

Revised and readopted 4/17/13

Upper Colorado River Recovery Program

Colorado River Water Conservation District Policy Statements:

The Colorado River District supports the Upper Colorado River Endangered Fish Recovery Program (Recovery Program) and its dual purpose of recovering fish species listed as endangered while allowing historical water use and water development to continue consistent with state law and Colorado's entitlements under the Colorado River Compacts.

The Colorado River District as an active participant in the Recovery Program will advocate to:

- Accomplish recovery with less than existing flows in the Colorado River and its tributaries to allow for additional consumptive use development on the West Slope in accordance with Colorado's compact water entitlements.
- Include nonnative elimination and control, habitat modification and restoration, and stocking of endangered fishes in the Recovery Program's priorities;
- Ensure that the burden of the Recovery Program's implementation, operation, and compliance is equitably distributed on all power and water users, including transmountain diverters;
- Remove any risk of allegations that impacts from water depletions endanger, threaten or take the fish or harm their habitat and protect against the potential for adverse incidental take of the species or adverse modifications of their habitat; and
- Consider inclusion of water quality protections for the listed fishes within the recovery program's purpose and mission.
- Ensure that if a Programmatic Biological Opinion (PBO) or individual project's Section 7 consultation requires actions that address water quality, then the river district will advocate that the recovery program assume the responsibility, including adequate funding, for addressing the required water quality-related actions.
- Ensure that the Recovery Program assumes the full responsibility for the successful completion of the Program's recovery implementation elements.

Any permanent reallocation of waters from "compensatory storage reservoirs" (i.e., Green Mountain Reservoir and Ruedi Reservoir) must occur only with the approval of the Colorado River District and other West Slope beneficiaries of those projects.

Additionally, the U.S. Bureau of Reclamation should timely issue water contracts from federal facilities, relying on the Recovery Program to implement all necessary, reasonable and prudent measures to offset any identified impacts to the listed fish species. Moreover, Ruedi Reservoir contractees must not bear a regulatory risk nor an increase in cost of water greater than contractees for other federal water.

FINAL
April 17, 2013

Background & Discussion:

The Recovery Program was created to "provide for recovery of the endangered fish species, consistent with federal law and all applicable state laws and systems for water resource development and use." Since its inception in 1988, the Recovery Program has successfully protected the interests of present and future Western Slope water users and the right of Colorado River water users within the state to fully utilize Colorado's entitlement under the Colorado River Compacts of 1922 and 1948.

The Recovery Program has successfully served as the reasonable and prudent alternative offsetting impacts to the endangered fishes and adverse modification to their habitat for existing and future water depletions. The Recovery Program has served as the mitigation for depletion impacts for more than 2.1 million acre-feet of historical and new water depletions within the River District. Measures necessary to accomplish recovery of the fish are the responsibility of the Recovery Program and its participants, not individual water users seeking Section 7 consultations under the Endangered Species Act. As such, the Recovery Program has served as a vital regulatory shield at substantial cost savings to individual Colorado water users.

The Recovery Program has implemented actions necessary to achieve the recovery goals established by the U.S. Fish & Wildlife Service (USFWS) for each of the listed species. Additionally, the Program serves as the reasonable and prudent measure relied upon by the USFWS in its development of basin-specific PBOs by implementing specific recovery actions to offset water use and development activities.

Funding of the Recovery Program has been principally through Congressional appropriations (Reclamation's budget), Colorado River Storage Projects' (CRSP) power revenues, and state contributions to the Recovery Program, consistent with the Recovery Program's organic agreement.

The Recovery Program currently relies, in part, upon operations and releases from compensatory storage projects to achieve recommended flows (i.e., releases from Green Mountain Reservoir and Ruedi Reservoir). As such, the Recovery Program represents a substantial compromise by West Slope water users on the historical bargains that mitigate transmountain diversions. This compromise should be recognized within the state and the risk of any such future compromises must be minimized and eliminated as growth on the Western Slope increases the demand for water and reliance on these compensatory storage projects.