



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
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August 15, 2023

Submitted via email to: crbpost2026@usbr.gov

Commissioner Camille Touton
Bureau of Reclamation
1849 C Street NW
Washington, DC 20240-0001

RE: Comments Regarding Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

Dear Commissioner Touton:

The Southwestern Water Conservation District (SWCD) appreciates the opportunity to submit the following comments in response to the Notice of Intent to Prepare an Environmental Impact Statement on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

SWCD was created in 1941 by the Colorado General Assembly (C.R.S. § 37-47-101, et seq.). SWCD is comprised of 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 the SWCD, 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.

Any future operational guidelines or strategies for the Colorado River should focus on a few central themes, including:

- Relative to the NEPA process:
 - Analyses should be limited geographically to the operation of Lake Powell and Lake Mead.
 - The no-action alternative in the NEPA process should be based on the long-range operating criteria developed pursuant to P.L. 90-537, subject to further consultation with appropriate local water management entities in Colorado, the State of Colorado, and other Basin States needed to resolve any outstanding questions regarding their application.
- Any decision point on annual operations considered in new operating guidelines and strategies should be based on actual (near real-time) hydrology and reservoir storage. The 2007 Interim Guidelines relied too heavily on the use of forecasts from the Bureau of Reclamation's 24-month study, which have proven to be both easily manipulated and at times inaccurate.
- The different roles Lakes Powell and Mead play in water management in the Upper and Lower Basins should also be recognized. Due to Lake Powell's location at the Utah-Arizona state line, the reservoir does not physically release water supplies to Upper Basin water users. Our water users rely instead on smaller, more localized watersheds to meet their needs. This, in turn, leads to Upper Basin water users being more vulnerable to variations in annual snowpack (particularly on a local level) and regularly encountering situations on a daily, weekly, monthly, or annual basis where there is not enough water physically available to meet their needs (i.e., hydrologic shortages). In stark contrast, Lake Mead has always been able to release a full supply of water directly to Lower Basin users.
- The post-2026 operational guidelines and strategies must adhere to the Law of the River and recognize each State's authority to independently administer and distribute its water resources. System losses occurring at and below Lake Mead (e.g., transit losses, reservoir evaporation, ordered but not delivered supplies) must be accounted for and assessed against all Lower Basin contractors. Full accounting of Lower Basin tributary uses, in a manner consistent with the 1922 Colorado River Compact, is also necessary to properly develop any new guidelines and strategies.
- Post-2026 operating guidelines must fairly balance the burden of climate change across the entire Colorado River Basin. The Upper and Lower Basins have equal apportionments of the Colorado River in perpetuity. Water users in the Lower Basin cannot be given priority over water users in the Upper Division States.
- Post-2026 operational guidelines and strategies must recognize the needs of all water users in southwest Colorado, including the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe, and support efforts to put Colorado's unused apportionment to beneficial use within Colorado by providing funds to develop the necessary infrastructure.

Most importantly, as the Colorado River Basin continues to be subject to the effects of climate change and provides much less certainty in local water supplies, solutions must be locally driven. We recognize that with the diminishing water availability in the West due to drought, aridification, and growing populations, there is an ongoing need to conserve water while maintaining the economic viability of our communities. The only way to be successful in this endeavor is to work at the local level where solutions can be tailored to local needs. We urge Reclamation to continue working to secure federal funding to be utilized by local entities for these local projects as part of a parallel, but distinct, process from other basin-wide efforts.

Sincerely,



Steve Wolff, General Manager

cc: SWCD Board of Directors