

Monthly Briefing

A Summary of the Alliance's Recent and Upcoming Activities and Important Water News

Panel OK's Two ESA Bills

Endangered Species Act reform, an issue debated for years, has been given a significant shot in the arm by the House Resources Committee.

The panel's July 21 actions approved:

- H.R. 2933, the Critical Habitat Reform Act, sponsored by Rep. Dennis Cardoza (D-CALIFORNIA).
- H.R. 1662, the Sound Science for ESA Planning Act, sponsored by Rep. Greg Walden (R-OREGON).

"Despite this law's noble intent, the ESA has recovered less than one percent of the species on its list in the last 30 years," Chairman Richard W. Pombo (R-CALIFORNIA) said.

"Unintended consequences have rendered it a failed managed-care program that checks species in but never checks them out," said Pombo. "These bills will modernize the law to improve our results for recovery, and in that regard, there is certainly nowhere to go but up."

Pombo noted that environmental community critics "have asserted that these bills would somehow gut or weaken the Endangered Species Act. To them I ask, how could we possibly make this law any weaker than its unintended consequences have, and its results show, over the last 30 years?"

Pombo acknowledged that the measures could face tough sledding in the Senate and may not even get to a

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Klamath ESA Hearing's Call For Change

Change is in the works to amend the federal Endangered Species Act and prevent another Klamath basin disaster.

That message was given July 17 by five members of the House Water and Power Subcommittee during an oversight hearing in Klamath Falls (OREGON).

"I hope that we can get it passed this year," said Rep. Greg Walden (R-OREGON), who introduced the bill in 2001.

Walden called for the hearing to hear first hand about the economic devastation created in the Klamath basin by the 2001 ESA-spawned water crisis.

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Every side of the Klamath Basin issue was represented in the crowd that turned out for the July 17 House Water and Power Subcommittee hearing in Klamath Falls.

How Lawmakers View The ESA

Here are remarks about the Endangered Species Act made by several members of the House Resources Committee during its July 21 hearing that approved a pair of ESA-reform bills. (Please see story on front page.)

Rep. George Radanovich (R-CALIFORNIA)

"The ESA is not sacrosanct. It is a law that has been around for 30 years and has yet to make significant gains toward recovering species.

"The bills being marked up in Committee today make common sense changes to the Act by requiring science-based, peer-reviewed listing decisions and establishing a clearer mechanism for designating critical habitat. This is how we can begin recovering species, which is the primary purpose of the Act.

"My own San Joaquin Valley district is being confronted with ESA decisions that include fairy shrimp and the Central California tiger salamander, among others, and the local and economic impacts are widespread. Farmers, landowners, small businesses and others cannot continue to endure the uncertainty this Act has caused. That's why these reasonable, balanced bills are so important."

Rep. Jim Gibbons (R-NEVADA)

"The Endangered Species Act was passed as a means to conserve and recover endangered species. Unfortunately, it has not achieved that goal. According to the U.S. Fish and Wildlife Service, only 12 of the law's roughly 1,300 protected

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ESA On The Pecos – 12 Years, Few Results

Twelve years and millions of taxpayers' dollars have been invested but the U.S. Fish and Wildlife service's biologists have little to show for their efforts to protect the Pecos blunt nose shiner.

That is the view of Tom W. Davis, Carlsbad (NEW MEXICO) Irrigation District Manager. He testified June 7 before the House Resources Subcommittee on Energy and Mineral Resources at a hearing in Carlsbad.

THE CARLSBAD DISTRICT is authorized to store 176,500 acre-feet of water in four Pecos River reservoirs – Santa Rose, Sumner, Brantley and Avalon – and makes deliveries to more than 25,000 acres of land through a gravity canal system.

CID impounds flood flows in Santa Rosa and Sumner reservoirs only from October-March.

Davis testified that CID has always minimized stored water evaporation losses by keeping water in the upstream reservoirs as long as possible and then making high-flow block releases into lower elevation storage for periods of 15-20 days.

In addition, natural base flows above the reservoirs are passed through Santa Rosa and Sumner for eight months each year, meaning the Pecos River flows unimpeded by the dams.

THE SHINER WAS LISTED in 1987 as a threatened species under the Endangered Species Act, the same year Davis joined CID.

"Immediately after the shiner was listed, the U.S. Fish and Wildlife biologists took the position that historical operation of Sumner Dam was responsible for reducing the shiner population to a threatened status even though the base flow of the Pecos River is released through Sumner Dam," Davis said. "It seemed to me that it was predetermined that the dams were the cause of the shiner's demise."

He said CID has cooperated in a number of operational experiments and is now governed by a biological opinion that expires in 2006.

"Yet we are told by the biologist that despite the modifying of normal release operations and meeting target flows through the critical habitat, the shiner population is still declining," said Davis.

No one knows the shiner's real situation, Davis testified.

"THIS IS THE SAME situation that implementing of the Endangered Species Act presents throughout the West," he said. "Very expensive attempts at implementing the ESA to improve the plight of listed species have in nearly all cases been unsuccessful. The costs to local economies throughout the West is in the millions. Yet the benefits to the listed species are negligible."

No nation has ever tried harder to prevent species from becoming extinct but, Davis said, "It is not working. We are just spending money and crippling economies."

RESOURCES COMMITTEE Chairman Richard Pombo (R-CALIFORNIA) told the hearing the ESA "has given wildlife very little to cheer about as we stagger blindfolded into its 30th anniversary.

"Since its inception, nearly 1,300 species have been listed as threatened or endangered. Yet, only seven domestic species listed under the ESA have ever been 'recovered' in 30 years. Not one of these species was 'recovered' as a result of the ESA alone."

Pombo said "rampant environmental litigation" has worsened species recovery efforts."

"Congress never dreamed that (the ESA) would turn into a tool used by vocal and well-funded special interest groups seeking to impose court-ordered federal land and water use controls on the majority of Americans," Pombo said.

TWO ESA REFORM BILLS PASS HOUSE RESOURCES COMMITTEE

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vote on the House floor in the limited amount of time left in this election year session.

Still, the bipartisan support given the measures cheered supporters of ESA reform.

Cardoza's bill would change the way that the U.S. Fish and Wildlife Service defines critical habitat for endangered species and provide more time to collect useable scientific data.

It passed on a 28-14 vote, with six Democrats joining almost all Republicans in voting yes. Cardoza said the bill would create greater emphasis on species recovery. "We are reforming a flawed process responsibly with bipartisan support," Cardoza said.

A substitute bill by Rep. Nick Rahall, (D-WEST VIRGINIA), the committee's ranking Democrat, was roundly defeated. It sought to tighten decision-making deadlines.

The Walden legislation passed 26-15 with support from four Democrats. It would integrate peer-review into ESA decision-making processes to speed species recovery efforts.

"By modernizing the 30-year-old ESA to include field-testing and peer review, we can ensure that sweeping policy decisions are based on sound science, representing the best interests of species, people and communities," Walden said.

HOW HOUSE LAWMAKERS VIEW THE NEED FOR ESA REFORM

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species have recovered. That equates to a failure rate of over 99 percent. Now, I realize there are special interest groups who want to blindly protect any government program no matter the success-fail rate, but I challenge anybody to state in all seriousness that the Endangered Species Act has achieved its goal. Common sense reform to the ESA is necessary to better protect and recover our species, and the reforms discussed today are long overdue."

Rep. Barbara Cubin

(R-WYOMING)

"Too many citizens are shut out of their public and private lands because of the unfair application of the ESA. From the Klamath Falls debacle and the Lynx hoax to the Preble's jumping mouse, the shoddy science collected by the U.S. Fish and Wildlife Service may cause many folks to lose some of the use of their lands. It's not unreasonable to expect that the law require a sound scientific basis before restrictions can be placed on thousands of acres of public or private land."

Rep. Dennis Rehberg

(R-MONTANA)

"These are common-sense reforms, designed to hold this runaway law accountable to sound science and peer review. I don't think it's too much to ask that the Environmental Species Act be changed to impose scientific accountability on federal bureaucrats empowered with spending millions of tax dollars to list and control the habitat of whatever species they determine to be threatened."

Rep. Chris Cannon

(R-UTAH)

"All too often the implementation of the ESA has been based on questionable scientific data that have received no independent peer review, causing state and local governments as well as private landowners to bear the burden of unwarranted critical habitat designations. Despite hundreds of

lawsuits and other tactics used by extreme environmentalists, we have seen little success in actually recovering species from the Endangered Species list. Clearly, many changes to the ESA and the process for designating critical habitat are needed. It is time to bring science and common sense to the ESA. By allowing local governments and landowners into the designation process, we will reduce the amount of litigation clogging our courtrooms and protect needed areas."

Rep. Rick Renzi

(R-ARIZONA)

"For more than 30 years, our ranchers, farmers, miners and lumberjacks in rural Arizona have suffered at the expense of an often-abused federal Endangered Species protection law. As a result, hundreds of thousands of jobs have been lost, families forced to move, and once thriving rural communities are now threatened. These vital pieces of legislation will restore a balance to our species protection laws, by preserving our rich rural traditions and local economies and allowing both nature and man to coexist in harmony."

Rep. Tom Tancredo

(R-COLORADO)

"The serious questions raised about the accuracy of listing and habitat decisions on the Preble's Meadow Jumping Mouse make it clear why these two bipartisan measures are needed. Both go a long way toward modernizing the ESA by introducing better science and common sense to the species conservation process."

Rep. Bob Bishop

(R-UTAH)

"The Endangered Species Act was intended to recover species but it doesn't, period. It is broken and needs to be fixed. Endangered species will continue to be endangered if we won't admit this and do something about it. If we have in mind the best interests of the environment and the species the original Act was supposed to protect, this ESA reform legislation will move through the process and become part of the law."

VARIED STAKEHOLDERS ATTEND HEARING IN KLAMATH FALLS

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Walden said his bill is not an attempt to gut the ESA but rather is aimed at ensuring data collected under the ESA is scientifically sound.

A crowd of approximately 500 attended the hearing in a Klamath Falls theater.

DURING THE HEARING, Steve Thompson, U.S. Fish and Wildlife Service Regional Director, testified that peer review would add six months of extra time and up to \$1 million in extra costs to decision-making.

Jim Lecky, Assistant Regional Administrator for Protected Resources for NOAA-Fisheries, said, "My concern is it will just lead to huge bureaucratic delays to get projects going."

The hearing featured nine speakers from a variety of perspectives. House Water and Power Subcommittee Chairman Ken Calvert (R-CALIFORNIA) asked all panel members:

"Would more storage help us resolve the issues in the Klamath Basin?" All of the panelists, including the tribes and fishing interests, answered yes.

The Family Farm Alliance's Western Water Supply Enhancement Study, an ongoing effort launched earlier this year, is utilizing already developed information to help identify and promote water storage projects in the West.

THE HEARING attracted an audience of some 500 and resulted in highly diverse stakeholder groups demonstrating emotionally in support of their positions.

On one side were Klamath basin tribal members and environmentalists avidly favoring strong ESA protections.

On the other were Klamath water users, farm community members and other area residents hurt by the 2001 water supply cutback and now demanding reforms in the ESA.

Craig Smith, Family Farm Alliance Executive Director and a speaker during



Congressmen taking part in the Klamath Falls hearing include (from left) Wally Herger, Greg Walden, Ken Calvert, George Radanovich and John Doolittle. Walden is from Oregon. The others represent California districts.

a pre-hearing rally, described the mood among the various factions as tense.

"It could have been a serious situation but, fortunately, cooler heads prevailed," Smith said.

AROUND THE WEST

Alliance Opposes U.S. Reimbursable Security Costs

The Family Farm Alliance has asked the Senate Appropriations Committee to support language that clearly defines additional security costs at Reclamation projects as non-reimbursable. The Alliance letter notes that after the September 11 2001, terrorist attacks, the federal government said all increased security costs would be non-reimbursable and paid for out of general fund appropriations. Now, the Office of Management and Budget is pressing for reimbursement for guards and security from water users.

Tehama-Colusa Names David Bird As Manager

The Tehama-Colusa (CALIFORNIA) Canal Authority (TCCA) has named David Bird as General Manager. Bird, currently the General Manager of the Thermalito Irrigation District in Oroville (CALIFORNIA), will assume his duties in September 2004. TCCA is a joint powers authority formed in 1987 to operate and maintain the Tehama-Colusa and Corning canals (features of the Bureau of Reclamation's Central Valley Project) and represent interests of water agencies that deliver CVP water to more than 125,000 acres in Tehama, Glenn, Colusa and Yolo counties.

New Authority Takes Over CVP's Friant-Kern Canal

The newly-organized Friant Water Authority, formed by 19 member agencies of the Friant Water Users Authority, has taken over operation and maintenance of the Friant-Kern Canal, a Central Valley Project facility in California. The FWUA staff has been absorbed fully by the FWA, which is now providing general member services to the FWUA for its remaining activities and responsibilities on a consulting basis. Named FWA General Manager was Ronald D. Jacobsma. A FWUA senior management staff member for the past 15 years, Jacobsma was FWUA Interim General Manager from April 2003-June 2004. He is a certified public accountant and has been active in the Central Valley Project Water Association Finance Committee.

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