



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

December 20, 2022

Reclamation 2007 Interim Guidelines SEIS Project Manager
Upper Colorado River Basin Region
125 South State Street, Suite 8100
Salt Lake City, Utah 84138
CRinterimops@usbr.gov

Dear Ms. Johnson,

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to comment on the Notice of Intent to Prepare a Supplemental Environmental Impact Statement for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (NOI). 87 FR 69043 (November 17, 2022). As noted in the NOI, if the low runoff conditions into Lake Powell and Lake Mead continue the U.S. Bureau of Reclamation's (Reclamation) ability to protect dam infrastructure, make full water deliveries and generate hydropower could be significantly impacted and result in the need to operate Glen Canyon and/or Hoover Dam beyond the scope of the 2007 Interim Guidelines Record of Decision. Any modifications made to operations of Lake Powell and Lake Mead as part of this process should continue to be consistent with applicable federal laws, interstate compacts, and decrees. Modifications to reservoir operations also need to protect public health, safety, and welfare, protect stored Intentionally Created Surplus, and provide more certainty to water contractors through the end of the interim period.

Metropolitan's Interest in Operation of Lake Powell and Lake Mead

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. Since the 1990s Metropolitan has been taking steps to plan for and invest in ways to adapt to increased demand for Colorado River water as well as reduced supplies due to drought and climate change. Lake Powell and Lake Mead elevations have been declining since the drought started in 2000, but now the reservoirs are near critical elevations and forecast to continue to decline.

Metropolitan asks that Reclamation work with our agency to help us continue to assure a reliable source of high-quality water for the 19 million residents who live in the Metropolitan service area. Changes in the operation of Lake Powell and Lake Mead could significantly affect Metropolitan because of the complex interaction of Metropolitan's junior priority to Colorado River water in California, recent historically low State Water Project allocations, and impacts on agreements that Metropolitan has with more senior priority contractors in California, most of which were entered into to replace water Metropolitan relied on to fill the CRA before the 2003 Quantification Settlement Agreement. Metropolitan holds a contract with Reclamation pursuant to Section 5 of the Boulder Canyon Project Act for 550,000 acre-feet of Colorado River water annually, and an additional 662,000 acre-feet of excess supplies when not used by senior priority contractors in California or by Arizona or Nevada. Metropolitan also augments those supplies through transfer and exchange agreements with Colorado River contractors in California that hold more senior rights. Through this combination, Metropolitan has access to more than one million acre-feet of Colorado River water per year.

In addition to potential impacts to Metropolitan's water supplies, changes to the operation of Hoover Dam could significantly impact Metropolitan's supply of hydropower generated at Hoover Dam. Metropolitan's power supply contract is for 27.1 percent of the power generated at Hoover Dam, making Metropolitan the largest Hoover power contractor. The power supply contract has a 50-year term that expires in 2067.

The 2007 Interim Guidelines included provisions for Intentionally Created Surplus (ICS). Metropolitan invested millions of dollars in conservation projects to create ICS to be available as an additional source of supply in years when drought in California reduced Metropolitan's ability to meet demands with the State Water Project (SWP) allocation and Metropolitan's normal annual Colorado River supplies. This supply has been important in years like this year and during California's extreme drought in 2014-15. While the Colorado River Basin has been in a drought and experiencing historically low runoff and elevations at Lake Powell and Lake Mead, the SWP has experienced historically low allocations. These record low SWP allocations led Metropolitan to declare a Water Shortage Emergency Condition in April, limiting the volume of water that agencies in Metropolitan's State Water Project dependent area can take. Over 6 million residents live in this portion of Metropolitan's service area. As of December 1, 2022, these member agencies used 35 percent less than was expected without emergency conservation. On December 13, 2022, the Metropolitan Board declared a Regional Drought Emergency for all of Southern California and called upon water agencies to immediately reduce their use of all imported supplies. By April 2023, Metropolitan will consider allocating supplies to all its 26 member agencies, requiring them to cut their use of imported water or face steep additional fees on water purchased from Metropolitan. The historically low SWP allocations have also required Metropolitan to draw down on dry year storage, including ICS. Given the 24-Month Study forecasts that show Lake Mead will decline below elevation 1,025 feet by the end-of-calendar-year 2023, Metropolitan's ability to rely on this important source of additional supply is in jeopardy.

Development and Evaluation of Alternatives

The NOI anticipates three primary alternatives will be considered. The No Action Alternative, Reservoir Operations Modification Alternative to be developed by Reclamation as a set of actions and measures adopted pursuant to Secretarial authority under applicable federal law, and the Framework Agreement Alternative. The Framework Agreement Alternative would be a consensus-based set of actions that builds on the existing framework for Colorado River Operations, including commitments included in the 2019 Drought Contingency Plan (DCP). Metropolitan supports the development of the Framework Agreement Alternative. If successful, a consensus-based alternative would build on the approach the Colorado River 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 and Section 5 Contractors in California worked together to develop the DCP.

This NOI comes only three years after Metropolitan acted with Reclamation and the Colorado River Basin States to reduce the risk of Lake Powell and Lake Mead declining to critically low elevations through the term of the 2007 Interim Guidelines by adopting the DCP. Reclamation, the Basin States, Tribes, and Section 5 Contractors developed the DCP to protect Lake Powell and Lake Mead from declining to critically low elevations through the interim period. Due to the very low runoff during the past three years, Lake Powell has declined to the Target Elevation identified in the Drought Response Operation Agreement in the Upper Basin Drought Contingency Plan, and the 24-Month Study forecasts Lake Mead declining to nearly elevation 1,020 feet, the elevation that the parties to the Lower Basin Drought Contingency Plan made commitments to protect.

The preferred alternative should build on the DCP parties' commitment to collectively work together to protect the reservoirs but because the last few years have demonstrated that the DCP was inadequate to protect Lake Powell and Lake Mead from declining to critical elevations during the interim period, the preferred alternative should include additional and/or new approaches to meet the DCP goals.

Any modifications to reservoir operation in the preferred alternative should:

i. Protect Stored Intentionally Created Surplus

Any modifications to the 2007 Interim Guidelines need to protect the ICS currently stored in Lake Mead. Metropolitan and the other water providers that have created ICS spent years and invested millions of dollars to conserve water that has helped to keep Lake Mead out of shortage before this year. Metropolitan's ICS alone added 19 feet to Lake Mead's elevation. 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 Guidelines and must not be delivered to any other user.

ii. Provide for Public Health, Safety, and Welfare Storage and Deliveries

Given the historically low elevations of Lake Powell and Lake Mead and the risk of these reservoirs declining below power pool identified by Reclamation's recent modeling, and the potential risk this presents to public health, safety, and welfare, the preferred alternative should protect sufficient storage in Lake Mead that will at minimum provide 18 months of deliveries to meet public health, safety, and welfare needs. As noted in the NOI:

[T]he Department has concluded that immediate development of additional operational alternatives and measures for Lake Powell and Lake Mead are necessary to ensure continued "operations that are prudent or necessary for safety of dams, public health and safety, other emergency situations ... 2007 Interim Guidelines at Section 7.D." 87 FR 69044

The preferred alternative should include provisions that assure that operations of the reservoirs provide sufficient water to meet public health, safety and welfare needs.

iii. Reduced Water Deliveries to Protect Infrastructure

If reductions in water deliveries become necessary to protect dam infrastructure at Glen Canyon Dam or Hoover Dam, those reductions should be imposed equitably on all users of Colorado River water such that system storage is not further depleted

iv. Include Provisions for Reservoir Operations in Dry, Average and Wet Conditions

The preferred alternative should include reservoir operations for a range of hydrologic and runoff conditions. The NOI describes the need for "the revised operating guidelines based on the potential that continued low runoff conditions in the Colorado River Basin could lead Glen Canyon Dam to decline to critically low elevations impacting both water delivery and hydropower operations in 2023 and 2024." 87 FR 69043. In addition to providing for reservoir operations in continued low runoff conditions, the preferred alternative should also include provisions for normal and high runoff conditions.

v. Apply Through the Interim Period

Because the risk of low runoff conditions and low reservoir conditions may extend past the 2023 and 2024 operating rules, revisions to reservoir operations made as part of this administrative process should apply through end of the term of the 2007 Interim Guidelines.

vi. Modifications to Operations of Lake Powell and Improvements to Glen Canyon Dam

Because Lake Powell declined below the Target Elevation and given the prospect of low runoff conditions, the continued safe operation of Glen Canyon Dam may require additional conservation in the Upper Basin. Reclamation should include improvements to Glen Canyon Dam that would safely permit operation of Glen Canyon down to elevation 3,490 feet and below in the Reservoir Operations Modification Alternative. The preferred alternative should include Upper Division State actions that help to assure sufficient water gets to Lake Powell to protect infrastructure safety, water deliveries and hydropower generation. Those actions may include a combination of releases from Colorado River Storage Project Act units and conservation in the Upper Basin.

Additional Efforts

In addition to the potential modifications to the 2007 Interim Guidelines described in the NOI, it will be essential for the U.S. and Mexico sections of International Boundary and Water Commission to work together to have Mexico share in reduced deliveries in parity with domestic users in the United States, similarly to how shortages were shared in Minutes 319 and 323. Metropolitan also asks Reclamation to update and apply Part 417 reasonable and beneficial use determinations to ensure that water delivered is not being wasted as soon as possible.

For nearly a century Metropolitan has helped Southern California grow and thrive by delivering high-quality water to the region, a region that is home to approximately 1 in 17 Americans. And now we're helping the region meet the challenges of climate change and extended drought. We need Reclamation's help in meeting this vital goal. Metropolitan looks forward to working with Reclamation throughout this process. If you need further assistance, please contact Ms. Shanti Rosset at 213-217-6030 or srosset@mwdh2o.com.

Thank you,

A handwritten signature in dark ink, appearing to read 'Adel Hagekhalil', with a stylized flourish at the end.

Adel Hagekhalil
General Manager