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Attn: Post-2026 (Mail Stop 8455000)  
Bureau of Reclamation  
P.O. Box 25007  
Denver, Colorado 80225

**Re: Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead - Notice of Intent to Prepare an Environmental Impact Statement**

The following comments are provided on the proposed preparation of an Environmental Impact Statement (EIS) for the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead.

**Purpose of EIS**

The purpose of the EIS should be more broadly defined than previously described in the development of the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines). The purpose should reflect the future stability of the Colorado River system taking into account existing laws and regulations and the priorities of the river's water users. Less emphasis should be placed on maintaining minimum reservoir elevations for power production than was done in the 2007 Interim Guidelines.

**Reasonable Range of Alternatives**

The EIS should include a reasonable range of alternatives in conformance with 40 CFR § 1502.14 and 40 CFR § 1508.1. In addition, all alternatives considered, including consensus based alternatives, must comply with existing laws governing the use of Colorado River water. Principal among these laws is the Colorado River Compact of 1922, which provides:

*The States of the Upper Division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of ten consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact.*

In addition, the 1922 Compact requires that the Upper Basin bear half the burden of supplying water to Mexico, which represents an additional 0.75 million acre-foot annual commitment under normal operations. Among the laws comprising the "Law of the River" including the Boulder Canyon Project Act of 1928, the Colorado River Storage Project Act of 1956, and the Colorado River Basin Project Act of 1968, the 1922 Compact is superordinate.

The EIS should be devoid of politicization unlike the Bureau of Reclamation's recent April 11, 2023, Supplemental Environmental Impact Statement (SEIS) for Near-term Colorado River Operations. The SEIS included two action alternatives: One based on the "concept of priority" and another "not based exclusively on the concept of priority," the legal basis for the later

alternative being dubious. The inclusion of the later alternative was viewed as a means of forcing the basin states to work collaboratively in developing a compromise agreement for near-term operations. Presumably, this was done so that the bureau could avoid the inevitable criticism that would be levied against it by one or more parties if it unilaterally enforced existing law.

### **Baseline for Considering Environmental Effects**

The EIS should provide a reasonable assessment of environmental trends including climate change effects. As part of this assessment, it is critical that the accuracy of historical natural river flow estimates be properly described. Historical natural flow numbers reported at Lee Ferry are *estimated* using a variety of means as opposed to being *actual flow measurements*. The quality of these estimates depends on measurement precision and bias, and the collective impact of these factors on total natural flow estimates should be described in the EIS. This is particularly critical to the extent that future flow predictions or scenarios are based on historical natural flow estimates.

### **Glen Canyon Dam Operation**

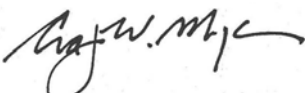
It is clear that the operations at Glen Canyon Dam largely dictated reservoir operations in the prior 2007 Interim Guidelines. Yet, under the Colorado River Compact of 1922, municipal and agricultural use have preference. The 1922 Compact states that “water of the Colorado River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.”

Past proposals by environmental groups to decommission Glen Canyon Dam or to operate the reservoir without power production as a primary goal can no longer be ignored and must be seriously considered in the EIS. The evaporative losses occurring in Lake Powell are significant given the demands on the Colorado River system and must be taken into account. At a minimum, the dam should be operated to allow for the passage of 75,000,000 acre-feet for any period of ten consecutive years and one half the supply provided to Mexico as required under the 1922 Compact. The EIS should consider the need to retrofit the dam to adhere to this requirement.

### **Imperial Valley Water Rights**

Any alternative considered in the EIS should respect Imperial Valley’s senior water rights.

Thank you for considering these comments.



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