

<DRAFT> YWG Basin Position Statement: Crisis on the Colorado River <Draft>

Pending Final Approval

Introduction

The current crisis on the Colorado River is well documented. Overuse, reduced flows, and historically-low reservoir levels have put all water users at risk. It is imperative that short-, medium-, and long-term changes be made in the operational strategies and policies throughout the Colorado River System. This document outlines the key concepts that the Yampa/White/Green Basin Roundtable believes are critical to bringing an end to crisis-driven emergency operations. It addresses both Drought Relief/Short-Term Solutions and Post-2026 Operational Strategies, with the goal of returning the river and reservoir systems to healthy function within the current multiyear drought and beyond.

Background on Roundtable Structure and Purpose

The State of Colorado facilitates and organizes water planning through a Roundtable structure. Each of the nine Basins in the State is represented by a Roundtable of elected and appointed members. Each Roundtable works both autonomously and collaboratively with other Roundtables to address projects and policy issues within each Basin and across the State. The Yampa/White/Green Basin Roundtable serves in this capacity for 3 important tributaries to the Colorado River.

The Yampa/White/Green Basin has a keen strategic interest in the current crisis on the Colorado River. The importance of these three rivers to our Basin cannot be overstated; they are the lifeblood of our economy, the backbone of our communities, and affect every person every day.

Despite a perception among some outside the Basin, the current drought has already had significant impact in the Yampa/White/Green. All water users have experienced natural reductions in available water for agricultural, commercial, municipal, recreational, and residential uses during the past few years. Especially for tributary water right holders, drought-reduced flows have created water-short systems that result in 'natural curtailment' of usage. Because natural curtailment has become commonplace, water users in our Basin have adjusted to these shortages, but its impact accumulates, and becomes more significant in each year of persistent drought.

Awareness of the drought and the Lower Basin States' continued water use beyond apportioned amounts is high in our Basin. Our Basin is directly impacted by the decisions that the Bureau and the Upper Colorado River Commission ("UCRC"), together with the Upper Basin ("UB") and Lower Basin ("LB") States, make when attempting to mitigate immediate shortages and to operate the Colorado River system sustainably over the long term.

Drought Relief and Short-Term Solutions

The structure of the 1922 Colorado River Compact ("Compact"), the 1944 Treaty with Mexico, and the 1948 Upper Basin Compact (collectively "Compact Agreements") places the risk for hydrological shortfalls, such as those due to persistent drought or global climate change, entirely on the Upper Basin States. In addition to rising temperatures that reduce snow and rain, drier conditions also mean poor soil moisture, which further reduces inflows to the River.

Although the Compact Agreements did not contemplate persistent drought and its impact, the fact remains that the UB has continued its efforts to meet the obligation to provide the LB with the full amount apportioned

under the Compact. The efforts of the UB, in conjunction with the Bureau, have resulted in supplementing Lakes Powell and Mead in the amount of 661 KAF (see Cullom letter to Touton, dated July 22, 2022) from other Colorado River Storage Project ("CRSPA") reservoirs over the past 2 years, leaving the UB with very little margin for recovery. Meanwhile, as the UB-supplemented inflows to Lake Powell fell from 12.9 MAF in 2019 to 3.5 MAF in 2021 (for an average inflow of 7.4 MAF), the LB received releases of 9.0, 8.23, and 8.23 MAF respectively over the same period (an average of 8.5 MAF.) Further, using the 2007 Operating Guidelines, the LB also received an average of 1.16 MAF of releases from Lake Mead, bringing total LB annual average usage over the 3-year period to nearly 9.7 MAF, far exceeding the Compact apportioned amount of 7.5 MAF.

Consequently, the combined impact of persistent drought, overuse by the LB, and existing management practices has created a nearly-empty CRSPA reservoir system. Immediate and significant changes to operating strategy and policy must be implemented to stop this unsustainable result. Incremental changes are no longer viable; forthright leadership is required to establish science-based and non-political operating policies that are developed within the framework of the Compact Agreements.

The Y/W/G Basin believes that the short-term path forward should incorporate the following:

1. Move forward with the 5 Point Plan as proposed by Executive Director Cullom in his letter to Commissioner Touton of July 22, 2022, with the caveat that the System Conservation Pilot Program ("SCPP") re-authorization be limited to pilot-scale programs; develop and implement the Drought Response Operations Plan (DROP) for the UB, including the provision to complete the DROP by April, 2023, and implement the DROP by July, 2023.
2. Promote and participate in the existing Colorado- and UB-wide Drought Contingency Plan (DCP), including a Demand Management (DM) component that is aligned with the Y/W/G DM Principles paper.
3. Avoid 'buy-and-dry' programs for the purposes of moving agricultural and municipal water from the Upper to the Lower Basin; ensure that the terms of any lease of agricultural land for the purposes of temporary water migration under the proposed large-scale Bureau/UCRC SCP is subject to approval by a joint CWCB/CRD administrative body appointed for that purpose; to the extent possible, develop SCP lease terms that meet the constraints outlined in the Y/W/G DM Principles paper and the strawman DM Market Structure Conceptual Proposal document put forward by the River District.
4. Ensure that all UB-conserved water, whether through the Drought Response Operations Agreement (DROA) or DCP/DM, remains in Lake Powell; protect any water moved downstream from a CRSPA facility into Lake Powell for the purposes of infrastructure or power operation, or any water conserved through DROA/DCP/DM measures, for its intended purpose, which is to ensure that the UB can meet future Compact obligations.
5. Operate the Colorado River System based on known and forecasted available hydrological resources rather than relying on current reservoir levels; invest in snow pack monitoring and other weather forecasting technology, including soil moisture measurement, to inform reservoir operations on a short-horizon basis.
6. Address structural deficit accounting in the LB; institute accounting procedures to deal with system losses, including transit and evaporative losses, in a proportional and fair manner to ensure that losses are shared equitably between both Basins.
7. Prioritize projects that improve infrastructure and drought relief; streamline the approval, permitting, and funding processes to speed up bringing projects on-line.

8. Develop and implement a conserved consumptive use plan to ensure that the LB reaches and maintains water usage levels within the limits of its fair apportionment as intended by the Compact Agreements, in no case exceeding an annual average of 7.5 MAF including appropriate evaporative losses, and accounting for changes in hydrology and climate that may reduce available water and further limit LB use.
9. Ensure that all policies and operational strategies are aligned with the legal framework of prior appropriations and established Colorado water law.

Post -2026 Operating Principles

River system operations are now primarily governed by the 2007 Interim Guidelines that expire in 2026 and which, to an extent, are responsible for the current Colorado River crisis. The Y/W/G believes the post-2026 Guidelines for Operational Strategies that are now being designed and developed by the Bureau should address the following:

1. Plan for a range of future hydrological and growth scenarios; the future operating principles should account for forecasted hydrology and growth, including snow pack monitoring and other weather forecasting technology, and soil moisture measurement, rather than relying exclusively on historical and current reservoir levels.
2. Allocate risk from climate change fairly between Upper and Lower Basins; use a methodology based on known scientific climate/drought impacts to adjust future Powell releases.
3. Formalize and codify operating policies to ensure that UB-conserved water (DROA or DCP/DM) remains in Lake Powell; protect any water moved downstream from a CRSPA facility into Lake Powell for the purposes of infrastructure or power operation, or any water conserved through DROA/DCP/DM measures, for its intended purpose, which is to ensure that the UB can meet future Compact obligations.
4. Use small, incremental releases balanced with conservation to meet shortages, rather than large-volume, tier-based releases.
5. Formalize and codify operating policies to address structural deficit accounting in the LB; institute accounting procedures to deal with system losses, including transit and evaporative losses, in a proportional and fair manner, so that losses are shared equitably between both Basins.

Conclusion

Recognizing that it will require collaboration across the entire system to resolve our current challenges, we in the Yampa/White/Green Basin Roundtable stand ready to do our part. We intend to support fully a unified approach to resolving this crisis, as a member of the Colorado River District, the state of Colorado, the Upper Basin of the Colorado River System and that System as a whole. We commit to work with the Bureau, the UCRC, and representatives of Upper and Lower Basin States to find solutions that will be practical and sustainable, and that benefit all people in the Colorado River System.

With that said, we must also reiterate that along with our Basin's, State's, and the Upper Basin's efforts, there must be focused, concerted conservation in the Lower Basin, resulting in realistic and sustainable usage within the limits of its intended Compact appropriation, including evaporation, and accounting for reduced hydrology. And beyond 2026, operating principles implemented for the Colorado River System must be sustainable, fair, and equitable.