



2007 Resolutions

Adopted by the Members of the
Colorado River Water Users Association
At Their Annual Business Meeting on
Friday, December 15, 2006
Las Vegas, Nevada

**The Colorado River Water Users Association is a non-profit, non-partisan organization,
formed to protect and safeguard the interests of all who use the Colorado River.**

Introduction to CRWUA’s 2007 Resolutions

The membership of the Colorado River Water Users Association (CRWUA) annually update and adopt a comprehensive set of resolutions addressing the major issues and externalities affecting the sharing, use and further development of the Basin’s water supply. As the Colorado River is one of the most regulated rivers in the country, a complex set of state and federal statutes, regulations and judicial decrees, interstate compacts and an international treaty (collectively referred to as “the Law of the River”) govern the allocation and water management decisions affecting conservation storage, releases and uses made by the 29 million people who depend on the River for their water supply.

The CRWUA’s resolutions advocate sound public policy positions that maximize beneficial consumptive use of the available water supply while appropriately conserving important environmental resources, promote storage to ameliorate drought conditions, support generation of electrical power at the many hydroelectric plants at the major federally constructed reservoirs in the River Basin and preserve the rights and prerogatives of the seven states through which the 1200-mile long river flows. Collaboration and cooperation to accomplish mutually beneficial environmental restoration and necessary water development actions is encouraged in these resolutions; they emphasize the maintenance of long-established legal frameworks and water management tenets (including satisfaction of contractual water supply rights) affecting water supply certainty and dependability in the arid, desert country through which the River flows. The positions espoused by CRWUA’s resolutions support the continuation of basin-wide water quality improvement programs and environment restoration programs to stretch the finite water supply available in the fastest growing region of the United States. In short, CRWUA’s resolutions address local, state, regional, national and international relationships among the many interdependent parties who rely on this internationally critical water supply. These resolutions are addressed to, among others, national, local and state governments and nongovernmental organizations.

Position statements framing the relevant issues and justifying the Association’s resolutions can be conveniently accessed on the CRWUA website (www.crwua.org/res/2007Resolutions.pdf). The adopted resolutions reflect consensus of the hundreds of diverse water users who gather from across the seven state area (comprising one-twelfth of the United States land surface) each December at the annual CRWUA conference and have been doing so for sixty years. Each of these resolutions is in effect until revised or amended and in all instances are in effect until the 2007 annual conference of the CRWUA.

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COLORADO RIVER WATER USERS ASSOCIATION 2007 RESOLUTIONS

Resolution No. 2007-1 --- ENDANGERED SPECIES ACT

Recognizing that the purpose of the federal Endangered Species Act (ESA) is to conserve and recover listed species in a cost effective and timely manner and to maintain and manage the ecosystems upon which threatened and endangered species depend, the CRWUA urges the administration of, and legislative amendments to, the federal ESA to:

1. Provide greater involvement of the States and impacted entities in listing decisions, critical habitat designations, recovery planning, Habitat Conservation Plans, Safe Harbor agreements and more;
2. Recognize and protect property rights and water rights;
3. Fairly treat property owners and water right holders;
4. Minimize social and economic impacts;
5. Use sound science in concert with clear and objective scientific standards for listing of species and designation of critical habitat; and,
6. Provide positive incentives to conserve listed and declining species, including statutory provision for:
 - Assurances - “no surprises” for non-federal stakeholders affected by federal agency Section 7 consultations.
 - Ecosystem-based conservation plans.
7. Require the Federal Government to comply with all applicable state laws and regulations regarding water resources and water management in administering the ESA.
8. Continue appropriation of cost-sharing funds by the Congress and the Legislatures of the States of Colorado, New Mexico, Utah and Wyoming for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin and the San Juan River Basin Recovery Implementation Program. The Association urges the U.S. Fish and Wildlife Service to reduce the overhead (“cost recovery”) rate that it is charging on fund transfers for work associated with the San Juan River Basin Species Recovery Implementation Program recognizing the enormous benefits that this multi-state, cooperative partnership is providing for endangered species recovery.
9. Adequately fund implementation of the Lower Colorado River Multi-Species Conservation Program by Congress, the Legislatures of the Lower Colorado Basin States and other program participants.

Resolution No. 2007-2 --- CLEAN WATER ACT

The Clean Water Act (CWA) should be utilized only to regulate the discharge of pollutants to waters of the United States. The CRWUA urges:

1. The CWA and any amendments thereto should not directly or indirectly create a federal water quality law or program which abrogates, supersedes or impairs state water allocation systems, compacts or rights to water created and managed under state law.

2. The Federal Government should comply with all applicable state laws and regulations regarding water resources and water management in accordance with the deference established in the Constitution of the United States. In considering the project purpose and need for water development projects proposed by states, tribes or other local governmental subdivisions, the purpose and need should be defined by the project sponsor. The purpose and need as identified by the Federal agency should incorporate the sponsor's purpose and need in its entirety. No federal policy or agenda should frustrate or subvert local needs.
3. Section 401 of the CWA should not be utilized directly or indirectly to control activities which do not result in a point source discharge of pollutants.
4. States should be allowed to develop and administer water quality standards appropriate for ephemeral and/or effluent dominated streams taking into account the intermittent nature and other physical limitations of such streams, the net environmental benefit associated with the continued discharge of water to such streams, and the need to protect downstream beneficial users.
5. EPA should defer to state classifications for intrastate bodies of water, state-established water quality standards for the protection of such classifications, and other aspects of state implementation of the CWA.
6. States should exercise primary authority in meeting the requirements of Section 303(d) of the CWA, with specific reference to:
 - the identification of impaired water bodies;
 - the prioritization of impaired water bodies;
 - the establishment and implementation of total maximum daily loads (TMDLs); and
 - the selection of appropriate mechanisms for addressing non-point sources of pollutants.

Section 402, National Pollution Discharge Elimination System (NPDES) Permits:

7. Use of materials approved by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act should not be subject to CWA regulation when used in accordance with label instructions.
8. Irrigation canals and facilities constructed for the transportation, storage, and treatment of water for public water supply purposes should not be classified as waters of the United States for regulatory purposes.
9. The diversion and delivery of water for beneficial use through a water conveyance system from one stream or water body to another, without subjecting the water to intervening industrial, municipal or commercial use, should not require an NPDES permit under Section 402 of the CWA. States should determine the best method to control, if necessary, pollutants contained in water transported by water conveyance structures, including non-point source control methods. Use of water for power generation in a hydroelectric facility in the course of conveying water from one stream or water body to another should not be considered an intervening industrial, municipal or commercial use for NPDES permitting purposes.

Section 404:

10. The EPA and the U.S. Fish and Wildlife Service should establish guidelines and objective measures for mitigation, and defer to the Corps of Engineers on matters of engineering, economics, flood control and other areas within the Corps' expertise.
11. Water surfaces and water-related vegetation areas artificially created incidental to irrigation, hydropower, flood control and water supply projects and intrastate wetland areas that are not hydrologically connected to other bodies of water should not be classified as waters of the United States for regulatory purposes.

Non-Point Source:

12. The CWA should encourage necessary, cost effective and reasonable voluntary measures to control non-point source discharges including the use of BMPs and pollutant trading.

13. Non-point source controls should be integrated, to the extent determined appropriate by state and local entities, with watershed management programs designed to achieve overall progress towards water quality objectives in that watershed.

Federal Mandates:

14. The CWA should allow for adequate phase-in time for new limitations or standards so as not to impose unnecessary or substantial hardships on regulated entities or their constituents unless dictated by substantiated societal health and safety considerations.
15. Actions required by the CWA should be supported by adequate federal funding.
16. No private property should be taken under the CWA without just compensation to the owner, as required by the Fifth and Fourteenth Amendments to the Constitution of the United States.

Resolution No. 2007-3 --- RECLAMATION

The CRWUA urges the U.S. Bureau of Reclamation (Reclamation) to honor commitments regarding maintenance of project infrastructure and governing storage and release of water on behalf of contract holders, in accordance with the following:

1. Project benefits should not be reallocated without the consent of project beneficiaries. Beneficiaries should not pay for project benefits reallocated to another use. Changes in project operations should not impair existing contracts or water rights under state law.
2. The federal government should pay for environmental enhancement and mitigation. Existing contracts should not be surcharged for environmental enhancement or mitigation.
3. Water service contracts should be renewed for the same quantity of supply as has been historically beneficially used and should provide the same availability to water users as has been historically enjoyed. Water service contracts should be renewed for the maximum allowable term.
4. All reservoirs and dams on the Colorado River should be operated in compliance with applicable law and authorized project purposes. Operational changes to benefit recreation, fishery or environmental mandates should minimally impact hydropower production. The federal government should pay for replacement power due to operational changes for recreation, fishery or the environment.
5. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the economies, the quality of life and the survival of the people who depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance that was deferred or making future repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water project infrastructure in the Colorado River Basin and across the West.
6. Reclamation should immediately commence and fully implement the measures identified in its *Managing for Excellence* Action Plan, issued in response to the National Research Council's *Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation* report, including identification and implementation of transfer of operation and maintenance responsibility to project sponsors when the sponsors are capable and willing to take over such responsibility.

Resolution No. 2007-4 --- COLORADO RIVER SALINITY CONTROL

The CRWUA urges continued funding and implementation of measures to control the salinity of the Colorado River. The Administration should request and Congress should provide sufficient funding for the Colorado River Basin Salinity Control Program.

Resolution No. 2007-5 --- SETTLEMENT OF INDIAN RESERVED RIGHTS

The CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with the firm water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies;
2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met;
3. Appropriate participation of the State, local governmental entities and non-Indian water users in the settlement process is required for the success of any negotiated settlement.
4. Any water rights settlements that have been approved by the respective parties should be immediately and fully funded to implement their terms within the specified timeframes.
5. Negotiation teams possessing the requisite technical, legal and political expertise should be appointed by the federal government and actively participate in tribal water settlement negotiations to facilitate informed water rights decisions being made by all parties.

Resolution No. 2007-6 --- URANIUM MILL TAILINGS PILE NEAR MOAB, UTAH

The CRWUA urges the Congress to appropriate sufficient funding to allow the Department of Energy (DOE) to relocate the Atlas Corporation's uranium mill tailings pile near Moab, Utah, away from the Colorado River.

Resolution No. 2007-7 --- COLORADO RIVER DELTA

In recognition of the authority and interests of the seven Colorado River Basin States in the water, power, recreational and environmental resources provided by the Colorado River, the CRWUA urges:

1. The federal government to communicate closely with and encourage the participation of each of those states in addressing issues of mutual interest between the United States and Mexico concerning the Colorado River Delta.
2. The federal government to use the following criteria to guide discussions concerning the Colorado River Delta:
 - Each of the water apportionments among the Basin states must remain certain and unimpaired;
 - Any proposal to manage or deliver water for any purpose in the Colorado River Delta must be undertaken pursuant to the Law of the River, and must not enhance, diminish, or abrogate any provision thereof, particularly the 1944 Treaty between the United States and Mexico;

- Any proposal to manage water and other natural resources for environmental purposes in the Delta involving the United States should be consistent with clearly articulated and agreed upon habitat, species, or environmental goals; and,
- Any alternative to assist in improving the environment in the Delta will require study and innovative solutions involving conservation, improved water management and non-water related actions.

Resolution No. 2007-8 --- USE AND MAINTENANCE OF WATER SUPPLY FACILITIES

The CRWUA urges:

1. Reclamation to maintain the maximum practical amount of reservoir conservation storage in each of the Colorado River system reservoirs it manages. Reclamation and the Department of the Interior should exercise their maximum authority under existing law to enter into contracts for the storage of non-project water in excess project space and project water in non-project space, including water for irrigation, municipal and industrial purposes, and for the use of excess capacity in project conveyance and distribution facilities for conveyance of non-project water.
2. Additional water project infrastructure will continue to be needed to meet western population and growth challenges. In the West, water infrastructure is every bit as important as transportation infrastructure. The CRWUA believes Reclamation must focus efforts on and dedicate increased funding to maintain existing water project infrastructure, establish a more proactive infrastructure rehabilitation program and develop additional storage capacity.

The CRWUA opposes the removal, bypass or breaching of federal dams in the Colorado River Basin and the restriction or abrogation of states’ rights to manage or control their water resources.

Resolution No. 2007-9 --- THE DEPT. OF THE INTERIOR’S *WATER 2025 INITIATIVE*

The CRWUA supports the purposes of the Department of the Interior’s (DOI’s) *Water 2025 Initiative: Preventing Crises and Conflict in the West* and encourages DOI to expand this initiative by including a water supply enhancement component. The CRWUA concurs in the view that crisis management is not an effective solution to meeting water supply challenges. The Association recognizes that appropriate solutions to complex water supply issues must recognize and respect state, tribal, and federal water rights, contracts, and interstate compacts and decrees of the United States Supreme Court that allocate the right to use water. Congress should fund this initiative at levels requested by the DOI.

Resolution No. 2007-10 --- MAINTAINING FINANCIAL STABILITY OF THE UPPER COLORADO RIVER BASIN DEVELOPMENT FUND

The CRWUA urges:

1. Reclamation and the Western Area Power Administration (Western) to implement additional cost-cutting measures to improve the status of the Upper Colorado River Basin Fund and stabilize the Colorado River Storage Project (CRSP) power rate. Reclamation and Western should work in partnership with CRSP customers to develop an operational financial and rate-setting strategy to:
 - address hydropower impacts associated with the effects of recurring drought in the Basin;
 - create a sustainable cash flow for the Basin Fund; and,
 - maintain a viable CRSP power rate.

2. The passage of federal legislation to create a mechanism to allow the appropriation of funds to the USBR and Western to ensure sufficient funding for CRSP operations and other required annual funding obligations.

Resolution No. 2007-11 --- MANAGEMENT OF LOWER COLORADO RIVER WATER SUPPLIES

The CRWUA urges:

1. The Bureau of Reclamation to expeditiously improve its capability to regulate Colorado River flows at Imperial Dam, and bring the Yuma Desalting Plant (YDP) to operational status. The CRWUA supports the operation of the YDP and urges the United States to make necessary modifications to the YDP and to make sufficient resources available to bring the YDP into full operation in the shortest possible time.
2. Urges construction of the proposed re-regulatory water management reservoir at the Drop 2 site along the All American Canal to replace lost regulation capacity previously available at Senator Wash Reservoir.
3. Supports the excavation of sediments accumulated behind Laguna Dam to supplement the existing in-stream storage capacity at Imperial Dam, restore in-channel storage capacity for regulation of flows released from Parker Dam and to provide incidental improvements to fish and wildlife habitat between Laguna Dam and Imperial Dam.

Resolution No. 2007-12 --- POTENTIAL CLIMATE CHANGE

The CRWUA urges the Bureau of Reclamation to include the impacts of potential climate change in all aspects of its water resources management and planning to assure the continued reliability of the Colorado River water supply.

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