



RESOLUTION

of the

UPPER COLORADO RIVER COMMISSION

Clarifying Principles for Future Releases from Upstream Initial Units Under the 2019 Drought Response Operations Agreement

WHEREAS, in 2019, the Upper Division States (States) and the Secretary of Interior (Secretary) acting through the Bureau of Reclamation (collectively, the DROA Parties) entered into the "Agreement for Drought Response Operations at the Initial Units of the Colorado River Storage Project Act" (DROA), an element of the Upper Basin Drought Contingency Plan (DCP);

WHEREAS, in 2019, Congress authorized the DCP, including DROA, through the Colorado River Drought Contingency Plan Authorization Act, Pub. L. No. 116-14, 133 Stat. 850 (Apr. 16, 2019);

WHEREAS, the operating principle of DROA is to minimize the risk of Lake Powell falling below a minimum "Target Elevation," expressly defined as a water surface elevation of 3,525 feet. The Target Elevation was adopted to minimize the risk of Lake Powell declining below the critical elevation of 3,490 feet;

WHEREAS, DROA identifies three primary goals for any operation undertaken pursuant to DROA (Drought Response Operation):

- a) *Help ensure the Upper Division States will continue fulfilling their interstate water compact obligations while exercising their rights to develop and utilize the Upper Colorado River Basin's (Upper Basin) Colorado River System compact apportionment (Continued Compact Compliance);*
- b) *Maintain the ability to generate hydropower at Glen Canyon Dam to protect a variety of purposes, including continued electrical service to millions of customers in the Southwest United States, continued funding for operation and maintenance of Colorado River Storage Project Act projects, continued funding of environmental and other programs, and safety contingencies for nuclear power plant facilities; and*

c) *Minimize adverse effects to resources and infrastructure in the Upper Basin.*

WHEREAS, *DROA requires the development and approval of a Drought Response Operations Plan (Plan) by the DROA Parties and the Upper Colorado River Commission;*

WHEREAS, *when developing a Plan, one criterion that must be considered is whether the Drought Response Operation will be effective or futile;*

WHEREAS, *DROA requires consideration of whether a proposed Drought Response Operation will be effective in maintaining the Target Elevation at Lake Powell or minimizing the risk of Lake Powell declining below elevation 3,490 feet. This includes the discretion to proceed or not to proceed with releases out of the upstream Initial Units (Flaming Gorge, Blue Mesa, and Navajo) that may not completely maintain the Target Elevation or eliminate the risk of Lake Powell falling below elevation 3,490 feet;*

WHEREAS, *the DROA Parties may not recommend drought response releases if they are ultimately determined to be futile to achieve the goals or intent of DROA;*

WHEREAS, *the DROA Parties have identified effectiveness criteria used to evaluate whether a proposed drought response release is effective or futile. Those criteria include the likelihood that the Drought Response Operation will increase the risk of a net decrease in the elevation at Lake Powell over any consecutive 12-month period based on the most recent 24-Month Study;*

WHEREAS, *a Drought Response Operation is completed only after each upstream Initial Unit has fully recovered the water it previously released as part of that Drought Response Operation; and,*

WHEREAS, *pursuant to DROA, a release from an upstream Initial Unit that fails to achieve the goal or intent of DROA is ineffective.*

NOW, THEREFORE, BE IT RESOLVED *that the Upper Division States through the Upper Colorado River Commission hereby recognize the following principles, consistent with DROA, for developing and approving all future DROA Plans involving releases from upstream Initial Units:*

- 1. Unless necessary for Continued Compact Compliance, the intent and goals of DROA are frustrated if the water released from an upstream Initial Unit pursuant to DROA is then released from Lake Powell absent full recovery at that upstream Initial Unit;*
- 2. The intent and goals of DROA are frustrated if water released from an upstream Initial Unit under DROA influences operations at Lake Powell such that more water is released from Lake Powell than would have been released absent the Drought Response Operation; and*
- 3. Drought Response Operations have the potential to increase releases of water from Lake Powell, which may cause a net reduction in the elevation at Lake Powell.*

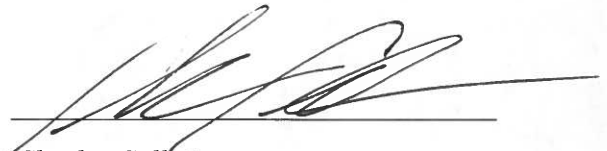
Increased releases of water from upstream Initial Units due, in full or in part, to reduced Lake Powell elevations resulting from prior Drought Response Operations are contrary to the intent of DROA.

BE IT FURTHER RESOLVED that the Upper Division States through the Upper Colorado River Commission will approve future Drought Response Operations Plans involving releases from upstream Initial Units only if they satisfy the goals and intent of DROA.

CERTIFICATE

I, Charles R. Cullom, Executive Director of the Upper Colorado River Commission, do hereby certify that the Upper Colorado River Commission unanimously adopted the above Resolution at its meeting held on September 21st, 2023, via Webinar.

Witness my hand on this 21st day of September 2023.



Charles Cullom

Executive Director and Secretary