

Upper Colorado River Basin Fish and Wildlife Mitigation Program Program Requirements

Purpose: The purpose of the Upper Colorado River Basin Fish and Wildlife Mitigation Program is to offset the adverse effects of construction and operation of federal water resource developments authorized by the Colorado River Storage Project Act of 1956 (CRSPA) (P.L. 84-485) and to otherwise benefit fish, wildlife and recreation resources in the Upper Colorado River basin.¹ The program supplements the historic CRSPA mitigation and expands previous mitigation efforts to address inadequate mitigation results or unforeseen circumstances.

Authorization: The program was authorized in Section 314(c) of the Central Utah Project Completion Act of 1992 (CUPCA) (P.L. 102-575).

Funding: The Program receives three percent of federal funds appropriated to the Utah Reclamation Mitigation and Conservation Commission, an independent federal commission also created by CUPCA. These funds are administered by the Department of the Interior to support fish and wildlife mitigation/enhancement projects in the other upper Colorado River basin states.² The CUPCA authorized \$4.35 million (1992 dollars) over the life of the program. When this ceiling amount has been expended, the program will end (absent further Congressional action). Because program funding is proportional to commission appropriations, actual funding will depend on the amount that Congress appropriates to the commission annually. Typically, about \$300,000 has been available each year to the program. Appropriated funds are available until expended. Thus, unexpended funds can be carried over into subsequent fiscal years and remain available to the program.

Assistance may be awarded to projects that extend beyond one year. However, continued funding for multi-year projects will be contingent upon: 1) Congressional appropriation of funds to the program, and 2) satisfactory progress under the award by recipients.

Program Criteria: The following criteria have been established for the program by CUPCA at Sections 314(d) and (e). In order to receive assistance, project proposals must address one or more of the following:

- (1) restore damaged natural ecosystems on public lands and waterways affected by federal Reclamation projects;

¹ The Colorado River Storage Project (CRSP) was authorized by the Act of April 11, 1956 (70 Stat. 105, Ch. 203; 43 USC 620 et seq.; P.L. 84-485). The CRSP consists of four main storage reservoirs on the Colorado River and its tributaries upstream from Lee's Ferry, Arizona, plus a number of "participating projects" constructed on tributary waterways within the Upper Colorado River Basin. The purpose of CRSP is comprehensive development of the water resources of the Upper Colorado River Basin for irrigation, river regulation, hydropower generation, and flood control. The Central Utah Project is the largest "participating project" in the CRSP.

² Per Section 314c of CUPCA, Utah, an upper Colorado River basin state, is excluded from receiving funds under the program.

- (2) acquire, from willing sellers only, other lands and properties, including water rights, or appropriate interests therein, with restorable damaged natural ecosystems, and restore such ecosystems;
- (3) provide jobs and sustainable economic development in a manner that carries out the other purposes of this subsection;
- (4) provide expanded recreational opportunities, and;
- (5) support and encourage research, training, and education in methods and technologies of ecosystem restoration;

In implementing the program, priority is accorded to proposals that will:

- (1) reconstitute natural biological diversity that has been diminished;
- (2) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;
- (3) allow reintroduction and reoccupation by native flora and fauna;
- (4) control or eliminate exotic flora and fauna that are damaging natural ecosystems;
- (5) restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife;
- (6) provide additional conservation values to state and local government lands;
- (7) add structural and compositional values of existing ecological preserves or enhance the viability, defensibility, and manageability of ecological preserves, and;
- (8) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

Program Administration: The Central Utah Project Completion Act Office (CUPCAO) of the Department of the Interior, located in Provo, Utah, operates the program and administers all funds. Each year (approximately September) CUPCAO solicits proposals to be funded under the program. Proposals are ranked in accordance with the **program criteria**. The amount of available funding also limits the number of projects that can be supported. The U.S. Fish and Wildlife Service reviews and advises on mitigation proposals pursuant to their authorities under the Fish and Wildlife Coordination Act (16 USC 661 *et seq.*). Administrative files on all projects are maintained by the CUPCAO.

On rare occasions, opportunities have arisen to address upper basin water project impacts by means of mitigation measures implemented in the lower Colorado River basin. Such projects must show a clear relevance to upper basin mitigation objectives and **program criteria**.

Program funds are expended in a manner that will result in the greatest positive impact for fish and wildlife and their habitats, as well as improve public access to, use and enjoyment of these resources. Generally, the program has focused its priorities on restoration and enhancement wetlands, riparian (streamside) and aquatic habitats, and dependent fish and wildlife species. These are important habitats for both resident and migratory species of wildlife. The construction and operation of many CRSP projects have inundated and fragmented these native habitats. As a result, associated wildlife species and habitats have declined in distribution, abundance and vigor.

Program Eligibility: All federal, state and local government agencies, non-governmental entities, institutions of higher learning, and private individuals are eligible to receive funding under the Program. Public lands and waters receive priority consideration for Program expenditures. However, opportunities to implement projects with private entities willing to offer public benefits, such as public access for recreation and education, are also considered. **By legislative directive in CUPCA, funds may not be expended within the state of Utah. Therefore, Utah recipients are not eligible to participate in this program.**

Cost-Sharing: The program has no cost-sharing or matching requirement. However, bonus consideration is given those proposals offering cost-sharing partnerships. Cost-sharing can be a contribution of funds, in-kind staff time, project materials, equipment or other considerations. Generally, it is expected that project sponsors will assume the responsibility to operate and maintain projects after construction to insure continuing benefits.

Program Outreach and Solicitation of Proposals: Efforts are made to ensure the widest possible distribution of the Program application materials. CUPCAO maintains a mailing list of potential recipients in an attempt to provide all interested parties with program materials. The CUPCAO solicits project proposals under the Program each year by means of a program announcement that outlines application procedures and establishes the deadline for submittals. Prospective recipients are invited to contact the CUPCAO to request program materials or to be included on the mailing list.

Application Procedures: Prospective recipients submit Standard Form 424, Request for Federal Assistance and the appropriate accompanying forms, together with a brief (3-4 pages) narrative summary of their project proposal to the address herein. Narratives should fully describe the proposal, emphasizing how the proposal addresses one or more of the **program criteria**.

Post-Award Requirements: Funding is provided by means of grants, cooperative agreements, and interagency agreements. Funding agreements are prepared pursuant to applicable administrative rules (2 CFR 215 for colleges, universities, and non-profit organizations; or OMB Circular A-102 for state and local governments and Indian tribes). Typically, these agreements are administered in a manner that reimburses approved expenditures incurred by the recipient. Funds are disbursed by electronic funds transfer, however, alternative funding arrangements are available by negotiation with the CUPCAO. The administrative rules define required reporting (progress and financial), forms to be filed, etc.

Program Contacts: Additional program information may be requested from and applications submitted to, the Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606. Phone contact to 801/379-1254. E-mail inquiries may be addressed to rswanson@usbr.gov. Technical assistance during the application process is available by contacting CUPCAO.