

2,999 gallons; \$1.50/1,000 gallons for use between 3,000 and 5,999 gpm; \$1.25/1,000 gallons for use between 6,000 and 50,000 gpm; \$1.50/1,000 gallons for use between 50,001 and 149,999 gpm; and \$1.75/1,000 gallons for use of 150,000 gpm or more.

Sharyland has applied to the Texas Natural Resources Conservation Commission for permission to convert the irrigation rights to municipal use.

Federal Actions

Comment Period Reopened on Draft Biological Support Document on Colorado River Endangered Fishes

The Fish and Wildlife Service has reopened until further notice the comment period on the Biological Support Document concerning the designation of critical habitat for four species of endangered fish in the Colorado River. The document is the first step in a three-step process for designating critical habitat for the razorback sucker, bonytail, humpback chub, and Colorado squawfish. It provides an inventory of areas needed for the survival and recovery of the species. The cumulative designation for the four fish species are as follows: razorback sucker (3,649 miles), bonytail (682 miles), humpback chub (758 miles), and Colorado squawfish (2,296 miles).¹

The second step in the process involves an analysis of the economic costs and other impacts from designation of critical habitat. The report is currently under preparation and will be available to interested parties in about 60 days. The Fish and Wildlife Service will then schedule eight public hearings to receive comments on the biological and economic analyses. At the time the economic report is released, a public comment period will remain open to receive comments on both documents.

In the final step, the Fish and Wildlife Service will decide which areas, if any, should be excluded from designation based upon economic, social, or cultural impacts and will determine the costs and benefits of the final designation.

CA: Ninth Circuit Holds EPA Does Not Have Jurisdiction Over IID's Canals

On September 7, the U.S. Ninth Circuit Court of Appeals held that the U.S. Environmental Protection Agency exceeded its authority under the Safe Drinking Water Act of 1974 (SDWA) when it directed the Imperial Irrigation District to monitor and manage its canal water to SDWA standards (WIM *July/August 1993*). The issue was whether IID is a "public water system". The court decided that the district's canals and laterals do not constitute a public water system because they do not provide "piped water" within the meaning of the SDWA. The court observed, "If Congress had intended to apply the SDWA's strict standards to water systems delivering water via open conveyances as well as to systems using pipes, it would have not used the term 'piped'."

If EPA had prevailed, IID could have been required to treat all 2.6 million af of its canal water to drinking water standards, even though 98 percent of the district's water is used for irrigation. Despite its victory, IID plans to continue the efforts of the Treated Water Task Force and proceed with a feasibility study to address Imperial Valley treated water issues.

¹ Since there is considerable overlap in the proposed critical habitat for the species, the total miles of critical habitat for all four species is less than the sum of amounts stated in the text.