

## CRIT EXHIBIT 17

### WRITTEN TESTIMONY OF CHARLES LAND, COLORADO RIVER INDIAN TRIBES WILDLIFE MANAGER

The Colorado River Indian Tribes (CRIT) have lived within the Colorado River basin for generations. The Tribes have developed strong cultural ties to the River and the natural resources associated with it. The Colorado River Indian Reservation (CRIR) includes approximately 90 miles of Colorado River shoreline. (See CRIT exhibit 10). During the past century, CRIT has witnessed dramatic changes in this riparian corridor. More and more water has been diverted from the Colorado River to feed the agricultural and water demands of populations hundreds of miles from the River. As water was diverted from the River, native riparian vegetation declined and invasive non-native vegetation spread. Today, non-native vegetation dominates the riparian corridor. Associated with the loss of native vegetation and changes in the natural flow of the River has been a loss of native fish and wildlife.

Seven years ago, in an effort to protect and repair the riparian corridor, CRIT began an ambitious habitat protection and restoration project. Work began on the first conservation area, the 'Ahakhav Tribal Preserve in 1996. (See CRIT exhibits 10, 11, 12, and 13). Invasive and non-native species were removed and native cottonwood/willow and mesquite habitats were restored. In 2001, work began on another restoration area, Achii Hanyo. (See CRIT exhibit 10). Today, CRIT is expanding the 'Ahakhav Preserve and planning for additional ten conservation areas.

If the proposed transfer is implemented, annual stream flows through the CRIR will be reduced by as many as 388,000 acre-feet. As the Draft Environmental Impact Report/Environmental Impact Assessment (Draft EIR/EIS) prepared for the Imperial Irrigation District (IID) and the U.S. Bureau of Reclamation (BOR) states, the proposed transfer will impact CRIT's biological resources within the riparian corridor. (SWRCB exhibit 7, chapter 3.2). This area includes the 'Ahakhav Tribal Preserve and several of CRIT's proposed restoration areas. The projected impacts to the riparian corridor include reduction in the area of open water and emergent vegetation, drops in groundwater levels, and potential impacts on riparian vegetation. (SWRCB exhibit 7, chapter 3.2). These findings were based upon the Biological Assessment (BA) prepared by the BOR and referred to throughout the Lower Colorado River (LCR) analysis of the Draft EIR/EIS.

While CRIT agrees that the transfer will impact biological resources in the riparian corridor; CRIT does not believe the magnitude of these impacts has been fully identified, quantified and evaluated. Specifically, CRIT is concerned about the scope of the Draft EIR/EIS and the impacts of the transfer on groundwater.

CRIT strongly believes that the Draft EIR/EIS should model the combined effect of the transfer and the maximum projected effects of the Inadvertent Overrun and Payback Policy (IOP). The IOP includes a schedule for paybacks of inadvertent overruns to the

River. The maximum payback amount in a given year is 176,000 af under the dEIS prepared by the BOR. When the historic pattern of water use by California is considered, we believe that it is highly likely that inadvertent overruns will occur. Therefore, the biological impacts of the proposed transfer have not yet been completely modeled.

In addition, the analysis of biological impacts in the Draft EIR/EIS is based on an average reduction of surface water elevation of up to 4.48 inches (SWRCB exhibit 7, page 3.2-104). The use of an average to project biological impacts is problematic, as it does not address the specific issues of amount, duration, frequency, and timing of extreme low-flow conditions. The final EIS should contain an analysis of daily flows, water surface elevations, and elevation-duration-frequency analyses for the areas between Parker and Imperial Dams:

Furthermore, current groundwater conditions should be accurately mapped in order to adequately assess the impact of the transfer and IOP on groundwater. Groundwater elevations are expected to drop a maximum of 4.4 inches (SWRCB exhibit 7, p. 3.9-18). Cottonwood and willow trees as well as marsh vegetation are more susceptible than other riparian plants (SWRCB exhibit 7, p. 3.9-18). More information is needed in order to more accurately assess the biological impacts of a drop in groundwater elevation. For example, accurate groundwater maps and data regarding changes in groundwater elevation will allow for more specific projections of the acreage and location of impacted cottonwood/willow land cover. If a baseline of groundwater elevations is established it could then be correlated with existing cottonwood/willow habitat and also proposed mitigation sites. Correlations between stand condition and depth to groundwater could also be established. Cottonwood/willow habitat is sensitive to groundwater changes and would be useful as an indicator of the biological impacts of the transfer and IOP. Monitoring of cottonwood/willow habitat could be incorporated into a comprehensive research and monitoring program. Such a program would enable mitigation to be more effectively planned and implemented.

Several cottonwood/willow restoration projects have been established on CRIT land. Average depth to water table on sites restored to cottonwood/willow vegetation has ranged from 1.97 to 5.4 ft. Optimum depth to water table for cottonwood/willow stand maintenance is 4 ft. with 9 ft. being considered to be deep for successful establishment (BA page 46). A reduction in groundwater elevation has the potential to cause mortality of established cottonwoods and willows (SWRCB exhibit 7, page 3.2-107). Drops in groundwater levels would also reduce restoration projects' suitability as habitat for endangered southwestern willow flycatcher (*Empidonax trailii extimus*).

While the Draft EIR/EIS discusses habitat conservation and mitigation, however the document does not specify the criteria for the selection of mitigation sites. CRIT believes it is important that impacted cottonwood/willow or other sensitive habitat on the CRIR be offset by mitigation on the Reservation. CRIT has invested considerable time and resources in its existing restoration projects and would be interested in hosting mitigation projects for impacted habitat off the Reservation. There are several suitable areas potentially available as mitigation sites on the CRIR.

A plan for the long-term monitoring of the impacts of the transfer and related federal actions is needed. The Colorado River is a complex and unpredictable system. This makes it extremely difficult and perhaps impossible to identify all factors that may affect projected impacts to biological resources. Long-term biological monitoring is needed in order to properly assess and mitigate impacts unforeseen in the Draft EIR/EIS. Regular biological monitoring for the life of the transfer should be required. In order to conduct such regular biological monitoring, a baseline must first be established prior to the implementation of the transfer. While the Draft EIR/EIS and related environmental documents provide the outlines of such a baseline, additional data is also needed.

Because of a strong possibility of impacts on CRIT lands, we would like to be included as a full partner in the mitigation planning and monitoring processes on the lower Colorado River. CRIT possesses the infrastructure to be a valuable participant in both these areas. We believe that CRIT's inclusion as a full partner in this process is necessary in order to protect tribal sovereignty and ensure the impacts of the proposed transfer are fully mitigated.

CRIT believes that the proposed transfer will unreasonably affect fish and wildlife if the biological impacts are not accurately accounted for and mitigated. Therefore, CRIT must oppose the transfer until there has been a more accurate accounting of the transfer's biological impacts, complete mitigation of those impacts and the creation of a program to monitor the transfer's ongoing impacts.