

**H.R. 6060, ENDANGERED FISH
RECOVERY PROGRAMS
EXTENSION ACT OF 2012**

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON WATER AND POWER
OF THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED TWELFTH CONGRESS
SECOND SESSION

Tuesday, July 10, 2012

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CONTENTS

	Page
Hearing held on Tuesday, July 10, 2012	1
Statement of Members:	
Bishop, Hon. Rob, a Representative in Congress from the State of Utah ...	5
Gardner, Hon. Cory, a Representative in Congress from the State of Colorado	6
Prepared statement of	7
McClintock, Hon. Tom, a Representative in Congress from the State of California	1
Prepared statement of	3
Napolitano, Hon. Grace F., a Representative in Congress from the State of California	3
Prepared statement of	4
Tipton, Hon. Scott R., a Representative in Congress from the State of Colorado	7
Prepared statement of	8
Statement of Witnesses:	
Garlick, Kevin, Energy Director, Provo City Power, Provo, Utah	13
Prepared statement of	14
Kirkpatrick, L. Randy, Executive Director, San Juan Water Commission, Farmington, New Mexico	20
Prepared statement of	21
Payne, Grayford F., Deputy Commissioner for Policy, Administration and Budget, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C.	17
Prepared statement of	18
Raley, Bennett W., Counsel, Northern Colorado Water Conservancy District, Berthoud, Colorado	10
Prepared statement of	11
Shields, John W., Interstate Streams Engineer, Wyoming State Engineer's Office, Cheyenne, Wyoming	25
Prepared statement of	26
Additional materials supplied:	
Kuhn, R. Eric, General Manager, Colorado River District. Letter submitted for the record by The Honorable Scott Tipton	9
List of documents retained in the Committee's official files	36

**LEGISLATIVE HEARING ON H.R. 6060, TO
AMEND PUBLIC LAW 106-392 TO MAINTAIN
ANNUAL BASE FUNDING FOR THE UPPER
COLORADO AND SAN JUAN FISH RECOVERY
PROGRAMS THROUGH FISCAL YEAR 2019.
“ENDANGERED FISH RECOVERY PROGRAMS
EXTENSION ACT OF 2012.”**

**Tuesday, July 10, 2012
U.S. House of Representatives
Subcommittee on Water and Power
Committee on Natural Resources
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 2:59 p.m., in Room 1334, Longworth House Office Building, Hon. Tom McClintock [chairman of the Subcommittee] presiding.

Present: Representatives McClintock, Tipton, Noem; Napolitano, and Luján.

Mr. MCCLINTOCK. The Committee will come to order. The bad news is that we are an hour late. And for that I sincerely apologize to all concerned. The good news is we are now not going to be interrupted by votes. So we can go through from beginning to end, I think, without interruption.

We are meeting today to hear testimony on H.R. 6060, the Endangered Fish Recovery Programs Extension Act of 2012. Before we proceed further, I would ask unanimous consent that Mr. Bishop of Utah and Mr. Gardner be allowed to sit with the Subcommittee and participate in the hearing.

[No response.]

Mr. MCCLINTOCK. Hearing no objection, so ordered. We will begin with five-minute opening statements by myself and the Ranking Subcommittee Member. And with that, we will start the timer.

STATEMENT OF THE HON. TOM MCCLINTOCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MCCLINTOCK. As I said, we have before us H.R. 6060 by Congressman Bishop. He is joined by a bipartisan group of cosponsors in the affected States. The bill extends a cooperative program affecting the Upper Colorado and San Juan River Basins making it possible for local water and power authorities to deal with the Endangered Species Act, while at the same time continuing oper-

ations that serve more than 2,300 water and power projects in a 5-State region.

The Colorado River Storage Project is absolutely vital for the economies of Wyoming, Utah, Colorado, Arizona, and New Mexico. And yet the project operates under a sort of Damocles, the threat of litigation or regulatory excess under the Endangered Species Act that could catastrophically impact these projects.

The 106th Congress enacted legislation to allow for a cooperative agreement between the non-Federal water and power agencies, the affected States, and the Federal Government to manage these conflicts and bring some common-sense reforms to the administration of the Endangered Species Act as it applies to the CRSP and other projects. Chief among these reforms is to allow hatchery fish to be counted in the fish restoration program, a sensible and cost-effective option that is denied in many other areas.

For example, in the Klamath Region, in my district, continued efforts are being made to tear down four perfectly good hydroelectric dams capable of generating 155 megawatts of hydroelectricity in the name of boosting salmon populations. But the Iron Gate Fish Hatchery on the Klamath is producing burgeoning salmon populations—5 million salmon each year, 17,000 of which return as fully grown adults to spawn. But they are not allowed to be counted for ESA compliance. And if the dams are removed, the Iron Gate Fish Hatchery can no longer operate, and then you have a catastrophic plunge in the salmon populations on the Klamath.

It is this sort of environmental radicalism that the cooperative agreement here was able to suppress, and has been renewed and augmented in the 109th and 111th Congresses. Specifically, H.R. 6060 would continue authorization of this agreement for the maximum 7 years permitted under House protocols, the central feature of which is to continue the cost-sharing arrangements between Federal and non-Federal agencies, with the non-Federal portion paid by rate-payers who benefit from these facilities.

The action of the 106th Congress, however, double-counted local revenues as both funding for fish recovery and, at the same time, for CRSP loan repayments. Continuing this arrangement amounts to a Federal match of the Federal match, adding about \$3.5 million a year of red ink to the deficit. The Congressional Budget Office has flagged this provision. And, under the pay-go rules of the House, it will have to be offset by other cost savings when it is brought to the Floor.

Assuming this infirmity can be corrected, the measure adds important reforms that were notably absent with the House last visited this issue. It does not ask for Federal appropriations to pay for the program. It keeps bureaucrats from spending taxpayer money to lobby on this program. It reduces unnecessary and duplicative overhead, so that more money can be devoted to fish recovery. And, most importantly, it provides a sunset and long-overdue transparency and accountability. In short, this bill requires results, and I commend Congressman Bishop for his leadership. This and future congresses still have a lot of work to do on reforming the Endangered Species Act. But, in the meantime, this legislation offers some common-sense solutions. With that, I yield back the balance

of my time and recognize the Ranking Member, Mrs. Napolitano, for five minutes.

[The prepared statement of Mr. McClintock follows:]

**Statement of The Honorable Tom McClintock, Chairman,
Subcommittee on Water and Power**

We have before us today H.R. 6060 by Congressman Bishop, joined by a bi-partisan group of co-sponsors in the affected states. The bill extends a cooperative program affecting the Upper Colorado and San Juan River Basins, making it possible for local water and power authorities to deal with the Endangered Species Act while at the same time continuing operations that serve more than 2,300 water and power projects in a five state region.

The Colorado River Storage Project is absolutely vital for the economies of Wyoming, Utah, Colorado, Arizona and New Mexico, and yet the project operates under a sword of Damocles: the threat of litigation or regulatory excess under the Endangered Species Act that could catastrophically impact these projects.

The 106th Congress enacted legislation to allow for a cooperative agreement between the non-federal water and power agencies, the affected States and the federal government to manage these conflicts, and bring some common sense reforms to the administration of the Endangered Species Act as it applies to the CRSP and other projects.

Chief among these reforms is to allow hatchery fish to be counted in the fish restoration program, a sensible and cost-effective option that is denied in other areas. In the Klamath Region in my district, for example, continued efforts are being made to tear down four perfectly good hydro-electric dams capable of generating 155 megawatts of hydro-electricity in the name of boosting salmon populations.

The Iron Gate fish hatchery on the Klamath produces 5 million salmon smolts each year, 17,000 of which return as fully grown adults to spawn—but they are not allowed to be counted for ESA compliance. And if the dams are removed, the Iron Gate Fish hatchery can no longer operate.

It is this sort of environmental radicalism that the cooperative agreement was able to suppress, and it has been renewed and augmented in the 109th and 111th Congresses.

Specifically, H.R. 6060 would continue authorization of this agreement for the maximum seven years permitted under House Republican protocols (note: this is a Republican leadership rule, not a House rule), the central feature of which is to continue the cost-sharing arrangements between federal and non-federal agencies, with the non-federal portion paid by ratepayers who benefit from these facilities.

The action of the 106th Congress, however, double-counted local revenues as both funding for fish recovery and at the same time for CRSP loan repayments. Continuing this arrangement amounts to a federal match of the federal match, adding \$3 1/2 million a year of red ink to the deficit. The Congressional Budget Office has flagged this provision. Under the pay-go rules of the House, it will have to be offset by other cost-savings if and when it is brought to the floor.

Assuming this infirmity can be corrected, the measure adds important reforms that were notably absent when the House last visited this issue:

- It does not ask for federal appropriations to pay for this program
- It keeps bureaucrats from spending taxpayer money to lobby on this program
- It reduces unnecessary and duplicative overhead so that more money can be devoted to fish recovery
- Most importantly, it provides a sunset and long overdue transparency

In short, this bill requires results and I commend Congressman Bishop for his leadership.

This and future Congresses still have a lot of work to do on reforming the Endangered Species Act, but in the meantime this legislation offers some common-sense solutions.

**STATEMENT OF THE HON. GRACE F. NAPOLITANO, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
CALIFORNIA**

Mrs. NAPOLITANO. Thank you, Mr. Chairman. And, by the way, happy birthday.

As the Chairman stated, H.R. 6060 authorizes the use of power revenues as base funding for the two recovery programs in the Upper Colorado and the San Juan Rivers. We support the intent of this legislation to recover listed species, while allowing for water and power operations, which is a win-win for all. We support the Administration's position and commitment to the continuation of these programs, and welcome the Majority's recognition that compliance with the Endangered Species Act doesn't mean that water and power projects in the West must go dry or go dark.

As we hear from the witnesses today—and thank you for being here, all of you—the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program have the dual goals of recovering populations of endangered fish while providing ESA compliance for 2,320 water projects. These projects deliver more than 3.7 million acre-feet per year in the States, as recognized: Wyoming, Utah, Colorado, and New Mexico. It is also important to note that no lawsuits have been filed on the ESA compliance for any of these water projects.

The need for the programs is clear. And a hearing on this legislation is very welcomed. We do, however, have some concerns regarding the legislation itself. Per Republican Rules, H.R. 6060 only extends the authorization for the programs until 2019, conflicting with the program's recovery goal date of 2023. This date has been recognized in prior versions of this bill during three consecutive sessions of Congress, and reflected in the Tribal, State, and local agreements.

We are also concerned about the limited time left in this Congress to enact this legislation into law. We recognize reclamation may already have the authorization to utilize power revenues specifically for these programs. While we would welcome this clarification through H.R. 6060, we also believe that the programs should not come to a halt because of the question of reclamation's existing authorities and this Congress's inability to act.

We are also disappointed that H.R. 2064, the Hydro 2.0 Act, sponsored by Ranking Member Markey and myself was not scheduled for a hearing. We hope that we will be soon. And we look forward to working with my colleagues on a schedule for the future.

Again, welcome to the witnesses, and yield back the balance of my time.

[The prepared statement of Mrs. Napolitano follows:]

**Statement of The Honorable Grace F. Napolitano, Ranking Member,
Subcommittee on Water and Power**

Thank you Mr. Chairman.

As the Chairman stated H.R. 6060, authorizes the use of power revenues as base funding for two recovery programs in the Upper Colorado and San Juan Rivers. We support the intent of H.R. 6060: to recover listed species while allowing for water and power operations. We support the Administration's position and commitment to these programs. We also welcome the Majority's better-late-than-never recognition that compliance with the endangered species act does not mean that water and power projects in the west must go dry or go dark.

As we will hear from the witnesses today, the Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program have the dual goals of recovering populations of endangered fish while providing ESA compliance for 2,320 water projects. These projects deliver more than 3.7 million acre-feet per year in the states of Wyoming, Utah, Colorado and New Mexico.

It is also important to note that no lawsuits have been filed on ESA compliance for any of these water projects.

The need for these programs is clear and a hearing on this legislation is welcomed. We do however have some concerns regarding the legislation. Per Republican rules, H.R. 6060 only extends the authorization for the programs until 2019, conflicting with the Program's recovery goals date of 2023. This date has been recognized in prior versions of this bill during three consecutive sessions of Congress and reflected in tribal, state and local agreements.

We are also concerned about the limited time left this Congress to enact this legislation into law. We recognize that Reclamation may already have the authorization to utilize power revenues specifically for these programs. While we would welcome this clarification through H.R. 6060, we also believe that the program should not come to a halt because of a question of Reclamation's existing authorities and this Congress's inability to act.

We were also disappointed that H.R. 6024, the Hydro 2.0 Act sponsored by Ranking Member Markey and myself, was not scheduled for this hearing. We look forward to working with my colleagues on schedule for the future. Welcome to our witnesses today. Yield back the balance of my time.

Mr. MCCLINTOCK. Thank you.

The Chair next recognizes the sponsor of the measure, Mr. Bishop of Utah.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. Thank you, Mr. Chairman, Ranking Member. Let me just do a couple of things in housekeeping at the very beginning of this. I want to thank all of those who are stakeholders who have had a portion and a say in the helping and crafting this particular bill. This is a bipartisan piece of legislation from those of us who are in the West.

I ask that letters of support be placed into the record. I have 19 letters of those. If I could ask—

Mr. MCCLINTOCK. Without objection.

[NOTE: The letters submitted by Mr. Bishop have been retained in the Committee's official files. A list of documents submitted can be found on page 36.]

Mr. BISHOP. Thank you. Specifically from the Central Utah Water Conservancy District, the Southern Ute Indian Tribe, the Utah Waters Association, and also the Bureau of Reclamation has supported this bill.

I would also like to welcome, specifically from Provo City Power, Kevin Garlick, who is the energy director there, who will be testifying on this particular bill. This is one where, once again, you know, we have an endangered fish recovery program extension. There are, what, four different types of endangered fish—kind of fish that actually need to be protected. If we don't do this, and we lose the control of this project, then how we manage the water system for the entire Intermountain West is going to be in jeopardy. So it is one of those things were we really do have to go forward.

I think, though, as this has been drafted, it has a couple of areas in which we have tried to make provisions to make sure that the bulk of the money is actually going to the issue itself and to the project. We have tried to cut down administrative overhead and tried to smooth out some of those areas to at least use the money wisely in this particular area. So I am proud of that.

So, I want to thank those who are here. I also wish to apologize that I—by all rights I should stay for the entire meeting. I have Rules Committee that is going right now. So I will beg for your—you are not going to give me an apology, are you? I am just going to have to bolt out without having—without asking permission—

Mr. MCCLINTOCK. The Subcommittee will miss you intensely.

[Laughter.]

Mr. BISHOP. Oh, thank you. I don't believe any of us. But I appreciate that. It is very kind of you to say that.

But I thank you for holding the hearing on this. I thank the witnesses who are going to be here. I think this is something that we all need for the Intermountain West, specifically in this particular area. And I think—I hope we have made some improvements on this bill that actually move us forward on the entire issue.

And with that, I will yield back the remainder of my time. Thank you, Mr. Chairman.

Mr. MCCLINTOCK. Thank you.

Mr. Gardner?

STATEMENT OF THE HON. CORY GARDNER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. GARDNER. Thank you, Mr. Chairman. And thank you, as well, to Ranking Member Napolitano and other colleagues on this Committee for allowing me the opportunity to participate in this hearing. And I would also like to thank our colleague from Utah, Mr. Bishop, for introducing the Endangered Fish Recovery Programs Extension Act of 2012.

The legislation before the Committee today is needed to protect western water projects, hydropower development, and to ensure these projects are compliant with the Endangered Species Act. The bill assists over 2,300 water projects that withdraw more than 3 million acre-feet of water, while at the same time protecting 4 endangered species of fish. It also makes important reforms by cutting overhead and prohibiting travel by Federal employees. This bill finds common ground and ensures Endangered Species Act protections continue, while giving the Bureau of Reclamation the authorization to continue with this effective and necessary program.

The bill has two main components. First, the reauthorization of this program keeps water projects in the Western Region online, and I think that is important. This bill will help keep Western projects online.

And second, the goal is, by 2019, to delist the Humpback Chub, Razorback Sucker, Bonytail, and the Colorado Pikeminnow from ESA restrictions. Another very worthy goal, to delist these species because of their recovery.

When former Congressman Wayne Aspinall brokered legislation to create the Colorado River Storage Project in the 1950s and 1960s, he knew the importance of developing water infrastructure for the West. Through the development of dams, hydroelectric power plants and water storage projects, we can preserve the livelihood of rural communities, and help to fight devastating drought, produce power, and help local businesses.

I had the opportunity earlier this year—thank you very much to the Chairman again—to participate with this Committee in a hear-

ing about water storage projects. In the hearing I expressed the importance of developing new water projects for surface water storage, because conservation alone cannot meet the needs that Colorado and the West will face. This is particularly true this year in the devastating drought conditions that we face.

Congressman Aspinall knew the difficult challenges on how to balance conservation needs with traditional demands for resource development. The legislation before the Committee strikes the appropriate balance. This program keeps water projects operating at high capacity while continuing to protect endangered species. It is an important step, and I am proud to cosponsor H.R. 6060. And again, thank you to the Chairman and thank you to the sponsor.

I yield back my time.

[The prepared statement of Mr. Gardner follows:]

**Statement of The Honorable Cory Gardner, a Representative
in Congress from the State of Colorado**

Thank you, Mr. Chairman. I would like to thank Chairman McClintock, Ranking Member Napolitano, and my other colleagues on this committee for allowing me the opportunity to participate in this hearing. I would also like to thank Mr. Bishop for introducing the Endangered Fish Recovery Programs Extension Act of 2012.

The legislation before the committee today is needed to protect western water projects, hydropower development, and to ensure these projects are compliant with the Endangered Species Act. The bill assists over 2,300 water projects that withdraw more than 3 million acre-feet of water, while at the same time protecting four endangered species of fish. It also makes important reforms by cutting program overhead and prohibiting travel by federal employees. This bill finds common ground and ensures ESA protections continue, while giving the Bureau of Reclamation the authorization to continue with this effective and necessary program. The bill has two main components: first, the reauthorization of this program keeps water projects in the western region online. Secondly, the goal is by 2019, to delist the humpback chub, razor back sucker, bonytail, and the Colorado pikeminnow from ESA restrictions.

When former Congressman Wayne Aspinall brokered legislation to create the Colorado River Storage Project in the 1950s and 1960s, he knew the importance of developing water infrastructure for the west. Through the development of dams, hydroelectric power plants and water storage projects we can preserve the livelihood of rural communities and help to fight drought, produce power, and help local businesses. I had the opportunity earlier this year to participate with this committee in a hearing about water storage projects. In the hearing I expressed the importance of developing new water projects for surface storage, because conservation alone cannot meet the water needs that Colorado and the west will face. Congressman Aspinall knew the difficult challenges on how to balance rising conservation needs with traditional demands for resource development. The legislation before the committee strikes an appropriate balance. This program keeps water projects operating at high capacity while continuing to protect endangered species. It is an important step, and I am proud to cosponsor H.R. 6060. I thank the committee again for allowing me the opportunity to participate, and I thank the witnesses for being here. I yield back the balance of my time.

Mr. MCCLINTOCK. Thank you, Mr. Gardner.
Mr. Tipton?

**STATEMENT OF THE HON. SCOTT R. TIPTON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. TIPTON. Thank you, Chairman McClintock, Ranking Member Napolitano, for convening today's hearing. And I would also like to thank Chairman Bishop for his leadership in bringing forward this critical legislation.

The Upper Colorado and San Juan River Basins provide key water and power resources to the third congressional district of Colorado, and other districts in Colorado, Wyoming, Utah, Arizona, and New Mexico. These rivers are also home to native fish species at risk of jeopardy findings under the Endangered Species Act. Such a finding would impose on Western constituents dramatic losses in water availability and hydropower production, resulting in lost jobs and increased power rates at a time when we can least afford it.

The Endangered Fish Recovery Act—Species Fish Recovery Act of 2012, extending the authorization for the Upper Colorado and San Juan fish recovery programs will continue much-needed efforts to recover four endangered fish species, and provide Endangered Species Act compliance for the Federal, Tribal, and non-Federal water projects. These programs are supported by a broad swath of stakeholders from local towns and counties to environmental groups to private industry, and are excellent examples of local solutions in lieu of onerous Federal management and over-regulation.

I am also pleased to see the cost reforms in this legislation included at the request of Chairman McClintock. By cutting overhead costs and eliminating inefficient agency spending, we can help ensure the success of the programs, while minimizing the taxpayer investment necessary to be able to achieve that end. I am optimistic that these programs can reach their goals in the coming years, recover the species at issue, and safeguard the economic well-being of our communities and the jobs connected to these efforts.

Thank you. And with that, I yield back, Mr. Chairman.

[The prepared statement of Mr. Tipton follows:]

**Statement of The Honorable Scott R. Tipton, a Representative
in Congress from the State of Colorado**

Thank you Chairman McClintock for convening today's hearing. I would also like to thank Chairman Bishop for his leadership in bringing forward this critical legislation.

The Upper Colorado and San Juan River Basins provide key water and power resources to the 3rd Congressional District of Colorado and other districts in Colorado, Wyoming, Utah, Arizona, and New Mexico. These rivers are also home to native fish species at risk of a "jeopardy" finding under the Endangered Species Act. Such a finding would impose on western constituents dramatic losses in water availability and hydropower production, resulting in lost jobs and increased power rates at a time when we can least afford it.

The Endangered Fish Recovery Act of 2012 extending the authorization for the Upper Colorado and San Juan fish recovery programs will continue much needed efforts to recover four endangered fish species and provide Endangered Species Act compliance for federal, tribal, and non-federal water projects. These programs are supported by a broad swath of stakeholders, from local towns and counties to environmental groups, to private industry, and are excellent examples of local solutions in lieu of onerous federal management and over-regulation.

I am also pleased to see the cost reforms in this legislation included at the request of Chairman McClintock. By cutting overhead costs and eliminating inefficient agency spending we can help ensure the success of the programs while minimizing the taxpayer investment necessary to achieve that end.

I'm optimistic that these programs can reach their goals in the coming years, recover the species at issue, and safeguard the economic well being of our communities and jobs connected to these efforts.

[A letter submitted for the record by Mr. Tipton from the Colorado River District follows:]



July 3, 2012

The Honorable Tom McClintock, Chairman
 The Honorable Grace F. Napolitano, Ranking Member
 Subcommittee on Water and Power
 Committee on Natural Resources
 United States House of Representatives
 1522 Longworth House Office Building
 Washington D.C. 20515

Subject: Support for Enactment of H.R. 6060, the Endangered Fish Recovery Programs Extension Act of 2012

Dear Chairman McClintock and Congresswoman Napolitano:

I am writing to express the Colorado River District's strong support for H.R. 6060, extending the authorization period for annual base funding of the Upper Colorado and San Juan fish recovery programs through FY2019. The River District has been a partner in the Upper Colorado River program and its success since its inception. These two highly successful programs are recovering four endangered fish species while providing compliance with the Endangered Species Act for more than 2,320 federal, tribal and non-federal water projects.

The programs operate in accordance with state water and wildlife laws, tribal laws, and interstate compacts. There has been no taking of water from any water user or Reclamation contractor. The programs allow the Federal government to fulfill its Indian trust responsibilities in compliance with the Endangered Species Act. No lawsuits have been filed on ESA compliance for any water project under the programs.

Continuation of annual base funding from Colorado River Storage Project hydroelectric power revenues at currently authorized levels is essential for the programs to provide continuing ESA compliance and to recover the endangered fish species in the two basins.

I respectfully urge the Subcommittee's support for this essential amendment to extend appropriation authorities contained in Public Law 106-392. I also wish to acknowledge the Subcommittee's past support which has allowed these nationally-recognized recovery programs to accomplish their important twin objectives of species recovery while allowing continued water use and development in the Upper Colorado and San Juan River basins.

Sincerely,

R. Eric Kuhn,
 General Manager

201 Centennial Street / PO Box 1120 • Glenwood Springs, CO 81602
 (970) 945-8522 • (970) 945-8799 Fax
www.ColoradoRiverDistrict.org

Mr. MCCLINTOCK. Thank you very much. Now we will hear from our panel of witnesses. We have a five-minute time limit, as was outlined in the invitation letter. Monitor that. We have an electronic timing system. When you are down to one minute you will have a yellow light. When the light turns red you will notice that the Members will start fidgeting uncontrollably, and ultimately start throwing things. So I would suggest you stop when the red

light goes on. Of course, anything that you have submitted in writing will be reprinted in full in the Committee's proceedings.

And with that, I am pleased to introduce our first witness, Mr. Bennett Raley, Counsel from Denver, Colorado, representing the Northern Colorado Water Conservancy District, for five minutes.

STATEMENT OF BENNETT W. RALEY, COUNSEL, NORTHERN COLORADO WATER CONSERVANCY DISTRICT, BERTHOUD, COLORADO

Mr. RALEY. Thank you, Mr. Chairman, Ranking Member Napolitano, members of the Committee. It is good to be before this Subcommittee again. This Subcommittee has always treated me better than I deserved, and I thank you.

I am here to testify in strong support of H.R. 6060. I am here on behalf of the Northern Colorado Water Conservancy District, which is one of the premier reclamation projects in the West. It is the project that diverts water from the headwaters of the Colorado over to the Eastern Plains. It serves roughly 640,000 acres of some of the most productive agricultural land in the Nation, and serves around three-quarter-million people, with a water supply year-round. It is incredibly important.

The Colorado-Big Thompson Project, which is not a CRSP project, nonetheless relies on the program that will be reauthorized by H.R. 6060.

I am also authorized to speak on behalf of the Front Range Water Council. The Front Range Water Council are the water utilities that stretch from Pueblo in the south to Colorado Springs, Denver, Aurora, Northern, clear up to Fort Collins in the North, the entire front range of Colorado. That constitutes 80 percent of the population in Colorado. It is roughly 80 percent of the GDP of the State of Colorado. And all of these entities rely in substantial part on a water supply that is covered by the program. They have evidenced their strongest support for it.

I would like to provide a little history as to the intense need for this program. Back in the 1990s, when I was representing Northern Colorado, we almost went into a catastrophe scenario. We were threatened with target flows at the Utah-Colorado State Line, that, to meet those target flows for Endangered Species Act purposes, would have frozen all development in the Upper Colorado River in Colorado, and would have forced water users on the East and West Slope to put back in the stream hundreds of thousands of acre-feet of water.

Now, some of the members, hundreds of thousands—given you—are in systems that are much larger than that—is a small amount. For Colorado, that is a huge amount. It would have been a catastrophe. We were close to entering into the litigation zone. We were able to negotiate the terms of the program. As a result, we have not had the litigation, as a number of you have mentioned. So, we are in strong support of this program.

I would like to make two additional points. When we negotiated and came up with a program in 1999, we very much intended that this program be reauthorized by Congress periodically. We thought that was of great value to build the trust that is necessary to have a functioning program. We wanted Congress, the Administration,

the States, power, the environmental community, and water users all to join in a transparent process, and one where it was not a secret, and one that had support of all the major players.

And so, back in 1999, when we pulled back from the cliff, we then hoped that Congress would periodically reauthorize this bill.

I will close by saying that I have had the experience of dealing with the Endangered Species Act in five States. It doesn't make me an expert. All I can do is claim survivor status. In fact, I confess that when I went home to Colorado I was happy that the Central Valley did not follow me home. I admit that somewhat of cowardice.

But that experience in five States, what it has taught me is that if there is a program like this that is mutually acceptable, it is superior in all respects to the chaos of litigation. Because the chaos of litigation and a failure of this program, what it means is it is good for lawyers, and nothing else.

Thank you, Mr. Chairman, Ranking Member.

[The prepared statement of Mr. Raley follows:]

**Statement of Bennett W. Raley, Trout, Raley, Montano, Witwer & Freeman,
P.C., Counsel, Northern Colorado Water Conservancy District**

Chairman McClintock, Ranking Member Napolitano, Members of the Subcommittee, it is an honor to be before you today to discuss H.R. 6060. I serve as Counsel to the Northern Colorado Water Conservancy District. Northern Water is the repayment entity for the Colorado-Big Thompson Project, which is one of the most successful federal reclamation projects in the West. Northern Water and its Municipal Subdistrict also own, operate and are in the process of developing other major water supply projects in Colorado in the Colorado River and South Platte River Basins. Approximately 850,000 people live within the boundaries of Northern Water and its Municipal Subdistrict. Northern Water and its Municipal Subdistrict provide year-round water supplies to over 40 municipalities and domestic water supply districts. Northern Water also delivers water to more than 120 ditch, reservoir, and irrigation companies that serve thousands of farms and more than 640,000 acres of some of the most productive farmland in the western United States. Northern Water participates in and supports the Upper Colorado River Endangered Fish Recovery Program.

My perspective on H.R. 6060 is also shaped by my experience over the years, with varying levels of intensity, with aquatic and terrestrial Endangered Species Act issues in Colorado, the Klamath River Basin, the Central Valley of California and the Middle Rio Grande in New Mexico, and with ESA-related litigation in federal courts in New Mexico and Arizona. I have also had some experience with the Multi-Species Conservation Plan in the Lower Colorado River, the Adaptive Management Program in the Grand Canyon of the Colorado, the Platte River Recovery Implementation Program, the Middle Rio Grande Endangered Species Collaborative Program, and finally, the Upper Colorado River and San Juan River Endangered Fish Recovery Programs that are the subject of today's hearing.

I am also authorized to state that the Front Range Water Council, which includes Aurora Water, Denver Water, Colorado Springs Utilities, Northern Water, Pueblo Board of Water Works, Southeastern Colorado Water Conservancy District and the Twin Lakes Reservoir and Canal Company, is in full support of H.R. 6060. The Front Range Water Council entities collectively provide a water supply derived from Colorado River projects covered by the Upper Colorado River Program to approximately 4 million people and over 900,000 acres of irrigated lands.

I know that the Members of this Subcommittee and your staff are very knowledgeable about the Upper Colorado and San Juan Endangered Fish Recovery Programs, and that the testimony of other witnesses and the legislative history of this and prior related legislation contain a complete Program description, so I will focus my testimony on two points in order to avoid needless repetition.

First, I cannot overstate the importance of the Upper Colorado River Endangered Fish Recovery Program to Northern Water and the other Front Range Water Council entities. These entities are in the process of spending millions of dollars in support of the Program in addition to the contributions by the States and power customers. These entities have the obligation and responsibility to provide a safe and

reliable water supply for approximately 80% of Colorado's economy. The Front Range Water Council entities support the Program because it is the best way to avoid uncertainty and the economic and social costs experienced by other areas of the West that have been plunged into chaos by conflicts between water supply needs and endangered species. The risks of not having a successful Program are far too great. And as the Members of this Subcommittee well know, those risks include years of litigation at best, and potentially a devastating disruption of water supplies that are critically important to cities, agriculture and industry.

Many years ago my Congressional testimony was to the effect that in a perfect world the Endangered Species Act would be repealed and replaced with a program that does more in the real world to protect species and their habitat and does less for lawyers and consultants. However, we do not live in a perfect world, and reauthorization and reform of the Endangered Species Act as a whole does not appear to be imminent. As an attorney who has participated in ESA-related litigation and has the responsibility of advising clients regarding the risks of litigation under the ESA, I can tell you that my advice to clients who wish to focus on delivering water instead of spending their time in court defending their water supplies is to support a reasonable program that achieves ESA objectives without sacrificing operational flexibility and yield of their water supply projects. Entities like Northern Water and the other Front Range Water Council entities have concluded that programs like the Upper Colorado River Endangered Fish Recovery Program are the best way for them to avoid potentially catastrophic conflicts under the Endangered Species Act and to continue to provide safe and reliable water supplies for cities, for farms, and for industry. I do not mean to suggest that Northern Water and other water entities will not have scientific and legal defenses to attempts to use the ESA to interfere with their water supply projects, but the certainty of the Program is clearly preferable to the uncertainty of litigation.

Second, my testimony in support of the swift passage and enactment of H.R. 6060 is also shaped by a portion of the history of the Upper Colorado River Endangered Fish Recovery Program. While this Program had been in existence for a number of years, in the late 1990's water users in Colorado were suddenly confronted with threats to use the Endangered Species Act to impose "target flows" for listed species for the Colorado River at the Colorado-Utah State line. The threatened target flows were substantial—under some hydrologic conditions meeting the target flows would have required no new depletions in the Colorado River Basin in Colorado and the cessation of hundreds of thousands of acre-feet of existing diversions. Simply put, we were about to go over a precipice into the chaos of litigation and court-directed operations of the Colorado River water supply projects that are the lifeblood of the State of Colorado.

Things looked quite grim until some of the major water users in Colorado, Ralph Morganweck, the then-Regional Director of the United States Fish and Wildlife Service, and leading members of the environmental community in Colorado developed the trust that was necessary to develop a mutually acceptable cooperative recovery program that avoided the looming conflict between water and hydropower projects and the endangered species in the Upper Colorado River Basin. The Upper Colorado River Endangered Fish Recovery Program, as currently constituted and implemented through the 1999 Programmatic Biological Opinion, was the result of this trust. While not perfect, this Program has so far survived two record-setting droughts in the Colorado River Basin and produced continuing gains for the listed species and a means by which over 2,300 existing and future water-related activities could receive ongoing Section 7 coverage.

I participated in those negotiations on behalf of Northern Water. At the time, Northern Water believed that periodic Congressional reauthorization of the Program was critically important to creating a sound program that was supported by Congress, the Department of the Interior, the Upper Colorado River Basin States, water users and power customers, and the environmental community. As a result, in 2000 Northern Water supported the legislation that was enacted as Public Law 106-392. Today, Northern Water strongly believes that Congress should reauthorize the Program as was originally contemplated back in 2000.

Your oversight and support of the Program is essential, as the future success of this Program is dependent on a continuation of the trust that allowed the Upper Colorado River Basin to avoid the catastrophic conflicts between endangered species and water development and use that exist elsewhere in the West. That trust is best preserved by your continued oversight of the Program and its expenditures. Northern Water and the Front Range Water Council entities support H.R. 6060, including appropriate measures that are designed to ensure that the available funds are used in the most effective manner possible.

A failure of the Upper Colorado River Endangered Fish Recovery Program will be good for lawyers and not much else. More importantly, a failure of the Program will put at risk the water supply for 4 million people and 900,000 acres of irrigated land in the Front Range of Colorado. Accordingly, Northern Water and the Front Range Water Council urge the swift passage and enactment of H.R. 6060.

Thank you for allowing me to testify today.

Mr. McCLINTOCK. Thank you for your testimony.

The Committee next welcomes Mr. Kevin Garlick, Executive Director for the Provo City Power Department in Provo, Utah.

**STATEMENT OF KEVIN GARLICK, ENERGY DIRECTOR,
PROVO CITY POWER, PROVO, UTAH**

Mr. GARLICK. Chairman McClintock, Ranking Member Napolitano, members of the Subcommittee, I am pleased to testify today on behalf of Provo City Power and CREDA, which represents the Colorado River Energy Distributors Association, in support of H.R. 6060, the Endangered Fish Recovery Programs Extension Act.

Before I state our reasons for supporting this bill, I would like to thank Representatives Rob Bishop, Jim Matheson, and Jason Chaffetz from Utah, and the other original cosponsors of H.R. 6060, for introducing this bill and working to get this hearing scheduled today.

Provo City Power is a non-profit, electric municipal utility that serves over 35,000 electrical customers in the City of Provo, Utah. CREDA is a non-profit organization that represents consumer-owned electric utilities, including municipal utilities like Provo City Power, electrical cooperatives, State agencies, and the Indian Tribes that purchase clean, renewable, and hydropower for multi-purpose Federal Colorado River Storage Project. CREDA members include—utilities currently serving over 4 million electric consumers in Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming.

The Upper Colorado River and the San Juan River Recovery Programs, which I will refer to collectively as the RRP, were authorized to recover four endangered species in the two river basins: the Colorado Pikeminnow, the Bonytail Chub, the Humpback Chub, and the Razorback Sucker. The RRP is a multi-year collaborative effort between the Federal Government, the Upper Colorado River Basin States, the water and power customers who benefit from the CRSP, Indian Tribes, and others to recover these species, while preserving the value of the Colorado River for water and power development and operations.

I have attached a list of the participants in the RRP program to my written testimony. The RRP provides compliance with the Endangered Species Act for over 2,300 water projects in 5 States, which collectively would draw about 3.7 million acre-feet of Colorado River water per year, and allows continued operation of the Flaming Gorge Dam and the Aspinall unit of the CRSP for water and power delivery. The program has two funding mechanisms, a capital funding component, and an annual funding component. The CRSP power customers provide funding for the RRP from the cell of CRSP hydropower to help finance both components, as do the Federal Government, the States, and the water users.

The capital component funds an activity—the capital funds activities such as the fish hatcheries, the passages and screens, water acquisitions, and flood plain restorations to recover the endangered species. Annual funding provides money for the non-capital funding of the RRP, such as predator control, public outreach, and administrative expenses, including program management. The bill before the Subcommittee today would reauthorize the use of the power revenues for the annual funding for the RRP through 2019. The use of power revenues for these purposes originally authorized by Congress in 2000 expire at the end of 2011.

Absent reauthorization, funding for these non-capital activities would be at risk, and the success of the program would be jeopardized. Provo City Power and CREDA believe the RRP is an excellent example of the private-public cooperation and collaboration to balance the use of the Colorado River and restore endangered species. We commend Congress for its foresight in authorizing the RRP in 2000. We strongly support H.R. 6060, and hope the Subcommittee will act promptly to move this bill forward. Thank you.

[The prepared statement of Mr. Garlick follows:]

**Statement of Kevin Garlick, Energy Director, Provo City Power,
Provo, Utah**

Chairman McClintock, Ranking Member Napolitano, Members of the Subcommittee, I am pleased to be here today to testify on behalf of Provo City Power and the Colorado River Energy Distributors Association (CREDA) on H.R. 6060, the Endangered Fish Recovery Programs Extension Act.

Provo City Power is a not-for profit, municipally-owned electric utility that serves approximately 35,000 retail electric customers in Provo, Utah.

CREDA is a non-profit organization that represents consumer-owned electric systems that contract for the delivery of federal hydropower from the Colorado River Storage Project (CRSP), transmitted over the federal transmission system of the Western Area Power Administration (WAPA). The CRSP includes several dams and reservoirs that provide municipal and industrial (M&I) and irrigation water supplies and generate clean, renewable hydropower for over 5 million consumers in six western states.

CREDA members are all non-profit organizations, serving over four million electric consumers in Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming. Members include political subdivisions—like Provo City Power—electric cooperatives, state agencies, municipalities and tribal utilities.

CREDA members (listing attached) purchase over 85 percent of the CRSP hydropower generation, the revenues from which are a primary funding source of the Upper Colorado River and San Juan River Endangered Fish Recovery Implementation Programs (Recovery Programs). CREDA has been an active participant in these Recovery Programs since their authorization.

The Recovery Programs provide Endangered Species Act (ESA) compliance for over 2,320 water projects that withdraw about 3.7 million acre-feet of water annually. The goals of the programs are to recover four endangered fish species—the humpback chub, razorback sucker, bonytail chub and the Colorado pikeminnow—while continuing operations and development of water projects in the Upper Colorado River and San Juan River basins, and operation of the Flaming Gorge Dam and Aspinall Unit facilities of the Colorado River Storage Project (CRSP.)

THE COLORADO RIVER STORAGE PROJECT (CRSP)

The CRSP was authorized in the Colorado River Storage Project Act of 1956 (P.L. 485, 84th Cong., 70 Stat. 50), as a multi-purpose federal project that provides flood control and water storage for irrigation, municipal and industrial purposes, in addition to the generation of hydropower. The operations of two of CRSP's features—Flaming Gorge Dam and the Aspinall Unit—are affected by decisions relating to recovery of the endangered species in the Upper Colorado and San Juan Basins. Since the early 1990's, as part of the Recovery Program, studies have been undertaken to determine endangered fish needs in this regions and operations of the dams have been adjusted.

Flaming Gorge Dam is on the Green River, a major tributary of the Colorado River, and is located near Vernal, Utah. Flaming Gorge has three units producing about 152 MW of generation. In 2007, the Bureau of Reclamation (Reclamation) finished an environmental impact states and issued a Record of Decision on the operations of Flaming Gorge Dam, which is intended to assist in recovery of the endangered fish species.

Changes in the operation of the Flaming Gorge generating units were estimated in the EIS to impact CRSP hydropower generation by \$118.7 million over a 25-year period.

The Aspinall Unit includes three dams and generating units along the Gunnison River near Gunnison, Colorado. Blue Mesa is the first dam on the river and has two generating units producing about 97 MW. Morrow Point is the second dam in the series and consists of two generators producing a total of 146 MW. Crystal is the final dam and has one 32 MW generator. Morrow Point and Crystal Reservoirs allow some regulation of the river flow so that releases from Crystal can be used to regulate downstream flows as necessary.

Reclamation completed an Environmental Impact Statement on the operation of the Aspinall Unit, and issued a Record of Decision on May 3, 2012. The changed operations are intended to assist in the recovery of endangered fish species while maintaining the authorized purposes of the Unit, and will result in impacts to CRSP hydropower generation.

HISTORY OF THE RECOVERY PROGRAMS

The Recovery Programs were established through Cooperative Agreements among the Upper Basin States of Colorado, Utah, New Mexico and Wyoming and federal agencies in 1988 (Upper Colorado) and 1992 (San Juan) for an initial 15-year period to help recover four species of endangered fish in the two river basins. In August 2009, the Cooperative Agreements were extended through 2023.

In October 2000, Congress passed legislation (P.L. 106–392) which authorized a \$100 million capital improvements program. The legislation required “matching funds” for the capital program so that, in the event State funding for the program ceased, so too would power revenue funding.

CREDA testified in support of this legislation in both the House and Senate. The legislation also had the support of the Upper Basin States, federal agencies and some environmental groups.

The 2000 law also authorized the use of CRSP power revenue funding for “base funding” of activities including operation and maintenance of capital features, and recovery actions other than capital projects, including monitoring and research, and program management.

The law states that, *“The utilization of power revenues for annual based funding shall cease after fiscal year 2011, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital project and monitoring.”*

This partial sunset reduced the availability of annual power revenue funding from approximately \$7.5 million to approximately \$4.0 million per year. The shortfall of approximately \$3.5 million may eliminate several ongoing annual activities (such as research and non-native fish control) needed to maintain ESA compliance.

To date, CRSP power revenues have provided over \$79.7 million of annual, or “base”, funding.

NEED FOR H.R. 6060

CREDA has been an active participant in the Recovery Programs since their inception, and believes that the programs are an excellent model of federal/non-federal collaboration. Efforts towards endangered fish recovery have had success and continue, but recovery has not been achieved.

In order for there to be a reliable, certain source of funding for annual “base” funding, H.R. 6060 would extend the authorization for the Upper Colorado and San Juan Recovery Programs through FY 2019, at current levels.

As under current law, after 2019 use of annual base funding would be limited to operation and maintenance of capital projects and monitoring.

H.R. 6060 would also make the following changes in the program:

- Require a report by the Secretary of the Interior in FY 2018 regarding the status of the species and the use of power revenues for base funding, in order to provide Congress with more timely information;
- Limit the overhead rate applied to funds transferred to the U.S. Fish & Wildlife Service from federal agencies to 3%; and
- Limit the use of federal funds by Department of Interior staff to travel to locations other than their duty station to advocate for the program.

Provo City and CREDA continue to support the Recovery Programs and urge passage of H.R. 6060.

**COLORADO RIVER ENERGY DISTRIBUTORS ASSOCIATION (CREDA)
MEMBERSHIP**

ARIZONA

Arizona Municipal Power Users Association
Arizona Power Authority
Arizona Power Pooling Association
Irrigation and Electrical Districts Association of Arizona, Inc.
Navajo Tribal Utility Authority (also New Mexico, Utah)
Salt River Project

COLORADO

Colorado Springs Utilities
Intermountain Rural Electric Association
Platte River Power Authority
Tri-State Generation & Transmission Cooperative (also Nebraska, Wyoming and New Mexico)
Yampa Valley Electric Association, Inc.

NEVADA

Colorado River Commission of Nevada
Silver State Electric Association

NEW MEXICO

Farmington Electric Utility System
Los Alamos County
Tri-State Generation & Transmission Cooperative
City of Truth or Consequences

UTAH

City of Provo
City of St. George
South Utah Valley Electric Association
Utah Associated Municipal Power Systems
Utah Municipal Power Agency

WYOMING

Wyoming Municipal Power Agency

Upper Colorado River Endangered Fish Recovery Program Partners

- State of Colorado
- State of Utah
- State of Wyoming
- Bureau of Reclamation
- Colorado River Energy Distributors Association
- Colorado Water Congress
- National Park Service
- The Nature Conservancy
- U.S. Fish and Wildlife Service
- Utah Water Users Association
- Western Area Power Administration
- Western Resource Advocates
- Wyoming Water Association

San Juan River Basin Recovery Implementation Program Partners

- State of Colorado
- State of New Mexico
- Jicarilla Apache Nation
- Navajo Nation
- Southern Ute Indian Tribe
- Ute Mountain Ute Tribe
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- The Nature Conservancy

- U.S. Fish and Wildlife Service
- Water Development Interests

Mr. McCLINTOCK. Thank you for your testimony.

Our next witness is Mr. Grayford Payne, a Deputy Administrator for Policy Administration and Budget from the Bureau of Reclamation.

STATEMENT OF GRAYFORD PAYNE, DEPUTY COMMISSIONER FOR POLICY, ADMINISTRATION AND BUDGET, BUREAU OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C.

Mr. PAYNE. Thank you, Chairman. Chairman McClintock, Ranking Member Napolitano, and members of the Subcommittee, I am Grayford Payne, Deputy Commissioner of Policy, Administration, and Budget at the Bureau of Reclamation. I am pleased to provide the views of the Department of the Interior on H.R. 6060, the Endangered Fish Recovery Programs Extension Act of 2012. With some clarifications, I will summarize today.

The Department supports H.R. 6060. The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program share the dual goal of recovering populations of endangered fish, while enabling water development. Program actions provide Endangered Species Act compliance for more than 2,300 Federal, Tribal, and non-Federal water projects depleting 3.4 million acre-feet of water per year in the Colorado and San Juan Rivers and their tributaries.

The programs expressly authorized under Public Law 106-392 in 2000 were first established under cooperative agreements in 1988 for Upper Colorado and 1992 for San Juan, respectively. Program partners include the State of Colorado, New Mexico, Utah, Wyoming, as well as Western Area Power Administration, Bureau of Reclamation, Fish and Wildlife Service, Bureau of Land Management, National Park Service, Indian Affairs, along with Native American Tribes, environmental organizations, water users, and power customers.

Public law 106-392 provides clear parameters for the use of the \$6 million per year, indexed for inflation, of Colorado River Storage Project hydropower revenues from Glen Canyon Dam and other CRSP facilities to support the base funding needs of the programs. Base funding is used for program management, scientific research, fish population monitoring, fish stocking, control of non-native fish, and operation and maintenance of capital projects.

The Department believes that the CRSP Act of 1956 provides the underlying authority for the use of hydropower revenues to support the base funding needs of the program. From that perspective, H.R. 6060 provides the complementary authority to continue using power revenues for base funding, in our view.

We understand the program partners' desire for certainty, and we recognize that P.L. 106-392 provides a good approach to implementing the programs. For that reason, we support the complementary use of that authority, and support H.R. 6060. The Department, however, reserves the right to comment on any specific funding offsets that may be suggested in order to meet the Committee's

funding requirements. Section 2 of H.R. 6060 would require—would extend the authorization to utilize CRSP hydropower revenues at the current level, approximately \$7.6 million in 2012 dollars through 2019 to support the base funding needs of both programs.

Section 2 of H.R. 6060 would also direct the preparation of a second report to Congress on the utilization of hydropower revenues by 2018, with new requirements that the report describe the status of listed fish with projected dates for downlisting and delisting them under the ESA.

Section 3 of the bill would limit rates for cost recovery by the U.S. Fish and Wildlife Service on transfers from other agencies. And Section 4 would limit the use of Federal funds for advocacy by departmental employees.

My written statements speak more fully to these sections of this legislation, as they pertain more directly to the Fish and Wildlife Service. I will otherwise defer on addressing these issues during today's testimony.

In closing, the Upper Colorado River and San Juan River recovery programs take a successful cooperative approach to recovering aquatic native fish species, avoiding litigation and providing ESA compliance to Federal and non-Federal water users. The continued use of CRSP hydropower revenues is critical to the ability of these programs to realize their goal.

This concludes my statement. I would be pleased to answer any questions at the appropriate time. Thank you.

[The prepared statement of Mr. Payne follows:]

Statement of Grayford F. Payne, Deputy Commissioner for Policy, Administration and Budget, Bureau of Reclamation, U.S. Department of the Interior

Chairman McClintock and Members of the Subcommittee, I am Grayford Payne, Deputy Commissioner for Policy, Administration and Budget at the Bureau of Reclamation (Reclamation). I am pleased to provide the views of the Department of the Interior (Department) on H.R. 6060, the "Endangered Fish Recovery Programs Extension Act of 2012." With some clarifications described below, the Department would support H.R. 6060.

The Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program (Programs) share the dual goals of recovering populations of endangered fish while water development continues to meet current and future human needs. Program actions provide Endangered Species Act (ESA) compliance for more than 2,300 federal, tribal, and non-federal water projects depleting 3.4 million acre-feet of water per year in the Colorado and San Juan rivers and their tributaries. The Programs, authorized by Public Law 106-392, as amended, were established under cooperative agreements in 1988 (Upper Colorado) and 1992 (San Juan) and were funded through the Colorado River Storage Project Act of 1956 (CRSP). Program partners include the states of Colorado, New Mexico, Utah, and Wyoming; the Bureau of Reclamation, Western Area Power Administration, U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, and Bureau of Indian Affairs; Native American tribes; environmental organizations; water users; and power customers.

Public Law (PL) 106-392 expressly authorized the use of a maximum of \$6 million per year (indexed for inflation) in CRSP hydropower revenues from Glen Canyon Dam and other CRSP facilities to support the base funding needs of the Programs through 2011. Base funding is used for program management, scientific research, fish population monitoring, fish stocking, control of non-native fish, and operation and maintenance of capital projects.

Section 2 of H.R. 6060 as introduced would extend the authorization to utilize CRSP hydropower revenues at the current level (up to \$6 million per year adjusted for inflation, or approximately \$7.6 million in 2012 dollars) through 2019 to support

the base funding needs of both Programs. The Program's recovery goals extend to the year 2023¹, and that date has been recognized in prior versions of this bill during three consecutive sessions of Congress². However we understand that H.R. 6060's extension to the year 2019 is linked to a limitation in the House's current rules regarding the length of authorizations for all programs, and has no linkage to these specific Programs. Section 2 of the bill would also direct the preparation of a second report to Congress on the utilization of hydropower revenues³ by 2018, with new requirements that the report describe the status of listed fish with projected dates for downlisting and delisting them under the ESA.

The Department believes that the CRSP Act of 1956 provides the underlying authority for the use of hydropower revenues to support the base funding needs of the Programs. From that perspective, H.R. 6060 provides complementary authority to continue using power revenues for base funding in our view. We understand the Program partners' desire for certainty, and we recognize that PL 106-392 provided a good approach to implementing the Programs. For that reason we support the complementary use of that authority and support H.R. 6060. The Department, however, reserves the right to comment on any specific funding offset that may be suggested in order to meet the Committee's funding requirements.

Section 3 of H.R. 6060 would limit the rates of cost recovery by the U.S. Fish and Wildlife Service on any transfers to the agency for activities associated with the Programs. The Bureau of Reclamation transfers funds to the Fish and Wildlife Service to conduct work under the Recovery Programs. With the funds provided by Reclamation, the Service conducts biological research, monitors fish populations and their responses to recovery actions, implements non-native fish control, produces endangered fish for stocking and provides program management services. The Service charges Reclamation a reduced overhead rate of 11% for these activities. Fish and Wildlife Service Policy (264 FW 1) and the Office of Management and Budget (OMB) Circular A-25 require that the Service recover full costs of providing goods and services to private entities, States, tribes, and other government agencies. This achieves the dual objectives of ensuring that the service, sale, or use of Service goods or resources are provided to agencies in a self-sustaining manner; and promoting efficient allocation of our resources by establishing charges that reimburse the Service for these activities. Limiting the cost recovery rate to 3 percent would make it impossible for the Service to recover the full costs of providing these services. We would be happy to work with the Committee to explore alternative language regarding cost recovery.

Section 4 of H.R. 6060 would direct that no federal funds may be used for any Departmental employees or detailees to travel to any locations to ". . . advocate, lobby, or attend meetings that advocate or lobby. . ." for the Programs. Existing law restricts lobbying with appropriated funds and is applicable to all executive branch agencies, including the Department. This existing provision makes Section 4 unnecessary and duplicative of existing law.

The Upper Colorado and San Juan River Recovery Programs have been nationally recognized for their cooperative approach to recovering aquatic native fish species, avoiding litigation, and providing ESA compliance to federal and non-federal water users. The continued use of CRSP hydropower revenues is critical to the ability of these Programs to realize their goals. There appears to be strong support for this legislation from the Program's non-federal stakeholders.

This concludes my written statement. I would be pleased to answer questions at the appropriate time.

Mr. McCLINTOCK. Great. Thank you for your testimony.

Our next witness is Mr. Randy Kirkpatrick, Executive Director for the San Juan Water Commission in Farmington, New Mexico. Welcome.

¹The most recent drafts of the recovery goals (2008) contain the following time frames for delisting the four endangered fish species: humpback chub (2016), Colorado pikeminnow (2021), razorback sucker (2023), and bonytail chub (2023). These documents are currently under review and final documents are not yet available.

²H.R. 7169 (110th Congress), H.R. 2288 (111th Congress), S. 1453 (111th Congress), and S. 1224 (112th Congress).

³Reclamation submitted the first report pursuant to Section 3(d)(2) of PL 106-392 on April 28, 2010.

**STATEMENT OF RANDY KIRKPATRICK, EXECUTIVE DIRECTOR,
SAN JUAN WATER COMMISSION, FARMINGTON, NEW MEXICO**

Mr. KIRKPATRICK. Chairman McClintock, Ranking Member Napolitano, members of the Water and Power Subcommittee, it is a pleasure to be before you in support of the Endangered Fish Recovery Programs Extension Act of 2012. Both of the programs, the Upper Colorado and the San Juan Recovery Program, are recognized successes.

Today I will focus on the San Juan Basin Recovery Implementation Program, as others before you will today address the Upper Basin Program.

I am the Executive Director of the San Juan Water Commission established in 1986 to develop, administer the Animas-La Plata Water Project, and plan, protect, and secure sufficient water supplies for existing and future uses in San Juan County, New Mexico.

The Commission has participated in the development implementation of the San Juan Recovery Program for 23 years, and continues today in working to a successful meeting of the program goals. And those goals are to conserve the population of Colorado Pikeminnow and Razorback Sucker in the Basin, consistent with the recovery goals established under the Endangered Species Act, and to proceed with water development and compliance with Federal and State laws, inter-state compacts, Supreme Court decrees, and Federal trust responsibility to the Southern Ute Tribe, Ute Mountain Tribe, Jicarilla Nation, and the Navajo Nation.

Program participants include 12 parties: State, Federal agencies, environmental interests, Tribes, and water users, a list of which is on my written testimony. In the San Juan Basin, 319 projects representing 880,000 acre-feet have met ESA compliance as a result of this program, including those needed to meet the Federal settlement of four Native American Tribes—Nations in the Basin.

The two endangered fish have been recovering since 1990. The Colorado Pikeminnow has grown from as few as 20 to well over 2,500 in the San Juan River. The Razorback Sucker, virtually from none to over 1,200 adults in 2010. The defined end point for the program is the delist dates for the Colorado Pikeminnow, 2020, and the Razorback Sucker, 2023.

Following delisting, the Federal Government, States—and possibly other parties will enter into agreements to prevent the fish becoming listed again. Cost support for the program has been provided by a combination of State, power customers, water users, and the Federal Government. Support has always been across the board, and continues thus, as evidenced by the sponsor of the amendment before you today.

Without this amendment, long-term improvements, protection of the fish status, and our ability to fully develop and use our already limited water supplies may be in jeopardy. Public Law 106-392 should be amended to allow continued use of power revenues for annual base funding of all activities, as originally authorized.

I appreciate this opportunity to provide this testimony to the Water and Power Subcommittee. Thank you.

[The prepared statement of Mr. Kirkpatrick follows:]

**Statement of L. Randy Kirkpatrick, Executive Director,
San Juan Water Commission, Farmington, New Mexico**

My name is Randy Kirkpatrick. I am Executive Director, San Juan Water Commission, Farmington, New Mexico. I am here to testify in support of H.R. 6060.

The San Juan Water Commission (Commission) was established in 1986 to receive and administer Animas-La Plata Project water and secure additional water supplies for existing and future demands for San Juan County. The Commission holds water rights, monitors water supplies and collects data. The Commission advocates water resource conservation and water development. The Commission represents more than 120,000 people in northwestern New Mexico.

The Commission participated in negotiations initiated in 1989 regarding Endangered Species Act compliance for water projects that resulted in creation of the San Juan River Basin Recovery Implementation Program (San Juan Program). The Commission has been actively involved in implementation of the San Juan Program since its inception in 1992.

My testimony will focus on the San Juan Program, the benefits of the Program to federal, non-federal and tribal water users in the San Juan basin, and the need for H. R. 6060.

I believe you will be receiving or have received letters of support for H.R. 6060 from numerous non-federal participants in the San Juan program.

UPPER COLORADO AND SAN JUAN RIVER BASIN RECOVERY PROGRAMS

The programs have the goals of recovering four federally listed endangered fish species in the Upper Colorado River basin while water development and management activities proceed in compliance with state and laws, interstate compacts, tribal water rights, Indian trust responsibilities of the United States, and the Federal Endangered Species Act. Activities of the programs provide Endangered Species Act compliance for more than 2,300 water projects depleting approximately three million acre-feet per year in the Upper Colorado River and San Juan River basins, including every Bureau of Reclamation project in the Upper Basin upstream of Lake Powell, water projects that meet the United States trust obligations to American Indian tribes, and literally hundreds of non-federal water projects providing water for municipal, irrigation, industrial, and recreational uses. No lawsuits have been filed as a result of ESA compliance for water projects under the recovery programs.

The programs have been hailed by administrations of both parties for their successes. In 2000, Secretary of the Interior, Bruce Babbitt referred to the Upper Basin recovery programs as "an ongoing success story" (Colorado River Water Users Association, 2000). Secretary of the Interior Gale Norton referred to the programs as a national model of how the Endangered Species Act should be implemented (Colorado Water Congress, 2006). In 2008, Secretary Dirk Kempthorne awarded the Upper Basin and San Juan programs the Department of the Interior's Cooperative Conservation Award for the successful history of stakeholder collaboration resolving "seemingly intractable water use conflicts..."

The programs have substantial grassroots support among participants. Since the inception of these programs, they have enjoyed strong support in Congress, as indicated by the substantial bi-partisan support for H.R. 6060.

THE SAN JUAN RECOVERY PROGRAM

The San Juan Program was established in 1992. The San Juan Program includes the San Juan River drainage in Colorado, New Mexico, and Utah, totaling approximately 23,000 square miles. The two goals of the Recovery Program are:

- 1) to conserve populations of Colorado pikeminnow and razorback sucker in the basin consistent with the recovery goals established under the Endangered Species Act, and
- 2) to proceed with water development in the basin in compliance with federal and state laws, interstate compacts, Supreme Court decrees, and federal trust responsibilities to the Southern Ute Tribe, Ute Mountain Ute Tribe, Jicarilla Apache Nation, and the Navajo Nation.

The dual goals guide actions by the San Juan Program.

San Juan Program participants include:

- Bureau of Reclamation
- U.S. Fish & Wildlife Service
- Bureau of Indian Affairs
- Bureau of Land Management
- States of Colorado and New Mexico
- Jicarilla Apache Nation
- Navajo Nation

- Southern Ute Tribe
- Ute Mountain Ute Tribe
- The Nature Conservancy
- Water Development Interests

ESA Compliance for Water Depletions in the San Juan Basin

The San Juan Program implements actions to achieve recovery of the species and provide ESA compliance for Federal, non-Federal and tribal water development and management activities. These actions avoid jeopardy, avoid adverse modifications of critical habitat, and provide measures to minimize any incidental take of endangered fish that occurs. Federal Reclamation Projects include Navajo Dam, Reservoir, the Animas-La Plata Project and others. ESA compliance for water projects in New Mexico, Colorado, and Utah is summarized in the table below:

Summary of Endangered Species Act Section 7 Consultations

(1/1992 through 12/31/2011)

State	Number of Projects	Depletions Acre-Feet/Year
New Mexico	21	653,753
Colorado	284	217,788
Utah	14	9,146
TOTAL	319	880,687

In addition to in-basin water use, the Recovery Program provides ESA compliance for the Reclamation's San Juan-Chama Project. San Juan-Chama diverts 100,000 acre-feet/year of critical water supplies to Rio Grande basin municipalities, industries, agriculture, and Native American pueblos in central New Mexico.

ESA Compliance for Tribal Water Projects

Reservations of four Native American tribes are located wholly or partially within the San Juan basin: Navajo Nation, Jicarilla Apache Nation, Southern Ute Tribe, and Ute Mountain Ute Tribe. The Secretary of the Interior has a trust responsibility to assert and protect the trust water resources of the four tribes in the basin. The San Juan Program allows the United States to carry out its trust responsibilities in compliance with the ESA for a number of activities that benefit the tribes including:

- Colorado Ute Settlement
- Navajo Water Settlement
- Jicarilla PNM Water Contract
- Navajo Gallup Pipeline
- Navajo Indian Irrigation Project
- Jicarilla Water Settlement

The San Juan Program also provides ESA compliance for small water projects on tribal lands benefitting the tribes.

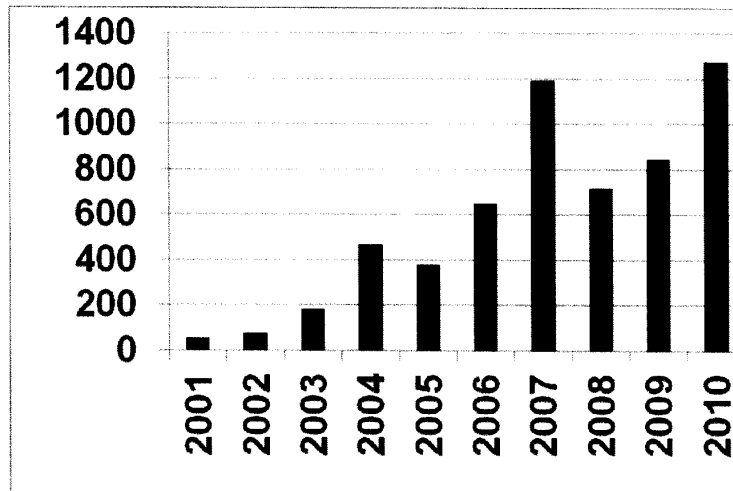
Recovery of Endangered Fish in the San Juan Basin

The originators of the San Juan Program recognized that factors other than flows contributed to the endangerment and affect the recovery of the endangered fish species. To achieve recovery, the multifaceted Program includes:

- provision of water for fish habitat,
- habitat development (fish screens, fish passages, braided reaches),
- research and monitoring,
- stocking of endangered fish,
- controlling non-native fish species, and
- water quality protection.

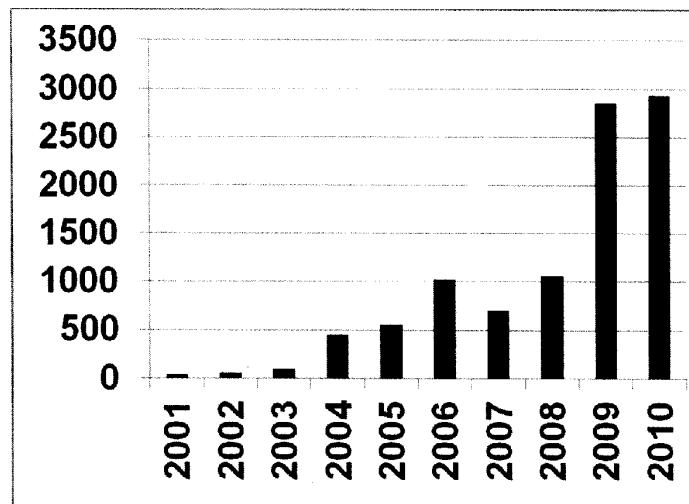
The San Juan Program also includes information/education and program management components.

Some 180 miles of critical habitat are now accessible to the endangered fish and other native species due to fish passages. Hatcheries are producing genetically diverse Colorado pikeminnow and razorback suckers for stocking to restore these species. The impacts of introduced non-native species are being reduced. Research and monitoring continue to evaluate the populations, impacts of recovery actions on those populations, and the need for scientifically based adaptive management. When the San Juan Program was initiated, there were an estimated 20 to 60 Colorado pikeminnow and virtually no razorback sucker in the San Juan River. The numbers of Colorado pikeminnow and razorback sucker, once almost gone in the basin, have dramatically increased as shown in the graphs below.



Adult Razorback sucker captured in the San Juan River

(Source: San Juan Recovery Program)



Adult and subadult Colorado pikeminnow captured in the San Juan River

Razorback sucker and Colorado pikeminnow adult and sub-adult numbers continue to increase in the San Juan River, showing that the adult fish are surviving in the system. Both species are also spawning as evidenced by constant larval fish

captures. Juvenile razorback sucker have been captured indicating that larval fish are surviving.

END DATES FOR RECOVERY PROGRAMS

Recovery of the listed species is the goal of the San Juan Program. Recovery provides a defined end point for the Program. Recovery is dependent on the status of the species in both the Upper Colorado and San Juan river basins. The projected delist date for the Colorado pikeminnow is 2020. For the razorback sucker, it is 2023. Therefore, the projected end date for the San Juan Program is 2023. Following delisting, the Federal government, the states and possibly other parties will enter into agreements to ensure that conditions resulting in delisting are maintained so that the species don't become listed again.

RECOVERY PROGRAMS AUTHORIZING LEGISLATION—P.L. 106-392

P.L. 106-392 was signed into law on October 30, 2000. The law authorizes the Bureau of Reclamation to provide cost sharing of capital construction and annual operations for both the Upper Colorado and San Juan River endangered fish recovery programs. The law recognizes significant and specific cost sharing contributions to the programs by the States of Colorado, Wyoming, Utah, and New Mexico, power customers, and water users for these purposes.

P.L. 106-392 has been amended three times with strong bi-partisan support. P.L. 107-375 extended the period for capital construction to 2008 for both programs. P.L. 109-183 extended the period for construction of capital projects for both programs through FY 2010, authorized an additional \$15 million in capital expenditures for the Upper Colorado River Recovery Program, and recognized an additional \$11 million in non-federal cost share contributions. P.L. 111-11 provided an additional \$27 million in federal authority, recognized an additional \$56 million in non-federal contributions, and extended the funding authority to FY 2023, the expected date for recovery of the four endangered fish species.

H.R. 6060 Amendments Regarding Authorization of Continued Annual Base Funding from Power Revenues

Annual base funds from 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, \$46,465,562 in power revenue base funds have been expended or obligated by the Upper Colorado Recovery Program, and \$22,269,167 by the San Juan Recovery Program (2001–2012). The U.S. Fish and Wildlife Service, the four participating states, American Indian Tribes, and water users also provide additional annual funding and in-kind contributions for these activities.

The authorization for use of power revenues for annual base funding of recovery program actions, other than for operation and maintenance of capital projects and monitoring, ceased as of fiscal year 2011.

The approximate fiscal impacts of reductions in annual base funding (estimates in fiscal year 2008 dollars) after fiscal year 2011 without reauthorization are summarized as follows:

Recovery Program	Full Base Funding	Reductions in Annual Base Funding Without Reauthorization	Remaining Annual Base Funding Without Reauthorization
Upper Colorado	\$5,087,791	(\$2,289,506)	\$2,798,285
San Juan	\$2,533,874	(\$999,728)	\$1,534,146
Total:	\$7,621,665	(\$3,289,234)	\$4,332,431
Percent:	100%	43%	57%

The fiscal impacts are based on 2011–2011 expenditures by the two recovery programs. Without reauthorization, annual base funding from power revenues for non-native fish management, research, public information and involvement, and program management would be eliminated from both recovery programs. This would delay and significantly impede the recovery programs' achievements in restoring populations of the endangered fishes. As a result, ESA compliance provided by re-

covery program actions for more than 2,300 water projects, as well as future projects, would not likely continue. ESA compliance depends not only on implementing recovery actions, but is ultimately and directly linked to long-term improvement in the status of fish populations.

Continuation of Current Levels of Annual Funding from Other Sources

The language in the existing legislation that base funding and depletion charges previously agreed upon will be retained: *"Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs."* This provides that annual and in-kind contributions by the U.S. Fish and Wildlife Service, the four participating States, American Indian Tribes, and water users identified in the original agreements will continue.

RECOMMENDATION REGARDING BASE FUNDING

P.L. 106-392 should be amended to allow continued use of power revenues through 2019 for annual base funding of all activities as originally authorized and which are necessary to achieve recovery. The expected date of recovery of the razor-back sucker and bonytail is 2023. H.R. 6060 implements these recommendations. I recommend that Congress pass amendments to insure continued base funding at current levels. H.R. 6060 accomplishes this.

I appreciate the opportunity to provide this testimony to the Water and Power Subcommittee.

Mr. MCCLINTOCK. Thank you for your testimony.

Our final witness is Mr. John Shields, the Interstate Streams Engineer for the Wyoming State Engineer's Office from Cheyenne, Wyoming to testify. Welcome to the Committee.

STATEMENT OF JOHN W. SHIELDS, INTERSTATE STREAMS ENGINEER, WYOMING STATE ENGINEER'S OFFICE, CHEYENNE, WYOMING

Mr. SHIELDS. Thank you. Thank you, Chairman McClintock, Ranking Member Napolitano, and members of the Subcommittee. As the Chairman indicated, my name is John Shields. I work for the Wyoming State Engineer's office. I have represented Wyoming on the management committee of the Upper Colorado River Endangered Fish Recovery Program since the program's initiation.

Wyoming participated in the negotiation of the Upper Colorado Program, and has participated in implementing it since it got underway in 1988. I am very pleased to testify in support of H.R. 6060, the Endangered Fish Programs Recovery Extension Act of 2012 [sic].

H.R. 6060 addresses the needs of both the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. Extension of authority to continue all use of Colorado River Storage Project hydropower revenues for all annual base funding purposes is critical to the ability of these programs to realize their goals to recover the four endangered fish species.

Absent reauthorization, we foresee significant issues arising with Endangered Species Act compliance for the more than 2,300 water projects relying on these programs. Failure to provide full annual base funding would cripple the programs. The programs face losing about \$3 million in funding used for critically important non-native fish management and control, scientific research, administrative program management, and public information activities, as the other witnesses have described to you today. That \$3 million

amount is more than 40 percent of the 2 programs' total annual base funding.

Elimination of these recovery activities will impede and significantly delay the program's ability to restore the four endangered fish species to self-sustaining population levels, which is the all-important benchmark to achieve recovery of the fish. These outcomes are unacceptable to all of the recovery program's participants. The programs are using innovative, cost-effective measures to recover the fish, while water development and management activities proceed in compliance with State laws, interstate compacts, and the Federal Endangered Species Act.

The programs have recovery goals containing objective, measurable criteria for downlisting and delisting the species, including numeric population goals, and site-specific management actions necessary to minimize threats. The recovery goals allow the programs to monitor progress toward achieving recovery, to assess the effectiveness of management actions, and to adjust recovery efforts through adaptive management.

Section 4 of the ESA requires status reviews of each listed species' progress toward recovery each 5 years. The U.S. Fish and Wildlife Service's current five-year reviews include timelines projecting recovery of the four fish species will occur by the end of 2023, at which time the programs will end. The programs have been designed to end when the four fish species have been recovered. Recovery of the endangered fish will achieve the ultimate goal of the ESA. Recovery provides the greatest regulatory certainty for Federal and non-Federal water development and management activities.

H.R. 6060 should be enacted into law. Enactment will allow the two recovery programs to continue to use CRSP hydropower revenues for all annual base funding activities through 2019 at currently authorized levels. All of the ongoing annual base funding activities are critical to these programs, accomplishing the primary goal of recovering the four endangered fish species by 2023.

I greatly appreciate the opportunity to provide this testimony supporting the enactment of H.R. 6060, and will be happy to answer any questions.

[The prepared statement of Mr. Shields follows:]

**Statement of John W. Shields, Interstate Streams Engineer,
Wyoming State Engineer's Office**

Chairman McClintock, Ranking Member Napolitano, and Members of the Subcommittee, my name is John Shields. I am the Interstate Streams Engineer for the Wyoming State Engineer's Office in Cheyenne, Wyoming. I represent Wyoming on the Management Committee of the Upper Colorado Endangered Fish Recovery Program. That committee reports to the Program's governing committee. Wyoming participated in negotiation of the Program and has participated in implementation of the Upper Colorado River Endangered Fish Recovery Program since its inception in 1988. I am here to testify in support of H.R. 6060, the *Endangered Fish Recovery Programs Act of 2012*, 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 2019.

H.R. 6060 addresses the needs of both the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program (Programs). Extension of the authority to continue use of Colorado River Storage Project (CRSP) hydropower revenues is critical to the ability of these Programs to realize their goals. Absent such reauthorization, the Programs face losing more than \$3 million in annual base funding (more than 40 percent of the annual

total) used for critically important nonnative fish management and control, scientific research, administration/program management and public information activities. As a result, the Programs' ability to restore the four endangered fish species to self-sustaining population levels, which is the all-important benchmark to achieve recovery of the fish would be both impeded and significantly delayed. In turn, we foresee that Endangered Species Act compliance being provided for water projects across the Upper Colorado and San Juan river basins would be impacted. Both outcomes are unacceptable to all of the recovery programs' participants.

Upper Colorado And San Juan River Basin Recovery Programs

The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program are using innovative, cost-effective measures to recover four species of endangered Colorado River fishes. At the same time, water and hydroelectric power resources are being managed within state and federal laws and tribal rights to meet the needs of people in growing western communities.

The Programs have the goals of recovering the four fish species in the Upper Colorado River basin while water development and management activities proceed in compliance with state laws, interstate compacts, and the federal Endangered Species Act (ESA).

These Programs have recovery goals that provide objective, measurable criteria for downlisting and delisting the species, including numeric population goals and a set of specific recovery activities. The recovery goals allow the Programs to monitor progress towards achieving recovery, to assess the effectiveness of management actions, and to adjust recovery efforts through adaptive management. The U.S. Fish and Wildlife Service (USFWS) is required, pursuant to Section 4 of the ESA, to provide a status review of each listed species' progress towards recovery each five years. The Service has projected recovery of the four fish species will occur by the end of 2023, at which time the Programs will end. These timelines to achieve recovery are found in the recently published five-year reviews for the Colorado pikeminnow and humpback chub and the in-draft species' status reviews for the bonytail and razorback sucker. The recovery programs will end when the four species of endangered fish have been recovered.

The Programs have substantial grassroots support among their participants, which include the four Upper Basin states (Colorado, New Mexico, Utah and Wyoming), American Indian tribes (Navajo Nation, Jicarilla Apache Nation, Southern Ute Tribe and Ute Mountain Tribe), water users, power customers and environmental organizations. Five federal agencies (USFWS, Bureau of Reclamation, National Park Service, and Western Area Power Administration and Bureau of Indian Affairs) participate in the Programs. These diverse interests continue to demonstrate that working cooperatively produces far greater results than independent efforts.

The recovery programs are currently providing ESA compliance for 2,320 federal, tribal, and nonfederal water projects, including every Bureau of Reclamation project in the Upper Basin upstream of Lake Powell, water projects that meet the United States' trust obligations to American Indian tribes, and literally hundreds of non-federal water projects providing water for municipal, irrigation, industrial, and recreational uses. No lawsuits have been filed as a result of ESA compliance under the Programs. The programs use adaptive management to evaluate and revise management actions as new information becomes available.

Public Law 106-392 and its Subsequent Amendments

P.L. 106-392, signed into law on October 30, 2000, authorizes the Bureau of Reclamation to provide cost-sharing for capital construction and fund annual operations for these two endangered fish recovery Programs. The law recognizes significant and specific cost-sharing contributions to the Programs by the States of Colorado, Wyoming, Utah, and New Mexico, power customers, and water users for these purposes.

P.L. 106-392 has been amended three times with substantial bi-partisan support in both the House of Representatives and United States Senate. P.L. 107-375 extended the period for capital construction to 2008 for both Programs. P.L. 109-183 extended the period for construction of capital projects for the Programs through FY 2010, authorized an additional \$15 million in capital expenditures for the Upper Colorado Program, and recognized an additional \$11 million in non-federal cost-share contributions. P.L. 111-11 provided an additional \$27 million in authority for federal funding of capital projects, recognized an additional \$56 million in non-federal contributions, and extended the authority to expend funding for capital projects through the end of FY 2023, which is the expected recovery date for the endangered fish species.

Capital project funds have been used to construct hatchery facilities, fish passages and screens, complete water acquisition projects and restore floodplain habitat across the San Juan and Upper Colorado basins. P.L. 106–392 provided for three sources of capital funds within these programs: federal appropriations (provided within Reclamation’s “Endangered Species Recovery Implementation Program” budget line-item) along with \$17 million of CRSP power revenues from CRSP power users and \$17 million provided by the States of Colorado, New Mexico, Utah and Wyoming.

P.L. 106–392 expressly authorized the use of a maximum of \$6 million per year (indexed for inflation) of CRSP hydropower revenues to support the annual base funding needs of the Programs through the end of fiscal year 2011. As noted, operation and maintenance of the hatcheries, fish passages, fish screens, and flooded bottomland facilities, monitoring of the four endangered fish populations, and non-native fish management, scientific research, administration/program management and public information activities are all conducted with annual base funding.

H.R. 6060 Will Extend Authority to Use Power Revenues For Annual Base Funding

Annual base funding activities contribute significantly to successfully completing recovery actions specified in the species’ recovery goals, including instream flow identification, evaluation, and protection; habitat restoration and maintenance; management of nonnative fish impacts; endangered fish propagation and stocking; scientific research, monitoring, and data management; public information and involvement; and administrative program management. The USFWS, the four participating states, the four American Indian Tribes, and water users also contribute—and will continue to provide—additional annual funding and in-kind contributions for these activities. The cooperative agreements for both programs reflect that all participants have committed to the conduct of these Programs through the end of FY 2023.

The extension of authority to the end of fiscal year 2019 contained in H.R. 6060 complies with the current House of Representatives’ protocol limiting authorizations to 7 years after the year of enactment. The recovery programs’ participants anticipate the need to seek an additional extension of authority prior to the end of fiscal year 2019 based on current projections that each of the four species of endangered fish will not be delisted (e.g., recovered) until 2023.

Importantly, H.R. 6060 will extend the authority to use CRSP hydropower revenues through fiscal year 2019 at currently authorized levels. At that time, authority to use annual base funding for activities other than operation and maintenance of capital projects and monitoring will terminate without continuing authorization by the Congress.

Recommendation: Enact H.R. 6060

H.R. 6060 should be enacted into law. Enactment will allow the two recovery programs to continue to use CRSP hydropower revenues for all annual base funding activities through 2019. All of the ongoing annual base funding activities are critical to these Programs accomplishing their primary goal of recovering the four endangered fish species by 2023.

I greatly appreciate the opportunity to submit testimony supporting the enactment of H.R. 6060.

Mr. MCCLINTOCK. Thank you very much for your testimony. We will now begin Committee questions, also under the 5-minute rule. And I would like to begin with Mr. Raley.

What would happen if this bill was not passed?

Mr. RALEY. I believe, Mr. Chairman, that we would be plunged into great uncertainty. The original legislation contemplates reauthorization. And if it is not reauthorized, from the perspective of the people that I speak for, the water supply for 4 million and close to a million acres of land will be put in jeopardy.

Mr. MCCLINTOCK. Why would it be put in jeopardy?

Mr. RALEY. Without a successful program, a robust program, there will be the opportunity for litigation. And, as I have learned in other basins, if there is the opportunity, if there is a weakness

or an opening, there are entities that will litigate simply to bring programs like this to a halt.

Mr. MCCLINTOCK. But we just heard that the ESA works great. Look at this project.

Mr. RALEY. This program is based on some unique circumstances. And, unfortunately, I don't believe it can be replicated everywhere.

Mr. MCCLINTOCK. Are there lessons we could draw from the success of this project to modify the ESA in a manner that would reduce litigation as this agreement obviously has in this case?

Mr. RALEY. Absolutely, Mr. Chairman.

Mr. MCCLINTOCK. Could you give us some examples?

Mr. RALEY. Yes. I think that the first lesson is it requires—and I am not pointing fingers at anyone in particular—it requires a circumstance where all the players have an incentive to sit down and work out something that is workable. And when one of the entities—when one player has the ability to litigate and litigate on pretty much an infinite basis, they lose the incentive to sit down and work out something that is reasonable.

Mr. MCCLINTOCK. Thank you. Mr. Shields, you have had a lot of experience with this. What lessons can we draw, from your perspective?

Mr. SHIELDS. Mr. Chairman, I think that one of the greatest strengths of this program is that we have established checks and balances within the governance structures of both the Upper Colorado and the San Juan Programs. Through a system of checks and balances, there is a necessity to work toward compromise. And I would point out, with respect to the Upper Colorado Program, we actually operate on a unanimous consensus basis within the management committee's activities. And in making decisions.

Now, that is inherently inefficient, in the sense that the majority can't rule. But it forces everyone to compromise, to work toward the middle and find that common ground that Representative Gardner mentioned—

Mr. MCCLINTOCK. One of the provisions that are the result of that compromise that struck my attention, and that we have been trying to get, frankly, in other regions without result, and that is simply counting hatchery fish. What role do hatcheries play in recovering endangered fish on the Upper Colorado and San Juan River Basins?

Mr. SHIELDS. Yes, sir. May I please answer that question? Seven hatchery facilities produce Bonytail, Razorback Sucker, and Colorado Pikeminnow necessary to meet the annual and long-range stocking targets of these two recovery programs. Brood stock and propagation of young are managed to maximize the genetic diversity of the stock fish to increase the likelihood that they are going to survive in the wild.

Stock fish count toward recovery goal criteria when they are reproducing in the wild, and their offspring are surviving to adulthood.

Mr. MCCLINTOCK. Well, how is it that you are able to get a compromise on that matter in this project, but that compromise has evaded us here in Congress? I have cited one case—there are many—where hatchery fish are deliberately not counted in the pop-

ulation counts for ESA purposes. And, in fact, by ignoring those hatchery fish, they then use that as an excuse to, in the case of Klamath, tear down perfectly good dams, in the case of the Central Valley, to dump billions of gallons of water into the Pacific Ocean. It seems to me that is a very common-sense approach, counting the damn hatchery fish.

Mr. SHIELDS. I would agree with you, sir. I think the distinction that is made, though, is that the fish that have been stocked have to start to reproduce before they are counted in that population number. And I believe that the circumstances are such with these ocean-going fish, that that is much more difficult to do. It is a very good question that you ask, and I would be happy to augment my answer in writing, sir.

Mr. MCCLINTOCK. Great. Well, thank you very much. That concludes my questions. Mrs. Napolitano?

Mrs. NAPOLITANO. Thank you, Mr. Chairman. Mr. Raley, I couldn't agree with you more about cooperation versus litigation. It gets the job done.

And a question to all of you, and it is in the back of my mind. I kind of mentioned it to Mr. Barton, is the ability—would it help to be able to extend it, the deadline, from 2019 to 2023?

Mr. PAYNE. I am sorry. From Reclamation's standpoint, yes, it would, because we feel that the 2023 deadline allows us to fully accomplish our goal of getting these four species out of—

Mrs. NAPOLITANO. Anybody else?

Mr. RALEY. I would add that we welcome Congress's attention at any time. So a shorter period, it is entirely acceptable.

Mrs. NAPOLITANO. But would it be helpful to be able to extend it to the end of the recovery, if you will?

Mr. RALEY. Congresswoman, perhaps. But not if the extension removed the oversight of Congress. There is great value in this program coming back to Congress periodically.

Mrs. NAPOLITANO. Well, assuming, though, that the bill passes and there is this oversight, you are only going to have the 2019 deadline. Is it helpful to move to the 2023 deadline? Would it be beneficial to the parties?

[No response.]

Mrs. NAPOLITANO. You agree now that 2019 is a good deadline. Would it be helpful to extend it to the full 2023?

Mr. RALEY. I will be very blunt, Congresswoman. The ability to have Congress check in 2019 that the Service and Reclamation are still committed to recovery by a date certain, so that we don't reach that point and go, "Oh, the goal post has moved," the ability to have that check in 2019 will be very helpful.

Mrs. NAPOLITANO. Then would it be helpful if there were language inserted in an amendment, if you will, to ensure that in 2019 there is a follow-up to have a measurement at that point, but extend it to 2023?

Mr. RALEY. You know, I would want to look at the language.

Mrs. NAPOLITANO. Anybody else?

Mr. SHIELDS. Congresswoman Napolitano, I will not disagree with anything that Bennett Raley has said to you. Previous versions of the legislation that is before you today were drafted with 2023 as the date.

Mrs. NAPOLITANO. Correct.

Mr. SHIELDS. An amendment that would change that would not be in conformance with the Majority leader's protocol. However, if your amendment was to leave in place the requirement that the Secretary of the Interior provide a report to the authorizing Committees on both the House and Senate side at the end of Fiscal Year 2018, I would see no harm in that amendment.

Mrs. NAPOLITANO. Well, I will suggest it to the author of this bill, which—I think he is ready to at least sit down and talk about it. Anybody else?

Mr. KIRKPATRICK. Yes, I would concur with what Mr. Shields said, that as long as we have the oversight, 2023, biologically, would be very helpful. We would know when we are trying to seek recovery. However, we do recognize the rules that you operate under.

Mrs. NAPOLITANO. Thank you. Mr. Gray Payne, the program is often talked about from strictly the species restoration. And what is Reclamation's priority in participating in these programs?

Mr. PAYNE. Well, our first priority is definitely for the delivery of water and power to our customers. That is priority one for us.

Mrs. NAPOLITANO. And does Reclamation's participation in these programs allow you to meet the core goals and overall mission?

Mr. PAYNE. Well, as I said earlier, our core mission is providing water and power. And in order to do that, both the San Juan RRP and the UC RRP provide our ESA compliance, which then allows the 2,300 projects along the Colorado River Storage Project to meet their ESA compliance.

Mrs. NAPOLITANO. Thank you. Mr. Garlick, what would be the impact of power production in the region, if the recovery programs were not in place?

Mr. GARLICK. Well, if there would be an impact on the power production if there wasn't this recovery program in place. Obviously, there has been some reduction in the operations of both the Flaming Gorge Dam and the Aspinall unit in power production. And if this recovery plan doesn't go forward, we would expect further reductions, which would be impacts to this great renewable hydroelectric resource, and would be replaced with market-priced power from fossil fuels.

Mrs. NAPOLITANO. Thank you. Thank you, Mr. Chairman.

Mr. MCCLINTOCK. Thank you. And, Mr. Tipton?

Mr. TIPTON. Thank you, Mr. Chairman. Mr. Raley and Mr. Garlick, you might want to comment on this, as well. Both of you represent water and power users who have a direct interest in avoiding ESA jeopardy. Do these programs in the bill adhere to the beneficiaries pay principle, where water and power users pay their way?

Mr. RALEY. For power? I am sorry. For water? Yes, sir.

Mr. TIPTON. Yes.

Mr. RALEY. My clients are spending tens of millions of dollars to provide resources to the program.

Mr. TIPTON. And then my understanding is with this bill we are also going to see that this is going to actually provide \$3 million, an additional \$3 million for construction? Is that correct? Did you follow that in the bill?

Mr. RALEY. I apologize, Congressman. I haven't focused on that portion—

Mr. TIPTON. OK, OK. Well, that is fine. Would it be fair to say, Mr. Raley and Mr. Garlick—and, Mr. Shields, you might want to comment on this—that if this bill goes through, or doesn't go through, that water supplied in the State of Colorado, which I represent, it will impact about 4 million people, 900,000 acre-feet of irrigated land, and 80 percent of Colorado's economy, and curtail some power production, and that is the importance of this legislation?

Mr. RALEY. Congressman, actually, those numbers are only a part. Those numbers are from the Eastern Slope.

Mr. TIPTON. Right.

Mr. RALEY. And when you add together the beneficiaries on the Western Slope, the numbers would be simply greater.

Mr. TIPTON. Right.

Mr. GARLICK. And I would simply add your reference to the revenues from the power users contribute to about \$3.5 million annually in this program. And so, without that, we would not be ESA compliant, and have major impacts to the production.

Mr. TIPTON. You know, it seems we get a lot of debate on ESA. And I think everybody is in concert. We want to make sure that we are getting species recovery.

But, Mr. Raley, would you maybe like to expand maybe a little more in regards to some of the moves that we need to have, and perhaps ESA reform, to be able to deal with some of the challenges of achieving the goal, still delivering the power that the Bureau of Reclamation is charged with, as well?

Mr. RALEY. Yes, sir. I would start with the fact that the ESA itself doesn't contemplate programs like this. These programs have been workarounds that have been put in place over time, sometimes successfully, sometimes not. So a cohesive authorization for programs to function, and a requirement that the agencies participate in those programs would be of enormous value. That would be the first place to start.

Then one could move to the section 7 consultation itself. And there are any number of suggestions that have been tossed around in Congress for improving the efficiency of section 7. And then, because I want to keep my answer short, reduction in litigation. Litigation is good for lawyers. And putting more dollars into the species recovery and fewer opportunities for litigation would be of great value.

Mr. TIPTON. I appreciate that. Mr. Shields, the bill that we are hearing today reduces overhead so that more funding is dedicated actually to fish recovery and eventually delisting. Yet Mr. Payne's testimony indicates opposition to overhead reductions, specifically a reduction in something called administrative cost fee. Do you have any comment on that?

Mr. SHIELDS. Representative Tipton, the Subcommittee, in drafting the bill, has exercised professional judgment as to what is required to get this legislation—and primarily to get the extension of authority the sufficient votes needed so that it will pass the House of Representatives. To make it out of this Committee, first of all.

We have had an arrangement in place for the Upper Colorado River Recovery Program for over 15 years that has put—that has cut the overhead rate charged by the Fish and Wildlife Service in half. If this Subcommittee believes that the overhead should be further reduced to 3 percent, we are willing to accept that.

Mr. TIPTON. Well, would I be correct in saying that such costs are 11 percent of transfers from the Upper Colorado Program and 22 percent from the San Juan Program?

Mr. SHIELDS. The San Juan Program recently, through Region 2's concurrence, has had their overhead reduced to 15 percent, as well. But, as you know, this will make the overhead for both of these programs a matter of law. This is a global issue with respect to other types of conservation and recovery programs across the Western United States. Other programs will continue to charge at the standard indirect cost recovery rate, which I believe, sir, is currently 22 percent.

Mr. TIPTON. I yield back, Mr. Chairman.

Mr. MCCLINTOCK. We have had a request for another round of questions. So let me follow up on Mr. Tipton's point.

Mr. Shields, this basically is an ATM fee, is it not? It is a fee for transferring funds. There is not a lot of administrative work involved, is there?

Mr. SHIELDS. The indirect cost recovery rate that is assessed yields money that is transferred by the Fish and Wildlife Service to their Washington office and to their regional office. I am not knowledgeable about the particulars of what they use those funds for.

Mr. MCCLINTOCK. What would the justification be for 22 percent overhead for a simple funds transfer?

Mr. SHIELDS. The——

Mr. MCCLINTOCK. I mean if a bank charged that for an ATM withdrawal, my suspicion is we would have a revolution on our hands.

Mr. SHIELDS. You are correct, sir. But I am simply not qualified to speak on behalf of the Fish and Wildlife Service with regard to that amount of overhead, and the uses to which it is applied.

Mr. MCCLINTOCK. Maybe Mr.——

Mr. SHIELDS. I would be happy to follow up. I have submitted information in the past to the Subcommittee from the Fish and Wildlife Service, and I would be happy to submit additional information, if that would be useful, sir.

Mr. MCCLINTOCK. Mr. Payne, can you offer any enlightenment on this subject?

Mr. PAYNE. Well, sir, I don't want to speak for the Fish and Wildlife Service, but I will say that normally overhead costs are—of course they are indirect charges for support functions back at headquarters, as well——

Mr. MCCLINTOCK. Yes, but these are funds transfers. What support functions could possibly justify a 22 percent ATM fee?

Mr. SHIELDS. I completely understand where you are coming from. I don't know where Fish comes up with their numbers. I haven't seen their numbers.

Mr. MCCLINTOCK. Right. Thank you. That does it for me. Mrs. Napolitano.

Mrs. NAPOLITANO. Well, thank you. Just a very quick one. And I understand, Mr. Raley, you said that this was touted as a model, yet the circumstances are quite different. But the cooperation issue is vital in many of these project agreements that are working collaboratively.

Is there any message that we in Congress need to take from everybody coming to the table, the Tribes, the government, the water entities, all of you? The whole list of them is impressive. How did you do that? And how can others emulate at least beginning to bring everybody, as you say, to the table?

Mr. RALEY. Congresswoman, I would start with Congress fully explaining how recovery programs are supposed to work, and to authorize them across the board, because it is not there. And we end up with workarounds. And in other basins, it doesn't work. And I think that Congress paying attention to it and forcing programs like this would be of great value.

Mrs. NAPOLITANO. Anyone else?

Mr. KIRKPATRICK. Ranking Member Napolitano, I will just give the example of how we in the San Juan Basin came together. We were working on the development of a water project known as the Animas-La Plata Project. Certain parties were using the Endangered Species Act to tort the development of that project to meet the settlement requirements of the two Ute Tribes in Colorado, primarily, and water supplies for New Mexico, including the Navajo Nation. And we were somewhat forced by the circumstances of the Endangered Species Act to find solutions.

We looked to the north, looked to the Upper Basin Program, and to the best of ability, developed the same with the challenge of working together. And to say that was a pretty process would not be truthful. It was very tense, difficult. But we decided it was far better to find a solution than it was to go to court with little chance of success. We had just followed some other things that we knew about.

And it has to be a common goal to resolve an issue. When we began this project, we felt the ESA Act was a problem. We found a solution. And the solution has certainly worked well for us in our basin. And, as I said, we will see recovery by 2023. And we have never had a challenge—we are about to conclude the Navajo settlement, the largest Indian rights settlement in the United States, as we sit here today. We will be finished by December of next year with that. We have the two Utes settled. The Hickory Apache, as well, is settled. So we have settled the four entities.

I gave to your staffers some maps. And if you look at the San Juan Basin you will understand why the Native American involvement is so critical. All right? Thank you. I hope that helped.

Mrs. NAPOLITANO. Yes, it does. And one of the reasons is I have been involved with the removal of the uranium tailings in Moab for years, because the Colorado River provides Southern California with a third of our potable water. So getting some of these projects moving and working together cooperatively has always been something that I have advocated, and hope to see more of these in this day and age where we utilize more litigation than we use cooperation. So thank you for your answer.

With that, Mr. Chairman, I yield back.

Mr. McCLINTOCK. Mr. Luján?

Mr. LUJÁN. Mr. Chairman, thank you very much. And I want to thank our witnesses who are with us today, especially our executive director, Mr. Kirkpatrick, from the San Juan Water Commission. It is always an honor to see you, sir, someone that is relentless when it comes to his advocacy for the strength of our communities, but also for water. It is also an honor to be in front of you, sir.

With that being said, Mr. Kirkpatrick, I know that you have some concerns about Reclamation's assertion of the ability to provide hydropower revenues under their current authority. Can you tell us a little bit more about why that is a concern?

Mr. KIRKPATRICK. Congressman Luján, it is a pleasure to speak to you. And responding to that is while we have been orally informed that the Bureau can, in fact, allocate these funds, a little bit in the history in the past is before the San Juan program, actually, they were providing this funding. We did, in fact, change administrations, and then there was some concern that the numbers of dollars we were spending were getting too large. And, therefore, they needed congressional authorization.

And this program requires certainty through 2023. And without that certainty, we could still fail. I know the question was asked earlier why we need this legislation passed. Having worked on this for those 23 years that I spoke of earlier, I recognize that we need that congressional authorization.

While we do trust and respect the managerial staff of the Bureau of Reclamation, we are not certain that we will have this money. And any delay—let us be candid; I have been working on it for 23 years, we have been working on projects as long as—since 1908, when the Animas-La Plata started, so we understand how long these projects can take. We don't want a reversal. A year or two of loss, just like the droughts have done to us, have slowed us down. We don't need a drought of money any more than we need a drought of water in the river.

Mr. LUJÁN. I appreciate that, Mr. Kirkpatrick. And the next question leads a little bit from there, as well. Do you have any concerns that the current legislation has changed the authorization of base funding from power revenues from 2023 to 2019?

Mr. KIRKPATRICK. That question was asked earlier. And, yes, we have some concerns because of that certainty issue.

I also concur with the other witnesses here that we do need that check and balance from Congress periodically, and with language that makes clear that will occur. I believe that 2023 would be an adequate date. In fact, I am aware that the similar legislation in the Senate will have 2023, as we sit here today.

Mr. LUJÁN. I appreciate that. And, Mr. Kirkpatrick, I appreciate the maps, as well, that you have put together pertaining to the importance of these settlements, namely with the Hickory Apache Nation and the Navajo Nation. But some things are worth repeating. Can you tell us why the completion and success of these projects is important to the Tribal communities of the Navajo Nation and the Hickory Apache Nation and the integrity of water settlements involving Tribes?

Mr. KIRKPATRICK. Those settlements are the final tribal settlements within the San Juan Basin. And they will give surety not only to the Tribes that they will have water supplies adequate for their current and future requirements, but they equally assure that the existing uses by non-Indians and any future development of any water by the non-Tribal parties will also have surety of their water supplies.

One who deals in water in the West understands that Tribes have a reserve water right that is superior to all other water rights. In other words, they are normally earlier. And if you understand the priority system, that is a very critical nature. In the San Juan Basin—actually, the Navajo Nation's is the second most senior water right in the San Juan Basin. The one that is most senior, which is the one we don't hear often about, is the Mountain Ute Tribe, which has not settled its rights in New Mexico. They have settled them in Colorado.

So, it is very important to everyone's certainty and the economic engine that I am sure, Congressman Luján, you understand what San Juan Basin has been for New Mexico, that we do have this certainty of water supply.

Mr. LUJÁN. I appreciate that, Mr. Kirkpatrick. And, Mr. Chairman, we appreciate you bringing this hearing, as well, and the work of Mr. Bishop and that of the Majority and Minority staff on this. This is an important issue to many of us, and I hope we can get this one done. Thank you, Mr. Chairman.

Mr. MCCLINTOCK. Very good. Thank you. I want to thank all for their testimony today. I want to apologize again for the delay in the hearing, because of the votes on the House Floor.

We may have members with additional questions for witnesses, and we would ask that you respond to those in writing. The hearing record will be open for 10 business days to receive those responses. And if there is no further business, without objection the Subcommittee stands adjourned.

[Whereupon, at 4:02 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

The documents listed below have been retained in the Committee's official files.

- Board of Water Works of Pueblo, Colorado—Letter of Support for H.R. 6060
- Central Utah Water Conservancy District—Letter of Support for H.R. 6060
- City of Aurora, Colorado—Letter of Support for H.R. 6060
- Colorado Springs Utilities—Letter of Support for H.R. 6060
- Colorado Water Congress—Letter of Support for H.R. 6060
- Denver Water—Letter of Support for H.R. 6060
- Front Range Water Council—Letter of Support for H.R. 6060
- Grand Valley Water Users' Association—Letter of Support for H.R. 6060
- Green River, Rock Springs, Sweetwater County—Letter of Support for H.R. 6060
- Jicarilla Apache Nation—Letter of Support for H.R. 6060

- Northern Colorado Water Conservancy District—Letter of Support for H.R. 6060
- Northern Colorado Water Conservancy District, Municipal Subdistrict—Letter of Support for H.R. 6060
- PNM Resources, Inc.—Letter of Support for H.R. 6060
- San Juan Water Commission—Letter of Support for H.R. 6060
- Southeastern Colorado Water Conservancy District—Letter of Support for H.R. 6060
- Southern Ute Indian Tribe—Letter of Support for H.R. 6060
- Southwestern Water Conservancy District—Letter of Support for H.R. 6060
- State of Wyoming—Letter of Support for H.R. 6060
- State of Colorado—Letter of Support for H.R. 6060
- The Nature Conservancy—Letter of Support for H.R. 6060
- The Uncompahgre Valley Water Users Association—Letter of Support for H.R. 6060
- Tri-County Water Conservancy District—Letter of Support for H.R. 6060
- Upper Gunnison River Water Conservancy District—Letter of Support for H.R. 6060
- Utah Water Users Association—Letter of Support for H.R. 6060
- Western Business Roundtable—Letter of Support for H.R. 6060

