TESTIMONY OF DAVID V. MODEER,
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BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON WATER AND POWER,
ADDRESSING WATER QUALITY AND QUANTITY ON THE LOWER COLORADO RIVER

May 27, 2009

I am pleased to present testimony on behalf of the Central Arizona Water Conservation District (CAWCD) regarding the waters of the Lower Colorado River. CAWCD is the Arizona political subdivision responsible for operating the Central Arizona Project (CAP). CAP, constructed, under the authority of the Colorado River Basin Project Act of 1968, enables Arizona to make full use of its Colorado River entitlement. In a normal water supply year, CAP will deliver about 1.5 million acre-feet of Colorado River water to the citizens of Central and Southern Arizona, or almost two *billion* gallons per day. CAP is the largest single source of renewable water supplies in the State of Arizona, serving 80 percent of the State's water users and taxpayers, including the Phoenix and Tucson metropolitan areas.

Water Quality

Recently, concerns have been raised regarding the quality of Colorado River water, and it has been asked whether new regulatory mechanisms are needed to protect it. From CAWCD's perspective, Colorado River water is currently of good quality (meeting all Arizona water quality standards), and existing federal regulations are more than adequate to protect the quality of the water. The Colorado River Basin Salinity Control Act, the Clean Water Act, and the Safe Drinking Water Act all provide mechanisms to protect and enhance the quality of Colorado River water and to assure that it meets drinking water standards when delivered for potable purposes.

However, regulatory programs alone cannot provide adequate protection of the Colorado River in the absence of the financial resources necessary to address potential threats to the river. One case in point is possible nitrate contamination of the river in the absence of regional wastewater treatment works for on-river communities. CAWCD would support legislation to provide federal financial assistance for the construction of wastewater infrastructure projects in communities such as Bullhead City and Lake Havasu City, Arizona. Proactively addressing wastewater-related nitrate contamination will help improve the quality of groundwater adjacent to the Colorado River and prevent degradation of the River water.

While the Colorado River currently meets all Arizona water quality standards, protecting the River from potential contamination is of paramount importance. CAWCD believes that with sufficient resources and the active involvement of the Bureau of Reclamation

and other agencies, the high quality of Colorado River water can be protected and maintained for many years to come.

Water Quantity and River Management

While protecting the quality of Colorado River water is critically important, the issues of water quality and water quantity in the river are closely intertwined. A reduction in water quantity can heighten the impacts of contamination as less water is available to dilute any pollutants, whether natural or human-caused. The Colorado River system is still feeling the effects of one of the most severe droughts in its recorded history. In December 2007, working cooperatively with the seven Colorado River Basin States, the Bureau of Reclamation adopted new guidelines for managing the Colorado River reservoirs. The Guidelines include Lower Basin shortage declaration and shortage sharing criteria. Because the Central Arizona Project is the junior water rights holder in the Lower Basin, effective management of the Colorado River system is essential for CAWCD to plan its water future.

We believe that additional improvements in river management offer an effective and cost efficient pathway to ensuring the long-term health of the Colorado River ecosystem. Additional federal funding in support of Reclamation facilities and programs to improve operational efficiency and augment water supplies would help preserve storage in Lake Mead. This, in turn, will enhance drought resistance, help preserve downstream habitats and provide added assurance for the millions of citizens that depend on the river for their drinking water and livelihoods. Allow me to briefly describe several of these enhancement efforts.

1. The Yuma Desalting Plant and Cienega de Santa Clara

The Yuma Desalting Plant (YDP) is a prime example of the interconnection between water management and the Colorado River ecosystem. In the Explanatory Statement accompanying the Omnibus Appropriations Act of 2009 (P.L. 111-8), Congress directed the Bureau of Reclamation to make the YDP operational at one-third capacity by June 30, 2009, and to report formally to Congress concerning the status of the YDP by September 30, 2009. . Operation of the YDP is critical to avoid the continued loss each year of more than 100,000 acre-feet of Colorado River water from Lake Mead, enough to supply the annual water needs of 500,000 people.

But YDP operation is linked to the Cienega de Santa Clara, a valuable wetland in Mexico that has developed in temporary reliance on the water supply that the YDP was designed to treat. CAWCD is working with environmental groups and others in the United States and Mexico to identify a permanent solution that will protect the environmental values of the Cienega while maximizing conservation of Colorado River water. In addition to providing long-term protection for the Cienega, such a solution would give the basin states certainty and increased flexibility in managing their water resources.

We urge Congress to support these efforts by funding environmental monitoring and other studies to determine the quantity and quality of water needed to preserve the environmental values of the Cienega de Santa Clara.

2. Colorado River Augmentation

Evaluating and implementing additional methods to augment Colorado River water supplies is critical to meet the needs of the seven Basin States and the United States' obligation to Mexico. CAWCD calls the Committee's attention to the provisions of Sections 201, 202 and 203 of Title 1 of the Colorado River Basin Project Act of 1968 (P.L. 90-537). These provisions call for studies and actions to augment the supply of water available for distribution within the Colorado River Basin.

The Seven Colorado River Basin States (States) have completed a process, led and funded primarily by the Southern Nevada Water Authority, to review previous augmentation studies and evaluate new concepts. Reclamation participated in this process. A final report was completed in FY 2008. The States and the Bureau of Reclamation are currently working towards a cost-shared study to further identify specific augmentation needs and projects. In addition, the States, using funding from a variety of state and local organizations, are actively involved in cloud seeding and control of non-native, water-wasting plants, such as salt cedar. In order to fully implement these and other programs still under investigation, CAWCD recommends that Congress direct Reclamation to actively support these programs and commit at least $500,000 from Reclamation's overall appropriations for such activities as General Planning, Research and Development, or the Water for America Initiative.

3. Multi-Species Conservation Program

The Lower Colorado River Multi·Species Conservation Program (MSCP) is a partnership of Federal and non-Federal stakeholders responding to the need to balance the use of Lower Colorado River water resources and the conservation of native species and their habitats in compliance with the Endangered Species Act. This is a long-term plan to conserve 26 species along the Lower Colorado River from Lake Mead to the Southerly International Boundary with Mexico through implementation of a Habitat Conservation Plan.

The MSCP provides multiple methods to improve the Colorado River ecosystem, preserving the River's water quality in the process. The MSCP is quite extensive and provides for reintroducing endangered species and establishing additional protections for them. While doing that, it also helps to ensure the continued wise management of the River.

The program's estimated cost, in 2003 dollars, is $626 million to be annually adjusted for inflation. The Bureau of Reclamation will pay 50% of the MSCP cost, with the Lower Basin States paying the remaining 50%. CAWCD urges Congress to continue its support of the Lower Colorado River Multi-Species Conservation Program.

4. Measures to Plan for and Adapt to Climate Change

Title IX, Subtitle F, of the Omnibus Public Land Management Act of 2009 (P.L. 111-11), entitled "Secure Water," gave the Secretary of the Interior important new authorities to assist Lower Basin water users in planning for and adapting to the effects of global climate change. Section 9503, for example, directs the Secretary, through the Commissioner of Reclamation (Commissioner), to study and to help mitigate the effects of climate change on the water supplies of federal reclamation projects, such as CAP. Appropriations are available under this section for the development of improved hydrologic models and other decision support systems to better predict and plan for the effects of climate change on Lower Basin water supplies.

The Act also authorizes feasibility studies of mitigation and adaptation strategies, including the construction of water supply, water management or habitat enhancement infrastructure, necessary to address the effects of global climate change on water resources in each major reclamation river basin. Such feasibility studies are generally required to be cost shared 50-50 with non-federal participants. Section 9503 contains an authorization of appropriations of "such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023." Section 9504(b) authorizes the Secretary, through the Commissioner, to enter into cooperative agreements "with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed to . . . enhance the management of water resources." Improving global climate change models (scaling them down) so that they are predictive of regional water supply impacts should satisfy that criterion. The legislation authorizes $200 million to be appropriated to carry out this section, to remain available until expended. We would urge the Bureau of Reclamation to begin working right away with Lower Basin water users to identify and request funding for appropriate projects under these new authorities.

Summary and Conclusions

Along the Colorado River, the twin issues of water quality and water quantity are blended together. In like manner, potential water quality threats such as wastewater-related nitrate contamination and high salinity can be addressed through blending effective management of the Colorado River with proactive pollution prevention and mitigation programs.

The seven Colorado River Basin States have taken individual and collective action to protect and preserve the quality of Colorado River water. However, successful implementation of programs and projects necessary to accomplish these objectives will require federal action and assistance. CAWCD respectfully urges Congress to enact legislation authorizing the Secretary of the Interior to participate in the planning, design, construction and operation of municipal wastewater treatment systems for on-River communities in Arizona, California, and Nevada.

Congressional direction and funding will be critical to protect Colorado River water supplies and preserve the Colorado River ecosystem. CAWCD respectfully urges Congress to provide the Bureau of Reclamation the funding necessary to make the YDP operational, as Congress has already directed, as well as to fund studies aimed at preserving the Cienega de Santa Clara.

The effective management and operation of the Colorado River must also consider the multiple species and habitats dependent on this resource. We ask Congress to support and fund the federal share of the Lower Colorado River Multi-Species Conservation Program.

We ask that Congress direct the Bureau of Reclamation to begin working with Lower Basin water users on projects that will enhance understanding of climate change and support the development of programs to mitigate the potential impacts of these changes on the Colorado River.

Finally, we respectfully urge Congress to direct the Bureau of Reclamation to work with the seven Basin States to evaluate and fund water augmentation strategies, including the design and construction of appropriate projects under the Secure Water subtitle of the Omnibus Public Land Management Act of 2009.

Thank you for the opportunity to present this testimony on these critically important topics.