

Written Statement of Hildy Angius, Chairman, Mohave County Board of Supervisors

**United States House of Representatives Committee on Natural Resources
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Legislative Hearing on H.R. 5026 – Fish Hatchery Protection Act**

July 23, 2014 – 10:00 A.M.

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.

Mohave County fully supports H.R. 5026 – the Fish Hatchery Protection Act – because it addresses a fundamental concern the County has with the U.S. Fish and Wildlife Service’s (“USFWS”) operation and management of the National Fish Hatchery System. We believe that the USFWS is no longer committed to operating the National Fish Hatchery System to offset the devastating impacts to our nation’s recreational sport fisheries caused by the development of federal water resource management projects. Many of our national fish hatcheries were established decades ago to ensure that recreational fishing opportunities in our nation’s waters were not eliminated by those projects. These hatcheries provide immense economic and environmental benefits to the regions in which they are located, including many rural areas – like Mohave County – that depend on outdoor recreation and tourism to survive. But the USFWS is now ignoring both the history of the National Fish Hatchery System and its importance to our national economy, and is instead using the System to promote the preservation and reestablishment of threatened and endangered species to the detriment of recreational fishing and other management objectives. Mohave County believes that such a fundamental shift in operational priorities for the National Fish Hatchery System should be directed by Congress. That is why Mohave County endorses H.R. 5026.

Mohave County’s support for the Fish Hatchery Protection Act is grounded in unfortunate experience. Last November, the USFWS unilaterally closed the rainbow trout propagation program at the Willow Beach National Fish Hatchery in Mohave County. In doing so, the USFWS ignored its legal responsibilities, failed to engage with its local and state partners, and took action that will have severe economic consequences in Mohave County, the fifth largest county by land area in the United States. The Willow Beach story, which I share below, demonstrates why H.R. 5026 must be enacted.

Willow Beach National Fish Hatchery – An Economic Engine in Jeopardy

The Willow Beach National Fish Hatchery is located along the Colorado River near the border of Nevada and Arizona within Mohave County and the Lake Mead National Recreational Area. The hatchery 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 pursuant to the Fish and Wildlife Coordination Act of 1934

and a 1959 Memorandum of Understanding (“MOU”) between the Bureau of Reclamation, National Park Service, and the USFWS. The 1959 MOU is still in effect today.

For nearly 52 years, the Willow Beach Hatchery 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 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.¹ The Willow Beach facility has played a huge role in generating that economic activity. The USFWS, for example, estimates that the overall National Fish Hatchery System 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.² Recreational fishing factors significantly into those calculations.

To lose that kind of economic activity would have dire consequences on any local and regional economy, but that is exactly what Mohave County is currently facing. On November 24, 2013, the USFWS announced that it was terminating the rainbow trout propagation program at the Willow Beach facility, a development the government of Mohave County had to learn about after-the-fact through local news media. The USFWS claimed that it lacked sufficient funds to repair a broken water line that delivered water from Lake Mohave to the trout ponds at the hatchery, estimating that the water line would cost somewhere between \$3.0 and \$9.0 million to repair. The USFWS has known since 2010 that its water delivery system was in need of maintenance, but failed to take corrective measures. Once the water delivery system failed, the USFWS claimed that it had no choice but to eliminate the trout program because it could not afford the repairs. The agency will, however, continue to raise and release bonytail chub and razorback suckers at the Willow Beach facility, species that are listed as endangered under the Endangered Species Act. Water for raising those species at the hatchery comes from groundwater through a delivery system that was not impacted by the facility’s maintenance failures.

While endangered species recovery efforts are obviously worthwhile, Mohave County has been trying to understand the USFWS’s authority to unilaterally alter the fundamental purpose of the Willow Beach National Fish Hatchery. The facility was established and has been operated for more than five decades as a *mitigation* hatchery. “The fundamental purpose of fishery mitigation,” according to the USFWS, “is to compensate for adverse impacts to fishery resources caused by the construction of Federal dams and Federal water development projects.”³ That is precisely why the Willow Beach facility was created in 1962. As explained by the Government Accountability Office in a June 2000 report addressing the National Fish Hatchery System, the Willow Beach facility was “constructed in 1962 to mitigate for fish losses associated with

¹ Jonathon Silberman, *The Economic Importance of Fishing and Hunting*, at 32 (undated but reporting 2001 data).

² USFWS, *Net Worth: The Economic Value of Fisheries Conservation* (Fall 2011).

³ USFWS, *Economic Effects of Rainbow Trout Production by the National Fish Hatchery System*, at 5 (Jan. 2006).

Hoover Dam’s construction.”⁴ This fundamental purpose was acknowledged by the USFWS in the early 1990s, when the agency described the Willow Beach facility as a “mitigation hatchery established to produce a fishery in the coldwater habitat created by the construction of the Hoover Dam.”⁵ And in 2006, the Willow Beach facility was highlighted by the USFWS as an exemplary mitigation hatchery in a report describing the significant positive impact rainbow trout production in the National Fish Hatchery System has on the U.S. economy.⁶ Moreover, the facility remains subject to the 1959 MOU, which specifically limits the USFWS’s use and occupancy of the land on which the hatchery is located “for the purpose of propagating trout.”⁷

But now, after a half-century of operation, the USFWS has started referring to the Willow Beach facility as 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 Willow Beach facility “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, and is concerned by its intent.

Mohave County has patiently worked with the USFWS to try to understand this abrupt shift in operational strategy, but to no avail. The USFWS has not explained its authority for summarily dropping the rainbow trout program at Willow Beach. Nor has the agency explained how it prioritizes maintenance projects throughout the National Fish Hatchery System, or why it lacks sufficient funds to support the Willow Beach trout propagation program. The reason, we fear, is because the USFWS is getting out of the sport and recreational fish hatchery business altogether.

National Fish Hatchery System – Shifting Priorities

It is becoming increasingly clear that the USFWS’s decision to shutter the trout propagation operations at the Willow Beach National Fish Hatchery is simply the first step in what appears to be an overall effort to retool the National Fish Hatchery System from a multi-purpose conservation, recreation and economic instrument into an endangered species breeding and recovery program. The USFWS 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 USFWS 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 USFWS can walk away from mitigation commitments made to offset impacts associated with federal water development projects across the country. The agency is also walking away from its commitment (articulated in the March 2013 report) to wait until fiscal year 2015 before closing down any particular fish hatchery operation, and to do so only after careful study. The Willow Beach

⁴ Government Accountability Office, *National Fish Hatcheries*, GAO/RCED-00-151, at 12 (June 2000).

⁵ USFWS, *Station Profile for Willow Beach National Fish Hatchery*, at 1 (undated, circa 1991).

⁶ USFWS, *Economic Effects of Rainbow Trout Production by the National Fish Hatchery System*, at 7 and 9 (Jan. 2006).

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

experience clearly demonstrates that the USFWS has failed to live up to even that basic commitment.

Willow Beach – Current Status

The trout propagation program at Willow Beach is still closed. Since learning of its closure, Mohave County has been trying to work in good faith with the USFWS to develop short and long-term strategies for restoring and continuing the rainbow trout program consistent with its 52-year history. Initially, the USFW rebuffed any meaningful dialogue with Mohave County or other interested stakeholders, even after Mohave County shared its own engineering assessments and cost estimates for repairing the water delivery system that were remarkably less than the federal estimates. That position changed somewhat after Mohave County provided testimony before a public witness hearing of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, on April 10, 2014. At that hearing, Mohave County expressed its concerns that the USFWS lacked the legal authority to ignore the mitigation commitments that spurred the original need for the Willow Beach National Fish Hatchery. We also questioned whether the USFWS had complied with the National Environmental Policy Act and the Endangered Species Act before terminating the trout propagation program,⁸ or whether the National Park Service had amended its General Management Plan or its Lake Management Plan for the Lake Mead National Recreation Area to reflect the cessation of rainbow trout stocking activities.⁹

Since that time, the USFWS has worked with the Arizona Department of Game and Fish and Mohave County to evaluate both short and long-term solutions for Willow Beach. In April 2014, Arizona Game and Fish committed to providing 21,000 six to eight-inch trout to be reared at Willow Beach and released into the Colorado River below the Davis Dam this fall. The parties also recently gathered their engineers together to discuss long-term fixes for the broken water delivery system. At that meeting, Mohave County shared several engineering solutions for repairing the water delivery system that cost between \$300,000 and \$500,000 to implement, a far cry from the \$3.0 to \$9.0 million estimates the USFWS used to justify permanently shutting down the rainbow trout propagation program last fall. We are therefore hopeful that a short-term solution to the Willow Beach problem may be found, but we are not confident in the long-term viability of the hatchery. The USFWS has publicly stated its intent to shift the focus of all national fish hatcheries away from supporting recreational sport fishing. Without congressional intervention, the Willow Beach facility – like all other national fish hatcheries – will be at risk.

⁸ According to the National Park Service, “rainbow trout are becoming increasingly significant as prey species for striped bass” in Lake Mead and Lake Mohave. *Final Environmental Impact Statement for Glen Canyon National Recreation Area Lake Management Plan*, at 111 (Dec. 2002). Eliminate the trout, and striped bass are more likely to prey on bonytail chub or other endangered species in the region.

⁹ The National Park Service specifically indicated in its Environmental Impact Statement for the current Lake Mead National Recreation Area Lake Management Plan that it would undertake a separate environmental analysis with other state and federal agencies if rainbow trout stocking activities were ever discontinued in the future. *Final Environmental Impact Statement for Glen Canyon National Recreation Area Lake Management Plan*, at 218 and 240 (Dec. 2002).

Summary – Enact H.R. 5026

In summary, Mohave County fully supports the Fish Hatchery Protection Act. The federal government committed to mitigating for the impacts of federal water resource development projects years ago by ensuring that recreational sport fisheries would be sustained post-construction through the National Fish Hatchery System. The USFWS has done an admirable job of operating that System for the past 50 years, but has recently changed the fundamental goals and priorities for the System under the guise of limited funding. Congress should decide whether and how to modify the public's goals and objectives for the National Fish Hatchery System, not the executive agency charged with its administration. H.R. 5026 would ensure that Congress maintains that authority.