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Lawsuit targets Ariz. dam Says native fish near extinction

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Five environmental groups on Thursday accused the Interior Department of failing to protect native fish in the Grand Canyon and asked a federal court to order changes in how water flows into the Colorado River from Glen Canyon Dam.

Their lawsuit, filed in U.S. District Court in Phoenix, stopped short of demanding that the government decommission the dam, a drastic solution some activists say is the only way to restore the river's ecosystem.

Instead, the groups want the court to enforce an existing plan that calls for operating the dam in a way that will help the fish and other species downstream. The government has ignored that plan, the lawsuit alleges, and allowed some fish species to slide nearer to extinction.

The suit could disrupt other attempts to control the river's flow from Glen Canyon Dam, most notably the ongoing drought talks among the seven states that draw water from the Colorado. That plan could clash with some of the measures prescribed to help the native fish, whose populations have declined in the 40 years since the dam was built.

The groups want the courts to declare the Interior Department in violation

of the Endangered Species Act and force the agency to conduct new environmental studies that would lead to changes in the dam's operations. The suit specifically says the groups are not seeking an injunction to stop or alter the flow of water from the dam.

In denouncing the government's efforts so far, the groups cite a plan released last year by the U.S. Geological Survey, which found little progress in species recovery or habitat restoration after experiments designed to mimic the river's pre-dam flows. That report noted trouble for at least four native species: the humpback chub, the razorback sucker, the Colorado pikeminnow and the bonytail chub.

"We waited patiently while they did their studies," said Robin Silver, board chairman for the Center for Biological Diversity, one of the groups that signed on to the suit. "It shouldn't be this way. The lawsuit should be unnecessary. But those agencies are not motivated to do what's necessary to make sure we get these species to survive."

Federal officials had not seen the full complaint Thursday, but it is likely to trigger a negative response from water managers in the seven Colorado River states, said Sid Wilson, general manager of the Central Arizona Project, which delivers water from the river to Phoenix and Tucson.

"If the environmental groups continue to push, you're going to have the seven

states and the federal agencies and, frankly, the political officials from the seven states pretty united on all this," Wilson said. Because the states are working on their own plan to control flows from Glen Canyon Dam, any competing scheme could complicate work on the drought plan.

Wilson said he has heard anecdotal evidence in recent months that some native fish populations are growing again, in part because of government-sponsored programs to remove non-native fish, such as trout, that feed on baby chubs.

"This suit is like anything else," he said. "If you want to discredit things, you can find them."

The complaint asks the court to force the Interior Department to revise an environmental impact statement written more than a decade ago after studies found evidence that the dam was harming the Colorado River ecosystem along the length of the Grand Canyon.

With the dam in place, the water that flowed into the Grand Canyon was cooler and clearer, creating conditions that are not friendly to the native fish. The dam also blocked seasonal floods and other fluctuations in the river's flow, which helped maintain beaches and other natural habitat in the canyon.

In 1992, Congress ordered the Interior

Department to regulate the dam's flows in a way that would help restore the habitat and protect the native species. Two years later, the U.S. Fish and Wildlife Service found that the humpback chub and razorback sucker were in jeopardy of extinction, triggering an adaptive management plan aimed at improving conditions.

One of the plan's most visible elements was a series of artificial floods designed to rebuild beaches. The first try in 1996 produced disappointing results, and later attempts were only slightly more successful. Future floods could be hampered by agreements among the seven states on how and when water is released.

"Their actions have merely made things worse," said John Weisheit, conservation director for the group Living Rivers. "One more fish species is effectively extinct in the Canyon and another is on the verge."

Weisheit's group has helped lead the charge to decommission Glen Canyon Dam and drain Lake Powell, restoring the river's natural flow through the Grand Canyon. That proposal has been widely discredited by water providers and federal agencies