

Committee on Resources

Subcommittee on Water & Power

Witness Statement

TESTIMONY OF THE ENVIRONMENTAL DEFENSE FUND IN SUPPORT OF
HOUSE BILL 2348, TO AUTHORIZE THE BUREAU OF RECLAMATION TO PROVIDE COST
SHARING FOR THE ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR THE
UPPER COLORADO AND SAN JUAN RIVER BASINS.

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Thank you for the opportunity to testify on behalf of the Environmental Defense Fund in support of House Bill 2348, to authorize the Bureau of Reclamation to provide cost sharing for the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Implementation Programs. The Environmental Defense Fund, a charitable, non-profit, public membership organization composed of scientists, lawyers, economists, educators and other concerned citizens dedicated to the protection and enhancement of human health and the environment, has been a participant in the Upper Colorado River Recovery Implementation Program since the program's inception in 1988.

We have served on the program's Implementation Committee (the overarching program review committee) and have funded, with the cooperation of the Nature Conservancy, the participation of a fisheries biologist on the program's primary scientific committee (the Biology Committee). Our participation signifies our endorsement of both:

- * The program's structure - a cooperative effort on the part of the states of Colorado, Utah and Wyoming; environmental representatives, water and power user organizations, Western Area Power Administration, the Bureau of Reclamation and the U.S. Fish and Wildlife Service; and
- * Its primary goal - recovery of the Colorado pikeminnow, razorback sucker, humpback chub and bonytail chub while, at the same time, enabling the states to continue to develop water in accordance with their Colorado River compact entitlements.

The program contains five major elements:

- * Habitat management (identify and acquire instream flows, including the change in operation of federal reservoirs in the basin);
- * Habitat development (research methods for creating, protecting, and improving habitat);

- * Stocking native fish (identify and maintain specific genetic stock of native fish, study survival of hatchery fish stocked in the wild, and evaluate feasibility of constructing a hatchery);
- * Non-native species and sport-fishing management and control (monitor sizes of native and non-native fish populations, study competition between the two, and limit areas in which non-native fish may be stocked); and
- * Research, monitoring, and data management (study various means of recovering fish, monitor long-term population trends, recommend flows, evaluate genetic differences between populations, recommend facilities to hold and protect rare fish, evaluate differences between hatchery and wild fish, establish brood stock, and develop and manage centralized data base).

From an environmental point of view, since the program's official start-up in early 1988, the debate over the endangered fish in those parts of the basin addressed by the program has become more constructive and has focused on a more coordinated research effort. An agreement is emerging on habitat needs and the research agenda of the Service's fisheries biologists is now more coordinated with its responsibilities for habitat protection. Priority reaches have been identified in the Green-Yampa system and the Colorado (upstream of its confluence with the Gunnison) and all parties are edging closer to agreements on flows.

Notwithstanding the slow pace of meeting habitat needs in important areas like acquisition and conversion of water rights to instream flows, the Environmental Defense Fund remains committed to the program. To this end, it has, with the Nature Conservancy (whose letter of support for HB 2348 is attached to these comments), assembled a professional team to participate at all important levels of the program, established a regular discourse among the environmental representatives who are participating in the program, and involved more of the environmental community in Colorado, Utah and Wyoming.

The program has made significant progress toward recovering the endangered fish. When issuing biological opinions on existing and new water project actions requiring section 7 Endangered Species Act consultations, the program is designed to serve as the "reasonable and prudent alternative" to avoid jeopardy to the species for water depletion impacts. In the past 12 years, there are strong scientific indicators that the Colorado pikeminnow population trends in both the Green and Colorado rivers have been positive. According to the U.S. Fish and Wildlife Service the number of adult fish being caught in the Green River has tripled, while adult catches in the Colorado River have increased nearly eightfold. The humpback chub populations in the Colorado River appear to be stable.

For the two other fish, the razorback and the bonytail, the data are less encouraging. However, a major stocking effort has been initiated. This year, more than 60,000 razorback suckers larvae were stocked, along with over 7,500 much larger fish. For the first time in the Green River, fish stocked from previous years are appearing in the spawning areas in reproductive condition. In addition, new young adult fish are being captured, indicating that successful reproduction in the wild is occurring.

This year, 10,000 bonytails were stocked at each of two sites. A third site will be added in the spring of 2000. Another 70,000 are being reared for stocking also in the spring of 2000. Previously stocked fish are being captured in the wild and are showing good growth.

Other program accomplishments are being made in the areas of flow enhancements and habitat development. Bureau of Reclamation dams and other dams on the Colorado River are being operated to

provide high spring releases without impacting these projects' ability to supply irrigation, municipal, and industrial water. The program continues to restore the floodplain in areas that do not negatively impact landowners. This floodplain habitat provides nursery areas for young fish during spring snowmelt runoff. To date, the program has removed dikes and levees along the river to provide natural flooding of more than 2,000 acres.

On the other side of the ledger, the program has been of great benefit to water users. More than 200 favorable biological opinions have been issued under section 7 of the Endangered Species Act, covering more than 500 projects totaling nearly 600,000 acre-feet of water depletions. Another biological opinion nearing completion will address more than one million acre-feet of water use.

Priorities for the immediate future include:

- * Construction of two additional fish ladders around barriers on the Colorado River, opening another 50 miles of historic fish habitat; and
- * Improvements in efficiency of operations on the Government Highline Canal (the primary irrigation water supply to the Grand Valley in Colorado) by reducing evaporation and operational losses which will enable water users to reduce diversions by more than 28,000 acre-feet per year, and thus make that water available to help fish without impacting irrigators; and
- * Development of specific recovery goals for all four species of endangered fish that augment the existing numeric population goals with complete and detailed habitat components.

The Environmental Defense Fund believes that long-term program funding support represents the best chance for recovering and ultimately delisting the Colorado River endangered fish. Program activities have demonstrated success toward recovering the fish and toward reasonable water management to enable water and power development and recreational water use to occur.

It is critical to the continued recovery of the four species of endangered fish and to future successful water management for multiple uses, that program funding continue. Therefore, on behalf of the Environmental Defense Fund, I respectfully request your passage of House Bill 2348, with the five amendments being offered by Mr. Hansen, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

Thank you for this opportunity to testify. I am happy to answer any questions you may have.

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