



January 8, 2021

Arizona Department of Water Resources
Attn: Sharon Scantlebury
P.O. Box 36020
Phoenix, AZ 85067-6020

Via email: sscantlebury@azwater.gov

Dear Ms. Scantlebury:

This letter provides comment from the National Audubon Society, on behalf of its 1.8 million members, regarding the Arizona Department of Water Resources consideration the state's position on potential federal legislation to allow the Colorado River Indian Tribes (CRIT) to utilize their water with greater flexibility. Thank you for the opportunity to comment.

Audubon's Colorado River program seeks to protect and improve the health of the Colorado River for the sake of every living thing that depends on it, people and nature alike. Audubon supports the proposed federal legislation that would ensure that the CRIT are able to lease, exchange and store underground a portion of its consumptively used decreed Colorado River water allocation off of its reservation, within the Lower Basin of the State of Arizona.

As a matter of equity, ensuring that the CRIT is able to lease water off of their reservation seems only fair given that other Colorado River water users in Arizona enjoy this right. Audubon would similarly support other proposals to allow off-reservation water leases for Native American Tribes where these transactions are currently prohibited.

As climate change bears down on Arizona and the surrounding region, the Colorado River water supply is being diminished by warming temperatures. Some water users are already required to bear shortages, and more water shortages, and larger water shortages, will be inevitable over time.

Ensuring the CRIT's authority to lease water voluntarily is exactly the kind of flexibility needed to save the life of the Colorado River. Such transactions have the potential to help mitigate shortages, which, due to prior appropriations law, are often imposed on water users least able to absorb them. These transactions also have the potential to help redress environmental losses, as they can provide water to habitat restoration sites. There are Colorado River habitat restoration sites where water is a limiting factor. If the CRIT wanted to lease water for them, the water for these sites would enable restoration of

riparian forests that are mostly missing these days from the Colorado River in Arizona. In this way a lease of water from the CRIT tribe could, if desired, provide habitat for dozens of endangered species including the Southwest Willow Flycatcher and the Yuma Ridgway's Rail, recreate culturally significant natural landscapes important for Native American Tribes, and restore nature for all people to experience a living, thriving river.

Finally, we acknowledge the importance the Lower Colorado River Multi-Species Conservation Program, a federal-state-water user partnership designed to ensure mitigation of the riparian and in-stream impacts of changes in water management, including transfers, that alter Colorado River hydrology. This regulatory program helps provide the sideboards needed to avoid further loss of existing habitat for endangered species on the Lower Colorado River.

The National Audubon Society is pleased to support the proposed legislation, and we appreciate the opportunity to provide comment.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Pitt". The signature is written in a cursive, flowing style.

Jennifer Pitt
Director, Colorado River Program