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PHONE # (602) 789-3600

FAX # (602) 789-3928

TO: WWPRAC

FROM: HABITAT BRANCH, AZ. GAME & FISH DEPT.

DATE: WE Wemm  
4/7/97

SUBJECT: Colo R Report

COMMENTS:

NUMBER OF PAGES TO FOLLOW: 3

APR 11 1997



THE STATE OF ARIZONA

# GAME & FISH DEPARTMENT

2221 West Greenway Road, Phoenix, Arizona 85023-4399 (602) 942-3000

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April 7, 1997

Mr. Don Glaser  
Western Water Policy Review Advisory Commission  
P.O. Box 25007  
Denver, CO 80225

Re: Comments - draft "Colorado River Basin Study"

Dear Mr. Glaser:

The Arizona Game and Fish Department (Department) has reviewed the draft "Colorado River Basin Study for the Western States [sic] Water Policy Review Advisory Commission, March 1997" and we submit the following comments.

Page 3, last bullet

"reasonable prudent alternatives" should be reasonable and prudent alternatives as defined in 40 CFR §402.02 and contrasted with reasonable and prudent measures found in the Endangered Species Act at 16 USC § 1536(b)(4)(C)ii.

The phrase "that provide water development interests with accountability" is not clear in who should be accountable to whom.

Page 42, ¶ 4

Again "reasonable prudent alternative" should be reasonable and prudent alternative.

Page 54, ¶ 5

Reuse of effluent can result in unintended adverse impacts to aquatic ecosystems. There are situations in Arizona where effluent maintains a vestige of habitat once supported by free flowing rivers. Examples include the Salt River downstream from the City of Phoenix and the Santa Cruz River downstream from the City of Tucson. Each of these rivers was once free flowing and each is now supported wholly or in part by effluent, depending on the reach. Habitats supported by effluent on the Salt and Gila Rivers support at least two species listed as endangered under the Endangered Species Act. The consequences of reuse of effluent which result in reduction or elimination of discharge to effluent supported waterbodies should be considered.

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Page 55, ¶ 5

"normative" should probably be nonnative.

Page 57, ¶ 1

Suggest the term "native recruitment" be explained.

Page 59, ¶ 4

It is not clear from the phrase "this has not involved, until recently, a comprehensive biological analysis pursuant to Section 7 of ESA." whether the author is suggesting that the fish management and recovery efforts should have undergone consultation themselves. Numerous fish management actions have undergone individual consultation, in compliance with requirements of the Endangered Species Act.

Page 59, ¶ 5

Again "reasonable prudent alternative" should be reasonable and prudent alternative.

Page 60, ¶ 5

The concept of implementing conservation actions outside the geographic area encompassed by the LCR MSCP has been discussed through the evolution of the process and is not precluded. It is necessary to define a geographic scope for the purposes of consultation for federal actions under Section 7 of ESA, but conservation actions are not limited to that same area.

Page 61, ¶ 3

The sentence "Moreover, the broad and unspecified designations of what constitutes 'critical habitat' for the fish has added confusion and opposition to the recovery efforts." is not clear. Federal Register notices of proposed designations of critical habitat for the 4 big river fishes have included definition of principal constituent elements of the habitat as specified under 40 CFR § 424.12.

Page 104, Second Recommendation

Again, the consequences of reuse of effluent which result in reduction or elimination of discharge to effluent supported waterbodies should be considered.

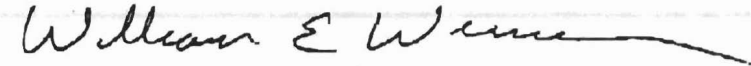
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Page 108, Recommendation

Again "reasonable prudent alternative" should be reasonable and prudent alternative. Again, the phrase "that provide water development interests with accountability" is not clear in who should be accountable to whom. In regard to the issue of "more clearly defined mitigation requirements", a shortage of basic life history information on the listed species is often a problem in developing mitigating measures. Based on our experience, mitigation should be measured by its effectiveness not merely its completion if biological objectives are to be achieved.

These comments are provided in a spirit of helpful cooperation and we appreciate the opportunity to review the draft document. If there are questions, please contact me at 602-789-3607.

Sincerely,



William E. Werner  
Aquatic Habitat Coordinator  
Habitat Branch

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