

Colorado River Recovery Implementation Committee  
February 21, 1989, Meeting  
- Minutes -

Attendees: (Attachment 1)

Agenda: (Attachment 2)

Major Topics Discussed/Decided:

1. Review/Modify Agenda: Two agenda items were added: the draft Colorado squawfish recovery plan and a proposed resolution acknowledging Cliff Barrett's participation in the Recovery Program.
2. Approval of last Implementation Committee Meeting Summary: The summary was accepted as written.
3. Environmental Groups' Supporting Resolutions: Supporting resolutions with conditional provisions have been received from the regional offices of the National Audubon Society and Environmental Defense Fund, and from the Colorado Wildlife Federation (Attachment 3). The Wyoming Wildlife Federation will consider a supporting resolution, while the Utah Wildlife Federation is not pursuing a supporting resolution. The National Wildlife Federation will not provide a supporting resolution. Trout Unlimited wants the Ruedi issue (impacts on trout fishery) resolved before it will sign a supporting resolution. The Nature Conservancy will not formally participate on the Recovery Implementation Committee, but will issue a Memorandum stating that the Conservancy will assist with real estate transactions.
4. Program Director and Management Group report:
  - a. Public hearings on the Recovery Program were held in Rangely and Meeker, Colorado, and Rock Springs, Wyoming. A public hearing on acquisition of Juniper-Cross Mountain water rights was held in Craig, Colorado.
  - b. Over the past year, areas of progress included: establishment of the Implementation Committee as the forum for upper Colorado River fish issues; receipt of the \$1 million appropriation from Congress for water rights acquisition; development of the \$2.3 million 1989 work plan; progress in researching, acquiring and/or protecting flows in the Yampa River and 15-mile reach; an apparent change in some formerly negative attitudes (e.g., mayor of Rangely) toward protecting endangered Colorado River fishes; and information and education (I&E) efforts. Areas of concern included: Uintah Mountain Club lawsuit; disillusionment within the water development community with

implementation of the Section 7 aspect of the Recovery Program ("sufficient progress" issue); questions regarding the level of proof needed to support instream flow recommendations; and the Colorado Water Conservation Board's concern with appropriating water rights until instream needs in all river reaches are determined (see item 10.f.).

- c. The Management Group's primary activities involved developing the FY-89 work plan, pursuing water rights acquisition, addressing Section 7 and sediment impact issues, and a field trip of the Grand Valley/15-mile reach.
5. Technical Group report: The Technical Group has focused on evaluating FY-88 work, developing and budgeting the FY-89 work plan, developing FY-90 work plan guidance, and evaluating draft instream flow reports for the Yampa River and 15-mile reach. The timetable for evaluating FY-88 work, planning and budgeting FY-89 and -90 work, and developing guidance for FY-90 and -91 priorities is shown on Attachment 4.
6. Budget and work plan for the Recovery Program
  - a. FY-89 work plan:
    - 1) Attachment 5 summarizes the Management Group's recommended changes to the FY-89 work plan approved by the Implementation Committee last August. The Implementation Committee accepted Attachment 5 as written, with the following conditions:
      - The \$120K expenditure for the survey of available water rights was approved using Windy Gap funds, subject to Management Group review and approval of project proposals, particularly the Little Snake River proposal.
      - Projects recommended for deferral in FY89: Carse Pustmueller opposed deferral of development of the razorback sucker plan (project 39), since this species is not protected by the Endangered Species Act and has no recovery plan. Jeff Fassett opposed deferral of the effort to establish recovery goals (project 35), since specific goals are needed to provide a point of reference for determining "sufficient progress" and program priorities. The Implementation Committee decided to apply any surplus FY-89 funds to these projects: first to developing the razorback management plan, secondly to developing recovery goals. If surplus FY-89 funds do not become available, these two projects will receive priority in FY-90.
    - 2) Per Tom Pitts' request, a comparison of how funds were programmed for expenditure in FY-89 vs. how funds were actually expended will be prepared, following receipt of year-end accounting information.
    - 3) Drought-related changes to Flaming Gorge operations in 1988 delayed research studies. The draft biological opinion is now scheduled to be completed by 3/15/90 (Attachment 6).

- 4) A 5-year plan for I&E efforts will be prepared. Current efforts are focusing on a newsletter (3 to 4 issues/year) and brochures, signs, and posters.
  - 5) The Service announced the hiring of Dr. Holt Williamson (Service) to direct the endangered fish propagation and genetics plan. Dr. Williamson's arrival will expedite implementation of the plan.
- b. FY-90 work plan guidance/budget adjustment: The FY-90 guidance is under development and is scheduled to be sent out 3/15/89. As per Section 5.2 of the Recovery Implementation Program document, the FY-90 budget (10/1/89 - 9/30/90) will be adjusted upwards by 4.1%, based on the 1988 calendar year Consumer Price Index (Attachment 7). These increases will become effective October 1, 1989 and apply to the FY-90 budget. [Note: As a rule, the annual budget adjustment will become effective on October 1 of each year.]
- c. Washington D.C. briefing: In early March, Tom Pitts, Chips Barry, Laurie Mathews, and Steve Blomeke (Colorado Wildlife Federation) plan to brief the new Administration, Congressional delegations, and Congressional appropriations committees on the Recovery Program's progress and the need for Service base funding to participate in the effort. Other program participants are invited to participate. Tom Pitts presented a draft letter for Governor Romer to send to the Secretary of the Interior requesting \$630K for the Service in FY-90 (Attachment 8). Chips Barry indicated that he would support having Governor Romer send the letter. Jeff Fassett, Dee Hansen, and Carse Pustmueller indicated that they would be willing to send a similar letter.
- d. Use of Windy Gap funds: The Service's position on the use of Windy Gap funds as outlined in Attachment 9 was accepted by the Implementation Committee. Additional understandings included:
- Though the Service will seek recommendations from the Implementation Committee on how to use discretionary Windy Gap funds, the Service would retain final authority on the ultimate use of these funds. The Service would prefer that these funds not be used to make up for budget shortfalls or cost overruns in the annual budget/work plan.
  - These funds will not be counted towards the Service's \$600,000/year contribution.
  - Funds received as a result of the Two Forks/Williams Fork biological opinion are not "Windy Gap" funds, but would be disbursed subject to the guidelines in Attachment 9.
- e. Cooperative agreement with the Fish and Wildlife Foundation: With a modification to indicate that the Foundation would only be reimbursed for expenses not to exceed 2% of the funds received annually, the draft agreements sent to the Implementation Committee for review were accepted by the Implementation Committee. Three draft versions of

the cooperative agreement will be sent to the Service's Washington Office, the Solicitor's Office in Washington, and the Fish and Wildlife Foundation for their review. The versions differ in terms of the specific "pot" of money proposed to be transferred to the Foundation for management, i.e., existing Section 7 funds, new Section 7 funds, Congressionally appropriated water rights acquisition funds (Attachment 10).

## 7. Section 7 Consultations

- a. Summary of opinions issued and pending: see Attachment 11.
- b. Sandstone/Muddy Creek Projects: The Service will work with Wyoming over the next few weeks to discuss offsetting measures for the Sandstone Reservoir Project. If these discussions are unsuccessful, the Management Group will then attempt to resolve any problems.
- c. Sediment impacts/sufficient progress:
  - The Recovery Implementation Program document did not specifically address whether sediment impacts were depletion or nondepletion impacts. The Management Group discussed the issue at a special meeting and decided that sediment impacts are a depletion impact covered by the depletion assessment (Attachment 12).
  - The Management Group recommended that the Implementation Committee direct the Management Group to bring to closure: 1) appropriate language addressing treatment of sediment impacts and 2) the definition of "sufficient progress".
  - As specified in Attachment 13, the Implementation Committee 1) adopted clarifying language on sediment and depletion impacts and 2) directed the Management Group to continue work on the "sufficient progress" issue and develop a process for ensuring that depletion impacts are addressed by the Recovery Program.
8. San Juan River and New Mexico's participation: Reclamation is currently funding New Mexico's field studies in the San Juan River. New Mexico is not ready to make management decisions regarding the San Juan until the studies' results are complete. The Management Group recommended that Reclamation fund New Mexico's field studies through FY-90 at a cost not to exceed \$20,000 and prepare a draft management plan (consisting of a summary document with management recommendations) by the end of FY-89. Given these circumstances, the Implementation Committee was agreeable to deferring the San Juan River management plan till the end of the fiscal year.
9. Use of Recovery Program funds for humpback chub studies in the Grand Canyon: The Implementation Committee was split on whether it would be appropriate to credit some of the funds used to implement conservation measures for humpback chub in the Grand Canyon towards Reclamation's \$1.5 million/year contribution to the Recovery Program. The Recovery

Implementation Program (including the plan, environmental assessment, and cooperative agreement) would need to be amended to allow this. A possible amendment would also need to be discussed with the affected lower basin States (e.g., Arizona) and Region 2 of the Service. The Service and Reclamation agreed to discuss the issue further and report back to the Implementation Committee.

10. Instream flow determinations and water rights acquisition

a. Yampa River:

- The flow quantification effort will be conducted in two phases: a biological report, which will be completed 5/1/89 after one additional round of Technical Group review, will precede the flow recommendation report. The Technical Group recommended that the Service defer making flow recommendations until FY-90 because of potential conflicts with the Flaming Gorge biological opinion schedule. However, the Service requested Implementation Committee approval to develop provisional flow estimates by the end of FY-89. These estimates will be provided to the Technical and Management Groups for discussion and review. The Implementation Committee was agreeable, so the Service will produce a new Scope of Work and new budget to develop the Yampa flow recommendations by the end of FY-89. The Service agreed to proceed with this plan only if it would not interfere with the schedule for the Flaming Gorge consultation.
- In response to a recommendation from the Craig City Council, the Colorado River Water Conservation District will conduct an evaluation of alternative small on- or off-stream reservoir sites in the Yampa River basin that could be developed in lieu of the Juniper-Cross Mountain projects. If a suitable alternative can be identified, it could clear the way for a possible lease/purchase of Juniper-Cross Mountain water rights for instream flows.

b. 15-mile reach: The final report quantifying flow needs for July-September will be completed by 5/1/89 after one additional round of Technical Group review.

c. Ruedi/Green Mountain releases: To ensure delivery of Ruedi releases to the 15-mile reach, the plan will be to release the water to the Federal power plant in Orchard Mesa, located at the head of the 15-mile reach. Unless some unforeseen problems develop, a contract between Reclamation and the Orchard Mesa and Grand Valley water users will be finalized in the next few months to implement this plan. The Service and the Colorado Water Conservation Board are also discussing the possibility of filing for an original instream flow right on return flows out of the plant to protect those flows through the 15-mile reach. The physical capacity of the power plant to convey waters needs to be evaluated to assure that it is greater than or equal to flow needs.

- d. Lease vs. purchase of water rights: The Service distributed a position statement regarding lease vs. purchase of water rights (Attachment 14). Basically, the Service was skeptical about a lease because it would not provide permanent legal protection of instream flows. In addition, it may be difficult to secure funding from Congress for a lease. It appears that locals are more interested in a lease (e.g., 50 year lease with option to renew) than an outright sale of the Juniper-Cross Mountain rights on the Yampa River.
  - e. Little Snake River: The State of Wyoming has discussed the possibility of acquiring several large water rights on the Little Snake River with The Nature Conservancy and appropriators, but these discussions are still in a conceptual stage.
  - f. Bill McDonald explained the rationale behind his concern that all instream flow needs must be determined before the Colorado Water Conservation Board will appropriate instream flow rights in Colorado. In essence, he is concerned about committing the Board to appropriate instream flow rights on a piecemeal basis if the cumulative effect may be to preclude full compact development in Colorado. This brought up discussion of how the remaining unallocated water of the Upper Basin would be allocated among the states, and whether the Board's position could impact the "sufficient progress" issue and the final filing on Ruedi/Green Mountain and Yampa water rights. No resolution of the issue was achieved.
11. Legal issues: The Uintah Mountain Club v. Fish and Wildlife Service and National Wildlife Federation v. Western Area Power Administration lawsuits were not discussed due to time constraints.
  12. River trip: Reclamation will arrange a rafting trip (maximum, 25 people) in July or August 89 for program participants. It will begin in Moab, Utah, go through Cataract Canyon, and end in Lake Powell. Possible trip dates would be: 7/20-23, 7/27-30, 8/3-6, 8/10-13/89. Meeting participants agreed to contact Reed Harris within a week to indicate preferred trip dates and participants.
  13. New agenda items:
    - The draft resolution in appreciation of the contributions of Cliff Barrett was adopted (Attachment 15). It will be prepared in final form and circulated among Implementation Committee members for signature.
    - Tom Pitts believes the recovery goals in the latest draft of the Colorado squawfish recovery plan conflict with Recovery Implementation Program goals in regard to identifying reaches essential for recovery and the issue of the threat posed by fragmentation (Attachment 16). The Management Group will develop recommendations on this perceived

conflict. The Service agreed not to finalize the Colorado squawfish recovery plan until the issue had been discussed with the Management Group.

14. Next Recovery Implementation Committee meeting: The next Implementation Committee meeting will take place August 30, 1989, from 8:30 AM to 3:30 PM in the third floor conference room of the Service's Regional Office, 134 Union Boulevard, Lakewood, Colorado.

## Attachment 1

## RECOVERY IMPLEMENTATION COMMITTEE MEETING

FEBRUARY 21, 1989

## - ATTENDEES -

John Hamill	FWS	Denver CO
Barry Saunders	Utah	SLC, UT
Dee C. Hansen	UTAH	SLC, Utah
Jeff Fasset	Wyoming	Cheyenne, Wyo.
Tom Pitts	Water Developers	Laveland Co
Warren L. Jamison	WESTERN	DENVER, Co
Wes Hirschi	USBR	SLC, Utah
Case Puotmuller	National Aud. Society	Boulder, CO
Gene Jancsek	Colorado Water Cons. Bd	Denver Co
Reed Harris	BR-SLC	Salt Lake City
CLAYTON PALMER	Western	Salt Lake City, Utah
Mike Russell	Wyo. Water Dev.	Cheyenne, Wyo.
Lae Mills	FWS	Denver, Co
Holt Williamson	FWS	Denver, Co
George Smith	FWS	Denver, Co
Thomas C. Wylie	NPS	Denver, CO
Margot Zallen	Solic Office, DOT	Denver, Colo
Bob Jacobsen	FWS	DENVER, Colo.
Robert Green	FWS	Denver
Jim Bennett	Colo. Div. WILDL.	Denver, Co.
Robert Wigington	The Nature Conservancy	Boulder CO
Robert Waver	Environmental Caucus	Denver, Co.
Russ Borkard	C. R. E. D. A	Den. Co
Nancy Chu	FWS	DENVER, CO
Eric Kuhn	CRWCO	Glenwood Springs, W.

Jennifer Hager	Wyo. A. G.	Cheyenne, WY
John W. Shields	Wyoming State Engineer's Office	Cheyenne, WY
* Chris Barry	Colo Dept. of Natural Resources	Denver
Bill McDonald	Colo. Water Cons. Bd.	Denver
* GALEN BUTERBAUGH	U. S. F. W. S.	DENVER

\* denotes Recovery Implementation Committee member (or acting)

Attachment 2

Agenda  
Colorado River Recovery Implementation Committee Meeting  
February 21, 1989

Convene - 8:30 a.m.

1. Review/Modify Agenda
2. Approval of last Implementation Committee Meeting Summary
3. Environmental Group Supporting Resolution
4. Program Director and Management Group report
5. Technical Group Report
6. Budget and work plan for the Recovery Program
  - o FY-89 work plan
    - overview of activities (Propagation Plan, Flaming Gorge, etc.)
    - budget status
    - modifications to work plan
  - o FY-90 work plan guidance
  - o Washington D.C. briefing
  - o use of Windy Gap funds
  - o cooperative agreement with the Fish and Wildlife Foundation
7. Section 7 Consultations
  - o summary of opinions issued and pending
  - o Sandstone/Muddy Creek Projects
  - o sediment impacts
8. San Juan River and New Mexico's participation
9. Use of Recovery Program funds for humpback chub studies in the Grand Canyon
10. Instream flow determinations and water rights acquisition
  - o Yampa River
  - o 15-mile reach
  - o Ruedi/Green Mountain releases
  - o lease vs. purchase of water rights
11. Legal issues
  - o Uintah Mountain Club v Fish and Wildlife Service
  - o National Wildlife Federation v Western Area Power Administration
12. River trip
13. Next meeting

Adjourn -- 3:30 p.m.