

Management Committee Meeting Summary
October 9, 2003
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. Approve July 31-August 1, 2003, meeting summary - The summary was approved as written.
3. Yampa Plan, Environmental Assessment (EA), Programmatic Biological Opinion (PBO) - Gerry Roehm said the Program staff is working as a team to draft a boilerplate PBO for the Grand Junction field office. A first draft should be available in late November (along with the final EA), followed by 30 days for comment and revision. By late December, we will have a final PBO and signed Cooperative Agreement. The signing ceremony doesn't need to be formal (the document can be mailed around). The signatories will be Pat Tyrrell, Ralph Morgenweck, Greg Walcher, and Paul Ohri. >Management Committee members will need to confirm those signatories' availability to sign the document near the end of December. The Committee reviewed the proposed draft CA. Section 1.1 should refer to *the* Management Plan and cite its date. Add to the end of that section "and in accordance with the Cooperative Agreement implementing the Recovery Program (January 1988, extended December 2002)." Tom Pitts said he wants to make sure that section 1.4 is consistent with the 15-Mile Reach PBO (the current language is fairly open-ended and may need to be made more specific). John Shields suggested changing *would* to *will* in the first sentence and adding *pursuant to the PBO* to the end of that sentence. Tom and Gerry agreed. Dan Luecke noted that the specificity in the 15-Mile Reach PBO is related to the status of the fish. Tom Pitts suggested changing section 1.5 to read "The Plan provides for *the Recovery Program* to augment base flows..., measures *by the Recovery Program*...evaluate fish passage and entrainment at *existing* diversion structures..." and delete "and other recovery actions..." Section 1.7 might need to be changed to say it becomes effective upon completion of the PBO, if Margot Zallen approves that approach. The second sentence of 1.7 does not seem to be needed. (>Dan Luecke will check with Robert Wigington to make sure he agrees.) In section 1.8, change *in the event* these species are delisted to *after* these species are delisted. Tom Pitts questioned the termination language in Section 1.9. The Committee revised this section to read: "This Agreement may be amended by mutual agreement of all parties hereto and may be terminated at any time by mutual agreement of all parties hereto. If any one or more of the parties gives 30 days written notice to all other parties of their intent to withdraw, the remaining parties must resolve or otherwise take corrective action to ensure continued implementation of the plan. The parties recognize..." In section 1.10 add applicable *state and* federal laws. The Committee discussed the liability language in section 1.11. It needs to say something more like "No financial liability shall accrue to

any of the parties for failure to implement this plan due to absence of appropriations or allotment of funds.” >Gerry will revise the draft agreement on Friday, Oct. 10 and send it from Bob Muth to the signatories and the Management Committee for review. The Committee returned to discussion of the PBO. Dan Luecke emphasized the importance of maintaining a similar structure to the 15-Mile Reach PBO and relating the second increment of water development to the status of the fish. John Shields said water users in Wyoming will want to be sure that the Section 10 language is strong enough. The Management Committee will need to meet in early December to discuss the draft PBO. John emphasized the need to get the PBO and CA done by Dec. 31.

4. Elkhead enlargement, 404 permit application and financing - Ray Tenney said the River District is ready to submit their 404 application as soon as the EA and biological opinion are in draft form (~mid-November). They expect to receive a permit 120 days after that. Ray said they expect to seek permission from their Board in January to begin design work. Bob Muth said CWCB, Reclamation, District and he and George Smith met yesterday to develop a framework for ownership and financing. Brent said they discussed 2 loans from the CWCB construction fund to the District (one for the 5,000 af of fish water and one for human water use). A contract and grant of easement (the easement is for storage space) would be the vehicle for the Program to pay the District so the District could pay back the CWCB construction loan. The same agreement would include a provision to acquire up to 2,000 af of additional water if needed for the fish and for O&M payments on the fish portion of the water from annual Program base funds. The agreement also would discuss how shortages would be allocated. CWCB, the District, the Service and Reclamation would sign the contract and grant of easement. As soon as the enlargement is constructed and the Program makes payment to District, Reclamation would transfer ownership of the easement back to CWCB (with the Service responsible for making operational decisions on how the water is released). The agreement will be drafted by mid-November. CWCB will discuss the agreement, but can't approve the loan until after July 1, 2004. The loan for the fish portion of the enlargement will be short-term, and the loan for the human portion will be longer-term. It will be in the Program's interest to pay back the loan as quickly as possible to minimize interest. The Management Committee will keep this on their agenda for regular updates. Bob Muth added that Dan McAuliffe is developing an outline/PERT chart of how all this will work.

5. Nonnative Fish Management

a. Policy - The Committee discussed the draft policy. Dan Luecke said he thinks the idea is a good one, but believes the opening section should more strongly state the dimensions of the problem. Also, while the named nonnative fishes are important, the current draft gives the impression that they are the only species of importance. Noting that his opinion may have been misrepresented, Dan clarified that he sees nonnative fish control as one of several issues the Program needs to address, and that it is interconnected with other issues (e.g., instream flows and habitat). Dan asked if there's responsibility for escape of nonnative fish in the Yampa River under the ESA beyond the nexus of the Recovery Program. Dan noted that the word "balance" is used in the draft policy, but isn't defined

(although the word has been struck, the theme remains). Tom Pitts suggested revising the document to make it a stronger policy statement. Tom distributed a proposed revision that puts the policy statements up front and creates another section for policy implementation. The policy should contain a strong, succinct factual statement as to why nonnative fish management is needed to recover the endangered fish (e.g., 40 introduced species that make up more than 95% of the biomass). John Shields said Pat Tyrrell had similar comments about the length of the document and need to make the policy more clear. Dan said he believes the intent of the policy is to get all parties solidly and clearly on board with nonnative fish control. The Committee agreed, and noted that the general public is not the policy's intended audience. John Shields suggested that insertion of *and Wyoming* is inappropriate where the Biology Committee put it, but a sentence could be added afterwards saying that Colorado, Utah, and Wyoming support nonnative fish management. (This may be a moot point based on the proposed revision of the policy.) >Angela Kantola will send the Committee an electronic copy of Tom Pitts' recommended revisions. >Committee members will provide any additional comments to Bob Muth and Pat Nelson by October 17. >Bob Muth will revise the draft along the lines of what Tom Pitts has suggested (and any other comments received) and send it to the Committee by October 24. Committee members who have any substantial comments on that version will send those to the Committee and Bob Muth immediately, and the Committee will discuss the policy again at their next meeting (after which it will go to the Implementation Committee for approval).

- b. Workshop - Bob Muth said a workshop is scheduled December 3-4 (and maybe the 5th) to discuss FY 03 nonnative fish management and make modifications to FY 04 work plans. John Shields suggested inviting Rydell and Gloss from the Glen Canyon program as observers to increase our information exchange.
 - c. Meeting to discuss preventing nonnative fish escapement during Elkhead enlargement and managing the fishery after enlargement - Bob Muth said Tom Nesler has scheduled this meeting for December 9-10 in Craig. The Committee recommended deferring the meeting for public participation until January or February (allowing some time after the nonnative fish workshop and after the Program's nonnative fish management policy is finalized). Bill Elmblad is drafting a fishery management plan for Elkhead which should be shared with the other agencies. The December 9-10 dates should be retained for the agencies to discuss that draft. Tom Pitts emphasized that the discussion at these meetings must focus on *how* (**not** if) the nonnative fish management policy will be implemented at Elkhead (during and after construction). >Tom Blickensderfer will talk to Tom Nesler about setting a new date for a meeting for public participation.
6. Land acquisition - Pat Nelson said the Program has acquired the Thunder Ranch easement on the Green River and the Tipping easement on the Colorado River.

7. Floodplain Management Plans - Pat said Rich Valdez will have a final draft of the Green River floodplain management plan to the Biology Committee within the next couple of weeks. >Pat Nelson will ask Rich to send the PowerPoint presentation he gave to the Biology Committee to John Shields. Rich will provide the first draft of the Colorado River management plan to the Program Director's office next week.

8. Duchesne River flows - Gene Shawcroft of the Central Utah Water Conservation District gave a presentation on ways of meeting minimum flows in the lower Duchesne River. Gene distributed a schematic of the diversions. Recommendations for providing flows are based on data generated at the Randlett gage. Most available water is from Strawberry Reservoir. It takes 3-5 days for water to get from Strawberry to Starvation Reservoir and 3-7 days for water to get from Starvation to the lower Duchesne, so flows can't be managed daily, but they can be managed seasonally (this will require some flexibility in the biological opinion). The flow recommendations (50 cfs July 1 - Feb 28 and 115 cfs March 1 - June 30) have been met in 22 of the past 61 years. Three issues to address in determining how to meet the recommendations are: 1) a source of water; 2) institutional agreements providing a legal mechanism to deliver the water; and 3) physical modifications to diversion structures to allow the water to pass downstream. Gene distributed a chart showing the minimum flow deficiency for the lower Duchesne River over time. Gene said the group has looked at 10-15 sources of water, and two rose to the top. There is 2,900 af in Strawberry Reservoir that has just recently been returned from use for another purpose. This water would meet flow recommendations in 20 additional years, or 42 of the 61 years of record. Also, at least 10,000 af of 44,400 af (of water from CUP required to be left instream to benefit sportfishes) should be available to the lower Duchesne. This water would meet the flow recommendations in 13 additional years (55 of 61). The 44,400 af is Federal project water, and the District is working with the State Engineer's Office on an agreement to deliver the water to the Green River. Six diversion structures are dry dams (a short portion of the river below each "push-up" dam is dry) and would have to be modified to deliver and track the water to the Green River (at a cost of ~\$500K per structure or \$3M total). A project to pump water out of the Green River is being considered to irrigate the area near the Randlett Gage label on the map. If implemented (questionable), this would provide up to 20% of the water needed for the lower Duchesne. Brent asked if the group considered return flow pipelines from the dry dams and Gene said no, but agreed that mechanism could be considered. Without making a specific commitment of funds, the Committee agreed that the group's proposals seem like a reasonable approach. >Sherm Hoskins will work with the State Engineer's office on institutional agreements and >Gene will give Brent a name of someone to work with to do site reviews (to determine alternatives for delivering and tracking the water to the Green River). Tom Iseman said the Corps of Engineers has a river restoration program (Section 206) that might provide cost-sharing for modifying the dry dams. >Sherm will provide a brief update on progress at the next Management Committee meeting.

9. Recovery Program updates -
- a. Flaming Gorge EIS process - Brent Uilenberg said Reclamation is doing some additional analysis on Reach 3 and assuming timeliness of cooperator review, the draft EIS will go out to the public in November.
 - b. Aspinall EIS/consultation schedule - Dan Luecke said that if this process is similar to Flaming Gorge, the environmental groups have concerns about how the alternatives process (presentation and analysis) is handled. Brent said the environmental groups (and others) are welcome to be involved in the process. Bob McCue said the Service and Reclamation are developing a schedule for the EIS process and where the consultation and the biological opinion will fit into that. Brent said it will take approximately 4 years (completion in 2007).
 - c. Gunnison PBO - Dan Luecke said he assumes we'll use an inclusive process similar to the 15-Mile Reach and Yampa Basin. Tom Pitts he talked to CWCB about the PBO in September. The Board has been concerned about how the "marketable yield" of Aspinall would be handled. Tom said he explained to the Board that the Service can't consult on speculative depletions. The Gunnison Water users' preference is that the PBO cover existing depletions, presently authorized depletions from the Dallas Creek project, and the Dolores project. Any other depletions would be covered under the Section 7 agreement. Randy Seaholm has recommended that the Board accept this approach, and Tom said he thinks the Board will accept it. At the River District's request, Tom is drafting an MOU among the Service, Reclamation, Colorado, and perhaps other parties expressing the intent of what the PBO might cover. Tom Iseman and Gary Burton said they would like to see the draft MOU also.
 - d. Highline Lake water storage agreement and pumping plant construction - After the meeting, Brent Uilenberg provided this summary: Contract and Grant of Easement is being reviewed by the Colorado Attorney General's Office. They have indicated they are "comfortable" with the agreement but have a few remaining questions they would like clarified. Reclamation is waiting on their phone call and is prepared to initiate construction as soon as the agreement is executed.
 - e. GVIC fish screen improvements - After the meeting, Brent Uilenberg provided this summary: Reclamation has addressed GVIC's latest concerns regarding the construction easement and it is being reviewed by their attorney. Reclamation hopes to have this agreement executed soon. The construction contract solicitation package is ready to be advertised as soon as the easement is secured.
 - f. Price-Stubb fish passage construction - After the meeting, Brent Uilenberg provided this summary: Reclamation will meet with CDOT and FHWA on Wednesday, October 15, 2003, to resolve access/easement issues. Recreational boaters continue to work with irrigation districts, Town of Palisade and Mesa County to address liability issues associated with simultaneous construction of a

building. The Management Committee was not willing to support the hatchery building and asked what other options might be considered to provide redundancy for Well #1. The Committee asked >Utah to put the consultant on notice to cease work on this project.

11. Lower Basin issues - After the meeting, Tom Czaplá provided this summary: A final draft of the Lower Colorado River Management Plan developed by the Recovery Implementation Plan - Scientific Work Group (RIPSWG) will soon be available for the Fish and Wildlife Service Regional Directors in regions 2 and 6. The Lower Colorado Multi-Species Conservation Plan EIS is being reviewed. The Glen Canyon Adaptive Management Work Group has called for a peer-review of humpback chub population estimates, primarily for the Grand Canyon population. A letter is being developed by the Service (Regions 2 and 6) and Arizona Game and Fish Department calling for a concurrent (Little Colorado and mainstem Colorado rivers) mark-recapture population estimate to be conducted in the fall of 2004 on the Grand Canyon humpback chub population.
12. National Fish and Wildlife Foundation - Angela Kantola distributed the reports faxed by NFWF yesterday. Sherm Hoskins noted that most of the agreements probably need to be updated (names and addresses, inconsistencies, etc.). The Program Director's Office, Reclamation, NFWF, and the four States will hold a conference call to discuss: explanation of how interest is computed and how the reporting period affects that; how expenditures are assessed (they are supposed to be proportional among the accounts otherwise the interest earned by the first accounts assessed is reduced); how interest rates are being computed and management fees assessed (perhaps management fees should be a percentage of interest earned); and updating the agreements. The conference call will be the morning of November 19 (with Nov. 20 as an alternate date). >Angela will coordinate with NFWF and e-mail the 4 states and Reclamation with a specific time. >The Service, Reclamation, and the States will review their agreements for any needed changes before the call.
13. Encouraging increased participation in the CROPS process - Tom Pitts said he has nothing to report at this time.
14. Reports status - Angela Kantola distributed copies of the updated "reports due" list.
15. Next meeting – December 18, near DIA from 9:30 a.m. - 4:00 p.m. (>The Program Director's office will arrange a meeting room.) (White elephant gift exchange over lunch. Bring inexpensive wrapped gift.)

ADJOURN – 4:00 p.m.

ASSIGNMENTS

1. Management Committee members will confirm availability of signatories to the Yampa Cooperative Agreement near the end of December.
2. Dan Luecke will check with Robert Wigington to make sure he agrees to deleting the second sentence of 1.7 of the draft Yampa Cooperative Agreement.
3. Gerry will revise the draft Yampa Cooperative Agreement on Friday, Oct. 10 and send it from Bob Muth to the signatories and the Management Committee for review.
4. Angela Kantola will send the Committee an electronic copy of Tom Pitts' recommended revisions to the nonnative fish management policy. *(Done.)*
5. Management Committee members will provide any additional comments on the draft nonnative fish management policy to Bob Muth and Pat Nelson by October 17.
6. Bob Muth will revise the draft nonnative fish management policy along the lines of what Tom Pitts has suggested (and any other comments received) and send it to the Committee by October 24. Committee members who have any substantial comments on that version will send those to the Committee and Bob Muth immediately, and the Committee will discuss the policy again at their next meeting (after which it will go to the Implementation Committee for approval).
7. Tom Blickensderfer will talk to Tom Nesler about setting a new date for a meeting for public participation in discussion of preventing escapement of nonnative fish from Elkhead Reservoir during construction and of a fishery management plan for the reservoir.
8. Pat Nelson will ask Rich Valdez to send the PowerPoint presentation he gave to the Biology Committee to John Shields. *(Done.)*
9. Sherm Hoskins will work with the State Engineer's office on institutional agreements for providing flows in the lower Duchesne River.
10. Gene Shawcroft will give Brent Uilenberg a name of someone to work with to do site reviews of the Duchesne River dry dams (to determine alternatives for delivering and tracking the water to the Green River).
11. Sherm Hoskins will provide a brief update on progress on ways to meet the Duchesne River flow recommendations at the next Management Committee meeting.
12. Brent Uilenberg will provide cost estimates for potential lost power revenues during construction of fish screens at Redlands and Tusher Wash.
13. Matt Andersen will let Bob Muth and Tom Czapla know the capacity and gallons per minute of the second well at Wahweap.

14. Brent Uilenberg will review the construction cost estimate for Well #2 at Wahweap and report back to the Program on how reasonable those costs are and also work with Tom Czapla to identify what redundancy is needed.
15. Utah will put the consultant on notice to cease work on Wahweap hatchery project.
16. Angela will coordinate with NFWF and e-mail the 4 states and Reclamation with a specific time for a conference call the morning of November 19 (with Nov. 20 as an alternate date).
17. The Service, Reclamation, and the States will review their agreements with NFWF for any needed changes before the call.
18. The Program Director's office will arrange a meeting room near DIA for the Management Committee's meeting December 18.

ATTACHMENT 1
Colorado River Management Committee, Denver, Colorado
October 9, 2003

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
Gary Burton	Western Area Power Administration
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

Nonvoting Member:

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 (via phone)	U.S. Fish and Wildlife Service
Pat Nelson	U.S. Fish and Wildlife Service
Tom Czapla	U.S. Fish and Wildlife Service

Others:

Ray Tenney	Colorado River Water Conservation District
Dan Luecke	Western Resource Advocates
Robert King	Utah Division of Water Resources
Gene Shawcroft	Central Utah Water Conservancy District
Su Ho Lee	National Park Service (intern)
Matt Andersen	Utah Division of Wildlife Resources