



# UPPER COLORADO RIVER COMMISSION

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June 1, 2026

Scott J. Cameron  
Acting Commissioner  
U.S. Bureau of Reclamation  
1849 C Street, NW  
Washington, D.C. 20240-0001

VIA ELECTRONIC MAIL

RE: Upper Division States' Input on Reclamation's Response to the Lower Division States' 2027–2028 Operating Concept, Dated May 28, 2026

Dear Acting Commissioner Cameron:

On Thursday, May 28, 2026, Reclamation shared with the Upper Division States (UDS) its response to the Lower Division States' (LDS) Proposal for 2027–2028 Colorado River Operations (BOR Response). At that time, you requested a response from the UDS, noting, "Interior and Reclamation have communicated with the Lower Basin to better understand their proposal..." In the BOR Response itself you state that "the Department and Reclamation have met repeatedly with the Lower Division States to better understand the proposal." Reclamation, however, has not met repeatedly with the UDS to better understand the UDS proposals. On May 28, 2026, Reclamation requested input from the UDS on the BOR Response by Monday, June 1, 2026, two business days after providing the BOR Response. We have concerns that the BOR Response, which includes adjustments to the LDS proposal, may be pre-decisional. Assuming, however, the intent is to work towards a consensus agreement within the NEPA process, our initial input is provided herein through the Upper Colorado River Commission.

Reclamation's process to develop post-2026 operations of Lake Powell and Lake Mead has morphed since the public comment period on Reclamation's Draft Environmental Impact Statement closed on March 2, 2026. The May 28 request follows numerous other requests for additional UDS input on the post-2026 operations of Powell and Mead, beginning with Reclamation's request on April 24, 2026. The UDS provided a letter on May 1, 2026, which included a proposed framework for 2027–2028 operations of Lake Powell. The UDS' May 1 letter also included elements outside the NEPA process, including provisions for a continued, collaborative approach to operating the Upstream Initial Units (UIUs) and a framework for Upper Basin contributions.

On May 21, 2026, the UDS provided written input on Reclamation's preliminary Preferred Alternative (PPA). The following day, May 22, 2026, the UDS sent a letter outlining a four-state consensus on concepts for operations upstream of Lee Ferry and input on the LDS' original 2027–2028 operating concept. The UDS understand modifications have been made to the LDS' original 2027-2028 operating concept that have not been made available to the UDS.

BOR's Response fails to incorporate any element of the UDS operational framework or the UDS May 22 written response to the LDS proposal. Reclamation has an obligation to engage with the UDS in a meaningful way, and it has failed to do so. Reclamation must conduct a technical analysis of the UDS' proposed operation of Lake Powell for 2027 and 2028 and provide a written response to the UDS. All Basin States must have equal opportunities to consult with Reclamation so that Reclamation can conduct a technically robust and transparent analysis to fully inform Reclamation's decision-making for post-2026 operations. Additionally, Reclamation must meet and consult with the UDS on issues that are outside the scope of this NEPA process that impact the UIUs. Future UIU operations require successor agreements between the UDS and Reclamation. The UDS stands ready to begin negotiations with Reclamation.

The UDS provide the following additional comments on BOR's Response:

1. The operation of the UIUs is outside the scope of the Post-2026 NEPA process and cannot be incorporated into the Record of Decision as part of the 2027–2028 operations. BOR's Response explicitly includes UIU operations without justification or authority. The UDS recognize that the operation of the UIUs can, when appropriate, support operations at Lake Powell. However, Reclamation must be clear that those operations are outside the scope of the Post-2026 NEPA process and will be governed by a successor agreement to the Drought Response Operations Agreement (DROA) between Reclamation and the UDS and not through unilateral actions by Reclamation. Such an agreement should apply for the full period covered by the Record of Decision to provide certainty and stability to the system. Additionally, Reclamation's proposed operation of the UIUs exceeds Reclamation's authorized operational discretion. Reclamation appears to prospectively rely on emergency authorities without describing the governing authorities to declare such an emergency. The UIUs must be operated in accordance with their respective Records of Decision. Reclamation's failure to operate the reservoirs in a reasonable and prudent manner in accordance with existing authorities does not constitute an emergency and accordingly opens Reclamation to legal challenges.
2. Throughout the Post-2026 NEPA process, the UDS and Reclamation have acknowledged and described the problems with relying on uncertain forecasts. The current operating rules for Lake Powell and Lake Mead rely on forecasts performed six months in advance. Historically, this forecasting has consistently overestimated Lake Powell elevations and underestimated Lake Mead elevations, resulting in greater releases from Lake Powell. Reclamation has explained that even small discrepancies between forecasts and actual conditions can have large impacts on operations, contributing to depleted storage, particularly for Lake Powell. In Reclamation's 2020 7.D Report on the 2007 Interim Guidelines, the operational experience gained from the 2007 Interim Guidelines clearly shows the inherent uncertainty of using forecasting to set operating conditions. Even so, BOR's Response prescribes Lake Powell operations that rely heavily on forecasts. Reclamation must use the best available science and technology to develop a monthly release schedule and annual release volume to adequately protect Lake Powell based on observed reservoir elevations. Once again, Lake Powell operations based on uncertain forecasting are likely to fail to mitigate current significant risks to Lake Powell operations. The UDS has provided input on approaches that minimize reliance on uncertain forecasts and are consistent with the operational criteria from the PPA.

3. BOR's Response maintains a rigid Lake Powell operational tier structure. Exclusive reliance on operational tiers under the 2007 Interim Guidelines has been ineffective in protecting Lake Powell and has ultimately harmed Lake Powell under dry hydrology.
4. The reservoir operations identified in BOR's Response could result in unsustainable releases from Lake Powell. This is not a prudent approach to reservoir management and increases the risk that Reclamation will be unable to operate Glen Canyon Dam in the future. The UDS has provided input for reservoir operations that are consistent with the operational criteria from the PPA "...to manage the system conservatively during periods of low inflow...."
5. The 2027-2028 operations should include Lake Mead releases as part of Reclamation's commitment to accounting reporting. Accounting for Intentionally Created Surplus, conservation, water deliveries, and Lake Mead releases should occur monthly and include consultation with the UDS.
6. The UDS do not have sufficient details about the additional operational components and the resulting performance of the BOR Response to adequately provide input. The UDS reserve the right to comment further when Reclamation provides complete details and analysis.

The UDS have repeatedly provided detailed feedback to Reclamation on a multitude of issues related to Post-2026 operations. The UDS expect genuine consultation from Reclamation including analyses of the performance of these four-state consensus proposals.

Moreover, this response does not constitute an endorsement of the LDS Proposal or the BOR Response. The UDS respectfully reserves the right to object to the inclusion of elements from either in a Preferred Alternative.

Finally, as indicated in the UDS' May 1 letter to the Assistant Secretary for Water and Science, the UDS continue to advocate for and pursue neutral mediation as a means of meaningful engagement with the LDS and Reclamation. The UDS remain committed to exhausting all possibilities for a consensus solution through such a process. The UDS appreciate Reclamation's efforts to complete the Post-2026 NEPA process for the operation of Lake Powell and Lake Mead.

Sincerely,

UPPER COLORADO RIVER COMMISSION

*Charles R Cullom*

Charles R. Cullom  
Executive Director