

**Written Statement of Hildy Angius, Chairman, Mohave County Board of Supervisors
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing – April 10, 2014**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to provide this testimony. I am Hildy Angius, Chairman of the Mohave County Board of Supervisors for Mohave County, Arizona. I provide this testimony on behalf of the citizens of Mohave County to inform you about the U.S. Fish and Wildlife Service's ("FWS") recent decision to close portions of the Willow Beach National Fish Hatchery ("WB NFH") as part of the FWS's effort to fundamentally modify the function and purpose of the National Fish Hatchery System ("NFHS"). The FWS's decision will have a severe economic impact on the County that I have been elected to represent and on the greater region in which I live. We believe that the FWS is acting contrary to law, public policy and science, and is doing so – not surprisingly – without sufficient public participation and transparency. I ask this Subcommittee to help restore the NFHS and the WB NFH to their full potential.

Willow Beach National Fish Hatchery

The WB NFH is located along the Colorado River near the border of Nevada and Arizona within Mohave County and the Lake Mead National Recreational Area ("NRA"). The WB NFH was established in 1962 to raise rainbow trout for release into the lower Colorado River system to help mitigate for impacts to that system from the construction and operation of the Hoover Dam and related subsequent water resource management projects, like the Davis Dam. The hatchery was established, in part, pursuant to the Fish and Wildlife Coordination Act of 1934, as amended, and a 1959 Memorandum of Understanding ("MOU") between the Bureau of Reclamation, National Park Service ("NPS") and FWS. The 1959 MOU is still in effect today.

The FWS has long considered and operated the WB NFH as a "mitigation" fish hatchery. "The fundamental purpose of fishery mitigation," according to the FWS, "is to compensate for adverse impacts to fishery resources caused by the construction of Federal dams and Federal water development projects."¹ For example, the FWS described the WB NFH in the early 1990s as a "mitigation hatchery established to produce a fishery in the coldwater habitat created by the construction of the Hoover Dam."² This purpose was reiterated in a General Accounting Office report in June 2000 addressing the NFHS, in which the WB NFH was identified as having been "constructed in 1962 to mitigate for fish losses associated with Hoover Dam's construction."³ And in 2006, the WB NFH was highlighted by the FWS as an exemplary mitigation hatchery in a report describing the significant positive impact rainbow trout production in the NFHS has on the U.S. economy.⁴

For nearly 52 years, in fact, the WB NFH has been an economic engine for Mohave County and the surrounding region, providing recreational fishing opportunity to replace that which was destroyed by Bureau of Reclamation water resource management projects along the lower

¹ FWS, *Economic Effects of Rainbow Trout Production by the National Fish Hatchery System*, at 5 (Jan. 2006).

² FWS, *Station Profile for Willow Beach National Fish Hatchery*, at 1 (undated, circa 1991).

³ GAO, *National Fish Hatcheries*, GAO/RCED-00-151, at 12 (Jun. 2000).

⁴ See *Economic Effects of Rainbow Trout Production by the National Fish Hatchery System*, at 7 and 9.

Colorado River. According to a study prepared for the Arizona Department of Fish and Game, recreational fishing within Mohave County in 2001 alone contributed \$74.5 million to the local economy and supported approximately 1,682 jobs.⁵ The WB NFH has played a huge role in generating that economic activity. The FWS, for example, estimates that the overall NFHS generates \$3.6 billion in economic activity, creates 68,000 jobs, and provides a \$28 return on investment for every federal tax dollar invested in the system – a remarkable federal stimulus success story.⁶ Recreational fishing factors significantly into those calculations.

To lose that kind of economic activity would have dire consequences on a local and regional economy, but that is exactly what Mohave County is currently facing. On November 24, 2013, the FWS announced that it was terminating the rainbow trout propagation program at the WB NFH, a development the government of Mohave County had to learn about after-the-fact through local news media. The FWS claims that it lacks sufficient funds to repair a broken water line that delivered water from Lake Mohave to the trout ponds at the hatchery. The FWS has known since 2010 that its water delivery system was in need of maintenance, but failed to take corrective measures. Now that the water delivery system has failed, the FWS is claiming that it has no choice but to eliminate the trout program because it cannot afford the repairs. Instead, it will continue to operate portions of the WB NFH focused on raising and releasing bonytail chub and razorback suckers, species that are listed as endangered under the Endangered Species Act (“ESA”). Water for raising those species comes from groundwater through a delivery system that is was impacted by the facility’s maintenance failures.

While endangered species recovery efforts are obviously worthwhile, Mohave County has been trying to understand the FWS’s authority to unilaterally alter the fundamental purpose of the WB NFH. The facility was established and has been operated for more than five decades as a mitigation hatchery, consistent with the principles articulated in the Fish and Wildlife Coordination Act. It remains subject to the 1959 MOU, which specifically limits the FWS’s use and occupancy of the land on which the hatchery is located “for the purpose of propagating trout.”⁷ But now, the FWS has suddenly started calling the facility a “non-mitigation hatchery.” According to a February 14, 2014 letter from Mr. David Hoskins, Assistant Director for Fish and Aquatic Conservation, to Senator John McCain, the WB NFH “was established as a non-mitigation hatchery to produce fish for Lake Mohave and other impoundments on the lower Colorado River system.” Mohave County is perplexed by this revisionist history.

Mohave County has patiently worked with the FWS to try to understand this abrupt shift in operational strategy, but to no avail. The FWS has not adequately explained its authority for summarily dropping the rainbow trout program. The FWS has not explained why its estimates of between \$3 and \$9 million to repair the water delivery system are significantly greater than Mohave County’s own engineering and cost estimates, which have been shared with the FWS. The FWS has not adequately explained why it lacks the maintenance funds to perform the repairs or how it has developed and is currently implementing its maintenance priorities throughout the NFHS. Nor has the FWS seemed willing to engage in meaningful discussions with all stakeholders about crafting short and long-term strategies for restoring and continuing the

⁵ Jonathon Silberman, *The Economic Importance of Fishing and Hunting*, at 32 (undated but reporting 2001 data).

⁶ See FWS, *Net Worth: The Economic Value of Fisheries Conservation* (Fall 2011).

⁷ U.S. Department of the Interior, Memorandum of Understanding, at 2 (Apr. 24, 1959).

rainbow trout program at the WB NFS. The reason, we fear, is because the FWS is getting out of the sport and recreational fish hatchery business altogether.

National Fish Hatchery Program

It is becoming increasingly clear that the FWS's decision to shutter the trout propagation operations at the WB NFH is simply the first step in what appears to be an overall effort to retool the NFHS from a multi-purpose conservation, recreation and economic instrument into an endangered species breeding and recovery program. The FWS released a report in March 2013 entitled the *National Fish Hatchery System: Strategic Hatchery and Workforce Planning Report* that de-prioritizes the use of the nation's fish hatcheries for mitigation purposes related to native and non-native species. Instead, the FWS intends to primarily use the hatcheries to recover and restore threatened and endangered species and address its tribal trust responsibilities. While these are certainly worthwhile objectives, Mohave County is struggling to understand how the FWS can walk away from mitigation commitments made to offset impacts associated with federal water development projects across the country. The FWS had committed to waiting until fiscal year 2015 before closing down any particular fish hatchery operation, and to do so only after careful study. The WB NFH experience clearly demonstrates that the FWS has failed to live up to that basic commitment.

Environmental Concerns Associated With Terminating Trout Operations at Willow Beach

Setting aside the obvious economic consequences of terminating the rainbow trout propagation program at the WB NFH, the FWS's actions have the potential to disrupt the ecosystems in which the hatchery trout have been released for the past five decades. For example, rainbow trout are a food source for striped bass – or stripers as we call them locally. According to the NPS, “rainbow trout are becoming increasingly significant as prey species for striped bass” in Lake Mead and Lake Mohave.⁸ If that food source is taken away, the stripers may instead prey on bonytail chub or other endangered species. This concern was confirmed as a possibility by Mr. Stewart Jacks, the FWS's Region 2 Assistant Regional Director, at a public hearing in Mohave County on February 13, 2014. But to our knowledge, the FWS has not evaluated the ecological impact of its decision to shut down the trout propagation program at the WB NFH.

Federal agencies are required to evaluate the environmental, economic and socioeconomic consequences of their actions before taking those actions. For example, the National Environmental Policy Act (“NEPA”) requires federal agencies to evaluate federal actions that have the potential to significantly affect the quality of the human environment. We are not aware of any NEPA analysis that has been performed by the FWS in support of its decision to shut down rainbow trout operations at the WB NFH or its modification of the overall NFHS.

Perhaps more seriously, the ESA requires federal agencies to ensure, in consultation with the FWS, that their actions are not likely to jeopardize the continued existence of an endangered or threatened species. In an odd twist, the FWS is required to consult with itself on FWS-sponsored actions. There has been no indication, however, that the FWS has properly evaluated its specific actions at the WB NFH or its planned programmatic actions throughout the country under the ESA. Given the very real possibility that the bonytail chub and other endangered species could be harmed

⁸ NPS, *Final Environmental Impact Statement for Glen Canyon National Recreation Area Lake Management Plan*, at 111 (Dec. 2002).

by the FWS's decision to modify the ecological system in the Lake Mead NRA and surrounding region by ceasing rainbow trout stocking activities, we are troubled by the FWS's apparent lack of recognition that it needs to comply with the ESA.

It is also worth noting that the NPS has not updated its General Management Plan or its Lake Management Plan for the Lake Mead NRA to reflect the cessation of rainbow trout stocking activities. Nor does it intend to, we have recently learned. This is somewhat surprising, as the NPS specifically indicated in an Environmental Impact Statement for the current Lake Mead NRA Lake Management Plan that it would undertake a separate environmental analysis with other state and federal agencies if rainbow trout stocking activities were discontinued in the future.⁹ If the NPS has already completed that environmental analysis, Mohave County was not invited to participate as a major stakeholder in the area.

In short, despite being a steward of this nation's ecological resources, the FWS has chosen to ignore its obligations under the very laws that are designed to protect those resources. We would expect the FWS to fully comply with all federal requirements governing its program activities, and to be transparent in those efforts. To date, the FWS has failed to comply with those obligations.

Summary

In summary, Mohave County needs your help Mr. Chairman and Members of this Subcommittee. The rainbow trout propagation program at the WB NFH has been a critical economic engine for our County and region for over 50 years. The decision to shut down that program requires careful evaluation and study, compliance with all applicable legal requirements, and certainly a lot more public and stakeholder engagement and participation than what has been provided to date. To address these concerns, we ask the Subcommittee to consider the following actions:

- Provide funding to support rainbow trout stocking in the Lake Mead NRA through alternative sources until such time as the WB NFH rainbow trout operations have been restored.
- Provide funding in the fiscal year 2015 appropriations bill (and beyond) to repair and maintain the water intake structures and restore rainbow trout hatchery operations at the WB NFH, and increase funding for maintaining the aging infrastructure throughout the NFHS.
- Require the FWS to comply with NEPA, the ESA and other applicable legal requirements prior to taking any action to modify the program priorities of the NFHS or the operations of the WB NFH, and require the FWS to verify that it complied with NEPA and the ESA prior to recently terminating the rainbow trout program at the WB NFH.
- Prohibit the expenditure of funds by the FWS in implementing the recommendations, conclusions and proposed management strategies in its March 2013 *National Fish Hatchery System: Strategic Hatchery and Workforce Planning Report*.
- Investigate whether the FWS is using appropriated funds to manage existing operations within the NFHS consistent with all applicable legal requirements.
- As a condition of fiscal year 2015 appropriations for the Lake Mead NRA, require the NPS to evaluate the impact of eliminating rainbow trout stocking within the NRA, including whether and to what extent the NPS's existing management plans need to be amended.

⁹ *Id.* at 218 and 240.