

Senate Agriculture & Natural Resources

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SB24-127 Regulate Dredged & Fill Material State Waters

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Karen Kalavity None themselves	<p>"Cherish that hamburger. It cost a quarter of the Colorado River, according to researchers.</p> <p>That was the headline in an article compiled by Shannon Mallone of the Colorado Sun, April 4th, 2024.</p> <p>We must also consider that nearly half of the state's wetlands have been devastated in the last couple of centuries and that, while 25% of the Colorado River's water goes towards pasture/cattle feed/slaughterhouse operations, etc., nearly 19% is currently absorbed by the state's wetlands. This means that over one century ago, roughly 38% of the Colorado river's waters seeped into Colorado in the form of saturated soils, and uninterrupted streams that flowed a least 45 days longer than they do today. We must also note that, in Colorado, 125 species (26% of our birds, amphibians, reptiles and mammals) are wetland dependent. In addition, wetlands support up to 80% of all wildlife species at some point in their lives, according to The State of Colorado's Biodiversity report.</p> <p>Recently, I went to the San Luis Valley to view the Sandhill Crane Migration. This is only one species of bird that is dependent upon the wetlands environment for its survival. Where there were once lush natural wetlands, the birds now depend on barley and other planted crops & fields with human irrigation techniques to make it through Colorado onto their final destination, while the region's main cash crop is water-intensive alfalfa - to feed cattle!</p> <p>One of the best things we can do is partner this legislation with other pertinent water legislation such as Stream Restoration and Wildlife "management" & conservation within the Dept. of Natural Resources, such as allowing beavers to do what comes naturally. It is with wonder that I discovered that one of the first reasons that the Colorado Parks and Wildlife Department was formed was to allow the artificial breeding of fish in hatcheries that were once naturally plentiful in Colorado, until the beavers and their ponds were destroyed by the fur traders many decades ago.</p>

	<p>We need our native animals such as beavers and we need our state's natural contours to keep our water where it needs to be... to hydrate our soils, create contiguous streams and waterways and to mitigate future climate change impacts, including wildfires and drought.</p> <p>The Supreme Court didn't get it right with their Wetlands decision, but Colorado CAN. Let's augment our natural wetlands by making this legislation strong and proactive towards protecting our wetlands even more!</p>
<p>Garrett Varra For Varra Companies, Inc.</p>	<p>Agriculture and Natural Resources Committee Members:</p> <p>Thank you for the opportunity to write in support of SB24-127.</p> <p>As an operator and owner of adjudicated water rights, ditches and water storage reservoirs I am asking that you vote in favor of this bill.</p> <p>SB24-127 represents a path forward that both protects wetlands in Colorado that are at risk post-Sackett as well as giving the regulated community certainty in operation and reliability in permitting.</p> <p>Creating a Division and Commission specifically for the program ensures adequate resources and expertise relating to wetlands. This subject is multi-disciplinary and necessitates having staff and commission who are laser focused on wetlands.</p> <p>Housing the Division and Commission within DNR is the best opportunity for adequate regulation. CWCB(and the basin roundtables), the State Engineer's Office, DRMS, Parks and Wildlife, and the State Land Board have significant nexus to the subject. The Subject Matter Experts and land use decision making within these divisions and offices parallel closely what will be needed to properly administer the program.</p> <p>We must endeavor to protect valuable wetlands while also allowing for the work that propels our economy to continue. The costs associated with any regulation are not absorbed by private businesses or other entities. These costs end up coming out of the pockets of ratepayers, taxpayers and customers. The fact that the cost of living has been moving upwards at a dramatic rate recently must</p>

	<p>be part of the equation of any new regulation. It is akin to walking the razor's edge in balancing environmental protection of valuable resources while ensuring that cost of living is not exacerbated even more. I believe this bill represents a responsible mechanism for regulation on both fronts.</p> <p>Thank you for your attention to this testimony. I also want to take the time to thank the entire committee for their service on the issues confronting every Coloradan.</p> <p>Sincerely,</p> <p>--garrett varra</p>
<p>Abby Burk Against Audubon Rockies</p>	<p>My name is Abby Burk and I am providing this public comment on behalf of Audubon Rockies.</p> <p>Thank you, Chair Roberts and Senate Agriculture & Natural Resources Committee members, for your service to Colorado and your attention to protecting Colorado's wetlands and streams after the Supreme Court Sackett decision. Audubon Rockies represents over 35,000 Coloradans and respectfully opposes SB24-127.</p> <p>Coloradans are in urgent need of healthy functioning streams. Wetlands and streams, which make up less than 3% of Colorado's landmass, hold a disproportionately high ecological importance.</p> <p>In this unique circumstance, with two competing bills to Regulate Dredge & Fill Activities in State Waters, Audubon supports HB24-1379 over SB24-127 for multiple reasons.</p> <ul style="list-style-type: none"> • First, HB1379 has a broadened definition of state waters. Perhaps most importantly, HB24-1379 protects all wetlands — it doesn't create an exception for "isolated" or "ephemeral" or any other kinds of wetlands deemed to be somehow less worthy. All wetlands are potentially important for clean water and wildlife habitat. Moreover, it would be unnecessarily expensive and time-consuming for the managing agency to figure out whether any individual wetland falls within a list of exceptions. Those kinds of subjective determinations

	<p>often lead to lengthy, drawn-out disputes, which is exactly what happened in Sackett.</p> <ul style="list-style-type: none">• Second, Audubon supports a Colorado Dredge & Fill program to be housed in the Colorado Department of Health and Environment. CDPHE is a regulatory agency. They are used to regulatory work and would require just over 4 FTE to expand their existing regulatory program and are less prone to political pressure to do what is needed. Conversely, to originate a new program, the Department of Natural Resources would have to reconcile dredge & fill issues within its multiple agencies and require 23.5 FTE and over \$3.8 million as outlined in the SB127 fiscal note.• Third, SB24-127 broadens or adds permitting exemptions for numerous activities to make a Colorado dredge & fill program weaker than federal law. <p>With the loss of 3 billion birds in the past 50 years, in part due to dwindling wetlands and significant development of natural spaces, and climate change impacts, the consequences of not taking sufficient action at the state level to protect the water bodies and habitat that birds need to survive are dire.</p> <p>Audubon respectfully requests that you vote no on SB24-127. Thank you.</p>
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