



December 11, 2023

M. Camille Calimlim Touton
Commissioner
Bureau of Reclamation
2007 Interim Guidelines SEIS Project Manager
Upper Colorado Basin Region
125 South State Street, Suite 8100
Salt Lake City, UT 84138

Re: Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River Operations (RDSEIS)

Dear Commissioner Touton:

On behalf of the 1.5 million members of the National Association of REALTORS® (NAR), thank you for providing the opportunity to comment on the Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River Operations (RDSEIS). Sustainable water resources are critical to healthy real estate markets and NAR offers these comments to help ensure these water supplies remain viable over the long-term.

NAR urges the selection of the Lower Division Proposal, which will require stakeholders to enact modest and limited actions related to water conservation and efficiency. NAR believes that a water conservation approach is important for several reasons, including environmental, economic, and social factors, as described in the comments.

Water is a finite resource that is essential for life and a multitude of human activities, ranging from agriculture and industry to domestic use. However, with growing populations, urbanization, and changing climate patterns, water scarcity has become a national concern, particularly in the South and Southwest. It is imperative that we take proactive steps to ensure the efficient use of water and the preservation of this precious resource.

Eleven percent of the country's water resources are used for residential and commercial property. Lack of adequate water resources can have far-reaching impacts on real estate markets. New housing and commercial developments are dependent on having sufficient water resources and more attention is now being paid to implementing water efficiency best practices in new and existing residential and commercial property that save water and decrease utility costs.

The Colorado River Basin (Basin) provides essential water supplies to approximately 40 million people in 7 states, nearly 5.5 million acres of agricultural lands, hydroelectric renewable power, recreational opportunities, habitat for ecological resources, and other benefits across the southwestern United States and northwestern Mexico.

However, this once-bountiful water supply is running into a perfect storm of unsustainability, with far reaching implications for future users: increased energy demand, increased population and long-term systemic changes in climate that have contributed to the region's worst mega-drought in 1,200 years. This year, the two largest reservoirs in the US, Lake Mead and Lake Powell, saw water levels dip to record lows. In turn, the Hoover Dam and the Glen

Canyon Dam that impound these reservoirs saw their hydroelectric power production dwindle.

The purpose of the RDSEIS is to evaluate how to reduce water uses across the American Southwest to avoid a water supply crisis on the Colorado River. Existing shortage rules are set to expire at the end of 2025, and a substantial re-evaluation and revision of Colorado River management is expected at that time. In the near-term, the current federal proposal is focused only on 2024-2026 because of the very real prospect of a crisis unfolding in the next few years.

The question before Bureau now whether the federal government will proceed with developing these short-term rules as set forth in the RDSEIS or whether the states that share the Colorado River will propose a different set of water use reductions going forward.

The Revised DSEIS assesses two Action Alternatives. The No Action Alternative, required by the National Environmental Policy Act, preserves the status quo and describes the continued implementation of existing agreements that control Glen Canyon and Hoover Dams.

The Proposed Action ("Lower Division Proposal"), models change to operations for both Glen Canyon Dam and Hoover Dam. The Proposed Action includes assumptions for conservation actions through 2026 with a minimum of 1.5 million acre-feet physically conserved by the end of calendar year 2024. Under the Proposed Action, tier-based reductions and contributions shall be limited to the existing 2007 Guidelines and other agreements.

NAR Urges Selection of Lower Division Proposal

NAR believes that a water conservation approach is important for several reasons, and its significance is highlighted by various environmental, economic, and social factors, including:

Environmental Sustainability: Conserving water helps maintain the health of ecosystems and biodiversity. Many aquatic habitats depend on specific water levels and flow rates.


Resource Scarcity: Despite the Earth's abundance of water, only a small percentage is suitable for human consumption. As the global population grows and water demands increase, the availability of freshwater becomes more limited. Conserving water ensures a sustainable supply for current and future generations.

Energy Efficiency: Water treatment and distribution require a significant amount of energy. By using water more efficiently, the energy needed for pumping, treating, and heating water is reduced. This helps lower greenhouse gas emissions and mitigates the impact of climate change.

Reducing Water Pollution: Water conservation can help prevent pollution by reducing the need for extensive water treatment processes. When water is used more efficiently, there is less runoff of pollutants from urban and agricultural areas into rivers and lakes.

Economic Benefits: Water is a finite resource, and its scarcity can lead to economic challenges. Industries, agriculture, and businesses depend on water for their operations. Water shortages can disrupt supply chains, increase costs, and affect economic stability. Conservation practices help ensure a reliable and cost-effective water supply.

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Preserving Aquifers: Over-extraction of groundwater from aquifers can lead to land subsidence and the depletion of this vital resource. Water conservation measures, such as using water-efficient technologies and sustainable groundwater management, contribute to aquifer preservation.

Mitigate Drought Impact: Water conservation becomes especially crucial during periods of drought. Conserving water helps communities and ecosystems withstand the challenges posed by reduced precipitation and ensures that water resources are available for essential needs.

Community Resilience: Water conservation contributes to the resilience of communities in the face of water-related challenges. It helps ensure that there is enough water for essential activities, such as drinking, sanitation, and agriculture, even in times of scarcity.

Regulatory Compliance: In many regions, there are regulations and restrictions on water usage. By practicing water conservation, individuals, businesses, and municipalities can comply with these regulations and avoid penalties.

Regardless of the alternative chosen by the Bureau or how the federal government proceeds with managing the Colorado River system, real estate markets and consumers must be a critical factor in these discussions.

As climate change destabilizes the Colorado River system, federal, state, local and private investments in solutions will be critical. But these resources - including initiatives in the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) - can only be deployed effectively if the Bureau is transparent in describing the changes on the river and on the places, people, and real estate markets that depend on it.

Realtors believe that there are many approaches that property owners, communities and the private sector can take to enhance the viability and sustainability of current water resources and these principles must be considered during the negotiations.

NAR Approaches for Water Resources


Water Rights

NAR recognizes the fact that water rights are property rights and must be honored. Water rights are essential because they establish the legal framework for water allocation, facilitate economic growth, protect the environment, and promote long-term stability. They provide a foundation for managing and preserving water resources and ensuring its availability for present and future generations.

The concept of water rights traces back to the doctrine of prior appropriation, which governs water allocation in many western states. This doctrine establishes a system where the first person or entity to use water for a beneficial purpose obtains the right to continue using it, known as "first in time, first in right." This legal framework provides a basis for regulating water allocation and resolving conflicts over water use.

NAR believes that if water rights are taken as a result of any of the RDSEIS options being implemented, that is a taking under the 5th Amendment of the U.S. Constitution, and the owner should receive just compensation for the taking.

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Water Storage and Infrastructure

NAR urges states and localities to take advantage of the resources in the Inflation Reduction Act and the Infrastructure Investment and Jobs Act that provide programs to enhance water storage and infrastructure efforts. Investing in these activities is crucial for optimizing water resource management, enhancing resilience to climate variability, and supporting sustainable development. They provide a foundation for water security, economic growth and overall resilience for communities and ecosystems.

Water Efficiency and Conservation

Government entities and water management organizations play a pivotal role in developing and implementing policies that encourage water efficiency. Promoting the use of water-saving technologies and enforcing regulations on water usage can significantly contribute to reducing waste and increasing overall water conservation efforts. Additionally, financial incentives, such as tax rebates, credits or subsidies, can be provided to individuals and businesses that invest in water-efficient infrastructure and practices.

Ecosystem Water Resources

Another area of focus should be the restoration and protection of natural water resources, including rivers, lakes, and wetlands. These ecosystems not only provide habitats for diverse wildlife but also act as natural water reservoirs. By implementing conservation measures and adopting sustainable land management practices, the long-term viability of these ecosystems will be ensured and their invaluable contribution to water sustainability protected.

Education and Awareness

Education and awareness campaigns should be initiated at various levels of government to promote water-conscious behavior. By educating consumers about the importance of water conservation and providing practical tips on reducing water consumption, we can empower communities to make informed choices. This can include strategies such as fixing leaky faucets, installing water-efficient appliances, and adopting responsible landscaping practices.

Collaboration and Partnerships

Cooperation among governments, non-governmental organizations, businesses, and communities is vital to addressing the complex challenges of water efficiency and conservation. By fostering dialogue and sharing best practices, we can leverage collective wisdom and resources to develop innovative solutions that benefit everyone.


Thank you for consideration of NAR's these comments. NAR remains committed to supporting initiatives that promote water conservation, efficiency and storage that help support consumers and real estate markets and look forward to seeing positive action on this important issue.

Sincerely,



Tracy Kasper
2024 President, National Association of Realtors®

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