

WRITTEN TESTIMONY of Ted Kowalski
Colorado Water Conservation Board
Before the United States House of Representatives
Committee on Natural Resources
Subcommittee on Water and Power
In Support of H.R. 1462
Platte River Recovery Implementation Program and Pathfinder Modification
Authorization Act
April 26, 2007

Chairwoman Napolitano and Members of the Subcommittee:

My name is Ted Kowalski and I manage the Platte River Program for the State of Colorado. Thank you for inviting me to testify before you in support of the Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act. The State of Colorado appreciates this subcommittee's attention to these issues, and we are grateful to Representative Udall for his leadership in pursuing this important legislation.

By way of background, the North and South Platte Rivers start in Colorado. It is interesting to note that each of Colorado's seven congressional districts includes a portion of North or South Platte River basins within it. The South Platte River basin is Colorado's most populous basin, with more than 3 million residents. Like much of the western United States, the population in the South Platte basin is increasing dramatically. With the increases in population in Colorado comes additional water development.

For many years, the States of Colorado, Nebraska, Wyoming, and the Department of the Interior have been working with our stakeholders to establish the framework for an Endangered Species Act Recovery Program (Program) to recover the endangered whooping crane, interior least tern, and pallid sturgeon, and the threatened piping plover. Each of these species has designated habitat the State of Nebraska along the Platte River. That critical habitat is impacted by actions upstream of it in Wyoming and Colorado. I am pleased to testify that this hard work has paid off, and that the three States and the federal government signed a Program agreement in the fall of 2006. The Program, established by that agreement, began on January 1, 2007.

The Program is modeled after the very successful and longstanding Upper Colorado River Recovery and the San Juan River Recovery Programs. The State of Colorado has benefited from these programmatic approaches to recovering endangered species while allowing water development to continue within the States that participate in these types of recovery programs.

The Platte Program is incremental, and the first increment is expected to last thirteen years. Within the first thirteen years, the participants will: 1) acquire and restore 10,000 acres of habitat; 2) provide 130,000 to 150,000 acre-feet of water to meet certain target flows; 3) operate within state and federal laws and the depletion plans established under

the Program; and, 4) provide integrated monitoring and research through a comprehensive adaptive management plan.

By pursuing recovery of these species on a programmatic basis, as opposed to pursuing recovery efforts on a case-by-case basis, we will use our resources more efficiently and effectively. Moreover, water users will benefit from streamlined consultations with the Fish and Wildlife Service as opposed to individualized consultations and negotiations.

Colorado is dedicated to the success of the Platte River Recovery Program. The State has already appropriated and authorized the expenditure of up to \$7 million dollars to meet Colorado's cash and water obligations. In addition, there is legislation pending that immediately authorizes an additional expenditure of \$3 million dollars on July 1, 2007 and sets forth a plan to fund the majority of Colorado's remaining obligations over the next several years. Water providers, environmental organizations, and the agricultural community have all expressed support for the State legislation.

Water providers, in particular, have been partners with the State since the beginning of the three states negotiations. Colorado water users have established an organization called the South Platte Water Related Activities Program (SPWRAP), which is a nonprofit organization. SPWRAP has the authority to assess annual assessments from its members, and to use that money to help the State of Colorado meet its obligations under the Program.

It is important to note that the Colorado Water Conservation Board, Colorado's statewide water policy board, unanimously passed a resolution in support of this federal legislation. A copy of this resolution is attached to this statement.

Once again, thank you for your consideration. We hope that you will support this legislation that is important to the Recovery of endangered species and the citizens of the United States and in particular the States of Colorado, Wyoming and Nebraska. I am available to answer any questions that you may have.