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U.S. Senate Committee Considers CRIT Water Resiliency Act *The first step for historic legislation is complete*

(WASHINGTON DC) Colorado River Indian Tribes (CRIT) Chairwoman Amelia Flores addressed the U.S. Senate today, March 23rd, in support of a bill that would enable the Tribe to assist Arizona with Colorado River water for critical drought relief while preserving the life of the river and strengthen tribal sovereignty.

The Colorado River Indian Tribes Water Resiliency Act of 2021(S.3308) would create the authority for CRIT to further exercise its water rights. This authority would enable CRIT to allocate its water resources to provide a short-term water supply for entities experiencing drought or shortages across Arizona and protect natural habitats along the Colorado River. The legislation provides CRIT similar rights many federally recognized tribes across the country currently enjoy and benefit from.

S.3308 was introduced by Senator Mark Kelly and is co-sponsored by Senator Kyrsten Sinema. Endorsers include the Arizona Department of Water Resources, the Salt River Project, the Central Arizona Project, the Arizona Municipal Water Users Association, the City of Phoenix, the Roosevelt Water Conservation District, the National Audubon Society Arizona House Speaker Representative Russell Bowers, and the Water for Arizona Coalition.

Here is the text of Chairwoman Flores' testimony before the U.S. Senate Committee on Indian Affairs.

Testimony of Amelia Flores on the Colorado River Indian Tribes Water Resiliency Act. Chairwoman, Colorado River Indian Tribes

March 23, 2022

Chairman Schatz, Ranking Member Murkowski, Members of the Committee: It is an honor to be here today. My name is Chairwoman Amelia Flores and I am the elected leader of the Colorado River Indian Tribes, also known as CRIT.

We are the Aha Makhav, the people of the river. Our songs, our trails, and virtually every aspect of our culture is based on the river and the indigenous plants and animals that rely on it.

We are also farmers. The rich soil along the riverbanks has sustained our people for millennia and today we have more than 70,000 acres of production on reservation including alfalfa, cotton, and potatoes.

Our culture and agricultural economy are reliant on our senior water rights. Past leaders fought for our rights, which were quantified and perfected by the Supreme Court in Arizona v. California. Our Arizona allocation is the largest and most senior right from the River in the state. It is also, unfortunately, among the least flexible... And that is why I am here today.

CRIT has worked with the Department of the Interior, the Arizona Department of Water Resources, water users, and environmental organizations over the last six years to develop and promote legislation that will better integrate our water rights into the state's water management system.

More specifically, the Colorado River Indian Tribes Water Resiliency Act of 2021 would waive the Indian Non-Intercourse Act and allow CRIT to lease portions of its water right outside of our reservation boundaries. This maximizes the value of our trust asset and provides great economic opportunities. It also benefits non-tribal water users by making their water supply more accessible even during drought.

This bill comes at a critical time in the Colorado River Basin. We are facing a mega-drought, and Arizona is Ground Zero. The US Bureau of Reclamation anticipates that our state will be forced to reduce water deliveries by more than 500,000 acre-feet next year. And within five years, the state may receive no water from the River at all.

But thanks to the senior priority of our water, if the river flows, CRIT will not be directly impacted. That is why we have such strong support from non-tribal stakeholders: water leased from CRIT will not be subject to this shortage.

The authority contained in the CRIT Water Resiliency Act is consistent with authority already granted to other tribes and with other aspects of federal law.

For instance, the legislative text dealing with water leases is nearly identical to provisions included in Congressionally-enacted water settlements for the last 25 years. Thus, our leases would simply follow in the footsteps of the other 24 other tribes that already have this authority.

Similarly, we apply the same strong environmental rules to any potential lease. NEPA, the Endangered Species Act, and other environmental laws would apply to any transfer authorized by this act.

What's unique: because we have a fully adjudicated, but not fully developed right, we agreed to limit leases only to water that has been historically consumed on the Reservation. That ensures a lease never takes water away from others.

In addition to the economic benefits of this legislation, tribal leadership would like to use the authority to expand on river habitat conservation. Right now we are only able to use our water to create habitat within the boundaries of our reservation. This bill would allow us to replicate the success of our tribal conservation area, the Ahakhav Preserve, along other stretches of the river. We have seen great success with our endangered fish restoration program and native plant nursery within the Preserve, and we are excited about the opportunity to replicate these results in other parts of the State.

This legislation is all about working together to solve one of the most difficult issues faced by our region. I believe this bill will help our tribe and our state deal with the challenges of the drought, and I hope you will join Senators Kelly and Sinema in supporting our effort. Thank you again for the opportunity, and I stand ready to answer any questions you may have.

CRIT has demonstrated its ability to assist with drought relief without reducing the amount of water flow in the Colorado River through beneficial agreements, like the Drought Contingency Plan and similar federal pilot programs, by making water available through continued conservation efforts already implemented.

CRIT has the first priority decreed water right to divert 719,248 acre-feet per year to serve tribal lands in both Arizona and California. It has the resources to maintain on-reservation needs and to assist in maintaining the water levels in Lake Mead AND assist in direct drought relief to Arizona communities at the same time.

About the Colorado River Indian Tribes:

The Colorado River Indian Tribes include four distinct Tribes - the Mohave, Chemehuevi, Hopi, and Navajo. There are currently about 4,572 Tribal members. The CRIT Reservation was created in 1865 by the Federal Government for "Indians of the Colorado River and its tributaries," originally for the Mohave and Chemehuevi, who had inhabited the area for centuries. People of the Hopi and Navajo Tribes were relocated to the reservation in later years. The reservation stretches along the Colorado River on both the Arizona and California side. It includes approximately 300,000 acres of land, with the river serving as the focal point and lifeblood of the area.