

CR/FY-01 UCRRIC
Mail Stop 65115

Memorandum

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

From: Assistant Director, Upper Colorado River Recovery Implementation Program

Subject: Draft March 14, 2001, 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 me (ext. 221) if you think any changes are necessary.

Attachment

- Summary -

Actions and Assignments
Recovery Implementation Committee–March 14, 2001

COMMITTEE ACTIONS:

1. Approved the September 6, 2000, meeting summary as written.
2. Approved the recommended RIPRAP revisions.
3. Approved the FY 2002 Program Guidance with a placeholder for funding to use Colorado's native fish hatchery to help raise fish for the Program.

ASSIGNMENTS:

1. Final comments from Program participants on the March 12, 2001, draft recovery goals are due by April 11 to Robert_Muth@fws.gov (please don't post the comments to the listserver). (Bob will make sure the comments are distributed to the Program participants).
2. Wyoming and WAPA will work together to resolve their differences regarding whether or not the States will be released from their annual funding commitment after 2003.
3. Angela Kantola will call Don Glaser and ask him to send out NFWF's standard agreement articles (done). John Shields will call New Mexico and encourage them to get their agreement with NFWF done as soon as possible. State Implementation Committee members will commit their staffs to completing their agreements with NFWF as soon as possible. Reclamation will seek any flexibility they may have to keep the capital projects moving forward (e.g., delaying repayment of BIA for fish passage).

- Summary -
March 14, 2001, Implementation Committee Meeting
Denver, Colorado

CONVENE: 9:30 a.m.

1. Introductions
2. Approve September 6, 2000 meeting summary - The Implementation Committee approved the summary as written.
3. Program Director's update on the Recovery Program and status of the fish - Bob Muth gave an overview of recent Program accomplishments, issues, and future direction (see <http://www.r6.fws.gov/crrip/doc/UPDATE15.pdf>). Tom Pitts requested that the assessment of nonnative fish control efforts not interrupt those efforts for 2002; Bob agreed. In response to a question about the Gunnison and Colorado River flow recommendations report, Susan Baker said the Service plans to finalize the report after meeting to discuss remaining technical issues on April 10. Noting that the Aspinall Unit facilities are the last peaking power facilities in CRSP, Leslie James said CREDA hopes the Program can reach complete consensus on the Gunnison and Colorado River flow recommendations (consensus even the minority reporters can be satisfied with). Dave Mazour said he'd like to know that the Service intends to take the remaining technical concerns seriously. Tom Pitts said he thinks it may take more than one meeting to resolve the technical issues. John Shields noted that the Management Committee intends to address the larger (non-technical or policy) issues, believing that the flow recommendations report is not the right place to address policy. The Management Committee invited WAPA to propose a process for resolving remaining policy issues. Ralph noted that the group that meets on April 10th may want to propose a process for resolving any issues that remain after that meeting.
4. Recovery goals update - Bob Muth said the revised goals were distributed via e-mail on Monday, March 12. Major changes are: 1) they call for only one core humpback chub population in the Grand Canyon; and 2) recovery of Colorado pikeminnow is now considered only in the Upper Basin (the Service will determine the need for lower basin populations later, and provisional recovery criteria for Colorado pikeminnow in the lower basin have been moved to an appendix). The Program Director's office and the Service have been on a briefing tour for these recovery goals over the last month. Editorial board meetings will be scheduled with the press when we know when the goals will be published in the *Federal Register*. Bob said current data indicate that the upper basin metapopulation of Colorado pikeminnow is adequate for recovery. Middle and lower Green River pikeminnow are now considered one core population because although they have separate stock recruitment, panmixing occurs between these stocks. Ralph said the goal has been to publish availability of the draft goals in the *Federal Register* by the end

of March, with a 45-day comment period. Greg Walcher encouraged the Service and the Department not to publish the goals as written, believing this will cause unnecessary confrontation. Colorado is particularly concerned about the lack of certainty in the goals with regard to required flows (as a condition of delisting and downlisting). Ralph clarified that the recovery goals will be reviewed every 5 years and can be revised based on new information. For example, if we find that the fish can be recovered with less flow than originally thought, then the flow aspect of the goals will be revised. Dan Luecke said he believes it's time to publish the goals and get comments from outside the Program, and encouraged the Service to move ahead. Clayton said WAPA hasn't had time to digest the latest revisions. Tom Pitts noted that language contained in earlier drafts which required meeting flow recommendations has been changed to "water needed for recovery." The water users are satisfied with that language and can accept the inherent uncertainty. Tom said he thinks Colorado needs a chance to look at the revised documents and inform the Program of their specific concerns. Ralph agreed to a short additional review. Final comments are due by April 11 to Robert.Muth@fws.gov (please don't post the comments to the listserv). (Bob will make sure the comments are distributed to the Program participants). An Implementation Committee conference call may be needed after that. The Committee tentatively scheduled a call-in conference call for April 23 at 9:00 a.m. Susan Baker noted that we have not offered the lower basin an opportunity to comment on these drafts. Bob Muth expressed concern that we seem to be in an endless comment/review period. Ralph noted that if we're going to include everyone in the opportunity to comment, then the best way to do that is to publish the draft goals in the *Federal Register*. Ralph will recommend to Interior that we review comments that come in on April 11, try to resolve anything that comes out of that via the conference call, and publish the goals immediately thereafter.

5. Extending the Recovery Program beyond 2003 - John Shields introduced the draft extension document, noting that the Management Committee is reviewing this and some revisions are anticipated (e.g., CREDA and WAPA have submitted comments). Greg Walcher said Colorado still links extension of the Program to resolution of the recovery goals. John Shields emphasized that PL 106-392 requires that the Program be extended by January 21, 2002. The Committee may want to consider both a signing ceremony in September (and also *who* should sign the extension). Tom Pitts said he doesn't care if we have a ceremony, but believes the extension should be signed by the Governors and the Secretary of the Interior. Ralph agreed. The Committee decided against a signing ceremony. The authorities of PL 106-392 are terminated on January 21, 2003 unless the Program is extended to conform with PL 106-392 by January 21, 2002. Such termination would halt Reclamation's capital funding and WAPA's capital and annual funding. WAPA and Wyoming disagree as to whether or not the States would be released from their annual funding commitment after 2003. John Shields said that as a condition of seeking their capital cost-share, Wyoming has always maintained that they would be released from their annual funding commitment after 2003. Pragmatically, the States contribute their annual funds as in-kind services and will continue to do so, therefore, releasing the states from the dollar commitment doesn't change anything. >Wyoming and WAPA will work together to resolve their differences on this issue.

6. Review/approve recommended RIPRAP revisions - Bob Muth introduced the revisions to the RIPRAP, noting two major changes: addition of items from the recovery goals; and inclusion of items for the Gunnison Basin PBO. The Committee approved the recommended RIPRAP revisions. Bob Muth introduced the RIPRAP assessment, noting that the Service will use this when it meets to consider sufficient progress under the Recovery Program. The Management Committee has asked the Service to consider raising the 3,000 acre-foot depletion threshold in that process. Ralph said that the Service would look at that seriously.
7. Review/approve FY 2002 Program Guidance - Bob Muth introduced the draft FY 2002 program guidance. Bob said a placeholder would be added for funding to use Colorado's native fish hatchery to help raise fish for the Program. The Management Committee also asked if funds would be needed to implement Colorado's fisheries management plan in FY 2002. Tom Nesler has told Bob Muth that he doesn't believe funds will be needed in 2002. Clayton Palmer raised a question regarding which Flaming Gorge operations would be evaluated in the "Evaluation of Flaming Gorge flow recommendations" new start (since the flow recommendations have not yet been implemented). Clayton said WAPA will be very interested in reviewing/commenting on this scope. This project also will need to be coordinated with EIS process for implementing the Flaming Gorge flow recommendations. The Committee approved the FY 2002 Program Guidance.
8. Budget Update
 - FY 2002 depletion charge and annual budget adjustments - Angela Kantola reviewed the table. Brent noted that an additional \$465K was requested for land acquisition in FY 01 and Reclamation proposes reducing its FY 02 contribution by that same amount to balance the outyear budget.
 - WAPA budget issues (FY 2001 and beyond) - Clayton said WAPA had to buy power last summer due to hydrological conditions and constrained operations. As a result of this and a much higher rate due to California electrical generation regulation, the Basin fund was drawn down considerably. This can affect Program base and capital funding. FY 2001 capital funds from power revenues were reduced and will be made up in FY 2002 through a CWCB loan. Clayton said that WAPA is committed to meeting both its capital and annual funding obligations. Tom Pitts asked about the time needed to seek an appropriation for annual O&M funds if power revenues aren't available (as stipulated in the legislation). Clayton said he will keep the Program alerted to their basin fund status so that supplemental appropriations could be sought during the annual D.C. briefing trip if needed.
 - Update on implementation of PL 106-392 - Carol DeAngelis said less than \$700,000 of FY 2002 capital funds from Reclamation and power revenues remain. They will have to cease work on those capital projects if the State funds don't become available immediately. John Shields distributed a status update and

agreed the States haven't implemented their agreements with NFWF quickly enough. John believes it will be about 5 weeks before all the agreements are completed. John recommends that Implementation Committee members make completing these agreements a much higher priority for their staff. The most important thing is to get basic agreements in place with NFWF so that the States can get their money in the pipeline. The States also need to agree whether they will execute an MOA to formalize their capital funding commitments, and if so, who should sign it. The Committee agreed to drop the MOA for now and focus solely on the agreements with NFWF. >Angela Kantola will call Don Glaser to ask him to send out the NFWF's standard agreement articles. >John Shields will call New Mexico and encourage them to get their agreement done as soon as possible. >State Implementation Committee members will commit their staffs to completing these agreements as soon as possible. >Reclamation will seek any flexibility they may have to keep the capital projects moving forward (e.g., delaying repayment of BIA for fish passage).

9. Update on March 15-20, 2001, Congressional briefing trip - John Shields distributed the final trip itinerary and outlined who the group will brief. Copies of the briefing book were distributed and are on the web at <http://www.r6.fws.gov/crrip/doc/PrgrmHilites01.pdf>
10. Ralph Morgenweck presented a plaque to Jeff Fassett in appreciation for his many years of service to the Recovery Program as Wyoming's representative on the Implementation Committee. Tom Pitts noted that Robert Wigington is leaving the Management Committee and thanked Robert for his contributions to the Program.
11. Scheduling the September 2001 Implementation Committee meeting - The Committee set the meeting for September 6, 2001 in Denver. Also, as noted above, the Committee tentatively scheduled a call-in conference call for April 23 at 9:00 a.m.

ADJOURN: 12:40 p.m.

Attachment 1 - Attendees
Colorado River Recovery Implementation Committee: September 6, 2000

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)
Carol DeAngelis for Rick Gold, U.S. Bureau of Reclamation
Greg Walcher, Colorado Department of Natural Resources
Clayton Palmer for Dave Sabo, Western Area Power Administration
Dan Luecke, Environmental Defense
Tom Pitts, Upper Basin Water Users
Pat Tyrrell, Wyoming State Engineer's Office
Hugh Thompson for Kathleen Clarke, Utah Department of Natural Resources
Ron Everhart for Karen Wade, National Park Service
Leslie James, Colorado River Energy Distributors Association
Bob Muth, U.S. Fish and Wildlife Service (Program Director) (nonvoting)

OTHERS:

John Shields, Wyoming State Engineer's Office
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
Tom Iseman, The Nature Conservancy
Angela Kantola, U.S. Fish and Wildlife Service, Recovery Program
John Reber, National Park Service
Skip Ladd, National Park Service
Christine Karas, U.S. Bureau of Reclamation
Brent Uilenberg, U.S. Bureau of Reclamation
Susan Baker, U.S. Fish and Wildlife Service
Kent Holsinger, Colorado Department of Natural Resources
Ray Tenney, Colorado River Water Conservation District
Dave Mazour, Colorado River Energy Distributors Association
Don Carlson, Northern Colorado Water Conservancy District
Tom Blickensderfer, Colorado Department of Natural Resources
Jeff Fassett, Fassett Consulting
Elizabeth Fassett, Fassett Consulting