

May 8, 2017

**Summary of
Washington, D. C. Briefing Meetings
March 20 through 24, 2017**

**Upper Colorado River Endangered Fish Recovery Program
and
San Juan River Basin Recovery Implementation Program**

Prepared by
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and
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Upper Colorado Endangered Fish Recovery Program
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May 8, 2017

Disclaimer: The opinions expressed are solely those of the authors.

SUMMARY AND PURPOSE

The annual Upper Colorado Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program Washington, D.C. briefing trip was conducted from March 20 through March 24, 2017 by non-federal participants in the programs. The objectives were to: 1) seek congressional support for appropriations for the programs for fiscal year 2018, 2) brief the Upper Basin states' congressional delegations, appropriations committees, and authorizing committees on the importance of the programs to states, municipal/industrial/agricultural water users, tribes, Colorado River Storage Project power customers, , environmental organizations, and federal agencies, 3) conduct briefings to assure continued administration support for the programs and inclusion of funding in the future administration budgets, and 4) discuss the need for extending at currently authorized levels the authorization for the programs' use of revenues from the Colorado River Storage Projects (CRSP).

Meetings were conducted with the staffs of the congressional delegations for the States of Colorado, New Mexico, Utah and Wyoming; Senate and House authorizing subcommittee staffs having jurisdiction over the Bureau of Reclamation [Reclamation] and Fish and Wildlife Service [Service] and their budgets; Department of Interior, National Park Service, Reclamation and Service directorates, Department of the Interior Budget Office, and Office of Management and Budget (OMB). A meeting roster is attached (Attachment 1).

Attendance: Non-federal participants in the two recovery programs were well represented. The group included:

Darin Bird – Utah Department of Natural Resources,

Pete Cavalli – Wyoming Game & Fish Department; Biology Committee, Upper Colorado River Program,

Aaron Chavez - Executive Director, San Juan Water Commission,
Catherine Condon – Southern Ute Indian Tribe representative, Coordination Committee, San Juan Recovery Program,
Jimmy Hague -- The Nature Conservancy, Worldwide Office, Washington, D.C.,
Leslie James – Colorado River Energy Distributors Association, Phoenix
Edalin Koziol -- The Nature Conservancy, Colorado River Program, Denver,
Carrie Lyle -- Durango Water, representing Southwestern Water Conservation District,
Henry Maddux – Utah Department of Natural Resources; Chairman, Management Committee, Upper Colorado River Recovery Program,
Bill Miller – Chair, Biology Committee, San Juan Recovery Program, Southern Ute Indian Tribe representative, San Juan Recovery Program Biology Committee,
Tom Pitts – Water Users representative, Upper Colorado and San Juan recovery programs,
Stanley Pollack, Navajo Nation Department of Justice; Coordination Committee, San Juan Recovery Program,
Steve Wolff – Wyoming State Engineer’s Office; Management Committee, Upper Colorado River Program.

Recovery Program Information/Handouts: Information handouts included:

- The recovery programs’ briefing booklet *2016-2017 Program Highlights*. The booklet provides focused factual information needed to conduct short briefings with a broad spectrum of people, some of whom were familiar with the recovery programs and others who were not. (The briefing booklet can be downloaded at the UCREFRP's webpage <http://www.coloradoriverrecovery.org/general-information/general-publications/briefingbook/2017-BriefingBook.pdf>)
- The *2016-2017 Program Highlights* included a center section describing the threat of nonnative fish and efforts of the two recovery programs to eliminate this threat.
- "The Path to Recovery" (4 page 8.5" x 11" standalone) describing the status of the four species with respect to recovery potential.
- “Recovery Program Winners in New Mexico” pointing out the economic benefits of the San Juan Recovery Program to New Mexico communities and industries in both the San Juan and Rio Grande basins (prepared by Mike Greene, PNM).
- "Swimming Upstream" field report.
- A standalone brochure describing the threat of nonnative fish and the recovery programs’ efforts to control nonnative fish.
- A contact list of the programs’ participants in the 2017 briefings.
- A contact list of both the Implementation Committee and the Coordination Committee, the governing committees of the two recovery programs.
- 1 each of 4 endangered fish magnets, ruler, 4 endangered fish trading cards, temporary endangered fish tattoos, and endangered fish lapel pins.

Funding request brochure: The requested Service and Reclamation funding for FY18 is described in the funding request brochure (Attachment 2). Regarding funding for FY18, the nonfederal participants have always requested the amounts in the President’s budget. This year, however, details of the President’s budget for Interior will not be known until May, 2017. The FY18 funding request was based on maintaining U.S. Fish and Wildlife Service funding at the same level as for FY17. The funding request for the Bureau of Reclamation was based on the

projected capital project needs for the programs developed by Reclamation for FY18. Participants requested support for these funding levels from the delegations and explained the need for this funding to the Service and Reclamation directorates, the Interior Budget Office, and OMB.

The brochure was provided to all meeting participants. The funding brochure also lists non-federal organizations (water users, CRSP power customers, environmental organizations, states, tribes) that had submitted funding support letters to the appropriations subcommittees in previous years.

Brochure re: Reauthorization of Use of CRSP Power Revenues: A brochure was prepared describing the need for extending through FY 23 the authorization for use of CRSP hydropower revenues that currently expires at the end of FY 19. The brochure includes suggested language for a bill extending the authorization dates (Attachment 3).

Meetings with Members of Congress and Staffs and Congressional Committees/Subcommittees: Staffs of congressional authorizing committees were briefed on the status of the programs and informed that efforts to seek authorization to extend the use of hydropower funding to 2023 would likely be initiated later in 2017, after the assistant secretaries overseeing Reclamation and the Service were appointed. Each appointment provided the opportunity to briefly describe the genesis, objectives, status and benefits of the two programs. The group requested each congressional delegation office to communicate their member's support for FY18 funding requests for the recovery programs in the Reclamation and Service proposed budgets to the appropriations subcommittees.

Kathy Kitzmann, City of Aurora, attended the meeting with Rep. Coffman's staff. Andy Colosimo, Colorado Springs Utilities, attended the meeting with Rep. Lamborn's staff. Both emphasized the importance of the Recovery Program to their respective organizations.

Meetings with the House appropriations subcommittees with jurisdiction of the Service and Reclamation budgets were cancelled by subcommittee staffs due on ongoing work on the FY17 budget which has not been passed by Congress. Program representatives will schedule conference calls with the staffs in May, 2017 after the details of the President's budget for Interior are known.

Common responses from members, staff, and committee staff included:

- Most offices said that they would communicate their support for appropriations to the appropriations subcommittees in some form.
- Members appreciate the fact that participants are not asking for funding increases for the Programs.
- Members view the recovery programs favorably, given the significant grassroots support by states, tribes, water users, power customers, and environmental organizations.
- In light of ESA controversies being brought to Congress, it is refreshing to have a diverse group supporting a common approach to ESA compliance.
- It is important that the non-federal participants show up each year. Congress and the congressional offices are besieged with letters and emails requesting support for appropriations. It would be easy for the recovery programs to get lost in the shuffle. In addition, significant staff changes regularly occur in congressional offices and at committees and subcommittees.

- Congress understands that the goal of these programs is recovery of the species. There were consistent questions regarding the status of the species and progress towards recovery. (Bill Miller and Pete Cavalli did an excellent job responding to questions regarding the status of the species and effectiveness of recovery actions, such as non-native fish control.) The participants referenced the ongoing species status assessments that will likely lead to proposals to downlist three of the species in 2018.
- Concerns were expressed about the duration and cost of the programs, whether progress towards recovery is being made, and when the programs would end. The partners made an effort during many of the briefings to talk about activities that will need to continue post-delisting after 2023. It is important that those we meet with and depend on for future funding fully understand that delisting doesn't mean the need for funding disappears.
- The need to initiate reauthorization of annual CRSP power revenue funding to assure funding to 2023 was discussed with each congressional office, the House Water, Power and Oceans Subcommittee staff and the Senate Energy and Water Development Subcommittee, the subcommittees of jurisdiction for the programs' authorizing legislation. The House Subcommittee Majority Staff Director can support the legislation to extend the authorization to 2023, making it consistent with the existing authorization of capital funds and the termination dates for the existing cooperative agreements among program participants. House Water and Power Subcommittee staff said the reauthorization would be used to scrutinize the programs re: progress towards recovery and towards achieving the recovery goals by 2023.
- The House Water, Power and Oceans Subcommittee Majority Staff Director requested documentation that the 3% maximum transfer fee charged by U. S. Fish and Wildlife Service on fund transfers to the programs is being honored. (Note: That documentation was provided by Tom Pitts on April 7, 2017.)

Meetings with Office of Management and Budget and Department of the Interior

Office of Management and Budget: The group met with Alex Hettinger, who works on Bureau of Reclamation funding issues. Emma Roach (assigned to FWS funding) was not able to attend but Alex was given a set of briefing materials to provide to her. The group discussed current authorizing legislation and funding requests for FY18. Alex focused on cost-sharing amounts provided by non-federal partners and requested additional material. Working with Angela Kantola, Henry Maddux sent the requested information to Alex. Overall, it was a very good meeting. OMB staff seemed supportive of efforts of the two programs.

U.S. Fish and Wildlife Service Directorate and National Park Service: The group met with Jim Kurth, Acting USFWS Director, Gary Frazer, USFWS Assistant Director for endangered species issues and other senior USFWS staff including, David Hoskins, Cynthia Martinez, and Bridget Fahey. Alan Ellsworth, National Park Service, attended and actively participated in the discussions. The Program participants discussed the briefings conducted with the four states' congressional delegation and committee staffs and that we were supporting and requesting support by the delegations of FWS appropriations for the two programs.

The discussion included the status of fish recovery and the concerns expressed in meetings with congressional staff about progress towards recovery. The discussion with the USFWS directorate

included the need to show progress in recovering the endangered fish by downlisting three of the species. Henry Maddux pointed out that three species (humpback chub, Colorado pikeminnow, and razorback) are no longer on the verge of extinction and should be downlisted. Tom Pitts stated that if the species are still endangered after thirty years and expenditure of \$425 million, the programs would be labeled a failure. This would have significant ramification for the Endangered Species Act nationally. The directorate asked if we'd met with Regional Director Noreen Walsh. We said that we had and that she was supportive of evaluating the species for possible status change. The FWS directorate and senior staff offered their help and support for our efforts for potential species downlisting proposals.

The Fish and Wildlife Service and National Park Service are very supportive of the partnerships and the programs' efforts to recover the listed fish species.

Acting Assistant Secretary for Water and Science and Reclamation Directorate: Our group met with Scott Cameron, Acting Assistant Secretary for Water and Science, David Murillo, Acting Commissioner for Bureau of Reclamation and other senior BOR staff. We discussed the important role the BOR plays in both the Upper Colorado River and San Juan River Fish Recovery Programs. We discussed accomplishments and actions that are planned over the next few years. They are very supportive of collaborative solutions like ours. The group commended Reclamation's participation in the programs, especially management of the capital projects programs by the Grand Junction office. This briefing was very positive.

Regarding the timing of introduction of reauthorizing legislation, we had been advising the delegations that we are awaiting appointments by the new administration in the Department of the Interior. The Acting Assistant Secretary and Reclamation directorate advised the participants to proceed with introduction of legislation, as they believe it would be supported by Interior.

Department of Interior/FWS Budget Offices: The group met with Denise Flanagan, Director of Budget (DOI), Steve Ferrel (Service budget), and Vanessa Snyder, who oversees the Reclamation budget. Budget office staff said that the Department has only general guidelines on the President's budget at this time. The details will not be available until May 2017. Denise appreciated our visit and committed to keeping an eye on funding for these programs as internal discussions continue following the release of more detail concerning the President's budget.

National Fish and Wildlife Foundation: We made a courtesy visit to Michelle Olson, who currently manages some special accounts for both Programs. She indicated that she would be handing off the management of our accounts once others are brought up to speed and a transition can occur.

Western Governors Association and Association of Fish and Wildlife Agencies: The WGA currently doesn't have DC staff so we were unable to meet personally as a group. Edalin Koziol, took materials with her and delivered them to WGA staff in Denver.

Conclusions and Recommendations: It remains vitally important for non-federal representatives of the two recovery programs to visit congressional offices and subcommittees, and the Department of the Interior each year. Congressional and administration staff turnover occurs every year, especially in election years and when the majority party changes in either house of Congress. The visits remind Congress and the federal agencies of the importance of the

programs to a broad range of constituents including states, tribes, CRSP power customers, energy producers, environmental organizations, and water users. This is essential to assuring that funding for the programs is included in the President's annual budget request and that these funds are appropriated by Congress. The visits also help assure support in Congress and in the administration for needed amendments to the funding authorizing legislation for the programs. We remain convinced and are reminded by congressional and administration staff with whom we meet that the visit to Washington is important for sustaining support and appropriations for the Upper Colorado and San Juan recovery programs.

Appended Materials: Following this narrative are the attached documents referenced above:

Attachment 1. Roster of 2017 Briefings Meetings

Attachment 2. Non-Federal Participants' FY18 Funding Request

Attachment 3. Briefing Document: Reauthorization of Use of CRSP Power Revenues

Attachment 1. 2017 Briefings Meetings Itinerary – Post Trip

Upper Colorado River Endangered Fish Recovery Program & San Juan River Basin Recovery Implementation Program

Date	Time	Meeting With	Affiliation	Office Location	Phone Number	E-Mail Address	Comments and Follow-up
Tuesday March 21	8:30 AM	Trip Participants' Meeting	Briefing Trip Participants	Longworth Bldg Cafeteria B-223 (basement)		New Jersey Ave, SE and C Street SE	Opens at 7:30 AM Henry's Cell: 801-618-9061
Confirmed	9:15 AM	Robert MacGregor	Rep. Steve Pearce (NM)	RH-2432	225-2365	Robert.MacGregor@mail.house.gov	
Confirmed	10:00 AM	Steve Linton-Smith	Rep. Mike Coffman (CO)	RH-2443	225-7882	Steve.linton-smith@mail.house.gov	
Confirmed	10:45 AM	Angie Giancarlo <i>Taunja Berquam</i>	House Energy, Water Devel. & R.A. Approp. Subcomm.	RH-2362B	225-3421 225-3481	Angie.Giancarlo@mail.house.gov Taunja.Berquam@mail.house.gov	Meeting cancelled; Briefing Books dropped off
Confirmed	10:45 AM	Darren Benjamin	House Interior, Enviro & R.A. Approp Subcommittee	RH-2007	225-3081	Darren.Benjamin@mail.house.gov	Meeting cancelled; Briefing Books dropped off
Confirmed	11:30 AM	<i>Eleanor Bastian LD</i>	Rep. Diana DeGette (CO)	RH-2111	225-4431	Eleanor.Bastian@mail.house.gov	
Confirmed	12:00 PM	<i>Alma Acosta LA Rep Michelle Lujan Grisham</i>	Rep. Michelle Lujan Grisham (NM)	CH-214	225-6316	Alma.Acosta@mail.house.gov	
	LUNCH	Longworth Cafeteria					
Confirmed	12:30 AM	Kiel Weaver Bryson Wong Alex Semanko	House Natural Res. Water, Power, & Oceans	LH-1327	225-8331 225-8331 225-6065	Kiel.Weaver@mail.house.gov Bryson.Wong@mail.house.gov Alex.Semanko@mail.house.gov	Richie.O'Connell@mail.house.gov - Clerk
Confirmed	1:00 PM	<i>Jeff O'Neil LA</i>	Rep. Ed Perlmutter (CO)	LH-1410	225-2645	Jeff.oneil@mail.house.gov	
Confirmed	2:00 PM	James Thomas, LD	Rep. Doug Lamborn (CO)	RH-2402	225-4422	James.Thomas@mail.house.gov	
Confirmed	2:45 PM	Dustin Sherer LA	Rep. Scott Tipton (CO)	CH-218	225-4761	Dustin.sherer@mail.house.gov	
Confirmed	3:30 PM	Jake Bornstein LA	Rep. Ken Buck (CO)	LH-1130	225-4676	Jake.Bornstein@mail.house.gov	
Confirmed	4:15 PM	Blaine Miller-McFeeley LA	Rep. Jared Polis (CO)	LH-1727	225-2161	Blaine.Miller-McFeeley@mail.house.gov	

Date	Time	Meeting With	Affiliation	Office Location	Phone Number	E-Mail Address	Comments and Follow-up
Confirmed	4:00 PM	Colin Hayes (Majority) F. Brie Van Cleve Annie Hoefler	Senate Energy and Natural Resources Committee	SD-304	224-4971 224-8046 222-4971	Colin_Hayes@energy.senate.gov Melanie_Stansbury@energy.senate.gov Brie_VanCleve@energy.senate.gov Annie.hoefler@energy.senate.gov	
Confirmed	5:00 PM	Jared Soncrant LA	Sen. Cory Gardner	SR-354	224-5941	Jared_Soncrant@gardner.senate.gov	
Confirmed	5:00 PM	Tyler Owens (Maj Clerk) Jen Armstrong	Senate Energy and Water Development Approps. Subcommittee	SD-140	224-0332	Tyler_Owens@appro.senate.gov	
Thursday March 23							
	9:00 AM						
Confirmed	10:00 AM	David Murillo Scott Cameron Kerry Bob Wolf Matt Maucieri	Acting Asst. Secretary for Water and Science; Acting Commissioner of Reclamation; Dep. Comm. Policy, Management and Budget; Dep. Chief for Cong. & Legislative Affairs, Liaison Officer	Room 6340 Main Interior Building 1849 C Street, NW	208-3186 208-3136 208-7187	Michelle Brown Michelle_brown@ios.doi.gov	202-208-7187
	LUNCH						
Confirmed	1:00 PM	Denise Flanagan Vanessa Snyder	Interior (DOI) Budget Office - Director and Deputy Director	Room 4233 Main Int. Building, 1849 C Street NW	208-5309 208-6690	Denise_Flanagan@ios.doi.gov Steven_Farrell@ios.doi.gov	
Confirmed	2:00 PM	Gary Frazer Alyssa Hausman David Hoskins Cynthia Martinez Jim Kurth	USFWS Dep. Dir. & Asst. Dirs – Fish & Aquatic Conservation, Chief, Division of Restoration and Recovery and National Park Service	Room 3038 Main Interior Building 1849 C Street, NW	208-4545 208-6393 513-7164	gary_frazer@fws.gov David_hoskins@fws.gov Alyssa_hausman@fws.gov Cynthia_martinez@fws.gov Jim_kurth@nps.gov	Contact: Lois Wellman 202-208-4646
	4:00 PM						

Date	Time	Meeting With	Affiliation	Office Location	Phone Number	E-Mail Address	Comments and Follow-up
Friday March 24							
Confirmed	9:00 AM	Michelle Olson	National Fish and Wildlife Foundation	1133 Fifteenth Street, NW, Suite 1100 Conference Room 1	595-2437	Michelle.Olson@nfwf.org	Michelle Olson will longer handle our account.
No staff.	10:00 AM		Western Gov. Association	WGA – 400 N. Capitol St. N.W. Suite 376	624-5402		WGA D.C. office not currently staffed.
Confirmed	11:00 AM	Alex Hettinger	Office of Mgmt & Budget Natural Resources Division (Water & Power Branch) & Energy, Science & Water Division	Room 9116, New Executive Office Building, 725 17 th St., N.W.	395-4587	AHettinger@omb.eop.gov Sherron_R_White@omb.eop.gov	Contact: Alex Hettinger or Sherron White Provide names to OMB
	12:00 pm	Lunch or Depart					

Congressional Switchboard and Mobile Phone Numbers for Briefings Participants:

CONGRESSIONAL SWITCHBOARD	202-224-3121
Darin Bird, Deputy Director, Utah Department of Natural Resources	801-440-4322
Henry Maddux, Species Recovery Program Director, Utah Dept. of Natural Resources	801-618-9061
Catherine Condon, Southern Ute Indian Tribe	720-839-6274
Carrie Lile, Southwestern Water Conservation District	970-759-9842
Stanley Pollack, Department of Justice, Navajo Nation	928-205-5891
Edalin Koziol, The Nature Conservancy, Colorado River Program	720-432-3585
Jimmy Hague, The Nature Conservancy, Worldwide Office	301-642-5019
Bill Miller, Chairman, Biology Committee, SJRBRIP and Southern Ute Indian Tribe	970-481-8022
Tom Pitts, Water Users' Representative	No cell phone
Steve Wolff, Colorado River Program Manager, Wyoming State Engineer's Office	307-630-1396
Aaron Chavez, Executive Director, San Juan Water Commission	505-320-0332
Pete Cavalli, Wyoming Rep to UCR Biology Committee	307- 360-7441
Kathleen Kitzmann, City of Aurora, Water Department	720-427-6854
Leslie James, Colorado River Energy Distributors Association	602-469-4046 Leslie will join us as available

Attachment 2

Requested Fiscal Year 2018 Congressional Appropriations: Upper Colorado and San Juan Recovery Programs

The non-federal participants in the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program request the support of Congress for fiscal year 2018 funding based on identified needs to meet the federal cost share of these programs.

U.S. Fish and Wildlife Service

\$737,400 of “**Recovery Program**” funds for the **Upper Colorado River Endangered Fish Recovery Program**

(Within the Subactivity: Ecological Services Program Element: Recovery)

- **Program management:** Funds for salaries, expenses and recovery activities of the Program staff for vitally important day-to-day program management essential to this multi-agency, multi-element, large river basin species conservation partnership.
- **Monitoring achievement of recovery goals:** FWS fish population estimates, stocking evaluations, and monitoring of fish and habitat define progress towards species recovery goals.
- **Data Management:** FWS personnel maintain essential **computerized inventory database systems** - providing management and analysis tools to assess species’ response to Program activities and progress towards recovery.

\$200,000 of “**Recovery Program**” funds for the **San Juan River Basin Recovery Implementation Program** (*Within the*

Subactivity: Ecological Services, Program Element: Recovery)

- **Program management and FWS participation:** Funding will meet the salaries and expenses of the San Juan Program Coordinator and Assistant and other related FWS expenses in completing Program actions.

\$595,000 for the **Ouray National Fish Hatchery** (*Fish and Aquatic Conservation Activity; National Fish Hatchery System Operations Subactivity; within the item entitled “National Fish Hatchery System Operations”*)

- Meeting the **ongoing operation, maintenance and upkeep expenses associated with this innovative Program hatchery** is essential to continuing to annually accomplish the Upper Colorado Program’s stocking objectives.

Bureau of Reclamation

\$3,795,000 for the Upper Colorado Region: **\$3,645,000** for construction activities for the **Upper Colorado River Endangered Fish Recovery Program**; and **\$150,000** for construction management activities for the **Upper Colorado River Endangered Fish Recovery Program** and **San Juan River Basin Recovery Implementation Program**.

- **\$190,000** for installation of a net on **Ridgway Reservoir** on the Gunnison River, Colorado to prevent escapement of illegally stocked nonnative fish into endangered fish habitat.
- **\$2,955,000** for construction of a fish barrier at **Tusher Wash Diversion Dam in eastern Utah** on the Green River to prevent entrainment of endangered fish.
- **\$500,00** for construction of a fish screen at **Red Fleet Reservoir, Utah** to maintain a sport fishery in the reservoir while preventing escapement of nonnative sport fish into endangered fish habitat
- **\$100,000** for **Upper Colorado Program Management** for contracting, budgeting, reporting, contract administration, tracking expenditures, and addressing issues and concerns associated with capital project construction.
- **\$50,000** for **San Juan Program Management** for budgeting, contracting and contract administration, reporting, tracking expenditures, and transferring Capital Improvement Program funds to the appropriate entities.

Funding Support Letters Demonstrate Congressional and Grass Roots Support

Joint delegation letters demonstrating strong bipartisan support by Members of Congress representing Colorado, New Mexico, Utah and Wyoming were routinely submitted to the Congressional Appropriations Committees supporting the programs' funding in past years and Member funding requests have included funding for these programs.

Testimony supporting appropriations has been submitted to Congress by:

Participating States

- State of Colorado
- State of Utah
- State of Wyoming
- State of New Mexico

American Indian Tribes

- The Navajo Nation
- Southern Ute Tribe
- Ute Mountain Ute Tribe
- Jicarilla Apache Nation

Cities, Water Users, Environmental, Power Customer and Energy Organizations

- The Nature Conservancy
- Colorado River Energy Distributors Association
- Arizona Public Service
- BHP Billiton
- Central Utah Water Conservancy District
- City of Aurora, Colorado
- City of Colorado Springs, Colorado
- City of Farmington, New Mexico
- Colorado River Water Conservation District
- Colorado Water Congress
- Denver Water
- Dolores Water Conservancy District
- Grand Valley Water Users Association
- Northern Colorado Water Conservancy District
- Orchard Mesa Irrigation District
- Pueblo Board of Water Works
- Public Service Company of New Mexico
- San Juan Water Commission
- Southwestern Water Conservancy District
- Tri-County Water Conservancy District
- Uncompahgre Valley Water Conservancy District
- Upper Gunnison Water Conservancy District
- Utah Water Users Association
- Western Resource Advocates
- Wyoming Water Association

Attachment 3
PROPOSED 2017 AMENDMENTS to
P.L. 106-392

which authorizes the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

Overview: Amendments are proposed to Public Law 106-392 to accomplish the following:

- extend the authorized use of hydropower revenues for annual base funding through FY 2023 at currently authorized levels;
- terminate annual base funding for activities other than operation and maintenance of capital projects and monitoring after FY 2023 without continuing authorization by Congress; and
- require a report by the Secretary of the Interior in FY 2022 regarding the need for continued base funding after FY 2023 that may be required to fulfill the goals of the Recovery Implementation Programs and assure compliance with the Endangered Species Act for 2,500 federal, tribal, and non-federal water projects, thereby providing Congress with the opportunity to review and make appropriate adjustments to the Recovery Programs on a regular basis.

The proposed amendments are discussed below.

Extension of Annual Funding: P.L. 106-392 as enacted in 2000 provided statutory authorization for the Upper Colorado and San Juan River Basins endangered fish recovery programs. As amended by P.L 112-270 in 2012, that law included the following clause in Section 3(d)(2):

“The utilization of power revenues for annual base funding shall cease after fiscal year 2019, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring.”

An amendment to the legislation is needed to insure continued utilization of hydropower revenues for full annual base funding as originally authorized by P.L. 106-392 through 2023. Without such reauthorization, the two recovery programs face losing a significant portion of their annual base funding, which provides for operation and maintenance of capital projects, instream flow identification, evaluation, and protection; habitat restoration and

maintenance; management of nonnative fish impacts; endangered fish propagation and stocking; research, monitoring, and data management; public information and involvement; and program management. The current level of annual base funding is approximately \$8.2 million. The substantial reduction of this revenue would halt important recovery actions for both programs that provide Endangered Species Act compliance for some 2,500 federal, tribal, and nonfederal water projects in the Upper Colorado River and San Juan River basins, including every Bureau of Reclamation project in the Upper Colorado and San Juan River basins. The proposed amendments would extend the authorized use of hydropower revenues for annual base funding through 2023. Annual base funding cost sharing pursuant to ongoing agreements by states, tribes, and water users will continue. After 2023, use of annual base funding is limited to operation and maintenance of capital projects and monitoring unless additional uses are authorized by Congress.

These amendments to P.L.106-392 are proposed in order to extend the authority for annual base funding to 2023 for the following reasons:

- P.L. 106-392 currently authorizes expenditure of capital funds for the Upper Colorado and San Juan recovery programs through FY 2023; extension of annual base funding is therefore consistent with the capital fund authorization.
- The programs are in effect through FY 2023 pursuant to cooperative agreements signed by the participating federal agencies, tribes, and states; extension of annual base funding is therefore consistent with the cooperative agreements.
- All four endangered species are projected to be recovered by 2023 based on current recovery goals; extension of annual base funding is therefore consistent with current recovery goals and timeframes.

Report to Congress by the Secretary of the Interior in FY 2022: P.L. 106-392, as amended, required a report no later than 2019 that included the Secretary's recommendations for continued use of annual funds beyond 2019. That report was submitted to Congress in December, 2017. The proposed 2017 amendments likewise require a report to Congress in FY 2022 regarding continued use of annual base funding beyond FY 2023 to accomplish the goals of the recovery programs. This reporting requirement provides Congress with the opportunity to review and make appropriate adjustments to the program on a regular basis.

Draft Legislation and Markup Bill Showing Program 2017 Changes: Below is a draft bill to implement the amendments discussed above. In addition, a marked up version of Section 3(d)(2) in the current law, as amended previously, showing the currently proposed changes to Section 3(d)2 in track changes is provided below the draft bill language.

To amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023.

IN THE HOUSE OF REPRESENTATIVES

DATE

Mr. _____ (for himself, Mr. _____ Ms. _____, Mr. _____, Mr. _____ and Mr. _____) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Endangered Fish Recovery Programs Extension Act of 2017”.

SECTION 2. EXTENSION OF AUTHORIZATION TO USE UPPER COLORADO RIVER BASIN FUND REVENUES FOR ANNUAL BASE FUNDING OF FISH RECOVERY PROGRAMS AND REVISION OF DATE FOR REQUIRED REPORT ON UTILIZATION OF POWER REVENUES.

Section 3 of Public Law 106-392 (114 Stat. 1602) is amended in subsection (d)(2) by striking in the fourth sentence “2019” and inserting in the fourth sentence “ 2023”. Section 3 (d)(2) is further amended by striking “2018” and inserting “ 2022” in the fifth sentence. That section is further amended by striking “ 2019” and inserting “ 2023” in the sixth

sentence.



Changes proposed to Section 3(d) (2) for 2017 to extend authorization of Annual Base Funding to 2023

(2) For the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin, the contributions to base funding referred to in paragraph (1) shall not exceed \$4,000,000 per year. For the San Juan River Recovery Implementation Program, such contributions shall not exceed \$2,000,000 per year. The Secretary shall adjust such amounts for inflation in fiscal years commencing after the enactment of this Act. The utilization of power revenues for annual base funding shall cease after the fiscal year ~~2019~~ 2023, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring. No later than the end of fiscal year ~~2018~~ 2022, the Secretary shall submit a report on the utilization of power revenues for base funding to the appropriate Committees of the United States Senate and the House of Representatives. The Secretary shall also make a recommendation in such report regarding the need for continued base funding after fiscal year ~~2019~~ 2023 that may be required to fulfill the goals of the Recovery Implementation Programs. Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs.