June 12, 2023

SENT VIA ELECTRONIC MAIL

The Honorable Camille Calimlim Touton
Commissioner
U.S. Bureau of Reclamation

Dear Commissioner Touton:

The undersigned organizations appreciate and support the decision to suspend the Draft SEIS for near-term Colorado River operations to prepare an updated analysis that can result in a Record of Decision this year. Taking a pause to consider the Lower Basin States’ plan to conserve an additional 3 million-acre feet (maf) of Colorado River water between now and 2026 serves the Colorado River Basin well. It affords the Bureau of Reclamation (Reclamation) time to build basin-wide consensus that avoids the otherwise destabilizing threat of litigation in the Basin for years to come. Just as importantly, it enables Reclamation to bring the Lower Basin plan from behind closed doors into an open process for public consideration and allows Reclamation to sufficiently analyze the full breadth of significant environmental impacts associated with each of the action alternatives (including the Lower Basin Plan) as required under the National Environmental Policy Act.

In the interests of furthering a successful outcome, this letter sets forth essential considerations that Reclamation should integrate into the updated analyses to help ensure the SEIS processes and near-term, system management decisions can be fully defensible going forward. It further underscores the urgent need to pivot attention as soon as possible toward the long-term, comprehensive management that the Colorado River community so greatly requires.

**Essential Near-Term Considerations**

*Consideration #1 – Incorporate measures to accomplish proposed near-term actions in an environmentally sound manner.* Uncertainties in the Colorado River water supply and the Basin’s resources are inevitable amid the 20+ year drought that has been accelerated by climate change. But that should not be an excuse for exacerbating such impacts when taking actions to stabilize the system. Environmental laws have expanded Reclamation’s responsibilities beyond managing the federal...
infrastructure to allocate water supplies. They further require Reclamation to consider how to best accomplish that responsibility in an environmentally sound manner.¹

To fulfill this directive, the goal for the SEIS process must be twofold: (1) identify what to do between 2023 and 2026 to “address historic drought, historically low reservoirs and low run-off conditions in the Basin;” and (2) identify how best to accomplish it. The updated SEIS materials should consider whether and how proposed operations can be implemented to help mitigate, where possible, impacts to fundamental resources to ensure they are not driven to irrevocably fail or collapse because of responses to the ongoing Colorado River crisis.

**Consideration #2 – Factor critical natural resources into near-term basin management decisions.**

Elements critical to the continued functioning and character of the Colorado River Basin must be factored in when addressing near term risks to reservoir operations and water supply. The SEIS process to date has identified system integrity as a critical factor of the proposed near-term actions. System integrity is not solely dependent on maintaining the intended design and purpose of federally constructed infrastructure within the Basin. It also involves supporting priority natural resources essential to the overall system that Reclamation helps manage and the SEIS seeks to uphold. Resource considerations that are particularly relevant to ensuring functional integrity consistent with Reclamation responsibilities and purpose and need of the SEIS include:

1. Preserving ESA compliance through the endangered fish recovery programs in the Upper Basin and the Lower Colorado River Multi-Species Conservation Program (LCR MSCP).
2. Safeguarding the functionality of the Grand Canyon ecosystem and recreational values.
3. Maintaining wetlands at the Salton Sea to minimize public health impacts of toxic dust and benefit bird habitat along the Pacific Flyway.
4. Avoiding loss of endangered species habitat within the Ciénega de Santa Clara.
5. Protecting watershed health to promote reliable water supplies and avert destruction of functioning natural and social systems.

**Consideration #3 – Expand the SEIS analysis to fully identify and assess the consequences of proposed action alternatives and better inform decision makers and the public of natural resource impacts throughout the Basin.** Near-term management actions cannot be considered in a silo. They must be developed and evaluated with an eye toward understanding (and minimizing) the consequences that current circumstances and potential future actions have on resources within the Basin. At minimum, the updated SEIS materials should:

1. **Identify the full extent of impacts to and potential mitigation strategies for resources and communities wherever they are located in the Basin.** Dead pool at Lake Mead would devastate the communities, economies and every living thing that depends on the Lower Colorado River. Significant reductions in water deliveries to forestall such a situation also would have far

¹ Recognizing an environmental role in its management authorities, Reclamation’s mission provides: “The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.”
reaching impacts throughout the Lower Basin. Resources like the Salton Sea and the Ciénega de Santa Clara as well as communities, municipalities and irrigated farmlands throughout the Basin may have to adjust to significant cuts to Lower Basin water supplies. As such, updated SEIS materials need to acknowledge and assess the causal and cumulative impact of the proposed alternative actions on natural resources and systems wherever they are located.

If it is not possible for Reclamation to pinpoint the direct or indirect impacts to specific water users, communities or resources within the Basin, the SEIS update still needs to identify and describe as best it can the breadth and extent of the potential consequences, including consequences off the river where water supply will change – i.e., a general discussion on the range of possible consequences that the Basin should be prepared to absorb. This could include generalities where necessary to describe impact possibilities on the human environment (communities, economies, cultural values, livelihoods) and natural resources (soils, surface and groundwater sources, air, vegetation, wildlife, habitats, etc.) if significant reductions to available Lower Basin water supplies are not mitigated going forward. It could also identify current and potential mitigation opportunities (such as incentives to maintain cover crops) that may help minimize the general effects. To this end, Reclamation recently announced an agreement to provide significant funds to help mitigate the impacts of the worsening drought crisis impacting the Salton Sea. The recently announced Lower Basin Plan also highlights funding from the Inflation Reduction Act and Bipartisan Infrastructure Law as key elements to the proposed action alternative. The SEIS update should expressly call out these funding efforts and the anticipated mitigation going forward.

2. *Identify whether and how damage to LCR MSCP habitats will be avoided.* The LCR MSCP partners require a secure water supply for the existing MSCP habitat sites to fortify the federal – and state and water user – responsibility to the dozens of native and imperiled species, even as diversions from the river are reduced. SEIS updates should identify the path toward securing a sufficient water supply or mitigating the effects of a reduced water supply to assure Lower Basin consistency with the ESA going forward.

3. *Identify Grand Canyon impacts and operations to fill the gap between actions contemplated under the 2016 LTEMP and proposed SEIS action alternatives.* The Grand Canyon ecosystem is significantly influenced by the volume and timing of releases from Glen Canyon Dam. Both the current SEIS analyses and the newly announced Lower Basin Plan contemplate reduced releases from Glen Canyon Dam in certain circumstances to help address historically low flow and storage conditions in the Colorado River system. Updated SEIS materials must identify the impacts of these changed releases on Grand Canyon resources to fully inform decision makers and the interested public of the possible consequences of a proposed action. Specifically, the SEIS materials need to go beyond mentioning how annual release volumes will be managed consistent with the Long-Term Experimental Management Plan (LTEMP) “to the extent possible,” and identify what will happen to resources when the LTEMP cannot function as contemplated under the 2016 LTEMP EIS. As part of this process, the updated SEIS analyses should address: (1) How the SEIS will itemize the cumulative effects that the proposed changes to Glen Canyon Dam releases have on Grand Canyon resources to inform decision makers and
the public; (2) Whether additional actions will be incorporated into the near-term SEIS process to fill the void between when regular LTEMP operations can occur and when the proposed timing and volume of releases from Glen Canyon Dam under the proposed action alternatives fall outside the modeling used to inform the LTEMP Record of Decision; or (3) Whether the LTEMP itself will be updated through a separate process to fold the SEIS’ operational framework for changed annual releases at Glen Canyon Dam into the LTEMP process consistent with the Grand Canyon Protection Act. Ongoing experimental and management efforts pursued by the Glen Canyon Adaptive Management Program due to low flow and storage conditions also need to be factored into but not delayed by the SEIS process. These efforts, which may result in cumulative impacts relevant to the SEIS, currently include evaluation of adjustments to triggering windows for High Flow Experiments as well as investigation of appropriate measures to minimize small mouth bass entrainment below Glen Canyon Dam as previously noted in the original DSEIS.

4. **Identify and address the effect (if any) of salinity changes on Lake Mead storage or water deliveries to Mexico.** SEIS updates should identify whether the proposed federal action will affect salinity in the Lower Colorado River, and whether deliveries to Mexico or storage conditions at Lake Mead will be influenced as a result. Impacts considered should include the ability of the United States to comply with Minute 242, Reclamation’s ability to use Yuma-area pumped return flows as a component of delivery to Mexico, Reclamation’s ability to deliver water to Mexico at the rates and times requested (a key area of binational cooperation identified in Minute 323), and implications for the volume of water Reclamation must release from Lake Mead for Mexico’s delivery. Reclamation should identify, analyze, and describe each of these impacts to ensure the United States and Mexico can continue to work collaboratively, with shared information, to maintain the benefits achieved under the terms of recent binational Colorado River agreements.

5. **Clarify the role of DROA releases and their environmental impacts in the Upper Basin.** At minimum, SEIS updates should more directly clarify how conformance with the DROA and implementing documentation eliminates the need to consider impacts to relevant natural resources as part of the SEIS process. Moreover, future updates should confirm how reliance on and implementation of DROA releases as modeled in the SEIS will work and to ensure that they are not operated at the expense of the Upper Colorado and San Juan Recovery Implementation Programs that help ensure compliance with the Endangered Species Act in the Upper Basin.

**Comprehensive Management Considerations**

Near-term management strategies are undeniably important; however, they do not address the long-term challenges confronting the Colorado River Basin. We are encouraged and support Reclamation’s decision this month to initiate the process for developing new operational guidelines that will replace the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead at the end of 2026. In parallel, we must ramp up the pace and scale of durable practices that will help the Basin adapt to the extreme conditions that are anticipated and experienced in the region. We believe this is a shared interest we have with Reclamation and stand
ready to work cooperatively for the benefit of the Basin. Concurrently with pursuing the updates to the SEIS process, we believe Reclamation needs to initiate comprehensive management efforts that include:

1. **Committing funds to incentivize durable, multi-benefit projects that will help adapt the Basin to water supply extremes.** To date, Reclamation has needed to focus investment on short-term measures that work to immediately conserve water in Lakes Powell or Mead. If we are to endure the conditions trending toward aridification in the Basin, however, we must do more and do so quickly. Reclamation can lead this effort by not only directing the remaining funds from BIL and IRA toward long-term, durable measures, but also doing so in a manner that incentivizes the Colorado River community to pursue multi-benefit activities that can be efficiently deployed to improve watershed health including natural resource and ecosystem functionality and help fortify the fundamental integrity of the system for the long-term.

2. **Instituting reliable communications to promote trust and cohesion.** To enlist public confidence in future Colorado River management decisions, the Basin’s decision makers need to develop and employ a framework for daylighting comprehensive management considerations in a transparent and inclusive manner. This will require formalizing a process for avoiding the appearance of backroom deals or accusations of inequity in determining long-term management options for the Basin. At minimum, the framework should: (1) integrate Tribal representatives into the relevant negotiations and decision making discussions; (2) keep the interested public informed of comprehensive management developments as they progress; (3) involve a diverse group of stakeholders, including environmental NGOs, to participate and provide important feedback and perspectives in the upcoming decision making processes; and (4) provide opportunity for iterative discussion with and feedback from stakeholders with a proven record of problem-solving and collaboration.

We recognize and value the important steps that Reclamation is taking to manage the Colorado River Basin in the near-term and for decades to come. We are committed and look forward to working together to advance workable solutions that can benefit all parts of the Basin going forward.

Signed:

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