

MEETING SUMMARY

Meeting: Colorado River Management Committee, Salt Lake City, Utah

Date: February 26-27, 2001

Attendees: See Attachment 1

>Assignments are highlighted in the text.

Monday, February 26

1. Review/modify agenda - The agenda was modified as it appears below.
2. Introductions - Robert Wigington introduced Tom Iseman who has joined The Nature Conservancy and is replacing Robert on the Management Committee. Bruce McCloskey introduced Tom Blickensderfer, the new director of endangered species programs for the Colorado Department of Natural Resources.
3. John Shields presented Robert Wigington with a plaque expressing the Program's appreciation for his hard work and dedication.
4. Approve November 20/27 meeting summary - Change "address" to "specify" and replace "after delisting" with "to avoid relisting" at the end the third sentence in item 4a. Under item 4r add "every 5 years" after "status of the species." John Shields submitted other minor editorial revisions. The summary was approved with the foregoing revisions.
>Angela Kantola will post the revised summary to the listserver (*done*).
5. Recovery Program updates
 - a. Bob Muth announced that 30,000 5-inch razorbacks were lost at the 24-Road Hatchery this weekend when the water system, alarm, and backup system failed.
>The Program Director's office will provide a write-up of how this affects our stocking program; as well as an assessment of what happened and how it can be prevented in the future. (The Committee reviewed a draft press release on this matter on Tuesday.)
 - b. Recovery goals - Bob Muth said the notice of availability will be published in the Federal Register by the end of March with a 45-day comment period. The Service and the Program Director's office is currently conducting briefings on the draft goals with the states, tribes, and other agencies in both basins.
 - c. Colorado River Coordinated Facilities Operations studies (see also the update posted to the listserver on February 22) - George Smith said he believes this work is back on track. John Shields asked about the proposed Sulphur Gulch reservoir. Brent Uilenberg said it isn't being integrated in this study, but the East Slope water users are looking into it as a way of making up their share of the water from Ruedi Reservoir. The Colorado River Water Conservation District's issue regarding CBT operations is not yet being addressed under this study, and is a potential problem. Phase 2 of this study is scheduled to be completed by

September 30, 2001. >The Management Committee requested another update from CWCB after the study group's March meeting.

- d. Ouray hatchery completion - Brent believes they have a solution that will make Ouray operational this season. The ozone disinfection unit will be abandoned (use just the sand filters, instead). They will rehabilitate an existing well, drill two new wells, install new wellfield pipe, etc. They also will investigate other filtering media. The total cost for modifications this year is \$125K. If different filtering media are needed, that will be an additional cost next year. Reclamation has spent \$5.7M on the Ouray hatchery to date.
 - e. Green Mountain Municipal Recreation Contract - Brent said Grand Junction, Palisade, and Fruita all want to be party to the contract for delivery of Green Mountain Reservoir releases. Reclamation will meet with them again to negotiate issues at 12:30 on Monday, March 19 at Reclamation's office in Grand Junction. Brent hopes to reach agreement quickly so that they can proceed with a 5-year, renewable contract this year; otherwise they will use another one-year contract.
 - f. Status of agreement to construct Highline Lake pumping plant as part of the Grand Valley Water Management Project - Brent reported that Greg Walcher recently toured the facilities and the use of Highline is up to Colorado at this point. Bruce said Greg appreciated the tour and that he (Bruce) and Tom Blickensderfer will work to reach a decision on this quickly. Brent said they need an agreement in place no later than June or July (or they'll have to do a supplement to their EA, identify the [less costly] alternative to Highline, and identify the water quality impacts to Highline). Bob Muth expressed concern that Parks needs to reach agreement with USGS quickly if USGS is going to do the water quality study this year. Bruce said Greg would like Colorado to get in-kind contribution credit for Highline (although this wouldn't impact Colorado's capital contribution for FY 2001). Bruce suggested the Program needs a policy regarding how entities may get credit under the Program for in-kind contributions. Brent said our policy (via the annual work plan) has been and should be that to the extent that a state or other entity provides a service that offsets a cost represented in the Program's outyear capital budget, then they should get credit for that. Tom Pitts noted that the items/costs on the outyear budget table do change, and we need to recognize that table is not completely locked in. John Shields added that discussion/agreement on credit needs to occur among all the Program participants (which would occur as a proposal for the 2002 budget). Robert Wigington noted that the Program would then consider how the proposal would affect the overall capital budget.
6. Funding issues
- a. Capital funds status
 - 1. CWCB loan to WAPA - Shane Collins said WAPA went before CWCB in January and a loan of up to \$5.5M was approved (available as of

October 1, 2000). Tom Pitts asked to put the WAPA budget issue on the Implementation Committee agenda.

2. Status of state agreements with NFWF - Colorado, Utah, Wyoming, and New Mexico have been working to develop agreements with the National Fish and Wildlife Foundation by which the states can provide their capital cost-share funding to the recovery programs. John Shields reported that the states, NFWF, and Reclamation met November 28 and again Friday, February 16 and the three upper basin states have developed draft agreements. They have proposed a draft MOA specifying allocation of the state cost-share among the four states and are discussing the appropriate signature level. This agreement may be ready for the Implementation Committee's consideration in March.
- b. Land acquisition - Acquisitions which the Program expected would be made under FY 2000 funds were made under FY 2001 funds, instead. Thus, the Program is now seriously short of funds for FY 2001 land acquisition. Meanwhile, the Service is poised to proceed with ~\$60K of appraisals. Christine Karas said they've submitted \$470.65K under Reclamation's list of shortages to try to help solve this problem. Chris said she will be pushing hard to get these funds. Tom Pitts asked for an update >from the Program Director's office of the land acquisition progress report (the Committee has requested that updates on both floodplain and growout pond acquisitions be prepared on a quarterly basis).
- c. Tusher Wash - Brent Uilenberg reviewed the dispute between Thayne Hydropower and the Green River Canal Company regarding Thayne's legal entitlement to divert water. In order to screen the diversion now (rather than wait for the courts to settle the dispute), we need to either build a screen for 715cfs or offer to buy out the hydropower for 715 cfs (715 cfs is the maximum amount to which they may be entitled, as opposed the 515cfs basis on which we'd previously negotiated). Robert King said the Canal Company asked the Service to reconsider the O&M (\$20,000/year which we have said would be their responsibility), and they also have asked for funds for design review. Brent asked if the Committee would approve paying for a fish screen at \$1.2M or paying for avoided costs of the screen (a \$400K increase over what we'd approved previously). The Committee authorized Brent to negotiate the best deal, including either a 715 or 115cfs screen (depending on whether the "buyout" option is accepted) and the Program paying for O&M (the Service abstained from this vote). The Committee discussed Program O&M costs, in general, and agreed that >we need to identify the portion of the \$4M which will be dedicated to monitoring. Bob Muth said we can make good estimates of the cost to monitor Colorado pikeminnow and humpback chub, but we won't be able to estimate as accurately the costs for monitoring bonytail and razorback sucker, or the cost of habitat monitoring at this point.

- d. Nonnative fish barriers
 - 1. Bottle Hollow Reservoir - Dave Irving said Bottle Hollow contains nonnative fish, but has no outlet screen. (Evaluating the feasibility of screening Bottle Hollow to control nonnative escapement is an FY 2001 RIPRAP item in the Duchesne River action plan.) We don't know how many nonnative fishes may be escaping the reservoir. The Ute Tribe would like to build a small pond a mile below the outlet to provide fishing opportunities for Tribal elders. A screen would work best downstream, and could be constructed in conjunction with the pond for about \$30K. Christine Karas asked if they had approached CUP for funds for the screen and Dave said he would do that. In light of the Program's nonnative fish stocking procedures, Tom Pitts asked if the proposed pond would be within the 50-year floodplain, and Dave said it probably would be. The Committee noted prevention of connection during flooding would need to be addressed in the NEPA document and/or Section 7 consultation. The Committee expressed willingness to work with Dave and the Tribe and CUP on this. Dave's office would O&M the screen.
 - 2. Horsethief State Wildlife Area - Brent Uilenberg said Anita Martinez has identified a need for \$30K to prevent introduction of nonnative fish into the ponds at Horsethief. Bruce McCloskey said this should not be on the Committee's agenda at this point, so the discussion was ended.
- e. Wahweap storm damage repairs - Wahweap hatchery sustained storm damage last year resulting in erosion near the new ponds. The Biology Committee recommended that the Management Committee approve \$37K for repairs. The funds are available in the FY 2001 capital funds budget from: 1) \$32,000 not needed to purchase an ASV to maintain floodplain water control structures at Ouray; and 2) \$5K not needed for northern pike exclusion device assessment (which had a \$25K placeholder, but the scope of work has only requested \$20K). The Committee approved cost-sharing up to \$37K for the repairs.
- 7. Review and approve recommended RIPRAP revisions and FY2002 Program Guidance
 - a. RIPRAP status assessment and revisions - Bob Muth reviewed major changes; George Smith and Tom Chart outlined Water Acquisition and Biology committee comments. The Committee reviewed the mark-ups to the RIPRAP tables and made the following revisions:

<u>Page</u>	<u>Item</u>	<u>Change</u>
20	ID1	Bob Muth suggested leaving the workshop to scope the tributary management plan in FY 2001.
21	IIIA2c	Robert Wigington disagreed with extending implementation and evaluation of nonnative control measures beyond 2003 until we have a

long-term nonnative fish control strategy and habitat monitoring program. The Committee took the x's out of 2003-outyears and modified IIIA2c to read "Evaluate the effectiveness of pilot control measures and develop an integrated viable active control program."

- 23 VIIA6 The Committee disagreed with the Biology Committee's recommendation to call the conservation plans "post-delisting conservation plans."
- 23 Add item to report to Congress on the use of power revenues in base funding (as identified in Section 3d2 of PL 106-392).
- 24 IA3e The Committee decided not to add the item to reevaluate Flaming Gorge operation based on settlement of the Federal reserved water right.
- 25 IVA1 Leslie James expressed concern about stocking bonytail in Lodore Canyon (questioning if that would result in the need to target flows for those fish). Leslie and Bruce will discuss this further.
- 31 IA5b Brent said we'll have another one-year lease for the 10,825 from Ruedi Reservoir this year with the long-term lease in place by 12/01.
- 34 IIB1b2 The GVIC screen will be completed 3/02.
- 34 IIB2a3 Note that construction of Price Stubb fish passage is contingent on the FERC decision.
- 34 IIB3a&b Change dates for construction and evaluation of fish passage and screen at Government Highline to be consistent with the outyear budget plan.
- 36 IA2a1 Add WAPA to the "who" for this item.
- 37 IIB2g3 Hartland screening would be completed 3/04. Shane Collins asked that the Committee discuss the priority of providing fish passage and screening Hartland. Bob Muth agreed, noting that this is not called for in the recovery goals. The Committee agreed that >the Program needs to reassess this need after the recovery goals are finalized and the report on the feasibility of warming Aspinall releases is completed.

No changes were made to the text portion of the RIPRAP.

Section 5.0 - Funding table - >Angela will update the annual and O&M costs and incorporate Reclamation's outyear funding table into the capital funding section. >Brent will have Bob Norman send the latest version of that table to Angela and to Ellen Szczesny to post to the website in Adobe PDF format.

RIPRAP assessment: Since we recognize that land acquisition is a matter of opportunity and thus do not have acreage goals, Tom Pitts pointed out that it's subjective to say that we aren't acquiring easements in a timely manner. Bob Muth agreed to remove that. Also, on the second page of the assessment, we should note that recovery goals were *preliminarily* incorporated into RIPRAP revisions. Finally, credit should be given for reoperation of Flaming Gorge Dam.

Wednesday, February 27

- b. FY 2002 Program Guidance - George Smith said he believes they've worked out a way to maintain the USGS cost-share of gages (project #8), so the budget for that item will be reduced. In discussing the new start on evaluation of Lodore and Whirlpool Canyon fish communities, Robert Wigington noted that this is not the only monitoring that will be needed below Flaming Gorge. Tom Pitts expressed concern regarding the cost of land acquisition (e.g., in staff costs and floodability analyses) compared to benefits (number of acres we've been able to acquire). CAP26, Hartland Passage should be under "discontinued projects" and passage at Hartland put on hold pending further investigation. John Shields recommended that the guidance for evaluating entrainment of pikeminnow in Yampa River diversion structures require a public involvement plan. Ray Tenney said the District understands that the PBO's are being developed one at a time, but wants to see some kind of interim Section 9 protection for diversion structure owners. Robert Wigington said the only solution he knows of is an HCP, which the ditch owners probably don't want. Gerry noted that we're discussing 2002 guidance, and the PBO should be developed prior to that. Ray expressed concern about the number of fish that the incidental take statement allows (e.g., 4 razorbacks in the Colorado and yet Bob Burdick's report on operation of Redlands fish passage shows a high number of razorbacks impinged on the Redlands trash rack). >Gerry will modify this guidance. The Elkhead screen is shown as a placeholder because we don't yet know how we're going to prevent escapement from that reservoir. The Management Committee wrestled with the question of how to prioritize reservoirs for nonnative fish screening since we can't afford to screen them all. Bruce pointed out that we don't have an inventory of all reservoirs which are potential sources of nonnative fish. Bob Muth said that reassessment of the nonnative fish stocking procedures is supposed to occur this year; >Bob Muth will make sure that reassessment addresses the inventory and priority issues. Leslie James said this discussion would seem to indicate that we plan to do whatever we can to protect sportfishing, yet we don't do that with other resources, such as power generation. Tom Pitts noted that the RIPRAP and 15-Mile Reach PBO call for implementation of Colorado's fisheries management plan, but there is no line item in the budget for that. >Bruce and the Program Director's office will talk to Tom Nesler about the need for funding for this in 2002. > The Program Director's office also will talk with Tom Nesler about using Colorado's native fish hatchery to raise fish for the Program in FY 2002.

The Committee recommended the revised Guidance and RIPRAP revisions go forward to the Implementation Committee for approval.

- c. FY 2002 projected funds availability, FY 2002 depletion charge & annual budget adjustments - Angela Kantola distributed a draft table which the Committee discussed briefly. >Angela will correct the table (to conform it with Reclamation's latest spreadsheet, show the annual/O&M power revenues as one line, and add a two-year total for state and power revenue capital funds) and post this to the listserver prior to the Implementation Committee.
8. Gunnison River flow recommendations report - The Committee discussed the report Flow Recommendations to Benefit Endangered Fishes in the Colorado and Gunnison Rivers by Chuck McAda, which was elevated to the Management Committee in December when all Biology Committee members voted to approve it except the water users, CREDA, and Western. Minority reports were posted to the listserver on February 2 (Western & CREDA) and February 9 (water users). Additional comments were posted to the listserver on February 23 from Chuck McAda, John Pitlick and Robert Wigington. John Shields distributed copies of comments he received from water users. WAPA distributed copies of their November discussion paper, a summary of the seven issues identified in the minority reports, and a response to Pitlick's memo. Shane Collins recommended that a subcommittee of the Management Committee work to address the seven issues. Tom Pitts concurred that he believes there are unresolved technical issues with the recommendations and that discussion of those issues needs to occur with the appropriate technical experts. Robert Wigington said he thinks the technical issues have been thoroughly discussed and that the whole Committee needs to discuss the issues, hear from the Service regarding what their flow recommendations will be given the technical comments received to date, and talk about the tough questions of implementation. Tom Pitts said he doesn't believe the Service has responded to the very specific technical issues he has raised. Shane Collins noted that in addition to the seven technical issues, they also have policy issues (importance of the Gunnison River to recovery; what life stages of razorback sucker should be accommodated in the Gunnison River, etc.) which they'd like to discuss. Bob Muth said he doesn't think we can answer the razorback sucker life stages question at this point. Kirk LaGory said they commented that this part of the recommendation was premature and asked why we would provide overbank flooding before we have larval razorback sucker in the system which would need the habitat the flooding would provide.

The Committee discussed whether flow recommendations are made "biology first" or whether they are made based on biology and operating constraints. Robert Wigington maintained that the Program Blue Book says flow recommendations will be based on biology. Clayton Palmer and Bob Muth disagreed as to whether the Flaming Gorge flow recommendations incorporated operating constraints.

Each Committee member outlined their views regarding how to resolve the remaining issues. The Committee agreed that >the Program Director's office would contact CREDA, Western, the water users, and Colorado and determine a time when the Service can meet with them within the next month to address the technical issues identified in the three minority reports. The Committee also discussed policy issues identified in WAPA's November discussion paper; John Shields asked Western (in consultation with Program staff) to revise that paper to include a recommended approach for addressing the

policy issues identified therein.

9. Washington, D.C. briefing trip - The Committee discussed the schedule and other details of the Program's March 15-20 briefing trip to D.C. The Committee will try to meet with the Endangered Species Coalition for breakfast Friday morning (>Robert Wigington will set this up this meeting). John Shields said we also will try to offer a brown-bag briefing on Monday or Tuesday on the recovery goals through the Western Water Caucus. >All Committee members need to get their letters of support signed.
10. Extending the Recovery Program beyond 2003 - According to the long-term funding legislation, we must extend the Program's Cooperative Agreement by January 21, 2002. The Committee previously developed a draft agreement (posted to listserver by John Shields), but deferred action until recovery goals are developed at Colorado's request. Bruce McCloskey commended the Service on their efforts to develop the goals and said Colorado's confidence in those goals may be helped by the briefing they receive next week. However, until recovery goals that Colorado can support are published, Greg Walcher won't be ready to extend the Program. If Colorado can live with the goals published in the Federal Register, then the extension can move forward. Bruce recommended that we put this on the Implementation Committee agenda in March, saying that he's optimistic it may be a very constructive discussion if Colorado receives the goals a few days before the meeting and finds them acceptable. >John Shields will post corrected versions of the draft extension documents tomorrow. >Committee members will get comments on those drafts to John by c.o.b. Monday, March 5. >Then John will revise the draft extension and post it to the listserver in advance of the Implementation Committee meeting.
11. Section 7 update
 - a. Consultation list - This list has been reformatted based on recommendations from the Water Acquisition Committee to properly incorporate consultations under the 15-Mile Reach PBO. The Committee found this acceptable. >Angela Kantola will get Matt Cook's Adobe PDF version and have it posted to the website.
 - b. Status updates on programmatic biological opinions - Gerry Roehm distributed a timeline of milestones to be accomplished under the Yampa and Gunnison PBO processes.
 1. Yampa - Final PBO expected this September.
 2. Gunnison - The delay of the flow recommendations shouldn't have a major effect on drafting the management plan, since there's a 3 month buffer for completion of the water demand study. John Shields asked if Reclamation's draft report on the Gunnison water demand study would go to the Water Acquisition Committee for review and Brent said it would.

- c. Schedule for Service sufficient progress determination - Susan Baker said the Service will meet the week of April 9 to review progress and draft a sufficient progress letter to come to the Service in late April or early May. John Shields asked the Service to consider the fact that the 3,000 acre-foot threshold is arbitrary and consider raising that threshold as a symbolic gesture to Program participants that we are making progress.
12. Utah Fish Health Board issue regarding growout ponds - UDWR proposes a variance to state fish health standards so that Ouray Hatchery can stock endangered fish in growout ponds. Hugh Thompson distributed a letter from Matt Andersen which says they will seek a variance and recommends that Ouray seek certification from the Utah's Fish Health Policy Board. >Bob Muth will discuss this with Matt and with the Service's fish health staff (Crystal Hudson).
13. Draft Implementation Committee agenda for March 14, 2001 meeting - Agenda items will include:
- a. Approval of September 6, 2000 meeting summary
 - b. Recovery Program and fish status update
 - c. Recovery goals update
 - d. Update on FY 2001 budget execution
 - 1. WAPA budget issues (2001 and beyond)
 - e. Review/approval of recommended RIPRAP revisions
 - f. Review/approval of recommended of FY 2002 Program Guidance
 - g. Update on implementation of PL 106-392
 - 1. Execution of MOA
 - h. Update on Congressional briefing trip scheduled for March 15-20
 - 1. Signature of certificates of appreciation for Allard, Hanson, and Miller
 - i. Extending the Recovery Program beyond 2003 (must be done by January 21, 2002).
 - j. Scheduling the September 2001 Implementation Committee meeting. The Management Committee recommends holding the meeting in Grand Junction September 6, 7, 10 or 11 and inviting Gale Norton for a signature ceremony on extending the recovery program's cooperative agreement. (>The Program Director's office will bring the big fish display to the meeting) >Management Committee members will provide Angela with their Implementation Committee members' available dates in September by March 9 so that the Implementation Committee will be able to quickly review commonly available dates and set the September meeting.

>Angela Kantola will try to move the Implementation Committee meeting to one of the new hotels near the junction of I-70 and Pena Boulevard so we can have a larger meeting room. (*Done. The meeting will be at the Holiday Inn, DIA at 15500 E. 40th Ave. Shuttles are available from the airport.*) The meeting needs to adjourn by 2:00 p.m. to allow those traveling to Washington D.C., to make their flights.

14. Consideration of a 2-year budget process for the Recovery Program - > Each Committee member and the Program Director's office will list their pros and cons for this and provide them to John Shields on or before March 31.
15. Next meeting - June 5 near DIA, 9:30 - 4:00.

**Attachment 1
Colorado River Management Committee, Salt Lake City, Utah
February 26-27, 2001**

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Bruce McCloskey	State of Colorado
Robert King	Utah Department Of Water Resources
Hugh Thompson	Utah Department Of Natural Resources
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Shane Collins	Western Area Power Administration
Susan Baker	U.S. Fish and Wildlife Service
Leslie James for Dave Mazour	Colorado River Energy Distributors Association
John Reber	National Park Service
Robert Wigington, Tom Iseman	The Nature Conservancy

Nonvoting Members:

Bob Muth	Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Angela Kantola	U.S. Fish and Wildlife Service
Gerry Roehm	U.S. Fish and Wildlife Service

Others:

Tom Chart	Bureau of Reclamation
George Smith	U.S. Fish and Wildlife Service
Dave Irving	U.S. Fish and Wildlife Service
Tom Blickensderfer	Colorado Department of Natural Resources
Ray Tenney	Colorado River Water Conservation District
Clayton Palmer	Western Area Power Administration
Kirk LaGory	Argonne National Laboratory
Bill Davis	Colorado River Energy Distributors Association