

**Central Arizona Water Conservation
District**
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Phoenix, Arizona 85024

Southern Nevada Water Authority
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Las Vegas, Nevada 89106

**The Metropolitan Water District of
Southern California**
700 North Alameda Street
Los Angeles, California 90012-2944

August 15, 2023

The Honorable Camille Touton
Commissioner
U.S. Bureau of Reclamation
1849 C Street, NW
Washington, D.C. 20240

Sent via Electronic Mail

Dear Commissioner Touton:

The Southern Nevada Water Authority (SNWA), Central Arizona Water Conservation District (CAWCD) and The Metropolitan Water District of Southern California (Metropolitan) appreciate the opportunity to comment on 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 Lake Mead (NOI). Fed. Reg. Vol. 88, No. 116, p. 39455 (June 16, 2023).¹ Our agencies support the letters submitted by the Colorado River Basin States and Lower Division States, and also ask that the scope of the Environmental Impact Statement (EIS) for the Post-2026 Operational Guidelines and Strategies and proposed federal action ensure sufficient water for public health, safety and welfare, protect Intentionally Created Surplus (ICS) created under the 2007 Record of Decision entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations For Lake Powell and Lake Mead (2007 Guidelines), provide for continued incentives to add conserved water to Lake Mead, address the imbalance between supplies and demands in the Colorado River Basin, an imbalance to which evaporative and system losses contribute and include a framework that incentivizes voluntary conservation, augmentation, and exchange.

The Colorado River Basin States letter noted the Basin States' intent to develop a consensus alternative for the Post-2026 Operational Guidelines. The undersigned agencies support the development of a Basin States consensus alternative. If successful, a consensus-based alternative would build on the approach the Basin States took in developing the alternative that became the basis for the 2007 Interim Guidelines Record of Decision and more recently when the Basin States, Tribes, Section 5 Contractors and NGOs worked together to develop the 2019 Drought

¹ By providing these comments, we do not waive any rights, including any claims or defenses, we may have or that may accrue under any existing federal or state law or administrative rule, regulation, or guideline. Any failure by the undersigned to address specific aspects of the NOI, 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. We reserve the right to provide further comments and engage with Reclamation as it proceeds with subsequent phases of the NEPA process.

Contingency Plan. As demonstrated since adoption of the 2007 Interim Guidelines, Basin States consensus improves opportunities for the collaboration and investment that will be essential to managing Colorado River resources in a hotter and drier future.

Collectively SNWA, CAWCD and Metropolitan provide water to 27 million residents in the Lower Basin. Each agency takes delivery of water from Lake Mead pursuant to contracts with Secretary of the Department of the Interior. The Colorado River is a significant or exclusive source of water for our agencies and as such, operations of Lake Powell and Lake Mead are directly relevant to our ability to provide water to our service areas.

SNWA is a political subdivision of the State of Nevada and a joint-powers organization created by a cooperative agreement pursuant to NRS 277.080 to 277.180. SNWA provides Colorado River water to its purveyor-member agencies throughout southern Nevada. Colorado River water comprises nearly 90 percent of these water supplies, which serve the needs of the Las Vegas area's 2.3 million residents and more than 40 million tourists each year. SNWA cooperates with its member agencies by providing water treatment, wholesale water delivery, and overseeing conservation-program implementation.

CAWCD is a political subdivision of the State of Arizona, established pursuant to Arizona Revised Statutes § 48-3701 et seq., which operates the Central Arizona Project (CAP) pursuant to various contracts and agreements with Reclamation. The CAP canal is a 336- mile system that brings Colorado River water to central and southern Arizona, delivers the State of Arizona's single largest renewable water supply, and provides water to municipalities, tribes and agriculture. CAWCD's service area encompasses Maricopa, Pinal and Pima counties where more than 80% of Arizona's population resides. CAP's water supply is a critical component of many Arizona tribal water right settlement agreements and provides tribal homeland water to meet the needs of tribal communities in Arizona.

After being formed in 1928 by election and an act of the California legislature, Metropolitan's first project was to build the Colorado River Aqueduct (CRA). Metropolitan continues to bring Colorado River water into Southern California through the CRA. The Colorado River has been Metropolitan's most secure source of imported water since the district was formed. Over the decades, Metropolitan has worked to develop other sources of supply including the State Water Project and local resources projects, but the Colorado River continues to be a vital source of water for Metropolitan's 5,200 square mile service area.

The period since 2007 has provided significant operational experience for both Reclamation and water managers, making it clear that the Post-2026 Operational Guidelines must address the imbalance between supplies and demands in the Colorado River Basin, an imbalance that evaporative and system losses contribute to.

Recent experiences including declining reservoir inflow and historically low elevations of Lake Powell and Lake Mead in 2022 have made it clear that the Post-2026 Operational Guidelines need to include provisions that protect sufficient storage in Lake Mead and provide for water deliveries to meet public health, safety, and welfare needs if hydrologic conditions are so dry and reservoir conditions are so low that human health, safety and welfare needs would not be otherwise met by Colorado River deliveries.

The Post-2026 Operational Guidelines need to protect the ICS currently stored in Lake Mead. SNWA, CAWCD and Metropolitan have spent years and invested millions of dollars to intentionally conserve water that has helped to prop up Lake Mead elevations. This storage must be preserved for the benefit of agencies funding or implementing ICS creation and to Contractors to whom funding agencies have directed credit in accordance with Section 3.B.8 of the 2007 Interim Guidelines and must not be delivered to any other user. The Guidelines should also provide for continued incentives to conserve water for the benefit of Lake Mead.

The unprecedented challenges we face require greater inclusivity and collaboration to achieve sustainable solutions. SNWA, CAWCD and Metropolitan understand that the success of future operations of the Colorado River system depends on working with water users and others invested in the outcomes of effective Post-2026 operations. In particular, successful management of the Colorado River will depend on the support and participation of the Tribes. Continued collaboration with Mexico is critical for success of Post-2026 reservoir operations and management. Collaboration with Mexico is critical to charting the course of Colorado River through Post-2026 operations. While we recognize that any actions involving deliveries to Mexico will be determined through a separate process involving the International Boundary and Water Commission (IBWC), we expect that process to occur simultaneously. In particular, and the Post-2026 EIS should consider and evaluate potential future actions to ensure environmental compliance. Additionally, the active and direct participation of the Basin States' representatives in formal meetings with Mexico has also been essential to the development and implementation of Minute Nos. 317, 318, 319, and 323. The direct engagement between the States, the U.S. (including both Interior and the IBWC) and Mexico has consistently demonstrated the path to success. Engagement with other stakeholders, including NGOs, interested in the Colorado River is also important to success of this process.

In addition to the development of the Post-2026 Operational Guidelines, we also ask that Reclamation update and apply Part 417 reasonable and beneficial use determinations to ensure that water delivered is not being wasted. Each of our agencies signed on to the August 2022 Memorandum of Understanding by and among Colorado River Basin Municipal and Public Water Providers (MOU) in which we committed with water providers in all seven Colorado River Basin States to improving municipal and public water use efficiencies. Our agencies recognize that part of adapting to hotter and drier conditions requires improved efficiency and conservation. This commitment has also been demonstrated through the hundreds of millions of dollars in past and ongoing investments that our agencies have made in conservation and water use efficiency. However, less than 20% of consumptive uses in the Colorado River Basin are municipal and industrial. We cannot solve this problem on our own. In this time of shortages and other possible mandatory reductions, as the water providers with more junior rights, our agencies are potentially the most at risk if water is wasted. The Department must update the reasonable and beneficial use determinations across water sectors.


We also ask that the Department identify a durable source of funding to assist in paying for conservation. Given the reduced inflow into the reservoirs and ongoing drought conditions exacerbated by climate change, the need for conservation will be higher than ever. Current sources of federal funding like the Inflation Reduction Act of 2022 will not be available for new programs

started after 2026. As such, identifying a long-term source of funding to support the conservation needed to respond to climate change will be an important part of success.

Because the scope of the Post-2026 Operational Guidelines will likely be large, we recommend that Reclamation contemplate whether and how certain aspects could be staged, if appropriate. Having an understanding of certain elements, such as beneficial use criteria, conservation funding, and health, human safety and welfare limitations will help inform the total volume of mandatory reductions necessary and may provide a more successful framework for negotiating consensus.

Our agencies look forward to working with Reclamation during the development of the Post-2026 Operational Guidelines and related efforts to protect the Colorado River system reservoirs. Reclamation's continued partnership with our agencies is essential to our success.

Respectfully,



John J. Entsminger, General Manager
Southern Nevada Water Authority



Adel Hagekhalil, General Manager
The Metropolitan Water District of Southern California



Brenda Burman, General Manager
Central Arizona Water Conservation District

cc: U.S. Bureau of Reclamation via Electronic Mail – crbpost2026@usbr.gov