



# Upper Colorado River Endangered Fish Recovery Program

Dated: June 16, 2014

## June 13, 2014, Management Committee Webinar Summary

**Participants:** See Attachment 1

### **CONVENE: 10:08 a.m.**

1. Approve May 5, 2014, revised draft meeting summary – Angela Kantola posted the draft summary to the fws-coloriver listserv on May 6, 2014. The only comment received to date was that Andrew Gilmore was mistakenly listed twice in the “Attendees” list. The Committee had no additional comments; Angela Kantola will finalize the summary as revised (*done*). Brent Uilenberg said he believes the funds from New Mexico have been transferred to NFWF; Angela noted this in Attachment 2 of this summary.
2. Review/discussion of draft elements of the sufficient progress memo, draft Yampa PBO status review, and draft strategic communications plan – The Program Director’s office sent these draft documents to the Committee for review on June 2 (and copied the technical Committees and the Service).

Tom Pitts asked about mercury in Colorado pikeminnow; Chart said we could reference the PVA analysis underway in the San Juan (risk analysis of heavy metals on a large predator and how they may affect long-term survival).

>Tom Czapla will check on the statement “Geneticists at Southwest Native Aquatic Resources and Recovery Center (SNARRC), Dexter, NM, have since provided preliminary results indicating that these Yampa fish in captivity are hybrids between humpback chub and roundtail chub (Wade Wilson, U.S. Fish and Wildlife Service, personal communication)” to clarify if this is a new issue or if it has been a long-term concern.

Brent asked about status of “FWS and Reclamation are exploring opportunities (and would include Colorado and the River District in these discussions) to continue delivering Ruedi water (or a portion thereof) to replace the release of 10,825 acre-feet of Ruedi Reservoir water that concluded in 2012. ” Andrew said Jana asked if portions of the most recently contracted Ruedi marketing pool could be subleased to the Service and Reclamation said they believed almost all the contracts could be subleased. The Service will be following up from there.

Angela Kantola documented Committee questions and revisions on a mark-up of the draft elements of the sufficient progress memo. >Committee members will provide any additional comments on the draft elements of the letter, the Yampa PBO status review, and draft communications plan to the Program Director’s office and the rest of the Committee by June 27. The Park Service and Tom Pitts plan to provide comments on the sufficient progress memo next week. Michelle Garrison said CPW also will provide written comments, and informed the Committee that Colorado issued a warning about burbot and has removed walleye bag limits.

With regard to the language in the document “The 15 Mile Reach PBO required that an agreement be executed by the water entities and the Service to furnish a permanent source of water to be provided annually to the 15-Mile Reach to benefit endangered fishes. The Fish & Wildlife Service is satisfied with the permanent sources and considers the contracts and NEPA compliance for Ruedi and Granby that formalized these permanent sources to satisfy the PBO requirement for permanent agreement” Tom Pitts said he still believes the Service needs to send a separate letter to the water users saying these requirements have been met; >the Program Director’s office will draft a letter.

3. Discuss draft energy letter – Based on recent Committee e-mail discussion regarding the proposed draft letter requesting a meeting to discuss strategies for oil and gas development in and near endangered fish habitat, the Committee considered the States suggestion of a verbal offer to meet and discuss the issue with the oil/gas/mining Directors for Colorado, Utah, and Wyoming (and who would meet with them).

The Park Service recently encouraged the committee via email to come to an agreement on the language in the letter, and send the written invitation, rather than a verbal offer to meet and discuss the issue with the appropriate state agencies. The Park Service also believes that interested Program partners should be included in the meeting. Patrick McCarthy replied to the Park Service's e-mail, concurring that: (1) the Recovery Program should not hesitate to engage state oil and gas divisions on energy development in critical habitat, given the risks involved; (2) a letter expressing an interest in dialogue and collaboration is an important first step; and (3) reference to a basin-wide strategy would be premature and should be deleted. Patrick attached a draft revised letter to his e-mail that removed references to a basin-wide strategy yet still outlines the Program's concerns and offers a path toward a risk-management solution.

Tom Chart said he thinks the States have the lead in this discussion. Henry Maddux said he thinks the Committee agrees to having a meeting of the States' energy directors and Program Director's office (and potentially other Program partners from the Management or Implementation committees), but we've stumbled on how to convene it. Henry proposed that the States commit to invite their Directors to a meeting with the Program Director's office and other interested Program partners. Leslie James affirmed this approach. Tom Pitts agreed with not writing letters and calling a meeting with Program staff and State energy directors, but objected to having Program partners *actively participate* (although they may be present), as there is no Program position on this and it would be confusing as to who is speaking for whom. Henry said Utah thought it would be helpful if both their Program Management Committee representative and their State Energy Director were at the meeting. The Committee agreed the State Program representatives (e.g., Management Committee members) should be involved. Michelle said Colorado can commit to this meeting. Patrick said that in light of concerns expressed today, he is willing to defer to the group on not sending the letter. The environmental groups believe this is a very important issue that was carefully and well described in the letter, but they're willing to withdraw their request for a letter. Bridget agreed with the approach, but noting we've spent almost a year writing and re-writing the letter, she encouraged forward progress to get this meeting scheduled. Patrick agreed; the important thing is not whether we send a letter, but meeting to begin addressing the concerns in a collaborative way.

4. Recovery plan/proposal update – Tom Czapla said the Service met last week with the writing and recovery teams to discuss issues about the recovery criteria. The next step will be sending a revised draft back to Recovery Team and the Service. Tom Pitts asked where an "implementation team" is in this process; Tom Czapla said the draft will go to the Recovery Programs for review, likely in late July.

Tom Chart said the Service has drafted invitation letters for the humpback chub science recovery team. Bridget Fahey said the Service definitely wants stakeholder involvement and support and is considering how best to achieve that. The Service looks to science teams to set the bar as to what recovery looks like and to stakeholders for how we accomplish that. The Recovery Programs have more stakeholder participation than most any recovery effort. Nationally, the Service is working to transform its recovery planning processes to focus resources more on implementation than planning. Bridget is concerned that a specific stakeholder team might run contrary to that transformation. Therefore, Bridget would like to ask the Committee what they believe is missing. What would it look like to have stakeholders be adequately involved, and can that be done with the existing recovery programs' committee structure rather than via a specific stakeholder team? Do we need joint meetings with the science team or presentations from the science team, for example?

Tom Pitts criticized the current process wherein a draft goes from the science team to the Service, and then

the Recovery Programs are provided a Service-approved draft without having been allowed to participate in *developing* the recovery plan. Bridget said that if the concern is *when* stakeholders are involved relative to Service approval, then that could likely be solved

Clayton Palmer referred to Western's recommendations for humpback chub recovery team composition (sent May 15). They agree that scientists define the objective, measurable recovery criteria, but they recommend wider participation on the recovery team to include people familiar with what needs to happen on the ground to address site-specific management actions to be included in the plan. The way Service handled the 2002 recovery goals would be one way to accomplish this wider participation, but they have recommended including broader expertise on the team. >Bridget will review Western's memo.

Bridget suggested that perhaps the Management Committee (or a subset thereof) could be involved earlier or in a more meaningful way in the process, rather than creating a separate implementation/stakeholder team. She emphasized that recovery actions in the recovery plans are more general and that specific recovery actions are identified in documents like the Upper Basin's RIPRAP and San Juan's Long Range Plan, both of which have extensive stakeholder involvement. The Service is not resisting stakeholder involvement, just trying to balance that need with the shift in emphasis from recovery *planning* to recovery *implementation*. Bridget said they also don't want to send something to stakeholders that hasn't been vetted by Service policy folks. Bridget recommended seeing if we have a problem with the process when the Colorado pikeminnow draft is provide to the recovery programs and determine at that time if we need to change something for the humpback chub recovery plan process. Tom Pitts said he believes a science team and a stakeholder team should work side by side to develop a recovery plan.

Tom Chart said we've been developing the pikeminnow plan with a more traditional science recovery team and wanted to be sure we had the right components for a recovery plan as Service expects. The next step is to bring the draft to the Recovery Programs for their input *before* the plan goes to the public. The intention is to get input from the Programs as the stakeholder group – not to present them with a final product. Mike Thabault has said that stakeholders will be involved in the humpback chub recovery plan in in a meaningful way, just perhaps not as their own "team" and Mike has emphasized that the Service is revamping the whole recovery planning process.

Leslie asked what the Service means by stakeholders – members of recovery programs or something broader? Tom Chart said his interpretation is a subset of interested recovery program partners (and the GCDAMP as relates to the humpback chub plan). Tom Czapla said he sees Program participants, the folks who will implement the recovery plan, as the stakeholders.

5. Review previous meeting assignments – See Attachment 2.
6. Schedule next meeting, webinar, or conference call – Angela Kantola still needs to draft an annual schedule of Management and Implementation committee meetings. The next Management Committee meeting has already been scheduled for August 25<sup>th</sup> from 10 a.m. to 4 p.m. in Denver near DIA (location TBD). The Committee did not identify a need for another webinar prior to the August meeting at this time. Henry, Bridget, Patrick, and Kevin expressed interest in social gathering that night.

**ADJOURN: 12:25 p.m.**

## **Attachment 1: Participants**

Colorado River Management Committee Webinar, June 13, 2014

### Management Committee Voting Members:

|                                 |  |
|---------------------------------|--|
| Brent Uilenberg                 | Bureau of Reclamation                          |
| Michelle Garrison               | State of Colorado                              |
| Tom Pitts                       | Upper Basin Water Users                        |
| Not represented                 | State of Wyoming                               |
| Bridget Fahey                   | U.S. Fish and Wildlife Service                 |
| Mark Sturm for Melissa Trammell | National Park Service                          |
| Patrick McCarthy                | The Nature Conservancy                         |
| Clayton Palmer                  | Western Area Power Administration              |
| Leslie James                    | Colorado River Energy Distributors Association |
| Henry Maddux                    | State of Utah                                  |

### Nonvoting Member:

|           |   |
|-----------|---|
| Tom Chart | Recovery Program Director, U.S. Fish and Wildlife Service |
|-----------|---|

### Recovery Program Staff:

|                |                                |
|----------------|--------------------------------|
| Tom Czapla     | U.S. Fish and Wildlife Service |
| Kevin McAbee   | U.S. Fish and Wildlife Service |
| Angela Kantola | U.S. Fish and Wildlife Service |

### Others

|                |   |
|----------------|---|
| Andrew Gilmore | Bureau of Reclamation   |
| Jana Mohrman   | U.S. Fish and Wildlife Service                                    |
| Krissy Wilson  | Utah Division of Wildlife Resources, Biology Committee vice-chair |

## Attachment 2 Meeting Assignments

3. **Tom Pitts** will work with **Clayton Palmer and Brent Uilenberg** and provide a list of additional Program contributions to be added to the Program's budget pie chart that appears in each year's briefing book. *In process.* For the 2012 & 2013 *Program Highlights*, we used the \$37.4M annualized estimate. **Western** contracted with Argonne to model and report actual Flaming Gorge power replacement costs going back to 2001. Subsequently, **Western** will provide annual power replacement cost for the previous year each January for inclusion in the *Program Highlights* pie charts. Those pie charts will include a footnote explaining the calculation and assumptions. **Program participants** will identify other significant costs that have not previously reported (e.g., the Granby component of 10,825 which is estimated at \$16M, \$1.25M contributed by Colorado for GVWM and \$1.5M for OMID, CRWCD contributed property for OMID, etc.) *(done)*. **Tom Chart** will ask **Dave Campbell** to work with the SJCC to determine their additional costs not currently reported. *A Cost Subcommittee met several times via conference call to review the proposal for and results of the power replacement costs analysis. 1/29/14: Water user and Colorado additional costs added and documented in Kantola's Briefing Book Pie Chart Data spreadsheet. Power revenue replacement costs "placeholder" from previous years retained until Argonne report finalized and approved (currently in revision). 3/20: Tom Pitts said that a few adjustments on water user contributions will need to be made, but seem to have the totals and process for updating pretty much squared away.*
4. **Michelle Garrison** will discuss with Ted Kowalski (and get back to Brent or Bob Norman) on the proposal of having the Programs ask the National Fish and Wildlife Foundation (NFWF) to obligate \$200K of Colorado's San Juan NFWF funds by putting an "Upper Basin" label on them and then invoicing against that \$200K for Upper Colorado NFWF capital expenditures (e.g., Tusher \$40K and others) in the future. **Michelle** will discuss with Brent and Ted *(done)*. *3/20 - The New Mexico agreement expired and NM is working on renewing, after which this could move forward. 6/13: Done: Brent Uilenberg believes the funds have been transferred.*
5. **Angela Kantola** will send out a revised version of the annual depletion charge budget adjustment update (Attachment 3) in October when Reclamation's FY15 contribution is known. *Pending in October.*
6. **Kevin McAbee and Colorado Parks & Wildlife** will draft an action plan for smallmouth bass control in Ridgway, including all the options and contingencies. *6/13/14: Kevin said CPW, Reclamation, and others are in the early stages of reviewing screening options. Regulations are more of a statewide conversation. As we get more clarification on options, we will get back to a specific action plan.*
7. **Angela Kantola** will draft a schedule for consideration and send a Doodle poll to schedule both the next Management Committee webinar and face-to-face meeting. Suggestions are welcome from **Management Committee members** as to future venue(s) for an August face-to-face meeting, which was held for many years previous in Cheyenne. *A mutually available time could not be found to meet over two days in August to include a social event the first evening; however, if enough Committee members are interested, a catered picnic will be held the evening of the August 25<sup>th</sup> meeting near DIA. 6/13/14: Henry Maddux, Bridget Fahey, Patrick McCarthy, and Kevin McAbee supported the idea of an evening social.*
8. Draft elements of sufficient progress letter:
  - **Tom Czapla** will check on the statement "Geneticists at Southwest Native Aquatic Resources and Recovery Center (SNARRC), Dexter, NM, have since provided preliminary results indicating that these Yampa fish in captivity are hybrids between humpback chub and roundtail chub (Wade Wilson, U.S. Fish and Wildlife Service, personal communication)" to clarify if this a new issue or if it has been a long-term concern.

- **Committee members** will provide any additional comments on the draft elements of the letter, the Yampa PBO status review, and draft communications plan to the Program Director's office and the rest of the Committee by June 27. The Park Service and Tom Pitts plan to provide comments on the sufficient progress memo next week. Michelle Garrison said CPW also will provide written comments
9. **The Program** Director's office will draft a letter to the water users saying the 10,825 requirements in the 15-Mile Reach PBO have been met.
  10. **Bridget Fahey** will review Western's recommendations for composition of the humpback chub recovery team.