



Upper Colorado River Endangered Fish Recovery Program

Summary Dated: March 6, 2014

CR/FY-13 UCRRIC
Mail Stop 65115

Memorandum

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

From: Director, Upper Colorado River Recovery Implementation Program

Subject: Final September 23, 2013, Recovery Implementation Committee Webinar
Summary

Attached are the final action and assignment summary and the general summary from the September 23, 2013, Implementation Committee webinar.

Attachment

- Summary -
Actions and Assignments
Recovery Implementation Committee Webinar –September 23, 2013

ACTIONS:

1. Approved the March 5, 2013, conference call summary with Tom Pitts' clarifying revisions.
2. Ratified the FY14-15 Work Plan.
3. Discussed the date of their next meeting, which was set as a webinar for Thursday, March 6, 2014, from 1:00 p.m. to 4:00 p.m.

ASSIGNMENTS:

1. Angela Kantola will finalize the revised March 5, 2013, conference call summary and have it posted to the Program's website (*done*).
2. The Program Director's Office will work with the Management Committee to develop a Program position (e.g. letter to the appropriate State offices) for Implementation Committee approval on risks associated with energy development in, or in close proximity to designated Critical Habitat for the Colorado River fish.

MEETING SUMMARY:

CONVENE: 1:00 p.m.

1. (Action Item) Approve March 5, 2013, meeting summary – Angela Kantola posted the draft summary to the fws-coloriver listserver on March 13, 2013. Tom Pitts submitted clarifying revisions today. Angela Kantola will finalize the summary with those revisions if no additional comments are received by close of business September 24, 2013 (no additional comments received).
2. Washington, D.C. briefing trip follow-up – Tom Pitts said John Shields provided an excellent summary to the Implementation Committee. It was unfortunate not to have the programs' directors in attendance, but Dr. Bill Miller did an excellent job of filling in with technical details. Although Program participants described the reasons for it, the delay in downlisting Colorado pikeminnow was not well received and generated some negative comments about “moving the goal posts.” John Shields noted that the Congressional staff luncheon was not as well attended this year due to other commitments (caucuses, etc.).

Tom Chart said the he and the San Juan Program office would begin discussing content for 2013-2013 *Program Highlights* briefing book via conference call on October 9. We'll explain nonnative fish concerns and the programs' response as clearly as possible in this year's book.

3. Program Director's update – Tom Chart provided an update of Program activities (see also pdf file included with draft meeting summary).

ESA compliance: through 2012, the Program has provided ESA compliance for 2,354 projects depleting >2.8 MAF/year. Of this amount, >2.5MAF (88%) are historic depletions that were occurring when the Program was implemented in 1988. Thus, though water development has been a considerable threat, it's been fairly static and the Program has more than offset these depletions through its instream flow augmentation and protection efforts.

Habitat Management & Development: Weekly calls continue through the irrigation season to manage flows in the 15-Mile Reach and Yampa River. The Program leased an additional 1,000 acre-feet of water from Elkhead for the Yampa this year, some of which may be carried into 2014. Looking forward, the Program is beginning work to develop a White River Management Plan, and will be coordinating with Colorado, Utah, environmental interests, the Ute Tribe and water users in Colorado and Utah. Tom Chart thanked the Colorado Water Conservation Board for providing \$250K from Native Species Conservation Fund for this project. The funds will be used primarily for hydrologic modeling. Construction of 33 check structures on the Orchard Mesa Irrigation District (OMID) will begin at the end of this irrigation season. This portion of the OMID project is expected to result in savings of at least 5,300 af of water back to the river; the entire OMID project is expected to result in savings of at least 17,000 af when completed in 2015 or 2016. The Program is pursuing a new technology of an electrical barrier to screen fish from entering the Tusher Wash Diversion on the Green River. NRCS also is working on a rebuild of the Tusher diversion structure. NRCS has shifted their NEPA work on this from an Environmental Assessment (EA) to an Environmental Impact Statement (EIS); the Program will do separate NEPA compliance (EA) on the e-barrier, but the two projects will be linked by an ESA Section 7 consultation. Construction is expected to begin after the 2014 irrigation season.

Nonnative Fish: Tom Chart reviewed the increasing pressure of the nonnative fish threat on the endangered fish since the Program's inception. Despite the considerable effort and resources the Program has committed attempting to manage this threat; this issue has stayed out in front of us since the Program's inception. Two species of greatest concern are northern pike and smallmouth bass. Northern pike appear to thrive in wet years and smallmouth bass in dry years. Our control efforts have shifted northern pike to smaller size classes, but not significantly reduced their numbers.

4. Recovery Plan revisions – Tom Czapla said the Colorado pikeminnow recovery team is working on outlining threats by tributary, but is little behind schedule. Most of the information for demographic criteria has been submitted. Tom Chart said he anticipates revision of the recovery goals will generate a better timeline to recovery and nail down threat removal criteria. Tom Pitts said he wrote the Service's Mountain-Prairie Regional Director concerning the amount of time sequential development of plans will require and potential changes that could result in difficulty meeting downlisting dates. Tom Pitts also asked the Service to diversify and expand recovery teams, thinking that additional expertise (e.g., geneticists, etc.) might be helpful. The Service responded it does not have resources to work on all four plan revisions at once, but will overlap them where possible. Tom Pitts is concerned that because the bonytail is probably furthest from recovery, our ability to meet recovery timelines for this species may be compromised if its recovery plan is revised last, as currently planned. Tom Chart said the Service shares Tom's concerns about meeting

downlisting and delisting deadlines. Tom Chart said part of the impetus for revising the recovery plans is new information being collected and that the order of plan revision based on the amount of that information. With regard to diversifying the recovery teams, Tom Chart said the Service believes they have the species and threats experts on the Colorado pikeminnow recovery team and anticipates convening a similarly diverse team for the other species, which will require lower basin representation.

As discussed at the Management Committee meeting, Tom Pitts also has suggested that the Recovery Programs outline a 10-year path to recovery, in light of uncertainty that we can downlist and delist these species by 2023. Tom Pitts believes we need to define benchmarks (interim accomplishments) to be able to gage whether or not we're on track to meeting our recovery deadlines. Tom is very concerned about congressional reaction and support for the Upper Colorado and San Juan programs if we have to tell Congress we can't meet the 2018/2020 downlisting dates and the 2023 delisting dates. Mike Thabault said the Service shares these very valid concerns. However, given where the Program is with the sufficient progress and nonnative fish; the Service wants to focus on recovery planning revision and on-the-ground recovery actions, as opposed to diverting resources to develop a 10-year path to recovery.

5. Review of sufficient progress status/items – Tom Chart outlined the Service's annual process to review the Program's progress. It was a tough decision this year in light of the downward trend shown in the preliminary pop estimates for Colorado pikeminnow and persistent high densities of nonnative predator fish in the Yampa River. The Service deferred issuing the 2013 sufficient progress memo until the Program Director's office and the States' Fish Chiefs developed a list of actions from the draft Nonnative Strategy that the Program can commit to implement in the next few years to make the needed progress to reduce the nonnative fish threat. Consensus was reached on those action items in late August and sent to the Management and Biology committees on August 29. The Service agreed this seems like a reasonable approach and will track accomplishment of these actions in future sufficient progress reviews. The draft memo went to the Regional Director for signature last week. Tom Chart emphasized the importance of the message that some nonnative fish species are simply not compatible with recovery. Reclaiming the sportfishery in Elkhead and applying more control effort in the upper Yampa River and in White River also are essential. With regard to illicit introductions of nonnative fishes, although the States have moved forward to increase fines, those fines are not always enforced. In Utah, someone was caught moving a nonnative fish, was prosecuted and brought to court, but despite the potential \$10K fine, the judge fined the perpetrator only \$300. The States asked Tom Chart to ask the Implementation Committee if they have any suggestions for how to elevate this issue, get the seriousness of this crime recognized, and help make sure actual fines are meaningful. Tom will mention this at a Nevada workshop of water judges he's attending with Dan Luecke, but those probably aren't the judges hearing cases of illicit fish introductions. John Shields said he thinks it will help to share information about these incidents with appropriate partners/publics. Tom Chart noted that Colorado included a full page about this in their current fishing regulations.

Tom Pitts said San Juan and Upper Colorado water users are very concerned about the nonnative fish threat. He had sent a letter to Mike King, Executive Director, Colorado Department of Natural Resources on their behalf, which Tom Chart circulated to the

listserver this morning. The letter requested CDNR and CPW support for implementation of nonnative fish control measures. Tom Chart thanked Tom Pitts for his letter, saying he appreciates how it makes the connection with how important this Program is to the public in terms of ESA compliance for water use. Ted Kowalski said CWCB shares the nonnative fish concern and thinks Tom Pitts' letter is helpful because it articulates the water users' concerns in writing. Ted said CPW has been moving forward to address these issues.

6. Proposed energy development on Ouray National Wildlife Refuge (ONWR) – Tom Chart described development proposed close to the Ouray Hatchery and important floodplain habitats on the ONWR. Two existing well pads are 180 and 300 feet from the 100-year floodplain. The Service recognizes energy development will occur, but we need to see if this drilling could be moved to a location further from the hatchery. Utah's ES office was able to get the pads pushed to the edge of the lease. Tom Chart asked the Implementation Committee if the Program would want to take a position on this kind of development from a risk analysis perspective. Would the Implementation Committee want to assist the Service and Utah by weighing in on how much risk this development poses to the program? Kevin McAbee said Thurston Energy did step back from their proposal to drill two wells so close to the hatchery; however, the Program or the Service needs to come up with an alternative location where Thurston can drill two additional wells. A letter from the Program describing the risk and the importance of these areas to Program and its participants (which might also apply to future projects) and encouraging land/lease swaps to less risky areas was discussed. Kevin McAbee also suggested writing Thurston to thank them for putting the brakes on these two wells and recommending seeking an alternate location. Tom Chart asked the state representatives if a Program position would be helpful. Mike Styler thought that John Baza, Utah's Director of their Division Oil Gas & Mining would take this kind of input very seriously. Mike noted that directional drilling can reach out several miles and they've had good success with industry in getting them to move well sites. Kevin said directional drilling might be considered, but Thurston may not be as able to pursue this as larger companies may. The Program Director's office will draft key points of a letter and circulate it to the Management and then Implementation committees. Mike Thabault affirmed that this is not an attempt to deter energy development, but to encourage alternate sites/methods that would allow development while protecting these key resources.
7. FY14-15 Work Plan (Chart &, Kantola, 20 minutes)
 - a. (Action Item) Ratify FY14-15 Work Plan – The Management Committee approved the draft work plan in August subject to ratification by the Implementation Committee. (Summary spreadsheet included with this agenda and scopes of work at <http://www.coloradoriverrecovery.org/documents-publications/work-plan-documents/project-scopes-of-work.html>.) Under the current draft funding projections, the **very** tight draft budget totals (with the additional gage costs just discussed) show a little over \$164K surplus for FY14, but a deficit of ~ \$765K for FY15 due to the impacts of sequestration. Final funding amounts won't be known until the October 2012 – September 2013 CPI is released that is used to calculate the power revenue contribution to annual funds. Although this is a two-year work plan, it is very difficult to accurately predict available FY15 funds in the current budget climate. Therefore, even though the FY15 amounts recommended by the Program Director's office result in a significant deficit, the Program Director's office is reluctant to recommend any

modifications to scopes of work until we have better information about available FY15 funds. Angela said Mark McKinstry told the San Juan Coordinating Committee that Reclamation would do what it can to make the programs whole financially. Lynn Jeka noted the \$75K cut to Green River flow recommendation evaluation, saying Western is very concerned about further delay of this evaluation. Tom Chart agrees this is very important. Although we need to have the backwater synthesis report before proceeding with the evaluation, Tom thinks we will have enough information to initiate the evaluation in 2014. Tom is willing to consider putting some of the funds for his office's currently vacant coordinator position toward this and Western has said they may be able to bring matching funds. Lynn appreciated that support and suggested further discussion once we know the actual impacts of sequestration. With this, the Committee ratified the draft work plan.

- b. Review impacts of sequestration – A summary of impacts was provided to the Management Committee (see Attachment 2). The Program Director's office subsequently worked with Tom Pitts and John Shields to outline activities/projects the Program isn't funding this year and next Mike Thabault said Service is anticipating further cuts beyond FY13; it's just a matter of how much. For planning purposes *only*, Service is evaluating scenarios of 2-8% reductions in resource management accounts (including staffing levels to avoid mandatory furloughs, etc.).
8. Southern Rockies Landscape Conservation Cooperative (SRLCC) update – Tom Chart said the Recovery Program has tried to stay in touch with LCC funding opportunities and has discussed our larger database management needs for both recovery programs (which may serve the larger interest of the LCC). Tom made a presentation to the LCC last March and described our landscape level recovery efforts for the endangered fishes. Tom said the items discussed at the last Implementation Committee meeting haven't been submitted to the LCC for their funding consideration, but he will check with Kevin Johnson of the SRLCC on the status of the SRLCC funding process.
9. (Action Item) Schedule March 2014 Implementation Committee meeting and identify agenda items – The Committee scheduled a webinar for Thursday, March 6, 2014, from 1:00 p.m. to 4:00 p.m.

ADJOURN: 3:22 p.m.

Attachment 1 - Participants

IMPLEMENTATION COMMITTEE MEMBERS:

Mike Thabault for Noreen Walsh, U.S. Fish and Wildlife Service (Chair)
Brent Uilenberg for Ed Warner, U.S. Bureau of Reclamation
Mark Sturm, National Park Service
Dan Luecke, Environmental Groups
Leslie James, Colorado River Energy Distributors Association
John Shields for Greg Lanning, Wyoming State Engineer's Office
Ted Kowalski, Colorado Water Conservation Board
Lynn Jeka, Western Area Power Administration
Tom Pitts, Upper Basin Water Users
Mike Styler, Utah Department of Natural Resources
Program Director Tom Chart, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Darin Bird, State of Utah
Robert King, State of Utah
Jana Mohrman, U. S. Fish and Wildlife Service
Kevin McAbee, U. S. Fish and Wildlife Service, Recovery Program
Tom Czapl, U. S. Fish and Wildlife Service, Recovery Program
Leith Edgar, U. S. Fish and Wildlife Service, Recovery Program (half-time)
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program
Melissa Trammell, National Park Service
Clayton Palmer, Western Area Power Administration
Bridget Fahey, U. S. Fish and Wildlife Service

Attachment 2

Sequestration Impacts

September 9, 2013

| USBR | | FWS | | USBR+FWS | |
|---|--------------------|---|--------------------|----------|----------------------|
| 2012 | | | | | |
| 2012 scheduled contribution | \$5,087,791 | 2012 scheduled contribution | \$1,161,796 | | |
| 2012 obligated (pwr rev) | \$3,199,255 | 2012 obligated (ES) | \$720,293 | | |
| 2011 obligated for 2012 (approp.) | \$1,660,754 | 2012 obligated (FAC) | \$511,424 | | |
| Difference (not due to seq): | (\$227,782) | Difference (not due to seq): | \$69,921 | | (\$157,861) |
| 2013 | | | | | |
| 2013 scheduled contribution | \$5,189,547 | 2013 scheduled contribution | \$1,198,973 | | |
| 2013 obligated (pwr rev) | \$4,924,881 | 2013 obligated (ES) | \$695,803 | | |
| 2013 obligated (approp.) | \$217,471 | 2013 obligated (FAC: all Ouray NFH \$) | \$569,645 | | |
| 2013 EOY add'l approp. \$ for c/o to 2014 | \$249,975 | | | | |
| Difference: | \$202,780 | Difference: | \$66,475 | | \$269,255 |
| 2014 | | | | | |
| 2014 scheduled contribution (at Dec-Dec CPI of 2.1%) | \$5,298,527 | 2014 scheduled contribution | \$1,224,152 | | |
| 2014 projected | \$4,666,817 | 2014 projected (ES) | \$633,858 | | |
| | | 2014 projected (FAC: all Ouray NFH \$) | \$533,285 | | |
| Difference: | (\$631,710) | Difference: | (\$57,009) | | (\$688,719) |
| 2015 | | | | | |
| 2015 scheduled contribution (at previous year's Dec-Dec CPI of 2.1%) | \$5,409,796 | 2015 scheduled contribution (at previous year's CPI of 2.1%) | \$1,249,859 | | |
| 2015 projected | \$4,422,276 | 2015 projected (ES) | \$590,640 | | |
| | | 2015 projected (FAC: all Ouray NFH \$) | \$496,924 | | |
| Difference: | (\$987,520) | Difference: | (\$162,295) | | (\$1,149,815) |
| FY12-15 total difference from scheduled contribution | | | | | (\$1,727,140) |
| FY13-15 total difference from scheduled contribution (due to sequestration) | | | | | (\$1,569,279) |
| <p>Numbers in red & parentheses are negative. All numbers in italics are estimates or not finally confirmed.</p> | | | | | |

