Feb. 26, 2026
Bureau of Reclamation
Attn: BCOO-1000
P.O. Box 61470
Boulder City, NV 89006
Via email: crbpost2026@usbr.gov

Thank you for the opportunity to submit comments on the Draft Environmental Impact Statement on Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (DEIS). The undersigned colleagues with experience in Colorado River matters commend the Bureau of Reclamation and its consultants for the tremendous effort involved in preparing this environmental impact analysis. We are especially impressed by Reclamation's effort to analyze policy alternatives within the context of the deep uncertainty about what future hydrology might be. Your work is novel in its effort to provide the public with a sense of what the performance, robustness, and vulnerability of different policy approaches might be in a future world whose hydrology is imperfectly known. Our comments are intended to be constructive and helpful in guiding the composition and selection of a preferred alternative and preparation of a Final EIS and Record of Decision.

The present moment challenges water supply management in the western United States, especially in the Colorado River basin. Combined storage in Lake Powell and Lake Mead reservoirs is less than 15 million acre feet (MAF), comparable to conditions in early March 2022. Only 6.1 MAF of this combined storage is realistically accessible, i.e. above 3500 ft in Lake Powell and above 1000 ft in Lake Mead.[1] The combined storage in these two largest reservoirs is only 2.2 MAF more than the record low condition of March 2023, and projections for the immediate future are dire. Most probable inflow projections for the 2026 snowmelt inflow season are approximately the same as in 2025, 5 MAF, and will be even less if the hydrology of the next month is dry. Reclamation's projection of storage in Lake Powell during the next two years is ominously low and anticipates that storage will be below minimum power pool level in December 2025, just as the Post-2026 Guidelines would take effect.[2] In the context of the post-2026 EIS process, the present moment necessitates bold actions to significantly reduce the short-term vulnerability of the system as well as thoughtful policy to guide operations in the future.

1. **In light of present conditions, assessment of the performance of alternatives presented in the DEIS should primarily focus on the Dry and Critically Dry scenarios.** The five hydrologic categories used to evaluate performance of the alternatives in the DEIS are based on classification of the modern flow of the 21st century (Fig. 3-1) and modeled future natural flow during various time spans. Reclamation argues that a three-year

[1] Jack Schmidt, Anne Castle, John Fleck, Eric Kuhn, Kathryn Sorenson, Katherine Tara, Analysis of Colorado River Basin Storage Suggests Need for Immediate Action (Sep. 11, 2025), https://uttoncenter.unm.edu/resources/publications/analysis-of-colorado-river-basin-storage-suggests-need-for-immediate-action.pdf.
[2] U.S. Bureau of Reclamation, 24-Month Study Projections, Lower Colorado River Operations, (Feb. 14, 2026), https://www.usbr.gov/lc/region/g4000/riverops/24ms-projections.html.

averaging period for Colorado River flows "is long enough to show impacts from multiple years of moderately challenging hydrology yet short enough to capture the impacts of annual extremes."[3]

We think it important to be mindful of the underlying year-to-year hydrology of the 21st century as we look to the future. Using the definitions of flow category described in Table 3-4, we are struck by the fact that 50% of the individual years of the 21st century (2000-2025) have been Dry or Critically Dry (including 2020, 2021, 2022, 2024, 2025) and only 27% of the years (including 2017, 2019, 2023) have been Moderately Wet or Wet. The recent pattern of many Dry or Critically Dry years, interspersed with an occasional Wet year suggests that the primary focus of the DEIS ought to be on how the system performs during Dry and Critically Dry periods. The average flow for the past six years (2020-2025) was 10.8 MAF/year, less than the median reported for the Dry category. Climate scientists predict that river flows are likely to decrease further in the future, further emphasizing the need to focus on performance during Dry and Critically Dry periods, regardless of whether those periods are of two years, three years, or longer duration.[4] The Dry and Critically Dry categories must be the focus of the DEIS.

2. **The analyzed alternatives do not meet the purpose and need of the proposed federal action.** "In critically dry periods, all alternatives have unacceptable performance."[5] Therefore, the alternatives analyzed do not meet the purpose and need for the federal action as described in the DEIS. It is incumbent on Reclamation and Interior to provide at least one alternative that meets the purpose and need.[6] We suggest that the DEIS include a description of an alternative that performs sufficiently well during Dry scenarios and an alternative that performs sufficiently well during Critically Dry scenarios. Although there might not be political consensus for balancing consumptive use with supply under such challenging conditions, description of an alternative that would provide adequate security to the water supply is critical in alerting the general public to the difficulty of managing the system in a drying climate and in informing water managers of the necessary management regime absent seven state consensus.

[3] DEIS, Ch. 3, at 3-12, n. 5.

[4] Udall & Overpeck, The Twenty-first Century Colorado River Hot Drought and Implications for the Future, Water Resources Research (2017); Milly & Dunne, Colorado River is in Danger of a Parched Future, Science (2020); Jonathan Overpeck & Brad Udall, *Think Natural Flows Will rebound in the Colorado River Basin? Think Again, Dancing with Deadpool*, COLORADO RIVER RESEARCH GROUP (2025).

[5] Carly Jerla, Reclamation EIS Coordinator, Statement at virtual public meeting on DEIS (Jan. 29, 2026). *See also* Figure ES-5.

[6] DEIS, Executive Summary, Sec. ES.1.6. ([t]he Purpose and Need for this Draft EIS states that "[t]he 2007 Interim Guidelines have not sufficiently reduced risk" and thus "[m]ore robust and adaptive guidelines are needed for the efficient and sustainable management of the major mainstream Colorado River reservoirs and system resources.").

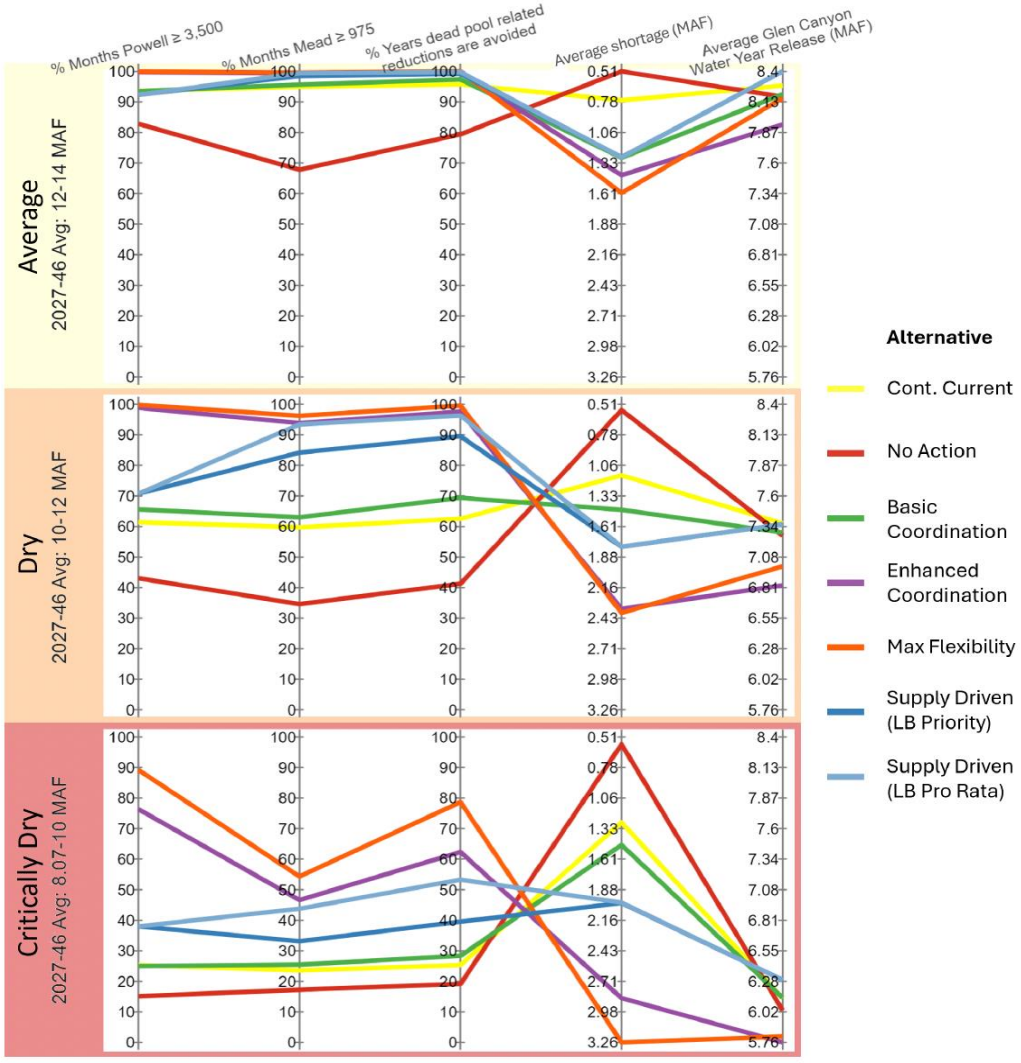
3. **The Final EIS and Record of Decision must specify how short-term operations will address the current vulnerability of the system and its critical infrastructure.** The new operating regime for the Colorado River will be implemented at a time of unusually low storage volumes and unprecedented low flows. The vulnerability of the system in providing an adequate water supply is unprecedented. Regardless of the duration of the next set of guidelines, it is imperative that Reclamation provide a clear picture of what actions will be implemented in the near term (i.e., next year, next 3 years, next 5 years) to protect critical infrastructure, and to protect public health and safety.

4. **In particular, the Basic Coordination Alternative does not meet the purpose of the proposed federal action.** The DEIS describes the purposes of the proposed federal action to "[p]rovide Colorado River water users a greater degree of predictability with respect to annual water availability in future years under anticipated increasing variability, low runoff, and low-reservoir conditions" and "[p]rovide 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."[7] The Basic Coordination alternative is insufficient to achieve those purposes in that this alternative fails to meet key performance objectives in approximately 30% to 35% of Dry-year scenarios and approximately 40% to 75% of Critically Dry-year scenarios.[8]

[7] DEIS, Executive Summary, Sec. ES.1.1.

[8] *See* Figure ES-5 below and heat map robustness plots. *See also* DEIS, Ch. 3, Fig. 3-9, 3-11; Technical App. 3, Fig. TA 3-18.

Figure ES-5
Key Performance Tradeoffs in Different Hydrologic Conditions



The preferred alternative should be based on the broadest possible interpretation of federal authority to ensure a sustainable water supply provided by the river. The DEIS states that, "The Basic Coordination Alternative is designed to be implementable without agreements among Basin water users regarding distributions of lower Colorado River mainstream shortages, storage and delivery of conserved water from system reservoirs, or other voluntary agreements."[9] This alternative describes what Reclamation believes can be implemented without further agreement among the Basin States or additional Congressional authorization. The Basin States did not provide a consensus agreement by the deadline of February 14, 2026. Consequently, it appears that Reclamation and the Department of the Interior will be required to operate the Colorado River

[9] DEIS, Ch. 2, Sec. 2.5.

system using their existing authority. Because the Basic Coordination alternative does not meet key performance objectives for a large percentage of the Dry and Critically Dry futures, it is incumbent on the Agency to explore and propose using the outer limits of their authority to achieve a system that provides a sustainable water supply. Reclamation and Interior should not default to a "safe" legal approach when those operations are insufficient to balance supply and demand and provide a prudent operating regime. Lawsuits over the operating guidelines adopted by the Department of the Interior are inevitable, regardless of which alternative is adopted, even a theoretically "safe" one. Therefore, the preferred alternative should utilize the broadest possible interpretation of Reclamation's and Interior's authority to provide a predictable and resilient Colorado River so that the system can continue to operate in a reasonable manner while the lawsuits proceed. In addition, if even the broadest possible legal interpretation of authority fails to provide a basic water supply in the Dry and Critically Dry scenarios, the DEIS must acknowledge this failure and identify what actions Reclamation will take in the event of water supply failure.

5. We assert that Reclamation and Interior can do more under their existing authority in the following areas and should explore these areas for possible inclusion in the preferred alternative and ultimate Record of Decision, despite the absence of a consensus agreement among the states or Congressional legislation:

A. Reduction of deliveries in the Lower Basin in excess of 1.48 MAF when insufficient water is available for release.[10]

B. Provision for releases of water from the Colorado River Storage Project (CRSP) initial units as necessary to protect critical elevations in Lake Powell and ensure continued Upper Basin Compact compliance.[11] Reclamation should also explore the potential for similar actions in the CRSP participating units (Central Utah, Emery County, Florida, Hammond, La Barge, Lyman, Paonia, Pine River Extension, Seedskadee, Silt and Smith Fork).[12]

[10] *See* Decree, Arizona v. California, Sec. II.B.3.

[11] *See* 1956 Colorado River Storage Project Act (Preamble: CRSP initial units authorized "to make it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact."; Sec. 14: "In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and supervision of the Secretary of the Interior, in the basin of the Colorado River, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, and the Treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin."); 1968 Colorado River Basin Project Act, Sec. 602(a).

[12] *See* Reclamation, System Status Update, Tribal Information Exchange Meeting, Sept. 18, 2025, Slide 16.

C. Operation of federal projects in the Upper Basin to store or use less water during critical periods.[13]

D. Continuation, expansion, and modification of Assigned Water programs (such as Intentionally Created Surplus and Mexican Water Reserve) with improvements to ensure operational neutrality and minimize adverse impact to priority water. Recognizing that forbearance is required by Lower Basin water users to implement a continued Assigned Water program, we assert that it is possible that these water users and the Lower Basin states would agree to continue existing forbearance, even in the absence of a seven-state consensus agreement on a complete operating regime. Any new Assigned Water program should incorporate lessons learned from the previous 20 years.[14]

E. Establishing a pool in Lake Powell for storing conserved water to be utilized for Compact compliance purposes. It is recognized that such a pool could not be operationally neutral without further state agreement.

6. **The alternatives fail to address the need for enforceable reductions in the Upper Basin.** None of the alternatives identify any mandatory reduction of water use in the Upper Basin. The Colorado River is a snowmelt river system; 90% to 95% of the stream flow available for use in and downstream from Lake Mead originates in the Upper Basin, regardless of the relative wetness or dryness of the year. The Upper Basin's position that the 1922 Compact guarantees that the Upper and Lower Basins have equal apportionments of the Colorado River[15] conflicts with statements by previous Colorado UCR Commissioners Jean Breitenstein and Clifford Stone who wrote:

> "While the 1922 Compact, by its paragraph III(a), apportions to the Upper Basin the beneficial consumptive use of 7,500,000 acre-feet annually, such use is subject to the availability of water, The States of the Upper Division are required by the 1922 Compact to maintain certain flows at Lee Ferry. The water available for use in the Upper Basin is that remaining after the Lee Ferry delivery requirements are satisfied. In view of the uncertainty as to the total amount of water which might be available for the Upper Basin the Compact Commission determined that so far as the States of the Upper Division are

[13] 1968 Colorado River Basin Project Act, Sec. 601(b)(2), 601(c), 602(a).

[14] *See* Considerations for Assigned Water after Expiration of the 2007 Guidelines (2026).

[15] 'Prepared remarks by Colorado Upper Colorado Compact Commissioner Becky Mitchell at the 2023 Colorado Water Congress Summer Convention, COYOTE GULCH (August 26, 2023), https://coyotegulch.blog/2023/08/26/prepared-remarks-from-upper-colorado-river-commissioner-becky-mitchell-at-the-2023-colorado-water-ongress-summer-convention.

concerned the apportionments must be in terms of percents [sic] of the total amount of water apportioned to, and available for use in, the Upper Basin."[16]

None of the alternatives propose operation of federal projects in the Upper Basin in a manner that uses less water if other conservation is insufficient.[17] We acknowledge that some of the alternatives propose continued DROA-type releases from CRSP initial units and assert that such releases are within the existing authority of the Secretary of the Interior and should be part of the preferred alternative in the Final EIS.[18]

7. **The DEIS should explain its interpretation of realistically accessible storage and should explain the implications of system operations when there is no realistically accessible storage.** We agree that it is appropriate to identify 3500 ft as the critical threshold in the operations of Glen Canyon Dam in the short term until infrastructure modifications can be made. Reclamation should also identify a timeframe in which those modifications can be completed and identify the resulting change in realistically accessible storage as well as any flow restrictions associated with these infrastructure modifications. Similarly, we agree that it is important to identify 975 ft, 1000 ft, or 1035 ft as potential critical thresholds for operations of Hoover Dam. In various recent talks, presentations, and administrative documents, Reclamation has identified different elevation thresholds to define realistically accessible storage. Reclamation should comprehensively explain the rationale for the threshold in Lake Mead on which it chose to focus in the DEIS. Additionally, the DEIS should explain the implications of operating the system when there is no realistically accessible storage, including the implications to the environment, and impacts to infrastructure, and to human health and safety.

8. **The evaporation assessment applicable to any assigned water pools should be identified.** It is not clear from the narrative description of the various alternatives that an annual evaporation charge will be assessed against existing Intentionally Created Storage or any new versions of assigned water.[19] Appendix B on Modeling Assumptions makes it clear that an annual deduction will be assessed equal to the assigned water pool's proportionate share of total evaporation for the Enhanced Coordination and Supply Driven alternatives. Existing forms of ICS are assessed according to existing rules. The assessment of evaporation should be made explicit in the narrative descriptions of applicable alternatives and should be a component of the preferred alternative.

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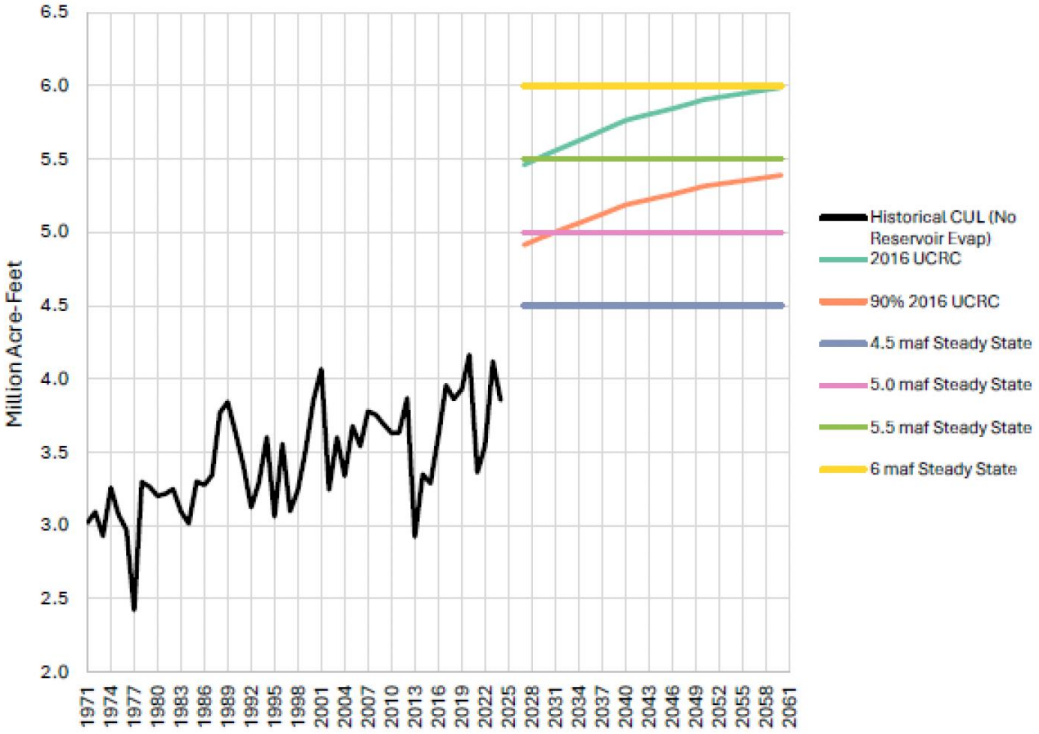
[16] CLIFFORD STONE, REPORT AND SUBMISSION OF THE UPPER COLORADO RIVER BASIN COMPACT TO THE GOVERNOR AND GENERAL ASSEMBLY 18 (1948). Clifford Stone was Colorado's Commissioner on the Upper Colorado River Compact Commission. Jean Breitenstein was the attorney for the CWCB from 1937 -1954.
[17] *See* Sec. 4.C above.
[18] *See* Sec. 4.B above.
[19] *See* DEIS Ch. 2.

9. **The Upper Basin demand scenarios utilized in the modeling are unrealistically high.** As depicted in Figure I-1 (see below), the Upper Basin demand scenario utilized in modeling the impacts of the various alternatives is much higher than historical use and does not reflect likely future actual use.[20] The 2016 UCRC demand scenario embedded in the DEIS modeling is approximately 40% to 50% higher than recent average demand. Public statements by representatives of the Upper Division states emphasize the limitations imposed on Upper Basin water users by annual hydrology, but the UCRC demand scenario fails to take those hydrologic limits into account. When asserting the existence of "hydrologic shortage" experienced by Upper Basin water users, the UCRC has estimated the maximum Upper Basin potential consumptive use at 5.183 MAF,[21] significantly less than even the starting point of the UCRC 2016 demand scenario. Even this UCRC estimate is based on the unrealistic assumption that the maximum historical consumptive use amount could occur simultaneously in every sub-basin, a circumstance that has never occurred in history. Because high Upper Basin demand is modeled without reductions of water usage in the Upper Basin, greater burden is placed, at least theoretically, on Lower Basin water users, and more risk and failure is predicted in all alternatives than would be the case in models using more realistic figures for Upper Basin demand. While the impact of differing Upper Basin demand scenarios on key performance metrics in Dry and Critically Dry years does not appear to be large, the 2016 UCRC demand scenario does appear to result in increased risk to Lake Powell and larger total annual shortage.[22] In addition, the use of wildly unrealistic demand projections undermines the credibility of the environmental impact review in general. A realistic Upper Basin demand scenario should be utilized in modeling.

[20] DEIS App. I, at I.2, Fig. I-1.
[21] UCRC, Upper Division States Hydrologic Shortage Briefing, Mar. 13, 2025.
[22] *See* Figures I-3, I-4, I-5, and I-6, DEIS App. I.

Figure I-1
Annual Upper Basin Historical Consumptive Uses and Losses and Future Demand Schedules



Note: Historical CUL does not include reservoir evaporation undistributed by state. Future demand schedules exclude reservoir evaporation volumes from reservoirs undistributed by state and other reservoirs where CRSS explicitly models reservoir evaporation. CRSS will simulate consumptive use based on the provided demand scenarios, and the available supply in each year of each simulation.

10. **Socioeconomic impacts of the alternatives on the municipal and industrial sectors should be included.** Rather than meaningfully evaluating the impacts of municipal and industrial (M&I) water shortages on tap water availability for families, businesses, and major industries, the DEIS largely limits its analysis to agriculture and recreation. M&I water users rely extensively on Colorado River water; shortages could have a large impact on local, regional, and even national economies. The DEIS does not assess how shortages would affect tap water availability for current customers, employment, gross domestic product, and critical sectors such as semiconductor manufacturing. The DEIS presents tables showing projected Colorado River reductions for major M&I users, but it does not employ those reductions in an economic analysis. Unlike its monetized analysis of agricultural losses, the DEIS provides no comparable assessment of the M&I sectors despite their far larger economic impact in the region. The DEIS states that reducing or eliminating legal access to municipal water could cause "widespread impacts on social and economic conditions," yet it offers no substantive evaluation of those impacts. Instead the DEIS assumes municipal water providers could develop alternative supplies without analyzing the feasibility of these efforts, the time necessary to design and construct associated

infrastructure, operational constraints associated with alternative water supplies, or the cost to ratepayers. Reclamation should produce an EIS that accurately describes the economic consequences of the proposed action so that stakeholders can understand the risks facing all sectors of the economy and evaluate the economic tradeoffs associated with each proposed action.[23]

11. **The final EIS should disclose how Reclamation intends to operate Glen Canyon Dam and the Upstream Initial Units in accordance with the 1922 Colorado River Compact and the Law of the River.** Federal law is clear that the Secretary's Record of Decision for the post-2026 operations must comply with the Colorado River Compact. Section 13 (c) of the Boulder Canyon Project Act provides:

> "[A]ll patents, grants, contracts, concessions, leases, permits, licenses, rights-of-way, or other privileges from the United States or under its authority, necessary or convenient for the use of waters of the Colorado River or its tributaries, or for the generation or transmission of electrical energy generated by means of the waters of said river or its tributaries, whether under this Act, the Federal Water Power Act, or otherwise, shall be upon the express condition and with the express covenant that the rights of the recipients or holders thereof to waters of the river or its tributaries, for the use of which the same are necessary, convenient, or incidental, and the use of the same shall likewise be subject to and controlled by said Colorado River compact."[24]

Further Section 602 the 1968 Colorado River Basin Project Act sets priorities for the annual release of water from Lake Powell:

> "In order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoir constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act, and the Boulder Canyon Project Adjustment Act. To effect in part the purposes expressed in this paragraph, the criteria shall make provision for the storage of water in storage units of the Colorado River storage project and releases of water from Lake Powell in the following listed order of priority:
>
> (1) releases to supply one-half the deficiency described in article III (c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year, that

[23] The following resources may be useful in analyzing socioeconomic impacts: Reclamation's Colorado River proposals threaten the national economy, Arizona Municipal Water Users Association, Jan. 27, 2026; Impacts of Colorado River Shortage to Tap Water Deliveries in Central Arizona, Arizona State University, Kyl Center for Water Policy, June 2023; T. James, A. Evans et al., The Economic Importance of the Colorado River to the Basin Region, Arizona State University, Dec. 18, 2014.

[24] Boulder Canyon Project Act, 45 Stat. 1057, 43 U.S.C. Sec. 617-617t (1928).

the Secretary makes the determination and issues the proclamation specified in section 202 of this Act;

(2) releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources;"[25]

The fact that there are differing views between the States of the Upper Division and States of the Lower Division on the correct interpretation of Article III (c) (priority 1) and Article III (d) (priority 2) of the 1922 Compact does not relieve the Secretary of the legal obligation to operate Glen Canyon Dam as directed by Section 602 of the CRBPA and all federal projects as directed by Section 13 of the BCPA. The affected public is entitled to understand the details and the rationale for how Reclamation will operate Glen Canyon Dam and related projects beginning in Water Year 2027.

The legal disputes between the two divisions and among the seven Basin States over the interpretation of Articles III (c)and (d) have been longstanding. The disputes date back to before the 1922 Compact was approved by Congress in the 1928 BCPA. Indeed, the United States, both through the Departments of the Interior and Justice, has had an equally long history of mostly being a neutral party on the legal disputes that have long divided the Basin States. The United States Executive Branch has avoided publicly interpreting the disputed provisions of the 1922 Compact. For the most part, this neutrality has been effective. Neutrality has allowed officials of the Department of the Interior to be "peacemakers" and act as mediators, pushing the states to either compromise or finesse (put off until the future) disputes that would have otherwise blocked basin-wide progress.

Unfortunately, because of the impacts of hydrologic conditions in the 21st century and consumption that exceeded natural runoff, storage in Lake Mead and Lake Powell have decreased to critically low levels. Additionally, this year's projected inflow to Lake Powell, the political and legal stalemate between the two divisions, and the imperative that the Secretary operate Glen Canyon Dam in a safe and prudent manner, means that the United States can no longer be a neutral party. The Secretary has no choice but to make, in the near future, very difficult decisions that cannot be delayed. The Secretary of the Interior, in consultation with other federal officials, must clearly state how Colorado River projects under federal authority will be operated and provide the public with a detailed explanation, including the legal basis.

12. **Reclamation should specifically identify what additional authority is needed to implement an operating regime that meets the purpose and need for the EIS over the long term.** There are no alternatives identified in the DEIS that meet the purpose and need and that Reclamation can implement without additional legal authority. This creates

[25] 1968 Colorado River Basin Project Act, Sec. 602.

significant uncertainty around river management, despite the intended purpose of providing water users a greater degree of predictability about water availability in the future.[26] Reclamation should describe specifically what additional legal authorities it believes would be required to implement desired operating provisions. Furthermore, Reclamation has indicated the intention to "seek additional authorities" to protect critical reservoir infrastructure.[27] These additional authorities should be explained. Finally, while Reclamation acknowledges that additional authority would be needed to implement proposed actions in the Lower Basin, Reclamation has not identified appropriate actions in the Upper Basin that could be implemented with additional authority. It should do so and describe what authority it believes would be needed.

13. **Mexico.** While the nature and quantity of any reductions in deliveries to Mexico and the continuation and expansion of Mexico's Water Reserve are not within the scope of the DEIS, Mexico's actions will be a critical component of any sustainable operating regime for the Colorado River. Minutes 323 and 330 expire in less than ten months. Discussions must be concluded rapidly to incorporate agreement by Mexico to accept reductions in deliveries from the US as dictated by hydrology and reservoir elevations.

Thank you for the opportunity to comment on this important Draft EIS.

Anne J. Castle
Senior Fellow
Getches-Wilkinson Center
University of Colorado Law School

John Fleck
Writer in Residence
Utton Transboundary Resources Center
University of New Mexico School of Law

R. Eric Kuhn
Retired General Manager
Colorado River Water Conservation District

John C. Schmidt
Director, Center for Colorado River Studies
Utah State University

Katherine Tara
Staff Attorney
Utton Transboundary Resources Center
University of New Mexico School of Law

Kathryn Sorensen
Director of Research
Kyl Center for Water Policy
Arizona State University

[26] DEIS, Executive Summary, Sec. ES.1.1.
[27] DEIS, Ch. 2, at 2-11, 2-12.