

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 September 23, 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–September 23, 2004

ASSIGNMENTS:

1. Angela Kantola will post the revised March 8, 2004, meeting summary to the listserver (with the resolution attached). *Done.*
2. The Management Committee will identify strategies and make a recommendation regarding what the Program should do about the potential capital projects budget shortfall.
3. Regions 6 and 2 of the Service will schedule another coordination meeting, during which they will address stocking larger Colorado pikeminnow in the San Juan Basin.
4. Carol DeAngelis will work with the Service to complete a draft letter outlining Reclamation's intentions for the Aspinall BO and subsequent PBO.
5. The Program Director's office will arrange a meeting room for the next Implementation Committee meeting, March 1 in Denver near DIA from 10:00 a.m. - 3:00 p.m.

CONVENE: 10:00 a.m.

1. Introductions, modify/review agenda - Ralph Morgenweck presented a plaque of appreciation to Ron Everhart for his years of service on the Implementation Committee and another to Bob McCue for his years of service on the Management Committee.
2. Approve March 8, 2004, meeting summary - John Shields pointed out a typographic error under item #4, suggested that any resolutions approved in the future should be attached to the meeting summary, and noted under item # that the "Program Highlights" document also was distributed. The Committee approved the summary as revised. >Angela Kantola will post the revised summary to the listserver (with the resolution attached).
3. Program Director's update on the Recovery Program and the status of the fish - The September 2004 Program Director's Update was posted to the Program listserver on September 21, 2004. Bob Muth gave a PowerPoint presentation on the August 24-25, 2004, humpback chub and Colorado pikeminnow estimates workshop. An ad hoc committee of species experts is summarizing results of the workshop and providing recommendations. Their report is expected by November. Bob concluded by saying that the apparent trends for some populations are of concern, we are paying attention to the data, and that we have outlined an action plan to be fleshed out over the next few months. Dan Luecke said he believes that if all the humpback chub estimates were looked at in aggregate, the coefficient of variation would be reduced and we would conclude there has been a statistically significant decline in the populations as a whole (i.e., the estimates are more robust than they appear independently). Dan noted the age structure in Bestgen's draft report on the Green River Colorado pikeminnow population shows very little recruitment now or on the near horizon. Bob Muth replied that we've seen a pulse in

Colorado pikeminnow recruitment every 5-6 years and so it's possible that we could see that again in the next year or so (based on past captures of age-0 fish and how that has translated into subsequent subadult captures). Pat Tyrrell asked if Bob has any feel if drought or nonnative fish may be the more important factor; Bob said no, but the drought may have enhanced the nonnative fish problem, particularly smallmouth bass. Pat asked how the state wildlife agencies believe we should address the nonnative fish and how they're going to address sportfishing concerns. Bob said he believes things are progressing, for example, CDOW and the Service combined efforts to remove nonnative fish in the Yampa River. Public feedback this year has been mostly positive (from anglers capturing fish relocated to reservoirs). Tom Nesler added that we significantly increased our nonnative fish removal effort this year, and we'll be looking at this year's data to determine what we need to do next year. Tom said he believes endangered fish recovery takes precedent and if still more effort is required to control smallmouth bass, he believes that will be undertaken.

#### 4. Funding issues

- a. Upper Basin fund status & ramifications for Program annual and capital funding - Clayton Palmer recalled the concerns he raised last year regarding the CRSP basin fund. Since then, WAPA has lowered their commitment levels to their power customers. Clayton said they reduced other funding requirements in FY 04, and funds are available to cover obligations to this Program for 2005 (over \$30M should remain in the fund at the end of FY 05). WAPA has taken actions (as provided in the long-term funding legislation) to borrow from CWCB to meet their capital obligations. Clayton said it's probable the basin fund will have enough money in FY 06 and 07, but there is a 15% probability that no power could be produced from Glen Canyon Dam and an additional 10% probability that reduced power would be produced, for a total 25% probability that power generation would drop and funds wouldn't be available. Clayton said WAPA is working on a contingency management plan should these adverse hydrological conditions occur. Leslie noted that analyses have shown that raising rates will not completely solve the basin fund problem (although there will be another rate increase). Clayton added that WAPA is required to set rates to meet their repayment obligations and cannot raise their rates solely to fund environmental programs. Leslie outlined the various items that are funded through power revenues in addition to the environmental programs. In light of the potential shortfall in the basin fund, CREDA has begun working on the possibility of Federal drought assistance legislation to immediately provide funding for the discretionary items (including the Recovery Program and other environmental programs), and then routine O&M of the CRSP project, if needed over the next several years. CREDA will need the support of other Program participants to move this legislation forward. Leslie said the legislation approach is not their first choice, but they believe the potential basin fund shortfall has now brought us to that point. In response to a question from John Shields regarding the specific language in the long-term funding legislation about Reclamation and WAPA seeking appropriations for the Recovery Program if power revenues are inadequate, Clayton said they have found it politically difficult for Reclamation and WAPA to seek appropriations as identified in the legislation.

- b. Capital projects budget & ceiling - Status of Congressional funding for FY 05-06 contributions, capital projects budget ceiling - Brent Uilenberg said the Government Highline fish passage was completed this summer. A test run was conducted for a few hours and fish congregated at the inflow, but due to low flows, the passage could not be operated further this summer. (Passage has not yet been constructed at Price-Stubb, just upstream of Government Highline). Bob Muth asked the lowest flow at which the Government Highline passage can operate, and Brent said the passage requires 100 cfs, to which you would need to add the Government Highline diversion of 1620 cfs, then some additional amount to maintain head. Brent continued his report, noting that improvements to the GVIC fish screen were completed, but low flows meant operation had to be curtailed this year. The Redlands fish screen will be constructed in FY 05 as will Government Highline canal fish screen. Those two together have come in ~\$500K over budget. The Elkhead reservoir enlargement contract should be awarded in FY 05, construction completed in FY 06, and water available for fish releases in FY 07. The contract award should be made for Price-Stubb fish passage in FY 05, as well. The only remaining capital project will then be the fish screen at Tusher Wash on the Green River, with design in FY 05 and construction planned for FY 06. Brent said the \$62 million authorized for the Upper Basin Recovery Program is now ~\$65 million with indexing, but it appears we'll exceed that by ~\$2 million (perhaps more if the ~\$1 million cost of the screen to prevent nonnative fish from Elkhead can't be absorbed by Elkhead enlargement construction savings). To resolve this shortfall, we can either scale back on yet-to-be constructed facilities (e.g., level of screening needed at Tusher Wash) or seek an increase in the ceiling (which would require an amendment to the long-term funding legislation, P.L. 106-392). Tom Pitts asked when the Program would need to begin the process to request an increase in the ceiling, and Brent said FY 05 (we would have to request both authorization and appropriations). John Shields noted that if the Management Committee determines we should pursue an increase in the ceiling, the Implementation Committee will need to have a conference call to make that decision. Leslie James and Carol DeAngelis cautioned that it may be difficult to ask Congress for an increase in the capital projects ceiling and appropriations to make up the CRSP basin fund shortfall at the same time. In response to a question regarding San Juan capital projects, Brent said if the San Juan Program determines the need for passage facilities in FY 05, they should be able to expend their capital funds by the FY 08 deadline. John Shields said a revenue-neutral solution would be to seek an increase in the upper Basin ceiling and a decrease in the San Juan, which likely will have funds left over (however, that would likely still require an amendment to the legislation). >The Management Committee will identify strategies and make a recommendation regarding what the Program should do about the potential capital projects budget shortfall.
- c. Status of FY 05-06 Congressional funding for FY 05-06 contributions - John Shields distributed copies of letters sent by the delegation to the Secretary of the Interior requesting restoration of the Service and Reclamation budget for the recovery programs in FY 06 (and the response received indicating Interior's full support of the programs). John also distributed the Senate report on the Interior

and Related Agencies appropriations, which references restoration of Upper Colorado River Recovery Program funding for FY 05 (\$691K) and noted that this follows on the heels of the House appropriations committee and the full House increase of \$700K. John thanked everyone for this apparently successful effort to get the funding restored. John said this experience has taught that when the group goes back to Washington, D.C, they also need to brief Lynn Scarlett's staff (Assistant Secretary of Policy, Management, and Budget in Interior).

- d. FY 05 work plan update - Bob Muth said minor adjustments are still being made to the FY 05 work plan. The outcome of the population estimates workshop and nonnative fish management workshop (December) may result in a few changes.
  - e. Reclamation funding transfers/contracting issues - Angela Kantola said she's been talking with Reclamation's Salt Lake City office to determine how recent policies requiring advertising and competing financial assistance (for grants and cooperative agreements) and full and open competition for contract actions will affect the Recovery Program's work planning process. Roughly 75% of the Recovery Program's annual funds come from power revenues. The distribution of those funds changes depending on each year's work plan, but about half goes to the Fish and Wildlife Service under an interagency agreement and most of the remainder is transferred to the Utah Division of Wildlife, CSU's Larval Fishes Lab, the Colorado Division of Wildlife, Central Utah Water Conservancy District, and Colorado River Water Conservation District under a mixture of cooperative agreements and grants. As FY 05 is the second year of a two-year work plan, the new policies will be implemented beginning with the FY 06-07 work plan (although if there are any new starts for FY 05, those will need to be competed). Reclamation will be working with the Program Director's office and the committees to incorporate the new policies in the Program's work planning process. Carol DeAngelis said Mike Ward has agreed to look at the possibility of waivers for State agencies, etc. (where it's determined they're the only ones who can do the job). Reclamation will need additional information from the States (e.g., specific statutes) to seek a waiver, but we can't predict if waivers will be approved. Carol says Rick wants to review procedures in other collaborative programs and regions, and hopes to have some answers by the next Management Committee meeting. Tom Pitts observed that there may be some advantages to issuing requests for proposals for some of the Program's new starts, but he believes it's important that we maintain the consistency of the states and Service, etc. conducting population monitoring and nonnative management.
5. Update on Lower Basin activities - Bob Muth said reported on efforts to get a concurrent mark-recapture humpback chub population estimate in the Grand Canyon in FY 05 to determine if current modeling work is accurately characterizing that population. A request for proposals (RFP) will go out under GCMRC to develop the methodology, then a second RFP will be issued for the actual sampling (to take place at the latest in the fall of 2005). Clayton commented that the GC Adaptive Management Committee voted overwhelmingly to provide funding for the concurrent estimate, and he's somewhat concerned about GCMRC's hesitancy to conduct the concurrent estimate. Clayton said he'd like to see coordination between the Upper Basin's new population estimate ad hoc

committee's recommendations on sampling methods, and he asked to what extent the concurrent estimate might potentially be delayed by GCMRC's hesitancy. Tom Pitts asked about the lower basin genetics management plan, and Bob Muth said Tom Czaplá will be working with Mike and Marlis Douglas on it (with a draft hopefully out by the end of calendar year FY 2004). Bob Muth said another coordination meeting is needed between Service Regions 2 and 6, during which >the Service will address stocking larger Colorado pikeminnow in the San Juan Basin. Clayton noted that there's quite a bit of effort ongoing right now to develop a Grand Canyon/lower basin recovery program.

6. Update on humpback chub recovery goal lawsuit - Bob Muth said the lawsuit was filed March 31, the Service filed their answer on May 28, and his office has just about completed the administrative record. The DOI & DOJ attorneys will meet with the court on Oct. 15 to set briefing schedules (with an initial meet and confer with the plaintiffs on or near the end of September). Dan Luecke said he spoke with David Getches who said the Grand Canyon Trust board has serious concerns with the minimum viable population numbers.
7. Yampa Plan, EA, PBO, cooperative agreement & Elkhead enlargement - Bob Muth said the final Yampa Management Plan and EA has been printed and will be distributed by the end of this month. A finding of no significant impact should accompany these. This should allow COE to proceed with permitting on Elkhead enlargement. The draft Yampa PBO is out for review with comments due October 1. Bob says he hopes that will be finalized by end of October or early November. Action on the 404 the permit is pending and planning and design of Elkhead enlargement is continuing (to be bid in FY 05, construction completed in FY 06 and water available for fish in FY 07). The screen to prevent nonnative fish escapement is estimated to cost ~\$750 - \$800K. Dan Luecke said the environmental groups will have substantive comments on the PBO (as they are trying to determine how to deal with information on population estimates, especially those on the Yampa as they relate to the Elkhead enlargement schedule and the PBO). Dan said their comments will address important short-term triggers, constraints on depletions until native fish populations improve, and measures of effectiveness of nonnative fish removal efforts.
8. Section 7 consultation
  - a. Sufficient progress determination - Bob McCue said that in light of the recent population estimate information, the Service will reconvene to reconsider and perhaps revise the letter (perhaps focusing on specific actions). This will happen after the ad hoc population estimate group's report is released. The Service will send another draft to the Management Committee before finalizing the sufficient progress letter. John Shields asked about the timing of subsequent reviews of sufficient progress by the Service. Ralph said he'd rather sacrifice the schedule and work out the issues, and that the next assessment process would begin again in March 2005. Tom Pitts said keeping the 2005 assessment on schedule will help in developing the FY 06-07 work plan.
  - b. Flaming Gorge EIS update - Carol said the draft EIS is out with the comment period ending November 15. Public hearings are scheduled in October. Bob

McCue said that the Service's Salt Lake City office will have someone present at all the public hearings. Reclamation has received the draft BA. Formal Section 7 consultation will be initiated soon with target of receiving a BO by end of November and implementing flow recommendations by next spring. Pat Tyrrell said he's begun to hear concerns from the public regarding bypassing power generation to benefit endangered fish. Clayton said he mentioned to the Management Committee last week that WAPA has concerns with the bypass flows in the preferred alternative. WAPA told Reclamation that they believe the effect of the alternative as modeled had impacts to power generation that they couldn't support. However, they're trying to find solutions and have proposed studying whether there might be some flexibility in those flow recommendations with regard to floodplain inundation. Such study was written into the draft EIS as an environmental commitment, and with that inclusion, WAPA believes things are proceeding fine. Randy Peterson encouraged reading the uncertainties section of the draft EIS.

- c. Aspinall EIS and consultation process update - Bob McCue said the process for a "normal" EIS and consultation process is back on track. Carol said cooperating agency meetings will be held in October (or perhaps in November if necessary to avoid overlapping with the Flaming Gorge hearings and AMWG meeting). Bob McCue added that a programmatic biological opinion would be pursued after the BO on Aspinall is completed. Tom Pitts said they would like to see a commitment to a PBO down the road. >Carol will work with the Service on a draft letter outlining their intentions for the BO and PBO. Carol said the EIS will be narrowly scoped.
- 9. Scheduling next Implementation Committee meeting - Tuesday, March 1 in Denver near DIA from 10:00 a.m. - 3:00 p.m. >The Program Director's office will arrange a meeting room.

**ADJOURN: 1:35 p.m.**

Attachment 1 - Participants  
Colorado River Recovery Implementation Committee Meeting, September 23, 2004

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)  
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  
Clayton Palmer, Western Area Power Administration  
Tom Pitts, Upper Basin Water Users  
Pat Tyrrell, Wyoming State Engineer's Office  
Tom Blickensderfer and Tom Nesler for Russell George, Colorado Department of Natural Resources  
Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Gary Burton, Western Area Power Administration  
Margot Zallen, Department of Interior Solicitor's Office  
John Shields, Wyoming State Engineer's Office  
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  
Tom Czapla, U. S. Fish and Wildlife Service, Recovery Program  
Randy Peterson, U.S. Bureau of Reclamation  
Dave Mazour, Colorado River Energy Distributors Association  
Heather Patno, Western Area Power Administration