

Committee on Resources

Subcommittee on Water & Power

Testimony

TESTIMONY
of
WAYNE E. COOK, Executive Director
UPPER COLORADO RIVER COMMISSION
before the
U. S. HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES
HEARING ON THE
SONNY BONO MEMORIAL SALTON SEA RESTORATION ACT
H. R. 3267
March 12, 1998

On behalf of the Upper Basin States of the Colorado River Basin, we thank you for the opportunity to provide written testimony for your March 12, 1998 hearing on H. R. 3267, "Sonny Bono Memorial Salton Sea Restoration Act."

The Upper Colorado River Commission is an interstate administrative agency created by the Upper Colorado River Compact in 1948. The member states of the Commission are Colorado, New Mexico, Utah and Wyoming. Among other things this Commission represents the Upper Basin States in consultations with the Secretary of the Interior on matters pertaining to the operations of the Colorado River.

The Upper Basin States do not object to the goal of stabilizing the Salton Sea, either its salinity level or content. We are concerned, however, that H. R. 3267, as presently introduced, is unclear on what role the Colorado River may play in such stabilizing activities.

SECTION 101(b)(1)and(2) PROJECT REQUIREMENTS page 3, line 16-21, suggests stabilizing the salinity level between 35 and 40 parts per thousand and the surface elevation at 240 to 230 feet below sea level. Such goals could perhaps jeopardize the implementation of the California 4.4 Plan currently being negotiated by the Southern California water agencies. California must restrict its current Colorado River uses to stay within its normal-year water limitation of 4.4 million acre feet of Colorado River water. The Plan envisions conservation of water in the Imperial Irrigation District, and other agricultural areas, for transfer to Metropolitan Water District for use in keeping its Colorado River Aqueduct full. Such conservation measures may significantly reduce inflow to the Salton Sea. Any successful Salton Sea legislation must not jeopardize that goal.

SECTION 101(c)(2)(A)iii, OPTIONS TO BE CONSIDERED page 4, line 8, suggests augmented flows into the Salton Sea. Such flows could be imported sea water or Mexicali Valley return flows, but the direct use of Colorado River waters for this purpose would be generally precluded by the "Law of the River."

SECTION 101(f)1 - RECLAMATION LAWS page 7, line 10-14, is disquieting. What does this section intend to accomplish? Why exclude this project from planning criteria, benefit/cost analysis, discharge permitting, ESA, etc? Doing so seems to set a dangerous precedent.

SECTION 101(f)2 - PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER page 7, line 23, this section needs to be strengthened, and we would suggest the following language:

This section shall not supersede or otherwise affect any treaty, law or agreement governing use of water from the Colorado River. The Secretary shall implement this Act in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in Arizona v. California, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development and exportation of the waters of the Colorado River Basin.

We are also concerned about language contained in Title II - Emergency Action to Stabilize Salton Sea Salinity. SECTION 201(b)(2) suggests water will be available in late 1998 and/or early 1999. However, the source of such water is not identified. Under the present approved plan for operations of the Colorado River for water year 1998 and projected 1999, there is no water available from the Colorado River for such uses in the Salton Sea. If this section contemplated Colorado River water for emergency purposes in 1998, or 1999, it must be rewritten to exclude use of Colorado River water or limit such use to remain within California's 4.4 million acre feet allotment.

If you have questions concerning these comments, please contact Wayne E. Cook, Executive Director, Upper Colorado River Commission at 801-531-1150.

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