

Written Testimony of Jennifer Pitt

Colorado River Program Director, National Audubon Society

before the Committee on Natural Resources, Subcommittee on Water, Wildlife, and Fisheries,
United States House of Representatives

Legislative Hearing on H.R. 7642, H.R. 9514, H.R. 9515, and H.R. 9969

November 20, 2024

Chair Bentz, Ranking Member Huffman, and Members of the Subcommittee: thank you for the opportunity to testify on matters related to the Colorado River Basin.

My name is Jennifer Pitt and I am the Colorado River Program Director for the National Audubon Society (Audubon), with over 25 years of experience working on water issues in the Colorado River Basin. In my role, I lead efforts to protect and restore rivers throughout the Colorado River Basin.

Audubon’s mission is to protect birds and the places they need, today and tomorrow and we represent 1.4 million members and supporters nationwide through our 23 state programs, 41 nature centers, and 497 chapters. Audubon leverages this unique, national network of bird supporters to drive conservation action, build policy consensus, and unite partners to protect birds and their habitat throughout the hemisphere. Audubon is proud to work with diverse interests – including agricultural leaders, water districts, municipalities, and state agencies – to find solutions for stabilizing water supplies, managing water resources more equitably, and creating mechanisms to improve environmental outcomes.

Birds are telling us that urgent action is needed to increase climate resilience. Extreme weather events, lack of abundant and clean water, degraded coastal resources, and declining bird habitat are all threatening birds and communities, including in the Colorado River Basin. The Colorado River is the lifeblood of the American West, and the wetlands and forests along its banks provide critical habitat for hundreds of species of birds. That habitat is rapidly drying. Increased water demand from growing cities and agriculture, in combination with decreasing river flows—a symptom of climate change and drought—has drastically degraded ecosystems along the Colorado River. But, it is not just wildlife that is being affected by water scarcity: the 40 million people who rely on the Colorado River and its tributaries are facing the prospect of shortages as the demand for water now exceeds supply. In recent years, Colorado River reservoirs have come perilously close to a “day zero” when water could not be delivered to downstream users. Because there are places important to birds throughout the Colorado River Basin, from Wyoming to Mexico, Audubon is in a relatively unique position to support interests that span borders, governments, basins, and water use sectors.

With a 2026 deadline looming for the expiration of existing federal guidelines for operation of federal Colorado River infrastructure – with implications for water supply reliability for people and the river itself – human nature is creating unacceptable risks. The seven states that rely on

the Colorado River – Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming –are preparing to protect their share of an increasingly scarce water supply, rather than focusing on holistic solutions. It makes no sense to privilege one jurisdiction’s water supply over another. From Denver to San Diego, from the ranches of Wyoming to the lettuce fields in Arizona, from the headwaters in high alpine meadows of the Rocky Mountains to the Colorado River Delta in Mexico, everywhere is important. These places depend on a Colorado River that is shrinking, and solutions are needed that sustain them all.

With the expiration of existing federal rules, time is short, and the negotiating parties need to act with appropriate urgency to develop a consensus. The alternative – interstate litigation – is not an effective planning tool. Litigation will waste time and money, sacrifice the opportunity to integrate environmental goals into management, cede local control over water management, and could result in unintended consequences that affect Colorado River water users for years to come.

As long as Colorado River Basin parties fail to reach agreement on consensus-based operating guidelines, a number of important parallel processes will be jeopardized. These include a successor to Minute 323, the United States – Mexico agreement through 2026 to share Colorado River shortages and to collaborate on restoration of the long-desiccated Colorado River Delta; Tribal Water Rights Agreements in the Colorado River Basin that are essential to ensuring that vulnerable communities have access to drinking water; Inter- and Intra-state Agreements within the U.S. that can incentivize increased water conservation; and potential innovations in upstream Colorado River Reservoir Operations that can increase the reliability of water supply for all Colorado River water users. This list of parallel programs that depend on successful adoption of consensus-based Colorado River operating guidelines also includes environmental conservation and protection programs, including the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The program will need to modify its approach to species and habitat protection in order to mitigate the impacts of new post-2026 Colorado River operating guidelines. If Colorado River Basin parties cannot come to consensus on new guidelines, they will not be able to determine the impacts of those guidelines and will not be able to develop appropriate revisions to implementation needs of the LCR MSCP. That uncertainty translates into uncertainty for federal and non-federal parties seeking Endangered Species Act compliance, and real risks to the species that depend on LCR MSCP habitats.

Colorado River Resilience and Cooperative Conservation Alternative

The wet winter of 2022-2023 followed more than two decades of drought in the Colorado River Basin. The snowmelt boosted system reservoirs by about 10 percent, an extremely fortunate turn of events. In the Colorado River Basin, there will always be wet years and dry years, but climate change means the overall trend is warmer, drier, with less water availability. Thanks to persistent and increasing conservation by water users in Arizona, California, Nevada, and Mexico, and federal funding and leadership from Reclamation, crisis-level shortages affecting cities in Arizona and California were avoided. Without farmers’ as well as some cities’ proactive water conservation measures in the Lower Colorado River Basin, including Mexico, the water surface in Lake Mead might have been 25 feet lower at the end of this year.

For too long, the Basin has had to manage crisis to crisis. It can no longer avert potential catastrophe without proactively planning, adjusting, and adapting to uncertain and changing water supply conditions. The Basin's challenges go beyond the typical consideration of water supply and demand complexities. The long-term health and integrity of the River and its network of tributaries are now at stake, meaning so too is our ability to provide access to clean drinking water, maintain healthy forests and minimize wildfire threats, sustain entire economies, and ensure the continuity of communities and natural systems throughout the Basin.

Failing to adjust and adapt to uncertain and changing water supply conditions is too great a risk to human health and safety, watershed health and the \$4 trillion economy that the Colorado River supports. However, addressing the Basin's challenges is not a one size fits all proposition. It requires multi-faceted strategies to address the unique challenges in different parts of the basin. This includes exploring innovative, flexible, and easy to use mechanisms that can be packaged into set of solutions that can work for both water users and the environment.

The forecast for this winter is for above-normal temperatures and below-normal snowpack, which could affect water supplies in the Colorado River Basin. The Colorado River Basin cannot secure its water future without long-term investment strategies. A Basin capable of reducing demands, stabilizing water supplies, and maintaining the integrity and health of the natural ecosystems requires durable funding. Federal and non-federal partners' focus can no longer be contained to protecting critical storage levels at Lakes Powell and Mead. It must now move to also considering how to best support forest restoration as well as upgrade agricultural infrastructure to mitigate the impacts of unreliable river flows while securing water supplies and boosting economic agility over the long-term. Each of these efforts and more require funding to help bolster the Colorado River's health, avoid or bounce back from costly disasters, protect local communities and economies, and improve overall water security for the 40 million who people depend on the Colorado River.

Earlier this year, Audubon joined with conservation partners in submitting to the U.S. Bureau of Reclamation our Cooperative Conservation Alternative for consideration in the post-2026 NEPA process for developing Colorado River Operating Guidelines. Cooperative Conservation is designed to improve water supply reliability, reduce the risk of catastrophic shortages to farmers and cities, create new flexible tools that can protect infrastructure, incentivize water conservation, help Tribes realize greater benefits from their water rights, and improve river health. We urge Reclamation and all Colorado River Basin parties to consider our approach as they proceed through the NEPA process.

I would like to thank Congress for the funding for water conservation programs including WaterSMART and the Cooperative Watershed Management Program and the crucial elements in the Bipartisan Infrastructure Law and the Inflation Reduction Act that include funding to improve the resilience of the Colorado River Basin. This funding that Congress provided and the consensus action taken by Colorado River Basin states, averted a crisis on the Colorado River, but we are one bad winter away from more catastrophic shortages. To be effective, this funding needs to get out of federal coffers and into the hands of water users and water managers to incentivize water conservation and efficiency, to improve the health of the forests and headwater streams that are the river's source, and to stabilize the river itself – the natural infrastructure that

supplies water to more than 40 million people. Congress will need to help in the future with additional funding to support continued resilience investments in the Colorado River Basin as warming continues.

Building Resilience through Natural Infrastructure

Audubon encourages Congress to further recognize the benefits of and increase public investments in scaling natural infrastructure approaches to enhance resilience to drought and other natural disasters such as wildfires. Natural infrastructure projects restore nature's processes to provide ecosystem services and functions. These projects use existing or restored natural landscapes and features such as forests, floodplains, and wetlands to increase resilience to drought and climate impacts.

Natural infrastructure can strengthen resilience by enhancing water security, reducing drought impacts, mitigating floods, and reducing wildfire risk. Investment in natural infrastructure solutions is essential in the face of reductions in streamflow. Proactive forest and wet meadow restoration and management can improve snowpack retention and prolong snowmelt and runoff by helping soils slow runoff so that rivers flow longer into the dry season. Additionally, investment in forests, floodplains, agricultural practices, urban green spaces, and urban infrastructure will ensure a climate-resilient future in western watersheds by providing multiple economic, environmental, and social benefits to communities that need functioning infrastructure and a healthy environment.

Lower Colorado River Multi-Species Conservation Program

Audubon supports **H.R. 9515**, the Lower Colorado River Multi-Species Conservation Program Amendment Act of 2024. The Lower Colorado River Multi-Species Conservation Program (LCR MSCP), implemented by the U.S. Bureau of Reclamation, uses federal funds alongside funds collected from Lower Basin States to ensure all parties remain in compliance with the Endangered Species Act.

In response to degraded habitat conditions in the Lower Basin, the U.S. Bureau of Reclamation and water users in California, Nevada, and Arizona took action to address the detrimental impact that declining flows from ongoing river operations were having on federally threatened and endangered species with critical habitat along the Lower Colorado River. In 2005, they partnered to launch the LCR MSCP, a 50-year, multi-stakeholder partnership working to secure Endangered Species Act compliance for river operations below Hoover Dam. The LCR MSCP works toward this goal by creating beneficial riparian and aquatic habitat specifically targeted to support the well-being of 27 threatened, endangered, and species of interest identified in the program. This list includes 12 birds (like the California Black Rail and Gila Woodpecker), four fish, eight reptiles and small mammals, two plants, and one insect species. Today, the LCR MSCP stewards 18 conservation areas that total approximately 8,000 acres of restored marsh, backwater, cottonwood-willow forest, and mesquite habitat.

The LCR MSCP provides certainty of continued water supplies for the Lower Basin states of Arizona, Nevada, and California, and strives to prevent the listing of additional species. In addition to the habitat restoration and species restoration components, it also includes a robust research and monitoring program to track efforts.

It is reasonable to expect that the post-2026 rules for managing the Colorado River will include water use reductions similar to, or larger than, the magnitude of current commitments in the Lower Basin. LCR MSCP habitats rely on irrigation water, and Audubon will advocate for those sites to continue receiving the water necessary to support these created habitats if their water source is impacted. In addition, more permanently reduced flow regimes in the Lower Colorado River corridor could lead to additional losses to remnant quality habitat (not created by LCR MSCP), necessitating expanded habitat mitigation through the program. Audubon is tracking how new management rules will affect LCR MSCP sites and other habitat along the Lower Colorado River.

The bipartisan H.R. 9515 would create an interest-bearing account for the non-federal funding contributions to the LCR MSCP. Audubon supports this legislation, which would offer additional funding for the LCR MSCP program components into the future.

Glen Canyon Dam Adaptive Management Program

Audubon appreciates the inclusion of **H.R. 9969** in this hearing. Nowhere in the Colorado River Basin is the need for environmental stewardship better exemplified than the Grand Canyon. The Grand Canyon sits between the two largest Colorado River reservoirs (in fact, the two largest in the country – Lake Mead and Lake Powell), uniquely exposed to the water supply crisis. At the same time, Grand Canyon National Park is an essential Colorado River resource that supports biologically diverse communities, including many rare, endangered, and endemic species, as well as several ecosystems, ranging from the lower canyon’s Sonoran Desert to the North Rim’s coniferous forest. The park also contains important cultural resources, and more than ten Tribes ascribe substantial cultural significance to the Grand Canyon, the Colorado River, and various sites and resources through the park’s boundaries. Not to be overlooked, the Grand Canyon also provides opportunities for a range of recreational experiences that attract millions of visitors annually as one of the crown jewels of the National Park system and one of the seven natural wonders of the world.

The Colorado River within the Grand Canyon is managed under the 1992 Grand Canyon Protection Act. The U.S. Bureau of Reclamation and National Park Service, working with partner and stakeholder agencies, have collaborated for decades through the Glen Canyon Dam Adaptive Management Program.

Results of this collaboration include improved sediment flows that help maintain sandy beaches used by plants and animals that dwell in the floodplain, as well as by people traveling the canyon by boat, including a robust Grand Canyon commercial recreational industry in one of the crown jewels of the National Parks system. Results also include creation of in-river conditions conducive to maintaining the largest remaining population of Humpback Chub, a fish endemic to the whitewater reaches of deep canyons in the Colorado River Basin. In 1967, the Humpback

Chub was listed as an endangered species; in 2021, it was downlisted to threatened status, indicative of the remarkable efforts to help the species recover.

Yet the Humpback Chub may be in trouble again, vulnerable to invasive predators including smallmouth bass and green sunfish. While Glen Canyon Dam acts as a physical barrier to downstream passage of invasive fish like smallmouth bass, water flowing from the shrinking Lake Powell into the Grand Canyon is getting warmer as the reservoir's water surface drops closer to the turbine intakes on the face of the Glen Canyon Dam. Until recently the water flowing through those intakes, buried deep below the reservoir's surface, was cold enough to keep predator fish away from passage into the Grand Canyon. In July 2022, research teams first reported detections of the predator fish downstream from Glen Canyon Dam.

Actions to prevent the establishment of smallmouth bass below Glen Canyon Dam are critically important to the functionality and sustainability of the entire Colorado River system for all water uses. Additionally, Congress has made clear through the Grand Canyon Protection Act that hydropower benefits must be weighed alongside environmental protection and improvement in the Grand Canyon. As the water supply in the basin decreases, that balancing of needs only becomes more pronounced. Potential releases to control the smallmouth bass are an initial attempt to strike a balance *after* accomplishing water allocation requirements. It also attempts to balance Tribal concerns regarding mechanical removal of living organisms in the Grand Canyon, the critical need to take action under the Endangered Species Act, and the ongoing reality that there is less water in the system. We look forward to learning more about how this legislation can help identify opportunities to mitigate hydropower impacts while balancing Tribal, environmental, recreation, and water management needs.

Reauthorization of the Junior Duck Stamp Conservation and Design Program Act of 1994

While a separate issue from Colorado River matters, Audubon fully supports the bipartisan **H.R. 7642** to reauthorize and increase appropriations for the Junior Duck Stamp Conservation and Design Program Act of 1994. This program builds conservation awareness for students in kindergarten through high school. All of the revenue from the sale of Junior Duck Stamps supports environmental education activities and teaches wetland and waterfowl conservation to students across the country. This program builds on the successful federal Duck Stamp program that has raised over \$1.1 billion dollars since 1934 to conserve over 6 million acres of land within the National Wildlife Refuge System. Programs like the Junior Duck Stamp are critical to ensuring that the nation's youth are introduced to the beauty of birds, the intersection of art and conservation, and the value of protecting critical habitat, like wetlands, across the country.

Conclusion

Left unchecked, the crisis brewing on the Colorado River threatens every living thing that depends on water in this region of the arid West. That includes the people who drink water in cities from Albuquerque to Los Angeles, farms and ranches that feed people across the country and are the foundations of rural economies, Tribal communities that consider the Colorado River their heritage and are already vulnerable because they have not been able to fully realize the benefits of their water rights, and the diversity of wildlife – about 70 percent of all species in the

basin – that depends on healthy rivers. The funding Congress has allocated, and hopefully will allocate in the future, paired with federal, state, and stakeholder consensus and collaboration, is the most hopeful path towards solutions that can sustain all of these values.

Thank you very much for the opportunity to testify and I would be happy to answer your questions.

Sources

- Cooperative Conservation NEPA Alternative Post-2026 Colorado River Operations and Strategies submitted to the U.S. Bureau of Reclamation by National Audubon Society, American Rivers, Environmental Defense Fund, Western Resource Advocates, The Nature Conservancy, Trout Unlimited, Theodore Roosevelt Conservation Partnership at <https://waterforcolorado.org/wp-content/uploads/2024/03/20240329-Final-Cooperative-Conservation-Alternative.pdf>
- Grand Canyon National Park Associated Tribes, National Park Service at <https://home.nps.gov/grca/learn/historyculture/associated-tribes.htm>
- Invasive smallmouth bass found in Colorado River below Glen Canyon Dam, National Park Service, at <https://www.nps.gov/grca/learn/news/invasive-smallmouth-bass-colorado-river-below-glen-canyon-dam.htm>