

**Statement of Rebecca Mitchell**  
**Director, Colorado Water Conservation Board**  
**[H.R.5001](#) Upper Colorado and San Juan River Basins Recovery Act**  
**U.S. House of Representatives Committee on Natural Resources**  
**Subcommittee on Water Oceans, and Wildlife**

**November 4, 2021**

Chairman Huffman, Ranking Member Bentz, and members of the Subcommittee, thank you for the opportunity to testify in support of H.R.5001, the Upper Colorado and San Juan River Basins Recovery Act, and House Resolution 320 on clean drinking water for Tribal communities. My name is Rebecca Mitchell and I serve as Director of the Colorado Water Conservation Board.

First, I also wanted to express my support for [House Resolution 320](#) and would like to emphasize the importance of access to reliable, clean drinking water for Native Americans and Alaska Native Villages. I am proud to have worked on the Universal Access to Clean Water for Tribes initiative recognizing access to clean water is an urgent matter and supporting efforts to immediately address the critical infrastructure needs of the Tribes and Alaska Native Villages. The ongoing COVID-19 pandemic has had a disproportionate impact on Tribal communities due to factors including economic disadvantages on federal reservations and in Alaska Native Villages and lack of public health infrastructure, including access to running water.

I appreciate the Resolution's acknowledgement of the trust responsibility of the federal government to ensure the survival and welfare of federally recognized Indian Tribes and Alaska Native communities and the calls on federal agencies and Tribal governments to coordinate and work collaboratively with appropriate State and local jurisdictions to establish expedited planning, design, development, and operation of infrastructure necessary to provide reliable, affordable, and clean drinking water for federally recognized Indian Tribes and Alaska Native communities in accordance with applicable law.

Secondly today, on behalf of the state of Colorado, I am asking members of the Subcommittee and Congress to support H.R.5001, which proposes technical amendments to the Upper Colorado and San Juan River Basins Recovery Act to keep the recovery programs running smoothly. And thank you to Congressman Neguse for his leadership on pursuing this legislation.

For more than 30 years, the endangered fish recovery programs have brought together stakeholders for two reasons: (1) to recover four threatened and endangered native Colorado River fish species, and (2) to provide Endangered Species Act compliance for 2,500 water projects in the Upper Colorado River Basin. Actions taken by the recovery programs provide Endangered Species Act compliance for projects in Colorado and every major Bureau of Reclamation project upstream of Lake Powell, providing essential water supplies for the Upper Colorado and San Juan River Basins. Without this basin-wide approach to recovery, the normal permitting process would provide only piecemeal attempts to protect and recover the threatened and endangered species and would be costly for municipalities, farmers, and industrial users.

I am pleased to say that this programmatic approach to recovery is succeeding. The recovery programs have brought together a diverse range of stakeholders including the Department of the Interior, the Department of Energy, Tribal governments, non-governmental organizations, water users, power customers, and the states of Colorado, New Mexico, Utah, and Wyoming.

We have worked together to address one of the Colorado River's most difficult issues as we face drought, limited resources, and funding shortages. In fact, the U.S Fish and Wildlife Service officially downlisted the humpback chub from an endangered species classification to a threatened status in October because the species no longer meets the definition of endangered. They cited the Upper Colorado recovery program's conservation and management actions in maintaining and improving resource conditions for the humpback chub over the last 15 years. Additionally, the U.S. Fish and Wildlife Service proposed downlisting a second fish species, the razorback sucker, this past summer. These downlistings were as a result of the recovery programs' actions and multiple conservation partners over the past 30 years that have improved the conditions and reduced threats to the species. The best available science is telling us that these species are no longer in danger of extinction. These programs have served as a national model on how cooperation can lead to success and have proven that through partnerships, the recovery programs can effectively achieve the goals of recovering the species and provide Endangered Species Act compliance for water users.

Both the Upper Colorado and San Juan Recovery Programs were first authorized in 2000 through [Public Law 102-396](#), and Congress has since reauthorized both programs through bipartisan-supported bills five times, affirming the continued need for these critical programs. Today, I am asking members of the Subcommittee and Congress to support H.R. 5001 to allow us to continue the good work of the recovery programs.

H.R. 5001 proposes three technical amendments to the Upper Colorado and San Juan River Basins Recovery Act.

1. **Extend authorization of funding provided by Bureau of Reclamation:** Due to the Bureau of Reclamation's three year budgetary planning cycle, partners seek to extend authorization for the programs by one year until 2024 to allow the Bureau of Reclamation to include funding of the recovery programs for FY2024 as it prepares its 2022–2024 budget. Without the amendment, Reclamation cannot cite an authorizing bill for FY2024 in its budget. This amendment does not raise the total cost ceiling for the programs.
2. **Extend the Secretary of the Interior report deadline:** The current authorization requires that the Secretary of the Interior submit a report on the recovery programs to Congress by September 30, 2021 in consultation with the recovery programs. The report must detail, among other things, activities to be carried out after FY2023 and the cost of such activities. Due to uncertainty and delays caused by the Covid-19 pandemic, the recovery programs' partners are seeking a one-year extension of the Secretary's report deadline to allow the recovery programs time to make its recommendations for future activities and funding.
3. **Revise the termination provision:** As currently written, the recovery programs will terminate at the end of FY2023 unless cooperative agreements extending the recovery programs are signed prior to October 2022. Due to uncertainty and delays caused by the Covid-19 pandemic, the recovery programs partners seek to amend this language to allow the recovery programs' partners additional time to execute the cooperative agreements and to ensure that the cooperative agreements are consistent with the report submitted to Congress by the Secretary of the Interior.

Programs' partners are also seeking an additional amendment to the Upper Colorado and San Juan River Basins Recovery Act. We are requesting to reallocate \$5,000,000 of the capital cost ceiling from the San Juan Program to the Upper Colorado Program in order to complete construction of our currently planned capital projects. The Upper Colorado Program has shovel-ready projects that, if implemented in FY2023, would exceed its current cost ceiling, while the

San Juan Program's planned expenditures are at least \$5,000,000 below its current cap. With this change, there would be no increase to the currently authorized total cost ceiling. This is not a request for authorization of a cost increase for the recovery programs. This request is supported by all participants in both the Upper Colorado and San Juan recovery programs.

Despite the success of the programs, we still have more work to do. H.R. 5001 serves as an interim solution until we request a longer-term reauthorization in the upcoming years to ensure the protection of these threatened and endangered species and the continued use of water in the Upper Colorado and San Juan River Basins. The recovery programs are committed to continuing management actions and we are making progress on developing the future needs of the programs and we look forward to sharing the recovery programs' recommendations with Congress in the upcoming years.

Throughout the lifetime of these programs, we have learned much about these rare species and what it takes to bring them back from the brink of extinction. Together with our partners, we have worked to protect fish habitat in over 1,000 miles of river, added streamflows to the Colorado River and its tributaries, implemented long-term conservation measures, built on-the-ground projects to protect the species, and have instituted and cultivated lasting partnerships. I am confident to say that these recovery programs work for all partners, and more importantly, the programs work to recover our native Colorado River fish species.