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NATURAL RESOURCES COMMITTEE

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Expanded Santa Ana Sucker Critical Habitat Designation Threatens Regional Economic Growth, Water Supply

Highland, CA – Today, the House Subcommittee on Water and Power held a [field oversight hearing](#) in Highland, California on, “*Questionable Fish Science and Environmental Lawsuits: Jobs and Water Supplies at Risk in the Inland Empire.*” Chairman Tom McClintock (CA-4), and Reps. Jerry Lewis (CA-41) and Ken Calvert (CA-44) heard from local officials, stakeholders and the U.S. Fish and Wildlife Service on how the expanded Santa Ana sucker critical habitat designation, brought about by an environmental lawsuit and a resulting regulation, has threatened the water supply and economic livelihoods of over three million Southern California residents.

“Throughout the West, there is a growing litany of heart-breaking stories of the human suffering the diversion of water has caused...Today’s hearing involves a similar situation that threatens to permanently damage the economy of this region – in the name of a six-inch fish called the Santa Ana Sucker. Once again, it appears we face a taxpayer-financed environmental litigant blissfully unconcerned about the economic suffering it is causing to a region of millions of people, while attaining little, if any, advantage to the fish,” [said Chairman Tom McClintock \(CA-4\)](#).

“As of today the unemployment in San Bernardino and Riverside Counties stands at 13.6 and 14.7 percent. This can’t continue, but it will if we don’t give our businesses a chance to succeed. How can I tell my constituents in this room, and around my district, that we won’t create jobs because we don’t have the water? I believe it’s time to look closely at federal policies which are threatening thousands of jobs in this community because of over-regulation on behalf of the Santa Ana Sucker fish,” [said Rep. Jerry Lewis \(CA-41\)](#).

“Today, Congress and community leaders are working to revive our economy and put Americans back to work and so we have all become more finely tuned and sensitive to impacts on the environment and jobs when new critical habitat designations are finalized. In the instance of the Santa Ana Sucker, the revised critical habitat designation affects an enormous urban population and its water supply...According to some estimates, the Service’s critical habitat designation could mean the loss of almost 126,000 acre feet of local water every year. If this water could be replaced with imported water, it would cost the region an additional \$2.87 billion dollars – a cost that will ultimately be passed on to working families and job creators in the form of ever-increasing water rates. However, given current limitations on pumping from California’s Delta the sad reality is this lost water may very well be irreplaceable,” [said Rep. Ken Calvert \(CA-44\)](#).

In 2001, the Santa Ana Sucker, a six-inch fish native to California's Santa Ana River, was added to the Endangered Species Act list. In 2005, the U.S. Fish and Wildlife Service (FWS) designated 8,305 acres of critical habitat for the Santa Ana sucker. The designation excluded the dry upper Santa Ana River areas because the dry areas were found to be not essential to the conservation of the species, the enormous costs to the Inland Empire's economy far outweighed any benefits to the species, and local conservation efforts were already in place. However, an environmental litigant filed suit thereafter to add more acreage to the list. For an unknown reason, the FWS settled the lawsuit. This settlement resulted in an additional 1,026 acres to the designation, mostly comprised of dry riverbeds and other areas that have never supported the Santa Ana sucker. This has caused widespread economic concern in the Inland Empire.

California's Inland Empire suffers from 14 percent unemployment, a weak economy and frequent water shortages. The effects of Santa Ana sucker's expanded critical habitat exacerbate the Inland Empire's already dire situation. **Mayor Peter Aguilar of the City of Redlands** described the effect on the region's water supply: *"The expanded Critical Habitat for the Santa Ana Sucker directly opposes water agency efforts in the Inland Empire to capture stormwater, recharge our basins and reduce our reliance on imported water. Local water agencies are undertaking projects intended to better utilize water recycling, desalination, and flood control projects/groundwater recharge projects which will expand our supplies of local water and recharge our depleted groundwater basins. However, the new Sucker Critical Habitat designation will prohibit important projects from moving forward."* According to Mayor Aguilar, the 25 year cost to replace the loss of up to 125,800 acre feet of water a year resulting from the new restrictions would be \$2.87 billion. However, Aguilar stated, *"Even if we could afford to buy it, there is no water to buy."*

Stacey Aldstadt, General Manager of City of San Bernardino Municipal Water Department, testified to the successful independent conservation efforts of Santa Ana Sucker (SAS) Conservation Team since the group's formation in 1998. The multi-agency organization comprised of federal, state and local partners, *"has spent over a million dollars collectively"* in their river-wide approach to conserve the Santa Ana sucker. However, the new critical habitat *"disregards the scientific and economic realities which should have been central to the agency's decision,"* jeopardizing a recycled water project in San Bernardino that would, *"employ advanced technologies to produce quality water that meets or exceeds reuse requirements. The costs of treating and moving this recycled water are less than the current price for additional water from the north."* According to Aldstadt, the *"recycled water would offset demands on the State Water Project and would be reliable and cost-effective."* However, despite the economic and water benefits of the project, FWS and the Center for Biological Diversity have filed separate petitions to stop the project on the basis that it will negatively impact the Santa Ana sucker.

John Rossi, General Manager of the Western Municipal Water District, summarized in his testimony the potential impacts of the new ruling: *"the 2010 critical habitat designation for the Sucker would cause massive economic hardship in a region already besieged by the recent economic downturn, threatens the already-fragile California Bay-Delta system, and fails to provide any benefit to the species."* The Western Municipal Water District has undertaken several projects to grow in-basin water supplies including the Seven Oaks Dam

Stormwater Management Project (Seven Oaks Project), a project that would “enable us to capture up to 200,000 acre-feet of additional stormwater each year from the local mountains and use it for groundwater recharge and water banking.” During the planning process for the Seven Oaks Project, “the State Water Resources Control Board (Board) found that the project would not harm the Sucker since the water we would store came from areas where the Sucker never existed and because natural water and cobble-moving flows below the dam were sufficient to satisfy the Sucker’s needs.” However, FWS’ new expanded critical habitat designation now threatens the project even though the verdict “ignores the best available science, including findings by the State Water Resources Control Board that the Sucker would not be impacted by our project.”

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