

On December 13, the Endangered Fish Recovery Programs Extension Act (H.R. 4465) was reported by the House Natural Resources Committee, by unanimous consent. The bill authorizes the Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs Act (P.L. 106-392) passed by Congress in 2000. It would maintain base annual funding for the federal cost-share programs through FY2023, and extend the programs' authorization to use hydropower revenues. It would also require a report, prepared in consultation with program participants, on the implementation and effectiveness of those programs, including the listing status of four warm-water endangered fish, expenditures of appropriated funds broken down by activity categories, and contributions from States, Tribes, hydropower revenues, water users, and environmental organizations.

The Subcommittee on Water, Power and Oceans held a December 6 hearing, and witnesses included the bill's sponsor, Rep. John Curtis (R-UT), Utah Department of Natural Resources' Director of Recovery Programs Henry Maddux, The Nature Conservancy's Senior Water Policy Advisor Jimmy Hague, and the Colorado Springs Utilities' Government and Corporate Affairs Manager Andrew Colosimo.

The Subcommittee's hearing memo notes that endangered fish designations impact water and power uses at numerous Bureau of Reclamation and non-federal water projects that played a core role in western settlement and that continue to be important for growing cities and sustaining the economy. The States of Colorado, New Mexico, Utah, and Wyoming, and the Navajo Nation, Southern Ute Tribe, Ute Mountain Tribe, and Jicarilla Apache Nation have signed cooperative agreements with the federal government to achieve the dual goals of recovering endangered fish and continuing water and power operations. State, Tribal, and federal fish hatcheries raise endangered populations to adulthood, and the States and water and power users foot 57% of the capital costs. Electricity ratepayers also absorb the cost of some of the non-capital program functions. The environmental organizations Western Resource Advocates and The Nature Conservancy participate in the cooperative agreements and management of the programs, and have contributed \$1.5M for habitat restoration. Participating federal agencies include the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, and the U.S. Fish and Wildlife Service (FWS).

Maddux testified that the FWS found that the programs 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 (ESA) compliance under the recovery programs." He added that the programs have streamlined ESA compliance for federal agencies and the water users, and that fish populations have improved to the point that FWS may be able to downlist the species from endangered to threatened in its 2018 report. He said the programs have had the support of five presidential administrations, bipartisan Congressional support, and strong grassroots support of all the participants.

Hague said the successful programs are characterized by a culture of respect among the 19 member organizations, science-based decision making, earnest collaboration and consensus-based problem-solving toward shared objectives. The current level of annual base federal funding is \$8.2M, he said, and cutting the federal share of costs would risk the substantial progress of the past three decades. "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."

Colosimo called the programs a proven federal-non-federal collaborative effort for water projects that withdraw about 3.7 million acre-feet annually. The programs operate in accordance with state water laws, tribal laws, and interstate compacts, and there has been no taking of water from any water user or Reclamation contractor in order to implement the program.