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## Witness Attachment

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May 18, 2001

The Honorable Scott McInnis, Chair  
Subcommittee on Forests and Forest Health  
1337 Longworth House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515-6205

**Re: May 22 Subcommittee hearing on instream flow protection on National Forests**

Dear Representative McInnis:

The undersigned Colorado organizations believe that protection of streamflows on National Forests is a critical issue for our state and the nation. We strongly support Forest Service authority to require minimum "bypass flows" below water developments built on National Forests. We believe that operators of dams and diversions on National Forests, as tenants on public lands, have a responsibility to the American people to ensure that their activities are conducted in a manner that protects the health of our National Forests. Maintaining sufficient water in streams to support aquatic life and riparian vegetation is part of that responsibility. Therefore, we disagree with the name of the May 22, 2001 hearing. The Forest Service is not engaged in the "illegal use of 'bypass flows' on Forest Service lands;" rather the Forest Service is using properly delegated authority to meet its express duty to preserve aquatic resources on National Forests.

Adequate streamflows are essential to a wide range of public uses on National Forests. Of course, fish and other aquatic life require water every day. Streamflow is also vital to maintaining healthy riparian corridors, which are critical for wildlife. Riparian and aquatic ecosystems make up about five percent of the area in the West, but are used (for at least part of their life cycle) by 65 percent of the species. Riparian areas also serve an important function as natural firebreaks. For example, it was the North Fork of the South Platte River corridor that ultimately stopped the northward advance of the disastrous 1996 Buffalo Creek fire in Colorado. Water-based recreation is another major use of National Forests; fishing use of National Forests alone contributes more than \$8.5 billion to the economy each year and supports more than 95,000 jobs (based on 1996 data). Most fundamentally, rivers and streams are the arteries for forest ecosystems and the water they carry is the lifeblood. Without adequate flows in streams, healthy forests cannot be maintained.

The problem Colorado faces is that its historic water rights system allows streams to be dried up completely, even on protected public land. We do not object to the use of National Forests for water development, as that is one of the many appropriate multiple uses for which these lands can be managed. However, the expectations for water development are no different than those for any other forest use such as logging, grazing, or recreation: the use must be managed so as to ensure healthy, sustainable forest ecosystems. When water developers seek the privilege of operating their ditches or reservoirs on lands belonging to the American people, we do not believe it is too much to ask that some small amounts of water be allowed to "bypass" their projects so that streams and riparian zones can be sustained.

Each of the thousands of reservoirs and diversions on National Forest lands alters natural flows and impacts fish and wildlife habitat both above and below the facility. Many of the permits for these facilities were first issued before anyone really understood the environmental cost of dewatering native stream channels. When the Forest Service now considers renewal of such permits, it has a legal duty to preserve the forest's flow-dependent resources. When possible, the Forest Service uses other means to protect its water resources, including state-issued water rights and voluntary arrangements with permittees. We encourage the use of these collaborative tools, but sometimes they are inadequate or unavailable. In these instances, the Forest Service must be allowed to rely on its ability to require that some water remain instream as a condition of permit issuance.

We ask that our letter be included with the Subcommittee hearing record. Thank you for your consideration.

Sincerely,

David Nickum  
Colorado Trout Unlimited

Carmi McLean  
Colorado Clean Water Action

Roz McClellan  
Rocky Mountain Recreation Initiative

Steve Glazer  
High Country Citizens Alliance

Pam Eaton  
The Wilderness Society

Dan Luecke  
Environmental Defense

Jean C. Smith  
Upper Arkansas and South Platte Project

Bruce Driver  
Land and Water Fund of the Rockies

Kirk Cunningham  
Sierra Club, Rocky Mountain Chapter

Elise Jones  
Colorado Environmental Coalition

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