

CR/FY-04 UCRRIC  
Mail Stop 65115

Memorandum

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

From: Director, Upper Colorado River Recovery Implementation Program

Subject: Draft March 8, 2004, 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 or myself (303/969-7322, ext. 221 or 268, respectively) if you think any changes are necessary.

Attachment

- Summary -  
Actions and Assignments  
Recovery Implementation Committee–March 8, 2004

ASSIGNMENTS:

1. Clayton Palmer will submit additional clarifying language on seeking appropriations (assignment #7, agenda item #11 from the September 4, 2003, meeting summary) to the Committee. Angela Kantola will post a revised meeting summary after agreement is reached on revised language.
2. From previous meeting assignments: The Service will address ways to raise larger Colorado pikeminnow in the San Juan Program at their next Region 2/Region 6 meeting (~ September); Dan Luecke still needs to speak with David Getches; and the Service still needs to develop a lower basin genetics management plan (which will be a Service document).
3. Brent will set up a conference call among CREDA, Western, and Reclamation to discuss options (such as deferring the FY 04 power capital contribution) to restore the balance between State and power capital contributions.
4. Brent Uilenberg will give Angela Kantola the name of their Solicitor, and Angela will send out a complete list of who should receive comments on the various Elkhead contracts and agreements (due by April 7, 2004). Since the issues Dan raised have also been raised in the Black Canyon case, the Service will make sure that the solicitors reviewing these documents are in communication with the solicitors involved in the Black Canyon. Tom Blickensderfer will make sure the agreements and contracts are sent to the Management Committee members.
5. The Program Director's office will arrange a meeting room for the next Implementation Committee meeting, September 15, 2004, in Denver near DIA from 10:00 a.m. - 3:00 p.m.

CONVENE: 10:20 a.m.

1. Introductions, modify/review agenda - The agenda was modified as it appears below.
2. Approve September 4, 2003, meeting summary and February 4, 2004, conference call summary - The Committee made minor revisions and approved the September 4, 2003, meeting summary except for the description of seeking appropriations in agenda item #11 and similar text in the assignments. >Clayton Palmer will submit additional clarifying language to the Committee. >Angela Kantola will post a revised meeting summary after agreement is reached on revised language. John Shields noted that he disagrees with the first sentence of agenda item #11 (that the basin fund status is due to the drought). The Committee approved the February 4, 2004, conference call summary as written. The Committee reviewed the assignment lists from these summaries. >The Service will address ways to raise larger Colorado pikeminnow in the San Juan Program at their next Region 2/Region 6 meeting (~ September). >Dan Luecke still needs to speak with David Getches. >The Service still needs to develop a lower basin genetics management plan (which will be a Service document).
3. Program Director's update on the Recovery Program and the status of the fish - Bob Muth reviewed the March 2004 update (posted to the Program listserver on March 2, 2004). Bob noted that we now have data to make annual estimates for each population of humpback chub and Colorado pikeminnow. There will be a workshop in June or July to review those estimates.
4. Capital Projects update - Brent Uilenberg distributed the February 17, 2004, capital projects budget and schedule. The FY 99 through FY 02 columns show actual expenditures; FY 03 shows expenditures and obligations, and FY 04 and beyond are projected costs. The Yampa River total has some room for funding fish screening. The legislation authorized total spending of \$62M for capital projects, but also allowed for indexing the Federal portion, so the total capital project cost shown now is \$64.533M (which uses most of the available indexing). In an attempt to remain within that ceiling, Brent has proposed foregoing the Hartlands screen and passage (thus, no budget is shown for those items in this version of the table). Construction of a screen on the Tusher Wash Diversion on the Green River has been accelerated one year. \$612K is shown for hatchery facilities in FY 05, which may not be needed, so some funds might be available for cost overruns on Price-Stubb fish passage, floodplain restoration, and/or Elkhead enlargement and screening. The cost of PIT tags for stocked fish has previously come out of capital funds, but Brent recommends using annual funds to cover these costs to the extent possible. Robert King noted the possible need for facilities on the Duchesne River (e.g., gages) with the Duchesne River biological opinion due to be released soon. Leslie James expressed concern regarding lack of balance in state and power capital fund contributions. >Brent will set up a conference call among CREDA, Western, and Reclamation to discuss options (such as deferring the FY 04 power capital contribution) to restore the balance. Brent gave a PowerPoint presentation on capital projects, showing features of the nearly completed Grand Valley Water Management (GVWM) project. GVWM was projected to reduce diversions by up to 28,000 acre-feet per year, but Brent estimates the average annual reduction will be more in the neighborhood of 40,000 -

45,000 acre-feet per year. Brent said the Highline Lake Pumping Plant and the Grand Valley Project fish passage should be operational this summer.

5. Resolution regarding Colorado's cost-share (direct payment to Colorado River Water Conservation District [CRWCD] for Elkhead enlargement) - Tom Blickensderfer said Colorado is in the process of putting together agreements with the CRWCD to assist with funding the Elkhead enlargement, with the idea that they would contribute the remainder of their capital funds directly to CRWCD instead of through the National Fish and Wildlife Foundation (NFWF). Dan Luecke said their water attorneys have serious concern about the contract to deed the storage space and water right to CWCB (with regard to whether it sufficiently protects the interest of the Program and whether there is enough specificity in what the Federal agency is deeding to the CWCB). Dan distributed proposed additions to the 3<sup>rd</sup> whereas clause and the final "be it resolved" clause of the proposed resolution. Although the addition mentions Management Committee review (*not* approval), Dan said a sub-group of the Committee could work through the line-by-line review of these documents. Tom Pitts said he believes the DOI solicitors and State Attorney General can provide adequate review of the agreement and contract, thus he does not support Management Committee review. Tom Pitts and Tom Blickensderfer noted that negotiation of these contracts is not dependent on this proposed resolution, which only outlines *how* Colorado will make their remaining capital fund contribution. Tom Blickensderfer said he can take Dan's concerns to the negotiations, outside of this resolution. Dan countered that he believes the Program has the responsibility to review the documents that would deed this very expensive storage space and water right. Tom Blickensderfer said any comments would need to be submitted by the end of March (to the Colorado Water Conservation Board, Colorado's Attorney General, the CRWCD, the DOI solicitor, and the rest of the Management Committee). After some discussion, the Committee agreed the comments must be submitted by April 7. >Brent Uilenberg will give Angela the name of their Solicitor, and >Angela will send out a complete list of who should receive comments. Ralph Morgenweck suggested that depending on the outcome of that review, the Management Committee (during their meeting on April 8) could then recommend a course of action to the Implementation Committee. Tom Blickensderfer said he wants to be sure we don't delay CWCB getting the contract for review, or Colorado's ability to transfer funds to CRWCD to begin the work. >Since the issues Dan raised have also been raised in the Black Canyon case, the Service will make sure that the solicitors reviewing these documents are in communication with the solicitors involved in the Black Canyon. >Tom Blickensderfer will make sure the agreements and contracts are sent to the Management Committee members. The Committee revised the resolution, accepting the addition to the 3<sup>rd</sup> whereas, and changing the addition to the resolved clause as follows: "provided that members of the Recovery Program's Management Committee have the opportunity to review and comment by April 7, 2004, on: 1) the agreement between the State of Colorado and the River District specifying the amount and timing of the contributions that will constitute the State of Colorado's remaining cost share payments; and 2) the contract between the United States and the River District for storage space and a water right in the Elkhead Reservoir Enlargement, and the associated short term water lease." The solicitors' review will happen concurrently. This will be on the April 8 Management Committee meeting agenda for discussion. The Committee accepted the resolution as revised (see Attachment 2).

6. Review of RIPRAP status assessment - Bob Muth said the Service is tentatively scheduled to conduct their sufficient progress review meeting at the end of April. Bob said the draft assessment has been reviewed by the technical and Management committees and their comments incorporated. John Shields noted that it's unfortunate that the Program gets an "X" due to delays in the Flaming Gorge EIS, when most Program participants discouraged Reclamation from conducting it in the first place. The Committee accepted the assessment as written.
7. Review and approval of recommended RIPRAP revisions - Bob Muth described the changes to the RIPRAP this year, noting that completed items are now better described. The Committee accepted the revisions as written.
8. Recovery activities in the lower basin - Bob McCue gave an update of recent meetings and distributed a letter from Regions 2 and 6 and Arizona regarding methodology for the humpback chub population estimate in the Grand Canyon. Bob McCue also mentioned that Larry Riley of the Arizona Game and Fish Department is organizing a workshop this spring to discuss development of recovery programs in the lower basin. Tom Czapla said the letter and sampling methodology were discussed at the AMWG meeting last week. Although the letter calls for concurrent sampling in the fall, Tom said he met with Service biologists who assured him that spring sampling will not have a significant impact on the fish, so he now believes spring sampling is possible. The AMWG approved concurrent sampling in the Little Colorado River and the mainstem Colorado River beginning in the spring of 2005.
9. Budget Update - Angela Kantola distributed a table of FY 2005 depletion charge and annual budget adjustments.
10. Washington, D.C. trip – John Shields reviewed the objectives of the upcoming briefing trip and distributed the latest itinerary and Program Highlights document for 2003-2004.
11. Scheduling next Implementation Committee - Wednesday, September 15, 2004, in Denver near DIA from 10:00 a.m. - 3:00 p.m. >The Program Director's office will arrange a meeting room.

ADJOURN: 2:50 p.m.

Attachment 1 - Participants  
Colorado River Recovery Implementation Committee Meeting, March 8, 2004

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)  
Randy Peterson for Carol DeAngelis, U.S. Bureau of Reclamation  
Ron Everhart, National Park Service  
Dan Luecke, Environmental Groups  
Leslie James, Colorado River Energy Distributors Association  
Robert King for Bob Morgan, Utah Department of Natural Resources  
Gary Burton for Clayton Palmer, Western Area Power Administration  
Tom Pitts, Upper Basin Water Users  
John Shields for Pat Tyrrell, Wyoming State Engineer's Office  
Russell George, Colorado Department of Natural Resources  
Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Tom Blickensderfer, Colorado Department of Natural Resources  
Brent Uilenberg, U.S. Bureau of Reclamation  
John Reber, National Park Service  
Bob McCue, U. S. Fish and Wildlife Service  
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program  
Dave Mazour, Colorado River Energy Distributors Association  
Tom Czaplá, U. S. Fish and Wildlife Service, Recovery Program

Attachment 2

Approved by the Implementation Committee on March 8, 2004

**Resolution of the Implementation Committee of the Upper Colorado River Endangered Fish Recovery Program re: State of Colorado's Share of Capital Project Costs**

WHEREAS, the State of Colorado is committed to recover the endangered fishes under the Upper Colorado River Endangered Fish Recovery Program (Recovery Program), and

WHEREAS, Public Law 106-392 recognizes cost share contributions by the State of Colorado to the Recovery Program, and

WHEREAS, on December 9, 2002, the Recovery Program's Implementation Committee approved a proposal for Elkhead Reservoir enlargement, and on March 8, 2004, the Recovery Program's Recovery Action Plan ("RIPRAP") was modified to reflect the process for achieving that enlargement pursuant to the Management Plan for Endangered Fishes in the Yampa River Basin, and

WHEREAS, the Recovery Program desires to have the Colorado River Water Conservation District ("River District") receive and manage funds from state and federal entities for the Elkhead Reservoir Enlargement capital construction project, and to coordinate and implement that project, and

WHEREAS, the State of Colorado has initiated discussions and negotiations with the River District to provide cost share funds pursuant to Public Law 106-392 directly to the River District for use in implementing the Elkhead Reservoir Enlargement capital construction project to ease the timing and administration of the project;

NOW THEREFORE BE IT RESOLVED by the Implementation and Management committees of the Recovery Program that the State of Colorado provide its remaining cost share payments directly to the River District for the Elkhead Reservoir Enlargement capital construction project and these payments will constitute Colorado's remaining share of the Recovery Program's capital costs pursuant to Public Law 106-392, provided that members of the Recovery Program's Management Committee have the opportunity to review and comment by April 7, 2004, on: 1) the agreement between the State of Colorado and the River District specifying the amount and timing of the contributions that will constitute the State of Colorado's remaining cost share payments; and 2) the contract between the United States and the River District for storage space and a water right in the Elkhead Reservoir Enlargement, and the associated short term water lease.