

CR/FY-00 UCRRIC
Mail Stop 65115

Memorandum

To: Implementation Committee
Management Committee, Consultants, and Interested Parties
Meeting Attendees

From: Director, Colorado River Recovery Implementation Program

Subject: Draft March 8, 2000, Recovery Implementation Committee Meeting Summary

Attached are the draft action and assignment summary and the general meeting summary from the recent Implementation Committee meeting. Please review these documents and contact Angela Kantola (ext. 221) or myself (ext. 223) if you think any changes are necessary.

Attachment

- Draft Summary -

Actions and Assignments
Recovery Implementation Committee–March 8, 2000

COMMITTEE ACTIONS:

1. Approved the August 20, 1999, meeting summary as written.
2. Approved the Management Committee's recommended approach for finalizing the recovery goals.
3. Approved an amendment to the Section 7 agreement.
4. Gave conditional approval to the RIPRAP revisions (pending final Management Committee review). Approved the draft FY 2001 Program Guidance.
5. Approved the Management Committee's recommendation for a subgroup to outline a mechanism, issues, and constraints for incorporating the States' capital funds into the Recovery Program.

ASSIGNMENTS:

1. The Program Director's office will post the guidance on the Program's web site as soon as it is completed.
2. Program participants (non-Federal) who might be interested in hiring lobbying support to help get the long-term funding legislation passed through Congress this year should contact Kathleen Clarke.
3. The Management Committee should bring their recommendation for incorporating the States' capital funds into the Recovery Program back to the Implementation Committee.

- Draft Summary -
March 8, 2000, Implementation Committee Meeting
Denver, Colorado

CONVENE: 9:30 a.m.

1. Introductions, modify/review agenda.
2. Approve August 30, 1999 meeting summary - The Implementation Committee approved the summary as written.
3. Program Director's update on the Recovery Program and status of the fish - Henry Maddux gave an overview of recent Program accomplishments, issues, and future direction. Jeff Fassett asked Henry what he thinks the Service's sufficient progress assessment will look like and Henry said he believes it will be fairly positive. The major areas of concern at this point are that the Duchesne coordinated reservoir operations are somewhat behind, land acquisition has proceeded more slowly than we expected, and we need to get the Ouray hatchery operational. Dan Luecke added that coordinated facilities operation to increase spring peak flows on the mainstem hasn't made much progress. Tom Pitts suggested that things like the coordinated reservoir operations on the Duchesne falling behind will be resolved as we begin to aggressively use the tracking systems that the Program Director's office has put in place. Pat Nelson gave a presentation on recent razorback successes as a result of floodplain habitat restoration.
4. Recovery goal update - Rich Valdez briefed the Committee on progress to develop recovery goals for the endangered fishes. The purpose of developing these specific recovery goals is to supplement the existing recovery plans. The Biology Committee has reviewed the draft humpback chub report; a final draft will be issued March 10. The Draft Colorado pikeminnow report will be issued March 17; draft razorback sucker report April 1, and the draft bonytail report April 15. Rich outlined the process they've used for developing the goals and showed draft goals and criteria for humpback chub and preliminary draft goals and criteria for Colorado pikeminnow. Tom Pitts expressed his continuing concern that the Upper Basin needs to be able to meet the ESA criteria for downlisting and delisting separately from the Lower Basin.

John Shields outlined the Management Committee's recommended process and schedule for review and completion of the Recovery Goals. The proposed review process would result in publication of the goals in the Federal Register in July. Greg Walcher said Colorado has completed their recovery goals which will be discussed by the Biology Committee later this month. Greg emphasized his continuing concern to get these goals finalized and suggested it would be better to go ahead and publish the goals in April so that the discussions about them at that level can begin sooner rather than later. Tom Pitts responded that the Management Committee believes it's vital to resolve any issues on these goals among Upper Basin participants before the goals are published in the Federal Register and the opportunities for discussion become limited. Ralph noted that if we've addressed all the comments before we publish in the Federal Register, then probably only a 30-day Federal Register comment period would be necessary. After some discussion, the Committee approved the Management Committee's recommended process for finalizing and approving the goals; however, the Management Committee will accelerate their review (one meeting instead of two) if possible.

5. Amendment to Section 7 Agreement - Henry Maddux recommended adding the following sentence to the end of the first paragraph under "Framework for Agreement"

(Section III.1) in the existing section 7 agreement. "However, where there is a programmatic basin-wide biological opinion, the provisions of such opinion apply to future individual consultations in that basin." Rick asked if the Service anticipates putting out any guidance, rules, or regulations on how programmatic biological opinions are done or what they are. Ralph said no. Tom Pitts recommended a slightly modified version of the amendment: "However, where a programmatic biological opinion applies, the appropriate provisions of such an opinion will apply to future individual consultations." The Committee approved the amendment. The paragraph will now read: "Activities and accomplishments under the RIP are intended to provide the reasonable and prudent alternatives which avoid the likelihood of jeopardy to the continued existence of the endangered Colorado River fishes (hereinafter the "reasonable and prudent alternative") resulting from depletion impacts of new projects and all existing or past impacts related to historic projects with the exception of the discharge by historic projects of pollutants such as trace elements, heavy metals, and pesticides. "However, where a programmatic biological opinion applies, the appropriate provisions of such an opinion will apply to future individual consultations."

6. Review/approve recommended RIPRAP revisions - Henry Maddux outlined the major recommended changes to the RIPRAP for this year (inclusion of elements of the 15-Mile Reach PBO, the draft Yampa Management Plan, and reasonable and prudent alternatives from the Narrows consultation; inclusion of development of a tributary management plan; and placing some Gunnison River RIPRAP items on hold until we determine the scope of the Gunnison Section 7 consultation). The revisions were developed by the Program Director's office and reviewed and modified by the technical and Management committees. Tom Pitts said he'd like the Management Committee to have a short period to review the changes as soon as they are incorporated into the RIPAP. The Implementation Committee agreed and gave conditional approval to the revisions, contingent upon the Management Committee's approval of the final revisions.
7. Review/approve FY 2001 Program Guidance - Henry outlined highlights of the recommended 2001 Program Guidance (including population estimates) and issues that were raised as the Guidance was reviewed. This Guidance was developed by the Program Director's office and reviewed and modified by the technical and Management committees. The Committee approved the Guidance. The Committee approved the Guidance as recommended by the Management Committee. >The Program Director's office will post the guidance on the Program's web site as soon as it is completed.
8. Update on long-term funding legislation - Tom Pitts said the bill will hopefully go for mark-up in the House soon. Although House staff have suggested shifting the source of the \$6M/year annual/operation funds from power revenues to the Service, Program participants have emphatically expressed that this is *not* feasible. Tom said he believes Congressman Hanson is willing to step in and intervene if this causes any further delay. The amended version should be reintroduced in the Senate tomorrow, and hopefully the Senate hearing will be held soon soon. Kathleen Clarke asked if Program participants would want to hire lobbying support that would help us get this pushed through Congress this year. Margot said there's nothing to prohibit the States, water users, and environmental groups from doing this. >Anyone interested in this approach should talk to Kathleen.
9. Update on Congressional briefing trip scheduled for April 12-18 - John Shields said the Management Committee plans a similar schedule and approach to the annual briefing of Congressional delegations on the Recovery Program and long-term funding legislation. John noted that representation from each Program participant is very important on this trip.

10. Incorporating the State's capital funding into the Recovery Program - John Shields said that when the long-term funding legislation is passed, we'll need to be able to bring the non-Federal funding to the table in an efficient and organized manner. Thus, the Management Committee has recommended that a subgroup of their committee outline a mechanism, issues and constraints for incorporating those funds into the Recovery Program. The Implementation Committee agreed that some very complicated details need to be worked out and that it would be appropriate for the Management Committee to take this approach. >The Management Committee should bring their recommendation back to the Implementation Committee.
11. Update on Yampa River trip - Henry Maddux discussed the Program's planned Yampa River trip scheduled for June 8-10. Participants will arrive in Craig, Colorado on June 7 (the Management Committee will hold its meeting in Craig that day), launch at Deerlodge the morning of June 8, and take out at Echo Park the afternoon of June 10. The Program Director's office will develop a list of invitees with the Management and Information and Education committees. Invitees will include people both internal and external to the Program (State officials, state legislators., local Congressional staff, water users, environmental groups, Implementation and Management committee members, etc.).
12. Incidental Take - Tom Pitts noted that when the 15-Mile Reach PBO was done, the water users realized it also provides incidental take (Section 9) coverage. Tom informed the Committee that he and Henry will discuss how to provide this coverage for other areas until the other PBO's are completed.
13. Scheduling of July recovery goals meeting and August/September regular meeting. The recovery goals meeting will be in Salt Lake City on July 17 from 10 a.m. to 3 p.m. (unless it's determined that this could be in Kathleen Clarke will arrange a meeting room at Utah DNR. The regular meeting will be September 6 from 9:30 - 3:00 in Denver at a hotel near DIA.

ADJOURN: 12:45 p.m.

Attachment 1 - Attendees
Colorado River Recovery Implementation Committee: March 8, 2000

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)
Rick Gold, U.S. Bureau of Reclamation
Greg Walcher, Colorado Department of Natural Resources
Dave Sabo, Western Area Power Administration
Dan Luecke, Environmental Defense Fund
Tom Pitts, Upper Basin Water Users
Jeff Fassett, State of Wyoming
Kathleen Clarke, Utah Department of Natural Resources
Leslie James, Colorado River Energy Distributors Association (nonvoting)
Henry Maddux, U.S. Fish and Wildlife Service (Program Director) (nonvoting)

OTHERS:

Bruce McCloskey, Colorado Division of Wildlife
Shane Collins, Western Area Power Administration
Debbie Felker, U.S. Fish and Wildlife Service, Recovery Program
Robert Wigington, The Nature Conservancy
John Shields, State of Wyoming
Dave Mazour, Colorado River Energy Distributors Association
Angela Kantola, U.S. Fish and Wildlife Service, Recovery Program
Brent Uilenberg, U.S. Bureau of Reclamation
Margot Zallen, Department of Interior Solicitor's Office
Susan Baker, U.S. Fish and Wildlife Service
Rich Valdez, SWCA Environmental Consultants
Tom Nesler, Colorado Division of Wildlife
Margot Zallen, Department of Interior, Solicitor's Office
Bob McCue, U.S. Fish and Wildlife Service
Pat Nelson, U.S. Fish and Wildlife Service, Recovery Program
Bob Muth, U.S. Fish and Wildlife Service, Recovery Program
Tom Czapla, U.S. Fish and Wildlife Service, Recovery Program
Ray Tenney, Colorado River Water Conservation District
Kent Holsinger, Colorado Department of Natural Resources