumptions, but because large-scale storage projects created the operational flexibility necessary to manage variability, drought, and interstate delivery obligations. Facilities such as Lake Powell and Lake Mead were expressly designed to

address timing mismatches between supply and demand and to allow Compact obligations to be met under a wide range of hydrologic conditions.

That storage-based framework has been central to how Compact compliance has been achieved in practice. The ability to capture water in wet periods, manage releases during dry periods, and moderate year-to-year variability has allowed the Basin States and the federal government to avoid more frequent and disruptive curtailment of uses upstream and downstream.

The Draft EIS appropriately relies on this same logic in its analysis of post-2026 operations, focusing heavily on coordinated management of existing major reservoirs to address system risk. However, while downstream storage and operational flexibility are treated as essential tools for Compact administration, the Draft EIS gives comparatively little attention to whether storage and operational flexibility in the Upper Basin could also influence how Compact obligations are met going forward.

This distinction matters because storage has historically been the primary mechanism through which the Compact has been made effective over time. To the extent the Draft EIS evaluates future conditions while assuming that the Upper Basin remains operationally unchanged, it departs from the very storage-based approach that has underpinned the Compact's longevity and resilience.

III. The Draft EIS Treats Upper Basin Conditions as Static

The Draft EIS evaluates future Colorado River operations largely on the assumption that Upper Basin conditions will remain under the status quo. In particular, the analysis assumes no material change in Upper Basin storage capacity and gives little consideration to the potential development of decreed but unconstructed conditional storage rights under state law.

This assumption is consequential. Colorado water law expressly contemplates future development through conditional rights, including conditional storage rights that are intended to be perfected over time as projects are planned, permitted, and constructed. Treating the Upper Basin as fixed effectively embeds a policy assumption into the analysis—namely, that future storage development will not occur—without clearly identifying or evaluating that assumption.

The issue is not whether particular storage projects will ultimately be built. Rather, it is whether the Draft EIS adequately discloses how the assumption that no additional Upper Basin storage will be developed influences the evaluation of impacts, alternatives, and management flexibility. By treating Upper Basin conditions as static, the Draft EIS narrows the range of potential tools considered for meeting Compact obligations and managing curtailment risk, without expressly acknowledging that limitation.

Under NEPA, uncertainty about future development does not justify omission. Where analytical outcomes depend on key assumptions, those assumptions should be identified and discussed so decision-makers and the public can understand how they shape the analysis.

IV. Omission of Upper Basin Storage as a Management and Compliance Tool

Relatedly, the Draft EIS focuses almost exclusively on downstream operational responses—particularly coordinated operations of Lake Powell and Lake Mead—to address shortages and system risk. While that focus is understandable, it results in little meaningful discussion of whether storage and operational flexibility in the Upper Basin could also play a role in Compact compliance and administration.

Storage does not create new water supply and may involve evaporative losses. At the same time, storage can materially affect the timing and operational flexibility of available supplies, which are directly relevant to how Compact delivery obligations are met and how curtailment pressure is distributed within Colorado, and the other upper basin states. Historically, it is precisely this type of flexibility that has allowed the Compact to function across highly variable hydrologic conditions.

The Draft EIS does not meaningfully evaluate whether additional Upper Basin storage, where lawfully decreed, could help buffer delivery obligations, reduce the likelihood of abrupt curtailment, or otherwise influence how Compact compliance is administered at the state level. Instead, the analysis proceeds as though demand reductions and downstream reservoir operations are the only meaningful levers available.

CCR does not suggest that new storage must be developed, nor that storage is a substitute for conservation or demand management. Rather, the concern is that the Draft EIS effectively excludes storage from consideration by omission, rather than by analysis. At a minimum, the Final EIS should acknowledge this limitation and qualitatively address whether and how Upper Basin storage, particularly in Colorado, could function as part of a broader compliance and management framework.

V. Summary and Requested Clarifications

CCR supports the goals of Compact compliance, system reliability, and protection of critical infrastructure reflected in the Draft EIS. The comments offered here are not intended to advocate for a particular operational alternative to the proposed guidelines and coordinated management strategies, but to request a more complete and transparent analytical framework.

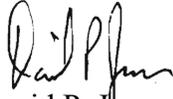
Specifically, CCR requests that the Final EIS:

- Acknowledge that Upper Basin conditions are not inherently static and that water law, particularly in Colorado, contemplates future development of decreed conditional rights.
- Disclose the extent to which assumptions regarding the absence of additional Upper Basin storage influence the evaluation of impacts and management options.
- Recognize that storage has historically been central to the Compact's durability and may remain relevant to future compliance and administration, even if no specific projects are proposed or analyzed.

Clarifying these issues would strengthen the Final EIS by providing a more complete picture of the tools and assumptions underlying post-2026 Colorado River operations, and by ensuring that future federal actions are selected against the full range of lawful management options available in the Upper Basin.

Sincerely,

LAWRENCE CUSTER GRASMICK JONES & DONOVAN, LLP

A handwritten signature in black ink, appearing to read "David P. Jones". The signature is written in a cursive style with a large initial "D".

David P. Jones