



WESTERN RESOURCE
ADVOCATES

Sent via e-mail

January 14, 2011

Tom Chart
Recovery Implementation Program Office
U.S. Fish and Wildlife Service
PO Box 25468
Denver 80225

Re: Comments on Draft Aspinall Study Plan

Dear Tom:

Please accept these comments from Western Resource Advocates (WRA) on the draft Aspinall Study Plan (draft Plan) submitted to the Biology Committee in December.

WRA has been a partner in the Upper Colorado River Endangered Fish Recovery Implementation Program (Program) for over seven years. Since the late 1990s we have worked to find ways to protect and improve flows and habitat in the Gunnison. We hope our comments are helpful and would be happy to discuss them with you.

First of all, we want to thank you—and others who helped you in 2010—for your efforts. The draft Plan is an expansive document reflecting many hours of hard work and critical thinking. We also wish to appreciate your close work with Brandon Albrecht, WRA's representative to the Biology Committee, with initial versions of this draft Plan.

Comments on the Executive Summary

Page vi of the Executive Summary notes that the main purpose of the Plan includes evaluating the effects of Aspinall re-operations “on critical habitat in the Colorado River from the Gunnison River confluence to Lake Powell.” We agree it is essential that the re-operation of the Aspinall Unit benefits not just the Gunnison, but the Colorado River downstream.

Page vi of the Executive Summary states one of the objectives of the Plan is to “recommend to the Recovery Program modifications to the Recovery Implementation Program Recovery Action Plan (RIPRAP).” We believe it is critical the RIPRAP include the annual submission of a “summary report” by the Bureau of Reclamation (see draft Plan page 11). This will enable all members of the Program to be kept apprised of how well operations are meeting desired goals.

Comments on the main body of the draft Plan

p. 1, first paragraph – please **add a specific reference to the Gunnison River**: “to evaluate effects on critical habitat in the Gunnison River and the Colorado River from the Gunnison River confluence to Lake Powell.” It’s clear the purpose of Aspinall re-operation is to improve flows in critical habitat in both the Gunnison and Colorado rivers.

p. 2, paragraph at bottom – states: “The Study Plan does not determine if the operation of the Aspinall Unit is meeting the flow recommendations (McAda 2003).” This particular metric is essential. The flow recommendations are the key impetus of Aspinall re-operations and related documents generated in the past two years (draft EIS, Programmatic Biological Opinion (PBO), and this draft Plan), so it’s essential there be analysis of how well flow targets are being met. Will this evaluation be part of the Bureau’s annual “summary report”?

p. 6 – *Biological* sub-paragraph #3 states:

Nonnative fishes that compete with or prey on young Colorado pikeminnow and humpback chub are temporarily reduced following high spring flows, but populations rebound quickly when low-water years occur. Management actions to reduce population size of nonnative fishes through mechanical means have been initiated, but detrimental effects of nonnative fishes must be reduced before full benefits of the recommended flow regime can be realized.

How big an issue is non-native predation in the lower Gunnison? It was our impression that the impact of non-natives was virtually nil in the Gunnison, due to natural barriers, fish screens, etc.

p. 6 – *Physical/Policy* sub-paragraph #1 states: “The ability of the Aspinall Unit and the rest of the Gunnison River basin to contribute to the recommended flow regime is uncertain and an analysis of such needs to be completed.” We disagree. Over the course of the past 5 years, mostly through analysis for the Aspinall EIS and the Black Canyon water rights settlement, the Bureau and others have conducted an enormous amount of research on how much the mainstem Gunnison (i.e., releases from Aspinall) and other major tributaries contribute to lower Gunnison (i.e., Whitewater) flows in different year types. The extensive additional data in the recently released preliminary Final EIS drives home the point. This “uncertainty” should be deleted.

p. 6 – *Physical/Policy* sub-paragraph #3 **should be modified to read**: “It is uncertain if mimicry of a natural hydrograph will be enough to restore riverine habitats sufficiently to recover the four endangered fishes.” This edit would make the sentence consistent with the rest of the paragraph and its intent.

p. 9 – the table entitled “*Spring peak and duration targets for range of forecasted inflow*” does not replicate the flow target table found in McAda’s 2003 flow recommendation and the EIS. We feel this table should be identical to the found in the EIS. For example, the instantaneous peaks can be higher than 14,350 cfs in wet and moderately wet years.

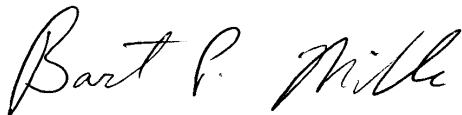
p.10 – final bullet states: “The Recovery Program may need to evaluate the trade-off between high spring flows and base flows needed during the mid- to late summer to operate Redlands (and, to a lesser extent perhaps, maintain movement of sediment through the system).” We are concerned with the concept of a “trade-off.” The endangered fish are struggling to avoid extinction. The point of the Aspinall Unit re-operation is to assist in recovering the species. The U.S. Fish & Wildlife Service has determined the fish need both base flows and peak flows. Therefore, meeting base and peak flows should not be considered a zero-sum game.

p. 22 – the final row–UG6—in the table entitled “*Anticipated Effects and Uncertainties*” states: “Because flow duration recommendations were developed based on a wet period, the recommended durations require a large volume of water that may not always be available (USFWS 2009; USBR 2008).” It is our understanding the flow recommendations used a period of record from 1975 to 2005, not a particularly wet period.

p. 23 – row UG8 includes the statement: “Spring flows may affect private property and may not mesh with the Black Canyon water right. (McAda 2003)” This notation appears to be out-of-date and should be deleted. The 2009 Black Canyon water right decree (the result of many years of litigation and over a year of settlement negotiations) expressly includes a provision (see section 32.4, attached) whereby the exercise of the Black Canyon right is to be coordinated with Aspinall re-operations being done pursuant to the Endangered Species Act (i.e., the Recovery Program).

Thank you again for the opportunity to provide comments on the draft Study Plan. We would be happy to discuss any and all of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Bart P. Miller".

Bart Miller
Water Program Director
Western Resource Advocates