

**STATEMENT OF GERALD R. ZIMMERMAN,
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COLORADO RIVER BOARD OF CALIFORNIA,
BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON WATER AND POWER,
ADDRESSING H.R. 2515,
THE LOWER COLORADO RIVER
MULTI-SPECIES CONSERVATION
PROGRAM ACT**

July 24, 2007

Madam Chairwoman and Members of the Committee and Subcommittee, thank you for the opportunity to submit written testimony regarding H.R. 2515. As the subcommittee is aware, H.R. 2515 authorizes appropriations associated with long-term implementation the Lower Colorado River Multi-Species Conservation Program ("LCR MSCP"). The LCR MSCP is a comprehensive, cooperative effort among fifty federal and non-federal entities in Arizona, California and Nevada to protect 26 endangered, threatened and sensitive species along the Lower Colorado River and to provide assurances to the non-federal entities involved that their essential water and power operations on the River may continue if they comply with the Program's requirements and agreements.

As background, I am the Executive Director of the Colorado River Board of California (CRB); I served as the Chairman of the LCR MSCP Steering Committee throughout the program-development phase and the first two years of the implementation phase. The CRB is the agency in California created by State statute to protect California's rights and interests in the resources provided by the Colorado River and to represent California in discussions and negotiations regarding the Colorado River and its management. California's rights and interests in the water and power resources of the Colorado River System are vital to the State's economy. Seven counties in Southern California, with more than half of the state's population, nearly 20 million residents, receive water and hydroelectric energy from the Colorado River, in support of a service area economy in excess of \$850 billion per year. All ten members on the Colorado River Board of California are appointed by the Governor.

It should be pointed out that in a normal water year California is entitled to the use of up to 4.4 million acre-feet of water from the mainstream of the Colorado River. This valuable water supply is utilized by several large southern California agricultural districts, as well as The Metropolitan Water District of Southern California, the wholesale distributor of water supplies to municipal providers that meet the needs of nearly 18 million residents in Southern California.

The CRB strongly supports H.R. 2515, because this legislation, if passed, assures continued compliance by the United States with the program documents and agreements that have been developed as part of the LCR MSCP. That, in turn, provides protection to the non-federal participants in the Program, who like the CRB, its member agencies, and all of the Colorado River water and hydroelectric power contractors, have agreed to provide substantial

amounts of non-federal monies for the conservation of endangered species in order to receive an incidental take permit under the terms of the Endangered Species Act for their continued water and power operations.

On April 2, 2005, Secretary of the Department of the Interior, Gale A. Norton, approved this major collaborative and innovative 50-year conservation initiative. The overall Program costs, \$626 million, will be annually adjusted for inflation, and will be shared by the three lower basin states paying 50 percent of the costs and the federal government paying 50 percent. Of the states' share, Arizona and Nevada will each pay 25 percent, while California will pay the remaining 50 percent. In return for their funding commitments, the non-federal participants have received a 50-year incidental take permit, issued by the U.S. Fish and Wildlife Service under Section 10 of the Endangered Species Act, which authorizes their existing and future water and power operations to continue. All of the California participants have made a significant long-term financial commitment toward the implementation of the LCR MSCP that has been memorialized in a California LCR MSCP Funding Agreement, executed on April 2, 2005.

From California's perspective, H.R. 2515, as written, provides several key elements that are important toward ensuring the long-term effective implementation of this important Program. First H.R. 2515 provides an authorization of appropriations for the federal share of Program costs and directs the Secretary of the Interior to manage and implement the Program in accordance with the executed Program Documents and Agreements. These documents and agreements, executed by all of the federal and non-federal parties reflect the long-term commitment to implement this important Program through 2055. California believes that, through this legislation, it is important that the Congress formally recognize the value of the Program to the citizens of the United States and the overarching responsibilities that the Secretary of the Interior and the Bureau of Reclamation (Reclamation) have toward long-term Program implementation.

Second, H.R. 2515 establishes a process for the Secretary of the Interior and Reclamation to acquire and provide adequate water supplies associated with the restoration and maintenance of habitats created pursuant to the Program documents. In these times of limited water supplies in the Lower Basin States, this process will allow for the creation and maintenance of the 8,132 acres of aquatic, wetland, and riparian habitats within the Program planning area along the Lower Colorado River, and yet ensure that lawful entitlement holders in the three states can continue to manage and effectively utilize their important Colorado River apportionments over the fifty-year period. Specifically, there is language in H.R. 2515 ensuring that the habitat water acquisition and use policies established by the Secretary of the Interior will not impair any right to mainstream water established under any compact, treaty, law, decree, or contract in effect as of enactment of this Act.

Third, H.R. 2515 acknowledges that a long-term cooperative effort, involving the federal and non-federal Program participants, will be required in order to successfully implement this Program over the fifty-year period. This will be accomplished through periodic meetings of the LCR MSCP Steering Committee and Reclamation's LCR MSCP Office staff. These meetings, several of which have occurred since inception of Program implementation in April 2005, are the

primary focal point for decision-making regarding the preparation and adoption of annual work plans, budgets, and Program implementation status reports. It is in the Steering Committee where consensus-based decisions will be made associated with the results of ongoing monitoring and research activities and the utilization of adaptive management in suggesting modifications to implementation activities based upon the best available science.

Finally, since the time that similar legislation was introduced last year (i.e., H.R. 5180), two significant developments have occurred. First, subject to final review and approval within the Department of the Interior, the parties have reached agreement with the United States on an agreement to provide Colorado River water for LCR MSCP habitat restoration and maintenance purposes, as authorized by Section 3(b) of the bill. Second, Section 5(b) of the bill, which relates to the impact of future legislative actions on the LCR MSCP, has been modified and narrowed significantly to meet the concerns of some members.

California is fully committed to carrying out its responsibilities toward long-term implementation of the LCR MSCP over the fifty-year period, and looks forward to working with representatives and agencies within the States of Arizona and Nevada, as well as the participating federal agencies in carrying out those goals and meeting our collective obligations. Toward this end, California believes that H.R. 2515 is of vital importance to all of the LCR MSCP participants committed to the Program's success. California urges the Subcommittee and the Committee, as well as the full House to approve this important legislation.

It is worth noting that at the White House Conference on Cooperative Conservation in August 2005, in St. Louis, Missouri, the LCR MSCP was recognized by the Administration as an "Exemplary Initiative." Implementation of the LCR MSCP is critical to the long-term needs of those in the southwest that depend on the Lower Colorado River for a major portion of their water and power resources. As Secretary Norton said in her April 2005 Record of Decision approving the Program:

"The importance of the Colorado River to the southwestern portion of the United States cannot be overstated: the Colorado is the lifeblood of the southwest. The Colorado River provides water and power to over 20 million people (in such cities as Los Angeles, San Diego, Las Vegas, Phoenix and Tucson), irrigates over 2 million acres, and generates up to 10 billion kilowatt hours of electricity annually."

The LCR MSCP represents a fifty-year commitment by all of the parties involved. It is essential that this commitment be fully and faithfully met. H.R. 2515 will help ensure that this occurs. Again, I would like to thank this Subcommittee and the Committee for the opportunity to provide this testimony regarding H.R. 2515, legislation considered by the CRB to be very important to California's long-term interests and rights in the water and power resources of the Colorado River System. Should the Subcommittee or Committee require any clarification of these comments, or additional information, you may reach me at (818) 500-1625, extension 308.
