
Appendix Q

Federal Register Notices

This page intentionally left blank.

Contents

APPENDIX Q. FEDERAL REGISTER NOTICES.....	Q-1
Q.1 Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions (Federal Register, June 24, 2022; 87 FR 37885).....	Q-2
Q.2 Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (Federal Register, June 16, 2023; 88 FR 39455)	Q-7
Q.3 Colorado River Reservoir Operations: Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (October 20, 2023 – 88 FR 72535).....	Q-11
Q.4 Environmental Impact Statements; Notice of Availability (U.S. Environmental Protection Agency, Federal Register, January 16, 2026; 91 FR 2131; FR Doc. No. 2026-00844).....	Q-13

This page intentionally left blank.

Appendix Q. Federal Register Notices

Four Federal Register notices have been issued to inform the public about the formulation of the interim operational guidelines and the preparation and availability of the Environmental Impact Statement. The full text of the Federal Register notices is provided in this appendix.

Q.1 Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions (Federal Register, June 24, 2022; 87 FR 37885)



37884

Federal Register / Vol. 87, No. 121 / Friday, June 24, 2022 / Notices

the individual turbines to the offshore substations, substation interconnector cables linking the substations to each other, offshore export cables, an onshore export cable system, 2 onshore substations, and connections to the existing electrical grid in New Jersey. The WTCs and offshore substations, inter-array cables, and substation interconnector cables would be located on the OCS approximately 13 nautical miles (15 statute miles) southeast of Atlantic City, New Jersey, within the area defined by Renewable Energy Lease OCS-A 0498 (Lease Area). The offshore export cables would be buried below the seabed surface in the OCS and State of New Jersey owned submerged lands. The onshore export cables, substations, and grid connections would be located in Ocean County and Cape May County, New Jersey.

Alternatives: BOEM considered 26 alternatives when preparing the DEIS and carried forward 6 alternatives for further analysis in the DEIS. These six alternatives include five action alternatives and the no action alternative. Twenty alternatives were rejected because they did not meet the purpose and need for the proposed action or did not meet screening criteria, which are presented in DEIS appendix C. The screening criteria included consistency with law and regulations; technical and economic feasibility; environmental impact; and geographic considerations.

Availability of the DEIS: The DEIS, Ocean Wind 1 COP, and associated information are available on BOEM's website at: <https://www.boem.gov/renewable-energy/state-activities/ocean-wind-1>. BOEM has distributed digital copies of the DEIS to all parties listed in DEIS appendix K, which also includes the location of all libraries receiving a copy. If you require a flash drive or paper copy, BOEM will provide one upon request, as long as copies are available. You may request a flash drive or paper copy of the DEIS by calling (703) 787-1520.

Cooperating Agencies: The following nine Federal agencies and State governmental entities participated as cooperating agencies in the preparation of the DEIS: Bureau of Safety and Environmental Enforcement; U.S. Environmental Protection Agency; National Marine Fisheries Service; U.S. Army Corps of Engineers; U.S. Coast Guard; U.S. Fish and Wildlife Service, Department of Defense; New Jersey Department of Environmental Protection; and New York State Department of State. The National Park Service participated as a participating agency.

Information on Submitting

Comments: BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments, including the names and addresses of respondents, available for public review online and during regular business hours. Individual respondents may request that BOEM withhold their names, addresses, or any other personal identifiable information (PII) included in their comment from the public record; however, BOEM cannot guarantee that it will be able to do so. If you wish your name, address, or other PII to be withheld, you must state your request prominently in a cover letter and explain the harm that you fear from its disclosure such as unwarranted privacy invasion, embarrassment, or injury. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Authority: 42 U.S.C. 4231 *et seq.* (NEPA, as amended) and 40 CFR 1506.6.

William Y. Brown,
Chief Environmental Officer, Bureau of Ocean Energy Management.

[FR Doc. 2022-13490 Filed 6-23-22; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03040000.22XR068080.RX.18786000.5004001]

Request for Input on Development of Post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead Under Historically Low Reservoir Conditions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for input.

SUMMARY: The Secretary of the Interior has directed the Bureau of Reclamation (Reclamation) to begin work to develop operating strategies for the continued coordinated operation of Lake Powell and Lake Mead. A number of reservoir and water management decisional documents and agreements that govern operation of Colorado River facilities and management of Colorado River water are currently scheduled to expire at the end of 2026. These include the December 2007 Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim

Guidelines), among other important management documents, both within the United States, as well as international agreements between the United States and Mexico pursuant to the United States-Mexico Treaty on Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Water Treaty).

DATES: Submit written comments on the proposed development of Post-2026 Colorado River Operational Strategies pursuant to this notice on or before September 1, 2022.

Reclamation will host two public webinars to summarize the content and purpose of this **Federal Register** notice. The webinars will take place on Tuesday, July 12, 2022, from 10 a.m. to 11 a.m. (MDT), and on Thursday, July 14, 2022, from 10 a.m. to 11 a.m. (MDT).

ADDRESSES: Send written comments on the proposed development of Post-2026 Colorado River Operational Strategies to CRB-info@usbr.gov.

The virtual meeting held on Tuesday, July 12, 2022, may be accessed at https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTg1ZmVmMDItNzkxMC00YjM2LTg3NmEtNmIwMWI3ZGEyNjlm%40thread.v2/0?context=%7b%22Tid%22%3a%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%2c%22Oid%22%3a%22388b569b-9117-49f0-b6f1-cd12ff0587b0%22%7d;orcallinaudioonlyat7197333211,PhoneConferenceID:100899510#.

The virtual meeting held on Thursday, July 14, 2022, may be accessed at https://teams.microsoft.com/l/meetup-join/19%3ameeting_MWE0YmZhNDItOGQwZC00YmRlWjlmMlZDM4ZDUwN2JlNzc%40thread.v2/0?context=%7b%22Tid%22%3a%220693b5ba-4b18-4d7b-9341-f32f400a5494%22%2c%22Oid%22%3a%22e792bef3-e313-4746-82d1-a6064d5ee897%22%7d;orcallinaudioonlyat2026401187,PhoneConferenceID:795497392#.

FOR FURTHER INFORMATION CONTACT: Carly Jerla, Senior Water Resources Program Manager, Bureau of Reclamation, at (303) 517-1160; or by email at cjerla@usbr.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: Through this notice, and prior to formally initiating a National Environmental Policy Act (NEPA) process (or processes) to develop post-2026 operations for Lake Powell and Lake Mead (among other potential actions), Reclamation is requesting input on: (a) processes that can be employed to encourage and facilitate meaningful participation of Colorado River Basin (Basin) partners, stakeholders, and the general public in the anticipated upcoming NEPA process(es); as well as (b) potential substantive elements and strategies for post-2026 operations to consider in the anticipated upcoming NEPA process(es). Reclamation anticipates formally initiating the NEPA process through a Notice of Intent to Prepare an Environmental Impact Statement in the *Federal Register* in early 2023. As noted in more detail below, given current conditions in the Colorado River Basin, Reclamation may utilize multiple NEPA efforts, or other appropriate processes, to address emerging low-reservoir conditions in the Basin.

The Colorado River Basin provides essential water supplies to approximately 40 million people, nearly 5.5 million acres of agricultural lands, and habitat for ecological resources across the Southwestern United States and Northwestern Mexico. The limited water supplies of the Colorado River are declining and the Colorado River Basin is currently experiencing a prolonged period of drought and record-low runoff conditions resulting in historically low reservoir levels at Lake Powell and Lake Mead. The period from 2000 through 2022 is the driest 23-year period in more than a century and one of the driest periods in the last 1,200 years. Absent a change in hydrologic conditions, water use patterns, or both, Colorado River reservoirs will continue to decline to critically low elevations threatening essential water supplies across nine states in the United States and the Republic of Mexico (Mexico). It is foreseeable that without appropriate responsive actions and under a continuation of recent hydrologic trends, major Colorado River reservoirs could continue to decline to “dead pool”—elevations at which water cannot be regularly released from a reservoir—in coming years. As stated in the 2019 Lower Basin Drought Contingency Plan:

... as a result of actual operating experience subsequent to the adoption of the 2007 Interim Guidelines, as well as emerging scientific information regarding the increasing variability and anticipated decline in Colorado River flow volumes, the Parties

recognize and acknowledge that entities that rely on the Colorado River as a water source face increased individual and collective risk of temporary or prolonged interruptions in water supplies, with associated adverse impacts on the society, environment and economy of the southwestern United States.

The current unprecedented drought and low-runoff conditions are anticipated to persist and potentially worsen as a result of a number of factors, including increasing temperatures in the Basin, and other effects of climate change.

As a result of the exceptionally low runoff conditions over the past 3 years (2020, 2021, and 2022), unprecedented drought response operations have been triggered at Lake Powell and Lake Mead consistent with the 2007 Interim Guidelines and agreements adopted pursuant to the 2019 Colorado River Drought Contingency Plan Authorization Act (Pub. L. 116–14) (the 2019 Drought Contingency Plan (DCP) Act). The unprecedented risks facing the Colorado River Basin was the subject of a June 14, 2022 U.S. Senate hearing in which Reclamation Commissioner Camille Touton noted that while no one knows how dry the next few years could be, if recent (2018-present) dry conditions continue, Lake Powell and Lake Mead face extraordinary risks over the next 12–24 months, and that additional actions are needed to protect the reservoirs from rapidly declining to critically-low elevations: reductions totaling millions of acre-feet in reductions of use across the Basin could be needed to stabilize the reservoirs.

Background on Development of the 2007 Interim Guidelines.

Initially spurred by a 5-year period in which Lake Powell and Lake Mead lost nearly half of the combined storage in the reservoirs as a result of an ongoing multi-year drought, decreasing overall system storage, and growing demands for Colorado River water, at the direction of the Secretary of the Interior, Reclamation initiated a NEPA process in 2005 to develop operating guidelines for the coordinated operations of Lake Powell and Lake Mead, along with Lower Basin shortage criteria (and other related actions). See 70 FR 57322 (September 30, 2005). Following completion of the NEPA process (and associated compliance activities), in December 2007 Secretary of the Interior Kempthorne approved the Record of Decision for the 2007 Interim Guidelines. Published at 73 FR 19873 (April 11, 2008). The 2007 Interim Guidelines provided objective operating criteria for the coordinated operations of Lake Powell and Lake Mead and for

determining Lower Basin shortage conditions, as well as establishing a program to encourage water conservation actions in the Lower Basin.

Operational Agreements, Operating Experience and Changed Circumstances Since Adoption of the 2007 Interim Guidelines.

Operational Agreements

Since their adoption, the 2007 Interim Guidelines have provided operating criteria for Lake Powell and Lake Mead including provisions designed to provide a greater degree of certainty to water users about timing and volumes of potential water delivery reductions, as well as additional operating flexibility to conserve and enhance water storage in Colorado River system reservoirs. In 2012, the United States and Mexico adopted Minute 319, a binational agreement adopted pursuant to the 1944 Water Treaty. Minute 319 provided interim (2012–2017) operating provisions that implement the provisions of the 1944 Water Treaty, establishing objective criteria for treaty deliveries through a wide range of reservoir conditions, and established mechanisms that provide Mexico with the flexibility to reduce water use and defer delivery of the reduced volumes in subsequent years. Minute 319 also provided U.S. funding to enhance water conservation and riparian habitat in the Colorado River Delta and Limitrophe region.

Notwithstanding the elements of the 2007 Interim Guidelines (and Minute 319), as hydrologic conditions worsened thereby increasing the risk of reservoirs declining to critically-low conditions, in 2013–2014, Reclamation and stakeholders began pursuing additional adaptive management actions. Among other drought response activities, the Upper and Lower Basin DCPs were adopted pursuant to the 2019 DCP Act. A further agreement with Mexico in 2017 (Minute 323) had previously established enhanced water reduction, water conservation, and savings mechanisms pursuant to the 1944 Water Treaty. Both the 2007 Interim Guidelines and the DCPs are anticipated to be in place for an interim period through 2026.¹ Similarly, Minute 323 is anticipated to be in effect through 2026.

¹ Except for the special provisions described in Section XI.G.8. of the 2007 Interim Guidelines, the 2007 Interim Guidelines are anticipated to remain in effect through December 31, 2025 (through preparation of the 2026 Annual Operating Plan). With the exception of certain Intentionally Created Surplus recovery and Upper Basin demand management provisions, operations under the

Continued

2020 Review of Operating Experience

The interim nature of the 2007 Interim Guidelines has provided the opportunity to gain valuable experience in the management of Lake Powell and Lake Mead under the adopted operations, improving the basis for making future operational decisions, both during the interim period and after. Section XI.G.7.D. of the 2007 Interim Guidelines required the documentation of this experience and an evaluation of the effectiveness of the 2007 Interim Guidelines. In fulfillment of this provision, in December 2020, Reclamation published on its website its "Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead" (the 2020 7.D. Review).

The purpose of the 2007 Interim Guidelines was determined in the early stages of the NEPA process led by Reclamation to develop the guidelines and consists of 3 components. As stated in Section IV of the 2007 Interim Guidelines, the purpose is to:

- "improve Reclamation's management of the Colorado River by considering trade-offs between the frequency and magnitude of reductions of water deliveries, and considering the effects on water storage in Lake Powell and Lake Mead, and on water supply, power production, recreation, and other environmental resources;
- provide mainstream United States users of Colorado River water, particularly those in the Lower Division states, a greater degree of predictability with respect to the amount of annual water deliveries in future years, particularly under drought and low reservoir conditions; and
- provide additional mechanisms for the storage and delivery of water supplies in Lake Mead to increase the flexibility of meeting water use needs from Lake Mead, particularly under drought and low reservoir conditions."

The 2020 7.D. Review found that the 2007 Interim Guidelines were largely effective as measured against this stated purpose.

However, with respect to the 4 operational elements of the 2007 Interim Guidelines (Coordinated Operations of Lake Powell and Lake Mead, Lower Basin Surplus Guidelines, Lower Basin Shortage Guidelines, and Storage and Delivery of Conserved Water in the Lower Basin), the 2007 Interim Guidelines failed to provide sufficiently robust operating provisions to address the increasing severity of the drought

and low runoff conditions exacerbated by climate change. By 2013–2014, as a result of the worsening drought, a broad consensus within the Basin emerged that additional actions were needed to reduce the risk of Lake Powell and Lake Mead reaching critically low elevations. This led to the adoption of the DCPs and other voluntary adaptive actions.

The 2020 7.D. Review also documented important considerations for enhancing future effectiveness: (1) enhanced flexibilities and transparency for water users; (2) expanded participation in conservation and Basin-wide programs; (3) increased consideration of the linkage that occurs through coordinated reservoir operations, particularly with respect to the uncertainties inherent in model projections used to set operating conditions; and (4) more robust measures to protect reservoir levels.

Reclamation received written input during the 2020 7.D. Review process from a diverse group of partners and stakeholders across the Colorado River Basin. One area of significant comment was with respect to the stakeholder engagement process used to develop the 2007 Interim Guidelines. Multiple commenters expressed that the process was inadequate to meaningfully engage a sufficiently diverse group of stakeholders. Given the increased partner and stakeholder participation in Basin decision-making processes since the adoption of the 2007 Interim Guidelines, the Department of the Interior (Department or Interior) is particularly focused on developing and implementing a process that facilitates and encourages meaningful participation of Basin partners and stakeholders including other Federal agencies, the seven Colorado River Basin States, Native American Tribes, non-governmental organizations (NGOs), academic experts, and the general public. As discussed below, the Department is also committed to identifying processes that can complement the efforts of the International Boundary and Water Commission (IBWC) to develop post-2026 agreements that would succeed current agreements contained in Minute 323.

Changed Circumstances Since Adoption of the 2007 Interim Guidelines

As Reclamation and the Department prepare to initiate a NEPA process for the post-2026 Colorado River Reservoir Operational Strategies for Lake Powell and Lake Mead under historically low reservoir conditions, it is important to succinctly highlight a few areas where circumstances have changed since

adoption of the 2007 Interim Guidelines. Reclamation welcomes input on these changed circumstances as well as suggestions on potential strategies that would be appropriate to more successfully address these changed circumstances given the expectation that conditions will continue to change in the Colorado River Basin in the years and decades ahead.

1. With respect to issues involving hydrology, risk facing the Basin, and advances in scientific understandings:

Since 2000, 50 percent of these years have seen less than 11 million acre-feet (maf) of annual natural flow at Lees Ferry and 13 percent have seen less than 8 maf. The 21st century has been 20 percent drier than the 20th century, and the 5-year average has declined by 33 percent in 23 years. Future strategies should consider these conditions and the likelihood of continued declines in supply.

The 2007 Interim Guidelines were developed in response to 5 years of drought and precipitous reservoir declines and were based primarily on the modeling assumption of a stationary climate where future inflows were adequately represented in the observed historical record.

Since 2007, unprecedented drought has changed our understanding of basin hydrology; climate science tells us that the future temperatures in the Colorado River Basin will continue to warm and that we can expect an increased likelihood of experiencing deep, prolonged droughts.

The 2020 7.D. Review found that while the 2007 Interim Guidelines were effective at meeting their overall purpose, the increasing severity of the drought demonstrated that the 2007 Interim Guidelines were insufficiently robust to protect reservoir storage, requiring the adoption of the DCPs and other responsive adaptive actions.

Nevertheless, even the additional actions adopted subsequent to the 2007 Interim Guidelines were demonstrably insufficient to address the ongoing drought and low runoff conditions. With declining reservoir conditions, Reclamation undertook emergency and other drought response actions in both 2021 and 2022 to protect infrastructure and operations at Glen Canyon Dam.

The latest global climate model-derived projections of climate change agree that temperatures will warm, but precipitation and impacts on basin hydrology continue to show a wide range of potential futures and experts cannot say with a high degree of confidence or specificity what is most likely to happen in a nonstationary

Guidelines and the DCPs are in effect through December 31, 2026.

climate (*i.e.*, the question “what will future runoff be?” cannot be answered). Hydrologic uncertainty combined with uncertain future growth and water use compound to mean that it is impossible to assign probabilities to any given future and the basin is experiencing conditions of deep uncertainty.

These factors lead Reclamation to observe that in developing post-2026 guidelines in a nonstationary, drying system, a different approach toward addressing risk that employs planning methods that account for deep uncertainty must be taken. Such an approach should enhance the ability to identify robust policies that are better prepared to adapt to changing conditions.

For planning purposes, robust policies are those that withstand a broad range of future conditions and are not based on a single set of assumptions about water supply and demand. With increasing temperatures across the basin, predictions of commensurate decreases in reliable supply, and uncertainty in future demands, Reclamation believes that future policies must be tested across a wide range of potential future conditions, including drought sequences that are longer and more severe than those that have been observed. Absent such an approach, policies are likely to be insufficiently robust, adaptable, and successful.

2. With respect to issues regarding engagement and inclusivity in Colorado River decision-making:

The domestic stakeholder process used to develop the 2007 Interim Guidelines was considered, at the time, to have engaged a wide range of stakeholders and included extensive public involvement. Central to this process was technical outreach and modeling support provided by Reclamation.

In the intervening 15 years, there has been an increasing level of collaboration and communication across the Basin—indicating the necessity of more deeply engaging a broader range of stakeholders during the upcoming process(es). Meaningfully engaging and encouraging the participation of Colorado River Basin Tribes, representatives of Mexico, and NGOs was crucial to the success of the key and essential operational decisions that have come about since the adoption of the 2007 Interim Guidelines.

As we approach the initiation of efforts to develop post-2026 guidelines, Reclamation has identified that it intends to design and implement a stakeholder process that is inclusive, transparent, and encourages meaningful

engagement. In order to accomplish this commitment, Reclamation intends to prioritize stakeholder technical education, technical outreach, and timely access to relevant technical information. Reclamation intends to support parties in developing strategies and would welcome input on recommended steps to ensure active participation by a wide range of Basin partners, stakeholders, and the general public. Reclamation will continue to seek to prioritize the development of approaches that have broad-based support.

a. With respect to Colorado River Basin Tribes:

During the preparation of the 2007 Interim Guidelines, the Department conducted extensive engagement with Native American Tribes in the Colorado River Basin (Basin Tribes) regarding the potential adoption of operating guidelines for Lake Powell and Lake Mead and related actions, including the adoption of rules regarding creation, accounting and delivery of Intentionally Created Surplus. See 2007 Final Environmental Impact Statement (FEIS), Appendix I, at <https://www.usbr.gov/lc/region/programs/strategies/FEIS/AppI.pdf>.

Notwithstanding the engagement documented in the 2007 FEIS, during the implementation of the 2007 Interim Guidelines, many Basin Tribes have expressed deeply-held concerns, viewpoints, and objections to the lack of full engagement and consultation, and that any engagement during the development (and implementation) of the 2007 Interim Guidelines was insufficient to address the range of interests, needs, and fundamental rights of the Basin Tribes. These concerns have significantly increased as water supply conditions in the Basin have been increasingly impacted by drought, low runoff, and the effects of climate change.

Interior has undertaken extensive efforts across the Basin to facilitate Indian Water Rights Settlements, enhance Tribal utilization of water rights, engage with Tribal Governments, and facilitate Basin engagement. For example, beginning last year, Reclamation has hosted monthly Tribal Information Exchanges as one mechanism to share timely information on Colorado River Basin conditions, challenges, and opportunities for investment and water conservation programs. While these efforts have continuously increased over time, there are extraordinary and unique challenges facing Basin Tribes.

Basin Tribes have expressed their concerns in direct correspondence to

the Secretary of the Interior and have formally requested commitments from Interior for greater inclusion in the NEPA process to develop post-2026 operations, as well as increased engagement and consultation during the implementation of any guidelines developed pursuant to the upcoming NEPA process.

Interior recognizes that each Basin Tribe possesses unique rights (including water rights), unique viewpoints, and concerns with respect to current and projected conditions in the Basin. While it is premature at this time for Interior to make precise decisions about the content of post-2026 operations, the Secretary of the Interior has and is committed to engage and consult with the Basin Tribes in a meaningful and transparent manner during the upcoming NEPA process and to fully consider tribal input and viewpoints through government-to-government consultation, consistent with the Department's Detailed Plan for Improving Interior's Implementation of Executive Order 13175, *Consultation and Coordination with Indian Tribes*, found at www.doi.gov/priorities/tribal-consultation. Interior is interested in receiving specific input on the most effective processes that can be employed during the upcoming NEPA process(es) to ensure that these commitments are fully implemented.

b. With respect to engagement with Mexico:

The 2007 Interim Guidelines were adopted under the authority of the Secretary of the Interior. Accordingly, the scope of the 2007 Interim Guidelines was domestic, and no decisions were made regarding operations under the 1944 Water Treaty.

Since 2007 an extraordinary cooperative process has been forged between the two nations with the participation of the Department and Reclamation in support of agreements developed between the United States and Mexico Sections of the IBWC. Since adoption of the 2007 Interim Guidelines, significant international agreements on the Colorado River are memorialized in Minutes 316, 317, 318, 319, and 323.

With Minute 323 scheduled to expire at the same time as the 2007 Interim Guidelines and the 2019 DCP, the United States and Mexico have expressed a policy goal of developing a successor to Minute 323 on a parallel timeline as the domestic development of post-2026 operational approaches. This policy goal is intended to ensure that Colorado River reservoirs continue to be managed in a manner that ensures an

appropriate degree of operational alignment.

While not determining in any way what processes the IBWC may choose to utilize, the Department would welcome input on how the Interior-led domestic planning processes could be implemented in a coordinated and complementary fashion to those of the IBWC.

3. *With respect to the current and emerging operational challenges and potential for significant disruptions to Colorado River water supplies under continued low-runoff conditions:*

While previous actions, especially the DCP, were intended to preserve Reclamation's ability to undertake post-2026 planning with a stable system and avoid crisis planning, very dry hydrology since the adoption of the DCP has resulted in Lake Powell and Lake Mead nearing critically low elevations.

Should the conditions continue or worsen, we recognize that in addition to post-2026 planning under the anticipated NEPA process(es), Reclamation may likely need to also prioritize implementation of near-term actions to stabilize the decline in reservoir storage and prevent system collapse. Reclamation has not yet determined what additional actions or processes may be required to address these near-term operational risks. It is anticipated that near-term response actions and development of post-2026 operations will need to proceed on parallel timelines.

- *Process:* Reclamation seeks specific input on suggested mechanisms for the anticipated NEPA process(es) to ensure that a wide range of Basin partners, stakeholders, and the general public can meaningfully engage and participate in the development of post-2026 operational strategies.

- *Substantive elements of post-2026 operations:* Reclamation seeks input on potential substantive elements and strategies that should be considered for post-2026 operations and considered in the anticipated upcoming NEPA process(es).

With respect to both these areas where Reclamation is seeking input through this **Federal Register** notice, Reclamation is particularly interested in receiving specific recommendations that can be considered and potentially integrated as the initiation of the NEPA process is being developed.

Reclamation notes that it intends to formally initiate the NEPA process for development of post-2026 operations through a Notice of Intent to Prepare an Environmental Impact Statement in the **Federal Register** in early 2023. Any input received as part of this **Federal**

Register notice request for input will be fully considered by Reclamation but formal scoping comments will be solicited following initiation of the anticipated NEPA process. Decisions by entities whether or not to submit input regarding this **Federal Register** notice shall not limit or prejudice in any manner comments such entities may choose to submit during the formal scoping period following a formal Notice of Intent to initiate preparation of an Environmental Impact Statement (anticipated in early 2023).

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Tanya Trujillo,

Assistant Secretary for Water and Science.

[FR Doc. 2022-13502 Filed 6-23-22; 8:45 am]

BILLING CODE 4332-90-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mobile Electronic Devices, DN 3625*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by

accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Maxell, Ltd. on June 16, 2022. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices. The complainant names as respondents: Lenovo Group Ltd. of China; Lenovo (United States) Inc. of Morrisville, NC; and Motorola Mobility LLC of Libertyville, IL. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondent, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to

Q.2 Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (Federal Register, June 16, 2023; 88 FR 39455)



Federal Register / Vol. 88, No. 116 / Friday, June 16, 2023 / Notices

39455

and not competing requests. California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, and 10.14.

Dated: June 6, 2023.

Melanie O'Brien,
Manager, National NAGPRA Program.
[FR Doc. 2023-12857 Filed 6-15-23; 8:45 am]
BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03040000, 23XR0680A1,
RX187860005004001]

Notice of Intent To Prepare an Environmental Impact Statement and Notice To Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Secretary of the Interior (Secretary) has directed the Bureau of Reclamation (Reclamation) to develop post-2026 Colorado River reservoir operational guidelines and strategies for Lake Powell and Lake Mead (referred to as "post-2026 operations"). Several important reservoir and water management decisional documents and agreements that govern operation of Colorado River facilities and management of Colorado River water are currently scheduled to expire at the end of 2026. Through this **Federal Register** notice, Reclamation is formally initiating the process to prepare an environmental impact statement (EIS) for the development of post-2026 operations.

DATES: This **Federal Register** notice initiates the public scoping process for the EIS. Reclamation requests that the public submit comments concerning the scope of specific operational guidelines, strategies, and any other issues that should be considered on or before August 15, 2023.

Reclamation will host three virtual public meetings/webinars to provide summary information and receive oral comments:

- Monday, July 17, 2023, 1 p.m. to 2 p.m. (MDT)
- Tuesday, July 18, 2023, 10 a.m. to 11 a.m. (MDT)
- Monday, July 24, 2023, 6 p.m. to 7 p.m. (MDT)

ADDRESSES: Please send written comments pursuant to this notice to crbpost2026@usbr.gov or Bureau of Reclamation, Attn: Post-2026 (Mail Stop 84-55000), P.O. Box 25007, Denver, CO 80225.

The registration link for the webinar held on Monday, July 17, 2023, is <https://swca.zoom.us/join/register/WN-hvFoMcHJ-198k4n7-GvQ>, or the dial in option (audio only) is (602) 753-0140 or (720) 928-9299; Webinar ID: 918 5524 0606.

The registration link for the webinar held on Tuesday, July 18, 2023, is <https://swca.zoom.us/join/register/WN-sbSwzBJhQ66Z-E65TGXXIg>, or the dial in option (audio only) is (602) 753-0140 or (720) 928-9299; Webinar ID: 963 7946 3234.

The registration link for the webinar held on Monday, July 24, 2023, is <https://swca.zoom.us/join/register/WN-r0ozNRpmRu-hmEpYxe0-Qg>, or the dial in option (audio only) is (602) 753-0140 or (720) 928-9299; Webinar ID: 949 1587 3150.

FOR FURTHER INFORMATION CONTACT: Amanda Erath, Colorado River Post-2026 Program Coordinator, Bureau of Reclamation, at (303) 445-2766, or by email at crbpost2026@usbr.gov. Please also visit the project website at <https://www.usbr.gov/ColoradoRiverBasin/Post2026Ops.html>. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This document provides notice that Reclamation intends to prepare an EIS for post-2026 operations and conduct public scoping. Reclamation is issuing this **Federal Register** notice pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 *et seq.*; the Council on Environmental Quality's regulations for implementing NEPA, 43 CFR parts 1500 through 1508; and the Department of the Interior (Department or Interior) NEPA regulations, 43 CFR part 46.

Background

The Colorado River Basin has been in a prolonged period of drought and low-

runoff conditions, and despite current projections of 2023 runoff being well above average, the period from 2000 through 2023 is currently estimated as the second driest period in more than a century and one of the driest periods in the last 1,200 years. From 2000 to 2004, Lake Powell and Lake Mead lost nearly half of their combined storage. The onset of this period of acute drought spurred the development of the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Interim Guidelines). Over the past 15 years since the adoption of the 2007 Interim Guidelines, as drought and low-runoff conditions continued, additional responsive actions were needed to complement the 2007 Interim Guidelines (e.g., 2019 Colorado River Basin Drought Contingency Plan (DCP)). At the end of 2026, a number of reservoir and water management decisional documents and agreements that govern the operation of Colorado River facilities and management of the Colorado River are scheduled to expire. These include the 2007 Interim Guidelines, the DCP, and other important management documents within the United States, as well as Minute 323 between the United States and Mexico pursuant to the United States-Mexico Treaty on Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Water Treaty).

Since 2021, the Department has undertaken several actions to protect critical infrastructure in response to declining reservoir elevations and the deepening of drought conditions from 2020 to 2022. As the summer of 2022 ended with near record low elevations in Lake Powell and Lake Mead, the Department recognized that, absent a change in hydrologic conditions, water use patterns, or both, Colorado River reservoirs would continue to decline to critically low elevations before the 2007 Interim Guidelines expired. In order to modify guidelines for the operation of Glen Canyon and Hoover Dam for the remainder of the interim period (through 2026) to address these historic drought and low runoff conditions in the Basin, the Department initiated a NEPA process on November 17, 2022, to prepare a Supplemental Environmental Impact Statement (SEIS) for Near-term Colorado River Operations. The draft SEIS was released for public review on April 14, 2023. In light of the Lower Basin states' consensus-based system conservation proposal submitted on May 22, 2023, the Department temporarily withdrew the draft SEIS so

that it can fully analyze the effects of the proposal under NEPA. Reclamation intends to publish an updated draft SEIS for public comment with the consensus-based proposal as an action alternative and finalize the SEIS process later this year.

Recognizing the need to begin to develop long-term strategies for Colorado River operations while simultaneously addressing the current drought conditions and preparing for the potential of continuing low runoff and low reservoir conditions, the Department published a **Federal Register** notice on June 24, 2022 (87 FR 37884), related to post-2026 operations. In that **Federal Register** notice, the Department specifically requested public input on procedural approaches to developing the post-2026 operational strategies (process) and potential substantive elements of post-2026 operations. In response, the Department received substantial input from States, Tribes, water districts, non-governmental organizations, and the public. The input received has been summarized in a "Pre-Scoping Summary Report" (Available at https://www.usbr.gov/ColoradoRiverBasin/documents/Post-2026_Pre-Scoping%20Comment%20Summary%20Final_Updated1.30.2023_508.pdf) and is being considered and integrated into this NEPA process. This NOI follows that important early opportunity for public input, and formally initiates the post-2026 NEPA process.

With respect to the relationship between the ongoing SEIS process and the post-2026 process, the November 2022 **Federal Register** notice was clear that the SEIS: "does not interfere with, supplant, or supersede that separate post-2026 guidelines development process. Rather, this SEIS will inform and complement the development of post-2026 guidelines." The SEIS is focused on limited sections of the 2007 Interim Guidelines to develop the operational tools necessary to address potential extreme drought conditions during the 2024 to 2026 timeframe. In contrast, the post-2026 process will address the subsequent timeframe and revisit all sections of the 2007 Interim Guidelines and other operating agreements that expire in 2026 (e.g., the DCP). The appropriate scope of post-2026 operations will be determined after conclusion of the public scoping process.

The June 2022 **Federal Register** notice for pre-scoping for post-2026 operations anticipated "that near-term response actions and development of post-2026 operations will need to proceed on parallel timelines." The SEIS and post-

2026 processes are now underway and proceeding simultaneously as predicted. Every effort will be made to provide clear and timely information regarding the milestones for public engagement in the post-2026 process to minimize the stakeholder and public burden of tracking and engaging in both efforts.

Purpose of This Notice of Intent

To assure the continued stability of the Colorado River system into the future, Reclamation announces its intent to prepare an EIS for post-2026 operations and is now soliciting public comments on the scope of specific operational guidelines, strategies, and any other related issues that should be considered in the upcoming EIS.

Reclamation invites all interested members of the public, including the seven Colorado River Basin States, Tribes, water and power contractors, representatives of the agricultural industry, municipal water providers, environmental organizations, representatives of the recreation industry, representatives of academic and scientific communities and other organizations and agencies to provide oral and written comments. Reclamation anticipates publishing a "scoping report" after completion of the public scoping meetings and the close of the comment period identified in this **Federal Register** notice.

All comments received will be considered as Reclamation develops the proposed federal action, Purpose and Need, and scope of the analysis (e.g., affected area, geographic scope, time horizon/term). Similar to operational guidelines currently in place, it is likely that the post-2026 operational guidelines will be interim. Despite their interim nature, it is the Department's intent that these operational guidelines and strategies are sufficiently robust and adaptive and can withstand a broad range of future conditions thereby providing greater operational and planning stability to water users and the public throughout the Colorado River Basin.

June 2022 Request for Input on Development of Post-2026 Colorado River Operational Strategies

In response to the June 2022 pre-scoping **Federal Register** notice, Reclamation heard from over 80 stakeholders and partners as well as over 2,000 members of the public. As noted above, in January 2023, Reclamation published a "Pre-Scoping Comment Summary Report" on its website describing and summarizing the input received and hosted a public

outreach event on January 30, 2023, to communicate the findings.

The input received in response to the June 2022 **Federal Register** notice included a broad range of comments and suggestions, not all of which can be addressed in this proposed process or described in this NOI. In addition, some suggestions may be part of ongoing or future efforts. However, some widely expressed themes related to the nature of future operational guidelines and strategies are actively being considered in our approach during the early stages of planning for this NEPA process:

- Future operational guidelines and strategies must support proactive management to improve system stability and avoid continuously managing in response to crises. To achieve this, future operational guidelines and strategies must be capable of both withstanding a broad range of future hydrologic and operating conditions and minimizing system vulnerability, i.e., they must be more robust and adaptive than current strategies.

- Future operational guidelines and strategies should incorporate a more holistic approach to Colorado River water management in a way that focuses on the long-term sustainability of both the Basin's population and natural environment, minimizes system vulnerability, and increases system resiliency.

- Coordinated operation of Lake Powell and Lake Mead is one of multiple ways that the system can be managed. Alternative paradigms, e.g., basing reservoir operations on combined reservoir or system storage, should be explored.

Structure of the 2007 Interim Guidelines and Operating Experience

The purpose of the 2007 Interim Guidelines was determined in the early stages of the NEPA process to develop the 2007 Interim Guidelines and consists of three components. As stated in Section IV of the 2007 Interim Guidelines, the purpose is to:

- "improve Reclamation's management of the Colorado River by considering trade-offs between the frequency and magnitude of reductions of water deliveries, and considering the effects on water storage in Lake Powell and Lake Mead, and on water supply, power production, recreation, and other environmental resources;

- provide mainstream United States users of Colorado River water, particularly those in the Lower Division states, a greater degree of predictability with respect to the amount of annual water deliveries in future years,

particularly under drought and low reservoir conditions; and

- provide additional mechanisms for the storage and delivery of water supplies in Lake Mead to increase the flexibility of meeting water use needs from Lake Mead, particularly under drought and low reservoir conditions.”

Despite the additional agreements and actions undertaken since the adoption of the 2007 Interim Guidelines and ongoing processes, the four elements of the 2007 Interim Guidelines, collectively intended to meet the purpose, have remained intact. These elements are:

- **Shortage Guidelines:** Determines those conditions under which the Secretary would reduce the annual amount of water available for consumptive use from Lake Mead to the Lower Division states below 7.5 million acre-feet pursuant to the Consolidated Decree.

- **Coordinated Reservoir Operations:** Defines the coordinated operations of Lake Powell and Lake Mead to provide improved operation of these two reservoirs, particularly under low reservoir conditions. As described in Section XI.G.6. of the Record of Decision, the objective of the operation of Lake Powell and Lake Mead is “to avoid curtailment of uses in the Upper Basin, minimize shortages in the Lower Basin and not adversely affect the yield for development available in the Upper Basin.”

- **Storage and Delivery of Conserved Water:** Allows for the storage and delivery, pursuant to applicable federal law, of conserved Colorado River System and non-System water in Lake Mead to increase the flexibility of meeting water use needs from Lake Mead, particularly under drought and low reservoir conditions.

- **Surplus Guidelines:** Determines those conditions under which the Secretary may declare the availability of surplus water for use within the Lower Division states. Modifies the substance of the Interim Surplus Guidelines existing at the time the Guidelines were adopted by extending the term from 2016 to 2026 and terminating the most permissive provision.

The interim nature of the 2007 Interim Guidelines provided the opportunity to gain valuable experience in the management of Lake Powell and Lake Mead, improving the basis of understanding for future operational decisions. First implemented in 2008, Reclamation now has over 15 years of operational experience under the 2007 Interim Guidelines. Section XI.G.7.D. of the 2007 Interim Guidelines required the documentation of this experience and an evaluation of the effectiveness of

the 2007 Interim Guidelines. In fulfillment of this provision, in December 2020, Reclamation published on its website “Review of the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead” (Available at <https://www.usbr.gov/ColoradoRiverBasin/#7.D.Review>) (the 2020 7.D. Review).

The 2020 7.D. Review found that while the 2007 Interim Guidelines were effective at meeting their overall purpose, the increasing severity of the drought and prolonged period of low runoff demonstrated that the 2007 Interim Guidelines were insufficiently robust to protect reservoir storage, requiring the adoption of the DCPs and other responsive adaptive actions, both within the United States and in cooperation with Mexico.

The 2020 7.D. Review also documented important considerations for enhancing future effectiveness: (1) enhanced flexibilities and transparency for water users; (2) expanded participation in conservation and Basin-wide programs; (3) increased consideration of the linkage that occurs through coordinated reservoir operations, particularly with respect to the uncertainties inherent in model projections used to set operating conditions; and (4) more robust measures to protect reservoir levels.

Following the publication of the 2020 7.D. Review, as low snowpack and runoff conditions worsened, Reclamation undertook emergency and other drought response actions in 2021 and 2022 to protect infrastructure and operations at Glen Canyon Dam. In the November 2022 **Federal Register** notice, the Department found that due to the existence of “extraordinary circumstances” per Section 7.D of the 2007 Interim Guidelines, modified operating provisions may be required in order to ensure Glen Canyon Dam continues to operate under its intended design and to protect Hoover Dam operations, system integrity, and public health and safety and initiated the ongoing SEIS process.

Considering the past 15 years of operating experience, the findings described in the 2020 7.D. Review, the themes expressed in response to the June 2022 **Federal Register** notice, and the information included in this NOI; Interior is interested in receiving specific input on how the purpose and the elements of the 2007 Interim Guidelines should be retained, modified or eliminated to provide greater stability to water users and the public throughout the Colorado River Basin through robust and adaptive operational

guidelines. This input will be used to inform our decision on the proposed federal action, Purpose and Need, and scope of the analysis (e.g., affected area, geographic scope, time horizon/term).

Elements of Process Designed to Date

In the June 2022 **Federal Register** notice, Reclamation identified that it intends to design and implement a stakeholder process for this EIS that is inclusive, transparent, and encourages meaningful engagement. Using the input received during that comment period and correspondence from Basin partners, Reclamation is in the early stages of developing certain components of its engagement and outreach approaches.

With respect to developing alternatives, input received in response to the June 2022 **Federal Register** notice suggested that Reclamation expand beyond its traditional methods of engagement and requested an inclusive process that encourages collaboration and supports the exploration of a broad range of creative operational strategies. To this end, and among other potential approaches, Reclamation is working with experts to develop a web-based tool that enables users with different levels of technical skill to explore, create, and compare potential operating strategies to enhance development of alternatives. The use of this common, accessible platform is just one part of Reclamation’s stated goals of improving stakeholder and partner knowledge and engagement that supports external parties in developing strategies and provides the public greater and more timely access to relevant technical information.

In anticipation of the target Fall 2023 launch of the tool, Reclamation has convened an Integrated Technical Education Workgroup that is actively working to ensure that stakeholders are better prepared and able to engage in a robust alternatives development process. While it is valuable during this comment period to communicate ideas about the concepts and structures that could be included in alternatives, it is not necessary to submit comprehensive alternatives before the more focused period of alternatives development begins this fall.

With respect to the timing and structure of outreach during the NEPA process, Reclamation intends to develop an approach that facilitates inclusion at multiple levels and enhances tribal engagement and inclusivity. This structure for partner, stakeholder and public engagement will include individualized outreach, leverage existing groups and forums, create new

groups and forums, and provide for clear and timely communication with the public.

Through the individualized partner and stakeholder outreach, Reclamation will be available for meetings upon request and will prioritize regular, meaningful, and robust consultation with Tribal Nations. Existing forums and groups will be continued and leveraged, such as the monthly Reclamation-hosted Tribal Information Exchanges. Reclamation is also exploring options for increasing tribal involvement through the potential development of new groups and forums. In addition to timely and clear communication with the public at regular NEPA milestones, Reclamation intends to set up a broad partner-stakeholder group to ensure a full understanding of each upcoming step in the NEPA process.

As discussed in the June 2022 **Federal Register** notice, the Department is also committed to identifying processes that can complement the efforts of the International Boundary and Water Commission (IBWC) to develop post-2026 agreements that would succeed current agreements contained in Minute 323 to the 1944 Water Treaty. The Department will continue to coordinate with the IBWC to ensure Interior-led domestic planning processes are implemented in a coordinated and complementary fashion to those of the IBWC with a goal of ensuring similar timelines for informed decision making.

Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Maria Camille Touton,

Commissioner, Bureau of Reclamation.

[FR Doc. 2023-12923 Filed 6-15-23; 8:45 am]

BILLING CODE 4332-90-P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE-2023-0005; EEEE500000 234E1700D2 ET1SF0000.EAQ000; OMB Control Number 1014-0015]

Agency Information Collection Activities; Unitization

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 15, 2023.

ADDRESSES: Send your comments on this information collection request (ICR) by either of the following methods listed below:

- Electronically go to <http://www.regulations.gov>. In the Search box, enter BSEE-2023-0005 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email kye.mason@bsee.gov, fax (703) 787-1546, or mail or hand-carry comments to the Department of the Interior, Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nikki Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014-0015 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nikki Mason by email at nikki.mason@bsee.gov or by telephone at (703) 787-1607. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>. **SUPPLEMENTARY INFORMATION:** In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We

may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: BSEE must approve any lessee's proposal to enter an agreement to unitize operations under two or more leases and for modifications when warranted. We use the information to ensure that operations under the proposed unit agreement will result in preventing waste, conserving natural resources, and protecting correlative rights including the government's interests.

Q.3 Colorado River Reservoir Operations: Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (October 20, 2023 – 88 FR 72535)



Federal Register / Vol. 88, No. 202 / Friday, October 20, 2023 / Notices

72535

1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

(Authority: 43 U.S.C. 1714)

Shannon A. Estenoz,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2023-23256 Filed 10-19-23; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03040000, 23XR0680A1,
RX187860005004001]

Colorado River Reservoir Operations: Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

AGENCY: Bureau of Reclamation,
Interior.

ACTION: Notice of availability.

SUMMARY: The Department of the Interior (Department) has issued a Scoping Summary Report on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead. The Scoping Summary Report provides a summary of the comments received during the public scoping process and describes the Department's current, preliminary assessment of the proposed federal action, purpose and need, and scope of the environmental analysis to be included in the draft environmental impact statement (DEIS). The Department anticipates the DEIS will be published in December 2024 for public review.

ADDRESSES: The Scoping Summary Report is available on the Bureau of Reclamation's website at <https://www.usbr.gov/ColoradoRiverBasin/post2026/scoping/index.html>. Printed copies of the report are available upon request from the point of contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

FOR FURTHER INFORMATION CONTACT: Amanda Erath, Colorado River Post-2026 Program Coordinator, Bureau of Reclamation, at (303) 445-2766, or by email at crbpost2026@usbr.gov. Please also visit the project website at <https://www.usbr.gov/ColoradoRiverBasin/post2026/index.html>. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered

within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, the Department is publishing the Scoping Summary Report as a voluntary effort to assist in public understanding of this important NEPA process. Based on the information summarized in the report, the Department is preparing a DEIS starting with the development of a reasonable range of alternatives that are technically and economically feasible and meet the purpose and need for the proposed federal action (40 CFR part 1508). Considering public input received to date, the Department's current, preliminary assessment of the proposed federal action, purpose and need, and scope of the environmental analysis to be included in the DEIS are described below and in the Scoping Summary Report.

Proposed Federal Action

The Bureau of Reclamation, acting on behalf of the Secretary of the Interior (Secretary), proposes to take action to adopt specific guidelines and coordinated reservoir management strategies to address operations of Lake Powell and Lake Mead through their full operating range. This action would provide improved predictability to all water users and managers in the Colorado River Basin by developing and adopting objective guidelines for the operation of Glen Canyon Dam and Hoover Dam to take effect when the current operating guidelines (the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead [2007 Interim Guidelines]) expire in 2026. In addition, this action is designed to provide for the sustainable management of the Colorado River system and its resources under a wide range of potential future system conditions due to a changing climate.

Based on public input, the Department anticipates the guidelines would include the following elements:

(1) Identification of circumstances under which the Secretary would allocate, reduce, or increase the annual amount of water available for consumptive use from Lake Mead to the Lower Division states (Arizona, California, and Nevada) at, below, or above 7.5 million acre-feet, pursuant to

the Supreme Court Decree in *Arizona v. California*.¹

(2) Coordinated operations of Lake Powell and Lake Mead, particularly under low reservoir conditions.

(3) Storage and delivery of conserved water in Lake Mead and/or Lake Powell to increase the flexibility to meet water use needs from both reservoirs, including the storage and delivery of non-system water; exchanges; and water conserved through extraordinary measures by or for tribal, agricultural, or municipal entities.

The proposed federal action allows for development of robust operating guidelines for Lake Powell and Lake Mead without precluding upstream or downstream actions needed to protect critical reservoir elevations at Lake Powell and Lake Mead, such as the following:

- Approaches that consider total system storage in all major Colorado River reservoirs and/or actual inflows to determine coordinated operations of Lake Powell and Lake Mead.
- Approaches that include opportunities for conservation, augmentation, demand management, or other water management strategies.
- Approaches that include opportunities for conservation, augmentation, demand management, or other water management strategies.
- Temporary emergency response operations at upstream Colorado River reservoirs to protect critical infrastructure at Glen Canyon Dam, so long as the project-specific operations of those reservoirs remain within their respective Records of Decision.

The Department intends that the guidelines be interim in nature and extend for at least the same duration as the 2007 Interim Guidelines (approximately 20 years), subject to further consideration during the NEPA process. Adoption of new guidelines for an interim (or limited) period provides the opportunity to gain additional experience for operating the reservoirs, thereby informing future operational and water management decisions.

Recognizing additional authorities may be developed, it is the intent of the Department to adopt and implement the guidelines in a manner consistent with the Law of the River.² It is also the

¹The Department intends to meet any consultation requirements identified in Article II(B)(3) of the Supreme Court Decree in *Arizona v. California* through the ongoing NEPA process initiated by the **Federal Register** Notice of June 16, 2023 (88 FR 39455-39458) and the annual implementation of guidelines developed through this process.

²The treaties, compacts, decrees, statutes, regulations, contracts, and other legal documents

Continued

intent of the Department that the guidelines be used to implement the Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs Pursuant to the Colorado River Basin Project Act of September 30, 1968 (LROC).

Purpose and Need for the Proposed Federal Action

In accordance with NEPA implementing regulations, a statement of purpose and need is required in an EIS to explain why the agency is proposing the action. The “need” for the action may be described as the underlying problem or opportunity to which the agency is responding with the action; the “purpose” may refer to the goal or objective that the agency is trying to achieve (43 CFR 46.420).

The proposed federal action is needed for the following reasons:

- *The Secretary is legally required to coordinate operations of Colorado River reservoirs:* The Colorado River Basin Project Act of 1968 directs the Secretary to propose criteria for the coordinated long-range operation of Colorado River reservoirs. In compliance with this obligation, the LROC were developed and adopted by the Secretary in 1970. The LROC provide general narrative guidance regarding Lake Powell and Lake Mead operations but does not contain specific, objective criteria to guide annual operations. To address this inadequacy, the 2007 Interim Guidelines were developed to provide objective criteria used by the Department to implement the LROC. These guidelines have provided predictability needed by the entities that receive Colorado River water to better plan for and manage available water supplies from the Colorado River and other sources.

- *2007 Interim Guidelines are expiring:* Current operational guidelines expire during the 2026 operating year. The Department has determined that specific, objective operational guidelines are important to provide improved predictability and should be established for another interim period beyond 2026.

- *2007 Interim Guidelines have not sufficiently reduced risk:* Based on operational experience since 2007, the current guidelines are not robust enough

and agreements applicable to the allocation, appropriation, development, exportation, and management of the waters of the Colorado River Basin are often referred to as the “Law of the River.” There is no single, universally-agreed upon definition of the “Law of the River,” but it is useful as a shorthand reference to describe this longstanding and complex body of legal agreements governing the Colorado River.

to manage in a way that is sufficiently protective of the resources dependent on the Colorado River. Despite near-continuous drought-response actions in recent years, low-reservoir conditions have persisted and new infrastructure risks at Glen Canyon Dam have arisen. More robust and adaptive guidelines are needed for the efficient and sustainable management of the major mainstream Colorado River reservoirs and system resources.

- *Imbalance between water supply and demand will be exacerbated by increasingly likely low-runoff conditions:* Climate science indicates the Colorado River Basin is experiencing climate-change induced aridification and that long-term and sustained drought and low-runoff conditions should be expected in the future. These conditions will exacerbate the now widely recognized imbalance between water supply and demand in the Colorado River Basin. Robust and flexible guidelines are needed to manage the Colorado River system and its resources under a broad range of potential future hydrologic conditions.

- *Expanded and innovative use of conservation is needed:* Recognizing the anticipated future low-runoff conditions in the Colorado River Basin, the Department has also determined a need for guidelines that provide Colorado River water users, including Basin Tribes, expanded opportunities to conserve, store, and take subsequent delivery of water in and from Lake Mead and/or Lake Powell. The guidelines should also support and integrate future efficiency improvements and opportunities for augmentation.

- *Addressing tribal concerns regarding Colorado River Basin management is needed:* Basin Tribes have expressed concern that the current approach to Colorado River water management is insufficient to address the range of interests, needs, and fundamental rights of the Basin Tribes. The Department has determined a need for guidelines that provide flexibility and predictability for Basin Tribes to remain able to benefit from their water rights and have an opportunity to participate in voluntary conservation programs.

The purpose for the proposed federal action is to:

- update and expand management guidelines for Colorado River reservoirs, particularly for Lake Powell and Lake Mead;

- provide Colorado River water users, a greater degree of predictability with respect to the amount of annual water available in future years under

anticipated increasing variability, low runoff and low reservoir conditions;

- provide additional mechanisms for the conservation, storage and delivery of water supplies in Colorado River reservoirs;

- provide new or enhanced opportunities for Basin Tribes to benefit from their water rights; and

- provide flexibility to build resilience and accommodate future needs and growth that are supported by Colorado River water supplies, including the integration of unquantified tribal water rights once they are resolved.

DEIS Approach

The DEIS will consider the best scientific information currently available; actual operating experience since 2007; updated information on infrastructure considerations at Glen Canyon Dam and Hoover Dam; trade-offs between the frequency and magnitude of reductions in water deliveries; mechanisms to encourage water conservation, efficiency improvements, and augmentation; and the effect of water storage in Lake Powell and Lake Mead on water supply, power production, recreation, environmental resources, cultural resources, and other relevant resources and factors.

The geographic scope of the environmental analysis in the DEIS is dependent upon the range of alternatives developed in the DEIS and therefore will be determined later in the NEPA process.

Next Steps

With this Notice, the Department is transitioning to the next phase of the NEPA process, which is to develop alternatives for analysis in the DEIS. Reclamation has developed state-of-the-art web-based tools to encourage and facilitate stakeholder collaboration during this phase and intends to deploy these tools in the early stages of this phase in the fall. It is the Department's intent that these tools support the exploration and development of a broad range of reasonable alternatives and foster collaborative consensus-based approaches to alternative development.

Maria Camille Touton,

Commissioner, Bureau of Reclamation.

[FR Doc. 2023-23127 Filed 10-19-23; 8:45 am]

BILLING CODE 4332-90-P

Q.4 Environmental Impact Statements; Notice of Availability (U.S. Environmental Protection Agency, Federal Register, January 16, 2026; 91 FR 2131; FR Doc. No. 2026-00844)

The Draft Environmental Impact Statement for the Post-2026 Colorado River Reservoir Operations was filed with the U.S. Environmental Protection Agency on January 12, 2026. The Environmental Protection Agency published the Notice of Availability in the Federal Register on January 16, 2026 (91 FR 2131), initiating the 45-day public review and comment period pursuant to 40 CFR 1506.10.



Federal Register / Vol. 91, No. 11 / Friday, January 16, 2026 / Notices

2131

TABLE 1—LIST OF RCRA WASTE CODES APPROVED FOR INJECTION—Continued

U128	U129	U130	U131	U132	U133	U134	U135	U136	U137	U138	U140
U141	U142	U143	U144	U145	U146	U147	U148	U149	U150	U151	U152
U153	U154	U155	U156	U157	U158	U159	U160	U161	U162	U163	U164
U165	U166	U167	U168	U169	U170	U171	U172	U173	U174	U176	U177
U178	U179	U180	U181	U182	U183	U184	U185	U186	U187	U188	U189
U190	U191	U192	U193	U194	U196	U197	U200	U201	U202	U203	U204
U205	U206	U207	U208	U209	U210	U211	U213	U214	U215	U216	U217
U218	U219	U220	U221	U222	U223	U225	U226	U227	U228	U234	U235
U236	U237	U238	U239	U240	U243	U244	U246	U247	U248	U249	U271
U278	U279	U280	U328	U353	U359	U364	U367	U372	U373	U387	U389
U394	U395	U404	U409	U410	U411						

Electronic Access. You may access this **Federal Register** document electronically from the Government Printing Office under the “**Federal Register**” listings at <https://www.govinfo.gov/app/collection/FR/>.

Tera Fong,

Director, Water Division.

[FR Doc. 2026-00776 Filed 1-15-26; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM-FAD-205]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-993-3272 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed January 5, 2026 10 a.m. EST

Through January 12, 2026 10 a.m. EST Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-ll/public/action/eis/search>.

EIS No. 20250180, Final, USAF, NV, Master Plan and Installation Development at Nellis Air Force Base, Nevada, **Contact:** Daniel Fisher 210-925-2738.

EIS No. 20250181, Draft Supplement, BLM, CA, Central Coast Field Office Oil and Gas, Leasing and Development, California, **Comment Period Ends:** 03/06/2026, **Contact:** Sarah Mathews 831-582-2257.

EIS No. 20250182, Draft Supplement, BLM, CA, Bakersfield Field Office Oil and Gas Leasing and Development, California, **Comment Period Ends:** 03/06/2026, **Contact:** Sarah Mathews 661-391-6145.

EIS No. 20250183, Final, FTA, TX, Austin Light Rail Phase 1 Project,

Contact: Terence Plaskon 817-978-0573.

Under 23 U.S.C. 139(n)(2), FTA has issued a single document that consists of a final environmental impact statement and record of decision. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

EIS No. 20250184, Draft, BR, CO, Post-2026 Colorado River Reservoir Operations, Comment Period Ends: 03/02/2026, **Contact:** KayLee Nelson 702-293-8073.

Dated: January 12, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026-00844 Filed 1-15-26; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Commission Meeting—Sunshine Act Notice

TIME AND DATE: Thursday, January 22, 2026, 10:00 a.m. Eastern Time.

PLACE: The meeting will be held at the Jacqueline A. Berrien Training Center, 131 M Street NE, Washington, DC 20507. The meeting will also be held as a listen-only audio dial-in by telephone. The public may attend in person or connect to the audio-only dial-in by following the instructions that will be posted on www.eeoc.gov at least 24 hours before the meeting. ASL services will be available for those attending the meeting in person and a closed captioning link will be posted on our website prior to the meeting.

If you wish to attend the meeting in person, you must email commissionmeetingcomments@eeoc.gov to register by providing your name as it appears on your driver's license or other government-issued identification at least 24 hours prior to the meeting. You will be asked to show your ID upon arrival.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: The following item will be considered at the meeting:

- Rescission of Enforcement Guidance on Harassment in the Workplace
- Resolution Concerning the Commission's Authority to Commence or Intervene in Litigation
- Obligation of Funds Requiring Commission Approval

Note: In accordance with the Sunshine Act, the public will be able to observe the Commission's deliberations and voting. (In addition to publishing notices on Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, www.eeoc.gov and provides a recorded announcement one week in advance of future Commission meetings.) Public observation does not include participation. Observers seeking to take still photographs, video, or audio recordings of the meeting must seek permission by contacting the Executive Secretariat at commissionmeetingcomments@eeoc.gov at least 24 hours before the meeting to discuss the manner of recording and ensure it does not interfere with the meeting.

Please telephone (202) 921-2705, or email commissionmeetingcomments@eeoc.gov at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION: Raymond Windmiller, Executive Officer, (202) 921-2705.

Date: January 14, 2026.

Raymond D. Windmiller,
Executive Officer, Executive Secretariat.

[FR Doc. 2026-00900 Filed 1-14-26; 4:15 pm]

BILLING CODE 6570-01-P

FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Permitting Improvement Steering Council.

This page intentionally left blank.