Written Testimony of Rebecca Mitchell
Director, Colorado Water Conservation Board
Colorado Commissioner, Upper Colorado River Commission
"Colorado River Drought Conditions and Response Measures"
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For the last one hundred years, the Colorado River Basin States have relied on the certainty provided by the Colorado River Compact to develop water supplies for 40 million people, 5.5 million acres of farmland, and water for our national public lands, all of which drives a $1.4 trillion economy annually. Colorado remains fully committed to working with the Basin States and Department of the Interior to address the challenges in the Colorado River Basin in a collaborative and adaptive manner, while also remaining committed to the principles outlined in the 1922 Colorado River Compact.

The Basin States negotiated the 1922 Colorado River Compact to: (a) provide for greater certainty and security for all states who rely on the water; (b) eliminate pressures to race to develop uses; (c) allow Upper Basin States to develop supplies at their own pace and safeguard water for future uses; (d) allow the states to determine how the water would be divided and apportioned amongst themselves in perpetuity; (e) maintain state autonomy; and (f) promote interstate comity and remove causes of present and future controversies.

In addition to the 1922 Compact, other agreements, decrees, treaties, and other legal documents govern the allocation and use of Colorado River water. These agreements have largely been intended to provide security for the basin's water users through changing conditions brought on by climate change and extended drought. Two such agreements are the 2007 Guidelines and the 2019 Drought Contingency Plan. Both of these agreements are interim in nature and expire in 2026. The Basin States now have opportunities to learn from how the Guidelines and DCPs have operated in practice, particularly through very dry hydrology. This information will help inform what comes next.

Currently, there are significant ongoing planning and implementation efforts underway, all taking place against a backdrop of critically low reservoir elevations, a 21-year millennium drought that is ongoing, and the challenges of a warming climate that will further stress the basin. In this context, it is important to understand the significant differences between the operations and systems in the Lower Basin States (Arizona, California, and Nevada) and the Upper Basin States (Colorado, New Mexico, Utah, and Wyoming).

Lakes Mead and Powell both sit above all Lower Basin water uses and below the Upper Basin uses. Having these large reservoirs above them has meant that the Lower Basin States have had certainty and security in their water deliveries. In fact, the Lower Basin States have never had to face shortages to their deliveries from Lake Mead, and will not until 2022. Importantly, Lake Powell and Lake Mead operations are linked by the 2007 Guidelines. The amount of water taken out of Lake Mead directly impacts the amount of water that is released from Lake Powell.

In contrast, water users in the Upper Basin States have taken shortages nearly every year for over twenty years. Without a large reservoir upstream, Upper Basin water users are reliant upon current runoff from snowpack and water users are only able to use water from that snowpack in that particular year. This means Upper Basin water users frequently do not received the full amount of water to which they are legally entitled. It is for this reason that Upper Basin uses are variable. When snowpack is abundant, water is available and water users put it to beneficial use. When the snow is thin, water is not there and they have to go without.

Colorado has suffered from consecutive years of low stream flows. Perpetual dry soil conditions have increased absorption of snowmelt and reduced spring runoff. This year has been especially difficult: 90% of the state is currently experiencing drought.

Multiple years of shortages have resulted in many Coloradans facing heartbreaking decisions. A major storage project in southwestern Colorado received only one tenth of its water allocation this year. Agricultural producers across the state are considering selling generations-old family farms. These types of decisions have significant economic, sociologic, and psychological impacts across the entire state. The water shortages facing the Southwest part of Colorado the last two years fell heavily on the Ute Mountain Ute Tribe, whose economy and communities depend largely on revenue generated from successful crop production.

On top of the impacts due to drought, Coloradans have also been impacted by releases recently made from Blue Mesa Reservoir. These releases were made as part of a larger effort by the Bureau of Reclamation pursuant to the imminent need provision of the Drought Response Operations Agreement, part of the 2019 Drought Contingency Plan. With the goal of protecting critical elevations at Lake Powell, Reclamation is in the process of releasing a total of 181,000 acre-feet from reservoirs in Colorado, New Mexico, and Wyoming. The releases forced the marina and other businesses near Blue Mesa reservoir to close six weeks earlier than planned, resulting in lost jobs and a 25% loss in annual revenue. As the states work with Reclamation to develop a plan for potential future reservoir releases, creating a plan for recovery of this water will be important.

The dry soil conditions and warmer temperatures have also left our forests more vulnerable to fire. The summer of 2020 brought record breaking fires to Colorado, including three of the largest wildfires in Colorado’s history. In total, over 650,000 acres were burned and hundreds of homes were destroyed. We are grateful that the 2021 fire season has not been as severe, but we are continuing to deal with the aftermath of last year's fires, including catastrophic mudslides along Interstate 70 through Glenwood Canyon. The mudslides were a result of the Grizzly Creek Fire in 2020 that left a 32,000 acre burn scar on steep canyon walls. With little vegetation to hold the soil in place and prevent erosion, heavy rainstorms brought roughly 65,000 tons of mud and debris down the slopes closing the highway for 17 straight days.

It is important for me, as Commissioner of the headwaters state, to make sure that everyone whose work impacts the Colorado River understand the challenges Coloradans face,

particularly as the 2019 Drought Contingency Plans are being implemented and the Basin States look forward to the negotiation of the post-2026 operations of the major reservoirs.

As we look forward to those negotiations, one critical element will be meaningful engagement with the Tribal Nations in the Colorado River Basin. As Colorado's Commissioner, I talk to representatives of the Southern Ute and Ute Mountain Ute Tribes regularly on a sovereign-to-sovereign basis. Colorado has water rights settlements with both of these tribes. But it is imperative to understand that each tribe is different - with different needs, histories, and relationships. It will be important that the negotiators in each state take the time to sit down with each tribe in their state to fully understand their unique positions and needs. It will also be important to recognize that since not everything can be addressed through the operational guidelines, we must also support initiatives that address the urgent need to ensure tribes have access to clean drinking water.

In addition to initiatives that provide funding for infrastructure that is critical to access to clean drinking water for Tribal Nations, Colorado also supports ongoing efforts to fully fund the recovery programs in the Upper Basin, Drought Contingency Plan implementation, and more general investments in agricultural viability and sustainability.

As we look forward to the next chapter of Colorado River management, it is imperative that the Basin States continue in the spirit of collaboration and cooperation that has defined the work in this basin for 100 years. We must also provide water supply security and certainty for all - the Lower Basin, the Upper Basin, and for all of the 40 million people who rely on this critical resource.