March 25, 2024

via e-mail only

LTEMP SEIS Program Manager
Bureau of Reclamation
125 South State Street, Room 800
Salt Lake City, Utah 84138
LTEMPSEIS@usbr.gov

Re: Comments on the Draft Supplemental Environmental Impact Statement for the December 2016 Record of Decision Entitled Glen Canyon Dam Long-Term Experimental and Management Plan

Dear LTEMP SEIS Project Manager:

The Colorado River Basin States' Representatives (Basin States' Representatives) submit the following comments regarding the Bureau of Reclamation's (Reclamation) release of the Draft Supplemental Environmental Impact Statement (DSEIS) for the December 2016 Record of Decision (ROD) titled "Glen Canyon Dam Long-Term Experimental and Management Plan" (89 Fed. Reg. 9147) (LTEMP) published in the Federal Register on February 9, 2024.

Glen Canyon Dam Operations and Critical Infrastructure:
Reclamation has made public statements regarding significant infrastructure concerns associated with LTEMP ROD experimental operations at Glen Canyon Dam and releases through the River Outlet Works (ROW). The most recent such statement was provided by the Secretary of the Interior's Acting Designee during the February 28-29, 2024 meeting of the Adaptive Management Work Group. While the Basin States' Representatives support Reclamation's efforts to address the threat of warmwater nonnative species, we oppose proposed experimental operations that use the ROW if such operations may negatively affect the rights afforded to the Colorado River Basin States through the Law of the River.

While the DSEIS indicates that the ROW flow releases could be reduced to half tube increments, it is not clear what potential impacts may occur if the ROW are used at a reduced rate at any given reservoir elevation and for an extended duration. The operation of the ROW for experimental environmental flows should be an opportunity to further our understanding of their integrity and vulnerabilities. Therefore, thorough inspections and observations should occur before and after potential implementation of the flow options, maintenance should be consistent and preventative, and experimental flows should not occur if there is a risk that they will cause irreparable damage to the ROW.

Support for Addressing Warmwater Nonnative Species Threats:
The Basin States' Representatives support Reclamation's efforts to address the threat of smallmouth bass and other high-risk warmwater nonnative species and see this as an immediate concern. The Basin States' Representatives understand that the flow options discussed in the DSEIS are potential actions to assist in the prevention of warmwater nonnative fish species establishment to protect the humpback chub, a federally listed species under the Endangered Species Act.

While the actions in the DSEIS are experimental in nature and of a limited duration, the long-term management of an invasive species is often far more costly than short-term prevention efforts. The Basin States' Representatives would like to see actions taken to address the threat of warmwater nonnative fish in the Colorado River ecosystem and maintain that a multi-faceted approach, such as potential installation of a fish exclusion device and modification of the -12-mile slough, are necessary.

The need for actions to prevent the establishment of warmwater nonnative fish species has been acknowledged by the Glen Canyon Dam Adaptive Management Program (GCDAMP). A consensus-based document titled "Invasive Fish Species Below Glen Canyon Dam: A Strategic Plan to Prevent, Detect, and Respond" (Strategic Plan) was recommended for adoption by the Secretary of the Interior by the GCDAMP's Adaptive Management Work Group in February of 2023. The Strategic Plan as well as the "Proposal to Amend the High-Flow Experiment Protocol and other Considerations" (HFE Amendment Proposal), are guiding documents from the GCDAMP. The Basin States' Representatives support continued reliance on these reference documents in the DSEIS.

Flow Option Alternatives:
It is recommended that Reclamation include in the preferred alternative the full array of flow option alternatives analyzed in the DSEIS. As the actions are experimental in nature, the use of a range of potential flows will allow adaptive management to address changing conditions on the river. The implementation of the various flow options would be subject to warmwater nonnative fish population size and distribution, hydrology, reservoir elevations, water temperature, and potential impacts to infrastructure.

While the DSEIS acknowledges the choice in temperature target of 15.5℃ (Chapter 3, page 3-70) for the flow options was based on observations of smallmouth bass in the Upper Colorado River Basin, the Basin States' Representatives want to acknowledge the potential for smallmouth bass to spawn at temperatures as low as 12.5℃ in other systems as indicated in Figure 3-23, page 3-55. While many factors play into a species spawning success, it is imperative that Reclamation consider this range in temperature while evaluating the effectiveness of the proposed actions. If smallmouth bass are found to be spawning in the Colorado River at temperatures below the 15.5℃ target, flow options should be reevaluated and potentially discontinued.

HFE Sediment Accounting Period and Implementation Window Adjustments:
The GCDAMP's HFE Amendment Proposal highlights additional considerations that were not included in the DSEIS, including specific language changes to the HFE protocol and additional research questions to analyze during the implementation of Spring HFEs. The Basin States' Representatives would like to see the HFE protocol amended to include the proposed changes from the HFE Amendment Proposal and the complete updated protocol included in the Final SEIS for clarity regarding the proposed action.

The interactions between the various flow alternatives designed to disrupt smallmouth bass spawning and the proposed adjustment to the HFE sediment accounting period and implementation window are not clearly documented in the DSEIS, making it difficult to comment on the cumulative impacts if the actions were to occur within the same year. Further analysis should be provided to better inform the communication and consultation process as specified in Sections 1.3 and 1.4 in Attachment B of the ROD (Communication and Consultation Process) that is further discussed below. This was also a recommendation in the GCDAMP's HFE Amendment Proposal.

Since an HFE only alternative was not analyzed, it is difficult to differentiate between potentially short-term impacts stemming from the combined proposed actions (HFEs and smallmouth bass flows through 2027) and longer-term impacts (HFEs only from 2027 to 2036). Additional information should be provided to differentiate these impacts.

Implementation of Operational Alternatives:
Meaningful consultation with the States must continue before Reclamation considers implementation of any of the alternatives described in the DSEIS. The Basin States' Representatives request that the current Communication and Consultation Process described in the LTEMP ROD continue to be utilized to analyze the various flow options, including discussion of their impacts on Glen Canyon Dam operations and critical infrastructure, in order to recommend flow experiments to the Secretary of the Interior. The Communication and Consultation Process must also consider circumstances when an experiment may warrant discontinuation and evaluate the flow options throughout the potential periods of implementation.

Adequate notice of the timing of a planned flow experiment will be necessary to facilitate consideration of potential resource impacts, to coordinate monitoring prior to, during, and following the implementation of the flow options, and to address impacts to the Basin Fund and market grid reliability. Successful implementation will necessitate reliable temperature models and meetings to occur in a timely manner before a potential trigger is hit.

Monitoring and Offramps:
Potential conditions for discontinuing the experimental flow options should be informed by the monitoring of warmwater nonnative fish species and consideration of the effectiveness of actions. To ensure decisions are well-informed, adequate analysis and data collection should occur before, during, and following a flow experiment. Several factors to consider when evaluating the potential discontinuation of warmwater nonnative fish management actions are included in the Strategic Plan (see Section 3.4, page 11, titled "Offramps"). This information should be used to inform the Communication and Consultation Process.

While minimization of predation on humpback chub is the intent behind the experimental flow options, it is imperative that potential impacts to humpback chub from the flow options themselves are closely monitored. If the experimental flows are found to negatively impact the humpback chub population below the current triggers identified in the 2016 Biological Opinion, Reclamation should immediately discontinue the use of the flow actions and consider alternative measures.

Reservation of Rights:
Failure of the Basin States' Representatives to provide specific comments regarding details of the SEIS shall not be construed as an admission with respect to any factual or legal issue or a waiver of rights for the purposes of any future legal, administrative, or other proceeding. Moreover, the comments herein are specific to this SEIS process and should not be interpreted to apply to any other ongoing NEPA processes. Finally, the Basin States' Representatives reserve the right to comment further on SEIS documentation as Reclamation proceeds with subsequent phases of the SEIS process.

Conclusion:
The Basin States' Representatives appreciate the opportunity to provide comments on the DSEIS to the 2016 LTEMP ROD and appreciate Reclamation's efforts. The Basin States' Representatives are supportive of short-term, mid-term, and long-term actions to address warmwater nonnative fish species establishment in the Colorado River in an effort to avoid the potential for long-term management of an established warmwater nonnative species. These actions, however, must not be taken at the expense of compromising the integrity of dam infrastructure. Should there be any questions, please contact us at your earliest convenience.

[Signatures on next page]

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