



State of Utah

SPENCER J. COX  
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## Colorado River Authority of Utah

Gene Shawcroft, P.E.  
Chair

March 2, 2026

Scott J. Cameron  
Acting Bureau of Reclamation Commissioner  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

VIA ELECTRONIC MAIL  
[crbpost2026@usbr.gov](mailto:crbpost2026@usbr.gov)

Re: Utah's Comments on the Draft Environmental Impact Statement for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead

Dear Commissioner Cameron:

The state of Utah respectfully submits the following comments on the *Draft Environmental Impact Statement for Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead* ("DEIS" or "Draft") published by the Bureau of Reclamation ("Reclamation") on January 16, 2026. Utah appreciates the opportunity to comment and we support the implementation of robust and adaptive guidelines for the Post-2026 operations of Lake Powell and Lake Mead.

Although the seven Colorado River Basin States ("Basin States") have yet to reach agreement on a consensus alternative for the Post-2026 operations of Lake Powell and Lake Mead, Utah continues to work with the Basin States to reach such consensus. Absent a consensus agreement, we provide these comments with the expectation that the Final Environmental Impact Statement for Post-2026 Operational Guidelines ("FEIS") will include a preferred alternative that contains elements from the four action alternatives included in the DEIS but will ultimately differ from any single action alternative set forth in the Draft. Moreover, as a general matter Utah will not support a preferred alternative that may jeopardize or negatively impact the collective obligation of Utah, Wyoming, Colorado and New Mexico (the "Upper Division States") under Article III of the Colorado River Compact ("Compact") or impair Utah's ability to fulfill its Tribal obligations.<sup>1</sup>

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<sup>1</sup> As home to the Navajo Nation, the Ute Tribe of the Uintah and Ouray, the Ute Mountain Ute and Paiute Indian Tribe of Utah, the state will not support an alternative that prevents any Tribe with lands in Utah from developing water rights recognized under federal and state law.

## I. Purpose and Need

The proposed federal action is “to adopt specific guidelines and coordinated reservoir management strategies to address operations of Lake Powell and Lake Mead through their full operating ranges.”<sup>2</sup> The operational elements designed to address the purpose and need for the proposed federal action are: (1) identification of circumstances when the Secretary of Interior (“Secretary”) would reduce or increase the annual amount of water available for consumptive use from Lake Mead to the Lower Division states; (2) coordinated operations between Lake Powell and Lake Mead, particularly under low reservoir conditions; and (3) storage and delivery of conserved water in Lake Mead and/or Lake Powell.<sup>3</sup> Reclamation also considered additional activities above Lake Powell, including the use of Colorado River Storage Project (“CRSP”) Upper Initial Units and Upper Basin conservation (“Upstream Activities”) as an operational element.<sup>4</sup>

The current operating guidelines for the operations of Lake Powell and Lake Mead (“2007 Interim Guidelines”) and associated implementing agreements, including the 2019 Drought Contingency Plans, expire at the end of the 2026 operating year. Reclamation acknowledges that the 2007 Interim Guidelines were insufficient to address risk and protect resources in the Colorado River Basin and that more robust and adaptive guidelines are required Post-2026 in order to meet the purpose and need for the proposed federal action.<sup>5</sup> Utah supports Reclamation’s position that the new guidelines must provide the flexibility to build resilience and to accommodate future needs and growth including the opportunity for Tribes to benefit from appropriately resolved rights.<sup>6</sup>

Reclamation acknowledges that the No Action alternative, which is based upon operating guidance for Lake Powell and Lake Mead in place before the adoption of the 2007 Interim Guidelines, does not meet the purpose and need for the proposed federal action.<sup>7</sup> Moreover, the No Action alternative violates the 1970 Long Range Operating Criteria (“LROC”), a foundational element of the Law of the River, by imposing a fixed minimum release of 8.23 million acre-feet (MAF) from Lake Powell.<sup>8</sup> On the contrary, the LROC requires a variable, minimum objective release based on actual hydrology and storage conditions.<sup>9</sup>

In the DEIS Reclamation has analyzed elements in the action alternatives that would require new authorities and/or new agreements among Colorado River Basin (“Basin”) water users to implement.<sup>10</sup> Because an alternative that requires agreement by the Basin water users or future Congressional or judicial action cannot be implemented in the absence of agreement or action, such an alternative does not meet the purpose and need for the proposed federal action. Of the four action alternatives set forth in the DEIS, only the Basic Coordination Alternative may be implemented without agreement of the Basin water users or immediate legislative or judicial action.<sup>11</sup> Therefore, the Basic Coordination Alternative is the only alternative that could form the basis for a preferred alternative.

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<sup>2</sup> DEIS at 1-4.

<sup>3</sup> DEIS at 1-5.

<sup>4</sup> DEIS at 2-5.

<sup>5</sup> DEIS at 1-6, meaning the 2007 Interim Guidelines do not meet the purpose and need.

<sup>6</sup> DEIS at 1-7.

<sup>7</sup> Post-2026 Colorado River Operations Alternatives Report, January 2025, p.13.

<sup>8</sup> DEIS at 2-38.

<sup>9</sup> Criteria for Coordinated Long-Range Operations of Colorado River Reservoirs (LROC), 1970.

<sup>10</sup> DEIS at 2-6.

<sup>11</sup> DEIS at 2-11.

## II. Scope/Impacts Analysis

The DEIS identifies its geographic scope as the mainstream Colorado River floodplain from full pool of Lake Powell (Gypsum Canyon) to the Southern International Boundary with Mexico.<sup>12</sup> Yet, the action alternatives include elements for additional upstream activities. Rather than evaluating the impacts of these Upstream Activities, the DEIS relies on the adoption of the 2019 Drought Contingency Plans (“DCPs”) as a proxy for the required impacts analysis.<sup>13</sup> The DCP framework is insufficient to satisfy the “hard look” at impacts of proposed Upstream Activities required by NEPA.<sup>14</sup> The DEIS also includes assumptions about potential actions in Mexico that are outside of the geographic scope. In contrast, the DEIS analyzes impacts to adjacent (off mainstream) service areas in the Lower Basin of the United States despite those areas being outside of the geographic scope.<sup>15</sup> Reclamation must be consistent in addressing the geographic scope and impacts analysis. Should Reclamation continue to expand the geographic scope by assuming actions above Lake Powell or in Mexico, it must appropriately analyze the impacts to those geographic regions. Otherwise, Reclamation must adhere to the geographic scope it set forth in the DEIS.

The temporal scope of the DEIS is twenty years.<sup>16</sup> Nevertheless, Reclamation indicates that it may consider a shorter duration.<sup>17</sup> Applying the operational guidelines set forth in the proposed action alternatives for a period less than twenty years is likely to have different impacts on resources than those analyzed. A shorter timeframe could result in concentrated impacts on significant resources. These disparate outcomes could result in alternatives that meet the purpose and need over a twenty-year timeframe but not over a shorter timeframe. If Reclamation intends to modify the temporal scope of the DEIS it must complete the requisite “hard look” at the impacts of the proposed federal action over the appropriate timeframe.

Finally, Reclamation indicates that the alternatives analyzed in the DEIS are sufficiently broad to have captured the full range of operational elements that may be incorporated in whole or in part into a preferred alternative and included in the FEIS.<sup>18</sup> However, the impacts analysis is based on specific configurations of the four action alternatives that, if reconfigured as a preferred alternative, may result in impacts beyond the extent of those evaluated in the DEIS.

## III. Preferred Alternative

Reclamation must identify a preferred alternative in the FEIS.<sup>19</sup> In order to meet the purpose and need the preferred alternative must be limited to elements that can be immediately implemented upon adoption of a Record of Decision. Absent an agreement among the Basin water users, the preferred alternative cannot include any element that is not within the Secretary’s existing authorities under the Law of the River as defined in the DEIS. Specifically, the Secretary does not have authority to mandate conservation activities in the Upper Division States. Therefore, such elements cannot be part of a preferred alternative absent an agreement with the Upper Division States.

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<sup>12</sup> DEIS at 1-8.

<sup>13</sup> DEIS at 2-5.

<sup>14</sup> *See Marsh v. Oregon Natural Resources Council*, 480 U.S. 360 (1989).

<sup>15</sup> DEIS at 3-2.

<sup>16</sup> DEIS at 1-2. The analysis period is 2027 to 2060, a period of 33 years.

<sup>17</sup> DEIS at 1-2.

<sup>18</sup> DEIS at 2-3.

<sup>19</sup> 40 CFR Section 1502.14(e); see also DEIS at 2-1.

In crafting the preferred alternative Reclamation should rely upon those elements that have been properly analyzed in the DEIS to create the most robust and flexible operational guidelines to meet the purpose and need for federal action. The Secretary has the authority to reduce annual deliveries of water from Lake Mead to the Lower Division States (Arizona, California, and Nevada) in amounts greater than 1.5 million acre-feet (“MAF”).<sup>20</sup> Reclamation has analyzed reductions of up to 4.0 MAF in the DEIS and the preferred alternative should include the flexibility for the Secretary to reduce deliveries to the Lower Division States up to 4.0 MAF. Moreover, the Secretary has the authority to limit releases from Lake Powell to Lake Mead to protect critical infrastructure at Glen Canyon Dam.<sup>21</sup> Reclamation has analyzed minimum annual releases from Lake Powell to Lake Mead of 4.7 MAF and maximum releases up to 12.0 MAF. Reclamation should include the full range of Secretarial authority to make such minimum releases in the preferred alternative while recognizing that such Secretarial actions cannot impair or jeopardize the Upper Division States’ obligations under Article III of the Compact.

To the extent the preferred alternative includes Secretarial releases from the CRSP Upper Initial Units (“UIUs”) for Lake Powell protection,<sup>22</sup> such releases must be limited to assure the CRSP Initial Unit storage requirements defined in Section 602(a) of the Colorado River Basin Project Act of 1968 and the LROC have been satisfied. In particular, 602(a) requires that storage in the UIUs necessary to fulfill Upper Division State obligations under the Compact shall not impair annual consumptive uses in the Upper Basin.<sup>23</sup> Further, the preferred alternative must limit Secretarial releases from the UIUs to those that can be achieved within the existing Record of Decisions and authorized purposes for each UIU and consistent with state water right permits. Specifically, releases must continue to maintain Endangered Species Act compliance and should be made in coordination with the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Recovery Implementation Program.

#### IV. Action Alternatives

Utah cannot support incorporating certain elements contained in the four action alternatives into a preferred alternative. The **Basic Coordination Alternative** assumes an average release of 8.23 MAF with a range of releases from 7.0 MAF to 9.5 MAF.<sup>24</sup> However, these fixed release ranges disregard the LROC, which provides for variable releases based upon an annual determination of 602(a) storage and a plan of operation.<sup>25</sup> The **Enhanced Coordination Alternative** ties Lake Powell releases to Lake Mead elevations and includes mid-year adjustments based on end of water year forecasts, emulating the 2007 Interim Guidelines balancing and forecasting-based operations paradigms. Moreover, Lake Powell releases are constrained to a maximum water year release of 10.8 MAF to prevent damage downstream of Glen Canyon Dam,<sup>26</sup> although the same constraint has not been applied to the other action alternatives. This alternative also uses the Long-Term Experimental Management Plan (“LTEMP”) to constrain *annual* releases at Glen Canyon Dam which is contrary to the *monthly*, *daily* and *hourly* releases circumscribed by the LTEMP. The **Maximum Operational Flexibilities Alternative** determines annual Lower Basin reductions based upon the combined storage of all seven Colorado River system reservoirs, including the CRSP reservoirs

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<sup>20</sup> See *Arizona v. California*, 373U.S. 546 (1963).

<sup>21</sup> See Colorado River Basin Project Act, Public Law 90-537; LROC.

<sup>22</sup> DEIS at 1-30

<sup>23</sup> Colorado River Basin Project Act, Section 602(a); LROC, section II(1).

<sup>24</sup> DEIS at 2-14.

<sup>25</sup> LROC.

<sup>26</sup> DEIS at 2-20.

upstream of Lake Powell.<sup>27</sup> However, the DEIS does not sufficiently analyze the potential impacts of the upstream releases required to make this alternative viable.

Finally, the **Supply Driven Alternative** proposes an annual fixed percentage release of water from Lake Powell to Lake Mead based upon 65% of the three-year natural flow at Lees Ferry.<sup>28</sup> This mandatory annual release obligation is inconsistent with the 1922 Compact and other aspects of the Law of the River. Furthermore, this alternative fails to meet the purpose and need; modeling shows it is less protective of Lake Powell elevations than the “Continued Current Strategies” baseline which is based upon the 2007 Interim Guidelines that do not meet the purpose and need. As modeled, the Supply Driven Alternative injects additional undefined “gap water”<sup>29</sup> into the system in order to perform. Yet it fails to identify the source of this water or to analyze the impacts of assumed Upper Basin actions required to provide it.

Utah maintains that the enhanced Coordination Alternative, the Maximum Operational Flexibilities Alternative and the Supply Driven Alternative are not implementable in the absence of agreements among the Basin States, water users within the Basin States and additional authorities. Nevertheless, Reclamation has modeled speculative conservation activities for each of the three alternatives that assume conservation volumes that cannot be guaranteed, rendering the alternatives operationally infeasible.

## V. Technical Comments

In addition to the foregoing, Utah submits the following remarks on various technical aspects of the DEIS:

1. Initial Conditions Should not be Based on a Forecasting Model. Reclamation used the November 2024 CRMMS-ESP projections to establish projected Low, Mid, and High initial conditions.<sup>30</sup> The February 2026, most probable projection at Lake Powell at the end-of-Month December 2026 is 3,488.42’ but the *Low Trace* used in the DEIS assumes the elevation at the same period of time to be 3,511.36.’ This discrepancy must be addressed in the impacts analysis in the FEIS.
2. New 602(a) Storage Algorithm Most Critical Period of Record. Reclamation indicates that since 2000 the Basin has experienced one of the worst multi-decade droughts of the last 1,200 years.<sup>31</sup> This is further highlighted in Reclamation’s analysis of critical period natural flow between 1906-2018 and lengths spanning 4 years to 20 years.<sup>32</sup> Despite the professed severity of the current drought and the suggestion that updating the critical period in the 602(a) storage algorithm is “sensible,” Reclamation fails to modify the critical period used to calculate 602(a) storage, citing a lack of objective standard.<sup>33</sup> Instead, Reclamation defaults to the 12-year period between 1953-1964, the same critical period used to compute the 602(a) requirement in the 2007 Interim Guidelines and the only critical period of the 17 analyzed that did not occur since 2000.<sup>34</sup> This is inconsistent with Reclamation’s analysis and the requirements under 602(a) of the Colorado River Basin Storage Project Act.<sup>35</sup>

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<sup>27</sup> DEIS at 2-24.

<sup>28</sup> DEIS at 2-32.

<sup>29</sup> DEIS at 2-35.

<sup>30</sup> DEIS at A-6.

<sup>31</sup> DEIS at 1-2.

<sup>32</sup> DEIS at J-5.

<sup>33</sup> DEIS at J-6 and J-7.

<sup>34</sup> DEIS at J-5.

<sup>35</sup> PL 90-537 (1968) at Title VI, Sec. 602 (a)(3).

3. Failure to Incorporate Riverware Accounting into CRSS Model. Reclamation’s failure to incorporate the Riverware accounting functionality into the CRSS model limits the effective and granular evaluation of various components of the DEIS analysis, particularly those associated with water that is being treated as “system” vs “non-system” water. We recommend that Reclamation fully incorporate this accounting functionality into CRSS to ensure adequate and transparent verification of model performance. This is the industry standard for various elements proposed in the action alternatives.
4. Assumptions on Future Hydrologic Conditions. Acceptable system performance under the 2007 Interim Guidelines was designed around an ultimately incorrectly assumed future hydrologic condition. It appears that Reclamation is approaching the design of Post-2026 action alternatives similarly, whereby what is considered acceptable is rooted in performance under certain hydrologic conditions and is likewise prone to failure. Reclamation should consider designing adaptable Post-2026 operating and shortage criteria that can accommodate all future conditions.
5. Lower Basin Consumptive Use and Loss (“CU&L”) Data. On December 19, 2025, Reclamation released Lower Basin CU&L data for the period 2006-2024. However, the DEIS does not include assumptions of full Lower Basin system uses and losses based on the latest data. The FEIS must incorporate the December 19, 2025 Lower Basin CU&L data.

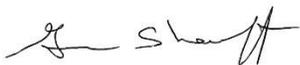
## **VI. No Waiver**

In providing our comments, Utah reserves its rights under all applicable laws, rules, and regulations. Nothing in this letter is intended to interpret, limit, or modify Utah’s rights under federal or state law or administrative rule, regulation, or guideline nor does this letter waive any such right. Utah reserves the right to provide additional comments, to consult with the Secretary, Reclamation, and the Basin States throughout the remainder of the NEPA process and to bring subsequent claims.

## **VII. Conclusion**

Once again, the state of Utah appreciates the opportunity to comment on the DEIS. Although Utah’s preference continues to be a consensus Basin States preferred alternative, we recognize that in the absence of an agreement among the states, Reclamation must be able to operate the Colorado River system under new criteria beginning October 1, 2026. This task is especially daunting given the dry hydrology, record low reservoir levels and the inadequacy of the current rules. It is our expectation that Reclamation will continue to consult with Utah and the Basin States generally on the development of a preferred alternative prior to the release of the FEIS.

Regards,



Gene Shawcroft, P.E.  
Colorado River Commissioner, State of Utah