

Management Committee Meeting Summary
April 8, 2004
Denver, Colorado

Attendees: See Attachment 1

Assignments are highlighted in the text and listed at the end of the summary.

CONVENE - 9:30 a.m.

1. Review/modify agenda and time allocations and appoint a time-keeper - The agenda was modified as it appears below.
2. Presentation of plaque for Shane Collins - The Committee presented a plaque for Shane Collins thanking her for four years of service on the Management Committee. Gary Burton accepted the plaque on Shane's behalf.
3. Approve February 5, 2004, meeting summary and February 18, 2004, conference call summary - The summaries were approved as written.
4. Yampa Plan, EA, PBO and Cooperative Agreement - Gerry Roehm delivered the Yampa Plan and EA to Margot Zallen today for her review. An internal review draft of the PBO will be done by the end of April. Bob Muth said he looks for the cooperative agreement to be ready for signing in July.
5. Elkhead enlargement, agreements, and 404 permit application
 - a. Agreements and contracts - Randy Seaholm distributed a visual map of the agreements and Dan Birch distributed a summary of his Powerpoint presentation. Dan, Randy Seaholm, and Lee Leavenworth reviewed purposes, parties, and key features of the various agreements. Paragraphs 5c, 5f, and 7b of the acquisition agreement address management of the "fish pool" water. Dan Luecke suggested the language say that the *Service* will *set* the water release schedule and inform the other parties (rather than the release schedule being set by a process of consultation). Gerry Roehm said the release schedule is outlined in the Yampa Plan and PBO. Brent Uilenberg and Lee Leavenworth said the language could certainly be made more clear in that regard (e.g., language similar to that in 7b and 5f could be used in 5c). Randy Seaholm said documents need to be mailed by May 12 in advance of the May CWCB meeting to maintain the Elkhead enlargement construction schedule. A meeting will be held to further discuss the agreements the afternoon of April 14 (1 p.m. at the Service's Regional Office 6th floor conference room) among the Service, Reclamation, CWCB, River District, environmental groups and any others who wish to attend. The Committee discussed other concerns outlined by the environmental groups. Randy Seaholm said that section 4.1.3.c.1 of the Program Blue Book states that instream flows within Colorado will be appropriated and acquired by the CWCB. Dan Luecke asked if CWCB has legal authority to hold this right since it is a storage right for which CWCB will not make an instream flow filing (if CWCB does not have the

authority, then the right could be subject to abandonment). Anne Janicki said CWCB does have precedent for this (e.g., the Steamboat Lake water). Dan Luecke asked if the 1993 enforcement agreement applies (it appears to address instream flow rights, but not necessarily storage rights). Linda Bassi said the enforcement agreement addresses “water rights,” which CWCB interprets as broad enough to address storage rights. Tom Iseman asked if the accelerated contribution of Colorado’s capital cost-share would affect other endangered species activities funded through Colorado’s Conservation Trust Fund and Tom Blickensderfer said it would not because they’re actually making up funds they didn’t pay into NFWF in the last few years.

- b. Payment of CRWCD invoices - Tom Blickensderfer is talking with Utah and Wyoming about paying existing CRWCD invoices for Elkhead work with NFWF funds.

6. Capital Projects and Funds Update

- a. Projects update - Brent Uilenberg said the GVIC fish screen is operational. Grand Valley Project fish passage is on schedule for completion this July. Grand Valley Water Management is operating and the Highline Lake pumping plant will be operational by June. Next year’s projects include Grand Valley Project fish screen (bids to be solicited by May or June); Redlands fish screen (bids to be solicited in June). The Price-Stubb fish passage draft supplemental EA will be out by early May. Brent said a kayak park may be part of the Price-Stubb fish passage if: 1) a local government entity assumes responsibility, sponsorship, and liability; 2) the incremental costs are covered by an outside entity (not by Reclamation or the Recovery Program); and 3) a local government entity or recreationists negotiate right-of-way and access issues with CDOT. Brent said they intend to design a screen and negotiate a contract for the Tusher Wash diversion on the Green River in FY 05, with the intent of awarding a contract and initiating construction in FY 06 and completing construction in March 2007. It is Reclamation’s intent that the outyear budget schedules will be supported by their budget requests.
- b. Request from GVIC for track hoe - Based on previous negotiations with GVIC, the Recovery Program either needs to retrofit the GVIC screen with an automated trash cleaning system (~\$140K) or purchase a trackhoe to clean the trash at \$62K (rental not particularly feasible) and pay operating costs. Brent recommends purchasing the trackhoe, as GVIC is not comfortable with the automated trash rack. >Bob Muth will ask GVIC if they want to use the trackhoe for any other purposes and would therefore share the cost; or if the trackhoe will be dedicated 100% to cleaning the trash off the fish screen.
- c. Redlands Power request for reimbursement of lost power revenues (\$77K) - Dave Mazour suggested that the Committee review the conditions placed on our approval of Grand Valley Project power replacement last October (see Attachment #2). Dave said CREDA is very sensitive to the cost of power losses,

since their customers have suffered much greater power losses than these over the years. Brent and Tom Pitts noted that the Redlands and Grand Valley power losses represent a fairly large portion of these entities' overall budgets. John Shields wondered if we were able to find other sources of funds, if that would count against our capital fund cost ceiling. The only other similar situation we anticipate is Tusher Wash, which generates \$30-\$40K in power/year. Dan Luecke noted that without the Program's investment in these facilities, their owners would be liable for take under the ESA. Dave Mazour asked that Reclamation meet the conditions identified in the previous motion. Gary Burton asked if it might be fair to reimburse GVVUA for the second year of power losses, but not for the first, and not reimburse Redlands for only one year of power losses. Tom Pitts did not believe it would be appropriate to ask either entity to suffer even one year of power losses. Sherm Hoskins suggested we develop guidelines for what kind of costs we will and will not consider reimbursing, and that when we agree to cover additional costs, we also identify what scheduled projects we will cut, since we've already reached our capital fund ceiling. >Brent Uilenberg will address the conditions in #'s 2,3, & 6 of the Management Committee's October 24, 2003 motion and >Tom Pitts will provide copies of the resolutions passed by GVVUA and OMID. The Committee will conduct a follow-up conference call at 10:00 a.m. on Monday April 12. >Bob Muth's office will set up the call and e-mail the information out tomorrow morning.

- d. Deferring 2004 power revenue contribution - Brent Uilenberg said deferring this to 2005 will put the State and power revenues in closer step. Gary said that Clayton would like to do this. The Committee had no objections to the deferral.
7. Washington, D.C. Trip report - John Shields provided a trip report and will send a final report to the Program Director's office for the website and administrative record. John Shields and Tom Pitts reported very favorable reception in D.C., despite the non-Federal Program participants' request for restoration of the Service's \$691K in recovery funds for FY 05. Our fish magnets are still quite popular and we may want to print more. Tom Pitts commended John for all his excellent work in making the trip happen. Tom Blickensderfer noted that IAFWA may request support for State grants, but Colorado declined to support these since they've already supported restoration of Service recovery funds. >John Shields, et al., will prepare draft joint delegation letters to the Secretary of the Interior regarding including recovery funds for the Program in the FY 2006 budget. John emphasized the importance of scheduling next year's meeting when someone from CREDA and the New Mexico Interstate Stream Commission can participate. John also noted the need to meet with the Policy, Management and Budget people each year. John suggested making the briefing book a little shorter and update the look a bit. John also asked if it would be possible to put the briefing book in a format that would allow pages to be added and subtracted pages (rather than just place them in folder pockets). Tom Pitts endorsed shortening the document significantly, especially reducing the text (think of it more like a Powerpoint presentation). Tom also endorsed keeping the budget sheet separate in the future as we were required to do this year. Tom and John emphasized the need for a shorter and more to the point briefing book for these very short congressional

- briefings. >The Program Director's office will look into re-vamping the book and getting the format in place by this summer in preparation for next year's book.
8. San Juan Program Report - Melissa Trammell reported on the larval razorback sucker and age-1 razorback (or possibly razorback x flannelmouth hybrids) being caught on the San Juan River.
 9. Nonnative fish presentation - >Bob Muth will post the presentation to the listserver or website.
 10. Flow predictions and implications for Program projects - George Smith gave an overview of the flow situation for this year. We anticipate needing to lease water from Steamboat again this year. Bob Muth said we may propose a spike release from Flaming Gorge to get flows up to 13,000 cfs to flood backwaters on the Green River. George said that unless flows really come up, we probably won't have coordinated reservoir operations on the Colorado River this year. Also, we might not get the second 5,000 af release from Ruedi Reservoir this year.
 11. NIWQP update - Brent noted the status report that was e-mailed to Committee members and that there is no FY 05 funding for NIWQP. Brent added that the recovery goals say the Program will rely on NIWQP to address selenium concerns. Bob McCue said Mary Henry is very distressed to see this program ending. The Service and the Assistant Secretary's office will make one last appeal in May to the Assistant Secretary for Water and Science. Ending the program at this time is very unfortunate since NIWQP has just reached the point where it is conducting on-the-ground remediation. Also, some Service consultations rely on follow-up monitoring, and so re-consultation may be necessary.
 12. Section 7 consultation -
 - a. Flaming Gorge EIS update - On schedule.
 - b. Aspinall EIS and consultation process - A recent Federal Register notice extended submittal of letters as part of scoping efforts until April 15.
 - c. Duchesne River draft biological opinion - Bob Muth and Sherm Hoskins said a preliminary draft report should be out in a couple of weeks (it will cite the flow targets as goals rather than mandatory targets).
 - d. Consultation list update - Angela Kantola distributed the latest consultation list (through March 31, 2004), noting a correction to the consultation count based on only counting the OSM Bowie Mine #2 project and its several amendments as one project. >Angela Kantola will post the list to the listserver.
 13. Encouraging increased participation in the CROPS process - Deferred.
 14. Reports status - Angela Kantola distributed an updated reports list, noting that based on the Committee's previous request, late reports for which new due dates have been

negotiated are now characterized as “behind original schedule” (instead of “pending”). Also, although there are none on the list at this time, late reports for which no new due date has been negotiated will be characterized as “late.” >Angela Kantola will post the reports status list to the listserv.

15. Schedule next meeting - Tentatively 8:00 a.m. - 3:00 p.m. on June 22 in Salt Lake City (to be confirmed on Monday’s conference call). The Committee will try to schedule a late summer meeting at Tom Blickensderfer’s cabin in Grand Lake.

ADJOURN – 3:45 p.m.

ASSIGNMENTS

1. Bob Muth will ask GVIC if they want to use the trackhoe for any other purposes and would therefore share the cost; or if the trackhoe will be dedicated 100% to cleaning the trash of the fish screen.
2. Brent Uilenberg will address the conditions in #'s 2,3, & 6 of the Management Committee's October 24, 2003 motion.
3. Tom Pitts will provide copies of the resolutions passed by GVVUA and OMID.
4. Bob Muth's office will set up a conference call for 10:00 a.m. on Monday April 12 and e-mail the call information to the Committee. *Done.*
5. John Shields, et al., will prepare draft joint delegation letters to the Secretary of the Interior regarding including recovery funds for the Program in the FY 2006 budget.
6. The Program Director's office will look into re-vamping the briefing book and getting the format in place by this summer in preparation for next year's book.
7. Bob Muth will post the nonnative fish presentation to the listserver or website.
8. Angela Kantola will post the updated consultation list to the listserver. *Done.*
9. Angela Kantola will post the reports status list to the listserver. *Done.*

ATTACHMENT 1
Colorado River Management Committee, Denver, Colorado
April 8, 2004

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Tom Blickensderfer	State of Colorado
Sherm Hoskins	Utah Department Of Natural Resources
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Bob McCue	U.S. Fish and Wildlife Service
Dave Mazour	Colorado River Energy Distributors Association
John Reber	National Park Service
Tom Iseman	The Nature Conservancy
Gary Burton	Western Area Power Administration

Nonvoting Member:

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

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

Others:

Dan Birch	Colorado River Water Conservation District
Lee Leavenworth	Special Counsel, Colorado River Water Conservation District
Ray Tenney	Colorado River Water Conservation District
Bart Miller	Western Resource Advocates
George Smith	U.S. Fish and Wildlife Service
Dan Luecke	Western Resource Advocates
Melissa Trammell	National Park Service
Randy Seaholm	Colorado Water Conservation Board
Anne Janicki	Colorado Water Conservation Board
Mike Serlet	Colorado Water Conservation Board
Linda Bassi	Colorado Attorney General's Office
Robert King	Utah Division of Water Resources

ATTACHMENT 2

*Motion approved by the Management Committee
Upper Colorado River Endangered Fish Recovery Program
Regarding reimbursement of
Grand Valley Water Users Association and Orchard Mesa Irrigation District
For Power Revenue Losses Associated with Construction of a fish passage and fish screen on
the Grand Valley Project
October 24, 2003*

In consideration of several factors, including that there was a doubling of adverse economic impacts to Grand Valley Water Users Association (GVWUA) and Orchard Mesa Irrigation District (OMID) over that described in the NEPA compliance documents on the fish screen and the fish passage as a result of unanticipated construction delays, the Management Committee approves reimbursement of power revenue losses by the Upper Colorado River Endangered Fish Recovery Program to GVWUA and OMID resulting from construction of a fish passage and a fish screen provided that:

1. It is recognized that this decision, and any decisions on similar matters, are at the discretion of the Recovery Program.
2. The Bureau of Reclamation (Reclamation), Western Area Power Administration, GVWUA and OMID mutually agree on a method for calculating lost power revenues associated with screen and passage construction.
3. Reclamation will investigate reducing power revenue losses through construction sequencing and other means, so as to reduce those revenue losses to GVWUA and OMID, and corresponding reimbursement costs by the Recovery Program.
4. GVWUA and OMID agree, by resolutions of their respective Boards, that power revenue loss reimbursement by the Recovery Program will be used for the same purposes as the lost power revenues, and that copies of those resolutions will be provided to Reclamation.
5. Funds for reimbursement in this case will be taken from capital funds available to the Recovery Program.
6. The Management Committee will identify similar situations that may arise in the future, and discuss how those situations might be addressed by the Recovery Program.