

Testimony
presented by
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before the

House Committee of Resources
Water and Power Subcommittee
at a hearing on

H.R. 2925 to amend the Reclamation States Emergency Drought Relief Act of 1991
September 27, 2005

Dear Mr. Chairman and Members of the Subcommittee:

On behalf of the Western States Water Council, representing eighteen western states and their governors, we appreciate the opportunity to express our strong support for H.R. 2925 to extend the existing authorities provided through the Reclamation States Emergency Drought Relief Act. Our members are appointed by their respective governors, and include senior state water managers and administrators that deal with water shortages on a continual basis. We are closely associated with the Western Governors Association (WGA). Both the Council and WGA have worked for many years to improve drought planning, management and response activities in the West. We welcomed the introduction of this legislation by Representative Hinojosa and applaud the bipartisan support demonstrated by members of the subcommittee and others. We urge passage of this important bill to extend existing authorities that are critical to present and future management options. We also support making such authorities permanent.

The Reclamation States Emergency Drought Relief Act of 1991 has provided important authority and flexibility to use available federal water projects to our best advantage in addressing challenges to federal and non-federal water users and fish and wildlife resources due to drought. However, unless extended such opportunities for cooperative action in the future will be lost. Since 1992, the program has provided assistance to states throughout the West. H.R. 2925 would extend this assistance and several important authorities.

During the 1976-77 drought, the Council served as a clearinghouse for state and federal drought response work, with White House representatives co-located in our offices in Salt Lake City. In the 1980s, the Council prepared a report on western state drought management programs and an outline for action in response to drought, encouraging our member states to be prepared for what is a recurring challenge. We continue to work with the WGA in support of legislation to define and improve national drought policy. As you are aware, at present we have no comprehensive national drought policy. Drought is a different type of disaster. Unlike hurricanes, tornadoes, floods and earthquakes, it is insidious. It can be difficult to recognize, or to predict and project its course. Many are often caught unprepared. Like other natural disasters, once upon us, there is little to be done but deal with the result as best we can.

Drought is a serious natural hazard. It is a threat to both life and property. It has a substantial impact on our economy and on our environment. According to some estimates, it costs the Nation some \$6-\$8 billion annually. Agricultural, municipal and domestic water supplies are imperiled as wells, rivers and streams go dry or drop precipitously. Westwide, hundreds of communities repeatedly face severe shortages of drinking water, leading to water use restrictions and in some cases emergency measures, including hauling water. Drought attacks our energy resources, most notably hydropower generation. It threatens fish and wildlife, and puts already endangered species at greater risk. Drought and related disease attack our forests and watersheds, leading to catastrophic fires. There are serious social and emotional impacts as individuals and communities can be displaced. Our lives and quality of life suffer.

The West has recently experienced one of the driest periods of record since the drought of the 1930s that led to the Dust Bowl era. This past year, Lake Powell on the Colorado River between Arizona and Utah, dropped to its lowest level since it was first filled. It took some 17 years to fill the reservoir after its construction in the 1960s. At the end of the last water year, it was less than half full, threatening water and power uses in the Upper Colorado River Basin as well as water and power for some 26 million people in the Lower Colorado River Basin. Similarly, on the Colorado River, Lake Mead dropped to the point water intakes for the Las Vegas Valley had to be extended. Recreation on the river has also been affected. More abundant precipitation in the Upper Basin this past winter and spring, helped avoid the possibility of an unprecedented call by the Lower Basin under the Colorado River Compact of 1922. Ironically, much of the Gulf Coast and areas north in eastern Texas, Louisiana and Arkansas have been abnormally dry this year, with some areas suffering from moderate to extreme drought conditions.

While the Southwest has had some reprieve from drought, in the Northwest snowpack and streamflow figures for this water year are at record lows. Recent dry weather has compounded the effects of an abnormally dry winter, leading to extreme drought conditions in central Washington, while severe to moderate drought afflicts much of the rest of western Washington, Oregon, Idaho, western Montana and Wyoming. Fire danger in eastern Oregon is very high. In much of the Columbia River Basin, seasonal precipitation for the water year is well below average at 50%-75%. With the end of the water year approaching, the Natural Resources Conservation Service's SNOTEL system shows dozens of sites (with more than 20 years of record) ranked within the driest 5% of record along the Cascade Range of Washington and Oregon, as well as in eastern Oregon, northern Idaho and western Montana.

USGS figures show flows for the Columbia River at the Dalles to be 78% of average, 75% for the Colorado River at Lees Ferry (the dividing line for the Upper and Lower Basins), 75% for the Klamath River, and 90% for the Missouri River at Hermann. The Klamath River Basin continues to face shortages and conflicts among water users, fishermen, and tribes. Conflicts between states have arisen on the Tongue River (in Montana and Wyoming), with flows at 81% of average. The Milk River flows are at only 40%, a growing source of friction between the U.S. and Canada. Other river basins have been subjected to stress due to drought. Fortunately, in California, at Colusa the Sacramento River flow is 99% of average, and the San Joaquin near Vernalis is 113%.

As I testified in July before this subcommittee on behalf of the Council, the Bureau of Reclamation (BOR) operates hundreds of dams and reservoirs in the West supplying water and power to millions of people, irrigating millions of acres for food and fiber, providing flood control and recreation, and maintaining instream flows for fish and wildlife habitat, including anadromous and threatened and endangered aquatic species. Again, the value of federal Reclamation projects can not be overstated, particularly in assisting western communities and ecosystems survive the extended drought in the Southwest and Northwest.

Under Title I, of the Reclamation States Emergency Drought Relief Act of 1991, BOR can provide temporary emergency drought assistance, purchase water for threatened and endangered species, construct ponds for wildlife and dikes for wetlands, and drill wells. The law limits construction activities to temporary works, but allows wells drilled under this title to be permanent facilities.

Title I also authorizes the Secretary to: (1) provide non-financial assistance to buyers for purchasing available water supplies from willing sellers; (2) purchase water from willing sellers; and (3) participate in water banks set up by States. It permits the Secretary to make water available on a temporary basis and to use Federal Reclamation water project facilities to store and convey project and non-project water for use outside the authorized project service area. Specific provisions govern the repayment obligations of the purchasers of such water provided on a temporary basis. It requires the Secretary to charge recipients for the use of nonproject water for municipal, industrial, and agricultural uses. It also requires the payment of capital costs attributable to the sale of water or the use of Federal Reclamation project facilities to be covered into the Reclamation Fund and credited to the project from which the water or facility is supplied. It authorizes the Secretary to make water available for protecting fish and wildlife resources outside the authorized project service area on a nonreimbursable basis. Title I also authorizes the Secretary to make loans to water users for undertaking construction, management or conservation activities, as well as the acquisition and transportation of water to mitigate drought losses. It sets forth related repayment obligations.

The authority under this title is temporary, has been extended in the past, and will terminate on September 30th unless the Congress acts again to extend it.

Under Title II, which is permanent authority, Reclamation provides assistance in the development, modification, or updating of cooperative drought contingency or water management plans. Reclamation also sponsors drought contingency planning work-shops. It authorizes the Secretary to provide technical drought contingency planning assistance to all the States and U. S. Territories (not just those traditional western States identified in the Reclamation Act of 1902). It also permits the Secretary to prepare cooperative drought contingency plans to prevent or mitigate the adverse effects of drought conditions. The law outlines the elements which may be included in such plans, and those related to Federal Reclamation projects must be identified. It requires that drought preparedness plans comply with all applicable State and Federal law, provides for a periodic review, and includes provisions for submitting plans to the Congress for review.

Further, Title II authorizes the Secretary to work with other Federal and State agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide more accurate and timely drought warnings that would trigger such an implementation.

In addition, Title II authorizes the Secretary to: (1) conduct studies to identify potential opportunities for the conservation, augmentation, and more efficient use of the water supplies available to Federal Reclamation projects and Indian water resource developments; and (2) provide technical assistance to State, local, and tribal governments for

the development, construction, and operation of water desalinization projects.

It also requires the Secretary to study whether a Reclamation Drought Response Fund is needed to defray drought contingency plan implementation expenses and to make loans for activities to prevent or mitigate adverse drought effects.

Lastly, it permits the Secretary to conduct a Precipitation Management Technology Transfer Program to help augment water supplies in the West.

Title III includes general and miscellaneous provisions which authorized appropriations for devices to control the temperature of water releases and permitted the Secretary to complete the design and specification of such devices.

Moreover, the law authorizes the Secretary to enter into contracts with municipalities, public water districts and agencies, State and Federal agencies, and private entities, pursuant to the Warren Act, for beneficial purposes - which included facilities associated with the Central Valley Project, Cachuma Project, and the Venture River Project in California and the Truckee Storage Project and the Washoe Project in California and Nevada. It also permitted the Secretary to enter into contracts for the exchange of water for such purposes, using facilities associated with the Cachuma Project.

I will mention only a few of the activities undertaken in cooperation with western states by the Bureau of Reclamation under these authorities.

In California, in 2001 in the Klamath Basin, the California and Oregon Departments of Water Resources cooperated BOR on drought mitigation activities, including contributing funds for emergency well drilling, which was carried out in response to BOR's cessation of its Klamath Project irrigation deliveries due to endangered species' requirements. At the time, the Governors of both California and Oregon had proclaimed states of emergency in the Klamath Basin. Also, under BOR's emergency drought authority, they provided well drilling assistance to small communities in the Inland Empire area whose water systems were damaged by the major Southern California wildfires in the fall of 2003. At that time, the Governor had proclaimed states of emergency in four Southern California counties, thus triggering eligibility for BOR's program.

Further, California has been able to store and convey non-federal water in BOR facilities to allow local water agencies and others to make more efficient use of available surface and groundwater supplies. Absent the broad authority provided in the 1991 Act, to provide water for agricultural, municipal and industrial, and environmental purposes, many of these actions would not have been possible. Reclamation's primary generic authority to store and convey non-project water comes from the Warren Act of 1911 (43 U.S.C. 523-525), which applies only to irrigation water.

In Montana, BOR has provided assistance in installing temporary diversion structures that allow farmers to get water to their fields without instream alterations (keeping bulldozers out of streams) for the benefit of fish. Federal funding also helped apply temporary biodegradable canal sealants (using polyacrylamide) with significant documented water savings. Federal funding also provided assistance to more than a dozen small rural communities in desperate need of help finding water, largely by drilling new municipal wells. Often these are unincorporated towns without the population or tax base necessary to otherwise meet their own needs or quality for other types of assistance. State officials are also encouraging ranchers to apply for assistance in drilling stock water wells, as an alternative to diverting water from streams stressed by drought, and conveying that water over long distances through leaky canals. This strategy was used on the Upper Big Hole River, and helped protect one of the last populations of riverine Arctic grayling in the lower 48 states. Other funds were provided for hydrologic tools that allowed better implementation of watershed and streamflow drought plans.

Both Nebraska and Kansas have received funding to pay willing sellers to leave irrigation water in storage in various reservoirs for future use.

In New Mexico, BOR has been able to acquire water from willing sellers for endangered species purposes along both the Rio Grande and the Pecos River. This authority has helped avoid conflicts and benefitted contractors financially. BOR has also been able to provide other drought planning and emergency assistance to the people of New Mexico.

In Washington, on the Columbia River mainstem, the flexible authorities provided by the Act allowed BOR to release Columbia Basin Project water from Grand Coulee Dam for use downstream by some 300 non-project irrigators. The State of Washington paid for the foregone power, and was able to avoid interrupting post-1980 water rights to divert water on the river. Such authority will be key to a long-term solution to such problems during drought. BOR also provided funding for the Washington Water Bank Program, as well as assist the Bonneville Power Administration in implementing a program to pay farmers in the Columbia Basin Project to fallow land and forego pumping in order to conserve power.

There are many other examples of communities that have been helped under Title I and Title II in Arizona, Hawaii, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, as have the Navajo, Hualapai and White Mountain Apache

tribes. Years of drought have left lowered water tables that have often resulted in quantity and quality problems with drinking water supplies for local and tribal communities. Title I authorities have made a difference in whether or not some financially strapped communities had sufficient drinking water. It is often a last resort for assistance.

The Western State Water Council and a number of western governors have previously expressed support for extending and making permanent the Bureau of Reclamation's authorities under the Reclamation States Emergency Drought Relief Act. We appreciate the opportunity to testify in support of H.R. 2925.

I would also like to reiterate the strong support of the Council and the Western Governors' Association (WGA) for enactment of a comprehensive National Drought Preparedness Act, and hope to work with the Subcommittee in the future to that end.

In the words of former WGA Chair Judy Martz, former Governor of Montana:

"The nation has policies for tornados and floods. We need a national policy for drought that can work to provide needed assistance to farmer and ranchers. Much of the West is in the midst of a six-year drought. This is no longer a weather event, it is a widespread socioeconomic tragedy."

Thank you again for the opportunity to testify