Written Testimony of Tom Kiernan

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Chairman Lee, Ranking Member Heinrich, and Members of the Committee, thank you for the opportunity to testify today on matters related to the Colorado River basin.

My name is Tom Kiernan, and I am the CEO and President of American Rivers. Prior to my time at this organization, I served in similar capacity in other energy and conservation organizations and in senior roles in the George H.W. Bush Administration, including at the Environmental Protection Agency. I have spent more than three decades building bipartisan support for land, water, and energy solutions and I continue that work in my current role.

American Rivers is a national conservation organization working to make every river clean and healthy for people and wildlife. We combine evidence-based solutions with enduring partnerships to safeguard the 4.4 million miles of rivers and streams that are essential to our nation's clean drinking water, extraordinary wildlife, and the strength of our communities. For more than 50 years, our staff, supporters, and partners have been driven by a common belief: Life Depends on Rivers.

The Colorado River is the lifeblood of the American West. It supplies water to approximately 40 million people, supports 30 Tribal Nations, irrigates more than 5 million acres of farmland, generates hydropower across the Southwest, and sustains a regional economy exceeding $1.4 trillion, including $26 billion in annual recreational spending, and hundreds of thousands of jobs across the West. The Colorado River also sustains unique ecosystems found nowhere else on Earth. Yet, today demand across the basin chronically exceeds supply, and the river is no longer capable of delivering what the law promises.

To help ensure a sustainable future for the Colorado River, American Rivers urges this Congress to: (1) direct the Bureau of Reclamation to finalize durable operating guidelines grounded in hydrologic reality; (2) affirm the voluntary transactions, flexible management, and conservation programs that the new framework depends on; (3) authorize significant federal investment to help bridge the transition to a more resilient future; and (4) maintain environmental principles in maximizing the use of natural infrastructure.

I. The Colorado River's Structural Challenge

Today, the Colorado River Basin is at a defining moment. More than two decades of exceptionally hot and dry conditions, declining runoff, and long-standing overallocation have created a persistent structural deficit that can no longer be managed through temporary emergency measures alone. The consequences are visible in the Basin's two largest reservoirs, as Lake Powell and Lake Mead sit at historically low levels, well below levels needed to sustainably support the communities, economies, energy systems, and ecosystems that depend upon them. Forecasted inflows to Powell for the critical April-through-July runoff window this year are projected at just 29 percent of the long-term median.

The Colorado River is managed under a complex framework of agreements dating back to 1922, many of which were based on hydrologic assumptions that fail to reflect today's realities. Drying conditions and outsized demand mean that there is now less water available than originally allocated to each state. The current operating rules for managing the river's two largest reservoirs (the 2007 Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead) were not designed to manage the scale or persistence of today's drought conditions. As a result, the Basin has been forced to rely on increasingly reactive emergency actions, short-term agreements, and crisis-response decision-making.

The Drought Contingency Plans negotiated in 2017 and finalized in 2019 demonstrate that collaboration is possible, even under immense pressure. These plans are the result of inter-basin agreements that have helped avert near-term system collapse. They were passed by Congress on a bipartisan basis and signed into law by President Trump. However, they were always intended as interim measures. They are not a substitute for durable, predictable operating rules aligned with the hydrologic reality now facing the Colorado River.

These and other key operating agreements will expire on October 1, 2026. Without a successor framework in place, the Basin enters a period of operational uncertainty that no emergency measure can fully bridge. The alternative, litigation, will waste time and money, sacrifice the environment, cede local control over water management, and could result in unintended consequences for years to come.

II. The Path Forward

The transition from the current 2007 Interim Guidelines to the next operating framework is the most operationally challenging time in the river's managed history. Getting the transition right, with clear operational rules, adequate flexibility, and enforceable triggers, is essential. The next framework must not only avoid near-term system failure, but it must also begin reducing the Basin's long-term structural deficit and improving resilience.

First, management decisions must acknowledge the reality that the Colorado River is a single interconnected system. Lake Powell affects Lake Mead. Hydrology affects what is available to the Upper Basin. Upper Basin operations affect Lower Basin deliveries and Lower Basin decisions affect the availability of long-term storage throughout the system. Mexico is downstream of all of it. A framework that ignores these physical realities will not hold when conditions worsen.

Second, it must be flexible — capable of responding to changing hydrologic conditions without requiring constant crisis negotiations. As examples, look at items including, but not limited to the Conservation Reserve, Federal Pool, and Intentionally Created Surplus tools detailed in the existing alternatives in the post-2026 NEPA process.

Third, meaningful participation by Tribal Nations must be embedded in future decision-making. Tribal Nations hold senior water rights across the Basin and have sustained relationships with this river that predate every compact and operating guideline ever written, yet they have been systematically under-included in the negotiations that shape how it is managed. Any durable framework must treat Tribal Nations as full partners from the start, and Congress must ensure that the flexible tools and conservation program authorities the new framework depends on are accessible to Tribal Nations on equitable terms that maintain the value of their water rights while allowing them to contribute to basin-wide solutions.

Fourth, environmental principles must be integrated into Basin management rather than treated as a secondary consideration. Healthy rivers, wetlands, forests, and floodplains are essential components of long-term water security.

American Rivers and six conservation partners have participated actively in the Post-2026 NEPA process, submitting comments on the Pre Scoping, Scoping, Alternatives Development, and the draft Environmental Impact Statement, which have set forth a broad range of operational concepts and inform impact analyses to stability storage and improve Basin resilience. These included adaptive reservoir operations, expanded conservation mechanisms, hydrologically informed management triggers, voluntary conservation incentives, integration of key environmental resources, and opportunities for future Tribal and binational participation. Its operational bounding ranges have helped inform in-basin discussions and Bureau of Reclamation's own analytical framework, reflecting the substantive influence of this collaborative effort. Additionally, we have identified opportunities to consider and integrate the health of natural systems in the face of emergency operations (see 2026 Drought Response Operations Plan decision comments) and have pinpointed no-regrets measures for near-term operations regardless of

differences of opinion among the basins (see April 21, 2026 letter to the Department of Interior and Bureau of Reclamation leadership outlining near-term no-regrets strategies).

While stakeholders may differ on specific approaches, the broader lesson is clear: no single tool will solve the Basin's challenges. Long-term resilience will require conservation, flexible management tools, coordinated reservoir operations, infrastructure investment, consideration of natural infrastructure, and shared commitments across the Basin.

The Bureau of Reclamation's Preliminary Preferred Alternative, the ten-year framework, is forward movement in an otherwise stalled process, and this forward movement matters. Constituents across the Basin need to know what to expect, and this framework provides a piece of that answer. This is progress. However, open questions remain regarding decision making and oversight as well as whether environmental impacts will be adequately addressed, whether Tribes and non-state stakeholders will be meaningfully included rather than consulted after the fact, whether operational triggers will be of the magnitude needed to keep the system from crashing, and whether hard-won protections embedded in Basin programming over the past two decades will be carried forward. What is needed is to have flexible tools embedded as standard practice, management considerations grounded in hydrologic reality, and a structure oriented around stabilizing the system with purpose.

III. Investing to Secure a Future

Failing to adjust and adapt to uncertain and changing water supply conditions is too great a risk to human health and safety, watershed health and reliability, and the $1.4 trillion economy that the Colorado River supports. Addressing the Basin’s challenges requires multi-faceted strategies to meet the unique issues in different parts of the basin. A healthy, sustainable Colorado River Basin capable of reducing demands, stabilizing water supplies, and maintaining the health of natural ecosystems requires durable funding now and into the future.

Existing federal dollars are already producing results in conservation programs, water efficiency investments, and natural and built infrastructure. These programs prove that when resources exist, projects move progress forward. Programs like the Bureau of Reclamation’s WaterSMART provide critical funding for the western basins like the Colorado, Rio Grande, and Great Salt Lake. WaterSMART helps deliver water savings and system resilience at scale, and its Cooperative Watershed Management Program encourages diverse stakeholders to identify local solutions to address their water management needs. Since 2010, over 2,300 projects have been funded supporting farmers, Tribes, and communities across the West. Program reauthorization

and sustained commitment to funding is essential to continue implementing projects across the West.

We are grateful for the commitment of existing programming and funding. But it is not enough. The scale of the challenge and the urgency of the transition ahead demand more. The Colorado River Basin cannot secure its future without sustained investment directed at the Basin. Many of the tensions that emerge within the Basin stem not only from water scarcity, but also from uncertainty regarding how communities, agricultural producers, Tribal Nations, and water users will adapt to reduced supplies. Strategic federal investment can help create the conditions necessary for durable agreements.

Long-term resilience will require conservation, infrastructure modernization, watershed restoration, forest health investments, voluntary water management programs, municipal efficiency improvements, and support for local communities adapting to changing hydrologic conditions. Federal funding should not be limited to protecting reservoir elevations alone. It should strengthen the natural and built systems that support long-term water security throughout the Basin.

We are submitting for the record a letter signed by a diverse group of organizations from across the Basin calling for $2 billion in near-term federal investment. That letter reflects genuine, broad-based need – consistent with western water funding requests across the region, the list of projects submitted by the seven Basin states and aligned with the funding ask by all seven Basin state governors directly to Secretary Burgum.

A near-term federal investment at that scale would do more than meet the immediate moment. It would build the stepping-stones the Basin needs to move beyond crisis management, funding the voluntary programs, water transactions, existing infrastructure improvements, and natural infrastructure restoration, among other programs that stabilize the system while the longer-term framework takes hold. It would catalyze and incentivize state, local, and private investment that is ready to follow federal leadership but needs that commitment to move first.

One principle should guide every funding decision this Committee makes: federal dollars should support projects that move the Basin toward sustainability, not away from it. Congress has a generational opportunity – at the 250th anniversary of this nation – to be remembered for funding the Southwest's water future into existence. The Congress and the Administration have the opportunity to stabilize and save the Colorado River, Rio Grande River, Great Salt Lake, and other western basins facing severe drought and this will require federal dollars. The Congress has passed big and significant bi-partisan legislation before.

This is a similar moment, a once in a generation opportunity to save the American west facing a record drought.

IV. Prioritizing Natural Infrastructure

The Colorado River is much more than just a water delivery system. It is a living network of forests, wetlands, riparian corridors, and landscapes that supports water security, economic activity, recreation, and biodiversity throughout the West. It is the foundation on which everything else rests and its health is not a secondary concern to be addressed after the operational questions are settled.

Healthy forests, rivers, wetlands, floodplains, and riparian corridors, the Basin's natural infrastructure, do things no dam or pipeline can replicate. They capture and slowly release snowmelt, metering water into the system at predictable rates that make forecasts more reliable and operations more manageable. They stabilize soils and maintain the vegetative cover that prevents erosion, improves runoff efficiency, and keeps degraded landscapes from surrendering their water to evaporation, and in the worst cases, from sliding toward Dust Bowl conditions. They mitigate wildfire risk by maintaining moisture in the watersheds that feed the river, protecting against the catastrophic sediment loading that post-fire landscapes produce. They recharge groundwater in ways the reservoir system alone cannot. The natural infrastructure of this Basin is water security infrastructure. Yet these systems remain chronically underinvested despite their importance to water supply reliability.

Throughout the Basin, partnerships have come together to modernize and restore our hard and natural infrastructure resulting in collaborative, multi-benefit projects that are a win-win-win for all participants involved, plus the natural environment. Collaborative partnerships build trust, result in projects with greater outcomes, and help drive critical solutions forward.

American Rivers has seen firsthand how collaborative projects can produce meaningful results. A partnership near Kremmling, Colorado succeeded because agricultural producers, conservation organizations, water providers, and government agencies worked together toward shared outcomes. This model of cooperation is precisely what the Basin needs at scale. American Rivers was proud to be a partner in this Project, known as the Irrigators in the Vicinity of Kremmling (ILVK), which took a system-wide approach to recreate more than two dozen historic riffles across 12-miles of the Upper Colorado River. The ILVK Project elevated water levels in the river to support irrigation operations, while improving aquatic and riparian habitat. This benefited not only agricultural operations but also water quality and important river functions like sediment transport. Funding for this

project came from diverse funding sources, including federal, state, and philanthropic dollars. This partnership demonstrates the effectiveness of multi-benefit projects, and that healthy and productive ranches need healthy rivers to thrive.

The success of the ILVK project inspired a collaborative partnership between Grand County ranchers, conservation organizations, the state of Colorado, Colorado State University, and Utah State University to study the impacts of the temporary, voluntary, and compensated water conservation on crop yields, local economies, and habitat over a 4-year period. This project remains a foundational study in the design of a water conservation program in the Upper Colorado River Basin. In the headwaters of the Colorado River, Grand County ranchers have a history of working to shape their own destiny in an era of reduced water availability.

Further west of the ILVK Project, American Rivers has been working with the United States Forest Service, Colorado State Forest Service, local water providers, ranchers, irrigation districts, nonprofit partners, and local businesses on the Grand Mesa Watershed Resiliency Partnership. Grand Mesa is a 10,000-foot flat-topped mountain that serves as the water tower for the largest population areas on the Western Slope of Colorado. This partnership is focused on restoring watersheds that directly supply municipal and agricultural water. As a part of these efforts, the group developed a post wildfire action plan to identify, reduce and mitigate risks to important watersheds on the Grand Mesa. Projects for this group include thinning, prescribed fire, and watershed restoration practices. Initial watershed restoration pilot projects on Surface Creek will begin later this year.

Restoring our natural infrastructure doesn't just mitigate risks against catastrophic wildfire and drought, it makes economic sense too. Every dollar invested in treating high risk, high-value forested watersheds may yield $7 of benefits.[1] Additionally, forest treatments reduce burn severity by 55-72%, reducing the costs of wildfire suppression and post-fire rehabilitation.[2] Local jobs are also created. The University of Oregon found that for every $1 million spent on watershed restoration, an average of 16 new or sustained jobs are generated, leading to $2.2 million to $2.5 million in total economic activity.[3]

Our natural infrastructure is under severe stress. The Colorado River Basin's forested headwaters in Wyoming, Colorado, Utah, and New Mexico provides 88% of the water in the Colorado River Basin, which brings water to one in ten Americans. Protecting and restoring these forested landscapes and the wetlands and rivers systems within is an effective, economical, and sustainable investment. Across the Basin, partnerships like the Grand Mesa Watershed Resiliency Partnerships are working together to restore the critical source watersheds of the Colorado River Basin, of which 1 in 10 Americans rely on.

V. Integrate Environmental Principles into Basin Management

Some of the most unique and cherished landscapes in the country rely on Colorado River flows and are at substantial risk due to drought and the absence of a sustainable management framework. Environmental principles and considerations must be integrated into Basin management frameworks rather than treated as a secondary consideration. The Grand Canyon ecosystem, the Cienega de Santa Clara, the riparian corridors of the Lower River, and the critical reaches of the Upper Basin support some of the most imperiled species and ecologically significant landscapes in North America. The Lower Colorado River Multi-Species Conservation Program depends on conditions that continued system decline places directly at risk.

The Cienega de Santa Clara has outsized importance for birds that migrate through North America. Its ecological health depends on consistent freshwater inflows and tolerable salinity for plants and animals. The Cienega supplies habitat, food, and shelter for hundreds of thousands of birds migrating north and south along the Pacific Flyway and is home to more than 75% of Yuma Ridgway's Rails, an endangered marsh bird. The Cienega has is the largest remaining wetland in the now-desiccated Colorado River delta, which once spanned some 1.5 million acres. This critical ecosystem continues to be at risk as persistent drought has revived discussions of projects like the Yuma Desalting Plant. If brought back online, it would degrade both the quantity and quality of water flowing to the Cienega, threatening the ecosystem, and challenging our relationship with Mexico on the Colorado River. American Rivers is concerned about the Yuma Desalting Plant, especially as there are other alternatives for new water that Bureau of Reclamation and Colorado River water users can pursue instead that are more cost-effective and less risky approaches to water security.

The Grand Canyon faces significant risks for both its ecosystems and the recreation economy that depend on flows through Glen Canyon and the National Park. The Grand Canyon relies on adequate Lake Powell elevations to mitigate the risk of highly invasive small mouth bass, the presence of which would almost certainly devastate the only-recently-downlisted, threatened Humpback Chub population. Additionally, without a long-term agreement, water managers are unable to utilize high flow experiments (HFE) to manage the river. HFEs simulate high flows and are needed to re-establish critical beaches and sandbars within the Canyon, move sediment and sand downstream, protect cultural resources and keep tamarisk and other invasive plants at bay. Finally, consistent flows within Grand Canyon are the backbone of a $50 million per year commercial boating industry as well as a thriving private boating community, both of which support businesses in northern Arizona and beyond.

The recovery programs in the Basin are critical to system operations. They enable water managers to meet statutory obligations while maintaining flexibility to respond to changing hydrologic conditions, including operations at key facilities such as Lake Powell and Lake Mead. These programs provide operational certainty for water users, reduce the likelihood of conflict and/or litigation, and help ensure that actions taken to address near-term shortages and long-term imbalances are durable and defensible. In the Upper Colorado River and San Juan River Endangered Fish Recovery Programs together provide Endangered Species Act compliance for over 2,500 water projects that rely on water from the Colorado River in the Upper Basin states of Colorado, New Mexico, Utah, and Wyoming. These long-term cooperative programs are responsible for protecting four fish species from going extinct while providing greater certainty for farmers, ranchers, businesses and communities large and small, collectively supporting tens of billions of dollars of economic activity in these four states every year.

Any operating framework that does not embed environmental considerations into management decisions — real flow commitments, habitat protections, and dedicated restoration funding — is not a complete framework. It is a water delivery arrangement borrowing against a natural system it has not accounted for, and that will eventually present the bill.

VI. Closing

The Colorado River is at a tipping point. Navigating the challenges facing the Basin requires coordinated, flexible, and well-funded solutions that reduce risk now while building long-term resilience. It is not enough to manage from one crisis to the next. For the West to continue to thrive, we must use new tools, implement more projects, and build successful programs that help stabilize the system into the future. We need cooperation between states and Tribal Governments as well as on the ground projects and solutions that focus on conservation, efficiency, and building watershed resilience. Without them, communities across the Basin will remain at risk of chronic shortages, food supply disruption, energy grid vulnerability, and rising economic instability, affecting the entire region.

This year, the United States approaches its 250th anniversary — a moment for reckoning and resolve. The Colorado River Basin is one of the great testaments to what this country built in the American West, and one of the great tests of whether we have the will to sustain it. Congress must provide the leadership and investment to put the Basin on a more resilient path.

The Committee should encourage and support the Bureau of Reclamation to act with the whole Basin in mind. The absence of a consensus agreement among the states is not a reason for federal inaction. It is a reason for federal leadership. The Bureau of Reclamation has the authority and the obligation to move forward with operating guidelines that reflect hydrologic reality, protect the natural systems the Basin depends on, and account for the interests of every party, not just those whose negotiations have advanced the furthest. Use this Committee's oversight authority to press the agency toward that standard and hold it accountable for meeting it.

Congress should affirm the flexible operating authorities the moment requires. Voluntary water transactions, adaptive management mechanisms, and conservation initiatives are at the core of good Basin management. Congress should ensure that the Bureau of Reclamation has clear statutory authority and institutional support to deploy those tools, consistent with state water laws, without the threat of litigation foreclosing options before they can work.

Congress can stabilize the Colorado River and other western basins facing severe drought. This will require federal dollars. New and sustained investment will stabilize the system through the most dangerous transition period in its managed history, catalyze state and private funding, and build a more durable management foundation that the Basin will require for generations to come. Congress has done big and significant legislation before. This is a similar moment, a once in a generation opportunity to save the American west. The Colorado River is more than just a water delivery system, it is the foundation of the Southwest's communities, Tribal Nations, and economies.

The challenges facing the Colorado River might be immense, but so are the opportunities. With decisive leadership, collaboration, and commitment, the Basin can move toward long-term stability and resilience. This is not just a regional water issue. It is a matter of national economic security, environmental stewardship, and responsible governance of a shared public resource.

Thank you for the opportunity to submit this testimony and for the Committee's continued attention to the future of the Colorado River. I appreciate your leadership and look forward to supporting this work as it continues.