



March 2, 2026

Via Electronic Mail

United States Department of the Interior
U.S. Bureau of Reclamation
Attn: BCOO-1000
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Re: Comments on the Draft Environmental Impact Statement for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

The Colorado River Board of California (Board)¹ appreciates the opportunity to submit comments to the U.S. Bureau of Reclamation (Reclamation) regarding the Draft Environmental Impact Statement (DEIS) for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead, prepared pursuant to the National Environmental Policy Act (NEPA).

The Post-2026 Guidelines must operate under conditions far more extreme than those anticipated in the 2007 Guidelines. In 2005, the Basin States representatives wrote that the forthcoming 2007 Guidelines should “delay the onset and minimize the extent and duration of shortages in the Lower Basin” and “maximize the protection afforded to the Upper Basin by Lake Powell against possible calls upon the Upper Basin to curtail uses.”² Current conditions and anticipated future hydrology make both of those goals unsustainable post-2026. Reductions in the use of Colorado River water within each state, basin, and country must be regular and robust to balance supply and demand and avoid unnecessary, protracted, and destabilizing litigation.

The Board appreciates Reclamation’s efforts, under these challenging circumstances, to chart a path forward for the future of the Colorado River, an issue of great importance to the Nation. For California—home to more than half of the Basin’s economic activity, population, employment, and

¹ The Board is charged with protecting the interests and rights of the agencies and citizens of the State of California in the water and power resources of the Colorado River System. The ten-person Colorado River Board is comprised of representatives from the Coachella Valley Water District, Imperial Irrigation District, Los Angeles Department of Water and Power, The Metropolitan Water District of Southern California, Palo Verde Irrigation District, San Diego County Water Authority, California Department of Water Resources, California Department of Fish and Wildlife, and members of the public. Under California Water Code section 12525 et seq., the Chairman is authorized to exercise, on behalf of the State of California, every right and power granted to California under the Boulder Canyon Project Act and to perform all acts necessary or expedient to carry out the Board’s purposes.

²Letter from Governors’ Representatives of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming on Colorado River Operations to the Secretary of the Interior (Aug. 25, 2005), available at <https://www.usbr.gov/lc/region/programs/strategies/scopingreport/Appendices/AppW6.pdf>

agricultural production—the reliability and legality of post-2026 operations are critical. The Board offers these comments to strengthen the analytical and legal foundation of the Final EIS and to ensure that it provides a defensible basis for future decision-making.

California’s Commitment to Conservation and Shared Responsibility

California has long been a collaborative and constructive partner on the Colorado River. Over the past two decades, urban agencies in southern California have reduced demand for imported water by approximately 50 percent through aggressive conservation, recycling, desalination, and local supply development. Agricultural producers have reduced water use by approximately 17 percent, and as much as 23% in certain years, while continuing to supply a majority of the Nation’s winter produce. In total, California agencies have invested roughly \$8 billion in water-resilience infrastructure.

Most recently, through the 2024 Supplemental EIS process, California committed to create 1.6 million acre-feet of system conservation between 2023 and 2026 and is on track to exceed that commitment by more than 500,000 acre-feet. California also proposed to reduce its use by 440,000 acre-feet under most hydrologic conditions as part of the 2024 Lower Basin proposal for Post-2026 operations.

These actions reflect California’s commitment to seeking creative, adaptive frameworks to equitably balance risk given current conditions. The Post-2026 Guidelines must reflect a key principle: all Basin states that benefit from the Colorado River share responsibility for adapting to hydrologic realities.

Compliance with the 1922 Colorado River Compact

The 1922 Colorado River Compact is the foundation of the Law of the River and, as federal law, is binding on federal agencies. In the absence of a seven-state agreement permitting otherwise, federal reservoir operations must remain consistent with the Compact’s apportionment and delivery obligations³. However, the DEIS does not meaningfully analyze whether the proposed alternatives comply with the Compact. Similarly, none of the alternatives evaluate enforcement of the Upper Division States’ obligations under Article III(c), (d), and (e) of the Compact, nor does the DEIS analyze how Compact enforcement would affect system operations.

Instead, the modeled alternatives include projected increases in Upper Basin depletions, while imposing substantial shortages on the Lower Basin to protect infrastructure at both Lakes Powell and Mead. This approach effectively shifts the full burden of drought response to the Lower Basin, without analyzing whether that allocation of responsibility is consistent with the provisions of the Compact.

NEPA requires consideration of a reasonable range of alternatives. An alternatives analysis that omits any scenario incorporating Upper Basin curtailments consistent with Compact obligations is incomplete. At a minimum, the Final EIS should analyze at least one alternative that includes

³ See e.g., Colorado River Basin Project Act § 601, 43 U.S.C. §1551, directing federal officers and agencies to comply with applicable provisions of the Colorado River Compact, Upper Colorado River Basin Compact, 1944 Water Treaty with Mexico, *Arizona v. California* decree, Boulder Canyon Project Act, and the Colorado River Storage Project Act “in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary...”

Upper Basin actions necessary to ensure compliance with Article III obligations. The Lower Basin proposed assumptions in February 2025 that Reclamation could incorporate into the EIS to ensure appropriate analysis of Compact compliance.⁴

Failure to analyze Compact compliance as a reasonably foreseeable component of future operations in the absence of a consensus agreement is a fundamental deficiency that must be corrected.

Operation of Colorado River Storage Project Facilities

The DEIS's treatment of the Colorado River Storage Project (CRSP) facilities is similarly incomplete. The 1956 CRSP Act and Section 602 of the 1968 Colorado River Basin Project Act collectively establish that water stored in CRSP facilities is to be released as necessary during drought conditions to satisfy Compact requirements at Lee Ferry, thereby reducing or avoiding the need to curtail consumptive uses in the Upper Basin to meet downstream delivery obligations.

However, the DEIS evaluates potential releases from Glen Canyon Dam and other CRSP facilities primarily through the lens of maintaining Lake Powell elevations. The DEIS does not meaningfully analyze how those operational choices align with CRSP's statutory purposes, including Compact compliance. The DEIS effectively treats elevation 3,490' as a hard operational floor, protected primarily by reducing downstream deliveries. The DEIS fails to analyze whether repairs or upgrades to Glen Canyon Dam could eliminate the infrastructure constraint that Reclamation has imposed as a fixed limit in every action alternative. Reclamation's own technical documents acknowledge that the dam's outlet works (the only means of releasing water below elevation 3,490 feet) have sustained cumulative damage, and that recent repairs are a short-term fix rather than a long-term solution. Rather than evaluating infrastructure improvements as part of this NEPA process, Reclamation has deferred that analysis to a separate study conducted outside the EIS. This approach impermissibly narrows the range of alternatives considered and locks in a constraint that directly reduces water deliveries to the Lower Basin during low-flow conditions. NEPA requires Reclamation to evaluate infrastructure repairs and upgrades as part of this process, not in isolation from it.

By assuming that elevation protection must occur primarily through reduced downstream releases, the DEIS impermissibly narrows the range of alternatives considered and risks undermining the adequacy of the analysis. If upstream actions are not enough to safeguard Glen Canyon Dam, Reclamation should pursue infrastructure upgrades and repairs rather than reducing downstream flows in a manner that conflicts with its obligation to operate the CRSP system consistently with the Compact.

Lower Basin Shortage Implementation

In the Lower Basin, the Law of the River provides the Secretary with specific direction for how the Basin should be managed in times of shortage. Absent agreement otherwise, Reclamation must implement Lower Basin shortages consistent with the 1928 Boulder Canyon Project Act, the 1968 Colorado River Basin Project Act, the Supreme Court's 2006 consolidated *Arizona v. California* decree, and other relevant agreements.

⁴ Letter from Governor's representatives of Arizona, California, and Nevada to Secretary Burgum (February 13, 2025)

Scope of Impacts Analysis

Urban Impacts

The DEIS does not meaningfully evaluate the socioeconomic consequences of modeled reductions on Southern California's urban economy. Simply reporting delivery reliability percentages does not satisfy NEPA's requirement to disclose social and economic impacts. The Metropolitan Water District's service area encompasses approximately 19 million people and supports one of the largest regional economies in the United States. The Final EIS must translate modeled shortages into concrete economic and social consequences.

Salton Sea and the Imperial and Coachella Valleys

The DEIS geographic scope excludes the Imperial Valley, Coachella Valley and Salton Sea regions. Unlike the 2007 Guidelines analysis, the magnitude of shortages modeled in the DEIS Enhanced Coordination Alternative have significant reductions in deliveries to the IID and CVWD service areas. Additionally, the rationale for not including an analysis of Salton Sea impacts noted in Chapter 3, Section 3.2.7 is insufficient; Reclamation cannot defer the impact analysis for the alternatives analyzed in this DEIS to another ongoing NEPA process for a separate, different project. The linkage between Colorado River deliveries, agricultural return flows and the Salton Sea have definitive impacts to ecosystems that support federally listed endangered species and playa exposure with potential air quality impacts for the communities that surround the Salton Sea. The federal government is also the largest owner of land, more than 100,000 acres, within the Salton Sea basin, further underscoring the importance of addressing impacts that any proposed federal operational decisions will have on the region and surrounding communities. The Final EIS should expand its geographic scope to include these foreseeable environmental and public health consequences.

Storage, Flexibility, and Existing ICS Rights

Preserving and expanding system operational flexibility through storage and exchange programs remains a California priority. The water storage framework established under the 2007 Guidelines has proven to be one of the most successful components of coordinated operations. Existing Intentionally Created Surplus (ICS) storage and delivery provisions are established in federal statute and cannot be limited through the Post-2026 Guidelines. The Final EIS should build upon these tools and expand system flexibility through robust programs enabling and facilitating additional water conservation, augmentation, storage and exchange opportunities that also provide additional reservoir protection benefits to the system.

Absence of a Preferred Alternative and Limits of Authority

Reclamation did not identify a preferred alternative in the DEIS. While evaluating a broad range of scenarios may be appropriate at the draft stage, Reclamation acknowledges that it lacks authority to implement certain actions evaluated in the DEIS. The Final EIS and Record of Decision must clearly identify a legally supportable path forward that reflects the limits of Reclamation's statutory authority, incorporates any consensus provisions developed by the Basin States or a subset of states proposing voluntary actions that provide system benefits, and conforms to the Law of the River.

Reservation of Rights

By providing these comments, the Board does not waive any rights, including any claims or defenses, it may have or that may accrue under existing federal or state law or administrative

rule, regulation, or guideline. Any failure by the Board to address specific aspects of the DEIS shall not be construed as an endorsement or an admission with respect to any factual or legal issue for the purposes of any future legal, administrative, or other proceeding. Moreover, the Board reserves the right to provide further comments and engage with Reclamation as it proceeds with subsequent phases of the NEPA process.

Thank you for the opportunity to comment. California remains committed to working collaboratively with Reclamation, the Department of the Interior, the Basin States, Tribes, Mexico, and other stakeholders to develop Post-2026 Guidelines that equitably distribute risk, comply with governing law, and protect the long-term integrity of the Colorado River system.

Sincerely,

A handwritten signature in black ink, reading "JB Hamby". The signature is fluid and cursive, with the initials "JB" being particularly prominent.

JB Hamby
Colorado River Commissioner, State of California
Chairman, Colorado River Board of California