



UPPER COLORADO RIVER COMMISSION

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February 27, 2023

VIA ELECTRONIC MAIL

tanya_trujillo@ios.doi.gov
The Honorable Tanya Trujillo
Assistant Secretary, Water & Science
U.S. Department of the Interior
Washington, DC 20240

mtouton@usbr.gov
The Honorable Camille Calimlim Touton
Commissioner
Bureau of Reclamation
Washington, DC 20240

RE: Amendment 1 to Attachment C of the 2022 Drought Response Operations Plan

Pursuant to the Drought Response Operations Agreement (“DROA”), the States of Colorado, New Mexico, Utah, and Wyoming (collectively, the “Upper Division States”), through the Upper Colorado River Commission, respectfully submit an amendment to Attachment C of the 2022 Drought Response Operations Plan in accordance with our request of February 9, 2023.

DROA anticipates a continuing analysis of effectiveness during the life of a Plan to achieve the goals and intent of the DROA. In the 2022 Plan, the DROA Parties agreed that they may amend the Plan as necessary, and upon mutual agreement, based upon changing conditions and monitoring activities. The DROA Parties further agreed that any Plan may be modified, adjusted, or ended through the adoption of an amendment to the applicable Attachment(s). Since the DROA Parties adopted the 2022 Plan, hydrologic conditions in the Upper Colorado River Basin have proven to be wetter than projected in the April 2022 24-Month Study, which formed the basis of the 2022 Plan. Moreover, the 2022 DROA Plan implemented on May 1, 2022 has already helped achieve the intended purpose of keeping Lake Powell levels above critical elevations. Therefore, the Upper Division States submit this amendment in response to the improved hydrology, concurrent analysis of effectiveness, and in accordance with the following provisions of DROA:

- DROA II A 3 h – “Monitoring: The Parties agree to include monitoring activities as appropriate as part of any drought response operations (release or recovery of storage). The Parties will *incorporate the results of such monitoring into consideration of whether to begin, end, or modify drought response operations.*”
- DROA II A 3 i – “Forecast Uncertainty: Because modeling projections that will be considered and relied upon for any drought response operations cannot predict precise conditions at any given time in the Upper Basin, plans for drought response operations developed in accordance with Section II.A.4.b *shall provide sufficient flexibility to begin, end, or adjust operations as needed based on actual hydrologic conditions.*”

This amendment will suspend releases under the Drought Response Operations at Flaming Gorge beginning on March 1, 2023, and continuing through April 30, 2023 (the remainder of the 2022 Plan Year). Further, we acknowledge the possibility of a further amendment to the 2022 Plan, in accordance with DROA, to address recovery at Flaming Gorge Reservoir during the Plan year.

The Upper Division States recognize that the ongoing drought requires prudent management of available Colorado River flows and monitoring of Lake Powell elevations and risk to critical infrastructure at Glen Canyon Dam. The improvement in projected inflows to Lake Powell this water year, based upon the February 2023 24-Month Study, provides a critical opportunity to retain storage in Flaming Gorge in March and April 2023 consistent with the DROA and the 2022 Plan. Taking this action now will provide greater flexibility in consideration of future DROA operations if dry conditions persist or worsen.

Although the 2022 Plan was implemented concurrently with the Secretary's action to reduce Lake Powell releases by 480,000 acre-feet in 2022, Assistant Secretary Trujillo recognized in her April 2022 approval of the 2022 Plan that "the 2022 Plan is independent of any potential actions under the 2007 Guidelines."

Given the current conditions, Drought Response Operations releases at Flaming Gorge are no longer needed to protect critical elevations at Lake Powell for the remainder of the 2022 Plan Year. Continuing releases would obviate the effectiveness of the 2022 Plan by creating the unintended consequence of causing lower Lake Powell elevations than would have occurred without the 2022 Plan. If conditions change, the 2023 DROA planning process can and will address changing conditions.

Finally, Upper Division States and UCRC staff intend to confer with Reclamation and the Lower Division States as soon as possible regarding the disposition of the 480,000 acre-feet 2022 Cooperative Action, DROA 2023 Plan Recovery and accounting, and potential balancing releases from Glen Canyon Dam in WY 2023.

The Upper Division States would appreciate your prompt response to this amendment to begin implementation on March 1, 2023.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. R. Cullom', written in a cursive style.

Charles R. Cullom
Executive Director

Amendment 1 to Attachment C

2022 Drought Response Operations Plan

Overview

Based upon actual hydrologic conditions in the Upper Colorado River Basin, this Amendment 1 to Attachment C amends the 2022 Plan by suspending releases under the Drought Response Operations (DRO) at Flaming Gorge, beginning on March 1, 2023, through the remainder of the Plan Year.

Both the Drought Response Operations Agreement (DROA) and the 2022 Plan explicitly acknowledge the need for Drought Response Operations to be flexible in light of variable hydrologic conditions, including the possibility of suspending releases. The 2022 Plan was based on April 2022 projections which, while the best available at the time, were inherently uncertain due to unknown hydrologic conditions. This type of uncertainty requires continuous monitoring and the ability to adjust operations based upon actual hydrology to achieve the purpose and intent of the 2022 Plan. Accordingly, Section 8 of the 2022 Plan requires monitoring activities, to provide “sufficient flexibility to begin, end, or adjust Drought Response Operations as needed based on actual hydrologic conditions.” Section 8 of the 2022 Plan further contemplates that, “[b]ased upon monitoring activities, and only upon mutual agreement of the DROA Parties, any Plan may be modified, adjusted, or ended through the adoption of an amendment to the applicable Attachment(s).”

Any terms contained in Attachment C of the 2022 Plan not expressly amended herein shall remain unchanged. Further, the DROA Parties acknowledge the possibility of a further amendment to the 2022 Plan, in accordance with DROA, to address recovery at Flaming Gorge Reservoir during the Plan year.

Effectiveness

The DROA and Section 5.3 of the 2022 Plan also require the Parties to evaluate effectiveness before adopting a Plan and anticipate the continuing analysis of effectiveness during the life of that Plan. The initial analysis considered the reduction in risk of Lake Powell declining below elevation 3,525 feet or 3,490 feet with contemplated release volumes of approximately 500,000 acre-feet from Flaming Gorge Reservoir. Moreover, the overall effectiveness of the 2022 Plan was considered with the operational actions the Secretary of Interior proposed to take at Lake Powell during water year 2022, in particular reducing Glen Canyon Dam releases from 7.48 MAF to 7.0 MAF, consistent with her authorities under the 2007 Interim Guidelines. Taken together, the DROA Parties determined that the 2022 Plan and the Secretary’s proposed 480,000 acre-feet reduction in release volumes from Lake Powell during water year 2022 would delay or avoid the operational uncertainties associated with Lake Powell elevations declining below 3,490 ft.¹

¹ Although the 2022 Plan was implemented concurrently with the Secretary’s action to reduce Lake Powell releases, “the 2022 Plan is independent of any potential actions under the 2007 Guidelines.” Recommendation to approve 2022 Drought Response Operations Plan, concurrence by Assistant Secretary Tanya Trujillo, April 29, 2022.

However, due to unknown and variable hydrology, the DROA Parties recognized that DRO releases at Flaming Gorge had the potential to cause an increase in Lake Powell annual releases under the Lower Elevation Balancing Tier. Similarly, in their letter dated April 22, 2022, the Basin States acknowledged that water year 2023 Lake Powell releases would need to be carefully monitored to avoid the unintended and perverse consequence of causing lower Lake Powell elevations than would have occurred without the 2022 Plan.²

Hydrology

Actual hydrologic conditions indicate that continuing releases from Flaming Gorge per the 2022 Plan are no longer needed to protect the critical elevations at Lake Powell under the DROA for the remainder of the Plan Year. The projected wet conditions provide a critical opportunity to prepare for future dry conditions by preserving and retaining storage in upstream Initial Units consistent with DROA.

The February 24-Month Study Most Probable scenario shows Lake Powell ending Water Year 2023 at elevation 3,555.45 feet and the Minimum Probable scenario shows an elevation of 3,544.04 feet at the end of Water Year 2023. The improved hydrologic conditions are projected to increase elevations at Lake Powell, resulting in no significant risk that Lake Powell will drop below critical elevations for the remainder of the 2022 Plan year. Based upon the February 2023 24-Month Study, DRO releases at Flaming Gorge are no longer needed and, if continued, would obviate the effectiveness of those releases.

Suspending DRO Releases from Flaming Gorge

Beginning March 1, 2023, DRO releases from Flaming Gorge under the 2022 Plan will be suspended. The DROA Parties anticipate that this will result in the total volume of water released from Flaming Gorge under the 2022 Plan to be approximately 461,000 acre-feet, or approximately 39,000 acre-feet less than the 2022 Plan originally identified. The actual volume of DRO releases from Flaming Gorge shall be confirmed, and the Account Balance reconciled at the end of the Plan Year, pursuant to Section 6.1 of the 2022 Plan.

Based on the February 2023 24-Month Study, Lake Powell elevations stay well above 3,490 feet through Water Year 2023, even with the reduced inflow from Flaming Gorge in March and April 2023. Accordingly, this Amendment will have minimal impact on Lake Powell elevations in Water Year 2023.

Consultation, Coordination, and Outreach

As set forth in Section 8 of the 2022 Plan, amendments to a Plan should follow the “Consultation, Coordination, and Outreach” provisions in Section 7 of the 2022 Plan “except when an imminent need does not permit sufficient time” to do so.

The DROA Parties recognize this amendment needs to be implemented quickly due to changing hydrology to achieve the purpose and intent of the 2022 Plan. The DROA Parties will use their

² See Letter from Governor’s representatives, Colorado River Basin States (April 22, 2022), stating: “water year 2023 releases should be carefully monitored and be the subject of consultation with the Basin States to preserve the benefits to Glen Canyon Dam facilities and operations from both the proposed 2022 Drought Response Operations Plan and the proposed temporary reductions in releases from Glen Canyon Dam.”

best efforts to satisfy the consultation, coordination, and outreach provisions as described in Section 7 of the 2022 Plan. This includes communication with the 30 Tribes per Section 7.3, coordination within the Department of the Interior per Section 7.4, WAPA per Section 7.5 and Initial Unit Workgroups per Section 7.6.

Pursuant to Section 7.2 the Upper Division States have had regular meetings with Upper Division Tribes that have included regular engagement on the status of Drought Response Operations. Upper Division Tribes have also participated in the monthly monitoring meetings described below.

DROA Monitoring Monthly Workgroup: Monitoring meetings have occurred monthly, as agreed among the DROA Parties. Monitoring information shared has included the most current hydrological conditions and projections. A call was held February 22, 2023, which described the proposed amendment. Participants in the DROA Monitoring Monthly Workgroup include the DROA Parties, the Upper Basin Tribes, as well as the National Park Service, the Fish and Wildlife Service, and the Western Area Power Administration.

Lower Colorado River Division States: The DROA Parties consulted with the Lower Division States regarding the proposed Amendment beginning on February 10, 2023, through February 27, 2023.