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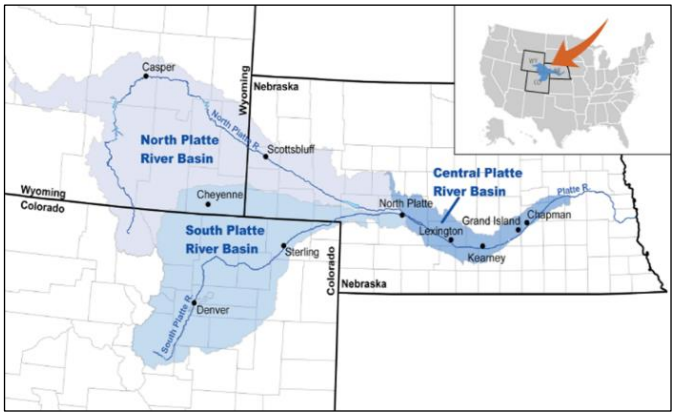
Platte River Restoration Efforts

Background

The Platte River system, located in the states of Colorado, Nebraska, and Wyoming, supports 15 major dams and reservoirs, which provide water, hydroelectric power, irrigation, flood control, and recreation for about 3.5 million people, as well as habitat for fish and wildlife.

Figure 1. Platte River Basin



Source: U.S. Bureau of Reclamation, Platte River Recovery Implementation Program, 2018, adapted by CRS.

Irrigation in the Platte River system was developed in the early 1970s. After passage of the Endangered Species Act (ESA) in 1973, several species from the region were listed as endangered or threatened. As a result, water conveyance infrastructure in the system was subject to Section 7 consultation under the ESA. The U.S. Fish and Wildlife Service (FWS) consulted with federal agencies managing projects in the Platte River to determine how projects could operate without harming federally listed species. FWS found that some federal actions that depleted flows in the Platte River were likely to jeopardize one or more listed species (i.e., *target species*), including the endangered whooping crane, endangered pallid sturgeon, threatened piping plover, and formerly listed interior least tern. The challenges between implementing hydropower-related projects and conserving species listed under the ESA ultimately led to an agreement among stakeholders.

In 1997, the Secretary of the Interior (Secretary) and the governors of Nebraska, Colorado, and Wyoming signed the Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitat Along the Central Platte River, Nebraska. Under the agreement, a Governance Committee was created—made up of 10 voting members, including the signatories, water users, FWS, the Bureau of Reclamation (Reclamation), and environmental groups. The committee was charged with creating a program to improve and maintain the habitat of the four target species on the Platte River and to ensure compliance with Section 7 under the ESA for certain existing and future water operations activities in each state. This program, created in 2007, is the Platte River Recovery Implementation Program (PRRIP).

PRRIP

The PRRIP covers the north, south, and central Platte Basin (**Figure 1**). The program's purpose is to implement portions of the FWS recovery plans for target species habitat. To do this, the PRRIP has three main elements: (1) increasing flows in the central Platte River during certain periods; (2) protecting and restoring habitat for target bird species; and (3) accommodating new water-related activities (e.g., water storage, diversions, and conservation). These elements are addressed in three plans, each with a set of goals and milestones.

- The Water Plan aims to improve flows and maintain habitat for all target species in the central Platte River area through incentive-based water projects that provide an additional 130,000-150,000 acre-feet (af) per year toward *target flows* for the environment, which FWS previously established. (These improvements generally are known as *reduced target flow shortages*.)

- The Land Plan aims to protect and, where appropriate, restore 10,000 acres of habitat during the PRRIP's First Increment. The Land Plan's long-term objective is to acquire, restore, and maintain 29,000 acres of habitat for listed species along the central Platte River.

- The Adaptive Management Plan provides a systematic process to monitor the implementation and measure the success of PRRIP activities. It applies the information learned to improve management decisions and the survival of all species and to avoid impacts to species' habitat.

The PRRIP is being implemented through the central Governance Committee, which oversees program staff and other combined federal and state efforts (**Figure 2**). The program is to be conducted in "increments." The First Increment initially covered a 13-year period, from 2007 through 2019. This increment was extended for another 13 years, through December 2032, with some changes to the plans. Subsequent increments are to be implemented through cooperative agreements between the Secretary and the governors.

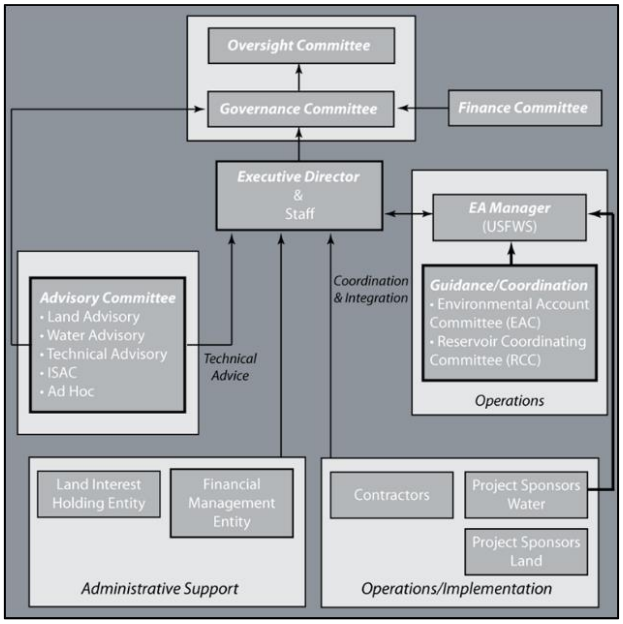
Federal Role

The Consolidated Natural Resources Act of 2008 (P.L. 110-229, Title V, §515) authorized the Secretary, acting through Reclamation and in cooperation with states and federal agencies, to implement the PPRIP's First Increment from

2008 to 2020. The law authorized $157.1 million to be appropriated to the PRRIP under the condition that any unexpended funds at the end of each fiscal year be retained for use in future fiscal years. In 2019, Congress extended the Secretary's authorization to participate in the program through 2033 and authorized an additional $78 million in federal appropriations (P.L. 116-94).

P.L. 116-94 authorized the Secretary to (1) enter into agreements and contracts with federal and nonfederal entities; (2) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain; (3) transfer any such interests; and (4) accept or provide grants. FWS and Reclamation participate in the PRRIP by serving on the Governance Committee, administering funds, managing projects, and measuring water flow targets. The law requires a 50:50 cost share between the federal government and the states responsible for implementing the PRRIP. Under the law, state contributions are to consist of $28 million in additional funding, plus contributions of land or water that may be credited toward the program's total cost share. Including authorized inflationary increases, the total authorized amount of federal funding for the PRRIP was approximately $263.1 million as of FY2020.

Figure 2. PRRIP Governance Structure



Source: Adapted by CRS based on Platte River Recovery documents.

Note: ISAC is the Integrated Science Advisory Committee.

Progress of the PRRIP Program

During the First Increment, the PRRIP achieved 8 of its 10 milestones, including surpassing the 10,000-acre land acquisition milestone and completing a full cycle of adaptive management. The milestones the PRRIP did not meet related to its water objective of reduced target flow shortages of 130,000-150,000 af. The PRRIP provides for approximately 110,000 af per year toward this objective.

In 2016, the Governance Committee agreed to a proposal for a 13-year project extension (from 2020 to 2032) to meet the First Increment milestones. After scoping stakeholder input, Reclamation released the final environmental and biological assessment in 2018. The extension was formally executed by the signatories on December 30, 2019, following enactment of P.L. 116-94. The extension maintains the First Increment objectives and adds an additional 1,500 acres to the land target, while decreasing the water target to 120,000 af per year in reduced target flows. During the extension, the PRRIP aims to conduct monitoring and research to determine if the reduction to the program's water goals is justified by science.

The status of one of the target species, the interior least tern, changed under the ESA; the interior least was delisted from the ESA due to recovery on February 12, 2021. It is unclear how the delisting will affect the PRRIP. After a species is delisted, the ESA requires FWS, in cooperation with the states in which the species is found, to monitor the species' status for at least five years.

Issues for Congress

Implementation of the PRRIP regularly receives attention during congressional oversight and the annual appropriations process. Congress would have to authorize any changes to program implementation prior to the termination of the First Increment in 2033 or work for subsequent increments.

Concerns over implementing the PRRIP include not meeting the First Increment water goals, as discussed, and not finishing a reservoir project in Nebraska, which was projected to contribute 30,600 af per year toward the program's reduced target flow shortage goal. To address these concerns, PRRIP leaders shifted from the single reservoir project to several smaller ones, which are estimated to contribute 40,000 af by 2024 or 2025. A proposal for an interbasin transfer of water from the Platte River to the Republican River in Nebraska has amplified these concerns. Some stakeholders argue the transfer may diminish the Platte River's capacity to provide needed water supplies within the basin. Proponents of the transfer contend that only excess flows will be diverted.

The western United States is experiencing a drought during the first half of 2021. Congress might consider how the drought may affect PRRIP implementation and whether changing activities under the program is warranted. Further, the PRRIP is being implemented incrementally, which may lead Congress to question how long the recovery program will take to complete and how much funding it will require. Lastly, some stakeholders might question the efficacy of the current adaptive management process and whether the process is robust enough to address unforeseen circumstances related to climate change and changes in bird populations and habitat. To date, there has been no major outside review of the PRRIP. Nonetheless, the program has not received significant criticism, and its supporters point to it as a model for governing ecosystem restoration. Congress may consider oversight of the program, including some type of outside review, to address these and other questions.

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