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Sent via email to: [crbpost2026@usbr.gov](mailto:crbpost2026@usbr.gov)

Subject: Draft Environmental Impact Statement (DEIS) for Post-2026 Guidelines about future dam operations at Hoover Dam and Glen Canyon Dam (Reservoirs Mead and Powell).

Dear employees of US Bureau of Reclamation:

## A. INTRODUCTION

This letter is composed by Living Rivers & Colorado Riverkeeper, Great Basin Water Network, and River Runners for Wilderness.

## B. PURPOSE AND NEED

The purpose and need for the Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead (Post-2026 Guidelines), and currently under preparation by the Bureau of Reclamation to replace the existing 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Guidelines).

The original strategy was to voluntarily reduce water consumption immediately, so as to avoid a future of forced curtailments, the cessation of hydropower, and to avoid the collapse of critical habitat for aquatic species. This action plan ultimately proved to be ineffective and it also demonstrated that communication, coordination, and cooperation (the 3 C's) amongst the seven states does not exist.

What also must be recognized are the many comments submitted by the public and the science community, that explained in great detail (text, graphics and citations) the importance of aggressively balancing rising water demands with a shrinking water supply.

Our DEIS comments, submitted timely on April 30, 2007, provided scenarios which demonstrated what the shortages would be (2 to 4 million acre-feet) and in what decade they would arrive (the 2020s). See: [Shortage Criteria DEIS comment letter, Living Rivers and Center for Biological Diversity, 2007](#).<sup>1</sup>

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<sup>1</sup> [http://www.livingrivers2.org/pdfs/LR\\_Shortage\\_DEIS.pdf](http://www.livingrivers2.org/pdfs/LR_Shortage_DEIS.pdf)

This program by Reclamation included a secondary emergency action called the Upper Basin and Lower Basin Drought Contingency Plans (2019 DCPs). These goals and objectives also did not prevail, as formal curtailments eventually arrived in the late summer of 2021.

We would suggest, again, that the need and purpose of Post-2026 Guidelines has not been rigorously evaluated; that the presentations about the baseline are still not adequate; that this DEIS did not even present a preferred alternative for the public to analyze effectively, or timely.

It is likely that if a Record of Decision for the Post-2026 framework gets signed by the Secretary of Interior, Reclamation Commissioner, and the Seven-States signatories, they will put pen to paper when hydropower ceases at Glen Canyon Dam. At this point in time, the public feels like a hostage, rather than a participant in a meaningful outcome.

### C. WHAT IS BASELINE?

**The relentless rise of planetary heat is baseline.** Sea level rise began in 1880.<sup>2</sup> The narratives within this DEIS only discuss decadal drought. The reasonable projected timeline for this DEIS to analyze, and based on a continuance of disruptions to planetary circulation patterns, would be the next two hundred years.

**Extreme hydrology (stochastic probabilities) are baseline.** The Colorado River Basin can anticipate that the reservoirs will be empty for decades and, contrarily, there will be episodes of spills into the Gulf of California and/or into the Salton Depression. Unfortunately, the designs that the engineers of the 20th Century gave this country are wholly inadequate. To be fair to Dr. Elwood Mead, he did recognize the limitations of these engineering features.

**Degradation to groundwater storage is baseline.** Direct gains of groundwater to the stream bed is already in decline. Additionally, aquifers have become the surrogate supply for human consumption, but this water source is not renewable nor is it fully calculated as it relates to connectivity with runoffs and reservoir elevations in the DEIS.

**Societal collapse is baseline.** How does a public agency manage the affairs of the hydro-society it created, when water supplies are eventually exhausted and the consequent hardships arrive?

We think this science paper published by the National Academy of Sciences is a useful baseline document for implementing a successful management plan for the Colorado River Basin. See: [Sustainable water deliveries from the Colorado River in a changing climate.](#)<sup>3</sup>

### D. THE ALTERNATIVES

Three alternatives do not likely comply with The Law of the River. In Appendix C, the DEIS implies that the modeling justifying three of the proposals “may not be implementable,” because of potential non-compliance with “laws, contracts, agreements, and other authorities

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<sup>2</sup> <http://www.riversimulator.org/Resources/ClimateDocs/ClimateChangeGlobalSeaLevel2023NOAA.pdf>

<sup>3</sup> <http://www.riversimulator.org/Resources/ClimateDocs/PierceBarnett2009.pdf>

that are part of the Colorado River legal and contractual framework referred to as Law of the River.” That is a reference to the Enhanced Coordination, Maximum Operational Flexibility, and Supply Driven Alternative. Without any deal in place among the states or congressional action, the support of those alternatives poses legal challenges that may be insurmountable.

Therefore, according to the DEIS, the No Action Alternative and Basic Coordination Alternative are the only options that could avoid a legal challenge after a Record of Decision.

Those options pose some of the worst outcomes for Lakes Powell and Mead. We believe that no current course of action put forth in the DEIS are a sufficient means of stabilizing the system under the current Law of the River framework. This is troubling considering Reclamation is predicting some of the most dire reservoir elevations ever in the coming two years.

## **D. THE HARD LOOK DOCTRINE**

### **D.1. The approach for a comprehensive/programmatic EIS is necessary.**

The document Reclamation is writing is site specific. This DEIS is obsessively focused on the Compact Point between Glen Canyon Dam and Hoover Dam. The entire basin will be negatively affected if all attention is merely focused on Article 3D of the 1922 Compact.<sup>4</sup>

The flows below Flaming Gorge Dam, Blue Mesa Dam, and Navajo Dam are important. The flows to indigenous homelands are important. The natural flow reaching the Ocean is also important. But the narrow scope of the current review assumes that managing reservoirs at Powell and Mead will not have large-scale, sweeping impacts throughout the Colorado River Basin.

What Reclamation must do is start this EIS process over. It must approach Congress for very generous funds to complete a comprehensive and programmatic EIS for the entire Colorado River Basin—from the headwaters to the delta. The review should be conducted by an impartial third party to supervise this process from start to finish. We understand this role can be provided by the National Academy of Sciences.

### **D.2. Programmatic review is necessary along with Congressional action.**

Again, the extreme hydrological circumstances as evidenced by Reclamation’s latest 24-month, most-probable projections<sup>5</sup> illustrate another reason why Reclamation should undertake a programmatic review that will immediately protect the assets and welfare of the public, while the states continue to discuss their very distant and expensive remedies.

Perhaps the poor hydrology of 2026 will incite productive conversations. And when Congress acts, we hope the natural resource committees will enlist assistance from the National Academy of Sciences to undertake a vigorous review in partnership with the Department of Interior, Reclamation, the Tribes, and other cooperating agencies.

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<sup>4</sup> <https://www.usbr.gov/lc/region/pao/pdffiles/crcompct.pdf>

<sup>5</sup> Bureau of Reclamation. *24-month Most Probably Projections*. February 2025. <https://www.usbr.gov/lc/region/g4000/24mo.pdf>

### **D.3. The DEIS fails to consider impacts on irretrievable resources by sanctioning the repurposing of water resources between the upper and lower divisions**

The DEIS offers multiple alternatives that impose varying levels of cuts in the Lower Basin and no meaningful cuts in the Upper Basin. Some alternatives mention the possibility of Upper Basin “conservation” but those offerings do not describe who, what, where and when. There is nothing steadfast for cuts in the Upper Basin. That is not a steadfast, predictable means of management.

The DEIS also showcases a modified version of the 2016 Upper Basin Depletion Schedule that still assumes considerable new uses of water in the Upper Basin in the coming decades. Because of the limited resources available, there’s no doubting that cuts imposed on the Lower Basin will be repurposed by the Upper Basin. That repurposing defeats the intent of this analysis. Once that water is re-appropriated by Upper Basin regulators, waters with established beneficial uses will not return to where those uses were first proven in the Lower Basin. This is highly suspect.

Furthermore, we question how Reclamation can execute its recognized authority to force a curtailment in one basin but not even questioning how development of new appropriations in another part of the basin will impact the whole system and those who had to undertake curtailment. Upper Basin reservoirs are subject to the “apportionments” among the two basins, seven states and Mexico (See Colorado River Storage Project Act, Pub. L. No. 84-485, § 4, 70 Stat. 107 (1956)).

We fear that it is an unacceptable practice to allow the Upper Basin to repurpose water from the Lower Basin in the name of state-led permitting efforts in Colorado, New Mexico, Utah and Wyoming. Further declines in the system will challenge Reclamation’s mission to protect infrastructure, ecosystems, and communities. It means less water making its way through the southernly reaches of the system in the majority of years if current trends continue. Every state needs a curtailment plan on the Colorado River. This DEIS fails to compel the Upper Basin States to meaningfully consider how they will act to protect federal assets and resources.

Finally, this could also bring about conflict over tribal water rights in the Upper and Lower Basins — especially where settlements have been established. There must be consideration of reducing, at a 1-for-1 rate, junior non-tribal use for those senior tribal rights that have not yet been put to use. How Reclamation would undertake this matter in the Upper and Lower Basin must be included in any FEIS. Also, there must be consideration of how Reclamation would prevent new Upper Basin appropriations put forth by non-native water users from using, in a de facto sense, settled and adjudicated rights of Lower Basin Tribes.

### **D.4. The Seven States**

The deliberate latency of the seven states of the Colorado River Basin is harmful to the constitutional principles of due process, and to the well-being of the general public. This behavior of self-importance must be eliminated from this public process.

Both regions of the Colorado River Basin should be proactive about improving their water accounting methods to ensure that seepage, channel losses, evaporation, groundwater inflow/outflow, and other factors are properly represented.

Reclamation has a great deal of say in how certain rights are managed in the system. But how can regulators sequester the differences between the starting and end points of a highly connected system where some users have established decades worth of use? This gray area is at the heart of the ongoing conflict among the seven states, and we request more information on this in the FEIS.

Reclamation should analyze its authority to ensure Tribes with federally recognized, senior priorities in the Upper Basin should be granted their water with one-for-one reductions in the Upper Basin.

Alternatives without basin-wide curtailments may jeopardize Reclamation's infrastructure downstream of Glen Canyon Dam, National Park Service properties, U.S. Fish and Wildlife Service properties and other government holdings for Tribes, municipalities, and irrigation.

Reclamation, admittedly so in its Purpose and Need statement, recognizes the grave uncertainties we face if conditions do not improve on the river system. Reclamation also recognizes the direct connections the DEIS makes with upstream infrastructure associated with the Colorado River Storage Project units and in Lower Basin units at Davis Dam, Parker Dam, and Imperial Dam.

The DEIS would benefit from greater analyses in the technical appendices dealing with directly related impacts at the dams during low-flow periods. The same can be said for analyzing impacts at all Colorado River Storage Project facilities in low-flow periods too. They will be essential for propping up Lakes Powell and Mead.

What will operations look like if CRSP and Lower Basin Infrastructure are only operating collectively at 10-20 percent of normal? What can we expect? To say that management at Mead and Powell are not directly connected to that management is implausible.

#### **D.5. - Air Quality Impacts**

Basin communities are too narrowly reviewed in the Technical Appendices and avoid addressing direct impacts that will result from the alternatives in the DEIS.

For example, intentionally following agriculture fields can aggravate human health and sublimate the snow pack with airborne particulates. This is also true about the impacts of smoke and ash from wildfires and a shared consequence of advancing aridification.

#### **D.6. - Water Quality**

Water availability impacts on communities in the Lower Colorado River Basin are too narrowly reviewed in the Technical Appendices and avoid addressing direct impacts that will result from the alternatives in the DEIS.

Salinity impacts from the Colorado Plateau Province will be escalating.

Remobilized reservoir sediment and rotting organics are affecting human and aquatic health in lower Cataract Canyon, Narrow Canyon, upper Glen Canyon, lower San Juan Canyon, and western Grand Canyon.

**D.7. - Species Impacts**

Impacts on Lower Colorado River Multi-Species Conservation Program (27 species including listed Endangered Species) are too narrowly reviewed in the Technical Appendices. The DEIS avoids addressing those direct impacts that will result from the alternatives in the DEIS. Impacts on federally protected species and recently down-listed species are not properly analyzed.

We are concerned that humpback chub are now extirpated in Whirlpool Canyon at Dinosaur National Monument. It is clear that the stocking of non-native fish at the upper reservoirs is the problem, and it is also clear that this problem can be solved programmatically.

**D.8. - Socioeconomics**

These issues surrounding basin communities are too narrowly reviewed in the Technical Appendices and avoid addressing direct impacts on Lower Colorado River communities that will result from the alternatives in the DEIS. The purpose of this DEIS is to prevent economic collapse. It would be very appropriate to provide a worst case scenario for the affected public, should the prescriptions of this planning document not succeed.

**E. - Infrastructure at Glen Canyon Dam and The One Dam Alternative**

The analysis in the DEIS fails to consider the alternatives specific to Glen Canyon Dam, which includes the construction of bypass tunnels, or its complete decommissioning. Reclamation arbitrarily dismissed these discussions about this problem that is well-documented since the 1940s. These issues include infrastructure redundancies (excessive reservoir evaporation and salinity), exceeding spillway capacities that would compromise bedrock foundations and earthen dams, the beneficial alternative of transferring water storage to human-depleted aquifers, and restoring sacred landscapes that also possess the values for which we created the national park system.

**F. - Conclusion**

The past strategies of water managers in the Colorado River Basin are not effective. These managers insist that clinging to incrementalism is a viable strategy. There is no courage to change this futile approach, which also explains the leadership void that exists. Citizens do not vote and pay taxes for bad outcomes. There are people and institutions who are ready to stop this nonsense and move this basin into a state of resiliency. Please provide the document we need to accomplish this goal.

Sincerely yours,

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Tom Martin, River Runners for Wilderness; Flagstaff, Arizona