

TESTIMONY OF ENVIRONMENTAL DEFENSE IN SUPPORT OF
S. 2239, 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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ROCKY MOUNTAIN OFFICE
ENVIRONMENTAL DEFENSE
BOULDER, COLORADO

APRIL 25, 2000

Thank you for the opportunity to testify on behalf of Environmental Defense in support of S. 2239, 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. Environmental Defense, 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, Environmental Defense remains committed to the program. To this end, it has, with the Nature Conservancy (whose letter of support for S. 2239 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 13 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. In 1999, more than 60,000 razorback sucker 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.

In 1999, 10,000 bonytails were stocked at each of two sites. A third site will be added in the spring of this year. 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 major programmatic biological opinion that addresses more than one million acre-feet of water use was completed just prior to the end of last year.

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 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.

Environmental Defense 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 Environmental Defense, I respectfully request your passage of S. 2239 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.

Attachment: Nature Conservancy letter of support for S. 2239

April 18, 2000

The Honorable Gordon Smith, Chairman
Water and Power Subcommittee
Senate Energy and Natural Resources Committee
United States Senate
312 Hart Senate Office Building
Washington, D.C. 20510

Re: S. 2239, Concerning Cost Sharing for the Recovery Implementation Program for Endangered Fishes in the Upper Colorado River Basin.

Dear Chairman Smith:

I write to express the strong support of The Nature Conservancy for the passage of S. 2239, a bill to increase the cost sharing for the Endangered Fish Recovery Implementation Programs for the Upper Colorado and San Juan River Basins. We support this bill because: 1) it significantly increases the non-federal cost sharing in the Upper Basin program, 2) it clarifies and strengthens the authority of the U.S. Bureau of Reclamation to participate in this program, 3) it refrains from making any other endangered species policy, and 4) it is fully endorsed by a broad stakeholder consensus, which has been built in 5 years of hard discussions.

The Nature Conservancy is a non-profit land and water conservation organization, with over 1 million individual members and 1,900 corporate sponsors, and with a strong chapters in Colorado and Utah. We have been actively collaborating on the recovery program for the endangered fishes in the Upper Colorado River Basin since its inception in 1988. We have invested deeply in this program because it offers the best prospects for recovery of the four federally listed fish species that symbolize our natural heritage in the great river system of the West's interior desert – the Colorado River. This program is now making substantive progress towards that very difficult goal of recovering this heritage.

This program is making progress on-the-ground:

Flow Enhancement. Annually, releases from federal and private reservoirs are coordinated to augment spring peak flows on the Colorado River near Grand Junction. Last year, coordinated reservoir operations delivered 63,000 acre-feet of water on top of the peak. Storage water was also delivered this year to meet the base flow targets for this

reach, while a programmatic biological opinion on water depletions from the Colorado River above the Gunnison (that packaged flow enhancements, depletion limits, and other recovery actions) was finalized after years of intense stakeholder discussions. Since 1990, experimental releases from Flaming Gorge Reservoir in Utah have been made to improve the downstream flows for pikeminnow and razorback and to formulate recommendations for the year round operation of this controlling, federal reservoir on the Green River. A similar experiment is almost finished for the controlling federal reservoirs on the Gunnison River in Colorado.

Floodplain Habitat and Fish Passage. Levees were experimentally breached at 8 public land sites on the Green River creating up to 1,734 acres of more productive floodplain habitat. Flood easements have been purchased from willing landowners for another 580 acres on the Green and Colorado rivers, and yet another 1,600 acres of flood easements are in negotiation. Design work is nearing completion on fish passages at the Price-Stubbs and Grand Valley Roller dams, which together with the notch at the Grand Valley Irrigation Company dam, will open up 55 miles of habitat on the Colorado River.

Non-native Fish Control. Last year, the Colorado Wildlife Commission adopted a regulation to control stocking of private ponds with non-native fish. This regulation complements the federal-state procedures adopted in 1996 to reduce the impact of stocking non-native, warmwater fish in both public and private waters. A unique barrier net was installed at Highline Lake near Grand Junction to prevent escapement of non-native sportfish into the Colorado River. Tens of thousands of non-native fish were experimentally removed from selected reaches of the Green, Colorado, Gunnison and Yampa rivers, and from floodplain ponds along the Gunnison and Colorado rivers.

The native fish appear to be responding:

Colorado Pikeminnow. The populations of the river system's top native predator appear to be increasing in both the Green and Upper Colorado rivers. The adult catch rate in the Green and Colorado rivers has increased markedly. Presently, there are an estimated 750 adult Colorado pikeminnow in the Upper Colorado River, which is up from 600 in 1994. An estimate of the size of the Green River population is underway. Pikeminnow are using the fish passage completed in 1996 on Redlands Dam near the mouth of the Gunnison River to gain restored access to 57 miles of river habitat. Pikeminnow may have also utilized the new fish notch at the Grand Valley Irrigation Company diversion dam on the Colorado River near Grand Junction.

Humpback Chub. In the Blackrocks and Westwater canyons of the Colorado River, the population is doing well with 1,500 and 2,200 estimated numbers of adults in each canyon. When compared with the chub population in the Grand Canyon, densities of these populations are comparable. Estimates of the size of the populations in Yampa and Desolation/Gray canyons are underway.

Razorback Sucker. With the wild population on the Green River down to perhaps 500 aging adults, and with the razorback being near extirpation in the rest of the Upper Colorado River Basin, more than 60,000 razorback larvae were experimentally stocked this year into reconnected bottomland habitats, along with over 7,500 larger razorback that should have much stronger chances in river system. For the first time in the Green River, razorback stocked from previous years are appearing on the spawning bar in reproductive condition. Some young adult razorback were captured without pit tags, indicating that, at least limited, recruitment in the wild is occurring.

Bonytail. Bonytail were thought to be extirpated in the Upper Colorado River Basin, until recent re-introductions. Last year 10,000 bonytails were stocked at each of two sites – one on the Colorado and the other on the Green River. Another 70,000 bonytail are being reared at Wahweap, Utah, for stocking this spring.

One fundamental reason for this kind of substantive progress is the cooperative framework for the Upper Colorado River Basin program. This framework has enabled the coordination and prioritization of the far-flung, federal-state ecosystem research and monitoring that underlie this program's effectiveness. This framework has contained the long-standing and barely tractable conflicts that are so often encountered in the West between endangered fish recovery, water development, and sportfish management. It has been slow, tough sledding, but it is working. This cooperative framework, and its on-the-ground progress, should be further sanctioned by the passage of S. 2239.

Please include this letter in the hearing record for this bill, and thank you for your consideration of the bill and these comments.

Sincerely,

Robert Wigington,
Western Water Attorney for The Nature Conservancy