

**Written Testimony of Peter Nelson
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**U.S. House of Representatives Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife**

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Good morning, my name is Peter Nelson. I am providing this testimony on behalf of the Colorado River Board of California (Board). I want to thank you for the opportunity to testify before this Committee on the Colorado River Basin Drought Contingency Plan (DCP) and the proposed authorizing legislation, both of which are important to California and the entire Colorado River Basin, including Mexico.

Why California Needs the DCP Implemented This Year

I am here this morning to request the help and support of the Congress in achieving the implementation of the Lower Basin DCP this year, as it is vital to California's Colorado River agencies. Specifically, implementation of the Lower Basin DCP this year would:

- Provide operational certainty regarding Intentionally Created Surplus (ICS) conserved water supplies if Lake Mead declines below elevation 1,075 feet;
- Reduce the risk of Lake Mead dropping below the critical elevation of 1,020 feet from over forty percent without the DCP to about five percent with implementation of the DCP; and
- Incentivize the conservation and storage of water in Lake Mead this year with the assurance of greater flexibility in storage and recovery of ICS supplies.

Background

The Colorado River Board is a State agency established in 1937 to protect California's rights and interests in the water and power resources of the Colorado River System. The Chairman of the Board also serves as the Governor's representative and California's Colorado River Commissioner on Colorado River water and power related matters as it works with other State of California agencies, the other six Colorado River Basin states, various federal agencies, Native American tribes, the environmental community, the Republic of Mexico, and others.

The Board is composed of ten members, appointed by the Governor, and includes: the Directors of both the Department of Water Resources and the Department of Fish and Wildlife, the Coachella Valley Water District (CVWD), the Imperial Irrigation District (IID), the Los Angeles Department of Water and Power, the Metropolitan Water District of Southern California (Metropolitan), the Palo Verde Irrigation District (PVID), the San Diego County Water Authority

(SDCWA), and two at-large public members. Four of the six water agencies, CVWD, IID, Metropolitan, and PVID, represented on the Board were actively involved in negotiations and development of the Lower Basin DCP and related intra-state implementing agreements.

The water and power resources of the Colorado River System are vital to California. California's basic Colorado River mainstream apportionment of 4.4 million acre-feet of Colorado River water provides for the irrigation of over 900,000 acres of some of the Nation's most productive farmlands and supplies water to more than 20 million people along California's south coastal region. California receives about 3.5 billion kilowatt hours of electrical energy from Colorado River hydroelectric facilities. The Colorado River System contributes billions of dollars to California's and the Nation's economy each year, including benefits from recreation and tourism.

California and the water providers in California that deliver Colorado River water (CVWD, IID, Metropolitan and PVID) have been working to respond to increased pressures on California's Colorado River allocation that are the result of both increased demands for Colorado River water and decreasing inflows into the system. California's Colorado River water agencies have taken a range of actions to respond to drier hydrology and increased demand including: the Quantification Settlement Agreements (2003), lining of portions of the Coachella and All-American Canals, land-fallowing programs, regulatory storage construction, adoption of extensive urban water conservation measures, as well as participation in binational water conservation projects with Mexico. These efforts have yielded increased water supply reliability and improved management of California's Colorado River water supplies.

Why the DCP Needs to be Implemented this Year

It is a well-known fact that the Colorado River Basin has been in a severe and sustained drought condition since 2000, when the Basin's combined reservoir system was approximately ninety-five percent of capacity. By 2004, the reservoir system had fallen to just above fifty percent of capacity. The continuing drought conditions led to the seven Colorado River Basin states collaborating on the development of the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (2007 Guidelines).

The 2007 Guidelines include two key features that have been effective in managing the reservoirs in continuing drought, including (1) incentivizing conservation of water supplies and storage of that water in Lake Mead as Intentionally Created Surplus (ICS); and (2) the coordinated and conjunctive operations and management of Lakes Powell and Mead. Since the 2007 Guidelines, nearly 2.5 million acre-feet (cumulative) of Colorado River water supplies have been conserved and stored in Lake Mead. The Basin States seek to build upon the success of the 2007 Guidelines with the DCP agreements by expanding and strengthening the most effective tools in the 2007 Guidelines while improving flexibility and making specific commitments to store water in Lake Mead. The DCP agreements have been designed to fit within the in-depth environmental reviews that were conducted in connection with the 2007 Guidelines. If the DCP is implemented this year, it would significantly reduce the risk of Lake

Powell and Lake Mead declining to critically low elevations through the remaining term of the 2007 Guidelines which terminate at the end of 2025.

The drought has been even worse than expected when the 2007 Guidelines were adopted, which has resulted in reservoir elevations continuing to decline in most years since 2007. Since the Guidelines were adopted, the seven Basin States, the Department of the Interior, and even the Republic of Mexico have responded to the worsening drought through continued, and multifaceted approaches to mitigate the impacts of reduced inflow into the System. These “out-of-the-box” and collaboratively-developed measures included: construction of the Warren H. Brock Reservoir Regulatory Storage Project; a pilot-run of Reclamation’s Yuma Desalting Plant; and the Pilot System Conservation Program. Without these efforts and other voluntary efforts in the Basin, Lake Mead would likely have fallen below elevation 1,075 feet as early as 2015, which would have led to a declaration of a shortage condition by the Secretary of the Interior.

This winter season appears to be providing above average precipitation and snowpack, but one good year cannot fix the ongoing trend of declining inflows into the reservoir system. Over the past eighteen years, only five years have produced flows above average, and the combined storage in Lakes Powell and Mead in each of the past six years has been below 50% of capacity. The 2007 Guidelines and the voluntary efforts taken since then, unfortunately, have not been enough to keep the reservoirs from continuing to decline. The drought conditions have been worse than predicted and new measures are needed to keep the system stable and protect water supplies for the 40 million people throughout the Colorado River Basin who rely on this vital source of water. This is what the DCP is intended to do and why California, along with every other Basin State, is asking Congress to take action to authorize implementation of those agreements this year.

The Salton Sea and Imperial Irrigation District’s Participation

California acknowledges concerns recently expressed regarding Salton Sea management and restoration related issues. As of the date of this testimony, the Lower Basin DCP will be implemented in California without the IID’s participation. After the IID indicated that it would not meet the Commissioner of the Bureau of Reclamation’s deadline for DCP authorization on March 18, 2019, the Lower Basin DCP Agreement was amended to give a contractor the option to become a party to that agreement after its effective date, with the consent of all of the other parties.

In order to meet the Commissioner’s deadline and protect California’s ICS supplies, the Metropolitan board authorized that agency to step in for the IID and assume responsibility for the volume of DCP Contributions that the IID had negotiated in its intra-state agreement with Metropolitan. That intra-California agreement to implement the Lower Basin DCP between Metropolitan and IID would have limited the IID’s DCP Contributions to no more than a cumulative total of 250,000 acre-feet of already conserved water, currently stored in Metropolitan’s service area or in Lake Mead as ICS. As such, even if IID opts to participate in the Lower Basin DCP at a later date, IID’s participation will have no impact on the air-quality or

natural resources of the Salton Sea during the remaining interim period. Finally, although implementation of the DCP going forward, with or without the IID's participation, will have no impact on the resources of the Salton Sea during the remaining interim period, the California agencies' preferred option would be to have the largest user of Colorado River water in the entire Basin participate in and be part of DCP implementation. The State of California, its Colorado River agencies, and our sister states in the Basin are united in the goal of causing no harm to the Salton Sea and await the IID to finalize its commitment to participate in and implement the DCP in the same way that it began: as a willing partner in the consensus-based, stakeholder-driven effort.

Conclusions

In summary, the California agencies are prepared to execute the DCP interstate agreements upon adoption of federal legislation authorizing and directing the Secretary of the Interior to implement the DCP. In collaboration with our colleagues in the other six Colorado River Basin States, the State of California and its Colorado River agencies have worked diligently over the past several years to develop the DCP inter- and intra-state agreements as well as the proposed federal legislation before you. The proposed DCP—like the 2007 Guidelines, the 2005 Lower Colorado River Multi-Species Conservation Program, and ongoing binational processes with Mexico—is an example of continuing to choose the path of compromise and collaboration over that of conflict and litigation. It is in this spirit of collaboration that California appears before you today and requests that you take action to approve this innovative and important Colorado River management program that not only has the support and commitment of participation by seven states and the Republic of Mexico, but has also earned the support of stakeholders from across the Colorado River Basin, including members of the environmental community. Thank you for the opportunity to provide this testimony and I look forward to answering any questions that the Committee may have.
