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Director

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Amanda Erath
Colorado River Post-2026 Program Coordinator
Bureau of Reclamation
Attn: Post-2026 (Mail Stop 84-55000)
Denver, CO 80225
CRBpost2026@usbr.gov

Dear Ms. Erath,

The Arizona Department of Water Resources (ADWR) respectfully submits the following response on behalf of the State of Arizona to the 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 Mead. *See 88 FR 39457 (June 16, 2023)*. We appreciate this opportunity to provide comments on the scope of issues that should be considered in the upcoming environmental impact statement for post-2026 operations for Lake Powell and Lake Mead (EIS or Post-2026 EIS).

ADWR is statutorily authorized “to consult, advise and cooperate with” the Secretary of the Interior on behalf of the State of Arizona regarding Colorado River matters. A.R.S. § 45-107(A). The State of Arizona has an interest in the management of Colorado River system reservoirs, including Lake Powell and Lake Mead, and a particular interest in avoiding potential negative impacts from the Post-2026 Operational Guidelines, while ensuring their success. In addition to the comments submitted jointly with the Governor’s Representatives of the seven Colorado River Basin States and the Lower Division States, please consider the following comments regarding the Post-2026 EIS:

A. Sharing the Burdens of Balancing the Colorado River System

Reclamation should consider assessing how each water user can contribute to reducing the supply and demand imbalance in the system that has resulted from overallocation of water supplies, the impacts of climate change, and long-term drought. Since 2000, this supply and demand imbalance has led to the depletion of reservoir storage and most recently threatened critical infrastructure at Lake Powell. However, the burdens associated with protecting the Colorado River System should not fall disproportionately on any particular state, sector, or water user. Instead, these burdens must be shared across the Basin by all who benefit from the Colorado River.

B. Implementation of ICS or Similar Storage Mechanism in Arizona


We anticipate that the Post-2026 EIS will evaluate mechanisms for voluntary storage and conservation, such as intentionally created surplus (ICS). If a storage and conservation framework is developed that includes statewide limits, Arizona would also require a framework for implementation of ICS or any other mechanism among Arizona Tribes and other Arizona water users, similar to the 2019 Arizona ICS Framework Agreement. If such a mechanism is developed, Arizona will seek cooperation from the United States in a parallel process involving Arizona Tribes and water users.

C. Review of Beneficial Use

Given the impacts of climate change and the ongoing megadrought, the Post-2026 Operational Guidelines must also ensure that water use practices are updated throughout the Basin to minimize waste. In the Lower Basin, Reclamation should implement beneficial use standards for all contractors with respect to efficiency determinations as set forth in 43 CFR Part 417. Reclamation should also ensure similar efficiency standards are implemented in the Upper Basin.

Thank you for the opportunity to provide comments. Collaboration and cooperation among all water users and stakeholders will be essential to achieve success, particularly if Congressional authorization is required. We look forward to continuing our work with Reclamation and Interior, the other Basin States, the Tribes, Mexico, water users and other stakeholders as we seek to protect the Colorado River system now and in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Buschatzke', with a long horizontal flourish extending to the right.

Thomas Buschatzke
Director