

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 22, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Haaland,

As you know, climate change and unsustainable water use are bringing us close to a catastrophic collapse of the Colorado River System. Avoiding this disastrous outcome will require a major change in status quo management approaches and significant reductions in Colorado River water use by all Colorado River Basin states, including Upper Basin states. Toward that end, in the absence of voluntary water use reductions, I respectfully urge the Department to fully use its existing legal authorities to require an additional 2 to 4 million acre-feet in water conservation to protect the Colorado River System.

On June 14, 2022, as the Colorado River Basin's reservoirs continued to reach unprecedented lows, Bureau of Reclamation Commissioner Camille Calimlim Touton called on all Colorado River Basin states to identify a consensus solution by August 16th to conserve an additional 2 to 4 million acre-feet of water next year to maintain critical reservoir levels. Commissioner Touton also expressed a readiness to use the federal government's legal authorities to protect the system, if needed. No plan was identified within the August 16th timeframe set by the Commissioner. Weeks later, it is still unclear exactly how the ongoing threat of system collapse will be managed.

The need for additional conservation beyond the agreed-upon water use reductions under the 2019 Colorado River Drought Contingency Plan (DCP) is strikingly clear in modeling for the coming water year. Given the shared risks to the system as a whole, reducing water use to manage this risk must be a shared responsibility and all Colorado River Basin states must significantly cut back their Colorado River water use next year to protect the system, including the Upper Basin states. All Basin states have a shared interest in voluntarily developing a collaborative, comprehensive plan for water conservation: a plan they can design, implement, and—if needed—adapt to changing conditions. I was proud to lead the DCP authorization bill in Congress to advance a state-led plan to reduce Colorado River water use to more sustainable levels, and I stand ready to assist on another state-led plan to bridge the growing chasm between our water supply and demand. But if all of the Basin states cannot meet the undeniable urgency of this moment, then the Department must provide the clarity and certainty of a federal plan to preserve our dwindling water resources for the tens of millions of Americans who rely on the Colorado River.

Beyond the DCP legislation, I have worked diligently in Congress to help deliver new legal authorities and federal resources that should also be used to address the Colorado River's supply-

demand imbalance, which is only growing as climate change further reduces supply. Most recently, my office helped negotiate and draft section 50233 of the Inflation Reduction Act (IRA), which provides the Department with \$4 billion specifically targeted for Colorado River drought response. During legislative drafting, there was robust debate over whether to permit funding for long-term, multiyear water use reduction measures; ultimately, the IRA specifically authorized funding for multiyear water reductions to support lasting climate resilience. It is important that the Department make significant use of this authority to advance long-term solutions that will address the worsening supply-demand imbalance across the Basin. Funding short-term or single-year reductions in water use without assurances of ongoing conservation measures will do nothing to deliver enduring climate solutions for the Basin.

Additionally, the historic levels of funding currently available for the Colorado River may very well not be available in future years. It is essential that the Department use this historic opportunity to secure the long-term solutions so badly needed to protect the Colorado River System for the next generation. This need is especially great for the many underserved communities that have long faced the greatest water challenges in the Basin and now face the greatest risk from the Colorado River's deteriorating hydrology. To address these challenges, the Department should also dedicate funding from IRA section 50233 to help ensure that Tribes and underserved communities across the Basin have adequate drinking water and sanitation, consistent with President Biden's Justice40 Initiative. There is sufficient statutory discretion in section 50233 to fund key investment benefits described in the Office of Management and Budget's guidance on implementation of the Justice40 Initiative, including the benefit of "[i]ncreased access to safe drinking water" and sanitation services.¹

I appreciate the work that you have done to get us to this point, recognizing that the Department has been working diligently to develop a consensus-based approach to the challenges facing the Colorado River. However, if the states and others in the Basin cannot come together on a plan that adequately meets this moment, it is incumbent on the Department to advance a plan following tribal consultation that will fully use the Department's legal authorities to protect the Colorado River System from collapse.

Sincerely,



Raúl M. Grijalva
Chair
Committee on Natural Resources

¹ The Office of Management and Budget, Memorandum for the Heads of Departments and Agencies, *Interim Implementation Guidance for the Justice40 Initiative* (July 20, 2021).