

**Summary of
Washington, D. C. Briefing Meetings
March 20 through 22, 2018**

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

Prepared by
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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 22, 2018. The objectives were 1) to seek congressional support for appropriations for the programs for FY2019, 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, energy producers, 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, 4) discuss the pending legislation to extend at currently authorized levels the authorization for the programs' use of revenues from the Colorado River Storage Projects (CRSP), and 5) to inform Congress of the impacts of the OMB directive to Western Area Power Administration to not provide FY2019 annual hydropower funding to the recovery programs. During the week of our briefing trip, the USFWS signed off on the 5-year review for the humpback chub. This is the first step in downlisting this species and was some very good news we could discuss during our briefings during the week.

Meetings were scheduled 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). The federal government in Washington, D.C. was shutdown on Wednesday, March 21, 2018 due to weather. Many congressional offices remained open, however many were closed. We went ahead with as many briefings as possible, and rescheduled others for the next day. Generally, we were able to meet with most every office we had hoped to. A meeting roster is attached (Attachment 1).

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

Paul Badame - Utah Division of Wildlife Resources
Darin Bird - Utah Department of Natural Resources
Tom Blaine – New Mexico State Engineer
Cat Bowler – The Nature Conservancy
Aaron Chavez - San Juan Water Commission
Catherine Condon - Southern Ute Indian Tribe
Henry Day – Arizona Public Service Company
Michelle Garrison – Colorado Water Conservation Board
Jimmy Hague - The Nature Conservancy
Carrie Lile Padgett - Southwestern Water Conservation District (Colorado)
John Longworth – New Mexico Interstate Streams Commission
Patrick McCarthy – The Nature Conservancy
Bill Miller - Southern Ute Indian Tribe
Tom Pitts - Water Users representative, Upper Colorado and San Juan recovery programs,
Stanley Pollack - Navajo Nation
Rolf Schmidt-Peterson – New Mexico Interstate Streams Commission
Steve Wolff – Wyoming State Engineer’s Office

Recovery Program Information/Handouts: Information handouts included:

- The recovery programs’ briefing booklet *2017-2018 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/2018-BriefingBook.pdf>)
- The *2017-2018 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.
- "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 2018 briefings.
- A contact list of both the Implementation Committee and the Coordination Committee, the governing committees of 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 FY2019 Summary: The requested Service and Reclamation funding for FY2019 is described in the funding request summary sheet (Attachment 2). Regarding funding for FY2019, the nonfederal participants have always requested the amounts in the President’s budget. This year,

however, details of the President's budget for Interior were yet to be released. Consequently, the FY2019 funding request was based on maintaining U.S. Fish and Wildlife Service funding at the same level as for FY2018 and the projected capital project needs for the programs developed by Reclamation for FY2019. 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, energy/power interests, environmental organizations, states, tribes) that had submitted funding support letters to the appropriations subcommittees in previous years.

Legislation Reauthorizing Use of CRSP Hydropower Revenues: In November 2017, we were successful in having identical legislation introduced in both the House (H.R. 4465; Attachment 3) and Senate (S.2166) to extend the authorization for the use of hydropower revenues through FY2023. H.R. 4465, introduced by Representative Curtis (UT), passed the House on March 13, 2018. S. 2166, introduced by Senator Gardner (CO), has been wrapped into a larger legislative package and is still pending in the Senate.

The current authorization expires at the end of FY2019. For FY2018, that funding was approximately \$8.2 million and is a portion of the Bureau of Reclamation's base funding to support activities in both the Upper Colorado and San Juan recovery programs. The new legislation also requires the Secretary of Interior to submit a report to Congress by the end of FY2021 describing the status of the four endangered fish, the need for further funding post-2023, and cost sharing arrangements to provide that funding.

Just prior to the Washington, D.C. briefing trip, we learned that OMB had directed Western Area Power Administration in its FY2019 budget, to return to the Treasury \$23 million in hydropower funds, including \$8.7 million for the Recovery Programs funds, rather than provide those funds to the Department of Interior. The loss of this revenue would make it impossible to implement many critical recovery actions by both programs, including operation and maintenance of hatcheries, fish passages, and fish screens, non-native fish control, and population monitoring, among others. The result would be loss of ESA compliance for 2,500 Reclamation, tribal and non-federal water projects in the Upper Colorado and San Juan basins. We are continuing to try and resolve this issue.

Meetings with Members of Congress and Congressional Committees/ Subcommittees Staffs: Staffs of congressional delegations and committees were briefed on the status of the programs and of the status of the legislation to seek authorization to extend the use of hydropower funding to FY2023. 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 FY2019 funding requests for the recovery programs in the Reclamation and Service proposed budgets to the House and Senate appropriations subcommittees. The OMB directive to redirect hydropower funds was also discussed.

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.

- Most staff members were not aware of the OMB directive, and indicated they would look into the issue.
- 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 ESA solution.
- 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. The participants favorably referenced the 5-year review of the humpback chub and the Service's decision to proceed with a downlisting proposal and the other ongoing species status assessments that will likely lead to proposals to downlist three of the species in 2019 and 2020.
- 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.
- Trip participants referenced the required report to Congress by the Secretary of the Interior in FY2021, stressing that there will be congressional oversight of any continuing activities and funding beyond FY2023.

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

Office of Management and Budget: The group met with Emma Roach (assigned to FWS funding) and she was given a set of briefing materials. The group discussed current authorizing legislation and funding requests for FY2019. The OMB directive was discussed, though Ms. Roach was unaware of it.

U.S. Fish and Wildlife Service Directorate: The group met with Greg Sheehan, Acting FWS Director, Gary Frazer, FWS Assistant Director for endangered species issues and other senior FWS staff including, David Hoskins and Alyssa Hausman. 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. The 5-year review of the humpback chub, the SSA's for the Colorado pikeminnow and

razorback sucker, and the process to get to downlisting were all discussed. The FWS directorate and senior staff offered their help and support for our efforts for potential species downlisting proposals. The FWS directorate has a very favorable opinion of the recovery programs.

Assistant Secretary for Water and Science and Bureau of Reclamation: Our group met with Dr. Tim Petty, Assistant Secretary for Water and Science, Austin Ewell, Deputy Assistant Secretary, Kerry Rae, Chief of Staff in the Assistant Secretary's Office, and Robert Wolf, Reclamation Budget Director. We discussed the status of each of the species and progress towards downlisting, the pending legislation and the OMB directive and the serious problems that funding loss would cause. We offered our support and appreciation for the important role Reclamation 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.

Department of Interior/FWS Budget Offices: The group met with Denise Flanagan, Director of Budget (DOI), as well as Bill Gordon and Patrick Jones of her staff. Although they did not have any FY2019 budget details, they were aware of the OMB directive. 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: In past years, we have made a courtesy visit to Michelle Olson, who was our NFWF account manager for both Programs. However, in 2017, we were assigned a new account manager (Eliza Braendel) who is in NFWF's San Francisco Office. Therefore, we did not visit NFWF on this trip.

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. If WGA replaces the DC staff position, we will resume meetings.

Conclusions and Recommendations: It remains vitally important for non-federal representatives of the two recovery programs to visit congressional offices and subcommittees, and Interior Department 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, 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 as we are currently seeking.

Trip participants expressed much appreciation to the Southern Ute Indian Tribe and Utah Division of Wildlife for supporting participation by Bill Miller and Paul Bedame, respectively, on the trip. Given that Congress and the Administration understand that recovery is the goal, there were numerous questions regarding the status of the fish that were answered with credibility by Bill and Paul.

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 2018 Briefings Meetings

Attachment 2: Non-Federal Participants' FY2019 Funding Request

Attachment 3: H.R. 4465 - Legislation to reauthorize use of hydropower funds passed by the House.
Identical legislation has been introduced in the Senate.

Attachment 1. Roster of 2018 Briefing Meetings

2018 Briefings - Post Trip List of Meetings

Tuesday, March 20, 2018

Time	Meeting With	Affiliation	Comments and Follow-up
9:00 AM	Liz Payne	Rep. Scott Tipton (CO)	Payne requested questions for upcoming hearing re: OMB deletion of recovery programs annual funds. Pitts provided background/questions 3/23/18.
9:45 AM	Robert MacGregor	Rep. Steve Pearce (NM)	
9:45 AM	Steve Linton-Smith	Rep. Mike Coffman (CO)	
10:15 AM	James Thomas (LD)	Rep. Doug Lamborn (CO)	
10:30 AM	Elya Taichman	Rep. Michelle Lujan Grisham (NM)	
	<i>No meeting scheduled</i>	House Interior, Enviro & R.A. Approp Sub.	
1:00 PM	Bryson Wong William Ball Calvin Frauenfelder	House Natural Res. Water, Power, & Oceans	
1:45 PM	Jeff O'Neil (LA)	Rep. Ed Perlmutter (CO)	
2:00 PM	Sisy Garcia (LA) Victoria Oms	Rep. Ben Ray Lujan (NM)	
2:15 PM	Tom Clancy	Rep. Jared Polis (CO)	
2:30 PM	Angie Giancarlo (Maj) Jaime Shimek (Min)	House Energy, Water Devel. & R.A. Approp. Subcomm.	
3:00 PM	Dusty Johnson	Rep. Ken Buck (CO)	
3:45 PM	Tommy Walker (LD) Tom Woodburn, (LA)	Rep. Diana DeGette (CO)	

Attachment 1. Roster of 2018 Briefing Meetings

Wednesday, March 21, 2018

Time	Meeting With	Affiliation	Comments and Follow-up
08:30 AM	Rep. Curtis Jake Bornstein	Rep. Curtis	
	Utah Delegation Staff	Utah Congressional Offices	Meeting cancelled.
	Chris Tomassi	Senate Interior, Envir. & Related Agencies Approps Subcommittee	Meeting cancelled.
11:15 AM	Dustin Sherer	Sen. Cory Gardner (CO)	Dustin Sherer referred to Green River stakeholder concerns/contacts with Senator Gardner. Pitts provided follow up memo re: addressing concerns locally on 3/28/18.
1:30 PM		Senator Martin Heinrich (NM)	
2:00 PM	Patrick Donovan	Sen. Michael Bennet (CO)	
2:30 PM	Abbey Linsk Aron Wehr	Sen. John Barrasso (WY) Sen. Mike Enzi (WY)	
2:30 PM	Stephene Harding	Senator Tom Udall (NM)	
3:30 PM	Matt Leggett Andy Harding	Senate Environment & Public Works Committee (EPW) with Senate Fisheries, Water, and Wildlife Subcommittee	
4:00 PM	Lane Dickson	Senate Energy and Natural Resources Committee	
	Tyler Owens (Maj) Jen Armstrong	Senate Energy and Water Development Approps. Subcommittee	Meeting cancelled.

Attachment 1. Roster of 2018 Briefing Meetings

Thursday, March 22, 2018

Time	Meeting With	Affiliation	Comments and Follow-up
9:00 AM	Greg Sheehan Gary Frasier David Hoskins Alyssa Hausman	USFWS	
1:00 PM	Denise Flanagan (Dir) Bill Gordon Patrick Joos	Interior (DOI) Budget Office	
2:00 PM	Emma Roach (FWS Analyst)	Office of Management and Budget	
4:00 PM	Dr. Tim Petty Austin Ewell (Deputy) Kerry Rae (Chief of Staff) Robert Wolf	Asst. Secretary for Water and Science Reclamation Budget Officer	

Requested Fiscal Year 2019 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 2019 funding based on identified needs to meet the federal cost share of these programs.

U.S. Fish and Wildlife Service

\$730,000 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.

\$600,000 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

\$4,302,000 for the Upper Colorado Region: **\$4,152,000** for construction activities for the **Upper Colorado River Endangered Fish Recovery Program** and **San Juan River Basin Recovery Implementation 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**.

- **\$972,000** for construction of a fish barrier weir and fish return pipeline at **Fruitland Diversion Dam in northwest New Mexico** on the San Juan River to prevent entrainment of endangered fish.
- **\$1,080,000** 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.
- **\$1,100,000** for construction of a fish barrier at the **Green River Canal 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
- **\$500,000** for construction of facilities to prevent fish escapement at **Catamount Reservoir** on the Yampa River, near Steamboat Springs, Colorado to maintain a sport fishery in the reservoir while preventing the escapement of nonnative sport fish into the 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 for the recovery programs 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

115TH CONGRESS
2D SESSION

H. R. 4465

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2018

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, to require a report on the implementation of those programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Endangered Fish Re-
3 covery Programs Extension Act of 2017”.

4 **SEC. 2. EXTENSION OF AUTHORIZATION TO USE UPPER**
5 **COLORADO RIVER BASIN FUND REVENUES**
6 **FOR ANNUAL BASE FUNDING OF FISH RECOV-**
7 **ERY PROGRAMS; REMOVAL OF CERTAIN RE-**
8 **PORTING REQUIREMENT.**

9 Section 3(d)(2) of Public Law 106–392 (114 Stat.
10 1604; 126 Stat. 2444) is amended—

11 (1) in the fourth sentence—

12 (A) by striking “2019” and inserting
13 “2023”; and

14 (B) by striking “; except that” and all that
15 follows through “capital projects and moni-
16 toring”; and

17 (2) by striking the fifth, sixth, and seventh sen-
18 tences.

19 **SEC. 3. REPORT ON RECOVERY IMPLEMENTATION PRO-**
20 **GRAMS.**

21 Section 3 of Public Law 106–392 (114 Stat. 1603;
22 126 Stat. 2444) is amended by adding at the end the fol-
23 lowing:

24 “(j) REPORT.—

1 “(1) IN GENERAL.—Not later than September
2 30, 2021, the Secretary shall submit to the appro-
3 priate committees of Congress a report that—

4 “(A) describes the accomplishments of the
5 Recovery Implementation Programs;

6 “(B) identifies—

7 “(i) as of the date of the report, the
8 listing status under the Endangered Spe-
9 cies Act of 1973 (16 U.S.C. 1531 et seq.)
10 of the Colorado pikeminnow, humpback
11 chub, razorback sucker, and bonytail; and

12 “(ii) as of September 30, 2023, the
13 projected listing status under that Act of
14 each of the species referred to in clause (i);

15 “(C)(i) identifies—

16 “(I) the total expenditures and the ex-
17 penditures by categories of activities by the
18 Recovery Implementation Programs during
19 the period beginning on the date on which
20 the applicable Recovery Implementation
21 Program was established and ending on
22 September 30, 2021; and

23 “(II) projected expenditures by the
24 Recovery Implementation Programs during

1 the period beginning on October 1, 2021,
2 and ending on September 30, 2023;

3 “(ii) for purposes of the expenditures iden-
4 tified under clause (i), includes a description
5 of—

6 “(I) any expenditures of appropriated
7 funds;

8 “(II) any power revenues;

9 “(III) any contributions by the States,
10 power customers, Tribes, water users, and
11 environmental organizations; and

12 “(IV) any other sources of funds for
13 the Recovery Implementation Programs;
14 and

15 “(D) describes—

16 “(i) any activities to be carried out
17 under the Recovery Implementation Pro-
18 gram after September 30, 2023; and

19 “(ii) the projected cost of the activi-
20 ties described under clause (i).

21 “(2) CONSULTATION REQUIRED.—The Sec-
22 retary shall consult with the participants in the Re-

1 covery Implementation Programs in preparing the
2 report under paragraph (1).”.

Passed the House of Representatives March 13,
2018.

Attest:

KAREN L. HAAS,

Clerk.