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WASHINGTON, DC 20510

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CONGRESSIONAL WESTERN WATER CAUCUS BROWN BAG LUNCH BRIEFING

ON

Funding Legislation for the Endangered Fish Recovery Implementation Programs for the Upper Colorado and San Juan River Basins

**Monday, April 17th,
12:00 noon until 1:30 p.m.
Room SC-4, Capitol Building**

The bipartisan Congressional Western Water Caucus invites you to attend a short briefing and discussion on legislation (H.R. 2348 and S. 2239) to authorize the Bureau of Reclamation to provide cost-shared assistance to the Upper Colorado River Endangered Fish Recovery Implementation Program and the San Juan River Basin Endangered Fish Recovery Implementation Program.

These programs are designed to recover four species of endangered fish (the Colorado pikeminnow, humpback chub, razorback sucker and bonytail) while continuing to meet current and future water supply needs in the Upper Basin states of Colorado, Utah, Wyoming and New Mexico. To date, biological opinions have been issued on more than 600 water projects depleting 2.4 million acre-feet per year. No lawsuits have been filed on any of these opinions.

H.R. 2348 and S. 2239 will support completion of these two model programs. The legislation establishes a spending cap and authorizes \$100 million for capital construction, operations, maintenance and implementation. The programs' actions and projects include fish ladders, hatchery facilities, removal of non-native species and habitat restoration. The bills would authorize \$46 million in federal funding through the Bureau of Reclamation. The remaining \$54 million will be generated from state contributions not to exceed \$17 million; contributions from power revenues up to \$17 million and \$20 million from replacement power credit and capital cost of water.

The legislation is supported by the states, federal agencies, tribes, water and power agencies and environmental groups participating in the recovery programs. H.R. 2348 and S. 2239 reflect compromise on all sides and recognize that protection of endangered species can coincide with water development and water use. The recovery programs affirm the federal commitment to meet ESA mandates and trust obligations to native Americans, and at the same affirm the states' abilities to develop compact-apportioned water supplies necessary to maintain and develop local economies. Participants share in the planning and implementation of the recovery actions and regulatory solutions.

A presentation on the recovery programs and on the authorizing legislation will be made by John Shields, Chairman, Management Committee for the Upper Colorado Endangered Fish Recovery Program, of the Wyoming State Engineer's Office in Cheyenne and Tom Pitts, Water Users Representative to the Upper Colorado and San Juan Endangered Fish Recovery Programs, of Water Consult, Inc. of Loveland, Colorado. Other program participants will add their perspectives on these two collaborative partnerships which have proven to be an effective and appropriate approach to resolving the conflict between the ESA and water development needs.

Bring your lunch. Sodas, juices, cookies and brownies will be available. RSVP is not necessary.

BOISE
304 North 8th Street
Room 338
Boise, ID 83702

CALDWELL
704 Blaine Street
Suite 1
Caldwell, ID 83805

COEUR D'ALENE
1000 N.W. Boulevard
Suite 100
Coeur d'Alene, ID 83814

IDAHO FALLS
490 Memorial Drive
Idaho Falls, ID 83402

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111 Main Street
Suite 140
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220 East 5th Street
Room 105
Moscow, ID 83848

POCATELLO
801 E. Sherman
Pocatello, ID 83201

TWIN FALLS
202 Falls Avenue
Suite 2
Twin Falls, ID 83301

Congress of the United States

Washington, DC 20515

April 12, 2000

Dear Colleague:

I want to bring to your attention this briefing by the Western Water Caucus and encourage you and your staff to attend.

Sincerely,



George Radanovich

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Water Review

A Perspective On Western Water Issues Prepared By The Family Farm Alliance

These two programs have the goals of recovering endangered fish species while water development proceeds in accordance with state law, interstate compacts, and U.S. Supreme Court decrees allocating water among the states. These programs, rather than individual water users, provide mitigation (reasonable and prudent alternatives) for impacts of water development and management activities on endangered fish species in the two basins. The programs enjoy broad support among the Department of the Interior, power users, water users, the States of Colorado, Wyoming, New Mexico, and Utah, and environmentalists.

The funding legislation authorizes \$46 million in appropriated federal funds and acknowledges local cost sharing by the states, power users, and water users for capital projects associated with the two programs, as well as contributions by water users to support annual operations. The programs will also use non-reimbursable power revenues from Colorado River Storage Project hydroelectric facilities to support annual operations. Program funding is authorized through 2010.

In October, a hearing was held before the Water and Power Subcommittee, House Resources Committee, on the legislation. Those testifying in support of the legislation included David Hayes, Acting Deputy Secretary, U.S. Department of the Interior; Kathleen Clarke, Director, Utah Department of Natural Resources; Dan Luecke, Environmental Defense Fund; Leslie James, Executive Director, Colorado Energy Distributors Association; and Tom Pitts of the firm Water Consult, representing water users in Colorado, Wyoming, Utah, and New Mexico on the two programs.

In support of the legislation, David Hayes said, "The unprecedented partnerships under the programs have been instrumental in enabling water development to continue, while providing for the long term survival and recovery of the endangered fish. These partnerships have also enabled the federal agencies to streamline the Section 7 consultation process and provide timely responses to water users." Hayes cited favorable biological opinions allowing more than 500 projects, resulting in a total water depletion of nearly 600,000 acre-feet per year, to go forward. Another favorable biological opinion under the Upper Basin Program has been issued by the U.S. Fish and Wildlife Service on one million acre-feet/year of existing depletions and 120,000 acre-feet per year of new depletions on the mainstem of the Colorado River.

Recovery Program participants hope to have a hearing in the Senate in early 2000 and to have the legislation passed during the 2000 session of Congress.

PREVIOUS WATER REVIEW COVERAGE: March 1999, November-December 1996 and April 1996.

TO LEARN MORE: Tom Pitts, Water Consult, Engineering and Planning Consultants, (970) 667-8690.

COLORADO

In mid-1999, legislation was introduced in both the House of Representatives (H.R.2348) and Senate (S.1544) to authorize funding for the endangered fish recovery programs in the Upper Colorado River basin and San Juan River basin.