

**H.R. 4465, “ENDANGERED FISH RE-
COVERY PROGRAMS EXTENSION
ACT OF 2017”**

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON WATER, POWER AND OCEANS
OF THE
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

Wednesday, December 6, 2017

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**LEGISLATIVE HEARING ON H.R. 4465, TO
MAINTAIN ANNUAL BASE FUNDING FOR
THE UPPER COLORADO AND SAN JUAN
FISH RECOVERY PROGRAMS THROUGH FIS-
CAL YEAR 2023, TO REQUIRE A REPORT ON
THE IMPLEMENTATION OF THOSE PRO-
GRAMS, AND FOR OTHER PURPOSES,
“ENDANGERED FISH RECOVERY PROGRAMS
EXTENSION ACT OF 2017”**

**Wednesday, December 6, 2017
U.S. House of Representatives
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 10:00 a.m., in room 1324, Longworth House Office Building, Hon. Doug Lamborn [Chairman of the Subcommittee] presiding.

Present: Representatives Lamborn, LaMalfa, Bishop (ex officio); Huffman, and Barragán.

Mr. LAMBORN. The Subcommittee on Water, Power and Oceans will come to order. The Water, Power and Oceans Subcommittee meets today to hear testimony on H.R. 4465, sponsored by Representative John Curtis of Utah.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman, Ranking Minority Member, and the Vice Chair. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record, if they are submitted to the Subcommittee Clerk by 5 p.m. today. Hearing no objection, so ordered.

We will begin with opening statements, starting with myself, for 5 minutes.

**STATEMENT OF THE HON. DOUG LAMBORN, A REPRESENTA-
TIVE IN CONGRESS FROM THE STATE OF COLORADO**

Mr. LAMBORN. Today, we will consider H.R. 4465, the Endangered Fish Recovery Programs Extension Act of 2017, sponsored by our new colleague from Utah, John Curtis, and joined by a bipartisan group of co-sponsors from the affected states, including myself.

Authorized in 1956, the Colorado River Storage Project, or CRSP, paved the way for the development and utilization of the water resources in Colorado, Wyoming, Utah, Arizona, and New Mexico. With a total storage capacity of more than 30 million acre-feet, and the capability to generate over 5 billion megawatt-hours of energy

annually, the CRSP is vital to the economies of the Upper Basin states.

Fourteen native fish species, including four listed as endangered under the Endangered Species Act, also call the Basin home. The threat of water and power restrictions resulting from these listings prompted the states to enter into cooperative agreements with the Federal Government, tribes, and other non-Federal partners, as well, to ensure the continued reliability of these projects. These agreements eventually led to the creation of the Upper Colorado and San Juan Recovery Implementation Programs.

The 106th Congress enacted legislation to establish Federal participation and non-Federal cost share, including the authority to use CRSP power revenues, to support these two programs. These agreements continue to ensure ESA compliance for the more than 2,300 water and power projects in the five-state region, while also promoting the goals of recovery for the four endangered species.

In 2012, Congress reauthorized the authorization of the agreement and the use of these revenues through 2019, but also included important reforms to reduce overhead expenses and agency travel in order to ensure that taxpayer dollars are being devoted to fish recovery, not Federal bureaucrats. This reauthorization continues this congressional oversight to ensure that the program is transparent and trending toward recovery of the species.

H.R. 4465 extends the use of CRSP power revenues to be used through 2023, which also happens to fall in line with the recovery deadline for these programs. In addition, the bill requires a report to ensure that expenditures and actions are helping to recover these species.

We must not lose sight of the end goal of this program, to recover and get these four species de-listed. I am hopeful that at the conclusion of this reauthorization, we will have accomplished that goal.

Before I conclude, I would like to welcome Mr. Andy Colosimo back to the Committee. Andy is from my home state of Colorado. He has more than 30 years of experience at the local, state, and Federal level dealing with these issues, and worked on the original enacting legislation for the recovery program as a staffer in the Senate.

I would also like to extend a special welcome to our new colleague, Congressman John Curtis of Utah. As former mayor of Provo, Utah, Congressman Curtis knows firsthand how these ground-up, collaborative programs create certainty for water and power users, and support local economic activity. Without the threat of litigation, through this program, the CRSP has achieved a balance between supporting species and local communities.

I want to give a personal introduction to Mr. Curtis, he is the newest Member of Congress, as you all may know. And as been reported in the press, he has an extensive sock collection. In fact, he will go toe to toe with anyone as to who has the best socks around. In such a match-up, he might hose you, or you might just knock him back on his heels. But whatever the outcome, he won't lose his cool. He doesn't swear. The worst thing anyone has ever heard him say is "darn it."

With that, I am going to thank all our witnesses for being here today. I look forward to hearing your testimony. Although the Administration is unable to be here today, I appreciate their willingness to submit a statement for the official hearing record.

[The prepared statement of Mr. Lamborn follows:]

PREPARED STATEMENT OF THE HON. DOUG LAMBORN, CHAIRMAN, SUBCOMMITTEE ON
WATER, POWER AND OCEANS

Today, we will consider H.R. 4465, the “Endangered Species Fish Recovery Program Extension Act of 2017” sponsored by our new colleague from Utah, John Curtis, and joined by a bipartisan group of co-sponsors from the affected states, including myself.

Authorized in 1956, the Colorado River Storage Project (CRSP), paved the way for the development and utilization of the water resources in Colorado, Wyoming, Utah, Arizona, and New Mexico. With a total storage capacity of more than 30 million acre-feet, and the capability to generate over 5 billion megawatt-hours of energy annually, the CRSP is vital to the economies of the Upper Basin states.

Fourteen native fish species—including four listed as ‘endangered’ under the Endangered Species Act—also call the Basin home. The threat of water and power restrictions resulting from these listings prompted the states to enter into cooperative agreements with the Federal Government, tribes, and other non-Federal partners to ensure the continued reliability of these projects. These agreements eventually led to the creation of the Upper Colorado and San Juan Recovery Implementation Programs.

The 106th Congress enacted legislation to establish Federal participation and non-Federal cost share, including the authority to use CRSP power revenues, to support these two programs. These agreements continue to ensure ESA compliance for the more than 2,300 water and power projects in the five-state region, while also promoting the goals of recovery for the four endangered fish species.

In 2012, Congress reauthorized the authorization of the agreement and the use of these revenues through 2019, but also included important reforms to reduce overhead expenses and agency travel in order to ensure that taxpayer dollars are being devoted to fish recovery—not Federal bureaucrats. This reauthorization continues this congressional oversight to ensure that the program is transparent and trending toward recovery of the species.

H.R. 4465 extends the use of CRSP power revenues to be used through 2023, which also happens to fall in line with the recovery deadline for these programs. In addition, the bill requires a report to ensure that expenditures and actions are helping to recover these species.

We must not lose sight of the end goal of this program: recover and get these four species de-listed. I am hopeful that at the conclusion of this reauthorization we will have accomplished that goal.

Before I conclude, I would like to welcome Mr. Andy Colosimo back to the Committee. Andy is from my home state of Colorado and has more than 30 years of experience at the local, state and Federal level dealing with these issues. And he worked on the original enacting legislation for this recovery program as a staffer in the Senate.

I would also like to extend a special welcome to our new colleague, Congressman John Curtis of Utah. As former Mayor of Provo, Utah, Congressman Curtis knows firsthand how these ground-up, collaborative programs create certainty for water and power users and support local economic activity. Without the threat of litigation, through this program the CRSP has achieved a balance between supporting species and local communities.

I want to thank all of our witnesses for being with us today and I look forward to hearing from you all. Due to a conflict with another hearing that is happening on the Senate side this morning, the Administration is unable to be here today, but we appreciate their willingness to submit a statement for the official hearing record.

Mr. LAMBORN. I now recognize the Ranking Member for 5 minutes for his statement.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman. Welcome and congratulations, Congressman Curtis. Do you want to show us your socks today?

Mr. CURTIS. I would defer to the Ranking Member and Chairman as to whether or not you want me to put my feet up on this table.

Mr. HUFFMAN. Well, it is good to have you, and I am delighted to be part of a hearing that is focused on a bill that we can all feel good about supporting. What a great way to start your career in Congress, helping move forward a strongly bipartisan piece of consensus legislation. If only this place worked that way all the time, but it is a great way to start.

And quite a contrast from what we saw in the Subcommittee last week where we had another piece of legislative work that had been carefully brought along for years. A stakeholder consensus involving the Yakima Basin, and unfortunately, it was conjoined with a very controversial piece of legislation, and we were prevented from moving forward in a bipartisan consensus way. Sometimes we get it wrong, sometimes we get it right. I applaud you and I applaud this Subcommittee for bringing us this stand-alone bill.

We want to help support recovery of the four endangered species in the Upper Colorado and the San Juan Rivers. This is a program that brings together water users, environmental groups, tribes, local utilities, and the state and Federal agencies, that we need to work together to find ways to ensure water and power users needs are met in a sustainable way, that also accounts for species protection under the ESA. These are exactly the kind of partnerships that I strongly believe we need to support, and not the more controversial partisan attempts.

Over the past few decades, these recovery programs in the Upper Colorado Basin have kept these unique fish alive. That is no small feat. I applaud the many partners who are represented here today, including our witnesses that work together to make sure that more species are not lost to extinction.

I also want to support and recognize the work of recovery programs thus far, while acknowledging that we also need to address the underlying cause of native species lost in the Colorado River Basin. This is a highly altered river ecosystem, obviously, and a dwindling water supply. In addition to the important habitat it provides for a wide range of species, this river obviously does a lot of work. It provides water for nearly 40 million people across seven states, in addition to Mexico. It provides irrigation to millions of acres of land, and power for millions of people and hundreds of local communities. It is a valuable resource to more than 20 tribes, and, of course, it supports the outdoor recreation economy across the region.

It is very important, I think, to recognize that the Colorado River Basin is experiencing an unprecedented drought and has been since the year 2000, the worst in the past 100 years, some say the worst in 1,000 years, which threatens endangered species, the ecosystem, and roughly 1 in 10 Americans who rely on this watershed.

We have already seen dramatic changes in this basin as a result of the drought. In March 2017, we had some of the warmest

weather in history, temperatures almost 9 degrees above the historic average. This has serious implications for the snowpack in the Upper Basin, which supplies 90 percent of the water for the already strained system, where more water is taken from the reservoirs than is replenished every year. So, we have some challenges in the Colorado River Basin, and they are reflected in the similar challenges that we face throughout the West because of the drier, hotter climate.

We are going to need to support these kinds of broad stakeholder efforts, to come together to make compromises to find sustainable policies that balance interests and bring us to solutions that we can all support. Today is an important step in that direction.

I am glad to be with everyone. Mr. Chairman, thanks for this hearing. I look forward to supporting this bill. Thank you.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF THE HON. JARED HUFFMAN, RANKING MEMBER,
SUBCOMMITTEE ON WATER, POWER AND OCEANS

Thank you, Mr. Chairman.

I appreciate that the focus of today's hearing is a bipartisan bill that recognizes the importance of stakeholder collaboration and balances the environment with water and power needs. It is a stark contrast from the Majority's tactics in this Subcommittee last week, when we discussed a one-sided bill that attacked environmental laws and diminished the years-long efforts that went into the Yakima Basin Plan.

H.R. 4465 reauthorizes funding for programs to help recover four endangered species within the Upper Colorado and San Juan Rivers. These programs bring together water users, environmental groups, tribes, local utilities, and state and Federal agencies to find ways to ensure water and power needs are met in a sustainable way that accounts for species protected under the Endangered Species Act. We need exactly these types of partnerships, not so-called streamlining, so that the significant impacts of power generation and water supply don't lead to the extinction of native fish species in the Colorado River.

Over the last few decades, the recovery programs in the Upper Colorado Basin have kept these unique fish alive. It is no small feat, and I applaud the many partners, including our witnesses here today, who have worked to make sure more species aren't lost to extinction. We face many similar challenges in California and I understand the significant effort and cooperation that's required from everyone involved. These programs in the Upper Colorado River Basin have made progress toward addressing some major threats to these endangered fish species, including mitigating non-native species and instream flow management.

Although I support the bill and recognize the work of the recovery programs thus far, we must also address the underlying causes of native species loss in the Colorado River Basin: a highly altered river ecosystem and dwindling water supply. In addition to the important habitat it provides for a wide range of species, the Colorado River Basin supplies water to nearly 40 million people across seven states in addition to Mexico. It provides irrigation to millions of acres of land and power for millions of people and hundreds of local communities. It is also a valuable resource to more than 20 tribes and to the outdoor recreation economy across the region.

In addition, it is especially concerning that the Colorado River Basin has been experiencing an unprecedented drought since 2000. It is the worst drought in the past 100 years and one of the worst in the past 1,000 years, threatening endangered species, the ecosystem, and the roughly 1 in 10 Americans who rely on it. We've already seen dramatic changes in the Colorado River Basin as a result of this drought. In March 2017, the warmest in history, the temperatures were almost 9 degrees above the historic average. This has serious implications for the snowpack in the Upper Basin, which supplies nearly 90 percent of the water for the already strained system, where more water is taken from the reservoirs than is replenished each year. Unfortunately, research shows that we should prepare for a future that includes more frequent and extreme droughts, like the current one, as a result of climate change.

A drier, hotter climate in the West will make it more difficult than it already is to meet user and environmental water needs in the future. With less water, more people, and increasingly threatened species, it will be critical to address ways to restore ecosystems and modernize water infrastructure, rather than keeping the status quo. In addition to this bill, we should focus on water reuse, recycling, removing aging and obsolete dams, and other new ways to meet the water needs of growing populations while ensuring a healthy environment for future generations. If not, our rivers may become nothing more than holding tanks and we'll have to keep endangered species on life support indefinitely. I don't think anyone here wants to see that happen.

I am encouraged, albeit surprised, that several of my colleagues from the other side of the dais are co-sponsors of this bill. In the past, there have been endless claims from the Majority that this kind of species specific recovery approach does not work. I'd argue that it does, given that these four fish and 99 percent of all listed species under the ESA are still around. But it would make it much easier to recover species with sufficient funding and without continued attempts by Committee Republicans to weaken the Endangered Species Act. If the four endangered species addressed in this bill are important enough for funding, I hope we can later talk about why the rest of them are too.

Thank you to the witnesses for being here today, and I look forward to hearing from you.

I yield back.

Mr. LAMBORN. Thank you. I also look forward to more bipartisanship as you agree with us on some of our legislation.

Mr. HUFFMAN. Is that how bipartisanship works? We surrender.

Mr. LAMBORN. We will now move to our first witness panel to hear testimony from Mr. Curtis on his bill. As a reminder, you are limited to 5 minutes, but your written statement will appear in full in the hearing record.

Mr. Curtis, you are now recognized for 5 minutes.

**STATEMENT OF THE HON. JOHN R. CURTIS, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CURTIS. Thank you, Chairman Lamborn, and Ranking Member Huffman, for not only considering this bill, but for your kindness to me as a new Member being here and your hospitality. Thank you very much.

I do celebrate today my 3-week-and-2-day anniversary. And I bring that up primarily to emphasize that there is no way that I could be here with a bill of this quality without a lot of help, and I would like to acknowledge Chairman Bishop and his staff for the many years of work that have gone before me, not just on this bill, but on the many natural resource issues. Thank you for your help in preparing this bill.

I would also like to acknowledge that this is a bipartisan effort, and I am pleased that it is supported by a group of nonpartisan Representatives from Colorado, Utah, Wyoming, and New Mexico, who have joined me as co-sponsors on this bill, and I think that is very important as well.

I would also like to acknowledge Henry Maddux. Henry is the Director of the Recovery Program for the Utah Department of Natural Resources. He has traveled to be here with us today, and I would like to give him a special shout-out. He will end his illustrious career at the end of this year and will be retiring. I appreciate his many years of service to the state of Utah.

We all know how important water is to the vitality of any community, but especially for rural communities in the dry desert climates of the West. This bill is extremely important to my district, because these recovery programs ensure that people in our rural communities continue to have access to critical water resources for everything from irrigation to recreation. The bipartisan Endangered Fish Recovery Programs Extension Act extends the authorization to use Upper Colorado River Basin Fund revenues for annual base funding of fish recovery programs on the Upper Colorado River and San Juan Rivers.

These recovery programs for the pikeminnow, humpback chub, razorback sucker, and bonytail were last authorized in 2012. Interestingly, I learned as I studied this, that the pikeminnow is not really a minnow, it is a fish that grows to 6 feet. And, Chairman, as you talked about our eventual goal of getting these off the endangered species list, imagine for recreation enthusiasts, the ability to fish for a 6-foot fish in these rivers. It is very exciting.

My bill would extend the authorization through 2023. I think it is worth noting that these programs do not cost taxpayers any money, because they are completely funded by fees collected from the water users. Additionally, the bill provides some oversight and accountability by requiring the Interior Secretary to submit a report to Congress in consultation with the participants in the recovery implementation programs, describing the accomplishments and the cost of these programs.

I recently had a chance to travel to Moab firsthand to meet the residents and local officials and representatives from Utah's Division of Natural Resources to learn more about these endangered fish species and the recovery programs. During my visit, I came to better understand that not only do these recovery programs help to protect these threatened and endangered fish species, but they also make it possible for Utahans and many in surrounding states and people throughout the region to have continual access to use these waterways.

By being proactive about the recovery of threatened fish species, we ensure that important water projects can continue on the Upper River Colorado and San Juan Rivers.

To close, this bill is extremely important to the economics of many in the rural parts of my congressional district and throughout the West, and I hope the Committee will report it favorably.

Thank you very much. I yield my time.

[The prepared statement of Mr. Curtis follows:]

PREPARED STATEMENT OF THE HON. JOHN R. CURTIS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH

Chairman Lamborn, I would like to thank you and Ranking Member Huffman for holding this hearing on my bill today. As many of you know, I was elected to Congress less than a month ago, and this bill just happens to be the first piece of legislation I introduced. That said, I would like to thank my good friend and fellow Utahn, Chairman Rob Bishop, and his staff for their hard work and assistance on this bill. I would also like to thank the bipartisan group of nine Representatives from Colorado, Utah, Wyoming, and New Mexico that have joined with me as co-sponsors.

We all know how important water is to the vitality of any community—especially for rural communities in the dry desert climates of the West. This bill is extremely important to my district, because these recovery programs ensure that people in our

rural communities continue to have access to critical water sources for everything from irrigation to recreation.

The bipartisan Endangered Fish Recovery Programs Extension Act extends the authorization to use upper Colorado River Basin Fund Revenues for annual base funding of fish recovery programs on the Upper Colorado River and San Juan Rivers. These recovery programs for the pikeminnow, humpback chub, razorback sucker, and bonytail were last reauthorized in 2012 and are set to expire in 2019. My bill would extend the authorization through 2023. I think it is worth noting that these programs do not cost taxpayers any money, because they are completely funded by fees collected from water users.

Additionally, the bill provides some oversight and accountability by requiring the Interior Secretary to submit a report to Congress, in consultation with the participants in the recovery implementation programs, describing the accomplishments and costs of these programs.

I recently went down to Moab, Utah to meet with the residents, local officials, and representatives from the Utah Division of Natural Resources to learn more about these endangered fish species recovery programs. During my visit, I came to better understand that not only do these recovery programs help to protect these threatened and endangered fish species, they also make it possible for Utahns and people throughout this region to continue to access and use their waterways. By being proactive about the recovery of threatened fish species, we ensure that important water projects can continue on in the Upper Colorado and San Juan Rivers.

To close, this bill is extremely important to the economies of many of the rural parts of my congressional district and throughout the West, and I hope that this Committee will report it favorably.

Thank you.

Mr. LAMBORN. You are welcome. Thank you for your testimony. You are welcome to join us for the remainder of the hearing, but if you have to meet other obligations, we will understand and you will be excused.

I now want to call forward our second panel of witnesses. I will introduce them as they are coming forward to take their seats. Our first witness is Mr. Henry Maddux, Director of Recovery Programs for the Utah Department of Natural Resources from Salt Lake City, Utah; our second witness is Mr. Jimmy Hague, Senior Water Policy Advisor for The Nature Conservancy from Arlington, Virginia; and our final witness is Mr. Andrew Colosimo, Government and Corporate Affairs Manager for Colorado Springs Utilities from Colorado Springs, Colorado.

Thank you all for taking the time to be here. Each witness' written testimony will appear in full in the hearing record. I ask that witnesses keep their oral statements to 5 minutes, as outlined in our invitation letter to you, and under Committee Rule 4(a). I will explain how the timing lights work. Andy, I know you know how these work, because you testified before. When you are recognized, press the talk button to activate the microphone. Once you begin your testimony, the Clerk will start the timer and it will count down from 5 minutes to 0. At 4 minutes, the yellow light comes on. I would ask that you begin to conclude your statement at that time, and to finish when it counts down to 0 and the red light comes on.

Mr. Maddux, you are now recognized for 5 minutes.

STATEMENT OF HENRY MADDUX, DIRECTOR, RECOVERY PROGRAMS, UTAH DEPARTMENT OF NATURAL RESOURCES, SALT LAKE CITY, UTAH

Mr. MADDUX. Thank you, Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee for the opportunity to testify in support of H.R. 4465. I am Henry Maddux. I am Director of Recovery Programs for Utah's Department of Natural Resources. I also am Utah's Representative on the Upper Basin Colorado River Program, and serve as Chair of that Committee.

H.R. 4465 amends Public Law 106-392 by extending the authorization of the use of Colorado River Storage Project, also known as CRSP, hydropower revenues through 2023 for annual funding of both the Upper Colorado River, Fish Recovery Program, and the San Juan River Recovery Implementation Program.

As mentioned by Representative Curtis, a report is also required through this amendment from the Secretary of the Interior to the Subcommittee by the end of Fiscal Year 2021. Public Law 106-392 authorizes Federal cost-sharing for the two recovery programs for capital projects and use of CRSP hydropower revenues for annual funding. The law recognizes substantial cost-sharing by the states, power customers, and water users. We also have in-kind contributions by many of the other participants of the recovery programs. These non-Federal cost-sharing commitments will continue through 2023.

CRSP hydropower revenues are a critical source of funding for the recovery programs. These power revenues fund maintenance and operation of many of our capital projects, including fish passages, fish screens, bottomland projects, hatcheries, research, and monitoring. These science-based activities are critical to achieving our dual goals of: Number one, recovering the four endangered fish; and Number two, continued support of development and use of water resources in compliance with state water law and interstate compacts.

Both the Upper Colorado River and San Juan River fish programs were established to eliminate conflicts between water use and species recovery for Colorado pikeminnow, razorback sucker, humpback chub, and bonytail.

We saw that collaboration was a better path than litigation. This collaboration began in the Upper Colorado River Basin in 1988 by a cooperative agreement between the Secretary of the Interior; the states of Utah, Colorado, and Wyoming; and the Western Area Power Administration. Other full members of the program include: CRSP power customers, represented by Colorado River Energy Distributors Association; water users from the three states; and environmental organizations represented by The Nature Conservancy and Western Resource Advocates. We also have other Federal members, including Bureau of Reclamation, National Park Service, and Fish and Wildlife Service.

The San Juan Program, likewise, was established in 1992 by cooperative agreement between the Secretary, the Navajo Nation, Ute Mountain Ute, the Southern Ute Tribe, and the Jicarilla Apache Nation, along with the other Federal entities. An example of the effectiveness of this program can be demonstrated in Grand Junction, Colorado, a place commonly referred to as the 15-mile

reach. Historically, this reach of river dried up due to both Federal and non-Federal irrigation diversions. It is considered critical habitat for the endangered fish, as well as an important spawning area.

Through collaboration and voluntary contributions, over 1 million acre-feet of water has now been delivered to that reach of river. It no longer goes dry, and supports the recovery of these fish. To date, these two recovery programs have provided Endangered Species Act compliance for 2,500 projects, many of those in my home state of Utah, that support agriculture, energy development, recreation, as well as diversion to the Wasatch Front, where the majority of our population lives.

The program has strong support among all the participants. I believe I can speak on behalf of the non-Federal program participants in requesting the support of the Subcommittee for H.R. 4465. I would note that an identical bill has been introduced in the Senate.

Once again, I thank the Chairman, Ranking Member, and Subcommittee members, for the opportunity to testify.

[The prepared statement of Mr. Maddux follows:]

PREPARED STATEMENT OF HENRY MADDUX, DIRECTOR, RECOVERY PROGRAMS, UTAH
DEPARTMENT OF NATURAL RESOURCES

Thank you Chairman Lamborn, Ranking Member Huffman and members of the Subcommittee for the opportunity to testify in support of H.R. 4465. I am Director, Recovery Programs, Utah Department of Natural Resources. I serve as Utah's representative on the Management Committee, Upper Colorado River Endangered Species Recovery Program and I am chairman of that committee.

H.R. 4465 amends Public Law 106-392 by extending the authorization through Fiscal Year 2023 for use of hydroelectric power revenues from the Colorado River Storage Projects (CRSP) for annual funding of the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The authorization extends the currently authorized levels of annual funding. A report by the Secretary of the Interior is required to be submitted to Congress in Fiscal Year 2021 with recommendations for funding beyond Fiscal Year 2023. Any funding beyond Fiscal Year 2023 requires authorization by Congress.

Public Law 106-392 became law in 2000. The law authorizes Federal cost-sharing for the two recovery programs for capital projects and use of CRSP power revenues for annual funding. The law recognizes substantial cost-sharing by states of Utah, Colorado, Wyoming, and New Mexico, power customers, and water users. In-kind contributions are also made by other participants in the recovery programs. These non-Federal cost sharing contributions will continue through 2023. Congress has extended the Federal authority both in amount and time with amendments to P.L. 106-392 on three other occasions with strong bipartisan support. The authorization for expenditures on capital projects currently extends through 2023. Capital project expenditures are also cost shared.

CRSP hydropower revenues are a critical source of cost sharing funds for the recovery programs. Hydropower revenues fund operation and maintenance of capital facilities including fish passages, fish screens, hatcheries, bottomland habitat, research, and monitoring. These activities are critical to achieving the goals of the recovery programs—recovery of four endangered fish species while water development and management proceeds in compliance with state water and wildlife law, interstate compacts approved by Congress, authorizations for Bureau of Reclamation projects approved by Congress, and the Endangered Species Act.

Both the Upper Colorado and San Juan River Basin Recovery Programs were established to eliminate potential conflicts among water development and management activities and protection and recovery of four endangered fish species—Colorado pikeminnow, humpback chub, razorback sucker, and bonytail. The species occupy the lower warm water reaches of the upper Colorado River Basin.

The Upper Colorado River Recovery Program was established in 1988 by cooperative agreement among the Secretary the Interior, the governors of Colorado, Utah, and Wyoming, and Western Area Power Administration. Other participants include CRSP power customers, water users in Colorado, Utah, and Wyoming, and environ-

mental organizations represented by The Nature Conservancy and Western Resource Advocates. Participating Federal agencies include Bureau of Reclamation, Western Area Power Administration, National Park Service, and U.S. Fish and Wildlife Service.

The San Juan River Basin Recovery Implementation Program was established in 1992 By cooperative agreement among the Secretary of the Interior, the governors of Colorado and New Mexico, the Navajo Nation, Southern Ute Tribe, Ute Mountain Ute Tribe, and Jicarilla Apache Nation. Other participants include water users in Colorado and New Mexico, and environmental organizations represented by The Nature Conservancy. Participating Federal agencies include Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, and U.S. Fish and Wildlife Service.

Both programs have the objective of recovering and de-listing the endangered fish. Program activities address all causes of the endangerment including flow management, habitat development, non-native fish control, research and monitoring. Research and monitoring has resulted in the programs' recovery actions being driven by sound science.

In establishing these programs, it was agreed that there will be no taking of water from any water user or Reclamation contractor. In turn, water users, the states, and Reclamation agreed to find ways to provide water for endangered fish species consistent with state water law, interstate compacts, and Reclamation project authorizations. Water is provided for endangered fish through reoperation of Reclamation projects, improving efficiency of irrigation projects with saved water being made available to endangered fish habitat, coordinated reservoir operations to enhance spring peak flows without jeopardizing reservoir yields, and participation in the reservoir expansion with storage capacity dedicated to endangered fish. These efforts to cooperatively and voluntarily provide water for endangered fish would not happen without the recovery programs.

An example of the effectiveness of the cooperative approach to providing water is found on the Colorado River near Grand Junction. Historically, the 15-mile reach of the river was often dried up due to depletions by Federal and non-Federal irrigation projects holding senior water rights. This reach of the river is in designated critical habitat for the endangered fish. Since 1997, more than 1 million acre-feet of water has been delivered to this reach to benefit endangered fish. There are many other examples of significant voluntary and cooperative provision of water to endangered fish throughout the basin. The dollar value of this water, which has not been estimated, in my opinion very likely exceeds the total cost of the two programs.

In evaluating impacts of existing and new water projects on the endangered fish as required by the Endangered Species Act, U.S. Fish and Wildlife Service reviews the actions taken by the recovery programs to protect and recover the species to determine if those actions offset project impacts. To date, the Service has found that program actions both at the impact approximately 2,500 water projects in the Upper Colorado and San Juan River Basins, including every Reclamation project upstream of Lake Powell. There have been no lawsuits filed regarding Endangered Species Act compliance under the recovery programs. Furthermore, compliance with the Endangered Species Act has been streamlined for Federal agencies, water users, and the Fish and Wildlife Service.

The recovery programs have greatly improved the status of endangered fish species. Since the inception of the programs, populations of endangered fish have increased in the two river basins. The Service will prepare 5-year status reviews of three of the species in 2018. The status reviews may lead to down-listing of the species from endangered to threatened.

The programs have strong grassroots support among all participants including water users, the states, tribes, power customers, and environmental organizations. Many of these organizations have submitted letters of support to the Subcommittee for H.R. 4465.

Due to the success of the programs and strong grassroots support, the programs have had the support of five presidential administrations. P.L. 106-392 and subsequent amendments have had strong bipartisan support in Congress. I believe I can speak on behalf of all the non-Federal program participants in requesting the support of the Subcommittee for H.R. 4465. I would note that an identical bill (S. 2166) has been introduced by Senator Gardner with bipartisan support.

Once again, I thank the Chairman and Ranking Member for the opportunity to testify. I would be happy to answer any questions regarding my testimony.

ATTACHMENT

Endangered Species Act Compliance Streamlined for Water and Hydropower Projects

The Upper Colorado River and San Juan River Basin recovery programs respond to the challenge of water management by working with local, state, federal, and tribal agencies to meet the needs of people and endangered fish. The programs' goal is to achieve full recovery (delisting) of the endangered fishes, not just to avoid jeopardy (offset impacts of water project depletions) under the Endangered Species Act (ESA). The recovery programs provide ESA compliance for water development and management activities for federal, tribal, and non-federal water users. This includes Bureau of Reclamation-operated dams and projects across the Upper Colorado River Basin. Responsibilities to offset water project depletion impacts do not fall on individual projects or their proponents.

The recovery programs currently provide ESA compliance for 2,470 water projects depleting more than 3.7 million acre-feet per year. No lawsuits have been filed on ESA compliance for any of these water projects.

Upper Colorado River Endangered Fish Recovery Program Summary of Endangered Species Act Section 7 Consultations 1/1988 through 12/31/2016





State	Number of Projects	Historical Depletions	New Depletions	Total
		Acre-Feet/Yr	Acre-Feet/Yr	Acre-Feet/Yr
Colorado	1224	1,915,682	207,195	2,122,877
Utah	250	517,898	97,622	615,520
Wyoming	410	83,498	36,013	119,511
CO/UT/WY	238 ¹	(Regional)	(Regional)	
Total	2,122	2,517,078	340,830	2,857,908

¹Small depletion projects (<100 acre-feet per year) consulted on between July 3, 1994, and October 1, 1997, when the Recovery Program did not track the number of these projects by state. Depletion totals associated with these 238 projects are captured by state under new depletions.

San Juan River Basin Recovery Implementation Program Summary of Endangered Species Act Section 7 Consultations 1/1992 through 12/31/2016

State	Number of Consultations	Depletions Acre-Feet/Yr
New Mexico	23	653,758
Colorado	310	217,930
Utah	15	9,311
Total	348	880,999

Recovery Progress Report
































Species	Population Status	USWFS Pending Recovery Decisions
Colorado pikeminnow  <ul style="list-style-type: none"> Listed as Endangered in 1967; recovery can occur in the Upper Basin. Wild, self-sustaining populations are managed in Green and Colorado rivers. Colorado pikeminnow produced in hatcheries are stocked in the San Juan River. 	<ul style="list-style-type: none"> Adults in the Colorado and Green rivers have declined in the past decade, requiring increased effort to: a) reduce nonnative predators; and b) improve base flow management to increase survival of young Colorado pikeminnow. Hatchery fish are accumulating and spawning in the San Juan River. 	<ul style="list-style-type: none"> A Species Status Assessment (SSA)¹ initiated in late 2015 and scheduled for completion in 2017. Recent population declines could delay downlisting.²
Humpback chub  <ul style="list-style-type: none"> Listed as Endangered in 1967; recovery is required in both Upper and Lower basins. Wild, self-sustaining populations are managed in multiple locations in the Upper and Lower basin. 	<ul style="list-style-type: none"> 4 of 5 Upper Basin populations have stabilized after declines were detected in the late 1990s. The fifth population (Yampa River) appears to have been lost. In the Lower Basin, a population near the Little Colorado River is doing very well. 	<ul style="list-style-type: none"> SSA initiated in early 2016 and scheduled for completion in 2017. Long term stability in most populations could lead to a downlisting decision in the near future.
Razorback sucker  <ul style="list-style-type: none"> Listed as Endangered in 1991; recovery is required in both Upper and Lower basins. A wild, self-sustaining population resides in Lake Mead; hatchery fish are stocked in other Lower Basin locations. Razorback sucker raised in hatcheries are stocked in many Upper Basin rivers. 	<ul style="list-style-type: none"> In the Upper Basin, stocked adults are accumulating in Colorado, Green, and San Juan rivers and in the inflows to Lake Powell. In the Lower Basin, the only wild, self-sustaining population is found in Lake Mead and the lower Grand Canyon. Positive trends for this species are reported throughout the Colorado River. 	<ul style="list-style-type: none"> An SSA for this species is scheduled for completion in 2017. Downlisting could occur when razorback sucker demonstrate the ability to complete life cycles in wild.
Bonytail  <ul style="list-style-type: none"> Listed as Endangered in 1980; recovery is required in both Upper and Lower basins. 	<ul style="list-style-type: none"> Programs throughout the Upper and Lower basins rebuild populations with hatchery fish. Spawning in the wild detected for the first time in Green River floodplains in 2015 (and again in 2016). 	<ul style="list-style-type: none"> When survival of stocked fish improves and bonytail start completing their life cycle in wild, the Service will initiate an SSA.

¹ Species Status Assessments (SSA) comprise the best available information on species needs, current condition, and viability. The Service uses SSAs as the foundation for various ESA actions (e.g., changes in listing status).

² "Downlisting" refers to a Service decision to reclassify an endangered species as a threatened one based on reduced risk of extinction.

Nonnative Predators Delay Recovery in the Upper Colorado River

Predation or competition by nonnative fish species is the primary threat to endangered fish recovery and the most challenging threat to manage. One hundred years ago only 13 native fish species swam in the Upper Colorado River and its tributaries – today they have been joined by more than 50 nonnative species. The graphic below depicts the spread of a few of the most predaceous and invasive species through the life of the Upper Colorado and San Juan Programs.

River	Presence of Invasive Species	
	Program Inception	Today
Colorado	 	     
Gunnison		
Green		     
White		  
Yampa	  	     
San Juan		

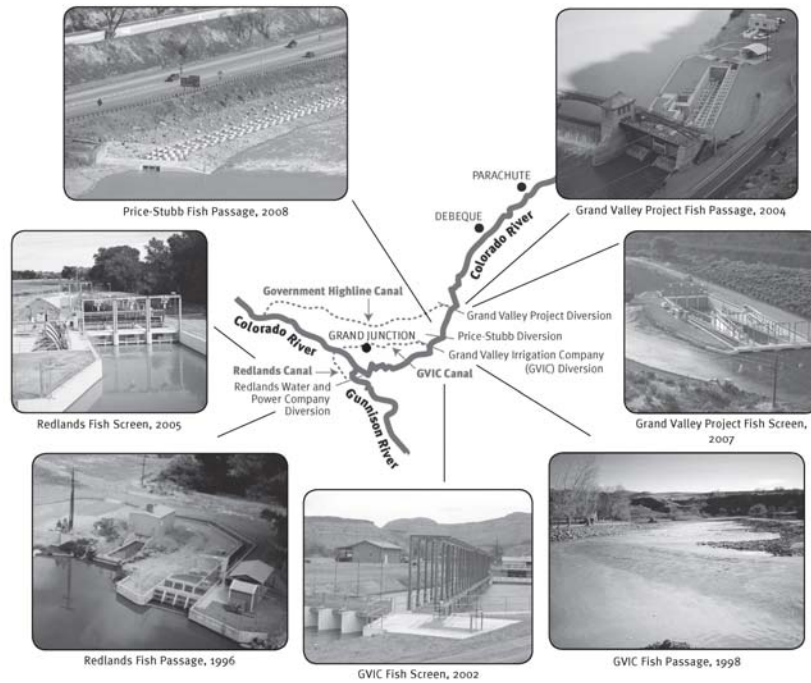
*Rusty crayfish photo courtesy of the United States Geological Survey
Vinnie Crayfish photo courtesy D. Gordon E. Robertson
Fish Illustrations © Joseph R. Tomelleri*

Legend

Channel catfish	Gizzard Shad	Northern pike	Rusty crayfish	Smallmouth bass	Vinnie crayfish	Walleye	White sucker
							

Capital Projects Restore Endangered Fish Habitat

The recovery programs work cooperatively with American Indian tribes, water and power customers, and local landowners to improve endangered fish habitat. Habitat restoration and maintenance includes reconnecting fragmented river reaches through construction and operation of fish passages at irrigation diversion dams; preventing fish from entering and becoming trapped in irrigation diversion canals through construction and operation of fish screens; and acquisition, restoration, and management of floodplain habitat to serve primarily as fish nursery areas.



The majority of the Upper Colorado Program's construction projects needed to recover the endangered fishes are complete (dates shown above). Located in western Colorado, these fish passages and screens contribute to unimpeded access to approximately 340 miles of designated critical habitat in the Colorado and Gunnison rivers.

Status of Endangered Fishes

The recovery programs monitor reproduction, growth, survival, and abundance of endangered fishes in the wild. Results are used to track progress toward achieving recovery and assess effectiveness of management actions.

The core of the U.S. Fish and Wildlife Service's recovery goals for each species is achieving a sufficient number and size of self-sustaining populations that will persist. To achieve this, wild or re-introduced adults must survive and reproduce. Recruitment of young fish into the adult population must then maintain the minimum population level (demographic criteria) identified in the recovery goals (see page 6).

COLORADO PIKEMINNOW (*Ptychocheilus lucius*)



Sam Hultberg, USFWS, holds a Colorado pikeminnow captured on the Colorado River near Grand Junction, CO.

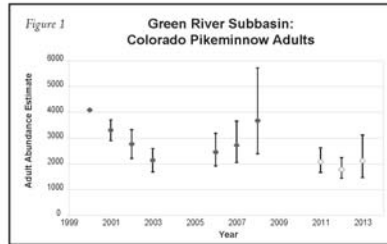
Upper Colorado Program

◆ Wild Colorado pikeminnow populations occur in the Green and Colorado river sub-basins of the Upper Colorado River.

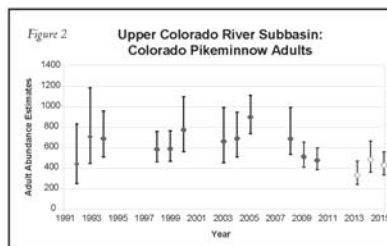
- The population in the Green River is the largest (Figure 1; estimates for 2013–2015 are preliminary). The Service's current downlisting criteria for this sub-basin is 2,600 adults, but the Service is re-evaluating recent survival estimates to determine if revision of that criteria is necessary.

- The adult population in the Colorado River sub-basin is smaller than the Green River population (Figure 2; estimates for 2011–2015 are preliminary).

- In 2015, 1,331 young-of-year (YOY) were collected from Colorado River backwaters. This was the highest catch in this reach of river in 30 years. In 2016, catch in the Colorado and lower Green remained above average, but dropped in the middle Green River.



Colorado pikeminnow collected on the Green River.



San Juan Program

◆ Colorado pikeminnow are being reestablished in the San Juan River.

- Over the last six years, 2,707,927 age-0 Colorado pikeminnow have been stocked into the San Juan River.

- Annual monitoring efforts document that stocked fish are persisting in the San Juan River (Figure 3).

- A record high number (n=312) of wild-produced Colorado pikeminnow larvae were captured in 2014. In September 2016, 23 wild young-of-year Colorado pikeminnow (~2" in length) were collected, which represents critically important survival beyond the larval life stage.

- The San Juan Program is restoring secondary channels along the river to increase the amount of low velocity nursery habitats for young pikeminnow. Nonnative vegetation along the shoreline is removed so that these habitats can function naturally and persist into the future.

BONYTAIL (*Gila elegans*)

Upper Colorado Program

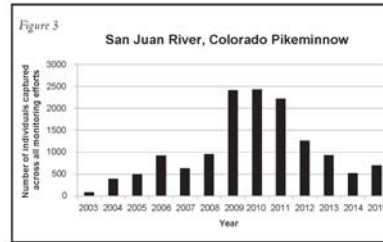
◆ Stocking continues to reestablish populations in the Upper Colorado River Basin. When the Upper Colorado Program was established, bonytail had essentially disappeared and little was known of its habitat requirements. Key to bonytail recovery is research and monitoring of stocked fish to determine life history needs.

- Survival of stocked bonytail is low. Biologists are testing different stocking times and growing hatchery fish larger.

- Bonytail adults entered flooded wetlands in 2015 and 2016, spawned and produced juveniles that returned to the river in the fall as the wetland drained.



More than 30,000 bonytail are stocked each year in the Green and Colorado rivers.



Bobby Duran, USFWS, holds a healthy adult Colorado pikeminnow caught in the San Juan River.

Upper Colorado Program's Performance to Meet Annual Bonytail Stocking Goals (%)

	Green River	Colorado/Gunnison River
2012	52% ¹	102%
2013	30% ²	108%
2014	127%	138%
2015	145%	122%
2016	104%	100%

Shaded cells indicate years when the stocking goal was not met.
¹ This 2012 group of fish were <10 inches total length and were transferred to Ouray National Fish Hatchery – Randlett Unit, to grow over winter and were stocked in 2013.
² In 2013 some bonytail were held in a hatchery longer to achieve the 10-inch size.

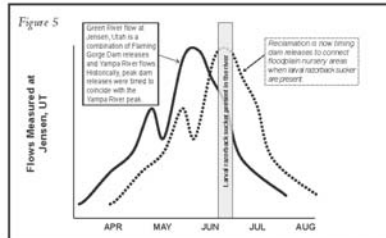
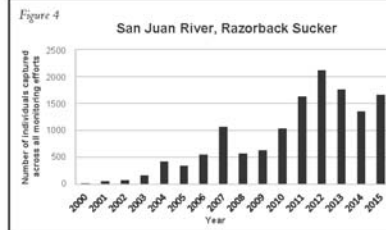
RAZORBACK SUCKER (*Xyrauchen texanus*)

◆ When the recovery programs were established, numbers of wild razorback sucker had diminished to a few hundred adults in the Green River system and were considered lost from the Upper Colorado and San Juan rivers. Hatchery-produced fish are being stocked to reestablish the species in the wild. Preferred habitat is being restored via flow and floodplain management, and nonnative predator control.

• The recovery programs are revising stocking strategies to incorporate recent stocked fish survival information. New data indicates that fall is the best time to stock and that fish should be at least 12 inches in length.

Programs' Performance to Meet Annual Razorback Sucker Stocking Goals (%)			
	Green River	Colorado/Gunnison Rivers	San Juan River
2012	108%	106%	118%
2013	53% ¹	101%	135%
2014	110%	109%	54% ¹
2015	98%	53% ²	35% ³
2016	39% ⁴	94%	67% ³

Shaded cells indicate years when stocking goal was not met.
¹ The Upper Basin stocking strategy is being changed to shift some production from razorback sucker to bonytail.
² Parasitic outbreak limited production.
³ Annual stocking target of 11,400 was not met 2014-2016 but the long-term target of 91,200 from 2009-2016 was exceeded.
⁴ In 2015, a tiger salamander outbreak in the production ponds reduced the numbers of fish to be stocked in 2016.



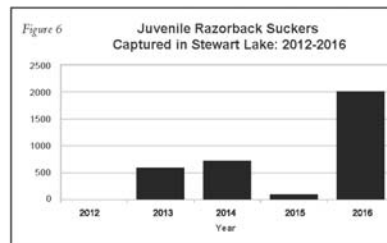
• Fish stocked in the Green, Colorado, and San Juan rivers (Figure 4) are recaptured in reproductive condition and often in spawning groups. Captures of wild-produced larvae in the Green, Gunnison, Colorado, and San Juan rivers document that the stocked fish are spawning.

• Antennas placed on a known spawning bar in the middle Green River in Dinosaur National Monument in northeast Utah detected 584 razorback sucker in 2015, and 958 in 2016. Most of these fish were stocked in 2010–2012, but a few were stocked as long ago as 2004. Submersible antennas used near the Green and Yampa River confluence detected 10 razorback sucker, more than captured in the Yampa River in the past 20 years.

• Wild-produced juveniles were captured for the first time in the Green and Colorado rivers in 2013 and in the San Juan River in 2014.

• The Upper Colorado Program and the Bureau of Reclamation continue to adjust the timing of spring releases from Flaming Gorge Dam (Figure 5) to connect floodplains — important nursery habitat for larval razorback sucker. In September, Utah researchers released a record high catch of 2,110 young of the year razorback sucker from Stewart Lake (Figure 6) into the Green River — some had grown more than 6 inches over the summer.

• Hundreds of razorback sucker are using transitional habitats at the inflows of both the Colorado and San Juan rivers into Lake Powell.





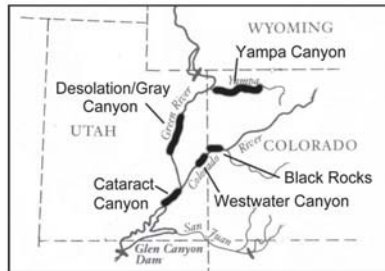
Eileen Henry holds a razorback sucker captured on the San Juan River.



Angela James, USFWS, with a razorback sucker captured during endangered fish monitoring.

HUMPBACK CHUB (*Gila cypha*)

◆ Five wild populations inhabit canyon-bound sections of the Colorado, Green, and Yampa rivers. Downward trends in some populations (particularly Yampa Canyon) have been attributed to increased abundance of nonnative fish and habitat changes associated with extended periods of drought.



Locations of the five humpback chub populations in the Upper Basin.

- In 2014, biologists resumed humpback chub population estimation in Desolation and Gray canyons in the Green River (Figure 7; estimates for 2014–2015 are preliminary). These contiguous canyons provide ~45 river miles of occupied habitat. Biologists sample <10% of the available habitat each sampling season and extrapolate results to estimate overall population size. Although adult humpback chub survival and catch rates appear relatively stable for the past 15 years, juvenile survival rates are low.

- The strongest population in the Upper Colorado River Basin consists of two groups in Black Rocks and nearby Westwater Canyon. Both populations experienced declines about 15 years ago, but have remained relatively stable since.

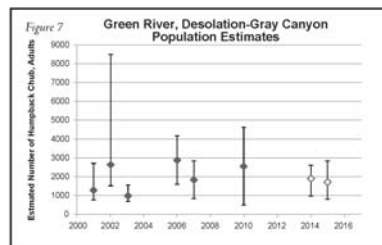
- The humpback chub population in Cataract Canyon is small, but appears to be stable.

- Humpback chub in Yampa Canyon have never been common, but now are extremely rare. The Upper Colorado Program is developing an Upper Basin humpback chub brood stock to augment the population in Yampa Canyon if deemed necessary in the future.

- The U.S. Fish and Wildlife Service is conducting a species status assessment on humpback chub to determine long-term viability.

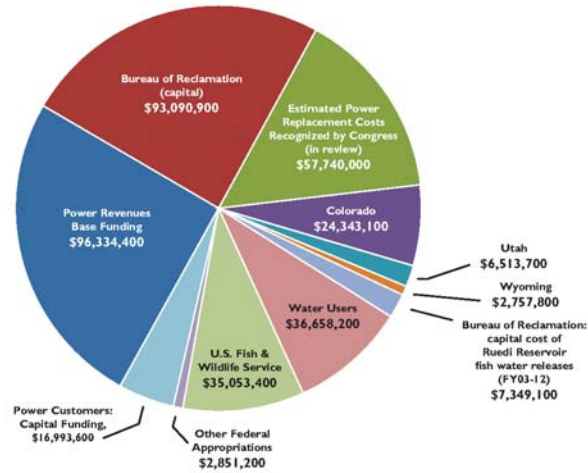


Humpback chub caught in the Black Rocks section of the Colorado River.

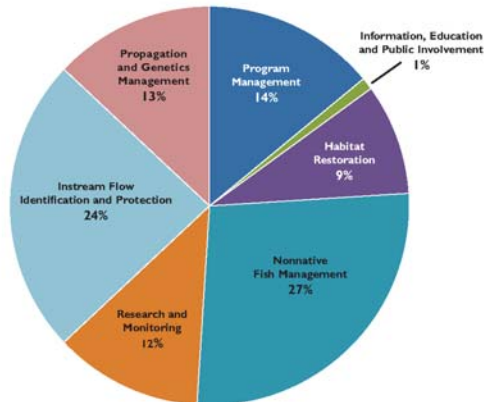


Expenditures Upper Colorado River Endangered Fish Recovery Program

Total Partner Contributions = \$379,685,400 (FY 1989-2017)

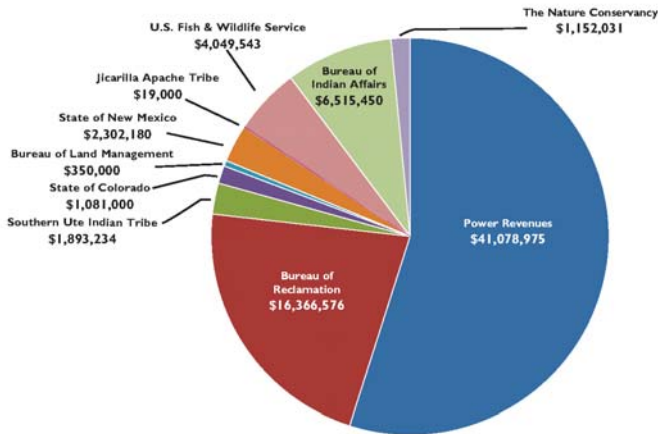


Projected Expenditures by Category (FY 2017 only)

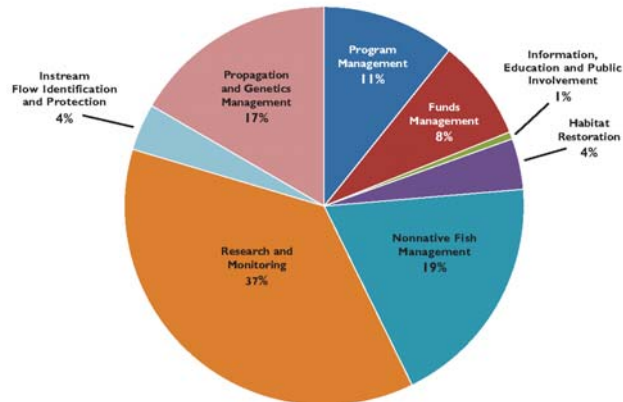


Expenditures San Juan River Basin Recovery Implementation Program

Total Partner Contributions = \$74,807,989 (FY 1992-2017)
(Not including in-kind contributions)



Projected Expenditures by Category (FY 2017 only)



Mr. LAMBORN. Thank you. Mr. Hague, you are now recognized for 5 minutes.

STATEMENT OF JIMMY HAGUE, SENIOR WATER POLICY ADVISOR, THE NATURE CONSERVANCY, ARLINGTON, VIRGINIA

Mr. HAGUE. Chairman Lamborn, Ranking Member Huffman, and members of this Committee, thank you for the opportunity to participate in this hearing about two important fish recovery programs in the Upper Colorado River Basin.

My name is Jimmy Hague and I am the Senior Water Policy Advisor for the Nature Conservancy. I am here today to express the Conservancy's strong support for H.R. 4465, the Endangered Fish Recovery Programs Extension Act of 2017. I want to thank Representative Curtis for his leadership in introducing this legislation, as well as all the bipartisan co-sponsors of the bill, representing each of the Upper Basin states of Wyoming, Utah, Colorado, and New Mexico. We appreciate their support.

In addition to this testimony, I am submitting to the Committee today a letter from Taylor Hawes, Director of the Colorado River Program at The Nature Conservancy, also requesting your support for H.R. 4465.

The Conservancy is a global conservation organization dedicated to conserving the lands and waters on which all life depends. Working in all 50 states as well as 72 countries, we use the collaborative approach that engages local governments, communities, the private sector, farmers, ranchers, and other landowners. In the Colorado River Basin, this means working collaboratively to sustain healthy river ecosystems and the people that depend on them.

The Upper Colorado River Endangered Fish Recovery Program, and the San Juan River Basin Recovery Implementation Program, are highly successful collaborative conservation partnerships involving the Upper Basin states, as well as Indian tribes, Federal agencies, water, power, and environmental interests. These programs are recovering four species of endangered Colorado River fish so that they can each be removed from the Federal endangered species list while still allowing water use and development to occur in our growing western communities. The Nature Conservancy is a proud partner in both programs.

We have supported the recovery programs for more than 30 years by providing technical and legal expertise, field project support, and private fundraising to match public funds. The programs are recovering federally-listed, warm-water native fish through improved management of Federal dams, river and floodplain habitat restoration, active native fish stocking, and the control of non-native fish species, among other activities.

These programs are successful. They are successful because all 19 member organizations are fully committed to recovering the fish that depend on the Colorado River system. The members demonstrate our commitment by sharing the cost of the programs, and by engaging fully in the collaborative process, including consensus-based problem solving.

These programs are characterized by a culture of respect, science-based decision making, and earnest collaboration toward shared objectives. The programs have recovery goals that provide objective measurable criteria for down-listing and de-listing the species, including numeric population goals, and the site of recovery activities. These goals allow the programs to monitor progress toward achieving recovery, as well as to assess the effectiveness of management activities, and to adjust recovery efforts through adaptive management.

It is critical to both species recovery and water development that the authority to use Colorado River Storage Project hydropower revenues for annual base funding be extended through 2023.

Without the passage of H.R. 4465, annual base funding for the recovery programs, which is cost-shared pursuant to ongoing agreements by states, tribes, and water users, would be cut by almost 40 percent after next fiscal year. A cut of this size would significantly harm our ability to recover the species.

These funds support instream flow identification, evaluation and protection, habitat restoration and maintenance, management of non-native fish impacts, endangered fish propagation and stocking, research, monitoring and data management, program management, public information involvement, as well as operation and maintenance of millions of dollars of capital projects, such as fish screens, fish passage, and reservoir improvements.

The substantial reduction of revenue that would occur without extended authorization would halt important recovery actions for both programs, and put at risk the substantial progress we have made over three decades of collaboration to restore healthy populations of these native fish species. It would also create uncertainty with respect to ESA compliance for millions of agricultural, industrial, and municipal water users who rely on steady supplies from the Colorado River and its tributaries.

Because extending the programs' authorization to use these hydropower revenues is critical to recovery of the four endangered species, The Nature Conservancy strongly urges your support for H.R. 4465.

Thank you, Chairman Lamborn, Ranking Member Huffman, members of the Committee, for the opportunity to testify. I look forward to your questions.

[The prepared statement of Mr. Hague follows:]

PREPARED STATEMENT OF JIMMY HAGUE, SENIOR WATER POLICY ADVISOR FOR THE
NATURE CONSERVANCY

Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee, thank you for the opportunity to participate in this hearing about two important fish recovery programs in the Upper Colorado River Basin. My name is Jimmy Hague, Senior Water Policy Advisor at The Nature Conservancy. I am here today to express the strong support of The Nature Conservancy for H.R. 4465, the Endangered Fish Recovery Programs Extension Act of 2017.

In addition to this testimony, I am submitting to the Committee a letter from Taylor Hawes, director of The Nature Conservancy's Colorado River Program, requesting your support for H.R. 4465.

The Conservancy is a global conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to the world's toughest challenges so that nature and people can thrive together. We are tackling climate change, conserving lands, waters and oceans at unprecedented scale, providing food and water sustainably and helping make cities more sustainable. Working in all 50 states and 72 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners, including farmers, ranchers, and other landowners. In the Colorado River Basin, this means working collaboratively to sustain healthy river ecosystems and the people that depend on them.

The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program (the "Programs") are highly successful collaborative conservation partnerships involving the states of New Mexico, Colorado, Utah, and Wyoming, as well as Indian tribes, Federal agencies, and water, power, and environmental interests. These Programs are recovering four species of endangered Colorado River fish so that they can each be removed from the Federal endangered species list while still allowing water use and development in our growing western communities. The Nature Conservancy is a proud partner in both Programs.

The Nature Conservancy (the Conservancy) is a long-standing member of the Upper Colorado River Program's Management Committee and Biology Committee and the San Juan River Program's Coordination Committee and Biology Committee. (The Conservancy shares representation of environmental interests with Western Resource Advocates in the Upper Colorado River Program.) We have contributed more than \$1.5 million in capital funds for habitat restoration, joining the states of New Mexico, Colorado, Utah, and Wyoming, four Indian tribes, Federal agencies, and water and power interests in sharing the costs of recovery and compliance.

The Programs are successful because all 19 member organizations are fully committed to recovering the federally listed, warm-water, native fish species that depend on the Colorado River system: the Colorado pikeminnow, humpback chub, razorback sucker, and bonytail. The members demonstrate our commitment by sharing the costs of the Programs, and by engaging fully in the collaborative process, including consensus-based problem solving. The Programs are characterized by a culture of respect, science-based decision making, and earnest collaboration toward shared objectives. The Conservancy has supported the recovery Programs for more than 30 years by providing technical (biological, ecological, and hydrological) and legal expertise, field project support (for example, design and implementation of three phases of habitat restoration along the San Juan River), and private fund-raising to match public funds.

We are participants in the Programs because they support the recovery of endangered, native fish in the Upper Colorado River Basin through improved management of Federal dams, river and floodplain habitat restoration, active native fish stocking, and the control of non-native fish species. The Programs have recovery goals that provide objective, measurable criteria for down-listing and de-listing the species, including numeric population goals and a set of specific recovery activities. These 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.

The collaborative Programs for endangered fish recovery enable water development and management to take place in the Upper Basin in compliance with the Endangered Species Act (ESA), interstate compacts, and state water laws. The Programs also provide ESA compliance for continued operation of Federal water and power projects in the Upper Basin. Since 1988, the two Programs have provided ESA Section 7 compliance without litigation for over 2,500 Federal, tribal, state, and privately managed water projects across the Upper Colorado River Basin depleting more than 3.7 million acre-feet of water per year—including those projects that supply water to our growing western cities.

It is critical to both species recovery and water development that the authority to use Colorado River Storage Project hydropower revenues for annual base funding be extended through 2023. Without the passage of H.R. 4465, annual base funding for the Recovery Programs—which is also cost-shared pursuant to ongoing agreements by states, tribes, and water users—would be cut by almost 40 percent starting next year.

These funds provide for instream flow identification, evaluation, and protection; habitat restoration and maintenance; management of non-native fish impacts; endangered fish propagation and stocking; research, monitoring, and data management; public information and involvement; program management; and operation and maintenance of millions of dollars of capital projects, including fish screens, fish passages, and reservoir improvements.

The current level of annual base funding is approximately \$8.2 million. The substantial reduction of this revenue that would occur without extended authorization would halt important recovery actions for both Programs. Such a cut would put at risk the substantial progress we have made over three decades of collaboration to restore healthy populations of these native fish species. It would also create uncertainty with respect to ESA compliance for the millions of agricultural, industrial, and municipal water users who rely on steady supplies from the Colorado River and its tributaries.

Because extending the Programs' authorization to use these hydropower revenues is critical to recovery of the four endangered species, the Nature Conservancy strongly urges your support for H.R. 4465.

Thank you, Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee for the opportunity to provide this testimony.

ATTACHMENT

THE NATURE CONSERVANCY,
BOULDER, COLORADO

December 4, 2017

Hon. DOUG LAMBORN, *Chairman*,
Hon. JARED HUFFMAN, *Ranking Member*,
House Committee on Natural Resources,
House Subcommittee on Water, Power and Oceans,
1324 Longworth House Office Building,
Washington, DC 20515.

Re: H.R. 4465, the Endangered Fish Recovery Programs Extension Act of 2017

Dear Chairman Lamborn and Ranking Member Huffman:

The Nature Conservancy supports the Endangered Fish Recovery Programs Extension Act of 2017 (H.R. 4665) because extending the authorization to use hydropower revenues through FY 2023 is critically important to keeping two vital endangered species recovery programs moving forward in the Upper Colorado River basin.

H.R. 4465 amends P.L. 106-392, the authorizing legislation for the Recovery Programs, to provide for continued use of Colorado River Storage Project (CRSP) revenue for annual funding of the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program through 2023 at currently authorized levels. Cost sharing for the programs is also provided by the States of Colorado, Wyoming, New Mexico, and Utah, water users, and CRSP power customers.

The two Recovery Programs are highly successful collaborative conservation partnerships involving the States of New Mexico, Colorado, Utah, and Wyoming, as well as Indian tribes, federal agencies, and water, power, and environmental interests. These Programs are recovering four species of endangered Colorado River fish so that they can each be removed from the federal endangered species list while still allowing water use and development in our growing Western communities to continue in compliance with the federal Endangered Species Act (ESA), state law, and interstate compacts. Since 1988, the two Programs have provided ESA Section 7 compliance without litigation for over 2,500 federal, tribal, state, and privately managed water projects across the Upper Colorado River basin depleting more than 3.7 million acre-feet of water per year—including those projects that supply water to our growing Front Range cities.

Colorado River Storage Project revenues provide critical annual funding for the programs for operation and maintenance of facilities to recover the species, including fish screens, fish passages, bottomland habitat, and hatcheries, research and monitoring, and program management. Because extending the Programs' authorization to use these hydropower revenues is critical to keeping recovery of the four endangered species moving forward, the Nature Conservancy requests your support for H.R. 4465.

Sincerely,

TAYLOR HAWES,
Colorado River Program Director.

Mr. LAMBORN. Thank you. Mr. Colosimo, you are now recognized for 5 minutes.

**STATEMENT OF ANDREW COLOSIMO, GOVERNMENT AND
CORPORATE AFFAIRS MANAGER, COLORADO SPRINGS
UTILITIES, COLORADO SPRINGS, COLORADO**

Mr. COLOSIMO. Good morning. Thank you, Chairman Lamborn, Ranking Member Huffman, Chairman Bishop, and members of the

House Subcommittee on Water, Power and Oceans, for the opportunity to testify in support of H.R. 4465.

My name is Andrew Colosimo, Government Affairs Manager for Colorado Springs Utilities. Colorado Springs Utilities is a four-service municipal utility providing electric, natural gas, water, and wastewater services to approximately 407,000 citizen owners.

Colorado Springs is not located on a major river, it must rely on water delivered from distant watersheds. Currently, between 60 and 70 percent of our water supply originates from first and subsequent reuse of water obtained from the Colorado River headwaters through four transbasin diversions. We, along with other Colorado Front Range water providers, including Denver and Aurora, serve approximately 80 percent of Colorado's population and economy. About 72 percent of this supply comes from the Colorado River Basin. As a result, Front Range water providers have a large stake in the future of Colorado River. Our water diversions from the Colorado River Basin link us to the Upper Colorado Recovery Endangered Fish Program.

Colorado Springs Utilities is also linked to this program because we are a preference power customer of the Reclamation's Federal CRSP program by virtue of our firm electric service contract with Western Area Power Administration. Approximately 10 percent of our power comes from this cost-based and reliable source of electricity.

Colorado Springs Utilities also delivers Federal hydropower allocations to many of our local military installations, including Peterson Air Force Base, the Air Force Academy, Cheyenne Mountain Air Force Station, and Fort Carson. Ensuring their electric reliability and resiliency is of utmost importance to Colorado Springs Utilities.

This program operates in accordance with state water laws, tribal laws, and interstate compact. Colorado water users have been involved in protecting endangered fish on the Colorado River since 1983, when the Colorado Water Congress established a special project on endangered species. The initial objective, as it is today, was to develop administrative solutions to potential conflicts between water development and management activities, and protection of endangered species in the Colorado River Basin.

These initial efforts lead to the recovery programs that were established through cooperative agreements among the Upper Basin states of Colorado, Utah, New Mexico, and Wyoming, and the Federal agencies in 1988. We appreciate the support that Congress has provided to this program since 2000 when legislation, Public Law 106-392, was passed, which authorized a \$100 million capital improvement program.

Since passage of Public Law 106-392, CRSP power revenues have provided over \$67 million to the Upper Colorado Recovery Program, and \$32 million to the San Juan River Recovery Implementation Program. The CRSP power customers, through the participation of the Colorado River Energy Distributors Association, also continue to support this program.

Water and power interests recognize that the recovery programs are an excellent model of Federal/non-Federal collaboration. Continuation of the annual base funding from CRSP hydropower

revenues at the currently authorized levels is essential for the programs to provide continuing ESA compliance, and to assist in recovering the endangered fish species in the two basins. Water and power customers strongly support this legislation, and encourage timely passage of H.R. 4465, to extend these authorities and obligations contained in Public Law 106–392.

We are grateful for the past support of the Subcommittee, which has allowed these nationally recognized endangered species recovery programs to accomplish these important objectives. Continuing the recovery programs through Fiscal Year 2023 will allow our community, along with many others, the certainty needed to provide dependable water supply to our citizen owners. We are encouraged by some positive progress toward down- and de-listing these species, and look forward to continuing to work with the Federal Government, the states, and other partner agencies on program objectives. Thank you.

[The prepared statement of Mr. Colosimo follows:]

PREPARED STATEMENT OF ANDREW J. COLOSIMO, COLORADO SPRINGS UTILITIES

Thank you Chairman Lamborn, Ranking Member Huffman, and members of the House Subcommittee on Water, Power and Oceans for the opportunity to testify in support of H.R. 4465 the “Endangered Fish Recovery Programs Extension Act of 2017.” I would also like to thank Representative Curtis for introducing this important piece of legislation.

My name is Andrew Colosimo, the Government Affairs Manager for Colorado Springs Utilities. As a community-owned, four service municipal utility, our focus is providing safe, reliable, competitively-priced electric, natural gas, water and wastewater services to our citizen owners and customers.

The Colorado Springs Utilities water system serves over 470,000 people across a 200-square mile service area. The water system includes 25 reservoirs, 38 storage tanks, 6 water treatment facilities, and over 2,000 miles of water mains. Source water is diverted from over 100 miles outside the city.

Colorado Springs is not located on a major river, it must rely on water delivered from distant watersheds. Currently, between 60 and 70 percent of the Utilities’ water supply originates from the first use and subsequent reuse of water obtained from Colorado River headwaters through four transbasin diversions. These supplies are transported into the Arkansas River Basin and delivered to storage and treatment facilities via four raw water pipeline systems.

We, along with other Colorado Front Range water providers including Denver and Aurora, serve about 80 percent of Colorado’s population and economy. About 72 percent of this supply comes from the Colorado River Basin. As a result, Front Range water providers have a large stake in the future of the Colorado River. Our water diversions from the Colorado River Basin link us to the Upper Colorado Endangered Fish Recovery Program.

Colorado Springs Utilities is also linked to this program because we are a preference power customer of the Reclamation’s Federal Colorado River Storage Project (CRSP) by virtue of our firm electric service contract with the Western Area Power Administration. Approximately 10 percent of our power comes from this cost-based and reliable source of energy. The remainder of our power comes from local generation including coal, natural gas, local hydropower generation and renewable energy sources. Colorado Springs Utilities delivers Federal hydropower allocations to many of our local military installations including Peterson Air Force Base, the Air Force Academy, Cheyenne Mountain Air Force Station and Fort Carson. Ensuring electric reliability and resiliency for our military customers is of utmost importance to Colorado Springs Utilities.

The Recovery Programs are a proven Federal/non-Federal collaborative program that provide Endangered Species Act (ESA) compliance for over 2,320 water projects that withdraw about 3.7 million acre-feet annually, including those belonging to Colorado Springs. 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 CRSP.

The programs operate in accordance with state water 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. It is also important to note that no lawsuits have been filed on ESA compliance for any water project under the programs.

Colorado water users have been involved in protecting endangered fish on the Colorado River since 1983 when the Colorado Water Congress established the Special Project on Endangered Species. The initial objective was to develop administrative solutions to potential conflicts between water development/management activities and protection of endangered species in the Colorado River Basins.

These initial efforts led to the Recovery Programs that were established through Cooperative Agreements among the Upper Basin states of Colorado, Utah, New Mexico, and Wyoming and Federal agencies in 1988 for an initial 15-year period to recover four species of endangered fish in the Colorado and San Juan River Basins. In August 2009, the Cooperative Agreements were extended through 2023. The Colorado Water Congress continues to support this program today.

We appreciate the support that Congress has provided to this program since 2000 when legislation (P.L. 106-392) was passed which authorized a \$100 million capital improvement 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. CRSP power revenues funded \$17 million of the Program capital features.

The 2000 law also authorized the use of CRSP power revenue 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.

Since passage of P.L. 106-392, CRSP power revenues have provided over \$67 million to the Upper Colorado Recovery Implementation Program and \$32 million to the San Juan River Recovery Implementation Program. The CRSP power customers through the participation of the Colorado River Energy Distributors Association (CREDA) also continue to support this program.

Water and power interests recognize that the Recovery Programs are an excellent model of Federal/non-Federal collaboration. Continuation of annual base funding from CRSP hydroelectric power revenues at currently authorized levels is essential for the programs to provide continuing ESA compliance and to assist in recovering the endangered fish species in the two basins.

Water and power customers strongly support this legislation and encourage timely passage of H.R. 4465 that will extend authorities and obligations contained in Public Law 106-392. We are grateful for the past support of the Subcommittee which has allowed these nationally-recognized endangered species recovery programs to accomplish their important objectives.

Continuing the Recovery Programs through Fiscal Year 2023 will allow our community along with many others the certainty needed to provide dependable water supply to our citizen owners. We are encouraged by some positive progress toward down- and de-listing species and look forward to continuing to work with the Federal Government, the states, and other partner agencies on Program objectives.

Mr. LAMBORN. Thank you. We will now begin questions for witnesses. To allow all of our Members to participate, and to ensure that we can hear from all of our witnesses today, under Committee Rule 3(d), Members are limited to 5 minutes for their questions. I will save my questions for the end.

At this point, we will recognize Representative LaMalfa of California.

Mr. LAMALFA. Thank you, Mr. Chairman. The bill being discussed today, obviously, will have great impact on the supply and hydropower. The issues being talked about on the Colorado River with this program are very similar to what we face in Northern California with the Sacramento River Basin, with the program there known as the Sacramento Valley Salmon Recovery Program, which is an agreement between Federal, state and local

stakeholders. A lot of good work has been done, hundreds of millions of dollars have been spent on fish screens, water efficiency, habitat restoration, things that have been done with a good bipartisan spirit, and a lot of cooperation. But for quite a few years, not all the input from the stakeholders, particularly the water users, has been as strong as it should be. So, I am hoping from this legislation we can take some lessons from that and apply it at home in California.

Mr. Colosimo?

Mr. COLOSIMO. Colosimo.

Mr. LAMALFA. I should know better as an Italian. Colosimo. What do you see for the fish that are being listed under ESA, the prospects for being de-listed, how soon, how simple, what needs to happen in order to get to a de-listing?

Mr. COLOSIMO. Congressman LaMalfa, thank you for the opportunity to talk about this program. I think we are on track toward down- and de-listing some of these fish, and really are working closely with the Federal agencies to come out with some additional analysis on their progress. Recovering these species is difficult and it is time-consuming, and we would all like to see things done more quickly.

Mr. LAMALFA. Are there structural issues within the ESA that make it more challenging than maybe it needs to be?

Mr. COLOSIMO. I believe that there are certainly opportunities that the Endangered Species Act could be streamlined to make some of these decisions more quickly. But I think in the case of this program, I think we are on track.

Mr. Maddux may be able to provide a little more specificity on exact timing and recovery issues. But I believe that we are on track to making significant progress toward down- and de-listing these species in the next few years.

Mr. LAMALFA. So, you are feeling fairly optimistic about that timeline?

Mr. COLOSIMO. Yes, sir.

Mr. LAMALFA. Mr. Maddux, I will throw that right back to you.

Mr. MADDUX. Thank you for the question. Currently, the U.S. Fish and Wildlife Service is working on species status assessments for three of the species: the Colorado pikeminnow, razorback sucker, and humpback chub. That is the first step in the process of evaluating whether they are ready to be down-listed. Those evaluations will be completed in 2018.

The humpback chub is the first one, it is already at the level now where it is being discussed in senior management, official wildlife, between the three regions: California region; the Southwest, basically, Arizona and New Mexico; and the Region 6 that covers the Upper Basin states. So, that one we are pretty optimistic about, and we are hoping that by the end of 2018 we will have made decisions for down-listing three of the four.

Mr. LAMALFA. What is your experience on this being a voluntary agreement as opposed to being imposed?

Mr. MADDUX. An interesting fact. Like I said, the 15-mile reach is an example. But each year as snow-melt approaches, all the private and Federal reservoirs in Colorado begin a dialogue on how to coordinate their releases to benefit those fish, so that when

snow-melts come and they are filling their reservoirs, they coordinate their releases to provide what looks similar to the historic hydrograph that occurred when those fish evolved. And that is all done voluntarily, and occurs on an annual basis. Not all the time are they able to achieve a giant peak, but many times they can, and we have seen great benefits from that. We have private irrigation companies that are allowing us to put structures in place, where all the saved water remains in the river to benefit the fish.

I think as people see and begin to trust and know that their interests are also looked at, the amount of work they do voluntarily has greatly increased.

Mr. LAMALFA. Briefly on sound science, you used that terminology a bit ago. How important is that to getting to a good, well-rounded outcome?

Mr. MADDUX. When we started working on these fish, we knew very little. In fact, in some of our stocking efforts, we learned we were putting those fish in the wrong areas. But as we have learned, we have adapted. A great example are the releases out of Flaming Gorge Dam. We have a huge amount of flow that comes naturally down the Yampa River out of Colorado. We would match the peak of the Yampa with the Green River from Flaming Gorge, thinking that achieving a high peak and flooding those bottomlands was best for the fish. Nothing was happening.

And what we learned, through science, is that we needed to time it when the razorback sucker eggs were hatching on the river. So, now, that peak from Flaming George is regulated to match when the fish are actually coming off the spawning bars. And now we are seeing, this last year, over 2,000 fish out of just one of those bottomlands was released back.

Mr. LAMALFA. It makes sense. I better yield my overtime back. Thank you, sir.

Mr. LAMBORN. Thank you. I would now recognize the Ranking Member for any questions he might have.

Mr. HUFFMAN. Thanks, Mr. Chairman. I really don't have too many questions. I am just very favorably impressed with the way all the stakeholders have come together and stuck with it over these many years, and the adaptive management that you described sounds like a great feature of this program.

So, unless you wanted to tell us a little more about the hydrograph and how you have timed releases to produce good results for fish, I am content and ready to support this bill. I guess I do have one question of any of you that are fisherman. Have any of you caught this pikeminnow?

Mr. MADDUX. I have caught the humpback chub.

Mr. HUFFMAN. Not all of our pikeminnow are valued sport fish in California. Sometimes we want to catch them and throw them off on the shore and wish that they would go away. But they fight for a while and then they just sort of roll over and you bring them in, and they are not great fighters. I just wondered if anybody had caught these Colorado River pikeminnow, and if they were a more challenging sport fish to catch?

Mr. MADDUX. I might add that the state of Utah is actually working with the Fish and Wildlife Service. We are going to try to

create a sport fishery on one of our reservoirs for Colorado pikeminnow. Can you imagine people setting a new state record every year, and the excitement that that will generate.

Mr. HUFFMAN. And jobs, because fisheries do create jobs and a lot of economic activities, and it is important that we remember that. Thanks for all your good work.

Mr. LAMBORN. I do have a few follow-up questions. Mr. Colosimo and Mr. Maddux, we have talked a little bit about fisheries or hatcheries. What role do these play in recovering endangered species on the Upper Colorado and San Juan River Basins?

Mr. MADDUX. Thank you, Chairman Lamborn. When we first started these programs, there were about 300 razorbacks left in the wild in the Upper Basin, and they were dwindling every year. There were no bonytail in the Upper Basin. Through hatcheries, we have been able to re-establish razorback suckers and we have reached numbers now to where they are spawning, reproducing, their young are surviving. Fishery crews are out on the river and they are catching so many it is getting in the way of some of their other work. So, that is a success for razorback sucker.

We now changed those resources to bonytail, and I think we are finally starting to achieve the levels of bonytail in the river where we are starting to see a biological response. So, those hatcheries have been critical to our success.

I should note that Navajo Nation and others have provided some of their own land to raise these fish for reintroduction on the San Juan and in the Green and Colorado.

Mr. LAMBORN. Mr. Colosimo?

Mr. COLOSIMO. Mr. Chairman, I don't have anything else to add to Mr. Maddux's.

Mr. LAMBORN. Are the fish that are released into the wild genetically identical to those that are in the wild?

Mr. MADDUX. Yes. We have genetic management plans for all these species where the crosses, the male, the female, are controlled on who is mating, who is producing those young, to basically get the best genetic mix we can at the time of release.

Mr. LAMBORN. I have always thought that it was a good idea to use hatcheries. I have heard occasionally some criticism that these fish are not the same as those that are in the wild, so they don't want to use hatcheries. My thought is if we are really after the species being brought back and revived, we should embrace hatcheries. And to not use them would be—the only alternative is just to tie up a lot more territory, which is barred from any kind of development or use. So, to me, hatcheries are important for this purpose. Any comments?

Mr. MADDUX. Personally, I believe that two of our four species would be extinct in the Upper Colorado and San Juan Rivers if it were not for hatcheries. We were starting at such low numbers that without the support of hatchery-produced fish, those fish would be gone today.

Mr. LAMBORN. All right. Thank you for being here and for your testimony. I now recognize Representative Barragán.

Ms. BARRAGÁN. I don't have any questions.

Mr. LAMBORN. If there are any last questions, we will entertain them, otherwise we are going to wrap up. Thank you for being

here. Under Committee Rule 3(o), members of the Committee might submit questions to the Clerk within 3 business days following this hearing, and the hearing record will be open for 10 business days for responses. If you get any of those questions, please answer them.

Mr. LAMALFA. Mr. Chairman, would you mind if I threw out one more?

Mr. LAMBORN. Go ahead, we have not dropped the gavel yet. With everyone's unanimous consent, go ahead.

Mr. HUFFMAN. Through the grace of the Ranking Member.

Mr. LAMALFA. All right. Very graceful. Thank you.

Mr. LAMBORN. The bipartisan grace.

Mr. LAMALFA. All right. Since you threw it open, I thought I had to do my 5 minutes in 6 minutes earlier, so I appreciate that. I will come back to Mr. Maddux—I chair the Subcommittee on Indian Affairs, so I wondered what major concerns you may have seen with the various tribes involved in the system on the San Juan River there? How are those efforts engaged and ensured for their concerns?

Mr. MADDUX. As I said, the four tribes are active members. They are represented at both the administration level and the biology level on the committees. They all have water projects that rely on these programs for their Endangered Species Act compliance. They have all stepped up in doing voluntary efforts to help us achieve recovery. They support us. They come back each year, as we come back to brief Members of Congress on the program and our success. They are vital—they are basically the backbone of the San Juan River Program.

Mr. LAMALFA. Thank you. That is really good to hear on the voluntary efforts that have been mentioned here a couple of times in Committee. I appreciate that. And, Mr. Chairman, I appreciate the extra indulgence, and Mr. Ranking Member, thank you. I will yield back.

Mr. LAMBORN. I would like to ask another question and then we will keep this open for a second round. That is great bipartisan cooperation here.

Mr. Colosimo, the lack of lawsuits and certainty associated with the water and power operations in the Basin is a great success. We must not lose sight, however, of the goals of what the programs seek to achieve, which is the eventual de-listing of the four ESA-listed fish species.

Mr. Maddux, I believe, addressed this earlier about the possible timeline for eventual de-listing of these four species. Is there anything that you would like to say about the eventual de-listing?

Mr. COLOSIMO. Chairman Lamborn, thank you for the question. I think that the progress that we are making is encouraging. I think we need to remain vigilant and continue to fund these programs. Without these programs, if we aren't successful, there is an impact, and it is going to impact our water supply and electricity supply in the West. I think that is why we are all at the table and are going to remain at the table to try to recover these endangered fish.

Mr. LAMBORN. How big of a percentage of the budget from WAPA are these programs? And is it all WAPA?

Mr. COLOSIMO. I'm not sure that I understand.

Mr. LAMBORN. Mr. Maddux?

Mr. MADDUX. On our annual base funding, power revenues account for about 75 percent of our funding.

Mr. LAMBORN. OK.

Mr. MADDUX. States contribute cash each year, as well as other in-kind, and other partners also contribute.

Mr. LAMBORN. Federal dollars?

Mr. MADDUX. Fish and Wildlife contributes close to \$2 million annually toward the program.

Mr. LAMBORN. All right. That helps. Thank you. If there are no further questions, we are going to go ahead and wrap up. You heard what I said about being open to written questions that might be submitted to you. If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 10:50 a.m., the Subcommittee was adjourned.]

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

Letters Submitted in Support of H.R. 4465

- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Colorado Water Conservation Board, dated December 4, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Grand Valley Water Users Association, date not specified.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Public Service Company of New Mexico, dated December 1, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Southeastern Colorado Water Conservancy District, dated November 30, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Central Utah Water Conservancy District, date not specified.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Colorado River District, dated December 4, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from Colorado Springs Utilities, dated November 30, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Colorado Water Congress, date not specified.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Colorado River Energy Distributors Association, dated December 4, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from Denver Water, date not specified.

- Letter addressed to Chairman Lamborn and Ranking Member Huffman from Governor Mead of Wyoming, dated December 7, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Navajo Nation, dated December 1, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the National Water Resources Association, dated December 1, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the New Mexico Interstate Stream Commission, dated December 4, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Orchard Mesa Irrigation District, date not specified.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the San Juan Water Commission, dated November 30, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Southern Ute Indian Tribe, dated November 29, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Northern Colorado Water Conservancy District, date not specified.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from Tri-County Water Conservancy District, date not specified.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Southwestern Water Conservation District, dated December 1, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from Tri-State Generation and Transmission Association, Inc., dated December 18, 2017.
- Letter addressed to Chairman Lamborn and Ranking Member Huffman from the Upper Colorado River Commission, dated December 1, 2017.

