

Testimony of Michael Preston
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Before the Senate Subcommittee on Water and Power
Stop the Spread of Invasive Mussels Act of 2019
March 4, 2020, 10:30AM, Room 366, Dirksen Senate Office Building

Honorable Chairman Murkowski, Senator Gardner and Members of the Subcommittee:

The intent of the adoption of regulations by the State of Colorado requiring mandatory watercraft inspections in 2008 has been validated by the fact that there has never been an adult zebra or quagga mussel found in Colorado to this day. In the end, the inspection and decontamination programs set up by the State of Colorado have been effective because of the partnerships and matching fund arrangements that have taken root across Colorado.

As General Manager of the Dolores Water Conservancy District (DWCD) for twelve years the establishment of a tight mussel inspection and decontamination program is one of the most important steps we have taken to protect McPhee Reservoir. McPhee is the third largest reservoir in Colorado providing irrigation water over 70,000 acres, domestic supplies to multiple towns, and a key element in the fulfillment of the Colorado Ute Indian Water Rights Settlement which brought potable water to the Ute Mountain Ute Tribe, for the first time in their history, while supporting the Tribe's highly successful 7,600 acre Farm and Ranch Enterprise. McPhee also provides flatwater recreation on the lake, boating releases and fish pool releases downstream for sport and native fish.

All of the benefits described above would have been destroyed, damaged and exponentially more costly to maintain, had DWCD not joined with partners to establish a rigorous inspection and decontamination program at McPhee Reservoir.

- We learned that pipes, gates and water infrastructure would clog with mussels that would have cost millions of dollars in a perpetual maintenance fight to keep water flowing.
- We learned that if mussels got in our reservoir, it would kill all of the aquatic life in the lake and put at risk aquatic life in the Dolores River below McPhee, which joins the Colorado River in Utah.
- DWCD operates two power plants totaling 15MW. The power generation capacity of these plants would have cost millions of additional dollars to keep running and could become infeasible.
- We learned that once a reservoir becomes infested, there is no known cure. The mussel affliction and resulting impacts are permanent.

In the early years of the McPhee inspection program, Colorado Parks and Wildlife (CPW) used legislative appropriations of energy severance tax funds as the only funding source. As awareness grew in Colorado that there were pressing needs all over the state, it became clear that funding sources needed to be diversified to meet ever increasing demand. The steps outlined below may be useful to other states and water districts that are stepping forward to protect their reservoirs from mussels:

- A four party MOU was signed in 2017 by the four responsible partners who agreed to equally share the annual cost of inspections, and to adopt a budget and work plan annually to be implemented by a collaborative “technical team.” The signatories include: Dolores Water Conservancy District (reservoir operator), Colorado Parks and Wildlife (inspection program lead), Bureau of Reclamation (reservoir owner), and the San Juan National Forest (recreation manager at McPhee). The program costs about \$100,000 annually and each party has been able to absorb their \$25,000 annual share. A copy of the MOU is included for the record with this testimony. None of the partners could have done this alone.
- As severance tax revenues decreased, Colorado Parks and Wildlife was not in a position to share their portion of the funding. Water users around the state joined CPW in support of the Mussel Free Colorado Act of 2018 passed by the Colorado General Assembly (HB 18-1008). The Act added \$25 to annual boating registration fees and an out-of-state stamp at \$50 a year to raise approximately \$2.4 million a year for the inspection and decontamination program. The Act also stiffened fines for violation, and allowed the State to recoup costs for decontamination of quarantined and impounded boats.

As mussel prevention activities expanded and become more stable in Colorado, we have turned our attention to the need to support mussel control inspections in neighboring states. McPhee Reservoir is a few hours from Lake Powell which is so badly infested, the dead shells cut the feet of those walking the beach and the iconic canyons have a “bathtub ring” of mussel shells clinging to the walls. “Hot boats” coming out of Lake Powell and other States, without adequate mussel protections, are a large and growing threat to the entire State of Colorado, and other states that are trying to keep their reservoirs clean.

The Stop the Spread of Mussels Act of 2019 it vitally needed based on the following lessons learned from the McPhee Reservoir inspection program:

- McPhee Reservoir is owned by the Bureau of Reclamation. The four-way cost share agreement to protect McPhee Reservoir would not have happened if not for a Reclamation Area Manager that understood the threat and was willing to join with the other four partners in addressing the mussel threat. Participation by

Reclamation in these inspection programs should be the standard, so long as other responsible parties are willing to join the effort.

- Partnerships and cost share arrangements are vital. Participation by Reclamation when they own the reservoir is a lynch pin, but other responsible parties need to share in the effort. Mussel prevention calls for an ‘all hands on deck’ approach.
- The need for mussel inspection programs is always going to bump up against resource limits. All parties must work together to expand the funding pie. The Mussel Free Colorado Act passed because it was broadly advocated and got a big push from Colorado Water Congress. Each state and conservancy district needs to apply their own local institutions to this challenge while working together to expand capacity. The Stop the Spread of Mussels Act of 2019 can provide vital leverage for Reclamation to play a supporting role, and in some cases, a convening role.

I would like to close my testimony by imagining what life would be like in Colorado had we not taken the decisive actions that have resulted in not a single adult mussel being found in Colorado.

- Our tourism and recreation economy and the enjoyment of people who live in our communities for recreational opportunities would be greatly diminished, had we not made this effort.
- Maintaining our water storage and irrigation delivery systems, while keeping agriculture economically viable, is an ongoing challenge. The added costs of a mussel infestation would have been devastating for DWCD and the farmers we supply water to.
- With regard to domestic water supplies, a mussel infestation would have dramatically driven up the cost of operating and maintaining water treatment plants, while degrading water quality and availability.
- The degradation of the sports fishery would have been compounded by impacts on sensitive native fish which could have driven ESA intervention.
- Colorado is a headwaters state. The damage done to the river systems originating in the Great Lakes region foreshadow the potential impacts on the river systems that flow out of Colorado.

On behalf of water users in Colorado and the West, I urge passage by the United States Senate and the House of Representatives of the Stop the Spread of Mussels Act of 2019.