

August 30, 2019
Revised

**Summary of
Washington, D. C. Briefing Meetings
March 12 through 14, 2019**

**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 12 through March 14, 2019. The objectives were 1) to seek congressional support for appropriations for the programs for FY2020, 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 any pending or future legislation necessary to support the programs' use of power revenues from the Colorado River Storage Projects (CRSP), 5) to inform Congress of the ongoing impacts of the OMB directive to Western Area Power Administration to not provide annual hydropower funding to the recovery programs, and 6) to inform Congress and the Administration of post-2023 planning activities of both programs.

Meetings were scheduled with the staffs of the congressional delegations for the States of Colorado, New Mexico, Utah and Wyoming; staffs of Senate and House authorizing and appropriations subcommittees having jurisdiction over the Bureau of Reclamation [Reclamation] and Fish and Wildlife Service [Service] and their appropriations; 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 itinerary is attached (Attachment 1).

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

Todd Adams – Utah Division of Water Resources
Paul Badame - Utah Division of Wildlife Resources
Darin Bird - Utah Department of Natural Resources
Cat Bowler – The Nature Conservancy
Aaron Chavez - San Juan Water Commission
Henry Day – Arizona Public Service Company
Michelle Garrison – Colorado Water Conservation Board
Jimmy Hague - The Nature Conservancy
Leslie James – Colorado River Energy Distributors Association
Jojo La – Colorado Water Conservation Board
Carrie Lile Padgett - Southwestern Water Conservation District (Colorado)
Bill Miller - Southern Ute Indian Tribe
Tom Pitts - Water Users representative, Upper Colorado and San Juan recovery programs,
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 *2018-2019 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/2019-BriefingBook.pdf>)
- Fiscal Year 2019 Funding Brochure for the Bureau of Reclamation and U.S. Fish and Wildlife Service Congressional Appropriations for the Upper Colorado and San Juan Recovery Programs (1-page handout)
- The *2018-2019 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 2019 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 FY2020 Summary: The requested Service and Reclamation funding for FY2020 is described in the funding request summary sheet (Attachment 2). Regarding funding for FY2020, 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 FY2020 funding request was based on maintaining U.S. Fish and Wildlife Service funding at the same level as for FY2019 and the projected capital project needs for the programs developed by Reclamation for FY2020. 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.

Update on Program Reauthorization Legislation and Program Funding Activities: In February, 2018 OMB directed Western Area Power Administration to transfer CRSP hydropower revenues that provided funding for five Colorado River environmental programs (\$21.4 million), including approximately \$8.6 million in annual base funding for the recovery programs, directly to the Treasury in FY19, rather than to Reclamation. Fortunately, Congress replaced the hydropower revenues with appropriated funds for FY 2019. In March 2019, just prior to the briefing trip, S. 47 was passed and became P.L. 116-9 on March 12, 2019. Section 8101 of this large legislative package (formally entitled the “John D. Dingell, Jr. Conservation, Management, and Recreation Act”) authorized annual base funding for both the Upper Colorado and San Juan Rivers Endangered Fish Recovery Programs. This authorization was for up to \$10 million in appropriated funds through FY 2023 in lieu of the previously authorized use of hydropower revenues. (See Summary Report for 2018 Briefing Trip)

Follow up: There have been ongoing legislative activities in 2019 related to program funding. We will continue to monitor these and keep stakeholders updated.

Meetings with Members of Congress and Congressional Committees/ Subcommittees Staffs: Staffs of congressional delegations and subcommittees were briefed on the status of the programs and of the status of the legislation to ensure funding support (appropriated or hydropower) for the programs for FY2020 as well as through FY2023. The ongoing post-2023 discussions, including the report to Congress in 2021, were described to staffs. Each appointment provided the opportunity to briefly describe the genesis, objectives, status, accomplishments, and benefits of the two programs, as well as the ongoing funding issues.

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

- 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 that works with and supports state water and wildlife law.
- 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.

- Appropriations Committee staff stressed the importance of states' congressional members showing support for any new appropriated funds.
- 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 reviews for humpback chub and the razorback sucker (completed in 2018), which conveyed the Service's decision to proceed with downlisting proposals for both species. Proposed rules will eventually be published in the Federal Register and will be available for public comment. The FWS is working with species experts to draft a species status assessment for Colorado pikeminnow, which will be completed late this year or early next year.
- 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 Alex Hettinger (Bureau of Reclamation Analyst) and Emma Roach (Fish and Wildlife Service Analyst) and both were given a set of briefing materials. The group discussed current authorizing legislation and funding requests for FY2020. The OMB directive was discussed.

U.S. Fish and Wildlife Service and National Park Service Directorate: The group met with Margaret Everson (Principal Deputy), Gary Frasier (FWS Assistant Director for endangered species programs), David Hoskins (Fish and Aquatic Conservation Programs) and other senior FWS staff, as well as Jennifer Wise and Katie Mills with the National Park Service. The Program participants discussed the briefings conducted with the four states' congressional delegation and subcommittee 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 path towards downlistings. The FWS directorate and senior staff offered their help and support for our efforts. 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, Kiel Weaver, 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 ongoing funding issues 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 senior members of her staff. Although they did not have any FY2020 budget details to offer, 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 in 2018 or 2019. However, our new account manager (Michiko Gustafson) is located Washington, D.C. so we will seek a meeting in 2020.

Western Governors Association (WGA) and Association of Fish and Wildlife Agencies (AFWA): The WGA currently doesn't have D.C. staff so we were unable to meet personally as a group. If WGA replaces the D.C. staff position, we will try to reschedule meetings with WGA and possibly AFWA.

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.

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 2019 Briefings

Attachment 2: Non-Federal Participants' FY2020 Funding Request

2019 Briefing Meetings Itinerary

Tuesday, March 12, 2019

Scheduled By	Time	Meeting With	Affiliation	Office Location	Phone Number	E-Mail Address	Comments and Follow-up/Key Players
All	7:30 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 Steve's Cell: 307-630-1396
Confirmed	08:30 AM	Justin Meuse (LD)	Rep. Jason Crow (CO)	LH-1229	225-7882	Justin.Meuse@mail.house.gov	
Confirmed	09:00 AM	Eric Werwa	Rep. Deb Haaland (NM)	LH-1237	225-6316	Eric.werwa@mail.house.gov	
Confirmed	09:30 AM	Jeff O'Neil LA	Rep. Ed Perlmutter (CO)	LH-1226	225-2645	Jeff.oneil@mail.house.gov	
Confirmed	10:30 AM	Carissa Bunge	Rep. Joe Neguse (CO)	LH-1419	225-2161	Carissa.Bunge@mail.house.gov	
Confirmed	11:00 AM	Liz Payne	Rep. Scott Tipton (CO)	CH-218	225-4761	Liz.PayneRitonia@mail.house.gov	
Confirmed	11:30 AM	Brooke Stuedell (LD)	Rep. Xochitl Torres Small (NM)	CH-430	225-2365	Brooke.stuedell@mail.house.gov	
	LUNCH	Longworth Cafeteria					
Confirmed	1:00 PM	Matt Muirragui Carlee Brown	House Natural Resources - Water, Power, & Oceans SC	LH-1334	225-8331	Matthew.Muirragui@mail.house.gov Carlee.Brown@mail.house.gov	
Confirmed	1:30 PM	James Thomas, LD	Rep. Doug Lamborn (CO)	RH-2371	225-4422	James.Thomas@mail.house.gov	
	2:00 PM	Sisy Garcia (LA) Victoria Oms	Rep. Ben Ray Lujan (NM)	RH-2323	225-6190	Sisy.garcia@mail.house.gov Victoria.Oms@mail.house.gov	
Confirmed	2:30 PM	Utah House Staff	Adam Stewart LD (Bishop) Cam Madsen LD (Stewart) Eric May LD (McAdams) Jake Bornstein LD (Curtis)	CH-123		Adam.stewart@mail.house.gov Cam.Madsen@mail.house.gov Eric.may@mail.house.gov Jake.bornstein@mail.house.gov	
Confirmed	3:00 PM	James Hampson	Rep. Ken Buck (CO)	RH-2455	225-4676	James.hampson@mail.house.gov	
Confirmed	3:00 PM	Tommy Walker	Rep. Diana DeGette (CO)	RH-2111	225-4431	tommy.walker@mail.house.gov	
Confirmed	3:30 PM	Jaime Shimek (Maj) Mike Brain (Maj) Angie Giancarlo (Min)	House Appropriations – Energy and Water Development and & Related Agencies SC	RH-2362B	225-3421	Jaime.Shimek@mail.house.gov Michael.brain@mail.house.gov Angie.Giancarlo@mail.house.gov	
Confirmed	4:30 PM	Jocelyn Hunn	House Appropriations - Interior, Enviro & Related Agencies SC	RH-2007		jocelyn.hunn@mail.house.gov	

Wednesday, March 13, 2019

Date	Time	Meeting With	Affiliation	Office Location	Phone Number	E-Mail Address	Comments and Follow-up
Confirmed	9:00 AM	Utah Senate Staff	Kelsey Berg CoS (Romney) Carolyn Madan LA (Lee)	<u>SR-361-A (Lee)</u>	224-5251 224-5444	Kelsey_berg@romney.senate.gov Carolyn_madan@lee.senate.gov	
Confirmed	10:30 AM	Dustin Sherer	Sen. Cory Gardner (CO)	SR-354	224-5941	Dustin_Sherer@gardner.senate.gov	
Confirmed	Noon	Patrick Donovan Sanjana Puskoor	Sen. Michael Bennet (CO)	SR-261	224-5852	Patrick_Donovan@bennet.senate.gov Sanjana_Puskoor@bennet.senate.gov	
	LUNCH						
Confirmed	2:00 PM	Emy Lesofski Melissa Zimmerman	Senate Appropriations - Interior, Environment & Related Agencies SC	SH-125	224-3506	Emy_Lesofski@appro.senate.gov Melissa_Zimmerman@appro.senate.gov	
Confirmed	3:00 PM	Kaitlynn Glover Abbey Linsk Kate Barlow Holly Heussner	Sen. John Barrasso (WY) Sen. Mike Enzi (WY) Rep. Liz Cheney (WY)	SD-307	224-6441 224-3424	Kaitlynn_Glover@Barrasso.senate.gov Abbey_Linsk@barrasso.senate.gov Kate_Barlow@enzi.senate.gov Holly.Heussner@mail.house.gov	
Confirmed	3:30 PM	Matt Leggett Andy Harding	Senate Environment & Public Works - Fisheries, Water, and Wildlife SC	SD-410	224-9797	Matt_Leggett@epw.senate.gov Andrew_Harding@epw.senate.gov	Send briefing materials ahead of time. Max of 6 in attendance.
Confirmed	4:00 PM	Lane Dickson Rebecca Bonner	Senate Energy and Natural Resources – Water & Power SC	SD-304	224-4971	Lane_Dickson@energy.senate.gov Rebecca_Bonner@energy.senate.gov	
Confirmed	4:30 PM	Senator Heinrich	Senator Martin Heinrich (NM)	SH-303	228-1404	Caitie Terry - Scheduler schedule@heinrich.senate.gov	
Confirmed	4:30 PM	Tyler Owens (Maj) Jen Armstrong	Senate Appropriations - Energy and Water Development SC	SD-140	224-0332	Tyler_Owens@appro.senate.gov	
Confirmed	5:30 PM	Devon Wohl	Senator Tom Udall (NM)	SH-531	224-6621	Devon_Wohl@tomudal@senate.gov	

Thursday, March 14, 2019

Date	Time	Meeting With	Affiliation	Office Location	Phone Number	E-Mail Address	Comments and Follow-up
Confirmed	9:30 AM	AS Staff	Asst. Secretary for Water and Science;	Room 6340 Main Interior Building 1849 C Street, NW	513-0535	New contact is Kerry Rae, CoS to the Assistant Secretary	Meet in #6641
Confirmed	10:00 AM	Gary Frasier David Hoskins	Asst. – Endangered Species Asst. – Fish & Aquatic Conservation (NPS?)	Room 3038 Main Interior Building 1849 C Street, NW	208-4545 208-6393 513-7164	Iroslyn_sellars@fws.gov (Director) lois_wellman@fws.gov (Hoskins)	Principal Deputy Assistant Secretary FWS may join.
Confirmed	11:00 AM	Denise Flanagan	Interior (DOI) Budget Office - Director	Room 4233 Main Int. Building, 1849 C Street NW	208-5309	Denise_Flanagan@ios.doi.gov	
	LUNCH						
Confirmed	2:00 PM	Alex Hettinger Emma Roach	Office of Mgmt & Budget Natural Resources Division (Water & Power Branch)	Room 9276, New Executive Office Building, 725 17th St., N.W.	395-4587	AHettinger@omb.eop.gov Emma_K_Roach@omb.eop.gov	Reconfirm after 2/16 Provide names to OMB Max. of 4

Requested Fiscal Year 2020 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 2020 funding based on identified needs to meet the federal cost share of these programs. The requests are consistent with the President’s budget proposal.

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*)

(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

\$2,850,000 for the Upper Colorado Region: **\$2,700,000** 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**.

- **\$2,129,350** for **installation of a barrier on Ridgway Reservoir** in the Gunnison River basin, Colorado to prevent escapement of illegally stocked nonnative fish into endangered fish habitat.
- **\$20,650** for **pre-construction activities of a fish screen at Starvation Reservoir, Utah** to maintain a sport fishery in the reservoir while preventing escapement of nonnative sport fish into endangered fish habitat.
- **\$200,000** for **pre-construction activities of a fish passage at the Arizona Public Service Company diversion** in endangered fish critical habitat on the San Juan River.
- **\$350,000** for **construction floodplain habitat** for endangered fish in critical habitat in the San Juan River.
- **\$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.

\$8,640,000 for **annual funding of the Upper Colorado and San Juan recovery programs** for operation and maintenance of fish hatcheries, habitat, fish screens, fish passages, non-native species control, reservoir operations/maintenance, research, and monitoring. (\$5,760,000 for the Upper Colorado Program; \$2,880,000 for the San Juan Program)

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 Users Association
- Upper Gunnison Water Conservancy District
- Utah Water Users Association
- Western Resource Advocates
- Wyoming Water Association