



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 19 2016

The Honorable Lisa Murkowski
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, DC 20510

Dear Madam Chairman:

Pursuant to the provisions of Public Law (P.L.) 106-392, I am pleased to transmit a report entitled, "Utilization of Power Revenues for Annual Base Funding of the Upper Colorado River and San Juan River Basin Recovery Implementation Programs." As required by P.L. 106-392, as amended by P.L. 112-270, this report includes a discussion on the utilization of power revenues for base funding and a recommendation on the need for continued annual base funding from power revenues and funding provided under the programs' cooperative agreements after Fiscal Year 2019.

As the Department of the Interior (Department) has noted in prior testimony, the Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program contain recovery goals that extend to the year 2023. Therefore, we recognize our partners' desire for certainty in amending P.L. 106-392, as was done in Section 2 of P.L. 112-270. P.L. 106-392 should again be amended to provide continued annual base funding at currently authorized levels through 2023 for all activities originally authorized.

The Department looks forward to discussing this report with you in the near future. If you have any questions regarding this report and my recommendations, please contact Mr. Thomas Iseman, Principal Deputy Assistant Secretary for Water and Science, at (202) 208-3024.

Sincerely,

Sally Jewell

Enclosure

Identical Letters Sent To:

The Honorable Rob Bishop
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

The Honorable Maria Cantwell
Ranking Member, Committee on Energy
and Natural Resources
United States Senate
Washington, DC 20510

The Honorable Raul Grijalva
Ranking Member, Committee on
Natural Resources
House of Representatives
Washington, DC 20515

cc: Mr. Ali Zaidi, Associate Director for Natural Resources, Energy & Science
Office of Management and Budget
Executive Office Building
639 17th Street, NW
Washington, DC 20006



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Dear Senator Cantwell:

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Washington, DC 20515

Dear Representative Grijalva:

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Report to Congress:
*Utilization of Power Revenues for Annual Base Funding of the
 Upper Colorado River and San Juan River Basin Recovery Implementation Programs*

Submitted by the
 Secretary of the Interior



Fish Illustrations © Joseph R. Tomelleri

EXECUTIVE SUMMARY

“No later than the end of fiscal year 2018, 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 that may be required to fulfill the goals of the Recovery Implementation Programs. Such report shall also describe the Recovery Implementation Programs actions and accomplishments to date, the status of the endangered species of fish and projected dates for downlisting and delisting under the Endangered Species Act of 1973, and the utilization of power revenues for annual base funding.”

- Excerpt from P.L. 106-392 as amended by P.L. 112-270

The Upper Colorado Recovery Program and the San Juan Recovery Program were established under cooperative agreements as multi-agency partnerships in 1988 and 1992, respectively. The goal of these recovery programs is to recover the endangered humpback chub, bonytail, Colorado pikeminnow, and razorback sucker by 2023 while water use and development continue to meet human needs. The recovery programs' actions provide Endangered Species Act (ESA) compliance for more than 2,400 Federal, tribal, and non-Federal water projects depleting more than 3.7 million acre-feet of water per year in the Colorado and San Juan rivers and their tributaries in Colorado, Utah, Wyoming and New Mexico.

Public Law (P.L.) 106-392, signed into law on October 30, 2000, authorizes up to \$6 million per year (adjusted annually for inflation) of Colorado River Storage Project (CRSP) power revenues for annual base (non-capital) funding. As required by P.L. 106-392, as amended by P.L. 112-270, the Secretary of the Interior: 1) reports on the use of power revenues through FY15; 2) describes the recovery programs' actions and accomplishments, the status of the endangered fish, and projected dates for recovery; and 3) makes a recommendation regarding the continuation of base funding from power revenues and funding provided under the programs' cooperative agreements.

Without reauthorization through the anticipated recovery date of 2023, annual base funding from CRSP power revenues would be significantly reduced for the recovery programs, which would erode progress made to date, decrease the effectiveness of investments made to-date, and delay recovery of the species. Recovery goals would likely not be attained, resulting in the species not being delisted. ESA compliance for more than 2,400 federal, nonfederal, and tribal water projects, as well as future projects, would not likely continue.

Recommendation:

Implementation of P.L. 106-392 has moved these endangered species toward recovery. The continuation of base funding consisting of CRSP power revenues and the funding provided under the terms of the 1988 Cooperative Agreement and the 1992 Cooperative Agreement of the Upper Colorado and San Juan recovery programs would support remaining actions necessary to achieve species recovery.

1.0 INTRODUCTION

This report fulfills the requirement of P.L. 106-392, as amended, that the Secretary of the Interior:

- submit a report to Congress on utilization of power revenues for annual base funding of the Upper Colorado River Endangered Fish Recovery Program (Upper Colorado Recovery Program) and the San Juan River Basin Recovery Implementation Program (San Juan Recovery Program);
- make a recommendation regarding the need for continued base funding from power revenues and funding under the recovery programs' cooperative agreements after fiscal year 2019 that may be required to fulfill the goal of these recovery programs; and
- describe the recovery programs' actions and accomplishments, the status of the endangered fish, and projected dates for downlisting and delisting.

The Upper Colorado Recovery Program and the San Juan Recovery Program (recovery programs) were established under cooperative agreements as multi-agency partnerships in 1988 and 1992, respectively. The goal of these recovery programs is to recover the endangered humpback chub, bonytail, Colorado pikeminnow, and razorback sucker while water use and development continue to meet human needs. The recovery programs' actions provide Endangered Species Act (ESA) compliance for more than 2,400 Federal, tribal, and non-Federal water projects depleting more than 3.7 million acre-feet of water per year in the Colorado and San Juan rivers and their tributaries in Colorado, Utah, Wyoming, and New Mexico. The recovery programs provide ESA compliance for every Bureau of Reclamation project and project contracts for use of water in the Upper Colorado and San Juan river basins. Recovery program partners include the states of Colorado, New Mexico, Utah, and Wyoming; Bureau of Reclamation; U.S. Fish and Wildlife Service; Western Area Power Administration; Bureau of Land Management; National Park Service; Bureau of Indian Affairs; Southern Ute Indian Tribe; Ute Mountain Ute Tribe; Jicarilla Apache Nation; Navajo Nation; environmental organizations; water users; and Colorado River Storage Project (CRSP) power customers.

Congress has long recognized the importance of the recovery programs through bipartisan support of appropriations and authorizing legislation. Public Law (P.L.) 106-392, signed into law on October 30, 2000, authorizes federal cost sharing and recognizes significant cost sharing by the non-federal partners. P. L. 106-392 authorizes up to \$6 million per year (adjusted annually for inflation) of CRSP power revenues for annual base (non-capital) funding and funds appropriated by Congress for capital projects (hatcheries, fish screens, fish passages, habitat improvements, water supplies for endangered fish). Annual base funding from power revenues provides for operation and maintenance of completed capital projects; implementation of non-capital recovery actions such as rearing hatchery fish, removing nonnative species, and implementing water management to benefit the fish; research and monitoring to evaluate the effectiveness of existing recovery actions or identify the need for new actions; and program management to carry out the recovery programs. The U.S. Fish and Wildlife Service (Service), States, American Indian Tribes,

and water users also provide annual and in-kind funding for these activities.

The current authorization to use power revenues for annual base funding of recovery program actions expires in FY 2019, other than for operation and maintenance of capital projects and monitoring.

The long-standing goal of the recovery programs is to recover the species by 2023. This report provides an assessment of continued base funding that may be required to fulfill the goals of the Recovery Implementation Programs.

2.0 RECOVERY ACTIONS AND ACCOMPLISHMENTS

INSTREAM FLOW IDENTIFICATION & PROTECTION

The Bureau of Reclamation and water users manage releases from thirteen reservoirs to provide spring and base flows to assist with endangered fish recovery in the Yampa, Duchesne, Green, Colorado, Gunnison, and San Juan rivers. Flows are managed to improve habitat conditions for endangered fish while respecting all existing water rights, authorizations for Reclamation projects, and Reclamation contracts for project water use. New research has led to special, experimental releases to disrupt nonnative fish spawning and to provide critically important endangered fish habitat on river floodplains.

HABITAT RESTORATION

Eight of ten planned fish passages have been constructed and five of seven large irrigation canals have been screened or modified to reduce loss of endangered fish. In the Upper Colorado River Basin (Upper Basin), some 2,700 acres of restored floodplain habitat are managed to benefit endangered fish. In the San Juan River Basin (San Juan Basin), two habitat restoration projects have been completed to reconnect secondary channels to the river.

NONNATIVE FISH MANAGEMENT

In the Upper Basin, competition and predation by nonnative fish is the largest impediment to recovery, but an effective, cost-efficient control strategy is in place to remove nonnative smallmouth bass, northern pike and walleye from more than 600 miles of river. In the San Juan Basin, channel catfish, common carp, and other nonnative fish are removed from more than 180 miles of river. In 2016, the San Juan Recovery Program is reevaluating the effectiveness of current nonnative fish control methods. To prevent nonnative fish escaping from upstream reservoirs, Program partners have installed two outlet screens and one spillway net. Another net is under construction, and two nets and two screens are in development. In the San Juan Basin, an escapement prevention plan has been developed for Lake Nighthorse.

PROPAGATION & STOCKING

Hatchery-produced razorback sucker and bonytail are stocked in the Upper Basin to reestablish naturally self-sustaining populations. The San Juan Recovery Program stocks razorback sucker and Colorado pikeminnow. Fish stocked by the recovery programs are managed to maintain genetic diversity. Razorback sucker stocked in the Upper Basin exhibit long term survival, range expansion, and wild reproduction. Wild spawning of bonytail was detected for the first time in

2015, but survival of this species is still low. Natural recruitment of razorback sucker and Colorado pikeminnow remains low in the San Juan River, although reproduction has occurred for many years.

RESEARCH & MONITORING

The recovery programs conduct research and monitoring to ensure a sound scientific basis for use of program funds to recover the species. Research and monitoring provide information on abundance, reproduction, growth, and survival of endangered fish. For example, researchers determined that annual survival of humpback chub in the Colorado River at Black Rocks-Westwater has been steady since 1998. Water releases from federal and nonfederal projects have been modified to maximize benefits to the fish based on long-term monitoring and research. Long-term data sets are used to evaluate and adjust management actions and recovery strategies.

3.0 SPECIES STATUS AND ANTICIPATED DELISTING

COLORADO PIKEMINNOW: Listed as “Endangered” since 1973. Recovery can occur upstream of Glen Canyon Dam. Populations in the Green and Colorado rivers are wild and self-sustaining. Colorado pikeminnow have been stocked in the San Juan River since 1996. In 2015, the largest year-class of young pikeminnow was produced in the Colorado River since sampling began 30 years ago. A population viability analysis (PVA) is underway for Colorado pikeminnow using long-term monitoring information to model population persistence and risk of extinction over varying timeframes. The recovery programs are working with the Service to produce a Species Status Assessment (SSA) in 2017. The SSA will update species needs, current condition, and species viability, which will assist in revision of the recovery plan and inform the Service on the status of the species and potential reclassification (downlisting the species from ‘endangered’ to ‘threatened’).

HUMPBACK CHUB: Listed as “Endangered” since 1973. Recovery requires self-sustaining populations in the Green and Colorado river sub-basins in the Upper Basin and in the Lower Colorado River Basin (Lower Basin) downstream of Glen Canyon Dam. The Grand Canyon population has rebounded from approximately 5,000 adults in 2000 to nearly 11,000 adults in 2016. Upper Basin populations appear stable, but smaller than 15 years ago. A recovery team is conducting a SSA, which will assist in revision of the recovery plan and inform the Service on the status of the species and potential reclassification (downlisting the species from ‘endangered’ to ‘threatened’). The SSA is scheduled for completion in 2017.

RAZORBACK SUCKER: Listed as “Endangered” since 1991. Recovery requires self-sustaining populations in the Upper and Lower Basins of the Colorado River. A self-sustaining population occurs in Lake Mead in the Lower Basin. In the Upper Basin, newly implemented flow regimes carry wild larval razorback sucker into wetlands where they grow quickly through the summer improving survival over their crucial first winter. An SSA is underway which will assist in revision of the recovery plan and inform the Service on the status of the species and potential reclassification (downlisting the species from ‘endangered’ to ‘threatened’). The SSA is scheduled for completion in 2017.

BONYTAIL: Listed as “Endangered” since 1980. Recovery requires self-sustaining populations in the Upper and Lower Basins of the Colorado River. Recaptures of stocked fish are still quite low, but increasing. Successful spawning and reproduction in the wild was confirmed in the Upper Basin for the first time in 2015. The Service can consider removing this species from ESA protection when numbers increase in the wild. The Upper Colorado Recovery Program continues to implement new hatchery techniques and stocking strategies to improve survival in the wild.

DELISTING

The overall goal for recovery of the four endangered fishes is to achieve naturally self-sustaining populations and protect the habitat on which those populations depend. Target dates for downlisting and delisting each species are as follows:

Species	Downlist	Delist
Humpback chub	2018	2023
Colorado pikeminnow	2018	2023
Razorback sucker	2018	2023
Bonytail	2023	2023

4.0 UTILIZATION OF CRSP POWER REVENUES AND RECOMMENDATION FOR CONTINUED BASE FUNDING TO ACHIEVE RECOVERY

Annual base funds from CRSP power revenues contribute significantly to the successful implementation of recovery actions by both recovery programs, including 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.

Subsequent to passage of P.L. 106-392 in 2001, \$67,347,400 in power revenue base funds have been expended or obligated by the Upper Colorado Recovery Program, and \$32,805,500 by the San Juan Recovery Program (through FY 2015). The table below displays a cost impact analysis if annual base funding is not reauthorized through FY 2023 under its current operating guidelines after 2019.

Recovery Program	Currently Available Annual Base Funding (FY 2016 Dollars)1/	Reductions in Annual Base Funding After 2019 Without Reauthorization 2/	Remaining Activities Eligible for Annual Base Funding After 2019 Without Reauthorization
Upper Colorado	\$5,448,100	-\$2,058,200	\$3,390,000
San Juan	\$2,724,100	-\$872,800	\$1,851,300
Total:	\$8,172,300	-\$2,931,000	\$5,241,300
Percent:	100%	-36%	64%

1/ Power revenues initially authorized for use as annual base funds by P.L. 106-392 indexed to 2016 dollar levels.

2/ Includes some program management costs directly related to monitoring and operation and maintenance of capital projects that may be eligible for continued power revenue funding after fiscal year 2019.

Without reauthorization through FY 2023, annual base funding from power revenues would be significantly reduced for both recovery programs, halting important recovery actions of nonnative fish management, information and education, and program management. The inability to fund these activities would erode the recovery programs' achievements in restoring populations of the endangered fishes and reduce the effectiveness of substantial investments by the recovery programs. Recovery goals would likely not be attained, resulting in the species not being delisted. ESA compliance that has been provided by the recovery programs' actions for more than 2,400 federal, nonfederal, and tribal water projects, as well as future projects, would not likely continue, as that compliance is fundamentally dependent on improving the status of the species.

Based on species status as tracked by the Service, these recovery programs are moving the endangered fish species toward recovery while working within the bounds of interstate water compacts, Bureau of Reclamation project authorizations, State water and wildlife laws, and tribal rights.

5.0 RECOMMENDATION

Recommendation:

Implementation of P.L. 106-392 has moved these endangered species toward recovery. The continuation of base funding consisting of CRSP power revenues and the funding provided under the terms of the 1988 Cooperative Agreement and the 1992 Cooperative Agreement of the Upper Colorado and San Juan recovery programs would support remaining actions necessary to achieve species recovery.

MORE INFORMATION

Recovery actions and accomplishments are described in greater detail in the annual *Program Highlights*, found at <http://www.coloradoriverrecovery.org/general-information/general-publications/program-highlights.html>.

Species status is described in greater detail in the following documents:

- U.S. Fish and Wildlife Service's annual assessment of progress under the Upper Colorado River Endangered Fish Recovery Program found at http://www.coloradoriverrecovery.org/documents-publications/section-7-consultation/sufficientprogress/2015_Suff_Progress_Memo.pdf
- 5-Year species status reviews found at <http://www.coloradoriverrecovery.org/documents-publications/foundational-documents/recovery-goals.html>
- U.S. Fish and Wildlife Service's most recent assessment of progress for the San Juan River Recovery Implementation Program can be found at: https://www.fws.gov/southwest/sjrip/pdf/DOC_2013_SJRRIP_Final_Program_Assessment%20.pdf

The Recovery Programs' first Report to Congress fulfilling the requirement of P.L. 106-392 was submitted in April 2010 and may be found at <http://www.coloradoriverrecovery.org/documents-publications/foundational-documents/publiclaw/ReporttoCongress.pdf>

APPENDIX

TABLE 1.—Annual obligations of power revenue base funds by the Upper Colorado and San Juan recovery programs 2001–2015.

Year	Upper Colorado Recovery Program	San Juan Recovery Program
2001	\$2,973,600	\$1,111,700
2002	\$2,973,000	\$1,684,300
2003	\$3,698,700	\$1,666,900
2004	\$4,371,400	\$1,848,100
2005	\$4,202,200	\$2,114,800
2006	\$4,598,800	\$2,322,500
2007	\$4,502,200	\$2,277,200
2008	\$4,678,000	\$2,315,700
2009	\$4,907,300	\$2,437,200
2010	\$5,171,900	\$2,323,000
2011	\$4,894,200	\$2,607,000
2012	\$3,592,100	\$1,891,000
2013	\$5,275,800	\$2,685,500
2014	\$6,092,200	\$2,641,600
2015	\$5,416,000	\$2,879,000
Total	\$67,347,400	\$32,805,500

TABLE 2.—Current activities and costs (in FY 2016 dollars) of the Upper Colorado and San Juan recovery programs not eligible for annual base funding from power revenues beyond fiscal year 2019 without further amending P.L. 106-392.

Recovery Program Element or Activity	Recovery Program	
	Upper Colorado	San Juan
Nonnative fish management	\$1,491,700	\$592,600
Research	\$0	\$0
Public information and involvement	\$45,600	\$17,400
Program management	\$520,800	\$262,900
Total:	\$2,058,100	\$872,900

TABLE 3.—Current activities and estimated costs (in FY 2016 dollars) of the Upper Colorado and San Juan recovery programs eligible for annual base funding from power revenues beyond fiscal year 2019 without further amending P.L. 106-392.

Recovery Program Element or Activity	Recovery Program	
	Upper Colorado	San Juan
Habitat management	\$402,200	\$315,700
Habitat development	\$494,000	\$0
Propagation and stocking	\$870,800	\$515,900
Monitoring	\$1,623,000	\$1,019,600
Total:	\$3,390,000	\$1,851,200