

PENDING LEGISLATION

HEARING
BEFORE THE
SUBCOMMITTEE ON
WATER AND POWER
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

ON

S. 325	S. 1305
S. 860	S. 1758
S. 990	S. 1882

JUNE 26, 2019



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PENDING LEGISLATION

WEDNESDAY, JUNE 26, 2019

U.S. SENATE,
SUBCOMMITTEE ON WATER AND POWER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:04 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Martha McSally, presiding.

OPENING STATEMENT OF HON. MARTHA MCSALLY, U.S. SENATOR FROM ARIZONA

Senator MCSALLY [presiding]. The hearing of the Senate Energy and Natural Resources Subcommittee on Water and Power will come to order.

Today's legislative hearing will provide an opportunity to receive testimony on six bills that will improve infrastructure, empower local water managers and provide greater supply certainty to water users in Colorado, Montana, Nebraska, North Dakota and Wyoming.

I look forward to hearing from the Administration about its views on these measures and stand ready to work with my colleagues to move these important matters forward.

In addition to our witness, we have received numerous written statements and letters of support from local stakeholders that will be included in the record.

The need to develop and improve our water supply infrastructure, promote operational flexibility and local management, and provide the legal and regulatory certainty needed to unleash innovation and investment is certainly not unique to these six important bills.

Throughout Arizona and across the West, new storage, conveyance and recycling projects are needed to increase drought resilience and provide the water security required to sustain growing populations and promote economic growth. There is also a tremendous need to reinvest in the water infrastructure our farms and cities were built upon, many of which are a century old.

As a Chairwoman, I have made it a priority to address these important issues whether specific to Arizona or more broadly, with new tools that will benefit Western water projects across the board. To that end, later today I will be introducing my Water Infrastructure Rehabilitation and Utilization Act. This bill will allow water managers to access funds they need to repair and build aging facili-

ties and promote efforts to utilize our existing surface storage facilities to the maximum extent possible.

Combined with Senator Gardner's bipartisan bill, the Drought Resiliency and Water Supply Infrastructure Act, I co-sponsored and introduced last week, we have a real opportunity to provide better water security and drought protection to all of our Western communities.

With that, I will now turn to the Ranking Member, Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, Madam Chair.

This morning the Subcommittee is considering a number of bills that seek to address various Bureau of Reclamation-related issues affecting several Western states. Those of us who represent Western states understand that each state has its own unique water issues and history which for many of these Reclamation projects can date back a century or more.

Many of these local irrigation and water conservancy districts are small operations that are facing constant challenges from drought and a changing climate. I appreciate that our colleagues are working to address their state-specific water and Reclamation issues.

At the same time, I understand that several of these bills waive applicable Bureau of Reclamation and other laws or modify long-standing water contract terms in favor of local irrigation districts. I want to make sure that we are applying consistent standards on what laws and procedures should apply to Reclamation projects, even relatively small ones.

So I am interested in learning more about these bills, and I look forward to working with you and our colleagues to address any other concerns.

Thank you.

Senator MCSALLY. Thank you, Senator Cortez Masto.

Our sole witness today is Mr. Kiel Weaver. Did I pronounce that correctly?

Before turning to Mr. Weaver, I want to recognize Senator Manchin for an opening statement.

**STATEMENT OF HON. JOE MANCHIN III,
U.S. SENATOR FROM WEST VIRGINIA**

Senator MANCHIN. Just very quickly.

Great, thank you, Madam Chairman, thank you. And thank you for being here, Mr. Weaver. I appreciate it.

I want to thank you all for scheduling the hearing. Since I became Ranking Member of the Energy and Natural Resources Committee, I have been trying to learn more about the public lands and water issues facing Western states, coming from West Virginia and certainly the water issues out West are very different than what we have in my state.

Looking through the bills on today's agenda, I have the same concern that Senator Cortez Masto just mentioned. I have the same concerns. They raise policy concerns by waiving Reclamation laws

that generally apply to Western water projects, modifying contract terms or making other operational changes that may not be standard practice. I am curious why the Department supports some of the bills that give local water districts more flexibility or more favorable contract terms but opposes others that appear to have the same purpose. So I look forward to learning more about these issues and working with both of you and learning from you, Mr. Weaver, also on what the position is of the Agency.

Thank you.

Senator MCSALLY. Alright, thank you, Senator Manchin.

Our sole witness today is Mr. Kiel Weaver, the Principal Deputy Assistant Secretary for Water and Science at the Department of the Interior. He will present the Administration's views on the six bills before us today.

Mr. Weaver, thanks for being here. You are recognized for five minutes.

STATEMENT OF KIEL WEAVER, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR WATER AND SCIENCE, U.S. DEPARTMENT OF THE INTERIOR

Mr. WEAVER. Okay.

Good morning, Chairwoman McSally, Ranking Member Cortez Masto, and Full Committee Ranking Member Manchin and members of the Subcommittee. I'm Kiel Weaver, Principal Deputy Assistant Secretary for Water and Science within the U.S. Department of the Interior.

It's a pleasure and an honor to be back here. As many of your staff know, I've spent countless hours here in this room as both a former Senate and a former House staffer, but obviously, I'm here in a different capacity today.

Thank you for the opportunity to provide the views of the Department on these bills. The Subcommittee has my written testimony, written statement, for the record so I will use my time to address a few key points.

First, I will address S. 990, the Platte River Recovery Implementation Program Extension Act. The Platte River Recovery Program continues to be a success and a model for federal, state and local collaboration in order to protect water and power deliveries while improving endangered species within the Platte River Basin. In my time, in my 22 years on the Hill and within the Department, I've witnessed firsthand through my tenure that programs like this can be an anecdote to serial litigation while being a benefit to both people and species. S. 990 reauthorizes the Interior Department's continued participation allowing for an extension of the program through 2032. If the authorization expires, regulatory certainty for water and power users within the Platte River Basin could be lost, jeopardizing the continued operation of Reclamation and other projects in the Basin and have detrimental effects on the delivery of water and power to Reclamation customers.

Next, I will address Senator Hoeven's S. 325, the Garrison Diversion Unit Project Oakes Test Area Conveyance Act of 2019. As we know, the bill authorizes the title transfer of the Oakes Test Area in North Dakota. The title transfer would allow the Dickey-Sargent Irrigation District to invest in major rehabilitation or improvement

projects while decreasing the Federal Government's liability. The recently enacted John D. Dingell, Jr. Conservation, Management, and Recreation Act gave Reclamation broad title transfer authority. Given my House history on this topic, I'm honored to be the point person designated by Interior Secretary Bernhardt to implement this authority. We are moving quickly to implement this authority and working to determine whether this transfer can be accomplished under this authority. The Department supports title transfer of the Oakes Test Area and will continue to work with Dickey-Sargent and the North Dakota Delegation to facilitate this transfer.

Next, I will address S. 860, the Jackson Gulch Rehabilitation Project Modification Act. Since 1963, the Mancos Water Conservancy District has performed operation and maintenance of the Mancos Project which includes the inlet and outlet canal systems and the Jackson Gulch Dam and Reservoir. S. 860 amends the Omnibus Public Land Management Act of 2009 to allow the District to credit their share of engineering work and improvements directly associated with the Jackson Gulch Rehabilitation Project in Colorado as part of the local cost share. The District has continued to expend funds on the rehabilitation and, subject to the availability of appropriations, Reclamation supports this proposal which provides additional flexibility to the District to rehabilitate the project's canal system.

I will next address S. 1758, a bill to extend the repayment contract related to the Purgatoire River Water Conservancy District. This bill would provide additional authority to Reclamation to extend the contract term with the Purgatoire River Water Conservancy District from 75 to no more than 100 years. It would also provide Reclamation the authority to execute excess capacity contracts with the District and other entities. Revenue derived from the excess capacity contracts would be allowed to be credited toward the District repayment or operation maintenance and rehabilitation obligation. While we are supportive of the sponsor's intent to provide additional revenue to the District, we have concerns with the bill as written, but want to work with Senator Gardner and the Committee on resolving those concerns.

Finally, I will address S. 1305, the St. Mary's Reinvestment Act. This bill would reauthorize the Federal Government to provide 75 percent of the Milk River Project's overall operation, maintenance and replacement costs. The Department recognizes the importance of this federal project in serving the people of Montana and shares its concerns over the condition of these facilities and the adverse consequences that would come with the failure of the system. However, we have significant concerns with the bill as currently written and, therefore, cannot support it. Many years ago, I had the opportunity to travel to the Hi-Line in Montana as a Senior Staffer in the Montana Congressional Delegation. I know firsthand how important the project is to the local economy, and I know the hard-working nature of the family farmers in the region. So with that end, I look forward to working with the Montana Delegation and the Committee on these efforts.

Again, thank you for the opportunity to testify. I would also like to thank the sponsors of these bills for their leadership on behalf of their constituents.

The Department looks forward to working closely with the sponsors and the Committee on these bills.

I would be happy to answer any questions.

[The prepared statement of Mr. Weaver follows:]

**Statement of Kiel Weaver,
Principal Deputy Assistant Secretary for Water and Science
U.S. Department of the Interior
Before the
Energy and Natural Resources Committee
Subcommittee on Water and Power
U.S. Senate
Wednesday, June 26, 2019**

Chairman McSally, Ranking Member Cortez Masto, and Members of the Subcommittee, I am Kiel Weaver, Principal Deputy Assistant Secretary for Water and Science with the U.S. Department of the Interior ("Department"). Thank you for the opportunity to provide the views of the Department on several water related pieces of legislation. I will address each of these individually.

S. 325, the Garrison Diversion Unit Project Oakes Test Area Conveyance Act of 2019

This bill, introduced by Senators John Hoeven (R-ND) and Kevin Cramer (R-ND), authorizes the transfer of title of the Oakes Test Area (OTA), located in Southern North Dakota, to the Dickey-Sargent Irrigation District (DSID) in accordance with a Title Transfer Agreement reached in accordance with Memorandum of Agreement (MOA) No. 19AG620033 negotiated by the Bureau of Reclamation (Reclamation) and DSID.

The OTA was to be a part of a 59,330-acre division of the Garrison Diversion Unit (GDU) and was developed to research the impacts of irrigation of the GDU project. The OTA facilities were designed and constructed to be part of a much larger project which for a variety of reasons, was never realized and as such, the OTA was not intended to be a standalone irrigation unit.

The Department supports title transfer of the Oakes Test Area, which would allow Dickey-Sargent Irrigation District to efficiently manage the water resources and infrastructure, secure capital to develop a long-term water supply, provide flexibility to modify and improve operations, and invest in major rehabilitation or improvement projects.

The recently enacted John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9), gave Reclamation broad title transfer authority, which we are moving quickly to implement. Pursuant to P.L. 116-9, Reclamation

released a temporary Directive and Standard (CMP-TRMR -120) last month, which outlines necessary steps for transfer of title. Reclamation is now at work on applying this process with DSID to ascertain whether the OTA transfer can be accomplished under this authority and the associated Reclamation processes.

As the eligibility criteria of the title transfer program are formalized and implemented, Reclamation will continue to work closely with the DSID toward title transfer – either through the broad authority provided by P.L. 116-9, or if needed, under a standalone authority that may be provided by S. 325. We look forward to working with the Committee, the North Dakota Delegation and DSID to ensure that all the needs and interests are addressed so we can move forward with this title transfer in an efficient and expeditious manner.

S. 860, the Jackson Gulch Rehabilitation Project Modification Act

The Jackson Gulch Rehabilitation Project Modification Act, introduced by Senator Cory Gardner (R-CO), amends Section 9105 of the Omnibus Public Land Management Act of 2009 (P.L. 111-11) to allow the Mancos Water Conservancy District (District) the ability to credit their share of engineering work and improvements directly associated with the Jackson Gulch Rehabilitation Project in Colorado as part of the local cost share. The bill also adjusts the District's Project cost repayment period from 15 to not more than 40 years and reduces the authorization for Federal appropriations to cost share this project from \$8,250,000 to not more than \$5,350,000.

Jackson Gulch Reservoir provides water to the town of Mancos, the Mancos Water Conservancy District, and the Mancos Rural Water Company. Since 1963, the District has performed operation and maintenance of the project, which includes the inlet and outlet canal systems and Jackson Gulch Dam and reservoir. The canal systems convey water to and from Jackson Gulch Reservoir, an off-stream storage facility.

Pursuant to Section 9105 of P.L. 111-11, Reclamation is authorized to receive appropriations to pay a specified Federal share of the total cost of carrying out the Jackson Gulch Rehabilitation Project (Project) of up to, but not to exceed \$8,250,000. Under current law, the District is to reimburse the United States the amount equal to 35 percent of the total cost of the Project, or \$2,900,000, whichever is less; under S. 860, this amount can change subject to the amount credited for work the District performed to date. Reclamation and the District

entered into a repayment contract in July 2010 to carry out these and other provisions of the Act.

In August 2010, the District received \$1,750,000 in Federal funds through Reclamation; since 2010, Reclamation has received only \$850,000 in additional appropriations for the Project in the Reclamation Fiscal Year 2019 Spend Plan. The District has continued to expend funds on the rehabilitation. Subject to the availability of appropriations, Reclamation supports this proposal which provides additional flexibility to the District to rehabilitate the canal system.

S. 990, the Platte River Recovery Implementation Program Extension Act

The Department's participation, collaboration with the States of Colorado, Wyoming, and Nebraska, in the Platte River Recover Implementation Program (Program) was authorized under Sec. 515 of the Consolidated Natural Resources Act of 2008 (P.L. 110-229.) S.990, sponsored by Senator John Barrasso (R-WY), would reauthorize the Department's continued participation, allowing for an extension of the Program for thirteen years from January 1, 2020 through December 31, 2032.

During the first thirteen years of the Program (referred to as the "First Increment") eight of ten milestones have been achieved, with two remaining. One remaining milestone is the Program's Water Action Plan, which is to provide 50,000 acre-feet of water for shortage reduction to U.S. Fish and Wildlife Service target flows in the central Platte River. The other remaining milestone is the completion of the Nebraska New Depletions Plan, which is a responsibility of the state of Nebraska. The Program has allowed existing water and power related projects with a federal nexus within the Platte River basin, including Reclamation's projects on the North and South Platte Rivers, to continue to operate as they have historically while providing an avenue for new water development projects to be developed in compliance with the Endangered Species Act through more efficient, streamlined consultations. The Program has implemented five Water Action Plan projects which provide approximately 14,000 acre-feet of water on an annual basis and has acquired an interest in approximately 12,600 acres of habitat for threatened and endangered species. In addition, the Program has implemented an Integrated Monitoring and Research Plan and Adaptive Management Plan to monitor target species, Central Platte River habitat conditions, and the effects of Program management actions on the species.

The Program has been successful, providing an avenue for different parties and competing interests to find collaborative solutions to improving habitat conditions for the target species while allowing water use and development within the Platte River basin to continue. If the Program is not reauthorized, regulatory certainty for water and power users within the Platte River basin could be lost, which would jeopardize the continued operation of Reclamation projects in the basin and have detrimental effects on the delivery of water and power to Reclamation customers.

The Platte River Recovery Implementation Program is important to providing continued ESA compliance for the operation of Reclamation projects in the Platte River basin. The Department is supportive and urges reauthorization.

S. 1305, the St. Mary's Reinvestment Act

S. 1305, sponsored by Senator John Tester (D-MT) would authorize the Federal Government to provide 75 percent of the Milk River Project's overall operation, maintenance, and replacement (OM&R) costs. Section 2(a)(2) details the inclusions and definition of the "Milk River Project", including both reserved and transferred works within the Milk River Project. While both reserved works and transferred works are federally owned, the transferred works referred to in the legislation are single purpose works, which are operated and maintained by project beneficiaries pursuant to contracts with the Bureau of Reclamation.

The current non-federal cost-share requirements for reserved works under the Milk River project vary from approximately 40 percent for Nelson Dikes to 74 percent for the St. Mary Unit facilities. The current level of base OM&R for transferred works that would be affected by this authorization is \$1.7 million per year. Under current law that \$1.7 million per year is 100 percent funded by project beneficiaries. The authorization in S. 1305 would reduce the project beneficiaries' responsibility to 25 percent of project costs, and increase the Federal government's responsibility to 75 percent of the project costs, for both annual OM&R and for extraordinary OM&R.

Under Reclamation law, OM&R activities for single purpose facilities are normally 100 percent water user funded. This is the common principle of "beneficiaries pay" that has been part of Reclamation law for more than 100 years. The project repayment terms identified in the bill depart from the traditional project repayment practice.

The Department recognizes the importance of this Federal project in serving the people of Montana and shares concerns over the condition of these facilities and the adverse consequences that would come with a failure of the system. However, we have significant concerns with S. 1305 as currently written and therefore cannot support the bill as introduced but would be happy to work with the Committee to address issues related to the Milk River Project that may be of concern to the Committee.

S. 1882, The Kinsey/Sidney (Montana) Project Use Power Bill

The Department did not receive a final draft of this legislation in enough time to provide detailed testimony on the bill. Reclamation would need additional time to analyze the final text of this legislation before stating a position.

S. 1758, a bill to extend a repayment contract relating to the Purgatoire River Water Conservancy District and to authorize the District to develop an excess capacity contract to offset repayment costs, and for other purposes.

S. 1758, sponsored by Senator Cory Gardner (R-CO), would alter the authorization for the Trinidad Project, which would impact the terms of the repayment contract held by the Bureau of Reclamation with the Purgatoire River Water Conservancy District (District) for the Trinidad Lake project, a U.S. Army Corps of Engineers reservoir, as specified in Public Law 84-500 and House Document 325.

The bill would provide additional authority to Reclamation to extend the contract term with the District to no more than 100 years. It would also provide Reclamation the authority to execute excess capacity contracts with the District and also directly with other entities. Revenue derived from the excess capacity contracts would be allowed to be credited toward the District's repayment or Operation, Maintenance, and Replacement (OM&R) obligation. The bill would also clarify the authority to have the District repay the lower of the OM&R costs incurred by the Corps of Engineers or the calculated value of the actual OM&R costs by Reclamation for a single purpose irrigation facility.

The District signed a 70-year fixed rate irrigation repayment contract with Reclamation in 1967, with water first delivered to the District in 1985. Since that time, the contract has been extended from 70 years to the currently authorized maximum term of 75 years, ending in 2059. The contract terms include a variable repayment rate based on water supply, allowing for minimal payments in periods of drought. Some of the provisions of S. 1758 may interact with existing Army

Corps of Engineers authorities related to the Trinidad Lake project. However, the Department has not had sufficient time to coordinate with the Army Corps to determine what the result of those interactions would be.

The Department is continuing to review the legislation and currently has no position on the bill.

Conclusion

Again, thank you for the opportunity to testify. The Department looks forward to working closely with this Committee on these bills. I would be happy to answer any questions.

Senator MCSALLY. Thank you, Mr. Weaver.

We will now turn to questions, and I will kick that off.

I appreciate the work you do, and you mentioned implementing the new title transfer authority from the S. 47 Lands bill. Many of us are watching closely as you are continuing to work on this program and the implementation to make sure it is not so narrowly interpreted it is not functional for most projects.

The Oakes Test Area, for example, one of the bills before us today, certainly seems like the exact type of win-win title transfer we are trying to get at with this bill. Do you think it is possible that the Oakes Test Area can be transferred under the new authorities versus having to have new legislation?

Mr. WEAVER. Thank you.

I can't guarantee an outcome to that effort, but I can guarantee an effort to try to get to that outcome.

So there are a number of issues associated with the Dickey-Sargent and Oakes Test Area. We need to determine in working with the delegation and Dickey-Sargent, what the valuation of the Oakes Test Area is. We also have some issues regarding exactly who manages the Oakes Test.

But I will tell you, and Senator Hoeven knows this, that there have been a lot of productive conversations with Senator Hoeven and the Regional Director and the DC office about getting this done. You have our commitment to work to get this done.

Senator MCSALLY. Okay, great. I appreciate that. I mean, again, that is the intent of what was included in the Lands bill, right?

We look forward to seeing where we can find examples where we don't literally need an act of Congress now on top of that.

Mr. WEAVER. Right.

Senator MCSALLY. But looking more broadly, can you share some of your next steps, in general, in implementation of the title transfer program, timelines, how we can make sure there are not too many hoops that projects have to jump through in order to take advantage of this new authority to make sure it is not impractical?

Mr. WEAVER. Sure. So what we've done in the past four months is we've done two things in regard to the passage of the law.

One, we did a categorical exclusion for certain facilities. That's not going to apply to every facility. Each transfer is, frankly, unique. Every one will be different.

But what we've also done is we wanted to get the ball rolling for things like Oakes Test and other areas. We did a temporary manual release which is basically how the Bureau of Reclamation implements a law. And we basically reiterated the points in the law so we could go forward with a plan to get, what I would call, low-hanging fruit done first.

In the longer-term, what we're going to find is implementation over the title transfer process will include, in other words, how communication, in other words, how will the local office communicate to the regional office, how will the regional office communicate to the DC office and the Hill? For example, you know, under the law, we have to present you, as in the House and Senate, a 90-day, basically a report saying we want to transfer this facility and it has to stay here with the 90 days. And if you don't disapprove, then we can go forward after those 90 days.

So we have to figure out exactly how we communicate that with you, and we look forward to working with you all on that.

Senator MCSALLY. Great, thank you.

A number of bills before us today are a symptom of a larger issue of aging infrastructure and the need to reinvest in our Bureau of Reclamation projects.

As I mentioned, I am planning to introduce a bill today that will help water managers access funds they need to rehabilitate federally-owned projects that are operating and repay the costs in a way that keeps water affordable.

Can you talk a little bit more broadly of the scale of the aging infrastructure challenge we have, some approaches that you are seeing Reclamation contractors take and what additional tools you think are needed to address the need for rehabilitation of facilities across the West?

Mr. WEAVER. Chairwoman, that's a great question and it's something, frankly, that Bureau of Reclamation focuses a lot on.

As you know, the Bureau of Reclamation is 117 years old. A lot of our facilities, over 50 percent, are beyond 50 years or, I'm sorry, over 80 percent is beyond 50 years old. So right now our major rehab and rehabilitation needs are at \$3 billion over the five-year period from FY19 to FY23. Over the 30-year period from FY19 to 2048, it's \$10.4 billion. So we have a lot of work to do.

And obviously, water and power customers benefit. The nation benefits from those projects. So, it's all intrinsically linked. And there are a number of solutions to this. Not one is a panacea, not one is a silver bullet but they all have to go together.

One is, of course, more money. Another one could be title transfer. You know, there are some facilities, frankly, that the locals can manage better. They can leverage non-federal ownership for private dollars. Another one is a use of excess capacity revenue or including hydropower facilities in some of these canals and conduits and others to generate revenue. Another one is regulatory streamlining as well.

There are some things where people have the money but they have a hard time getting a decision made because they have to go through the process. And some of the customers are talking about loan guarantees as well.

So we look forward to working with you all on that, and I commend you for introducing this bill later today. We look forward to working with you on that.

Senator MCSALLY. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you.

Mr. Weaver, thank you for being here.

Can you clarify for me, just, I may have missed it? So of the bills that are before us, the ones that you do not support, or the agency does not support, is S. 1305. Is that correct?

Mr. WEAVER. That's the St. Mary's one? Yeah. Yeah.

Senator CORTEZ MASTO. Yes.

Any others that you do not support?

Mr. WEAVER. I think there are some concerns with a few of the others but yeah, there are some concerns with the contracting.

Senator CORTEZ MASTO. But not a full out, do not support?

Mr. WEAVER. That's correct.

Senator CORTEZ MASTO. Okay.

So with respect to S. 1305, let me ask you this. You noted in your testimony that you have concerns and you do not support the bill's repayment terms because they depart from the traditional project repayment practice, namely that the project beneficiary should pay for operation and maintenance cost.

If you don't support those changes, is the Department willing to work on recommendations and how to accomplish the very serious restoration project in this state?

Mr. WEAVER. Yes, I mean, like I said in my opening statement, I've been up to that part of the region, you know, given my past. There's a serious need up there. And to be honest, when the Chairwoman talks about aging infrastructure, boy, that really is a big deal up there. And it's, sort of, the canary in the coal mine in terms of aging infrastructure. So we look forward to working with the delegation on that bill.

Senator CORTEZ MASTO. Thank you.

And then with respect to S. 860 which is the Jackson Gulch Rehabilitation Project. That one you do support but you do have concerns, is that correct?

Mr. WEAVER. That is correct.

Senator CORTEZ MASTO. And those concerns are what, specifically?

Mr. WEAVER. If I recall, one of the concerns is that the project repayment period is extended from, I believe, 15 to not more than 40. That's something we want to work with the sponsor on.

Senator CORTEZ MASTO. Is that something that departs from traditional project repayment practices of the Bureau?

Mr. WEAVER. Well, I would say this, Jackson Gulch was a unique process in the first place. In 2009 it was put into the public lands bill, and it was unique to begin with. And so this makes it even more unique.

Senator CORTEZ MASTO. So it does depart from the traditional repayment process that the Bureau is used to? Is that part of the concern?

Mr. WEAVER. In terms of operation and maintenance?

Senator CORTEZ MASTO. Yes.

Mr. WEAVER. Yes, it does. But I will say in the public lands bill, 111-11, which is some years ago, the bill allowed project repayment to occur over a 50-year period.

Senator CORTEZ MASTO. Okay.

So is there a way that you are going to address your concerns there or really, it is, what we are doing is extending the payment over a longer period of time. Is that something that you are looking for, a shorter period of time, or you are going to support that?

Mr. WEAVER. I think what has to happen is we all need to sit down with your staff and the Republican staff and figure out the best way to go about doing that.

Senator CORTEZ MASTO. Okay, okay.

Let me ask you then, jumping back to the Oakes Test Area Conveyance issue. Does it make sense for Congress to make the transfer before the negotiations are completed between the Bureau and the parties and the state?

Mr. WEAVER. Well, the Oakes Test bill sets up a process to get to the transfer. Currently, there's a Memorandum of Agreement on the general ability for the District to talk to the Federal Government. Following that, they have to make, do a title transfer agreement. Okay, once they—and then the bill sets that up. So you have to do a title transfer agreement and then things would go into place. So, it's just——

Senator CORTEZ MASTO. So the bill that we are talking about sets that up?

Mr. WEAVER. Yes.

Senator CORTEZ MASTO. It requires the transfer first before the parties even come to an agreement?

Mr. WEAVER. Well, there's right now a Memorandum of Agreement on terms of the general ability to talk. The title transfer agreement which the bill would authorize and set up a process for actually allows those folks to talk about specifics of the title transfer agreement.

Senator CORTEZ MASTO. So, let me ask you this. Have the conveyance details been worked out between the Interior Department and the Irrigation District?

Mr. WEAVER. I think we're discussing that right now, and Senator Hoeven will go into further detail about that. But we are discussing the specifics about that. There are some questions about how we would do that.

Senator CORTEZ MASTO. So the bill itself requires the transfer before the negotiations are even completed? Is that what I am understanding?

Mr. WEAVER. I think it requires people to come together to find a title transfer agreement which would then go forward with the title transfer.

Senator CORTEZ MASTO. Yes, no, I am looking at the bill itself and I look at page three, line seven and this is why I am just asking for clarification. It says that, "As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the District, all right, title, and interest of the United States in and to the Oakes Test Area, . . ." I am just trying to get a better understanding. What I understand from this bill is the transfer occurs before the negotiations are even completed.

Mr. WEAVER. Well, oftentimes, what has happened, there have been about 30 title transfers since around 1993. In the House side I had to deal with a lot of those. And what happens is the irrigation district and the Federal Government come to an agreement and the bill, sort of, codifies that agreement and then goes into as soon as practicable language. So you have to have an agreement first before everything is effectuated.

Senator CORTEZ MASTO. Right. But this does not appear to be the case. But listen, that is why we're here——

Mr. WEAVER. Okay.

Senator CORTEZ MASTO. ——to have this conversation and hear what is going on and I appreciate it. Thank you.

Mr. WEAVER. Thank you.

Senator MCSALLY. Senator Hoeven.

Senator HOEVEN. Glad I came.

I would like to thank the Secretary and Regional Director and yourself for working with us.

The intent with this legislation is to make sure that we have the authority for you to make the transfer. We felt we had originally provided that authority in the John D. Dingell, Jr. Conservation, Management, and Recreation Act, but it was only when the Bureau expressed some concern that the authority might not be there that we are doing this belt-and-suspenders approach. Fortunately, thanks to the good work by Interior and we have done a lot of work on this legislation, it appears we have the authority which is what we contemplated under the John Dingell Act.

But again, this was just put in as a precaution or an additional bill to make sure if we were lacking, or if Interior was lacking, the authority to make the transfer, that we had it.

Now if there is some concern with how we worded this legislation, we are happy to accommodate in order to move it. At this point, we hope we really won't need to move it because, again, this is our second time around simply trying to make sure that you have the authority to do so.

In fact, we have engaged in extensive negotiations for conveyance and the terms of the conveyance. We are pleased that Interior has essentially agreed to the plan we have laid out, but we have been negotiating price and terms and conditions and all the things that go into any one of these transfers.

And again, this legislation is really just provided in addition or as a follow-up to the Dingell Act in case Interior, for any reason, or your attorneys, for any reason, had determined that there was not sufficient authority.

I talked to the Regional Director yesterday. He indicated he thinks we have the authority under the Dingell Act, just like we do for the other properties that are being discussed here. And so, we should be fine.

But again, this is additional legislation to make sure, if there is some lack of authority, that we have it.

Now if the Committee has some concerns, we are happy to work to accommodate. But again, at this point, we hope we don't even need the bill because we are doing it—you know, there's a lot of us that worked on the John Dingell bill to make sure the authority is there. And I am pretty sure not everybody is going to have to come back and pass another bill to make sure that that authority is there. In essence, that is what we thought we were going to be forced to do. Now we are glad we are not. I doubt any member of this Committee or the larger Committee or the body as a whole would be very happy with having to do it twice. Obviously, we were not, so we are glad that you found that there is the authority there.

So, I really, at this point, don't have questions for you or anything else, other than I would offer to work with the Committee members, however I need to, if there is any concern regarding how we have crafted this.

We won't drop this legislation until we effectuate the transfer first, then we won't proceed with the legislation. But otherwise we would proceed with the legislation.

At this point I would turn to the Ranking Member, I think, rather—I think Interior has answered my questions. So I am here

mainly to say thank you to you and also to Regional Director Black and to Secretary Bernhardt.

I would turn to the Ranking Member and ask if there are other questions or concerns that either she or the Chairwoman of this Committee have because I would be happy to work with you on it. Okay?

Again, thank you.

Senator MCSALLY. Alright, thank you.

Senator MANCHIN.

Senator MANCHIN. Thank you.

Mr. Weaver, I am trying to learn about how the West operates, because it is completely foreign to the East.

Mr. WEAVER. Well, they might want some of your water.

[Laughter.]

Senator MANCHIN. We would love to. We are going to sell it to you. We are not going to give it to you.

Anyway, all these projects we are talking about here, and I have the Oakes Test, I have Jackson Gulch, Platte River Recovery, all the bills we have in front of us, as you know, Milk River, Purgatoire River and Pick-Sloan Missouri—these were all built with federal dollars, correct?

Mr. WEAVER. Correct. Federal and a combination of local and state.

Senator MANCHIN. But the local and state was more or less a loan. The federal, probably up fronted most of it, correct?

Mr. WEAVER. Yeah, especially under the older projects.

Senator MANCHIN. So the loan projects, basically, might have been a typical 40-, 50-year. I understand we have extended some of them.

Mr. WEAVER. Correct.

Senator MANCHIN. So just explain to me the purpose other than trying to give some relief. Is the purpose to where these irrigators are not going to make it, is it too much of a burden or do they just want relief because they can get political relief?

Mr. WEAVER. I think it depends on, frankly, the project.

Senator MANCHIN. I am saying, can you tell me any of these here, if these bills do not pass, if none of this would pass, tell me which one is in jeopardy of collapsing, going away, not being maintained and not being operational? Are there any one of them?

Mr. WEAVER. Out of these, you know, I know the folks with the, that are served by the Purgatoire—

Senator MANCHIN. Okay.

Mr. WEAVER. —the Purgatoire Water Conservancy District have some repayment issues. I know that they—

Senator MANCHIN. Did Purgatoire already go to 70 or 75 years?

Mr. WEAVER. It went from, if I recall, 70 to 75.

Senator MANCHIN. And they started out with 50.

Mr. WEAVER. That's correct, yup.

Senator MANCHIN. I mean, is it basically they just don't want to pay or that money is not there for it or what is the purpose?

Mr. WEAVER. I'd have to talk to the sponsor about that to be totally candid.

Senator MANCHIN. And he is not—

Mr. WEAVER. But the bottom line is that they are having repayment issues from what I understand. So, the sponsor, you know——

Senator MANCHIN. He probably has a request from his constituents.

Mr. WEAVER. Yeah, sure.

Senator MANCHIN. We can't pay, so we are going to stretch this out.

Okay, how about Milk River?

Mr. WEAVER. Milk River has very similar issues. As I indicated I've been up there quite a bit and——

Senator MANCHIN. But you are not favorable to that one?

Mr. WEAVER. The Administration's position is currently not supporting that one.

Senator MANCHIN. Why do you not want to help Milk River, but you are in good shape on Purgatoire?

Mr. WEAVER. Well, we have concerns with both bills, I guess.

Senator MANCHIN. Okay, then let's go to Pick-Sloan.

Mr. WEAVER. The Pick-Sloan bill, we do not have a position on that because we were not given adequate time to have a position on that.

Senator MANCHIN. How about Oake Test?

Mr. WEAVER. Oake Test, we generally support the concept of title transfer. That doesn't involve any rates or repayments.

Senator MANCHIN. It doesn't seem—non-confrontational, okay.

Mr. WEAVER. Right.

Senator MANCHIN. Jackson Gulch?

Mr. WEAVER. Jackson Gulch, as I indicated, they're, you know, it does extend the repayment term from 15 to up to 40. We would like to work with the sponsor and the Committee on that bill.

Senator MANCHIN. Has it changed the federal position at all?

Mr. WEAVER. What's that?

Senator MANCHIN. Has it been based on scoring or, you know, I am sure that whenever this was done there had to be a score done on that. So who eats that one?

Mr. WEAVER. Well, the way it works with irrigation districts is there is no interest charged to irrigation districts as opposed to municipal and industrial and power customers. So the question would be if you extend it from 15 to up to 40, it's the value of money over time.

Senator MANCHIN. True.

Mr. WEAVER. Not necessarily interest.

Senator MANCHIN. I am just saying that the Federal Government Treasury scores that. I mean, right? CBO has to score it.

Mr. WEAVER. Yes, we haven't seen the score, of course, but——

Senator MANCHIN. Okay, so you don't have a score on that one yet.

Mr. WEAVER. Correct.

Senator MANCHIN. On any of these then, right?

Mr. WEAVER. Correct.

Senator MANCHIN. Okay.

And how about Platte River?

Mr. WEAVER. Platte River, we're supportive of that. Like I said in my opening statement, that is a model for how things can get

done collaboratively. You know, that's the three states and Senator Barrasso will discuss this. The three states pay for quite the majority of that program with water, with dollars and with other things.

Senator MANCHIN. I understand it takes an additional \$78 million from federal funds?

Mr. WEAVER. Correct.

Senator MANCHIN. That is above the \$157 million that has already been authorized?

Mr. WEAVER. That's correct because the bill adds another 13 years.

Senator MANCHIN. And the states are going to contribute 28 above the 30?

Mr. WEAVER. Correct and they contribute water as well, a substantial amount of water.

Senator MANCHIN. Okay, I am still learning.

Thank you.

Mr. WEAVER. Happy to come talk to you anytime.

Senator MANCHIN. [off mic]

Mr. WEAVER. Okay, thank you.

Senator MANCHIN. [off mic]

Mr. WEAVER. Right.

Senator MCSALLY. Come out and visit, Senator Manchin.

Senator MANCHIN. [off mic]

Senator MCSALLY. Especially in the winter, probably.

Alright, Senator Barrasso.

Senator BARRASSO. Well, thanks so much, Chairman McSally, thank you, Ranking Member Cortez Masto, for holding this important hearing today and thank you, Mr. Weaver, for your testimony and for helping Senator Manchin in having a better understanding of the issues that we face in the West and the cooperative nature, Republican or Democrat, of solving these problems because this is three governors working together to solve an important issue and from both parties and, as you see, this bill that I have introduced is co-sponsored by members from both sides of the aisle.

Today I would like to briefly discuss this bill, S. 990, the Platte River Recovery Implementation Program Extension Act. It is a cooperative agreement between Wyoming and Colorado and Nebraska with a number of the stakeholders in each state.

It is focused on the Endangered Species Act compliance on the Platte River while allowing new and existing water use and development through a streamlined consultation process. The program provides conservation benefits to four targeted species through land, water and adaptive management goals. The four target species include the endangered whooping crane, the interior least tern, the pallid sturgeon and the threatened piping plover. For people who don't follow that, those are three birds and one fish. While working to assist with the recovery of the four target species, this bill provides water users in Colorado and in Wyoming and in Nebraska with the regulatory certainty and Endangered Species Act compliance.

It is a 50/50 cost sharing program. Federal funds are matched by state funds and state contributions of water and of land, as Mr. Weaver has testified.

The Governance Committee makes decisions by consensus and is one of the only recovery programs in the country that uses a shared decision-making structure that includes the stakeholders and, as you point out, the program is working.

Accomplishments in the first increment include: 12,000 acres of habitat lands have been acquired by the Platte River group and are currently being managed to benefit the four target species; approximately 90,000 acre-feet per year of secure water supplies have been acquired and developed and are being used to supplement flows in the Central Platte River; adaptive management research is improving our knowledge of how best to recover target species; streamlined ESA compliance consultations have been used to approve nearly 200 water projects; and progress is being made toward downlisting of the least tern.

So the governors of the three states are involved, Governor Gordon of Wyoming, Governor Polis of Colorado, and Governor Ricketts of Nebraska. They described the program in a recent joint letter, three of them together, bipartisan, wrote a letter that said, "The program is a marquee example of a proactive, collaborative approach to providing benefits for endangered species and their habitat while allowing for the beneficial use of our states' waters."

This critical program is set to expire at the end of this year, and the bill would extend the first increment of this for an additional 13 years. The critical program, so it is set to expire. We need to do this before the end of the year.

I want to thank all of the Senators of the three states, who co-sponsored the legislation, and I also want to thank the states of Wyoming and Colorado and Nebraska and all the stakeholders who have made the Platte River Recovery Implementation Program a success.

I have a whole list of groups and ask unanimous consent to enter into the record these letters of support from lots and lots of different groups.

Senator MCSALLY. They will be included in the record.

[Letters in support of S. 990 follow:]



May 15, 2019

Senator Fischer
454 Russell Senate Office Building
Washington, DC 20510

RE: S.990 Platte River Recovery Implementation Program Extension Act

Dear Senator Fischer,

On behalf of the 4,700 members in Audubon Nebraska, a state office of the National Audubon Society, I encourage you to support S990. In April, Senator Barrasso introduced S990 the Platte River Recovery Implementation Program Act which will authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program (PRRIP) First Increment Extension.

PRRIP is a collaborative endeavor that addresses threatened and endangered species issues in a highly regulated system among Federal agencies, non-Federal entities, and stakeholders. This multiple state effort began in 1997, when the governors of Colorado, Wyoming, and Nebraska joined with the Secretary of Interior to sign the "Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitat along the Central Platte River, Nebraska", as they understood this approach would prevent years of courtroom battles over limited water supplies and individual river species.

The Program works to increase stream flows in the central Platte River during relevant time periods; enhances, restores and protects habitat for target bird species; and accommodates new water-related activities. The program also operates with the required underlying principles that land be acquired only from willing participants and actions avoid increasing tax burdens to local citizens by paying taxes or their equivalent on Platte River Recovery Implementation Program lands.

PRRIP is important for many Nebraskans to allow irrigation and recreation projects to continue with reduced regulatory burden while addressing the needs of threatened and endangered species. I encourage you to support S990.

Sincerely,

Kristal Stoner
kstoner@audubon.org
Executive Director, Audubon Nebraska



Regional Office | National Audubon Society
 116 N. College Avenue, Suite 1
 Fort Collins, CO 80524
 Phone: 970.416.6931
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June 19, 2019

Senator John Barrasso
 307 Dirksen Senate Office Building
 Washington, DC 20510
kaitlynn_glover@barrasso.senate.gov

Senator Mike Enzi
 379A Senate Russell Office Building
 Washington, DC 20510
mikalah_skates@enzi.senate.gov

Representative Liz Cheney
 416 Cannon House Office Building
 Washington, DC 20515
michael.defilippis@mail.house.gov

RE: Platte River Recovery Implementation Program - First Increment Extension (S. 990 and H.R. 3237)

Dear Members of the Wyoming Congressional Delegation,

National Audubon Society works throughout the Americas using science, policy, education, and on-the-ground conservation. State and regional programs (such as Audubon Rockies – which works in WY, CO, UT - and Audubon Nebraska), nature centers, chapters, and partners give Audubon an unparalleled wingspan that reaches millions of people each year to inform, inspire, and unite diverse communities in conservation action. The mission of our nonprofit conservation organization, which has been active since 1905, is to protect birds and the places they need, today and tomorrow.

On behalf of the Audubon staff and approximately 33,000 Audubon members in Wyoming, Colorado, and Nebraska, we thank you and applaud your leadership in the Senate for extending the Platte River Recovery Implementation Program via Senator Barrasso's introduction of and Senator Enzi's co-sponsorship of Senate Bill 990. We also take this opportunity to respectfully request that Representative Cheney support a similar bill in the House - H.R. 3237, which was introduced by Colorado Representative Joe Neguse in mid-June. Of note, H.R. 3237 has received unanimous, bipartisan support from the Colorado delegation.

This collaborative program has not only successfully served the threatened and endangered species of the Platte River Basin (notably Piping Plovers, Least Terns, and Whooping Cranes) but also the people who live there. Having begun in 1997, this multiple state effort remains a good example of how sustainable stewardship of targeted species like these require partnership and communication across

Audubon Rockies - regional office of National Audubon Society, serving CO | WY | UT

state lines. When the governors of Colorado, Wyoming, and Nebraska joined with the Secretary of Interior to sign the "Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitat along the Central Platte River, Nebraska", they understood this common-sense approach would prevent years of courtroom battles over limited water supplies and individual river species.

The Program works to increase stream flows in the central Platte River during relevant time periods; enhances, restores and protects habitat for target bird species; and accommodates new water-related activities. The Program also operates with the required underlying principles that land be acquired only from willing participants and actions avoid increasing tax burdens to local citizens by paying taxes or their equivalent on Platte River Recovery Implementation Program lands.

PRRIP is important for many Wyomingites, Coloradoans, and Nebraskans as it allows irrigation, ranching, development and recreation projects, with reduced regulatory burden while addressing the needs of threatened and endangered species. Thank you for your service to the Cowboy State and leadership in Congress. If we may be of any assistance as these bills proceed, please do not hesitate to reach out to me or my staff.

Sincerely,



Alison Holloran
Executive Director
Audubon Rockies (WY, CO, UT)
aholloran@audubon.org



Kristal Stoner
kstoner@audubon.org
Executive Director
Audubon Nebraska



City of Aurora

Water Resources Division
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June 21, 2019

The Honorable Martha McSally
Senate Subcommittee on Water and Power
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Catherine Cortez Masto
Senate Subcommittee on Water and Power
304 Dirksen Senate Office Building
Washington, D.C. 20510

Re: S. 990 Platte River Recovery Implementation Program Extension Act

Dear Chair McSally and Ranking Member Cortez Masto,

On behalf of the City of Aurora's Water Department (Aurora Water), I am writing to you in support of the Platte River Recovery Implementation Program (Program) extension bill (S. 990 and H.R. 3237). This legislation will extend the successful partnership among the U.S. Department of Interior and the states of Colorado, Nebraska, and Wyoming to provide benefits for threatened and endangered species in the Central and lower Platte River, while affording a means of predictable and streamlined Endangered Species Act (ESA) compliance for new and existing water use activities in the three-state basin. Water users and conservation groups from the three states participate in this program.


Aurora Water is a municipal utility that provides drinking water, stormwater and sewer services to over 380,000 residents in the third largest city in Colorado. Aurora Water is a member in good standing with the South Platte Water Related Activities Program (SPWRAP), a Colorado nonprofit corporation, which serves as the collective voice for Colorado water users under the Program and assists the state of Colorado in fulfillment of various Program responsibilities. Through SPWRAP membership and the Program, Aurora Water has maintained ESA compliance for critical South Platte water supplies. The Program provides certainty for Aurora Water and many other water users to continue existing operations and pursue new water supplies for our growing populations and economies while balancing protection and maintenance of native species and habitat.

The waters of the Platte River serve the people of Colorado, Wyoming, and Nebraska in many ways. Federal and non-federal water projects in the Platte River Basin, including 15 major dams, provide municipal and industrial water supplies for approximately 5 million people, irrigate millions of acres of farmland, and generate millions of dollars of hydroelectric power. These projects also provide flood control, recreation, and fish and wildlife habitat.

The Program is a national model for collaborative solutions to multi-basin conflicts under the ESA. The first 13-year increment of the Program has witnessed significant improvement in the status of the federally listed birds and their habitat along the Central Platte, while close to 200 water use projects, approximately 70% of which were Colorado based, have been approved through streamlined ESA compliance consultations under the Program that have reduced the regulatory burden on water users. This is why we strongly support continuation of this Program.

S. 990 proposes to extend the first increment of the Program for 13 more years, to authorize the Secretary of the Interior to participate in implementation of this extension, and to provide funding for the federal share of this extension. It will allow this good work to continue both for the benefit of the species and the economies of the areas dependent on the use and management of the Platte River. We request your support of reauthorization of the Program through passage of S. 990.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. P. Brown', is written over a horizontal line.

Marshall P. Brown
General Manager, Aurora Water

cc: The Honorable Michael Bennet
The Honorable Cory Gardner



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June 18, 2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Martha McSally
Chair
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Catherine Cortez Masto
Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

On behalf of the Central Platte Natural Resources District (Central Platte NRD), I write in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Central Platte NRD has worked with many partners for more than a decade to successfully implement the Program, a partnership that provides benefits for four threatened and endangered species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. The Program is an outstanding example of a proactive, collaborative approach to providing benefits for endangered species and their habitats while allowing for the beneficial use of water.

This good work needs to continue, both for the benefit of the species and our economy. That is why the Central Platte NRD endorses the reauthorization of the Program. This legislation will extend the current work for another 13 years, continuing the restoration and protection of habitat for the whooping crane, least tern, piping plover, and pallid sturgeon. During the first 13 years of the Program, 196 water use projects were approved with streamlined Endangered Species Act (ESA) compliance consultations, reducing the regulatory burden on our water users.

The Program functions as the reasonable and prudent alternative for ESA compliance regarding the four target species. The Program provides far-reaching benefits for the three basin states and their water users, including major irrigation water supplies in Nebraska, compliance for operation of federal reservoirs in Wyoming, and providing drinking water for all major water supply projects in Colorado's growing Front Range. The Program is a national model for collaborative solutions to complex problems and provides ESA compliance for the three Platte River basin states. We hope you will support the reauthorization of this important Program.

Thank you,



Lyndon Vogt
General Manager

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Jeff Fortenberry, Nebraska 1st District
Rep. Don Bacon, Nebraska 2nd District
Rep. Adrian Smith, Nebraska 3rd District
Sen. Deb Fischer, Nebraska
Sen. Ben Sasse, Nebraska



Board of Public Utilities

Cheyenne Water and Sewer Departments

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June 24, 2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Martha McSally
Chair
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Catherine Cortez Masto
Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

The City of Cheyenne Board of Public Utilities (Board) appreciates the opportunity to support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990). The Board of Public Utilities serves the Capital city of Wyoming, Cheyenne with water and wastewater services for about 75,000 people. Part of our water supply comes from both the North and South Platte River Basins.

The Board believes this Program is a partnership that provides benefits for threatened and endangered species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. It's a proactive effort to re-establish and protect whooping crane, least tern, piping plover, and pallid sturgeon habitat, for protection of the species, yet allows for the beneficial use of water for the protection of regional water supplies and economies.

The Board advocates for the reauthorization of the Program as it functions as a reasonable and prudent alternative for Endangered Species Act compliance regarding the four species, thereby reducing the regulatory burden on the Board's water users. As has been stated by the Governors of Wyoming, Nebraska, and Colorado, it is a national model for collaborative solutions to common problems. We hope you will support the reauthorization of this important Program.

Best Regards,

Bradley A. Brooks
Director | City of Cheyenne Board of Public Utilities

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Liz Cheney, Wyoming At Large
Sen. John Barrasso, Wyoming
Sen. Michael Enzi, Wyoming



Colorado Water Congress
THE LEADING VOICE OF COLORADO'S WATER COMMUNITY

April 10, 2019

The Honorable John Barrasso
307 Dirksen Senate Office Building
Washington DC 20510

Re: S.990 Platte River Recovery Implementation Program Extension Act

Dear Senator Barrasso:

On behalf of the Colorado Water Congress (CWC), we are writing in support of S.990, a bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program First Increment Extension for threatened and endangered species in the Central and Lower Platte Basin, and for other purposes. The CWC thanks you for sponsoring this legislation and continuing the effort to protect and maintain native species and their habitat on the Platte River.

The CWC is a non-profit organization established in 1958. With over 400 members, we serve as the principal voice of Colorado's water community and provide leadership on key water resource issues. We have a long history of supporting cooperative programs that protect and restore native species and their habitats.

The Platte River Recovery Implementation Program (Program), established in 1997, is a partnership between the states of Wyoming, Colorado, Nebraska and the U.S. Department of Interior to manage the Platte River for the protection and maintenance of species and their habitats. Water users and conservation groups from the three states participate in this program, and many water users, represented by Colorado Water Congress, are among those participants.

The waters of the Platte River serve the people of Wyoming, Colorado, and Nebraska in many ways. Federal and non-federal water projects in the Platte River Basin, including 15 major dams, provide municipal and industrial water supplies for about 5 million people, irrigate millions of acres of farmland, and generate millions of dollars of hydroelectric power. These projects also provide flood control, recreation, and fish and wildlife habitat.

Colorado's water users rely on the Program for the balance it provides between protecting existing and new water projects while complying with Endangered Species Act (ESA) requirements. S.990 proposes to extend the period of time for the "First Increment," provide additional funding, and extend the Secretary of Interior's role in the Program. Through the bill's extension of the Program, water users have certainty regarding ESA compliance and the protection and maintenance of native species and their habitat on the Platte River, which is why we strongly support this bill.

Sincerely,

Douglas Kemper
Executive Director

Andy Colosimo
Federal Affairs Committee Chair

Chris Treese
Federal Affairs Committee Vice Chair

**Written Testimony of Dan Gibbs
Executive Director
Colorado Department of Natural Resources
Before the Committee on Energy and Natural Resources
Subcommittee on Water and Power
U.S. Senate
S. 990 Platte River Recovery Implementation Program Extension Act**

June 26, 2019

Chair McSally, Ranking Member Cortez Masto, and Members of the Subcommittee, thank you for the opportunity to submit this written testimony in support of S. 990, the Platte River Recovery Implementation Program Extension Act.

My name is Dan Gibbs and I am the Executive Director of the Colorado Department of Natural Resources. The State of Colorado appreciates the Subcommittee's attention to this important Program and we thank Senator Bennet, Senator Gardner, Senator Barrasso, and co-sponsors for their leadership in pursuing this legislation.

The headwaters of the North and South Platte River basins both originate in Colorado, and the Platte River basin is one of the most important economic areas and ecosystems in our state. The entire state of Colorado relies on the North and South Platte Rivers and its tributaries to irrigate hundreds of acres of farmland and to sustain productive economies.

The Program is vital for allowing water users to continue to pursue water projects in Colorado's growing South Platte basin, while protecting endangered and threatened species in Nebraska. This Program provides remarkable benefits to Colorado through a programmatic approach to environmental permitting, which allows for streamlined Section 7 Endangered Species Act consultations for Program participants. Due to the Program's success, 147 projects have completed permitting requirements using this approach for the past 13 years. This has decreased the regulatory burden for water users permitting major water projects in Colorado's booming Front Range corridor, as well as for small scale agricultural water projects in Colorado's productive northeastern farming community.

For over a decade, this Program has resolved the conflict between continued water development and endangered species protection through a collaborative approach supported by our partner states of Nebraska and Wyoming and the federal government, water users, and conservation groups. The Program does this through implementing a basin-wide cooperative approach to work towards shared objectives to protect the endangered and threatened whooping crane, interior least tern, pallid sturgeon and piping plover, which also helps to prevent the need to list more basin-associated species pursuant to the Endangered Species Act.

The Program currently protects in excess of 12,000 acres of endangered and threatened species habitat in central Nebraska and provides approximately 115,000 acre-feet of water to the central Platte basin. The Program also maintains an organizational structure that ensures appropriate federal and state government and stakeholder involvement in the implementation of the Program,

and is one of the only species recovery programs in the country that has successfully completed a full loop of the adaptive management cycle by providing scientific learning for use in decision-making. As a result, the Program is tremendously successful; The Program has contributed towards progress in delisting the interior least tern, as recommended in a recent 5-Year Review from the U.S. Fish and Wildlife Service, and has led to increased numbers of whooping cranes and piping plovers in the central Platte.

The federal government and the states equally share the Program cost — in terms of cash, water, and land. Colorado has contributed significantly to the Program through time, financial resources, and retiming of water for habitat benefits through operation of recharge ponds at the Tamarack State Wildlife Area. During the first 13 years of the Program, Colorado has contributed \$24 million. In the upcoming 13 years, Colorado has committed to contribute another \$24.9 million, \$2.54 million of which has already been appropriated by Colorado's General Assembly for the first year of the Extension. Colorado will not have additional water obligations during the Extension, but will continue its commitment to water retiming operations at the Tamarack State Wildlife Area.

The milestones for the first 13 years of the Program included initial state water projects and state and federal depletion plans focused on attaining the water objective of retiming and improving flows to reduce target flow shortages by an average of 130,000-150,000 acre-feet per year; and a land milestone of protecting and maintaining 10,000 acres of habitat in Nebraska. The Program has met all of its land and adaptive management milestones, however more time is needed to complete the Program's water milestones.

The Program partners want to achieve all of the milestones and we have reached an agreed-upon approach to extend the program for another 13 years (from 2020-2032). The Secretary of Interior, Colorado, Nebraska, and Wyoming as well as all Program stakeholders unanimously agree that a 13-year extension of the Program and additional funding will provide the time and tools necessary to meet the water milestones. This extension would allow for continued Endangered Species Act compliance for existing and future water projects, while protecting the endangered and threatened species in the central Platte. However, Congress must act now—the authority for the Secretary to implement this Program terminates on September 30, 2020. S. 990 is vital to providing the authorization for the Extension for another 13 years. I urge you to allow the Platte River Recovery Implementation Program to continue as a marquee example of a proactive, collaborative approach to providing benefits to endangered species and their habitats while allowing beneficial use of our water resources.

Thank you for your consideration and I hope that you will support this important legislation for Colorado.



Ensuring a future for North America's Cranes

Trustees: Brad Korell, Craig Thompson and Doug Curry
 6611 W Whooping Crane Drive
 Wood River, NE 68883
 p. 308.384.4633
 f. 308.384.7209
cranetrust.org

June 21, 2019

The Honorable Jared Huffman
 Chairman
 Subcommittee on Water, Oceans, and Wildlife
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, DC 20515

The Honorable Martha McSally
 Chair
 Subcommittee on Water and Power
 Committee on Energy and Natural Resources
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Tom McClintock
 Ranking Member
 Subcommittee on Water, Oceans, and Wildlife
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, DC 20515

The Honorable Catherine Cortez Masto
 Ranking Member
 Subcommittee on Water and Power
 Committee on Energy and Natural Resources
 304 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

On behalf of the Crane Trust, I am writing in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Crane Trust has worked with multiple partners for more than a decade to successfully implement the Program, a partnership that provides benefits for four threatened and endangered species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. The Program is an outstanding example of a proactive, collaborative approach to providing benefits for endangered species and their habitats while allowing for the beneficial use of water.

This good work needs to continue, both for the benefit of the species and our economy. That is why the Crane Trust supports the reauthorization of the Program. This legislation will extend the current work for another 13 years, continuing the restoration and protection of habitat for the whooping crane, least tern, piping plover, and pallid sturgeon. During the first 13 years of the Program, 196 water use projects were approved with streamlined Endangered Species Act (ESA) compliance consultations, reducing the regulatory burden on our water users.



The Program functions as the reasonable and prudent alternative for ESA compliance regarding the four target species. The Program provides far-reaching benefits for the three basin states and their water users, including major irrigation water supplies in Nebraska, compliance for operation of four federal reservoirs in Wyoming, and providing drinking water for all major water supply projects in Colorado's booming Front Range. The Program is a national model for collaborative solutions to common problems and provides ESA compliance for the three Platte River basin states. We hope you will support the reauthorization of this important Program.

Thank you,



Brice Krohn
President
Crane Trust

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Jeff Fortenberry, Nebraska 1st District
Rep. Don Bacon, Nebraska 2nd District
Rep. Adrian Smith, Nebraska 3rd District
Sen. Deb Fischer, Nebraska
Sen. Ben Sasse, Nebraska





June 6, 2019

The Honorable Lisa Murkowski
Chair
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Joe Manchin
Ranking Member
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Dear Chair Grijalva and Murkowski and Ranking Members Bishop and Manchin:


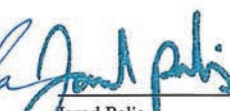

As the Governors of Colorado, Nebraska, and Wyoming, we collectively support the reauthorization of the Platte River Recovery Implementation Program (Program) and the Platte River Recovery Implementation Authorization bill (S.990).

Our states have worked together for more than a decade through the Program, a partnership that provides benefits for four threatened and endangered species in the Central Platte River Basin while allowing existing water use to continue and new upstream water development to proceed. The Program is a marquee example of a proactive, collaborative approach to providing benefits for endangered species and their habitats while allowing for the beneficial use of our states' waters.

This good work needs to continue, both for the benefit of the species and our economies. That is why we collectively endorse the reauthorization of the Program. This legislation will extend the current work for another 13 years, continuing the restoration and protection of habitat for the whooping crane, least tern, piping plover, and pallid sturgeon. During the first 13 years of the Program, 196 water use projects were approved with streamlined Endangered Species Act compliance consultations, reducing the regulatory burden on water users.

The Program functions as the reasonable and prudent alternative for Endangered Species Act compliance regarding the four target species. The Program provides far reaching benefits for all three states, including providing drinking water for all major water supply projects in Colorado's booming Front Range, major irrigation water supplies in Nebraska, and compliance for operation of four federal reservoirs in Wyoming. The Program is a national model for collaborative solutions to common problems and provides Endangered Species Act compliance for our three states in the Platte River Basin. We hope you will support the reauthorization of this Program.

Thank you,

		
Mark Gordon	Jared Polis	Pete Ricketts
Governor	Governor	Governor
State of Wyoming	State of Colorado	State of Nebraska

CC Chairman Jared Huffman, Subcommittee on Water, Oceans, and Wildlife
 Ranking Member Tom McClintock, Subcommittee on Water, Oceans, and Wildlife
 Chair Martha McSally, Subcommittee on Water and Power
 Ranking Member Catherine Cortez Masto, Subcommittee on Water and Power

Goshen Irrigation District

"Serving Southeastern Wyoming"
North Platte River Project

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June 20, 2019

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The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Martha McSally
Chair
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Catherine Cortez Masto
Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

On behalf of the Goshen Irrigation District, I write in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Program is a partnership that provides benefits for T&E species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. It's a proactive effort to reestablish and protect whooping crane, least tern, piping plover, and pallid sturgeon habitat, for protection of the species, yet allows for the beneficial use of water, for the protection of our economies.

The Goshen Irrigation District advocates for the reauthorization of the Program as it functions as the reasonable and prudent alternative for ESA compliance regarding the four species, thereby reducing the regulatory burden on our water users. As has been stated by the Governors of Wyoming, Nebraska, and Colorado, it is a national model for collaborative solutions to common problems. We hope you will support the reauthorization of this important Program.

Thank you,



Rob Posten
Manager

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Liz Cheney, Wyoming At Large
Sen. John Barrasso, Wyoming
Sen. Michael Enzi, Wyoming

HILL IRRIGATION DISTRICT**"Serving Southeastern Wyoming"****North Platte River Project**

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Email steve.feagler@gmail.com

June 24, 2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Bldg
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and
Wildlife Committee on Natural Resources
1324 Longworth House Office Bldg.
Washington, DC 20515

The Honorable Martha
McSally Chair
Subcommittee on Water and Power
Committee on Energy and Natural
Resources 304 Dirksen Senate Office
Building Washington, DC 20510

The Honorable Catherine Cortez
Masto Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural
Resources 304 Dirksen Senate Office
Building Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

On behalf of the Hill Irrigation District, I write in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Program is a partnership that provides benefits for T&E species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. It's a proactive effort to reestablish and protect whooping crane, least tern, piping plover, and pallid sturgeon habitat, for protection of the species, yet allows for the beneficial use of water, for the protection of our economies.

Hill Irrigation District advocates for the reauthorization of the Program as it functions as the reasonable and prudent alternative for ESA compliance regarding the four species, thereby reducing the regulatory burden on our water users. As has been stated by the governors of Wyoming, Nebraska, and Colorado, it is a national model for collaborative solutions to common problems. We hope you will support the reauthorization of this important Program.

Thank you,


Steve Feagler
President

CC: Chairman Raul M. Grieve, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, committee on energy and Natural Resources
Rep. Liz Cheney, Wyoming At Large
Sen. John Barrasso, Wyoming
Sen. Michael Enzi, Wyoming

June 24, 2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Martha McSally
Chair
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Catherine Cortez Masto
Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

On behalf of the Lingle Water Users' Assoc., I write in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Program is a partnership that provides benefits for T&E species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. It's a proactive effort to reestablish and protect whooping crane, least tern, piping plover, and pallid sturgeon habitat, for protection of the species, yet allows for the beneficial use of water for the protection of our economies.

The Lingle Water Users' Assoc. advocates for the reauthorization of the Program as it functions as the reasonable and prudent alternative for ESA compliance regarding the four species, thereby reducing the regulatory burden on our water users. As has been state by the governors of Wyoming, Nebraska, and Colorado, it is a national model for collaborative solutions to common problems. We hope you will support the reauthorization of the important Program.

Thank you,



Clay R. Peterson,
President

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Liz Cheney, Wyoming At Large
Sen. John Barrasso, Wyoming
Sen. Michael Enzi, Wyoming



June 20, 2019

The Honorable John Barrasso
U.S. Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for introducing the Platte River Recovery Implementation Program Extension Act (S.990). Your legislation is critical to the continued success of species recovery efforts on the Platte River in Colorado, Nebraska and Wyoming.

The Platte River Recovery Implementation Program (Program) is a collaborative effort between the federal government, states, conservation organizations and other stakeholders that facilitates new and existing water use and development through streamlined Endangered Species Act (ESA) compliance. It also supports the recovery of four threatened and endangered species: the piping plover, interior least tern, whooping crane, and pallid sturgeon. As one example of program success, the interior least tern is exceeding recovery plan goals and a recent 5-year review from the U.S. Fish and Wildlife Service recommended delisting the species. Importantly, the Program is a successful, collaborative alternative to costly and contentious litigation between the states over limited water supplies and species recovery.

The Nature Conservancy is proud to be a partner in the Program and has been since its inception. TNC is a voting member on the governance committee, representing the views of environmental entities, holds positions on the water advisory and technical committees and participates in the adaptive management working group.

The authority for the Department of the Interior to participate in the Program expires in 2020, putting at risk ESA compliance for water users and the recovery of the four target species. S.990 extends the first increment of the Program for another 13 years (through 2032) so the partners have additional time to meet the goals of the first increment:

1. Use incentive-based water projects to provide enough water to and through the Central Platte River habitat area.
2. Protect, restore and maintain at least 10,000 acres of habitat between Lexington and Chapman, Nebraska. (The Program currently protects more than 12,000 acres of habitat.)
3. Implement an adaptive management plan to provide a systematic process to test hypotheses and apply the information learned to improve management decisions.

In addition, during the first increment extension authorized by S.990, the Program partners will acquire 1,500 additional acres of habitat.

We appreciate your leadership to ensure a healthy Platte River that can meet the many needs of our communities, and we offer our assistance to ensure timely passage of S.990.

Sincerely,



Carlos Fernandez
State Director, Colorado



Mace Hack
State Director, Nebraska



Milward Simpson
State Director, Wyoming

CC: Senator Michael Bennet
Senator Michael Enzi
Senator Deb Fischer
Senator Cory Gardner
Senator Ben Sasse



June 18, 2019

The Honorable Lisa Murkowski
Chair
Committee on Energy and Natural
Resources
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington D.C. 20515

The Honorable Joe Manchin
Ranking Member
Committee on Energy and Natural
Resources
304 Dirksen Senate Office Building
Washington D.C. 20510

The Honorable Rob Bishop
Ranking Member
Committee on Natural Resources
1329 Longworth House Office Building
Washington D.C. 20515

Re: S. 990 and H.R. 3237 Platte River Recovery Implementation Program Extension Act

Dear Chairs Murkowski and Grijalva and Ranking Members Manchin and Bishop:

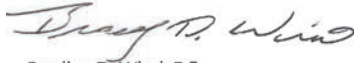
I write today in strong support for the Platte River Recovery Implementation Program (Program) extension bill (S. 990 and H.R. 3237). The Program is a cooperative, basin-wide solution created to resolve conflicts between water use and endangered species protection for most of the Platte River basin in Colorado, Wyoming and Nebraska. Resolution of these conflicts is in the interest of all three states and is critically important to all who live and work along Colorado's rapidly growing Front Range and northeastern Colorado as evidenced by the number of successful consultations completed in Colorado during the initial 12 years of Program operation. The Program has been a highly successful partnership among the U.S. Department of Interior and the states of Colorado, Nebraska and Wyoming and is a model recognized throughout the arid West for providing predictable and streamlined Endangered Species Act (ESA) compliance in the three-state basin.

The Honorable Lisa Murkowski
 The Honorable Raul M. Grijalva
 The Honorable Joe Manchin
 The Honorable Rob Bishop
 Page 2
 June 18, 2019

Northern Water has been a strong and steady supporter of the Program from its inception to this day and remains committed to continued development and implementation of this highly successful solution to conflicting water use and ESA issues. Northern Water provides water supplies to about 985,000 people within its district boundaries, which encompass 1.6 million acres in portions of eight Colorado counties: Boulder, Broomfield, Larimer, Logan, Morgan, Sedgwick, Washington, and Weld. Northern Water provides cities, towns, rural-domestic water districts and industries with year-round water deliveries. Northern Water also delivers supplemental water to more than 120 ditch, reservoir and irrigation companies serving thousands of farms comprising more than 640,000 acres. To continue to meet the growing water demands along Colorado's Front Range, Northern Water is involved in new water planning activities and projects, including the Northern Integrated Supply Project ("NISP") that is currently working through the federal permitting process on behalf of 15 water providers located within Northern Water's boundaries. Colorado's economy is robust, and water is a fundamental basis of Colorado's economy.

Northern Water strongly believes the Program is vitally important in helping to protect and ensure the future for water users as well as the threatened and endangered species. S. 990 and H.R. 3237 provide for an extension of the first increment of the Program for 13 years, authorizes the Secretary of the Interior to be a part of the implementation of this extension, and provides funding for the federal share of the Program. We thank you for sponsoring this legislation and request that you support the reauthorization of this Program through S. 990 and H.R. 3237.

Sincerely,



Bradley D. Wind, P.E.
 General Manager

js

cc: Dan Betts dan_betts@gardner.senate.gov
 James Thompson james_thompson@bennet.senate.gov
 Carissa Bunge carissa.bunge@mail.house.gov
 James Hampson james.hampson@mail.house.gov
 Carlee Brown carlee.brown@mail.house.gov
 Lane Dickson lane_dickson@energy.senate.gov
 Jojo La jojo.la@state.co.us



● P.O. Box 338
 ● Mitchell, Nebr. 69357
 ● (308) 623-1022
 ● FAX (308) 623-2028

June 19, 2019

The Honorable Jared Huffman
 Chairman
 Subcommittee on Water, Oceans, and Wildlife
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, DC 20515

The Honorable Martha McSally
 Chair
 Subcommittee on Water and Power
 Committee on Energy and Natural Resources
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Tom McClintock
 Ranking Member
 Subcommittee on Water, Oceans, and Wildlife
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, DC 20515

The Honorable Catherine Cortez Masto
 Ranking Member
 Subcommittee on Water and Power
 Committee on Energy and Natural Resources
 304 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

On behalf of the Pathfinder Irrigation District, I write in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990). The Pathfinder District provides irrigation water from the North Platte River to over 115,000 acres of land in Eastern Wyoming and Western Nebraska, as part of the Bureau of Reclamation's North Platte Project. The very successful Platte River Recovery Implementation Program provides compliance with the Endangered Species Act for the District and its water users avoiding an onerous regulatory approach.

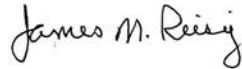
The Pathfinder Irrigation District has worked with multiple partners for more than a decade to successfully implement the Program, a partnership that provides benefits for four threatened and endangered species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. The Program is an outstanding example of a proactive, collaborative approach to providing benefits for endangered species and their habitats while allowing for the beneficial use of water.

This good work needs to continue, both for the benefit of the species and our economy. That is why the Pathfinder Irrigation District endorses the reauthorization of the Program. This legislation will extend the current work for another 13 years, continuing the restoration and protection of habitat for the whooping crane, least tern, piping plover, and pallid sturgeon. During the first 13 years of the Program, 196 water use projects were approved with streamlined Endangered Species Act (ESA) compliance consultations, reducing the regulatory burden on our water users.

The Program functions as the reasonable and prudent alternative for ESA compliance regarding the four target species. The Program provides far-reaching benefits for the three basin states and their water users, including major irrigation water supplies in Nebraska, compliance for operation of four federal reservoirs in Wyoming, and providing drinking water for all major water supply projects in Colorado's booming

Front Range. The Program is a national model for collaborative solutions to common problems and provides ESA compliance for the three Platte River basin states. We hope you will support the reauthorization of this important Program.

Thank you,



James M. Reisig, President
Pathfinder Irrigation District

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Jeff Fortenberry, Nebraska 1st District
Rep. Don Bacon, Nebraska 2nd District
Rep. Adrian Smith, Nebraska 3rd District
Sen. Deb Fischer, Nebraska
Sen. Ben Sasse, Nebraska



CITY OF CASPER

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www.cityofcasperwy.com

6-24-2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Martha McSally
Chair
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Catherine Cortez Masto
Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510


Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

I am writing as the mayor of Casper, Wyoming, in support of the reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Program is a partnership that provides benefits for threatened and endangered species in the central and lower Platte River basin while allowing existing water use to continue and new upstream water development to proceed. It's a proactive effort to reestablish and protect whooping crane, least tern, piping plover, and pallid sturgeon habitat, for protection of the species, yet allows for the beneficial use of water, for the protection of our economies.

I advocate for the reauthorization of the program as it functions as the reasonable and prudent alternative for Endangered Species Act compliance regarding the four species, thereby reducing the regulatory burden on water users. As has been stated by the Governors of Wyoming, Nebraska, and Colorado, it is a national model for collaborative solutions to common problems. I hope you will support the reauthorization of this important Program.

Thank you,


Charles Powell
Mayor

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Liz Cheney, Wyoming At Large
Sen. John Barrasso, Wyoming
Sen. Michael Enzi, Wyoming



June 18, 2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Martha McSally
Chair
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Catherine Cortez Masto
Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairs Huffman and McSally and Ranking Members McClintock and Cortez Masto:

The Twin Platte Natural Resources District (Twin Platte NRD) supports reauthorization of the Platte River Recovery Implementation Program (Program) and the companion Platte River Recovery Implementation Authorization bills (H.R. 3237 and S. 990).

The Twin Platte NRD has worked with multiple partners for more than a decade to successfully implement the Program, a partnership that provides benefits for four threatened and endangered species in the central and lower Platte River basin while allowing existing beneficial uses of water to continue. The Program is an outstanding example of a proactive, collaborative approach to providing benefits for endangered species and their habitats while allowing for the beneficial use of water.

This good work needs to continue, both for the benefit of the species and the economy of the basin. That is why the Twin Platte NRD endorses the reauthorization of the Program. This legislation will extend the current work for another 13 years, continuing the restoration and protection of habitat for the whooping crane, least tern, piping plover, and pallid sturgeon. During the first 13 years of the Program, 196 water use projects were approved with streamlined Endangered Species Act (ESA) compliance consultations, reducing the regulatory burden on our water users.

The Program functions as the reasonable and prudent alternative for ESA compliance regarding the four target species. The Program provides far-reaching benefits for the three basin states and their water users, including major irrigation water supplies in Nebraska, compliance for operation of four federal reservoirs in Wyoming, and providing drinking water for all major water supply projects in Colorado's booming Front Range. The Program is a national model for collaborative solutions to common problems and provides ESA compliance for the three Platte River basin states. The Twin Platte NRD requests your support for the reauthorization of this important Program.

Thank you,



Kent O. Miller
General Manager

CC: Chairman Raúl M. Grijalva, Committee on Natural Resources
Ranking Member Rob Bishop, Committee on Natural Resources
Chair Lisa Murkowski, Committee on Energy and Natural Resources
Ranking Member Manchin, Committee on Energy and Natural Resources
Rep. Jeff Fortenberry, Nebraska 1st District
Rep. Don Bacon, Nebraska 2nd District
Rep. Adrian Smith, Nebraska 3rd District
Sen. Deb Fischer, Nebraska
Sen. Ben Sasse, Nebraska

**Written Testimony of Jason Mead
Acting Director
Wyoming Water Development Commission
Before the Committee on Energy and Natural Resources
Subcommittee on Water and Power
U.S. Senate
S. 990 Platte River Recovery Implementation Program Extension Act**

June 26, 2019

Chair McSally, Ranking Member Cortez Masto, and Members of the Subcommittee, thank you for the opportunity to submit this written testimony in support of S. 990, the Platte River Recovery Implementation Program Extension Act.

My name is Jason Mead and I am the Acting Director of the Wyoming Water Development Commission. I am currently serving as Governor Mark Gordon's representative on the Governance Committee of the Platte River Recovery Implementation Program. I want to take this opportunity on behalf of the Wyoming Water Development Commission to extend sincere appreciation to Sen. Barrasso for his leadership in crafting and introducing this important legislation, and to Sen. Enzi for being a co-sponsor. I also thank the co-sponsors from our fellow basin states of Colorado and Nebraska.

The North Platte River runs through the State of Wyoming and is a critical water supply for irrigation and municipal use. Wyoming has been a strong partner with our neighbor basin states of Colorado and Nebraska in seeking cooperative management of the Platte River because of its importance to all of our states and our water users. I support the Platte River Recovery Implementation Program because it is important to continue the conservation efforts regarding four threatened or endangered species in the central Platte River region in Nebraska, while at the same time protecting water users in Wyoming.

Wyoming benefits from the streamlined Endangered Species Act consultation process that is part of the Program, as multiple water projects have met their permitting requirements using this approach since the Program began in 2007. As part of the original authorizing legislation, the Program led to the successful implementation of the Pathfinder Modification Project on Pathfinder Dam and Reservoir in Wyoming. The Pathfinder Modification Project provides storage water that serves both as Wyoming's water contribution to the Platte River Recovery Implementation Program as well as water for municipal use by communities along the North Platte River. This continued water use is vital to the State of Wyoming.

The Program is a multi-state, collaborative program where the three states of Wyoming, Colorado, and Nebraska have been working with the Bureau of Reclamation, U.S. Fish and Wildlife Service, water users, and environmental groups to recover the target species. The Program currently preserves and improves over 12,000 acres of critical habitat in central Nebraska and provides approximately 115,000 acre-feet of water by score to the central Platte. The Program also maintains an organizational structure that ensures appropriate federal and state government and stakeholder involvement in the implementation and is one of the only species recovery programs

in the country that has successfully completed a full loop of the adaptive management cycle by providing scientific learning for use in decision-making. This all makes the Program a model for successful species recovery.

The states and the federal government equally share the Program cost — in terms of cash, water, and land. In addition to the environmental account water that is part of the Pathfinder Modification Project, Wyoming contributed \$6 million in cash during the First Increment of the Program and has agreed to provide another \$3.1 million during the 13-year extension proposed by this legislation.

The Program's major milestones for the First Increment included retiming and improving flows to reduce target flow shortages by an average of 130,000-150,000 acre-feet per year, and protecting and maintaining 10,000 acres of habitat in Nebraska. The Program has met all of its land and adaptive management milestones; however, the extension is needed to allow the Governance Committee additional time to develop and implement key water projects.

The Program partners want to achieve all of the milestones and we have reached an agreed-upon approach to extend the program for another 13 years (from 2020-2032). The Secretary of Interior, Wyoming, Colorado, and Nebraska as well as all Program stakeholders unanimously agree that a 13-year extension of the Program and additional funding will provide the time and tools necessary to meet the water milestones. This extension would allow for the Program to continue as the reasonable and prudent alternative for Endangered Species Act compliance, while at the same time protecting current water users and allowing development of new water uses. This Program is viewed as a model on how, with collaboration, the Environmental Species Act can be integrated into the management of habitat and water use within a river basin. We urge Congress to act now because the authority for the Secretary to implement this Program terminates on September 30, 2020. S. 990 is vital to providing the authorization for the extension for another 13 years.

Thank you for your consideration and I hope that you will support this important legislation for Wyoming.

Senator BARRASSO. I am looking forward to working with the Committee.

But if I could just ask you, Mr. Weaver, in the little time we have left. So we talked a lot today about the implementation of this Platte River Recovery Implementation Program. It is critical for Wyoming, Colorado and Nebraska—all of the stakeholders who have worked so hard to make it a success. Its success is unquestioned, but the future, as you put, is uncertain and with the current authorization set to expire at the end of this year.

Can you take a moment to just expand on your written testimony where you describe the risks that are associated if we fail to authorize this program and what it would mean if this program were ended in terms of water users and the projects in the three states that we are looking at?

Mr. WEAVER. Thank you for the question, Senator Barrasso. It's a good one because it's something that, you know, over the last 13 years there have been a lot of successful, collaborative projects going on.

And more importantly, it provides a lot of regulatory certainty for, you know, the hundreds of water and power users and the Bureau of Reclamation as well as other agencies.

So if this expires, that regulatory certainty will be gone. And that, what it would mean by that is if you have regulatory uncertainty that means, for example, if you, Reclamation, for example, goes to, it has to consult with the Fish and Wildlife Service on those four species in terms of operations of Glendo and other facilities on the North and South Platte and that re-consultation provides a lot of uncertainty and, to be honest, it could increase the cost for ratepayers, both water and power ratepayers.

So, you know, I was around on the House side when this was originally created, and this has been a model of success. It's a model of collaboration, and we need to make sure it stays.

Senator BARRASSO. Thank you.

Thank you, Madam Chairman.

Senator MCSALLY. Senator Daines.

Senator DAINES. Thank you, Chairwoman McSally.

Agriculture is our number one economic driver in Montana, and a reliable water supply for irrigation is absolutely critical for our farmers and ranchers. Without water we don't have an ag industry in Montana. The two Montana-specific bills before this Committee today are important to ensure that they both have a reliable supply of water and an affordable power for irrigation.

Senate bill 1882, which I introduced just last week, would ensure that Kinsey Irrigation Company and the Sidney Water Users Irrigation District would continue to be eligible for project use power under the Pick-Sloan Missouri Basin program. Kinsey and Sidney have had access to Pick-Sloan power for more than 70 years, and the contracts have been modified and renewed multiple times throughout this period. However, the Bureau of Reclamation has notified both projects it does not have the authority to renew the contracts. So passage of this legislation is critical to ensure that Kinsey and Sidney do not face cost increases of 1,900 and 3,200 percent, respectively. That is not a typo.

Senate bill 1305, which I introduced with Senator Tester, would alter the federal cost share for the Milk River project, one of the Bureau of Reclamation's oldest projects, having been authorized in 1903, and is in dire need of rehabilitation. The water from this project is used to irrigate more than 120,000 acres of land and provides water for roughly 18,000 people.

I would ask unanimous consent to include for the record letters of support for both pieces of legislation.

Senator MCSALLY. Without objection.

[Letters of support for S. 1882 and S. 1305 follow:]



June 25, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

Agri Industries writes to express support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

In the Kinsey, MT area, irrigation is a major factor in the economy. There are many different crops that require irrigation and having access to low power cost is key to remaining economically viable.

Majority of the irrigation in Kinsey is due to Kinsey Irrigation District and the water that they provide throughout the area. Kinsey Irrigation District can pump water economically due to the fact that they are on Pick Sloan Power and have been doing upgrades to their system to make the district more efficient.

If Kinsey Irrigation District was to lose their Pick Sloan contract, they would be unable to continue operate due to the expense of just the power to run pumps. This would have an adverse effect on all Kinsey Irrigation District users and local businesses that are in agriculture industries.

Respectfully,

Dahlton Johnson

2106 S. HAYNES AVE.
PO BOX 1376
MILES CITY, MT 59301

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

June 24, 2019

The Honorable Jon Tester
U.S. Senator
311 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Steve Daines
U.S. Senator
320 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Greg Gianforte
U.S. Representative
1419 Longworth House Office Building
Washington, D.C. 20510

RE: HR 2492 and S1305 – The “St. Mary’s Reinvestment Act”


Dear Senator Jon Tester, Senator Steve Daines, and Representative Greg Gianforte:

On behalf of the State of Montana, I am writing to express my strong support for the passage of HR 2492 and S1305 – The “St. Mary’s Reinvestment Act”. As you are aware, the U.S. Bureau of Reclamation’s Milk River Project is the foundation of large-scale irrigated agriculture in Montana’s Milk River Basin. As part of the Milk River Project, the St. Mary Diversion Dam and Conveyance Works diverts water from the St. Mary River to the Milk River to support 140,000 acres of irrigated agriculture along Montana’s Hi-line. The system also provides safe drinking water to the communities of Havre, Chinook, and Harlem.

After over 100 years of service, the St. Mary Diversion Dam and Conveyance Works have far exceeded their expected design life and are in dire need of repair and replacement. A comprehensive rehabilitation of the St. Mary and Milk River project would cost \$200 million. Under current Reclamation Law, irrigators within the Milk River Project are responsible for 74% (\$148 million) of the rehabilitation cost. The rural communities along the Hi-line, like other rural communities in America, do not have the capacity to bare such a large financial burden. The “St. Mary’s Reinvestment Act” authorizes a non-federal cost share of 25% (\$50 million). Over the past two fiscal years, the Department of Natural Resources has managed an appropriation of \$150,000 per year for assistance to the St. Mary’s Rehabilitation Working Group in collaborating with the Federal government to facilitate the rehabilitation planning on this project. Additionally, we have maintained a \$10 million authorization for assistance with the State contribution to the project. Lastly, a \$40 million loan authority was approved in HB 8 of the 66th Legislative Session for the St Mary Water users to borrow to assist with their contribution for the project.

Please do not hesitate to contact my office if I can be of assistance or provide you any additional information. Thank you for supporting HR 2492 and S1305.

Sincerely,


MIKE COONEY
Lieutenant Governor



PO Box 520
Miles City, MT 59301
406-234-1504 office 406-234-9036 fax

July 9, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

Diamond J Construction LLC writes to express support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

For decades, KID and SWUID have received Project Use Power through contracts with the Bureau of Reclamation. Since 1946, these contracts have been renewed nine times. This legislation would allow KID and SWUID to continue receiving Project Use Power and deliver water at rates affordable to their water users. Unfortunately, this historic relationship and authority is threatened if the Bureau of Reclamation does not allow KID and SWUID to renew their Project Use Power contracts. This legislation provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy of Eastern Montana.

Diamond J Construction LLC does a significant amount of concrete and excavation work in the Kinsey and Sidney areas, if the Bureau of Reclamation does not allow KID and SWUID to renew their Project Use Power contracts, this could negatively affect our business in the years to come.

Without passage of this legislation, KID's and SWUID's water users face dramatic rate increases that could cause detrimental impacts to the local industries.

We support this legislation and appreciate your timely consideration of this matter.

Respectfully,
Diamond J Construction LLC

Fort Belknap Indian Community



Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526-9455
PH: (406) 353-2205
FAX: Council - (406) 353-4541
FAX: Departments - (406) 353-2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

June 25, 2019

Honorable Steve Daines
United States Senate
320 Hart Senate Office Building
Washington, D.C. 20510

Re: Support for the St. Mary's Reinvestment Act, S. 1305 and H.R. 2492

Dear Senator Daines:

On behalf of the Fort Belknap Indian Community Council, I write to thank you for your strong support for the Milk River Project in Montana, and the St. Mary Diversion Dam in particular. We are especially appreciative of your recent introduction of critical companion bills that would establish a federal cost-sharing percentage of 75% for the operation, maintenance, repair, and replacement of the St. Mary Diversion Dam of the Milk River Project.

The Fort Belknap Indian Community strongly supports the St. Mary's Reinvestment Act, S. 1305 and H.R. 2492.

As you know, the St. Mary Diversion Dam is the "lifeline of the Hi-Line." The St. Mary Diversion Dam provides critical trans-basin diversions of water from the St. Mary River Basin to the Milk River Basin. The St. Mary River itself provides approximately 50% of the Milk River Project's water supply during normal years and up to 90% during drought years.

Beneficiaries of the St. Mary Diversion Dam include tribal and non-tribal communities, agricultural and municipal interests, and fisheries, recreation, tourism, water quality, and wildlife. It is no exaggeration that all of us and the economy of the entire Hi-Line region are inextricably linked with a stable water supply provided by the St. Mary Diversion Dam.

Many of the aging structures of the St. Mary Diversion Dam are in critical need of repair or replacement. The failure of the Diversion Dam would effectively eliminate approximately 10% of Montana's irrigated agricultural economy, devastate Hi-Line communities, and have economic repercussions across the State of Montana. Failure of the Diversion Dam would also jeopardize our Fort Belknap Federal Reserved Water Rights Compact.

Multiple governments, agencies, and other stakeholders have assembled to collectively advocate for the St. Mary Diversion Dam. We are united by the common goal of ensuring that the

**Fort Belknap Indian Community
In Support of S. 1305 and H.R. 2492**

**June 25, 2019
Page 2 of 2**

aging facilities are rehabilitated before the system suffers catastrophic failure. Your proposed legislation, with its federal cost share, is an essential step in this process.

We appreciate your long-standing support for the members of the Fort Belknap Indian Community, and look forward to continuing to work with you on these critical issues.

Sincerely,



Andrew Werk, Jr., President
Fort Belknap Indian Community

cc: FBIC Council



June 25, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

I am writing today to express my support of legislation to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company, as well as the Sidney Water Users Irrigation District, and for other purposes (S.1882).

In short, this legislation is critical to the existence of these irrigation projects. The rate increases brought on by the non-renewal of power will devastate the people in these projects and in turn will cause financial hardship on the retail outlets in these communities. These users deal with several things annually that can have adverse effects on their livelihood such as weather and the failing market, it would be tragic to add another setback to the small farmers in these areas.

Please look with favor on this legislation and stress the importance to your peers. Thank you for your time and efforts in keeping those involved in agriculture in your service to Montana.

Respectfully,

John Laney

John Laney, Executive Director
Miles City Area Chamber of Commerce

Miles City Area Chamber of Commerce
511 Pleasant St, Miles City, MT 59301
(406) 234-2890 office.milescitychamber@gmail.com

Montana State Senate



Senator Mike L. Lang
Senate District 17

The Treasure State

DURING THE SESSION
State Capitol Building
PO Box 200500
Helena MT 59620-0500
Phone: (406) 444-4800
leg.mt.gov

HOME ADDRESS
505 South 8th Ave E | PO Box 104
Malta MT 59538
Phone: (406) 654-1117
Phone: (406) 654-7357
Mike.Lang@mtleg.gov

June 24, 2019

The Honorable Steve Daines
U.S. Senator
320 Hart Senate Office Building
Washington, D.C. 20510

Senator, I wish to thank you for proceeding with S1305, the St. Mary's Reinvestment Act.

After our meeting at the Capitol in Helena last January you have moved the issue further than the past 17 years.

Your bi-partisan effort with Senator Tester is very welcoming and should strengthen the support.

I also reached across the aisle in the 66th Montana Legislature and formed a bi-partisan relationship which upheld my amendment to put in place an additional \$40 Million loan package for the St. Mary Rehabilitation. This amendment plus the \$10 Million bonding authority truly shows that Montana needs and wants this project completed.

Your support, in hand with Senator Tester for S1305 and Congressman Gianforte's HR 2492 will change the game for the users and producers of the ST. Mary. The project can be rehabilitated at an investment allocation that Montana can afford.

Gratefully,

A handwritten signature in cursive script that reads "Senator Mike Lang".

Mike Lang, Senator SD-17
Malta, MT 59538



PO Box 1047
3200 West Holly Street
Sidney, MT 5927
Phone: (406) 488-1602
Fax: (406) 488-6524
www.lyrec.com

June 21, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

On behalf of the Lower Yellowstone Rural Electric Cooperative (LYREC) Board of Directors, staff, and membership, we write to express support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

LYREC is based in Sidney, Montana and has supported SWUID for greater than 70 years. The members of SWUID are all members of LYREC having deep roots within both organizations. The cooperative has wheeled power to SWUID and assisted with any electrical need for the district since it began.

For decades, KID and SWUID have received Project Use Power through contracts with the Bureau of Reclamation. Since 1946, these contracts have been renewed nine times. This legislation would allow KID and SWUID to continue receiving Project Use Power and deliver water at rates affordable to their water users. Unfortunately, this historic relationship and authority is threatened if the Bureau of Reclamation does not allow KID and SWUID to renew their Project Use Power contracts. This legislation provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy in Eastern Montana.

Lower Yellowstone Rural Electric Cooperative



In Sidney, Montana the SWUID district means more to our community, county, and country than can be expressed in words. Agriculture will always be the roots of our area and if these farm families are unable to produce crops for the United States at the highest quality, we will all suffer.

Without passage of this legislation, KID's and SWUID's water users face dramatic rate increases that could cause an adverse effect on everything agriculture impacts, including LYREC.

This is a unique situation and we support this legislation for only KID and SWUID. We appreciate your timely consideration of this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jason A. Brothen".

Jason A. Brothen
CEO, Lower Yellowstone Rural Electric Cooperative

Mercer Farm and Ranch
John R. Mercer
11807 Hwy. 261
Sidney Montana 59270
Email: john@mercervarm.com
Cell #: (406) 489-1776

July 3, 2019

RE: S 1882, Continued Use of Pick-Sloan Missouri Basin Program Project Use Power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation Project

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

I am writing in support of legislation S. 1882, a bill currently before Congress providing for the continued availability of the Pick-Sloan Missouri River Basin project power to the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes.

Since its inception in 1938, these contracts have been reviewed and renewed nine times for the above mentioned purpose. Fort Peck Dam was originally designed during the Teddy Roosevelt administration to energize the Yellowstone Valley with a population of irrigation farmers by providing a reliable water source to an otherwise very arid, dryland area.

Pick-Sloan Missouri River Basin project power rates have been highly successful in allowing for that energy use and valley development. Much to our dismay, the Bureau of Reclamation is once again seeking to discontinue this decades-old pricing. It is all but a certainty that this would doom our SWUID's 5000+ acres.

As a four generation, 5000+ acre farm/ranch operation, we are critically dependent on our 500+ acre irrigated feedbase for livestock's winter nutrition, and to produce one of the valley's few profitable crops – sugar beets. And only because the farming conditions have changed so much in recent years, our operation was unfortunately required to move forward with the purchase of almost half a million dollars in irrigation pivots. Well into our second year, we are now beginning to see the potential for this major investment to show a return. But without passage of

this legislation, we would lose this power contract - which would serve to make those purchases valueless and doom our financial future, as well as that of the other farmers of the Sidney Water Users Irrigation District.

As you know - farming is a risky business, but this legislation is vital to our farm families, their labor, and the many businesses that rely on supplying the seed, fertilizer, and equipment to those farmers. Failure to pass this legislation would exact a dramatic and devastating blow to the population of the eastern Yellowstone River valley.

Please – PLEASE – support S.1882.

Please contact me at anytime if you have any questions or need any further information from us.

Sincerely,

John R. Mercer

June 23, 2019



► **The Honorable Jon Tester**

United States Senate - Montana
311 Hart Senate Office Building
Washington, DC 20510

► **The Honorable Steve Daines**

United States Senate - Montana
320 Hart Senate Office Building
Washington, DC 20510

► **The Honorable Greg Gianforte**

House of Representatives - Montana
1222 Longworth House Office Building
Washington, DC 20515

Dear Senator Tester, Senator Daines & Congressman Gianforte:

The rehabilitation of the Milk River Project is the top priority for the Milk River Joint Board of Control. On behalf of the entire Milk River Basin, we write in support of your bill S.1305/H.R.2492 - The St. Mary Reinvestment Act. This bill would require a 75% federal cost share for the Milk River Project, which includes the St. Mary Storage facility, which unfortunately needs major repairs.

As you know, the Milk River Project was authorized in 1903 and it is one of the first projects the Bureau of Reclamation built. The Milk River Project is critical to the economy of Montana. It irrigates over 140,000 acres of agricultural land and provides municipal water to thousands of residents in the communities such as Havre, Chinook and Harlem. Investing in improvements to this project will have many economic benefits that reach beyond Montana. As noted in a 2018 Reclamation study, household income impacts (direct, indirect and induced) from western irrigated agriculture (not just Montana) total more than \$150 billion annually. Unfortunately, the current cost share makes funding this rehabilitation project prohibitive.

We greatly appreciate your leadership and efforts to address Montana's water infrastructure needs and urge support of S.1305/H.R.2492. Please know that our members are ready to help in any way to ensure the Milk River Project continues to be the lifeline of the Hi-Line.

Sincerely,


Wade I. Jones, President
Milk River Irrigation Project Joint Board of Control

June 25, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, DC. 20510

Senator Jon Tester
311 Hart Office Building
Washington, DC. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, DC. 20510

Dear Honorable Sirs,

Montana-Dakota Sugarbeet Growers Association writes to express support of S.1882 which would make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company(KID) and The Sidney Water Users Irrigation District (SWUID) and for other purposes.

For decades these entities have received Project Use Power through contracts with the Bureau Of Reclamation. These contract have been renewed 9 times since 1946 .With the passage of this legislation KID and SWUID will be able to continue to receive Project Use Power and deliver water to their water users at affordable rates.

The water provided is used for the production of crops and livestock which among them are sugarbeets. Sidney Sugars is the factory in Sidney, Mt that processes the sugarbeets into sugar. Without this legislation, the rates for water to the water users would increase so much that it would affect the viability of raising sugarbeets in the Sidney area. With a decrease in acres of sugarbeets due to the increased cost of pumping water for irrigation, Sidney Sugars would possibly have to close. Sidney Sugars contracts 32,000 acres of beets in 5 counties, 3 in Montana and 2 in North Dakota. The economical blow the area would be devastating.

We support this legislation and appreciate your timely consideration of this matter.

Respectfully,

Scott Buxbaum
President
Montana-Dakota Sugarbeet Growers Assoc.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



STEVE BULLOCK, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

June 24, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

Department of Natural Resources & Conservation writes to express support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

For decades, KID and SWUID have received Project Use Power through contracts with the Bureau of Reclamation. Since 1946, these contracts have been renewed nine times. This legislation would allow KID and SWUID to continue receiving Project Use Power and deliver water at rates affordable to their water users. Unfortunately, this historic relationship and authority is threatened if the Bureau of Reclamation does not allow KID and SWUID to renew their Project Use Power contracts. This legislation provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy in Eastern Montana.

Without passage of this legislation, KID's and SWUID's water users face dramatic rate increases that could cause detrimental impacts to local industries.

We support this legislation and appreciate your timely consideration of this matter.

Respectfully,

John E. Tubbs, Director
Department of Natural Resources & Conservation

DIRECTOR'S
OFFICE
(406) 444-2074

CONSERVATION & RESOURCE
DEVELOPMENT DIVISION
(406) 444-6667

OIL & GAS
DIVISION
(406) 444-6675

TRUST LAND
DIVISION
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**MT. MONTANA
FARM BUREAU
FEDERATION**

June 25, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

The Montana Farm Bureau Federation would like to express our support for legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

The Sidney Water Users Irrigation District and the Kinsey Irrigation Company have become very important irrigation communities in eastern Montana. The irrigation provided by these projects allows Montana farmers to grow diverse crops where there is a long growing season, but not much water without the irrigation. Importantly, the affordable energy these projects have received from Project Use Power through contracts with the Bureau of Reclamation, help keep input costs down. S.1882 would allow KID and SWUID to continue receiving Project Use Power and deliver water at rates affordable to their water users, and provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy in Eastern Montana.

Again, we support this legislation and thank you for your attention to this matter.

Sincerely,

Hans McPherson
President



June 25, 2019

The Honorable Steve Daines
United State Senate
Washington, DC 20510

Dear Senator Daines:

On behalf of the Montana Stockgrowers Association (MSGA), I am writing in regards to the recently introduced bill to continue the use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District. MSGA strongly supports this legislation, as it continues a stable, cost efficient source of power, critical for Montana agriculture producers.

Our organization represents members within the affected area, who would be greatly impacted by significant rate increases if this contract was to cease. These members are cattle ranching families that contribute greatly to the local community and economy of the entire state of Montana. Irrigation plays a critical role in ranching in Montana, whether it be for growing forages or crops. For the last 74 years, the Kinsey Irrigation Company and the Sidney Water Users Irrigation District have relied on the Bureau of Reclamation power contracts to provide electrical service for these irrigation projects. Now that this historical contract relationship is at risk of ending, it is imperative we pass legislation that provides the necessary certainty for our future generations of farmers and ranchers in Montana.

Agriculture continues to be the number one industry in Montana and is also one of the leading industries in this affected region. MSGA believes this proposed legislation will allow the continuance of this critical power contract, while protecting our important agricultural industry.

Sincerely,

Fred Wacker
President
Montana Stockgrowers Association



*Montana
Water Resources
Association*

*P.O. Box 4927 • Helena, Montana 59604 • (406) 235-4555
Email: mvra_h2o@msn.com*

June 24, 2019

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

Montana Water Resources Association is providing this letter in support of S. 1305 (St. Mary's Reinvestment Act), recently introduced in Congress to establish a federal cost share percentage for the Milk River Project in the State of Montana.

The Milk River Project has provided water for irrigation and other uses for over a century. The economic viability of the entire High Line of the State of Montana is dependent upon continued water delivery capability by the Milk River Project. After over one hundred years of service, the aging infrastructure of the Milk River Project is in need of extensive and costly revitalization and repair. The costs associated with these necessary repairs far exceed financial capability of irrigators and other water users. As a Bureau of Reclamation project the relationship between water users and the federal government has resulted in a benefit to water users and the United States. Failing to repair the aging infrastructure would have devastating impact on irrigation, municipal, tribal, businesses, and other water uses and to the economy of the region and the State of Montana. The 75 percent federal cost share provided for within S.1305 will provide federal funding at a reasonable level that will, in concert with other state and local resources, make rehabilitation possible. The legislation provides necessary certainty for future generations of farmers and ranchers and businesses that are vital to the regional and state economy.

We support S.1305 and appreciate your timely consideration of this important matter.

Sincerely,

Michael Murphy

Michael E. Murphy
Executive Director

"Montana's Voice for Montana's Water"



*Montana
Water Resources
Association*

*P.O. Box 4927 • Helena, Montana 59604 • (406) 235-4555
Email: mwra_h2o@msn.com*

June 24, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

Montana Water Resources Association is providing this letter in support of S. 1882, recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Sidney Water Users Irrigation District and Kinsey Irrigation Company.

For decades, Sidney Irrigation District and Kinsey Irrigation Company have received Project Use Power through contracts with the Bureau of Reclamation. These contracts have been continuously renewed consistent with the intent of the Pick-Sloan program since established in 1946. This legislation will allow the irrigation projects and the associated farm and ranch families to continue receiving Project Use Power and deliver water at affordable rates. Unfortunately, this historic relationship and authority is threatened if the Bureau of Reclamation does not renew their Project Use Power contracts. This legislation provides necessary certainty for future generations of farmers and ranchers and businesses that are vital to the local economy in Eastern Montana. Without passage of this legislation, water users face dramatic rate increases that could cause detrimental impacts to these irrigation projects and the local economies and related industries.

We support S.1882 and appreciate your timely consideration of this matter.

Sincerely,

Michael Murphy

Michael E. Murphy
Executive Director

"Montana's Voice for Montana's Water"

TO: The Honorable Senator Steve Daines
The Honorable Senator Jon Tester
The Honorable Representative Greg Gianforte

FROM: Montana State Representative Eric Moore, HD 37

DATE: 7-9-19

RE: SB 1882 and HB 3471

Gentlemen,

Thank you to Senator Daines for introducing 1882 and Representative Gianforte for introducing 3471. Both of these bills deal with a proposed crippling increase in power costs for irrigators in the Kinsey project near Miles City. As I know you are all aware, the farm economy is in as weak as it has been since the 1980's. With increasing costs and depressed commodity prices, farmers are facing razor thin, if not negative, margins. A hundredfold increase in power costs would drive many producers out of business.

As their state representative, as well as an irrigated farmer myself, I urge your support of these bills. Thank for for your service, and please do not hesitate to contact me for any further information.

Sincerely,

Eric Moore
HD 37



COUNTY OF RICHLAND

Office of

COUNTY COMMISSIONERS

Duane Mitchell, *Chair*
Loren Young, *Member*
Shane Gorder, *Member*

Voice: (406) 433-1706
Fax: (406) 433-3731
sgorder@richland.org
lyoung@richland.org
dmitchell@richland.org

April 20, 2018

To whom it may concern,

The Richland County Commissioners are requesting your help for the Sidney Water Users Irrigation District (SWUID) Project Use Power Contract (PUP).

For eighty years, nearly 5,000 acres of arid land adjacent to the Yellowstone River has received water pumped from the Yellowstone River. The electricity has been purchased through Project Use Power Contract, which was authorized as part of the Pick-Sloan-Missouri Basin Program in 1944.

Today, there are 45 families working the land, earning a living, paying taxes and building a future on the farm. To remain on the farm, the PUP contract needs to be renewed just as it has been nine times since 1946. Without the ability to purchase electricity at the current PUP rate, the livelihood of the families is at risk and the ability to produce quality crops will be reduced drastically.

Richland County would suffer a \$12 million reduction in taxable value if the SWUID was to be dissolved. The Rau School district would also suffer substantially.

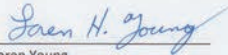
SWUID's 2018 operating budget is \$168,805. At the new current electrical suppliers' rate, SWUID would have to pay \$162,325. This is a drastic increase compared to their 2017 electrical

cost of \$3,488. This radical leap would be devastating to their budget, leaving little for other costs.

As you can see, we need your help. The economical and emotional impact this could have on our struggling community would be unimaginable. We appreciate your time and consideration.



Duane Mitchell
Richland County Commissioner -Chair



Loren Young
Richland County Commissioner- Member



Shane Gorder
Richland County Commissioner- Member



Leslie Messer, Executive Director
Katie Dasinger, Program Coordinator

1060 S Central Ave, Suite 3
Sidney, MT 59270

Phone: (406) 482-4679

Fax: (406) 482-5552

Email: redc@midrivers.com

www.richlandeconomicdevelopment.com
A Non-Profit countywide economic development corporation

April 10, 2018

To whom it may concern:

Richland Economic Development Corp encourages and supports the steps taken by the Sidney Water Users Irrigation District regarding water rights, public irrigation features, and lands utilized in the operations of this District.

One aspect of the Mission of Richland Economic Development Corp is to take action or encourage action by others to foster and secure a stable economy for the citizens of Richland County. The 75-year history of the Sidney Water Users Irrigation District has certainly nurtured and offered our communities' security and stability. In fact, today, this District contributes greatly to our economy. We recognize and respect the role that Pick-Sloan Power has played in creating this positive environment. Without this reliable and low cost power, we feel the district could not have been successful.

Sidney Water Users Irrigation District has clearly demonstrated themselves as great stewards of the precious resources in our region. The measures taken to improve the efficiency of the water delivery system by replacing open canal and supply ditches with buried PVC pipes supports this mission. There is a positive relationship between the levels of economic activities and the land values. Irrigation development increases the tax base, increases the land values, and allows the opportunity for young farmers to make a living on the land that their fathers and/or grandfathers owned. As more and more irrigated crops are grown, the profits from the value-added products will be infused into the economy. Furthermore, the reliability of irrigation, as in the Sidney Water Users District, helps to stabilize the "boom and bust" of other industry impacts on our economy.

To the best of my knowledge, the Pick-Sloan Power was initially to be available for the creation and operation of irrigation development. For 75 years, the Sidney Water Users District has operated to accomplish this. If the District were denied the Pick-Sloan Power contract that they have had in the past, I fear that their operation costs, in addition to the increased power costs, would make it impossible to continue.

I respectfully ask that the Sidney Water Users District is allowed to continue receiving Pick-Sloan Power in the future to remain a viable part of our overall economy.

Respectfully,

Leslie Messer, Executive Director
Richland Economic Development Corp

June 24, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, DC 20510

Dear Honorable Senator Daines,

Savage Irrigation District writes to express support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

Since 1946 SWUID has received Project Use Power through contracts with the Bureau of Reclamation. These contracts were renewed nine (9) times. Unfortunately, this historic relationship and authority (granted by the Pick-Sloan Missouri Basin Program) is threatened if the Bureau of Reclamation does not allow SWUID and KID to renew their Project Use Power contracts. This legislation (S.1882) would allow these irrigation Districts to receive Project Use Power at affordable rates. This is vital to farmers and businesses in Eastern Montana.

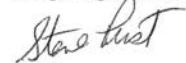
Like SWUID and KID, we depend on Project Use Power and know that an increase in that rate as proposed by the Bureau of Reclamation would cripple our users, causing many of them to quit farming.

It is important that the agreements started by the government in 1944 be honored as intended. Project Use Power must continue to be provided at 2.5 mil, including wheeling.

We support this legislation (S.1882) and the corresponding House version. We appreciate your consideration of this matter.

Respectfully submitted,

Savage Irrigation District



Steve Pust, Chairman
11153 Highway 16
Savage, MT 59262


INSURANCE AGENCY

PO Box 326 | Sidney, Montana 59270
 (406) 433-1411 | Fax (406) 433-3603
 info@seitzinsure.com | www.seitzinsure.com

April 12, 2018

United State Department of Interior
 Bureau of Reclamation
 Great Plains Regional Office
 P.O. Box 36900
 Billings, MT 59107-6900

To Whom It May Concern:

Please accept this letter signifying our support of the Sidney Water Users Irrigation District (SWUID) receipt of Pick-Sloan Missouri Basin Program Project Use Power (PUP).

Since its inception in 1938, SWUID's access to PUP has played an integral role in providing economic stability to the people and region it serves. SWUID currently serves 4,825 acres of irrigated farmland and is comprised of 30 water users. Without access to PUP, this acreage would be converted to dryland acres, which would not only reduce the quality and yield of the crops produced, but also decrease the taxable valuation on the respective farm land by \$12 million.

SWUID is important to our community. Not only are the 30 water users and their families our neighbors, but they are also key contributors to our local economy. Agriculture producers in Richland County locally spend on average \$65 million in production expenses, including the purchase of equipment, seed, fertilizer, and other supplies. The reduction of irrigated farmland adversely impacts the revenue per acre, and ultimately, the ability of the producer to invest back into our community.

For each dollar spent locally, sixty-eight cents remains in the community and helps retain local services and jobs, including teachers, fireman, police officers, and other essential services necessary for the sustainability of our region. The loss of irrigated acreage by wave of PUP is the trigger that will have an immediate adverse economic impact on our region that cannot be readily replaced.

Continuation of the PUP is vital to the continued sustainability of the agricultural operations within SWUID's boundary and region. Your attention and approval of this initiative is appreciated.

Sincerely,

Philip David Seitz
 Vice President

William John Seitz, III
 Vice President





April 10, 2018

To Whom It May Concern,

We are writing in support of the Sidney Water Users Irrigation District (SWU) and the Pick-Sloan Missouri Basin Program Project Use Power (PUP). This power is crucial to the operation of the irrigation district and will benefit both the growers and the community. Since sugar beets are a high value crop that requires water at critical times, PUP will help provide that water. It will also insure that the amount of water needed is available. By producing a healthy, high quality crop, the growers deliver that crop to our factory, which in turn means hundreds of local jobs and millions of dollars back into our Eastern Montana economy, in example employees' paychecks and grower payments. The growing region affected by successful factory operation runs from north of Culbertson, MT, to all the way south of Terry, MT and also stretches wide into western North Dakota.

This is why the SWU irrigation district is so important to Sidney Sugars, Incorporated. Without the SWU and their high quality crop, the factory could be forced to close, due to lack of sugar beet acres. This results in hundreds of employees losing their jobs and forcing them to move from Sidney. There is currently approximately 4,800 acres of sugar beets in the SWU, of which 50% of that will be in sugar beets this year. Those sugar beets help ensure the success of the factory.

We urge to you to consider to the Sidney Water Users Irrigation District for the Pick-Sloan Missouri Basin Program Project Use Power to insure the future of the Sidney, Montana community and the produces that have invested so much into this land.

Thank you for your consideration.

Duane Peters
Agriculture Manager
Sidney Sugars, Inc.

David Garland
General Manager
Sidney Sugars, Inc.



September 5, 2018

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20515

*RE: Sidney Water Users Irrigation District Project Use Power
Contracting w/United States Bureau of Reclamation – Sidney, Montana*

Dear Hon. Sirs:

On behalf of the Sidney Water Users Irrigation District (SWUID), Performance Engineering, LLC (PE) is requesting your assistance in working through contracting issues we've encountered with the Bureau of Reclamation (USBR). SWUID was notified by the USBR that it would no longer receive a renewal of its historical Project Use Power (PUP) contract in the fall of 2017. Since that time SWUID and PE have been working with the USBR to determine how the decision was made and why there has been a change in direction after 80 years of a contractual relationship between the two entities. We have done our due diligence in meeting with staff at all levels of the USBR; State, Area, and Denver. To this point we've not received a formal determination or supporting information at any level.

We've had a number of conversations with your staff members, both locally and in Washington DC, regarding uncertainty this decision creates for over 5,000 acres of irrigated farmland and 45 working families in the Yellowstone River Valley. Per our discussions, at the request of staff, we've put together both a historical synopsis of SWUID's situation and a corresponding legal memo from the District's legal counsel outlining what we believe to be the reasons the USBR has made a mistake in its determination to discontinue PUP.



contracting with SWUID. Additionally, we've attached letters of support from major businesses in the Sidney area as well as local elected officials. These letters outline the importance of the SWUID system to the local and State economies.

We are requesting assistance by Montana's delegation to work towards a resolution with the USBR in the PUP contract extension. Time is of the essence as the contract is set to expire on December 31, 2019. I would respectfully request to set up a conference call with you or your staff to further discuss the issues we're facing. Please review the attached documents and do not hesitate to call should you have any questions. I can be reached by email at scott@performance-ec.com or by phone at 406-384-0080. Thank you for your time and consideration, it is greatly appreciated.

Best Regards,



Scott Aspenlieder, PE
Principal

cc: Raymond Bell, SWUID; Alan Mikkelsen, Dept. of Interior

Enclosures: Legal Memo
Historical Synopsis
Letters of Support

St. Mary Rehabilitation Working Group

P.O. Box 170

Havre, Montana 59501

Phone (406) 265-9226

Fax (406) 265-5602

June 20, 2019

The Honorable Steve Daines
U.S. Senator
320 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jon Tester
U.S. Senator
311 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Greg Gianforte
U.S. Representative
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Senator Steve Daines, Senator Jon Tester, Representative Greg Gianforte:

On behalf of the St. Mary Rehabilitation Working Group (Working Group) we want to express support for S.1305 and H.R. 2492 – The “St. Mary’s Reinvestment Act”.

The Working Group is made up of 16 volunteer members representing irrigation, Blackfeet Tribe, and Ft. Belknap Indian Community, municipalities, recreation/fisheries, economic development, and county government. The goal of the Working Group is to raise awareness of the urgent need to rehabilitate the aging St. Mary Diversion Dam and Conveyance Works of the Milk River Project.

The Milk River Project was authorized in 1903 and is one of the first projects the Bureau of Reclamation designed and built. As part of the Milk River Project, the St. Mary Diversion Dam and Conveyance Works were built to divert water from the St. Mary River to the Milk River where it goes through Canada before it flows back in into the United States.

The Milk River Project is one of the Bureau of Reclamation’s aging infrastructure projects that contributes to nearly \$3 billion in maintenance backlog. At well over 100 years old, the project’s St. Mary Diversion Dam has surpassed its expected design life. The diversion dam structure must be replaced with a new structure that integrates fish screens to ensure that bull trout, an endangered species, will not be entrained. The estimated replacement cost of the diversion dam is \$40 million. Further, a comprehensive rehabilitation of the St. Mary and Milk River project would cost nearly \$200 million. The first step of this effort is to pass the St. Mary’s Reinvestment Act in order to adjust the cost share allocation.

Currently, Milk River water users pay almost 74 percent to operate, maintain, and replace the project infrastructure. Replacing the St. Mary Diversion Dam would fall under the 74 percent cost share allocation, and is beyond what our water users can afford. Under current project estimates, the cost to replace the Diversion Dam is unaffordable.

We support the revised cost share of 75 percent federal and 25 percent non-federal in the St. Mary's Reinvestment Act. This change makes the project feasible for local water users.

We also believe this revised cost allocation will better recognize the numerous benefits provided by the St. Mary Diversion and Conveyance Works, which helps ensure compliance with both an international river treaty, tribal water rights settlements, provides water to 18,000 citizens, and produces enough food to feed 1 million people annually.

If the St. Mary Diversion Dam and Conveyance Works were to fail, or be put out of commission, it would effectively shut down a critical water supply for northern Montana and could endanger water rights settlements that rely on water delivered from the project.

We thank you for your time and consideration of the St. Mary's Reinvestment Act.

Please do not hesitate to contact us if we can be of assistance or provide you any additional information on our work. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marko Manoukian".

Marko Manoukian
Co-Chair
St. Mary Rehabilitation Working Group

June 25, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

I am writing to you today to express my support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

I farm and ranch in the Sidney area and am very familiar with this irrigation district. Our operation does not currently use water from this system but we have in the past. We have also purchased feed from these irrigators and they are an important supply of sugar beets for the Sidney Sugars processing facility of which we are a part. The feed raised on the acres irrigated by this irrigation district is very important to area ranchers and especially in drought years. It has been a dependable supply for many.

Agriculture has been going through some challenging time lately. Increased power costs do not need to be added to the list.

For decades, KID and SWUID have received Project Use Power through contracts with the Bureau of Reclamation. Since 1946, these contracts have been renewed nine times. This legislation would allow KID and SWUID to continue receiving Project Use Power and deliver water at rates affordable to their water users. Unfortunately, this historic relationship and authority is threatened if the Bureau of Reclamation does not allow KID and SWUID to renew their Project Use Power contracts. This legislation provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy in Eastern Montana.

Without passage of this legislation, KID's and SWUID's water users face dramatic rate increases that could cause detrimental impacts to the local industries.

I support this legislation and appreciate your timely consideration of this matter.

Respectfully,
Jim Steinbeisser

June 25th, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

We at Treasure State Irrigation are writing to express our support of legislation recently introduced in Congress *to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).*

As Irrigation Equipment and Service providers we have a vast amount of experience working with the farmers of Eastern Montana. Just like nearly all other Irrigation Pumping Projects in Eastern Montana KID and SWUID have received Project Use Power through contracts with the Bureau of Reclamation for more than 74 years.

Per the Pick Sloan Power Program Project Use Pumping Power for Irrigation was the FIRST PRIORITY for power produced from the project. The power which KID and SWUID have used for decades to pump from the river to irrigation ditches is used as Project Use Power was intended.

This legislation would allow KID and SWUID to continue receiving Project Use Power to deliver water at affordable rates to the water users. It also provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy in Eastern Montana.

Treasure State Irrigation has worked with KID/SWUID to provide infrastructure repairs and system upgrades for water conservation. Without passage of this legislation, KID's and SWUID's water users face dramatic rate increases that could cause detrimental impacts to the local industries, especially to agricultural irrigation service providers such as ourselves.

We strongly support this legislation and appreciate your timely consideration of this matter.

Respectfully,

William DeRosier

Treasure State Irrigation
4511 Leighton Blvd.
Miles City, MT 59301

(406) 234-7867



1545 Northern Avenue
Worden, Montana 59088
406•967•3100 (office)
406•967•2298 (fax)

June 26, 2019

Senator Steve Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Senator Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Congressman Greg Gianforte
1419 Longworth House Office Building
Washington, D.C. 20510

Dear Honorable Sirs,

Valley Farmers Supply writes to express support of legislation recently introduced in Congress to make available the continued use of Pick-Sloan Missouri River Basin project power by the Kinsey Irrigation Company (KID) and the Sidney Water Users Irrigation District (SWUID), and for other purposes (S.1882).

For decades, KID and SWUID have received Project Use Power through contracts with the Bureau of Reclamation. Since 1946, these contracts have been renewed nine times. This legislation would allow KID and SWUID to continue receiving Project Use Power and deliver water at rates affordable to their water users. Unfortunately, this historic relationship and authority is threatened if the Bureau of Reclamation does not allow KID and SWUID to renew their Project Use Power contracts. This legislation provides the necessary certainty for future generations of farmers and businesses that are vital to the local economy in Eastern Montana.

Without passage of this legislation, KID's and SWUID's water users face dramatic rate increases that could cause detrimental impacts to the local industries.

We support this legislation and appreciate your timely consideration of this matter.

Respectfully,

Scott A. Black
President and CEO
Valley Farmers Supply

agronomy • energy • retail
vfarmers.com

Senator DAINES. Mr. Weaver, as mentioned in my opening statement, Kinsey and Sidney are currently receiving Pick-Sloan power and have been for more than 70 years. My bill would simply preserve the status quo, not add new projects to the mix.

My question is this. Would enacting Senate bill 1882 have any negative impact to other users of Pick-Sloan project use power?

Mr. WEAVER. Well, as you know, Reclamation is currently providing project use power to both districts. I believe those contracts would expire in December 2020. So if your bill is enacted and it continues that, then it continues the status quo. So there would be no increased power rates or decreased power rates or increased water rates.

Senator DAINES. Alright, thank you.

So it would not have any negative impact to other users?

Mr. WEAVER. Yes, it would not.

Senator DAINES. Okay, thank you.

Are you aware of the devastating impacts to these districts if these contracts were not able to be renewed?

Mr. WEAVER. Yes. I, too, have seen those statistics and they weren't typos.

Senator DAINES. Thank you.

There are a lot of zeroes on those percent increases.

While most of the conversations we discuss are infrastructure in this nation and the need to invest in infrastructure, it focuses on roads, on bridges, airports, is very important.

But in Montana in the West, it is crumbling water infrastructure like Milk River, that is the most direct threat presently to our way of life. I appreciate you noting that in your testimony, the importance of this project and the adverse consequences should the system fail.

My last question is this, Mr. Weaver. Can you commit to working with us to address these issues and come up with a workable solution to fix our aging water infrastructure?

Mr. WEAVER. So, you know, many, many years ago when I was on the House side, I worked for one of your predecessors, Rick Hill, and I remember the St. Mary's unit coming up then. This was in the late '90s. So this whole project is a microcosm of aging infrastructure. It's, like I said earlier, it's the canary in the coal mine, and it's just symbolic of the problems that we face here.

I've been to the Hi-Line. I've been to Havre. I've been to a lot of places up there in my past life. They're hard-working people up there, you know. This is one of these things where we do want to work, we want to work with all the Committee and all the sponsors of these bills, including yourself, to get to some resolution.

Senator DAINES. Thank you.

Your background and personal engagement in the past is going to be welcome news to the folks up in the Hi-Line that we are bringing these bills forward to on their behalf.

So thank you, I appreciate your comments.

Mr. WEAVER. I was much lighter back then so they might not recognize me.

[Laughter.]

Senator DAINES. Thank you. We will have to get you up there again.

Thanks.

Senator MCSALLY. Thanks, Senator Daines.

Before we wrap up, I would like to make the request of the Department to submit written testimony for S. 1882 for the record.

It is disappointing that we do not have it for the hearing so members can ask questions they may have. But can you please provide the Administration's view on that bill for the record?

Mr. WEAVER. I will work with the Congressional Affairs folks to do that.

Senator MCSALLY. Great, thank you.

[Written testimony for S. 1882 from the Department of the Interior follows:]



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240

SEP 23 2019

The Honorable Martha McCally, Chairman
Subcommittee on Water and Power
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Madam Chairman:

As requested during the June 26, 2019, hearing before your subcommittee, the Department of the Interior is providing these views on S. 1882, a bill to make available the continued use of Pick-Sloan Missouri Basin Program Project Use Power (PUP) by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District, and for other purposes.

Under the laws governing the Reclamation program, PUP is generally only available to federal projects, unless otherwise authorized by Congress.

The Sidney Pumping Project was constructed by the State of Montana in 1938 and financed through a loan and a grant from the Federal Public Works Administration. Reclamation initially believed the project met the conditions to receive PUP as it was financed by the United States. However, this determination was made in error because the Sidney Project is not and has never been a federal project with the required federal nexus to receive PUP. As such, Reclamation did not have authority to enter into the PUP contract with Sidney.

The Kinsey Project was constructed in 1937 by the Farm Security Administration and was briefly a Pick-Sloan Missouri Basin Program unit. However, in 1945, Kinsey purchased all project facilities, thus rendering it a non-federal project.

Reclamation has been providing PUP to both Sidney and Kinsey since 1946, although neither Sidney nor Kinsey are Reclamation projects or are specifically authorized by Congress to receive PUP. As a result, Reclamation has notified both Sidney and Kinsey that we will be unable to renew their contracts when they expire on December 31, 2020 absent specific legislative authority.

This legislation, if enacted, would give Reclamation the authority to continue to provide PUP to both Sidney and Kinsey. In addition, the legislation includes language to preserve the current contractual service while limiting the quantity of PUP from exceeding the maximum contractual amount in the future.

In general, the Department does not oppose the inclusion of specific authority for these specific cases.

Sincerely,



Acting For

Brenda Burman
Commissioner

Cc: The Honorable Catherine Cortez Masto, Ranking Member
Subcommittee on Water and Power
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

The Honorable Steve Daines
United States Senate
Washington, DC 20510

Senator MCSALLY. Thanks for being here to testify on the bills. Questions for the record may be submitted before close of business on Thursday.

The record will remain open for two weeks. We ask you respond as promptly as possible and responses will be made a part of the record.

Thank you again.

The hearing is now adjourned.

[Whereupon, at 10:44 a.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
 Subcommittee on Water and Parks
 June 26, 2019 Hearing: *Pending Legislation*
 Questions for the Record Submitted to Mr. Kiel Weaver

Questions from Senator John Barrasso

Question 1: In May 2018, the Bureau of Reclamation notified irrigators in the Pick-Sloan Missouri Basin Program (P-SMBP) that at the end of their contract, which expires in 2020, their Project Use Power rates will increase from \$2.5 mills/kWh to \$13.70 mills/kWh – a 550 percent increase. This rate increase was announced without the Bureau conducting an “Ability to Pay” analysis as required by the Flood Control Act of 1944. This decision was rightfully met with skepticism from irrigators in my home state of Wyoming near Thermopolis and Worland as well as many others in Montana, North Dakota, South Dakota, and Kansas.

In March 2019, I joined a number of colleagues from the impacted states on a letter to Secretary Bernhardt and Commissioner Burman asking for clarification on why there was no “Ability to Pay” study conducted prior to this rate increase. We also asked for an explanation of the legal authority guiding the Bureau of Reclamation’s decision to change long-standing interpretation of the rate structure for Project Use Power service for the P-SMBP (PEC 11-01 - Proposed Directive and Standard on *Irrigation Ability to Pay Analyses*). We have not yet received a full, satisfactory response to these questions.

Can you provide any additional information on why there was no “Ability to Pay” study conducted prior to announcing this rate increase?

Response: At the time Reclamation announced the rate increase, our analysis of the “Ability to Pay” (ATP) authority contained in the Flood Control Act of 1944 and supporting legislative history was that the ATP authority only applied to providing relief for repayment of construction costs, and not OM&R costs. Based on this analysis, since the proposed rate in the contract renewals was based solely on the Contractor paying only a proportionate share of the OM&R costs, Ability to Pay would not have applied, and therefore, the studies were not warranted.

As you may be aware, a fundamental premise in Reclamation law since the early 1900s is that contractors fully cover annual O&M costs for the federal water projects from which they receive water in the same year in which those costs occur¹.

The Department is currently reviewing the Pick Sloan Missouri Basin Program (P-SMBP) authorizing statute and supporting legislative history and will provide an assessment of this authority as soon as we are able.

Question 2: Can you explain the legal justification for the Bureau’s proposed changes to their Reclamation Manual Directive and Standards, Ability to Pay Analyses (PEC 11-01)?

¹ Lamar, J. R. & Supreme Court Of The United States. (1912) *U.S. Reports: Swigart v. Baker*, 229 U.S. 187. [Periodical] Retrieved from the Library of Congress, <https://www.loc.gov/item/usrep229187/>; The Reclamation Act of 1902 (Act of June 17, 1902; 32 Stat. 388); Reclamation Extension Act (Act of August 13, 1914; 38 Stat. 686).

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Response: The Reclamation Project Act of 1939 (the 1939 Act) established irrigation water users' construction cost repayment based on their ability-to-pay. Based on the direction provided in the 1939 Act, relief from repayment obligations based on ability-to-pay only applies to construction costs allocated to irrigation.

Congress deferred to the Secretary to devise a system for evaluating and ultimately determining an irrigator's ability-to-pay. PEC 11-01 is Reclamation's internal directive on making determinations of ability-to-pay for those costs authorized for relief. It memorializes the economic practices for evaluating and determining the ability-to-pay of irrigators. PEC 11-01 provides each contractor the opportunity to request a new ability-to-pay analysis at any time; and addresses the sharing of costs associated with performance of those studies. PEC 11-01 does not create new federal policy or interpretation on the type of costs eligible for relief; it provides direction on how to conduct an irrigation ability-to-pay analysis. PEC 11-01 does not alter existing law or contracts.

Questions from Senator John Hoeven

Question 1: A June 24, 2019, letter to the Chairman of the Dickey-Sargent Irrigation District (DSID) from the Bureau of Reclamation's Great Plains Region Office mentions a capital charge required of the Irrigation District to retain Project Use Power. The letter outlines a one-time charge of \$975.55 per kilowatt payable over up to 40 years. This charge could ultimately total \$2 million for 2,800 horsepower in use or roughly \$50,000 annually. Was it the intent of P.L. 116-9 for entities to incur this kind of cost following conveyance from a Federal entity? Does the Bureau have the flexibility necessary to work with entities that may struggle to take on potential costs of this amount?

Response: The Department and Reclamation are already at work developing long term processes to implement P.L. 116-9. The new law does not change existing requirements on the Secretary to continue to charge a proportionate share of operation, maintenance and replacement (OM&R) costs and capital costs for the Federal facilities, if applicable, that generate and deliver power for an entity to continue to receive Project Use Power. Our letter, dated June 24, 2019, allowed the capital rate to be paid over a 40-year period instead of upon date of transfer. Reclamation has prioritized and remains committed to working with Dickey-Sargent Irrigation District (DSID) on this title transfer.

Question 2: In the same letter dated June 24, 2019, the Bureau states that "given our current knowledge of the issues associated with the proposed transfer, Reclamation believes we can work with [Dickey-Sargent Irrigation District] DSID in order for the transfer to meet the criteria provided in P.L. 116-9. We would also plan to work through alternatives with DSID if, during the transfer process, issues arise that affected eligibility criteria." This statement is promising, and I appreciate the Bureau's willingness to work within the authorities set forth by P.L. 116-9 to make this transfer. How would the Bureau work with DSID to mitigate any potential issues that may arise during the transfer process?

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Response: As stated above, Reclamation has prioritized and remains committed to working with DSID on this title transfer. As this would be one of the first projects to be transferred under P.L. 116-9, Reclamation is evaluating the Oakes Test Area while establishing the long-term process to transfer facilities. We anticipate being able to work effectively with DSID to develop workable solutions to the issues outlined in our June 24, 2019 letter and any other issues specific to this transfer.

