

IMAGINING THE RIVER WE DESERVE

HOW THE POST-2026 RULEMAKING IS ONLY ONE STEP TOWARDS SUSTAINABILITY

(May, 2024)

It is, once again, a busy time on the Colorado River. Many of the rules that govern the operation of the plumbing system, including those pertaining to reservoir releases and deliveries to many Lower Basin and Mexican water interests, are expiring at the end of 2021. The current rules have been insufficient to recover from the precariously low reservoir storage levels that have existed since 2005, the exception of occasional bumps from wet years in 2011, 2017, 2019, and 2023 have forced some Lower Basin water users to experience water curtailments for the first time. A federal Supplemental Environmental Impact Statement (SEIS) has recently been issued to guide reservoir operations and deliveries through 2026. That deal codifies a halfhearted and messy compromise among the states made possible by a wet 2023 combined with an influx of federal dollars.

are durable and comprehensive
issuing processes ready to meet the
needs?

Post-2026 Rules for Coordinated Reservoir Management

The activity that will dominate Colorado River headlines over the next 2-3 years is the negotiation of the post-2026 rules—a tightly structured EIS process that calls for the selection of “alternatives” for consideration, the analysis of those alternatives, and the selection of a preferred (then final) alternative—or mix of alternatives—that best accomplishes the stated goal of the rulemaking. The Scoping Report prepared by the Bureau of Reclamation describes the central goal of this effort as the adoption of “specific guidelines and coordinated reservoir management strategies to address operations

¹ The primary expiring agreement is the Interim Guidelines. Also expiring are the Drought Contingency Plans (DCPs) and Minute 323. See Colorado River Basin: Colorado River Post 2026 Operations, Bureau of Reclamation at <https://www.usbr.gov/ColoradoRiverBasin/post2026/index.html>

² <https://www.usbr.gov/ColoradoRiverBasin/interimguidelines/seis/>

of Lake Powell and Lake Mead through their full operating range. In this respect, the post-2026 rules

specific, quantitative scheme for reservoir operations, but reiterates that any approach considered must actively protect Tribal water rights, give Tribes “flexible tools” to use and manage their rights, and expand and formalize Tribal participation in all Colorado River Basin policy and governance activities.

Thinking Beyond the Mass Balance Problem: Parallel Processes

In addition to addressing the mass balance problem on the river itself, the basin-scale mismatch between water consumption and supplies, the proposals each, to widely varying degrees, acknowledge that the development of new reservoir operating rules that implement a more balanced water budget is only half of the “heavy lift” facing the Colorado River community. The remaining elements speak to the realization that the river is far more than a plumbing system requiring skillful operation, but is also the ecological and cultural centerpiece of the Southwest. If a reminder of reality were needed, it was provided in the majority of comments submitted as part of the EIS scoping process, summarized by Reclamation as urging a more holistic view of the system to include the integrity and health of the river and its tributaries, a perspective which, among other things, includes a consideration of environmental justice, “preserving natural and cultural values,” acknowledging and incorporating the rights and authorities of all Basin sovereigns. A partial list of action items includes the need to

