

Testimony of April Snell, Interim Executive Director
Oregon Water Resources Congress
Submitted to the United States House of Representatives Committee on Appropriations
Subcommittee on Interior and Related Agencies
March 28, 2012

RE: FY 2013 Budget for the U.S. Department of Interior U.S. Fish and Wildlife Service

Request

The Oregon Water Resources Congress (OWRC) requests \$25 million to fully fund the U.S. Fish and Wildlife Service (FWS) Fisheries Restoration Irrigation Mitigation Act (FRIMA) program in FY 2013 as authorized in the Omnibus Public Lands Act P.L. 111-11, Section 13002. OWRC continues to be deeply disappointed that the Administration has not requested any funding in the FY 2013 Budget submission for this valuable program. The FRIMA program is an important tool for FWS to help achieve its priorities in fish species conservation and restoration and fills a void that other FWS programs cannot provide.

Need

OWRC was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agriculture water suppliers in Oregon, primarily irrigation districts, as well as other special districts and local governments that deliver irrigation water. OWRC members operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

There are over 100 irrigation districts and other special districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all of these districts are affected by either state or federal Endangered Species Act listings of Salmon and Steelhead, Bull Trout or other sensitive, threatened or endangered species.

FRIMA meets a critical need in fishery protection and restoration and compliments other FWS programs. Fish passage and fish screens installations are a vital component to fishery protection with several benefits:

- Keeps protected fish species out of water canals and delivery systems
- Allows fish to be safely bypassed around reservoirs and facility structures
- Eliminates water quality risks to fish species

Oregon irrigation districts anticipate no less than \$500 million in funding will be required to meet current fish passage and fish screen needs. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB) program in Oregon, but the primary cost-share for fish screen and fish passage projects has been provided by the districts and their water users. Project needs include both construction of new fish screens and fish passage facilities as well as significant upgrades of existing facilities to meet new requirements of the NOAA Fisheries Service and FWS.

Background of Fisheries Restoration Irrigation Mitigation Act (FRIMA) Program

FRIMA, enacted November 2000, created a federal partnership program entailing voluntary cost-share fish screen construction for water withdrawal projects in Idaho, Oregon, Washington and western Montana. FWS is to implement this program through the four states' fishery agencies. The funding goes to local governments for construction of fish screens and fish passage facilities. Irrigation districts and other local governments that divert water for irrigation can access the funding directly; individual irrigators can access funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with the Natural Resources Conservation Service (NRCS).

The original legislation in 2000 (PL.106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest states. As one of the members of that coalition, we appreciate your consideration of this request. When Congress reauthorized the program in 2009 in the Omnibus Public Lands Act minor clarifying changes were made to the legislation while reauthorizing the program for five more years at \$25 million a year.

Funding

The legislation calls for \$25 million annually, to be divided equally among the four states from 2001 forward. Agency administrative costs cannot exceed 6% of the funding. FWS has never requested funding for FRIMA in its budgets since passage of the legislation. Congress provided the first funding in 2001 through a write-in of \$4 million to be shared among the four states. The agency did not get the program up and running until late 2002, at which time the first moneys were distributed.

In 2000, in its report accompanying the initial authorizing legislation for FRIMA, the Congressional Budget Office (CBO) estimated outlays of \$70 million between 2001 and 2004. The actual appropriation was only \$8.8 million during that time period and all of the money was a write-in. For FY 2005, Congress provided \$2 million for the program in the Consolidated Appropriations Act and, \$2 million in FY 2006. The FY 2007 funding of \$1 million was part of an appropriation to FWS but was not a separate, designated appropriation. Again, all of those appropriations were the result of Congressional write-ins, not FWS budget requests.

As you can see, total amount of money that Congress has written in for the program is woefully inadequate for the accomplishments anticipated for the program. The Administration did not request funding for the program for FY 2013, consistent with its past budget submittals, despite widespread benefits from the money that Congress has provided.

OWRC appreciates the funding Congress has provided for the FRIMA program in the past. That funding has begun to address the need for fish screens and fish passages to protect sensitive, threatened, and endangered fish species in the states in the Northwest but there still continues to be a significant need.

Project Benefits

A report by FWS covering program years FY 2002-2012 provides state-by-state coverage of how the Congressional provided funding has been used in the program. Funding funneled through

FWS to state fishery agencies is distributed using an application and approval process that is based on a ranking system implemented uniformly among the states, including the following factors: fish restoration benefits, cost effectiveness, and feasibility of planned structure. The project must provide improved fish passage or fish protection at water diversion structures and must benefit fish species native to and present in the area, including those listed on state or federal endangered species or conservation lists. The project must use applicable state and federal requirements for project construction and operation.

FRIMA-funded projects will increase the survival of many native fish species in a relatively short period of time. Compared to other recovery strategies, the risks posed by these activities are low and the assurance of success in increasing numbers of fish is high. Dislocation of existing social and economic activities is minor. Screening and passage can make a very substantial contribution utilizing existing implementation mechanisms and methods well accepted by landowners and rural communities.

Cost Share

FRIMA provides for a maximum federal cost-share of 65%. The applicant's cost-share is 35% plus the on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the projects and the state agencies monitor and review the projects. This program is headquartered in the Portland, Oregon, regional office of FWS. For more information, see the FWS Fisheries Resources website for the Pacific Region at:

<http://www.fws.gov/pacific/Fisheries/FRIMA>.

Oregon's Project Benefits

Twenty-six fish screens or fish passage projects in Oregon have been funded using funding from FRIMA for part of the project since the start of the FRIMA program. These projects have led to:

- Installation of screens at seventeen diversions or irrigation pumps
- Removal or modification of twelve fish passage barriers
- Three-hundred sixty-five miles being re-opened to fish passage

In addition, the Oregon Department of Fish and Wildlife (ODFW) has used some of the FRIMA funding to develop an inventory of need for fish screens and passages in the state. Grants have ranged from just under \$6,000 to \$400,000 in size with a local match averaging 64% of the project costs, well over the amount required under the Act (35%). In other words, each federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has used some of its FRIMA money:

Santiam Water Control District Project: Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, ODFW, Marion Soil and Water Conservation District, and the City of Stayton. Approved **FRIMA** funding of **\$400,000** leverages a **\$1,200,000** project. Species benefited include winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

South Fork Little Butte Creek: Fish screen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and ODFW. Approved **FRIMA** funding is **\$372,000** and leverages a **\$580,000** total project cost. Species benefited include listed summer and winter steelhead, coho salmon, and cutthroat trout.

Running Y (Geary Diversion) Project: Fish screen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, ODFW, and Jeld-Wen Ranches. Approved **FRIMA** funding of **\$44,727** leveraged a total project cost of **\$149,000**. Species benefited included listed red-band trout and short-nosed sucker.

Lakeshore Gardens Project: Fish screen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and ODFW. Approved **FRIMA** funding is **\$5,691**, leveraging a total project cost of **\$18,970**. Species benefited include red-band trout, short-nosed sucker and Lost River sucker.

Why Fund Now

FRIMA should be a priority program of the U.S. Department of Interior as it prepares to meet the court-ordered January 1, 2014, deadline for a new Federal Columbia River Power System Biological Opinion that provides reasonable and prudent alternatives to mitigate impacts to Columbia-Snake river salmon and steelhead. FRIMA funded projects funded will help the Bureau of Reclamation, Bonneville Power Administration, the U.S. Army Corps of Engineers, and NOAA Fisheries meet these requirements.

Moreover, FRIMA funds projects that are ready to be constructed and will provide immediate improved protections for fish and immediate jobs for the construction of the projects. Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at low cost, with low risk and significant benefits. While we acknowledge the efforts of the U.S. Department of Interior and its agencies in habitat restoration through the Cooperative Landscape Conservation Program, this is a longer range program for fish and habitat protection. FRIMA projects provide immediate protection for fish and fill a large unmet need in the Pacific Northwest for cost-share assistance with fish screening and fish passage installations and improvements.

We urge the full authorization funding of \$25 million for FRIMA in FY 2013 and urge Congress' oversight in encouraging FWS to budget for this successful program in the future.

Thank you for the opportunity to provide this statement for the hearing record.

Sincerely,

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