

CR/FY-08 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 December 10, 2007, Recovery Implementation Committee Conference Call  
Summary

Attached are the final action and assignment summary and the general summary from the December 10, 2007, Implementation Committee conference call.

Attachment

- Summary -  
Actions and Assignments  
Recovery Implementation Committee Conference Call – December 10, 2007

**ASSIGNMENTS:**

1. **Dan Luecke** will send suggested his language revisions to the draft report to Congress to Committee members later today. *Done.*
2. **Bob Muth** will revise the report (addressing Bridget Fahey's comments as discussed at the Management Committee, Dan Luecke's comments *and Reclamation's concerns*) and get it back to the Management Committee for final approval within a week (the Implementation Committee gave the Management Committee their proxy).
3. **The Park Service** will let Bob Muth know how they want to handle submitting the report to their Washington Office.
4. Tom Pitts and John Shields will provide a draft for brief letters of support from the non-Federal partners of the Programs for inclusion in Appendix A.

**MEETING SUMMARY:**

Draft Report to Congress

John Shields outlined the reason for the call. P.L. 106-392, the authorizing legislation for the Upper Colorado and San Juan River recovery programs, requires the Secretary of the Interior to submit a report to the appropriate Committees of the United States Senate and House of Representatives by the end of fiscal year 2008 on the utilization of power revenues for annual base funding of the recovery programs, and to make a recommendation regarding the need for continued annual base funding from power revenues beyond fiscal year 2011 that may be required to achieve the goals of these recovery programs. Unless reauthorized by Congress, the utilization of power revenues for annual base funding of recovery program actions other than operation and maintenance of capital projects and monitoring will cease after fiscal year 2011. The report is in draft and has been endorsed by the Upper Colorado River Endangered Fish Recovery Program's Management Committee and the San Juan River Basin Recovery Implementation Program's Coordinating Committee. The goal for today's call is for the Implementation Committee to discuss the draft report to Congress before it is officially submitted to the Washington offices of the U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation along with letters of support from the Recovery Program's non-Federal partners.

Tom Pitts reviewed the report recommendations:

1. P.L.106-392 should be amended to allow for continuation of annual funding with power revenues of all activities necessary to achieve recovery through 2023, the expected date of recovery of the razorback sucker and bonytail. In 2020, the Secretary should be required to submit a report to Congress on the need for continued funding beyond 2023 and the recommended sources of funding.

2. To assure that annual base funds are available in the event that the balance in the Upper Colorado River Basin Fund cannot meet annual base funding needs for the recovery programs, Congress should:
  - a) add authority to enable Western Area Power Administration to borrow from the Colorado Water Conservation Board Construction Fund the annual base funds that would otherwise be derived from the Upper Colorado River Basin Fund and to repay those borrowed funds from the Basin Fund, as is currently authorized for capital construction projects funded with the Basin Fund; and
  - b) add specific authority for congressional appropriations for annual base funding if annual funding of the recovery programs cannot be provided from the Basin Fund or the Colorado Water Conservation Board loans in a given year or years, and direct Reclamation, in consultation with Western Area Power Administration, to inform Congress if such a situation is reasonably foreseeable as far in advance as possible.
3. The language in the existing legislation that states that base funding and depletion charges previously agreed upon should be retained: *“Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs.”* This provides that annual and in-kind funding by the U.S. Fish and Wildlife Service, States, American Indian Tribes, and water users identified in the original agreements will continue.
4. The authorizing legislation should be amended to state that provision of base funding through 2023 should be contingent upon the recovery programs modifying the respective Cooperative Agreements extending the terms of the recovery programs through 2023, and that any needed modifications take place at least one year prior to expiration of the current agreements.

If Congress doesn't approve continued use of power revenues for all recovery activities without restrictions, funding for the two recovery programs would be reduced ~40%, including funding for nonnative fish removal. With regard to the provisions for a shortfall in the basin fund, this is similar to provisions for our capital funds. The Colorado Water Conservation Board would have complete discretion whether to make the loan as well as to the terms of the loan.

Tom Blickensderfer said he and Harris Sherman have discussed the loan provision in depth and that they recognize the Conservation Board has done similar things in the past, but they want to be sure this process is understood. Approval of Colorado's General Assembly would be required for anything over a certain level (either \$500,000 or \$1M). Tom Pitts said the amount of a loan request certainly wouldn't exceed annual base funding (~\$7.2M). Tom Pitts said they didn't want to write any of the terms into the report so as to leave these up to the Conservation Board and Western. Tom Blickensderfer agreed such flexibility is needed. CREDA affirmed that the basin fund supports several activities and any negotiation of any loan would be between Western and the Board (with Western also negotiating with its customers). Leslie said that CREDA is

okay with the report as drafted, but would like to see the report again if any further changes are made.

John Shields added that the provision to request a loan from the CWCB construction fund is a “second bite of the apple” since the authorizing legislation says Western and Reclamation will monitor the basin fund and if appears funds will be insufficient, they’re to seek appropriations from Congress (which hasn’t proved too workable in the past). Tom Blickensderfer asked if Reclamation would go to Congress first or if a CWCB loan request would be the first option. John replied that would have to be determined by Program participants in concert with the Congressional committees.

Janet Wise said Parks in agreement with report and would like to see it move forward.

Dan Luecke said the environmental groups have discussed the report at some length and support the recommendations. They have a few minor issues with respect to language regarding 1) the status of the species; and 2) adaptive management and framework (e.g., in Section 5.2.4, program management should be linked more directly to the adaptive management framework, otherwise, program management sounds exclusively administrative, which it is not). They also have questions as to the adequacy of current base funding, but are not asking for a change to the report with regard to this. >Dan will send suggested the language revisions to Committee members later today.

Region 2 of the Fish and Wildlife Service is okay with sending the report forward. Reclamation has concurred, also. *(Note: After the call, Reclamation received notice that their power office has questions about some of the financial data in the report. The Program Director’s office will work with Reclamation to determine if changes are needed in response to these questions.)*

>Bob Muth said he will revise the report (addressing Bridget Fahey’s comments as discussed at the Management Committee, Dan Luecke’s comments *and Reclamation’s concerns*) and get it back to the Management Committee for final approval within a week (the Implementation Committee gave the Management Committee their proxy).

Pat Tyrrell asked if reauthorization looks promising and Tom Pitts said he believes Congress is likely to pass the reauthorization.

The draft final report is scheduled to be transmitted USFWS and Bureau of Reclamation in Washington, D.C., on January 4<sup>th</sup> and from the Secretary of the Interior to Congress on March 1 (in advance of the March 5-11 D.C. trip). Appointment of Brian Arroyo as the Fish and Wildlife Service’s Assistant Director for Endangered Species should help him shepherd this report through Interior. The Service will submit the report to their Washington office and Reclamation will do likewise. >The Park Service will let Bob Muth know how they want to handle submitting the report to their Washington Office. Ben Tuggle, FWS Region 2 Regional Director has his help in getting the report transmitted, and the programs’ non-Federal partners will lend a hand as needed, also. John Shields noted that it was announced today that Steve Guertin is the new Regional Director for Region 6 (Mountain-Prairie Region). He comes from the Fish and Wildlife Service’s budget office, so he will be helpful in that regard.

Pat Tyrrell moved the report be moved forward (with the changes Bob Muth is going to make and subsequent Management Committee review); Carol Taylor seconded; none opposed.

>Tom Pitts and John Shields will provide a draft for brief letters of support from the non-Federal partners of the Programs for inclusion in Appendix A.

#### Other Items

Dan Luecke thanked John Shields and Tom Pitts for their help in getting National Fish and Wildlife Foundation funding for environmental group participation in the Recovery Program. Dan said it turns out the funding is a 1:1, not a 2:1 match, which is great news

John Shields said the Acting Regional Director of Region 6 of the Fish and Wildlife Service nominated the Upper Colorado and San Juan River recovery programs for the Secretary of Interior's 2007 Cooperative Conservation award.

The next meeting of the Implementation Committee will be February 27 in Salt Lake City, Utah at the Department of Natural Resources (10 a.m. to 3 p.m.). This will be a good opportunity for meeting new members of the Committee. The Salt Lake City venue may allow Larry Walkoviak, the U.S. Bureau of Reclamation's new Regional Director, to attend a portion of the meeting and also increases the possibility of attendance by Mike Styler, Director of the Utah Department of Natural Resources and/or Darin Bird, also of Utah DNR, as the Utah Legislature will be in session during this time.

#### Attachment 1 - Participants

##### IMPLEMENTATION COMMITTEE MEMBERS:

Carol Taylor for Steve Guertin, 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  
Tom Pitts, Upper Basin Water Users  
Pat Tyrrell, Wyoming State Engineer's Office  
Harris Sherman, Colorado Department of Natural Resources  
Mike Styler, Utah Department of Natural Resources  
Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)  
(No one was on the call for Western Area Power Administration)

##### OTHERS:

John Shields, Wyoming State Engineer's Office  
Brent Uilenberg, U.S. Bureau of Reclamation  
Robert King, Utah Division of Water Resources  
Tom Blickensderfer, Colorado Department of Natural Resources  
John Reber and Melissa Trammell, National Park Service  
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program