

## **Committee on Resources**

### **Subcommittee on Water & Power**

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#### **Testimony**

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#### **Statement of**

#### **Arizona Department of Water Resources**

#### **Director Rita P. Pearson**

#### **before the**

#### **House Subcommittee on Water and Power**

**March 12, 1998**

I would like to thank the House Subcommittee on Water and Power for the opportunity to provide the State of Arizona's perspective on H.R. 3267, the "Sonny Bono Memorial Salton Sea Reclamation Act."

While Arizona does not object to the State of California's desire to develop a plan to address the long-term needs of the Salton Sea ecosystem, it is Arizona's position that a well thought out and scientifically valid plan, which will not negatively impact the other Colorado River Basin States or Mexico, has the greatest opportunity of providing a lasting legacy of the efforts of the late Congressman Sonny Bono to stabilize and restore the Salton Sea.

With this testimony, it is the State of Arizona's intent to provide the subcommittee with information on several issues to consider during the deliberations associated with this legislation. These issues are: (1) the identification of potential sources of water for Salton Sea reclamation in H. R. 3267; (2) the difficulty of using Colorado River water for Salton Sea reclamation within California's Colorado River allocation; and (3) the balance to be achieved between the ecological needs of Salton Sea and the larger context of the ecological needs in the southwestern United States. Each of these issues are described in more detail in the following pages.

#### **Introduction and Background**

The Colorado River is one of the most erratic rivers in the United States. Over the 90-year period of record there have been annual flows at Lees Ferry, Arizona of more than 23 million acre-feet (maf) and flows as low as 5 maf. Approximately 70 percent of the annual natural flow of the Colorado River occurs in the months of May, June and July. The only way these flood flows can be managed for beneficial use is through utilization of a reservoir storage system.

Because of the erratic and meandering nature of the Colorado River, the Salton Sink has been repeatedly filled and evaporated over the past few thousand years. Prior to the filling of the present Salton Sea, the most recent was prehistoric Lake Cauhuilla which dried up approximately 300 years ago. The average annual precipitation in the region is about 3 inches, but the annual rate of evaporation is approximately 5 feet.

Settlement of the Imperial Valley in the late-1800s led to the first tentative attempts at diverting the Colorado River water at the turn of the century for agricultural purposes. Shortly after, in 1905, flood flows from the Gila and Colorado Rivers breached a dike near the International Boundary and poured into the Imperial Valley for 16 months and created the Salton Sea.

Attempts by the agricultural interests along the Lower Colorado River and in the Imperial Valley to limit the potential for devastating floods, as well as provide a long-term reliable supply of Colorado River water led to the passage of the Boulder Canyon Project Act (BCPA) in 1928 (43 U.S.C. 617, December 21, 1928). The BCPA authorized the construction of Hoover Dam and the All-American Canal to supply water for the Imperial and Coachella Valleys. The BCPA listed the primary purposes for the construction of Hoover Dam as controlling floods, improving navigation, regulating the flow of the Colorado River and providing for the storage and delivery of water for reclamation of public lands and other beneficial public uses within the United States.

Since the construction of Hoover Dam, numerous large dams and reservoirs have been constructed on the Colorado River and its tributaries accounting for approximately 60 maf of storage. This is approximately four times the average annual yield of the Colorado River. This allowed the Basin States and the Bureau of Reclamation (Reclamation) to control flood flows and regulate the River to provide for the generation of hydroelectric power and delivery of water for downstream uses in agricultural, municipal and industrial sectors. Creation of this infrastructure has resulted in a long-term dependency on the water supplies of the Colorado River. Because of this dependency, a complex use and accounting system has evolved that has permitted the complete allocation of the Lower Basin's Colorado River Compact apportionment of 7.5 maf.

Current demand on the Colorado River by the Lower Basin States is at an all-time high. Arizona and Nevada are approaching full utilization of their basic apportionments of 2.8 maf and 300,000 acre-feet, respectively. California's present consumptive use of Colorado River water is approximately 5.2 maf per year, while its mainstream basic apportionment is only 4.4 maf, plus one-half of any available surpluses. Additionally, the United States is annually obligated, through an international treaty, to provide Mexico with 1.5 maf. Consequently, there is currently 9.8 maf of annual demand in the Lower Basin. Under the Law of the River, the Secretary is not authorized to deliver this amount of water unless surplus conditions are declared. In 1998, the Secretary did declare surplus conditions, but this condition is not sustainable over the long-term, particularly during periods of drought. Arizona is concerned that additional demand in the Lower Basin will increase the likelihood of shortages to municipal and agricultural users.

#### **H.R. 3267 Does Not Identify the Source of Water for Salton Sea Reclamation**

Title I, Section 101(b)(1) of H.R. 3267 proposes to reduce and stabilize the "overall salinity of the Salton Sea to a level between 35 and 40 parts per thousand." In addition, Section 101(b)(2) would "stabilize the surface elevation of the Salton Sea to a level between 240 feet...and 230 feet below sea level." Title II of H.R. 3267 is intended to provide "emergency action to stabilize Salton Sea salinity." Section 202(1) requires the expulsion of saline waters from the Sea "...by pumping sufficient water out...prior to December 1, 1998..." in order to accommodate, through Section 202(2), "diversion into the Salton Sea of water available as a result of high-flow periods in late 1998 and early 1999."

Arizona interprets this as pumping a substantial quantity of water out of the Sea and then attempting to dilute the remaining solution through the introduction of new water supplies. Arizona is concerned

that the source of this water is not identified in the draft legislation. The Secretary of the Interior is not planning to make flood control releases during the referenced time-frames in Water Year 1998, nor are they anticipated in early 1999. It is Arizona's position that Congress should reconsider the water that is expected to be used and the time-frame to accomplish these goals.

Similarly, Section 101(c)(2)(A)(iii) describes an option to be considered which would provide "augmented flows of water into the Salton Sea." Again, it is not clear what the source of these augmented flows would be. If these flows are the result of importation of water from the Pacific Ocean, Gulf of California or return flows from the Mexicali Valley, this should be specifically referenced.

Perhaps Arizona's greatest concern is the preservation of rights and obligations with respect to the Colorado River. Section 101(f)(2) must be strengthened with the incorporation of the following language:

This Act shall not supersede or otherwise affect any treaty, decree, law or agreement governing the 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 United States Supreme Court in *Arizona v. California*, and the provisions of the Boulder Canyon Project Act of 1928, Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 which govern the allocation, appropriation, development and exportation of the waters of the Colorado River Basin.

Finally, the water supply and water quality issues associated with reclamation of the Salton Sea as proposed in H.R. 3267 must be carefully examined in relation to the overall management of the Lower Colorado River. The Colorado River is an interstate river which is fully appropriated and managed by nearly a century of intense scrutiny, dialogue, negotiation, legislation and litigation. Currently, the seven Colorado River Basin States, Native American Tribes, the United States and other interested stakeholders are involved in several important basin-wide governance processes which are addressing issues such as water supply, quantity and allocation, water quality, as well as endangered species and habitat management.

#### **Additional Colorado River Water for Salton Sea Reclamation Must Come From Within California's Allocation**

With the increased demand upon the Colorado River system and the potential risks of shortage to the Colorado River Basin States, the Secretary of the Interior requested that California initiate the development of a negotiated plan among its Colorado River water-using agencies to reduce their annual use from 5.2 maf to the basic apportionment of 4.4 maf. The California "4.4 Plan" proposes to reduce the annual use of Colorado River water in two phases. Phase I would step the use down from 5.2 maf to approximately 4.6-4.7 maf over a ten to 15 year period (2010-2015). Phase II would further reduce California's use of Colorado River water down to the basic apportionment of 4.4 maf. The primary 4.4 Plan components include: (1) firm "core transfers" from agricultural districts to municipal and industrial water providers in the South Coast region; (2) recovery of seepage from the All-American and Coachella Canals; (3) implementation of conjunctive use management of surface and groundwater supplies; and (4) Colorado River reservoir operating criteria which continue to make surplus water available.

A critical component of the 4.4 Plan is the firm transfer of approximately 400,000 acre-feet per year

out of the Imperial Valley to the South Coast region during Phase I. Phase II calls for an additional 50,000 to 100,000 acre-feet per year to be transferred from Imperial Irrigation District, if determined feasible. In order to effectuate these transfers, intensive water conservation programs will be required in the agricultural districts which will ultimately lead to reduced drainage flows into the Salton Sea. Even if only the Phase I 400,000 acre-feet per year of firm transfer water is removed from the Imperial and Coachella Valleys, this is roughly equivalent to 40 percent of the nearly one million acre-feet per year of current agricultural drainage flowing into the Sea.

The ultimate goal of the California 4.4 Plan is to develop programs which return the State to its basic apportionment and continue to allow the Colorado River Aqueduct, operated by the Metropolitan Water District of Southern California, to run at essentially full capacity (approximately 1.2 maf annually) without causing detrimental impacts to the agricultural service areas and to the other Basin States. This raises a concern in Arizona regarding the relationship between the proposed California 4.4 Plan and the role of H.R. 3267 and reclamation of the Salton Sea. Arizona believes that the legislation, in its present state, is unclear on the role of the Colorado River in the restoration and reclamation of the Salton Sea. Programs proposed in H.R. 3267 must come within California's lawful apportionment, but not jeopardize the overall goal of California's implementation of the 4.4. Plan.

#### **Ecological Needs of Salton Sea Reclamation Must Be Viewed in the Larger Context of the Ecological Needs of the Southwestern United States**

Arizona generally supports the concept described in Section 101(c)(1) which requires that the Secretary prepare a "feasibility study" of various options for reclaiming the Sea. Preparation of the study is compatible with the recommendations stemming from the Salton Sea Needs Assessment Workshop which was held in August 1997 in Palm Springs, California. In fact, the Workshop proceedings developed a package of 31 research proposals which would require approximately \$32 million and three years to implement.<sup>(1)</sup> There are two specific recommendations which came out of the Workshop which may be of interest to the Committee.

First, according to page 15 of the proceedings, "foremost in team discussions was the overriding need to understand the Salton Sea ecosystem, preferably before, but at a minimum, while we attempt to fix it through human intervention. Otherwise the technical solution for the Salton Sea's problems are liable to be too narrowly focused and a unique opportunity to benefit people and wildlife may not be achieved..."

Second, an additional recommendation on page 71 suggested that "...agencies should make clear to Congress and stakeholders that three years of focused science can only reduce some of the major uncertainties about the problems of the Salton Sea, and that final solutions to the problems are unlikely to emerge from such an effort. An adaptive approach to managing the Salton Sea and conducting science is more likely to be successful." The Needs Assessment teams recommended that the concept of adaptive management should involve implementing small actions, monitoring the response of the Sea to that action, assessing the response mechanisms and using the knowledge gained to design and implement subsequent actions and monitoring and assessment processes. It should be recognized that a similar adaptive management process has been successfully implemented by the Secretary of the Interior, the Colorado River Basin States and other stakeholders for the management and operation of Glen Canyon Dam.

Currently, the Lower Basin States, several Native American Tribes, the United States, environmental organizations and other stakeholders are developing a fifty-year program which will meet the needs



of over 100 species occupying habitats along the Lower Colorado River. This Lower Colorado River Multi-Species Conservation Program (MSCP) is a significant effort directed at ensuring long-term federal and non-federal compliance with environmental laws and regulations, while ensuring the continued utilization and development of the water and hydroelectric power resources of the Colorado River.

The MSCP, much like the CalFed Bay-Delta Program, Upper Colorado River and San Juan River Basin Recovery Programs are major undertakings requiring significant commitment of federal and state resources. Programs costing several hundred millions of dollars must be carefully evaluated from the standpoint of the overall goals and objectives and the likelihood of long-term measurable success. These programs, and similar ones in the southwestern United States, are all in the position of competing for limited resources from the federal and state taxpayers, while attempting to address certain specific and unique needs. There is an obligation on the part of Congress and individual state legislatures to ensure that the programs with the greatest likelihood of success are supported through commitment of these limited resources.

While Arizona recognizes that the needs of the Salton Sea ecosystem are significant, the proposed solutions must be evaluated in the perspective of the overall management of the water and ecological resources of the Lower Colorado River Basin. A Salton Sea solution must be considered and integrated with the ongoing California 4.4 Plan, the recent proposed rule authorizing the offstream storage of Colorado River water and the development of the 50-year Lower Colorado River MSCP. Each of these processes are a single component of the evolving blueprint which guides the wise use, management and conservation of all of the natural resources in the Lower Basin. One process cannot be rapidly advanced without carefully evaluating the potential impacts upon the others. Management of these valuable resources can only be accomplished with broad-based public participation in a thoughtful, iterative and scientifically credible environment

### **Conclusion**

In summary, Arizona urges the Congress to amend H. R. 3267 to accomplish the following:

1. Identify all potential sources of water for the Salton Sea Reclamation Project and consider the impacts of using that water;
2. Require explicit adherence to the current law of the Colorado River; and
3. Require that any Colorado River water utilized for the Salton Sea Reclamation Project come from within California's mainstream allocation of Colorado River water.

In view of the complexity of the current issues facing the Secretary of the Interior, individual Colorado River Basin States and stakeholders, there are still questions which remain to be answered. For example, there may not be sufficient resources in Reclamation's Lower Colorado Region to accomplish the goals and objectives required in H. R. 3267 and still meet the needs of the California 4.4 Plan process, offstream storage of Colorado River water, development of surplus criteria for reservoir operations, implementation of the final biological opinion for Lower Colorado River operations and the continued development of the Lower Colorado River MSCP. Consequently, Arizona believes that the time-lines proposed in H. R. 3267 should be re-evaluated in the context of these other equally important elements of Colorado River management.

The burdens placed on California, the United States and potentially the other Colorado River Basin States for development and implementation of the Salton Sea Reclamation Project will require a cooperative and effective partnership of the Congress, the States and stakeholders within the Basin. Arizona looks forward to working with the United States, California and the other Basin States during the development of the Salton Sea Reclamation Project.

Thank you for the opportunity to address the subcommittee regarding H. R. 3267. I would be happy to answer any questions you may have.

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#### ENDNOTE

1. Saving the Salton Sea: A Needs Assessment Workshop, August 4-8, 1997, Workshop Proceedings, A Report of the U.S. Fish and Wildlife Service, Region 1, Portland, Oregon, 73 pp.

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