

CR/FY-06 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: Final September 22, 2006, Recovery Implementation Committee Conference Call
Summary

Attached are the final action and assignment summary and the general summary from the September 22, 2006, Implementation Committee conference call.

Attachment

- Summary -
Actions and Assignments
Recovery Implementation Committee Conference Call –September 22, 2006

ASSIGNMENTS:

1. The Service will distribute comments submitted on draft sufficient progress letter to Management and Implementation committees today.
2. Bob Muth and Dan Luecke will draft a resolution for the Committee on the results needed from the upcoming nonnative fish management workshop and nonnative fish management on the Yampa River, in particular.
3. Tom Pitts will draft a resolution on completing the capital projects.

MEETING SUMMARY:

Elkhead Reservoir enlargement cost overrun – The Committee discussed the environmental groups’ concerns regarding approving the Elkhead cost overrun at this time. Dan Luecke said he met with Bart Miller, Robert Wigington and Tom Iseman and subsequently submitted the environmental groups concerns to the Implementation Committee in writing yesterday (see attachment 2). Dan L. said that the environmental groups are committed to the base flow augmentation in the Yampa River from Elkhead Reservoir, but see both the status of native fishes in the Yampa River and funds for the remaining capital projects as tied to base flow augmentation. Dan L. said he has discussed these concerns with a number of Program participants. Dan L. said they would like to see the Biology Committee describe in some detail how we can get from 1% to 20-30% small-bodied fish in low velocity areas on the Yampa River, that they believe we need to do more to implement recommendations from smallmouth bass summit, and that he has spoken with biologists who believe there are more things we can do to improve native fish populations in the Yampa (especially with regards to smallmouth bass management). Dan L. said he spoke with Eric Kuhn, and Eric does believe the Program is handling Elkhead differently than other capital projects, but that the River District’s October 11th Board meeting does not create an absolute deadline for the Program to make a decision on the Elkhead cost overrun. Dan L. said they would like to see written commitments from the Program regarding nonnative fish management on the Yampa and completing the remaining capital projects.

Tom Pitts asked about Dan’s mention of possible additional capital projects (beyond Elkhead enlargement, Price-Stubbs fish passage, and Tusher Wash screening), acknowledged that the Program does not have funds for additional projects beyond these, but said that if we discover other capital projects are needed for recovery, the Program clearly will have to address that need. Tom P. expressed concern that the environmental groups’ representatives on the Biology and Management committees have not expressed the concerns Dan has brought to the Implementation Committee nor have they suggested alternative solutions at recent Biology or Management committee meetings where related issues were discussed. Tom P. said he does

believe the Implementation Committee can put some assurances in writing regarding how the Program will respond to the environmental groups' concerns, however.

Bob Muth said that the December nonnative fish workshop can be structured to meet Dan's requests to describe actions for nonnative fish management and relate those to the nonnative fish criteria, etc. Dan said they want to see a more structured framework for adaptive management (the Program has committed to that in the research framework, but that's not yet complete). Bob invited Dan to help structure and participate in the nonnative fish workshop so that the environmental groups' objectives can be achieved; Dan L. agreed. Mitch King agreed nonnative fish management is a major concern for the Program, there's clearly room for improved efforts, and that he sees Dan's participation in that workshop as critically important. Leslie James asked that the nonnative fish workshop not be scheduled during the December 13th-15th water users Las Vegas meeting or during the Glen Canyon Dam Adaptive Management Work Group meeting which may be scheduled the first week of December.

Tom Blickensderfer said he wants to get one issue off the table that Dan L. mentioned at the September 11 meeting, that being recent stories in the press regarding nonnative fish management and the Colorado Wildlife Commission, the Colorado Division of Wildlife, and so forth. Tom B. emphasized that these stories do not reflect what's going on within the Division. Mitch King said he'll be as upset as anyone if he has any indication that the Division is backing away from nonnative fish management, but that he hasn't heard that *at all* (quite the opposite, in fact).

Mitch King recommended that the Implementation Committee give a strong charge to the Biology Committee to carefully review nonnative fish management efforts to date and to come back with recommended alternatives that the Program can implement to improve our results. The Program wants to hear all recommended alternatives and review those through its committee process. The Management and Implementation committees will then review the Biology Committee's recommendations and take appropriate actions. Dan L. added that they want to see those alternatives related back and compared to the quantitative interim criteria we are trying to achieve as well as to the actions already being implemented. >Bob Muth and Dan Luecke will draft a resolution for the Committee containing this charge. John Reber offered to help with the workshop and with the process of developing measurable targets.

Mitch King recommended a similar statement of strong commitment to completing Elkhead enlargement, Price-Stubbs fish passage and Tusher Wash screening, including a commitment to seek any additional funding if needed to complete those projects. >Tom Pitts will draft a resolution for the Committee on this.

With regard to capital funds, John Shields noted the \$4M in Federal appropriations still needed to match the \$65 million in non-Federal contributions. As to the committee process, John said that the Management Committee stands ready to do anything needed to improve that process so that issues can be appropriately raised and considered. John added that he believes Dan Luecke's memo provides a strong basis for the resolution that he and Bob Muth have agreed to draft for the Implementation Committee. Mitch King agreed.

The Committee agreed that Bob and Dan and Tom P. will provide the draft resolutions for the Committee's review by Monday, October 2; comments will be due by noon on October 5; and the Committee will hold a conference call to consider those resolutions on Friday, October 6 at 2 p.m. (Pat Tyrrell said Wyoming will provide comments by proxy through John Shields. Carol DeAngelis said Brent may stand in for her.) Pat asked if these resolutions will allow us to move forward on Elkhead payment; Mitch replied that assuming we have two strong resolutions addressing the environmental groups' concerns on October 6th, then he believes we should be able to ask the Committee for approval to move forward on Elkhead at that time (and hopefully get a positive response). Dan L. agreed. Dan L. expressed his appreciation to the Committee for their time in addressing these concerns.

Attachment 1 - Participants
Colorado River Recovery Implementation Committee Conference Call
September 22, 2006

IMPLEMENTATION COMMITTEE MEMBERS:

Mitch King, U.S. Fish and Wildlife Service (Chairman)
Carol DeAngelis, U.S. Bureau of Reclamation
Janet Wise, National Park Service
Dan Luecke, Environmental Groups
Leslie James, Colorado River Energy Distributors Association
Clayton Palmer, Western Area Power Administration (via phone)
Tom Pitts, Upper Basin Water Users
Pat Tyrrell, Wyoming State Engineer's Office
Tom Blickensderfer for Russell George, Colorado Department of Natural Resources
Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)
(No representative was available from the State of Utah)

OTHERS:

John Shields, Wyoming State Engineer's Office
Brent Uilenberg, U.S. Bureau of Reclamation
John Reber, National Park Service
Carol Taylor, U. S. Fish and Wildlife Service
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program
Dan Birch, Colorado River Water Conservation District
Margot Zallen, Department of Interior, Solicitor's Office

Attachment 2
Memorandum (Draft)

To: Implementation Committee
From: Conservation representatives
Date: September 21, 2006
Re: Elkhead Cost Overrun

Background

For almost two decades the conservation group participants in the Endangered Fish Recovery Program for the Upper Colorado River Basin have steadfastly and collaboratively worked to achieve consensus on how to recover the endangered fish while providing for existing and continued water development. This track record is evident in a decade of work to reach consensus on a Yampa Management Plan that culminated in a programmatic biological opinion keyed to positive responses from endangered fish populations. It is also evident in detailed agreements for sharing the cost of enlarging of Elkhead Reservoir to enable the augmentation of base flows on the lower Yampa River in conjunction with the development of a storage supply to meet other local needs.

In seeking consensus on Elkhead enlargement, the conservation group participants were concerned about how potential cost overruns on the reservoir enlargement would be managed and how more explicit hypotheses and population response criteria would be articulated for the recovery actions in the Yampa Plan. The potential for a cost overrun on the most expensive Recovery Program capital project was squarely addressed by the negotiated clauses in the cost sharing agreements that gave the Program the option to take less permanent storage water from the enlargement of the Elkhead Reservoir thereby avoiding impacts to other capital projects needed for endangered fish recovery.

The programmatic biological opinion was then finalized with assurances that endangered fish population response check points would be set and assessed annually for their linkage to recovery actions implemented under the Yampa Plan. The principal recovery actions of base flow augmentation and nonnative control on the Yampa River would then be re-evaluated if the population check points went unmet.

The conservation group participants continued to work collaboratively by supporting the congressional increase of the ceiling on federal contributions to the capital projects thought necessary for recovery, without further cost sharing from other Program participants. In supporting that increase, the conservation groups strongly maintained that to achieve fish recovery while providing for water development, this increase only in the federal contribution to capital projects should be coupled with rigorous implementation of the Program's just promised and more specific adaptive management framework, and by the extension of the Program's base funding for such a framework well past the completion of its capital projects in the year 2010.

Joining ranks in Congress on this increase in the federal contribution to capital projects did not pre-decide how to manage any particular overrun on a capital project, does not amend the actual

cost sharing agreements for the enlargement of Elkhead Reservoir, and does not implement the more rigorous adaptive management framework promised for the Yampa River and the whole Recovery Program. These are difficult and intertwined issues that are more amenable to the process of reaching consensus, a fundamental Program component.

Our commitment to consensus on those issues leaves us unable to support the immediate allocation of the increased cost ceiling on capital projects to the \$4 million, 50% overrun on the Program's contribution to the Elkhead enlargement without further discussion. While we remain committed to the Yampa Management Plan, to the provision of base flows it finds necessary, and to their supply from an enlarged Elkhead Reservoir, we have two basic concerns that should be not unfamiliar but that have not, in the past, precluded reaching consensus.

Elkhead Cost Overrun and Remaining Capital Projects

First, we are concerned that making this allocation to the Elkhead overrun leaves no cushion for significant overruns on two other equally important capital projects needed for recovery – the evermore controversial fish passage at the Price-Stubb diversion dam and fish screening and passage at the Tusher Wash diversion dam – and no room whatsoever for any other capital projects that adaptive management may require for endangered fish recovery with continued water development.

For Price-Stubb passage in particular, there seems to be straightforward, near-term, and prudent step that can be taken to manage the risk of making an allocation to the Elkhead overrun. That step is to defer the allocation to the full Elkhead overrun until a construction bid is accepted in December for fish passage at Price Stubb. If a bid for that construction can be accepted without overrunning the capital budget for Price Stubb passage, the risk of committing to the Elkhead overrun is greatly reduced.

Potential overruns in other capital projects, the need for yet others, and the need to extend and possibly increase the base funding for the Program are less easily managed. We can only look to the expressed commitment to such additional funding outside the current Program from all participants, and are encouraged by their track record, but believe that formal recognition of such contingencies and commitments is one reason for that record.

Nonnative Fish Control and the Adaptive Management Framework

Our second concern is how and when a more rigorous adaptive management framework based on population response criteria will be specified for the Yampa Plan. This concern is highlighted by the precipitous decline in native fish as the nonnatives (and especially smallmouth bass(SMB)) have exploded despite the implementation of the nonnative control actions in the Yampa Plan for two years, and despite similar efforts for several more years before that Plan was finalized. Native, small bodied fish now appear to comprise only 1% of all fish in low velocity, critical habitats on the lower Yampa River, when they were at one point estimated to make up 20%; the SMB population in Yampa appears to have recently increased to 541 fish per mile. We are concerned that unless a stronger adaptive management framework is instituted for nonnative fish control, base flow augmentation on the Yampa River will be ineffective and not contribute to

endangered fish recovery.

Full support for nonnative control seems to depend, in almost all cases, on having proof of effectiveness prior to the actual implementation of control measures. Committing to the Elkhead overrun presumes a much different adaptive management framework under which very expensive recovery action is based on a shared hypothesis about the native fish population response and that recovery action is then adjusted, possibly at even much greater expense, if that hypothesis does not pan out. We are prepared to support the Elkhead overrun if the other Program participants are willing to apply that same kind of adaptive management to nonnative control on the Yampa.

We again think a straightforward, near-term, and reasonable step can be taken to put that kind of adaptive management for nonnative fish control in place on the Yampa River. At the December 2006 nonnative fish workshop, the biologists should be asked to present a set of nonnative control actions for the Yampa River of sufficient scale and intensity that can achieve specific goals over the shortest plausible timeframe -- like a fish population that is 20% native. They should then assess these measures against the current strategies for nonnative control in the Yampa Plan and recommend what adjustments should be made in the current strategies, even if the effectiveness of those adjustments may be unproven. If much more comprehensive removal of nonnative fish will accelerate the plausible timeframe for meeting that goal, then such removal methods should replace what may be less effective but just as unproven strategies for nonnative control. If screening Catamount Reservoir will shorten that timeframe, it should be planned.

Finally, we need to understand how the delay in implementing the new, overall adaptive management framework will be remedied and how that re-accelerated framework will relate to the revision of the recovery goals. We suggest that this remedy, the schedule and process for revision of the recovery goals, and their relationship to this re-accelerated framework should all be specified and any reservations from Program participants addressed by December. As we said in our letter to Congress supporting the increase in the federal contributions to the capital projects, we believe this framework is essential to improving the effectiveness of recovery actions over time, to prioritizing the allocation of Program resources, and to realizing endangered fish recovery. This coming December is not too late to get it back on track.

In the Program's spirit of consensus-building, we are searching for a set of steps that can be taken in the near-term, that would address our basic concerns over the progress towards endangered fish recovery, as water development proceeds across the basin, and that would thereby permit us to support the full Elkhead overrun. We remain committed to reaching consensus.