

# United States Senate

August 29, 2024

The Honorable Patty Murray  
Chairwoman  
Senate Appropriations Committee  
U.S. Senate  
Washington, D.C. 20510

The Honorable Susan Collins  
Vice Chair  
Senate Appropriations Committee  
U.S. Senate  
Washington, D.C. 20510

The Honorable Tom Cole  
Chairman  
House Appropriations Committee  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Rosa DeLauro  
Ranking Member  
House Appropriations Committee  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chair Murray, Vice Chair Collins, Chair Cole, and Ranking Member DeLauro:

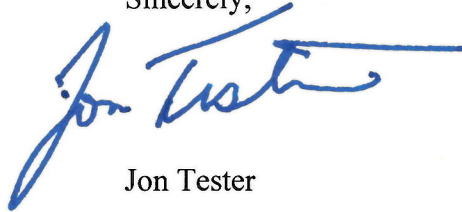
I write today regarding an important issue for hardworking farmers in the Lower Yellowstone Irrigation District (LYID). The members of the LYID do an excellent job maintaining and utilizing their irrigation system to raise premium crops, secure drinking water for local communities and conserve wildlife habitats. A few years ago, several federal agencies worked together to successfully add a fish passage feature to the Lower Yellowstone River system to support the recovery of the Pallid Sturgeon. While this federally constructed fish passage may end up being a great addition to the overall river system, I do not believe it would be reasonable to transfer the costs of maintaining this new, costly facility to the local irrigators because it is clear that operations and maintenance costs of the fish passage will be significant. That's why, as the debate continues on finalizing the Fiscal Year 2025 (FY25) Energy, Water Development, and Related Agencies Appropriations Act, I respectfully ask that you include the following language in the final version of the bill:

*None of the funds made available by this Act may be used to transfer or delegate control or maintenance responsibility of the Lower Yellowstone Fish Bypass Channel to any non-federal entity.*

The 2.1-mile Lower Yellowstone Fish Bypass Channel provides a great opportunity to support the recovery of the Pallid Sturgeon. The U.S. Bureau of Reclamation (BOR), U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service worked together to successfully complete this project and open passage to approximately 165 river miles of potential spawning and larval drift habitat for the Pallid Sturgeon in the Yellowstone River. Initially, the fish passage proved to be a success before some sections quickly fell into disrepair due to extreme erosion. The costs associated with the currently required repairs is well beyond the ability to pay for the local irrigators. In fact, earlier this week, BOR announced it would be providing an additional \$8 million to address some of the emerging erosion concerns. \$8 million is objectively too high a sum for an irrigation system managed by approximately 300 farms to come up with for annual repairs.

The fish passage can and will succeed in its mission, and hopefully set an example that can be used across the country to protect fish species. However, in order to do that, the federal government simply cannot abandon this project and stick the local irrigators with the operations and maintenance bill. I believe that it is in the best interest for all parties involved for the BOR to retain responsibility of this project in order to best serve both the Pallid Sturgeon and surrounding communities. For these reasons, I ask that you include the provision in the FY25 Energy, Water Development, and Related Agencies Appropriations Act that would prohibit federal agencies from transferring responsibility of the fish passage to the LYID in the final version of the bill. Thank you for considering this request.

Sincerely,

A handwritten signature in blue ink that reads "Jon Tester". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jon Tester