

CR/FY-00 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 September 6, 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 me (ext. 221) if you think any changes are necessary.

Attachment

- Draft Summary -

Actions and Assignments
Recovery Implementation Committee–September 6, 2000

COMMITTEE ACTIONS:

1. Approved the March 8, 2000, meeting summary.
2. Approved the draft FY 2001 work plan (with the understanding that a few of the scopes of work under revision require approval by the technical committees). If the long-term funding legislation doesn't pass, the Implementation Committee will schedule either a meeting or conference call to reconsider the work plan and the Management Committee's recommendations.
3. Approved both CREDA and the Park Service as voting members of the Recovery Program (the Park Service will inform the Implementation Committee in advance of their next meeting if they will accept).

ASSIGNMENTS:

1. Once the FY 2001 work plan is approved and completed, the Program Director's Office will revise the "without-legislation" scenario and get that out to Program participants so they can begin to consider what they want to do if the legislation doesn't pass.
2. The Park Service will inform the Implementation Committee well in advance of their next meeting if they will accept voting membership in the Recovery Program. If they do decide to accept, they will also develop the required supporting resolution.
3. John Shields will replace Tom Pitt's memo with Reclamation's outyear discussion workplan as the attachment to the recommendations for incorporating non-federal cost share funds into the Recovery Program.
4. All four recovery goals packages will be mailed from the Program Director's office by Friday, September 15. Written comments are due to the Program Director's office by October 27. At the November 20 Management Committee meeting, the Program Director's office will be prepared to discuss how they can (or cannot) address each comment and the major agenda item at that meeting will be to discuss outstanding issues. The Program Director's Office will post an update on the listserv specifically on the new schedule for the recovery goals.

- Draft Summary -
September 6, 2000, Implementation Committee Meeting
Denver, Colorado

CONVENE: 9:30 a.m.

1. Introductions - After introductions, Committee chair Ralph Morgenweck presented outgoing Program Director Henry Maddux with a plaque of appreciation and Cabela's gift certificate from the Recovery Program and a formal resolution of thanks from the Implementation Committee.
2. Approve March 8, 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 - Henry Maddux gave an overview of recent Program accomplishments, issues, and future direction (see <http://www.r6.fws.gov/crrip/doc/UPDATE14.pdf>). Henry noted that Reclamation has developed a short-term contract for release of up to 10,000 acre-feet of water from Green Mountain Reservoir to benefit the endangered fish in the Grand Valley during this very dry season. The Yampa Management Plan group held a facilitated meeting last week with stakeholders in the basin and reached consensus on providing augmentation flows for the fish and controlling nonnative fishes in the Yampa River. Dan Luecke said he believes the long-term demand for water diversions and depletions on the Yampa are over-inflated, thus he does not necessarily agree with recommended options for augmentation flows, and asked how the Yampa plan would come to the Program for approval. Henry replied that some of the alternatives had been discussed at the last Management Committee meeting and that the flow recommendations are those in the approved Modde report. Henry said he envisions that the Yampa Management Plan and related programmatic biological opinion would be reviewed at the Management Committee level such as was done on the 15-Mile Reach PBO. John Shields noted that the scopes of work which will implement the Yampa plan also will come forward for approval at all the committee levels. Dan asked about tracking depletions under the 15-Mile Reach PBO and Henry replied that actual new depletions will be tracked under CRDSS (reviewed every 5 years), but that each individual consultation (and its maximum depletion amount) is shown in the Section 7 Consultation list which is updated quarterly.
4. Review/approve recommended FY 2001 Work Plan - Henry Maddux gave a brief overview of the draft work plan, which has the unanimous recommendation of the Management Committee. The Implementation Committee approved the recommended work plan, with the understanding that a few of the scopes of work under revision require approval by the Biology Committee (Price River study, Yampa River catfish control, Yampa River northern pike spawning exclusion, monitoring stocked fish, and lower Green River population estimate) and the Water Acquisition Committee (Gunnison River water demand study). If the long-term funding legislation doesn't pass, the Implementation Committee would schedule either a meeting or conference call to reconsider the work plan and the Management Committee's recommendations. Once this work plan is approved and completed, the Program Director's Office will revise the "without-legislation" scenario and get that out to Program participants so they can begin to consider what they want to do if the legislation doesn't pass.
5. Voting privileges for CREDA in the Recovery Program - Leslie James reviewed CREDA's interest in and funding (via power revenues) of the Recovery Program,

including their participation in the Program's committees and their strong support for the long-term funding legislation (under which considerably greater power revenues will become part of the Program). Leslie requested that the Committee grant voting status such on par with all other members of the Program. Tom Pitts said the water users support voting member status for CREDA. Dan Luecke acknowledged CREDA's participation and commitment, and said he has the same position he held previously, that he supports *both* CREDA and the National Park Service as new voting members. Dan believes it is justifiably important to maintain balance in stakeholder interest. (Even in a consensus process, balanced interest can be significant. Further, the Biology Committee does not operate by consensus). Tom Pitts asked if the Park Service wants to become a member and what contributions they plan to bring to the Program. Tom questioned whether the Park Service brings the same strong commitment in seeing the Recovery Program succeed and the broad-based interest as other Program participants. John Shields said he supports CREDA's voting membership and that he believes the Program should be open to entertaining requests for membership from other interested parties. Dave Sabo supported voting membership for CREDA, noting that they've played a vital role in the long-term funding legislation. Dan requested that the Committee not vote on the question of CREDA voting membership today, and suggested that the Park Service let the Committee know what their interest is and answer the questions Tom Pitts has raised. John Reber says he believes there's significant overlap in Park Service and Recovery Program interests. However, John said he agrees that any stakeholder in the Program should be considered on their own merit. The Park Service is interested in membership, they are considering whether to ask for voting membership, and are looking at specifically what they would plan to bring to the Program. Leslie James noted that CREDA's board meets next week to develop their work plan for the upcoming year. Dan still believes balance is important; however, if the Park Service decides not to request voting membership, Dan would consider CREDA's request on its own merit, and doesn't see any reason he wouldn't support it. Tom Pitts proposed that the Committee approve both CREDA and the Park Service as voting members, and if the Park Service declines, so be it (CREDA's membership would not be affected). Greg Walcher asked for further information about the Park Service's interest in the Program, as compared to, for example, any other landowner along the river. John Reber said that if the Park Service accepts voting membership, he agrees that they will need to actively participate at all levels. The Committee approved Tom Pitts' proposal to accept both the CREDA and the Park Service as voting members; the Park Service will communicate with the Implementation Committee between now and the next meeting whether they will accept voting membership and will develop the required supporting resolution if they do accept.

6. Update on long-term funding legislation - Tom Pitts noted that the House passed the legislation on July 25 (with thanks to Kathleen Clarke's persuading Representative Hansen to support it). The hearing in the Senate on April 25 went well, but the committee staff didn't write a report on the bill which brought progress to a halt in the Senate. Mr. Allard's office has assured Tom that the report will be written and that the Senate will pass the legislation before they adjourn. There's a minor difference between the House and Senate bills, so the goal is to get the Senate to adopt and pass the House bill.
7. Update on hiring process for new Program Director - Ralph Morgenweck noted that the job was advertised (both within and outside the Federal government) yesterday and is open through September 22, 2000. Once the vacancy has closed and the certificate is put together, Bob McCue, Henry Maddux, and John Shields will participate in the interview panel. The vacancy announcement may be found on the web at <http://www.usajobs.opm.gov/wfjic/jobs/IN3515.HTM> and <http://www.usajobs.opm.gov/wfjic/jobs/IN4950.HTM>.

8. Incorporating the State's capital funding and power revenues into the Recovery Program - John Shields reviewed the Committee's assignment to the Management Committee to provide recommendations for incorporating the subject funds into the Recovery Program. The Management Committee has recommended that the States develop agreements with the National Fish and Wildlife Foundation (NFWF) and provide their funds to the Program through NFWF. John will replace Reclamation's memo with Reclamation's outyear discussion workplan. The Committee discussed the various options. The Committee believed that each state should get credit for their interest (minus the management fee). Kathleen Clarke said Utah's funds for FY 2001 do not become available until July 1. Kathleen says she believes she'll recommend the funds be transferred to UDWR, then to NFWF. Greg said that Colorado's funds are available (although they will have to use principle), but he's still somewhat skeptical about using NFWF. John Shields said Wyoming's funds are available and they'd also be willing to contribute more than their established amount in the first year, which could help them be sure they get their funds expended by 2001 and might help Colorado avoid using principle in the first year. Dave Sabo said that Western is still determining whether to use basin funds directly or to use a CWCB loan.
9. Recovery goal update - Henry Maddux outlined the issues discussed at the Management Committee meeting. Greg Walcher said Colorado cannot agree to recovery based on management actions (as opposed to only fish population goals, which to be reached, necessarily encompass factors such as habitat). Ralph noted that the courts did not accept that argument from the Service on grizzly bears in 1995. So, case law now says we have to have management actions in place that address habitat, etc. Margot said that this case law requires that we show we've met measurable criteria that show each of the listing factors have been met. It's much harder to delist than to list and the standard of proof is much higher. Greg noted that the case law is limited; Dan Luecke countered that they believe a legal challenge to population-only recovery goals (without the habitat protection and management features) would most certainly be successful. All four packages will be mailed from the Program Director's office by Friday, September 15, written comments are due to the Program Director's office by October 27. At the November 20 Management Committee meeting, the Program Director's office will be prepared to discuss how they can (or cannot) address each comment and the major agenda item at that meeting will be to discuss outstanding issues. The Program Director's Office will post an update on the listserv specifically on the new schedule for the recovery goals.
10. Scheduling of March 2001 Implementation Committee meeting - March 8, 2000, location to be determined.
11. On behalf of the Executive Committee of the Colorado Water Congress, Tom Pitts presented Henry Maddux with a resolution recognizing Henry's dedication and achievements as Recovery Program Director.

ADJOURN: 2:20 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)
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
John Shields, State of Wyoming
Kathleen Clarke, Utah Department of Natural Resources
Leslie James, then Dave Mazour, Colorado River Energy Distributors Association (voting member as of this meeting)
Henry Maddux, U.S. Fish and Wildlife Service (previously the 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
Angela Kantola, U.S. Fish and Wildlife Service, Recovery Program
John Reber, National Park Service
Brent Uilenberg, U.S. Bureau of Reclamation
Christine Karas, U.S. Bureau of Reclamation
Margot Zallen, Department of Interior Solicitor's Office
Susan Baker, U.S. Fish and Wildlife Service
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 Czapl, U.S. Fish and Wildlife Service, Recovery Program
Clayton Palmer, Western Area Power Administration
Kent Holsinger, Colorado Department of Natural Resources