



Executive Committee

# Update on Colorado River Issues

Item 5c

June 25, 2024

# Item 5c Colorado River Update

## Subject

Post-2026 Operational Guidelines for Colorado River system reservoirs

## Purpose

Provide recent updates on development of the Post-2026 Operational Guidelines Environmental Impact Statement (EIS) and related efforts

# Post-2026 Operational Guidelines

- U.S. Bureau of Reclamation (Reclamation) owns and operates Glen Canyon Dam and Hoover Dam
- Currently, Reclamation operates these dams pursuant to the 2007 Interim Guidelines
- Reclamation initiated a process to develop new guidelines last year because the current guidelines expire in 2026



# Post-2026 Operational Guidelines

The guidelines determine:

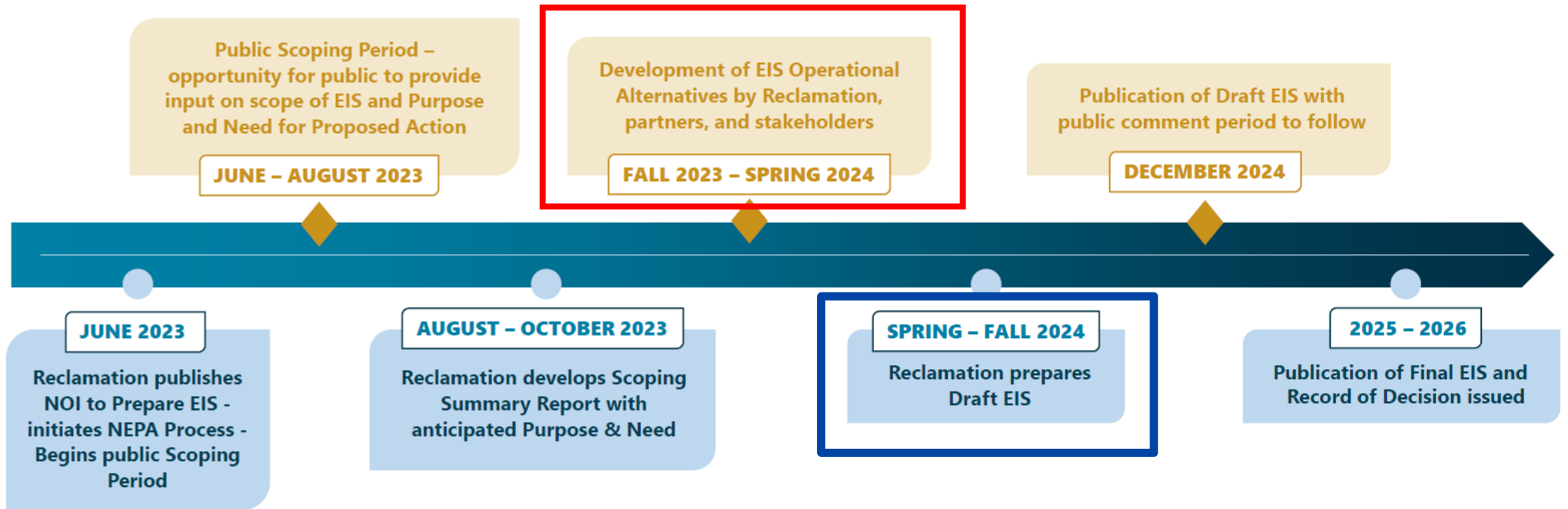
- Releases from Lake Powell
- Water uses/shortages in the Lower Basin
- Storage of conserved water (like Intentionally Created Surplus)

The Post-2026 Operational Guidelines will not change underlying elements of the Law of the River that apportion the Basin States' rights to use Colorado River water

Anticipated to Change	Will Not Change
Lake Powell Release Regime	Upper Basin Obligations in 1922 Colorado River Compact
Lake Mead Release Regime	Lower Basin Allocation in 1929 Boulder Canyon Project Act
Lower Basin Water Use Reductions/Shortages	Supreme Court decree in <i>Arizona v. California</i>

# Reclamation's EIS Schedule

## Post-2026 Milestone Schedule





# Reclamation to Analyze Alternatives

Reclamation will analyze reasonable alternatives in the EIS. The Preferred Alternative selected in the Final EIS may only include provisions in the alternatives analyzed.

## Post-2026 Alternatives

- Lower Basin States
- Upper Division States
- Gila River Indian Community
- Cooperative Conservation (NGOs)
- National Park Service – Fish & Wildlife Service
- Continued Current Strategies
- No Action

# No Action Alternative Assumptions

- Before taking a new action, federal agencies must compare the impacts of taking **no action** against the proposed federal action and reasonable alternatives
- The No Action Alternative represents what would happen without the agency taking new action, the “base case”
- After the 2007 Interim Guidelines expire, the base case would be Glen Canyon and Hoover Dams operations consistent with the Law of the River, including the 1968 Colorado River Basin Project Act and 1970 Long Range Operating Criteria
- The Upper and Lower Basins disagree regarding the assumptions that Reclamation should make in the No Action Alternative



June 11, 2024

Commissioner Camille Calimlim Touton  
Bureau of Reclamation  
1849 C Street NW  
Washington, DC 20240-0001

VIA ELECTRONIC MAIL  
mtouton@usbr.gov

RE: Reclamation's Consideration of 602(a) Storage in the No Action Alternative

Dear Commissioner Touton:

The Upper Division States of Colorado, New Mexico, Utah, and Wyoming ("Upper Division States") appreciate the opportunities the Bureau of Reclamation ("Reclamation") has provided for engagement in the National Environmental Policy Act ("NEPA") process related to the post-2026 guidelines for operation of Lake Powell and Lake Mead ("Post-2026 Guidelines").

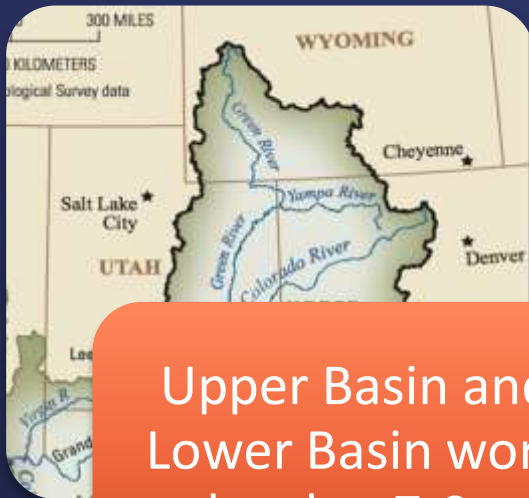
Recently, Reclamation presented the proposed No Action Alternative for the Post-2026 NEPA analysis. The presentations raised questions and concerns for the Upper Division States related to: (1) Reclamation's determination of the volume of water stored pursuant to § 602(a)(3) of the Colorado River Basin Project Act (P.L. 90-537) ("§ 602(a) Storage"); and (2) Reclamation's implementation of the long-range operating criteria pursuant to P.L. 90-537 ("LROC") under the proposed No Action Alternative. We request that these issues be addressed prior to undertaking further NEPA analysis in relation to the Post-2026 Guidelines.

Reclamation has made it clear that the proposed No Action Alternative does not meet the purpose and need for the Post-2026 Guidelines nor does it represent future operations in the absence of an action alternative. In the NEPA process, no action alternatives are intended to represent current conditions and reasonably foreseeable actions that could occur during the life of the project absent an action alternative being implemented. The No Action Alternative is therefore the "baseline," against which the Action Alternatives are compared.

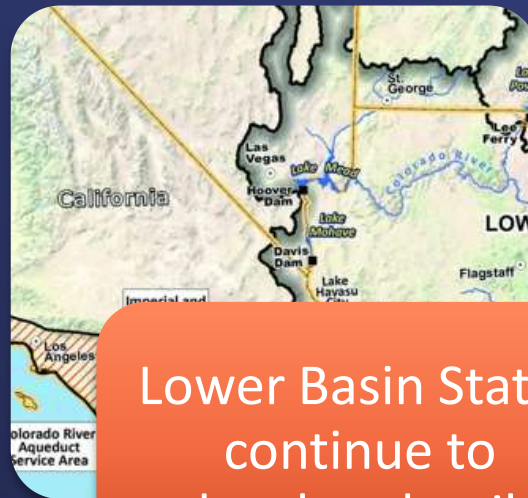
Section 602(a) Storage is intended to allow the Upper Division States to continue to meet their obligations under the 1922 Colorado River Compact ("Compact") without impairing their ability to consumptively use the waters of the Colorado River System apportioned to them in perpetuity by the Compact. Therefore, § 602(a) storage is of profound importance to both the Upper and the Lower Basins.

# During this Phase of EIS Development

- While Reclamation analyzes the alternatives, work in the Basin States continues



Upper Basin and Lower Basin work to develop 7-States consensus for Preferred Alternative



Lower Basin States continue to develop details regarding augmentation and storage



Within California – develop agreement regarding responsibilities for California's reductions



