

CR/FY-02 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 May 14, 2002 Recovery Implementation Committee Conference Call
Summary

Attached are the draft action and assignment summary and the general meeting summary from the recent Implementation Committee conference call. Please review these documents and contact me (303/969-7322, ext. 221) if you think any changes are necessary.

Attachment

- Summary -

Actions and Assignments
Recovery Implementation Committee—May 14, 2002

COMMITTEE ACTIONS:

1. Scheduled two additional conference calls: May 29 at 2:30 p.m. and July 23 at 2:30 p.m.

ASSIGNMENTS:

1. Robert Wigington will see if the Land and Water Fund can submit a placeholder application for funding to support Dan Luecke's representation of environmental groups in the Recovery Program by Wednesday, May 15. Ralph Morgenweck will write a letter of support to Don Glaser. Ralph also will follow up with Dan Luecke and Robert and Ralph will touch base on this next week.
2. Ralph Morgenweck has prepared a draft letter to Fred Krupp regarding ED's withdrawal and will send that to the Implementation Committee for review by Friday, May 17 (with a copy to Robert Wigington).
3. By May 22, Reclamation will provide the Committee an outline what can be done by 2005 on Price-Stubb, Tusher and Elkhead (and include an estimate of the Elkhead construction schedule from CRWCD).
4. By May 22, the Service will provide the Committee an analysis of the effect of the proposed extension on achieving recovery, evaluating the recovery goals in light of the schedule we're discussing and how meeting the goals depends on the capital construction schedule.
5. Tom Pitts will tell the congressional staff we've been working with on extending the authorization for P.L. 106-392 that we don't yet have consensus on the language, and will get back with them in late July.

- Summary -
May 14, 2002, Implementation Committee Conference Call
Denver, Colorado

CONVENE: 9:00 a.m.

1. Roll call, introductions and modifications to the agenda - The agenda was modified as it appears below. John Shields congratulated Angela Kantola on her recent Superior Service award from the Department of Interior.

2. Discussion of Recovery Program environmental group representation. Robert Wigington said that The Nature Conservancy (TNC) was not consulted about the withdrawal of Environmental Defense (ED) from the Recovery Program and are very disappointed at ED's decision. TNC is committed to find a way for Dan Luecke to continue to represent environmental groups in the Recovery Program and perhaps also in the Platte River program. Robert said TNC is pursuing two strategies: 1) ask TNC Executive Officer David Harrison to contact Fred Krupp; and 2) talk with the Land and Water Fund (which has been active on the Gunnison River) about contracting with Dan to represent environmental groups in the Recovery Program. TNC could contract with Dan, but would prefer to maintain a broader base of environmental group representation within the Program. NFWF did not make the grant to ED (was ready to do so, but now someone else will need to apply for it). Robert thinks there's a good chance for redirecting those funds. According to Don Glaser, NFWF needs to receive an application today or tomorrow to place-hold the funds. Robert will see if the Land and Water Fund can do that. Ralph will write a letter of support to Don Glaser. Ralph also will follow up with Dan Luecke and Robert and Ralph will touch base on this next week. The Committee discussed representation of environmental groups in general versus representation of one or more specific environmental groups. John Shields asked 1) if it would be helpful if other participants sent Glaser a letter of support for this application to be filed and Robert said that apparently wasn't necessary. John asked if the Land and Water fund has the required 501(c)(3) status to apply for NFWF funds and Robert said he would double-check. Ralph has prepared a draft letter to Fred Krupp regarding ED's withdrawal and will send that to the Implementation Committee for review by Friday (with a copy to Robert Wigington). Clayton Palmer asked for clarification of ED's letter of withdrawal, and Robert said the letter declares that ED is withdrawing from the Recovery Program.

3. Discussion and action on proposal to extend the authorization/implementation period for federal and non-federal funding under P.L. 106-392. (The proposed amendment to P.L. 106-392 would extend the period for implementing capital projects from 2005 to 2008 for the Upper Colorado River Recovery Program and from 2007 to 2008 for the San Juan River Recovery Program.) Leslie James noted that during the CREDA board meeting last week, Bob Lynch advised her that there may be an attempt by lower basin interests to insert language regarding distinct population segments to any amendment of P.L. 106-392. The Committee discussed this possibility and how it might be avoided. In light of the potential relationship to the recovery goals, Greg Walcher recommended deferring

discussion of extending the authorization until the recovery goals are finalized. Greg expressed concern that seeking an extension now eliminates pressure needed to meet recovery deadlines. Tom Pitts countered that the extension is needed because Reclamation budgets three years forward and won't have funds for needed capital project recovery activities like Price-Stubb fish passage, Tusher Wash screening, and Elkhead Reservoir enlargement in 2006 if we don't extend the authorization. Greg recommended putting the money in Reclamation's 2004 budget, instead, and forcing things like the NEPA process on Elkhead enlargement to be completed in 2 or 3 months instead of dragging it out for 2 or 3 years. Brent Uilenberg said he believes chances for completing Price-Stubb passage by 2005 have improved, but we're really at risk with the Tusher fish screen (at the mercy of the Utah Supreme Court) and Elkhead enlargement. Numerous local issues (not just NEPA) remain to be worked through before Elkhead can be enlarged. Even if NEPA were completed in 18 months, it's extremely unlikely that construction could be completed in 2005. If the NEPA process were begun today, we still wouldn't have a construction contract until mid-2004, leaving only 6 months for a 2-3 year construction job. By May 22, Reclamation will provide the Committee an outline what can be done by 2005 on Price-Stubb, Tusher and Elkhead (and include an estimate of the Elkhead construction schedule from CRWCD).

Greg Walcher said he believes we'll likely have consensus on extending the authorization in July after a Notice of Availability of the final recovery goals are published in the Federal Register, and we can forward amendment to Congress at that time. Other Committee members suggested that wouldn't allow enough time to get the authorization approved this year. Ralph Morgenweck and Bob Muth emphasized that the timelines in the recovery goals won't change from the current draft, and no changes to the recovery criteria are anticipated, either. Greg maintained that Colorado would consider the extension after the final recovery goals are available. By May 22, the Service will provide the Committee an analysis of the effect of the proposed extension on achieving recovery, evaluating the recovery goals in light of schedule we're discussing and how meeting the goals depends on the capital construction schedule. Meanwhile, Tom Pitts will tell the congressional staff we've been working with that we don't yet have consensus on the language, and will get back with them in late July.

The Committee will discuss the information to be provided by Reclamation and the Service on a conference call on May 29 at 2:30 p.m. The Committee will consider a decision on requesting an extension for the authorization on a conference call at 2:30 p.m. on July 23.

ADJOURN: ~10:30 a.m.

Attachment 1 - Participants
Colorado River Recovery Implementation Committee Conference Call, May 14, 2002

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, Western Area Power Administration
Tom Pitts, Upper Basin Water Users
Pat Tyrrell, Wyoming State Engineer's Office
Sherm Hoskins for Bob Morgan, Utah Department of Natural Resources
Skip Ladd and John Reber for Karen Wade, National Park Service
Leslie James, Colorado River Energy Distributors Association
Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Robert Wigington, The Nature Conservancy
John Shields, Wyoming State Engineer's Office
Robert King, Utah Department of Natural Resources
Sue Lowry, Wyoming State Engineer's Office
Shane Collins, Western Area Power Administration
Dave Mazour, Colorado River Energy Distributor's Association
Tom Blickensderfer, Colorado Department of Natural Resources
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program