



# Upper Colorado River Endangered Fish Recovery Program

Dated: February 16, 2010

## MANAGEMENT COMMITTEE MEETING DRAFT SUMMARY

Utah Department of Natural Resources, Salt Lake City

November 9, 2010

### **CONVENE: 9:00 a.m.**

1. Introductions, review/modify agenda and time allocations, and appoint a timekeeper – The agenda was modified as it appears below; Julie Lyke was appointed timekeeper.
2. Approve August 11-12 meeting summary – Comments on the August summary were submitted by Gene Shawcroft. The Committee approved the summary as revised; Angela Kantola posted the [revised summary](#) to the listserver.
3. Capital Projects – Brent distributed a capital projects spreadsheet showing anticipated costs for Upper Colorado and San Juan recovery programs. The FY10 Horsethief Canyon ponds contract was not awarded because Reclamation was working out water supply concerns (now resolved); therefore ~\$1.5M was unexpended/unobligated and Reclamation requested permission to carry the funds forward to FY 11. Confirmation of this carry-over has not yet been received, although Larry Walkoviak strongly supports it. The decision will be made at the Washington level. (If this is not resolved by March, John Shields noted the non-Federal Program participants may want to raise it with the Commissioner during their briefing trip.) Brent noted Reclamation is under a continuing resolution for FY 11 through December 3 (and perhaps through the end of February or beyond), which restricts them to approved FY 10 funding levels (\$2.986M, doled out in twelfths); thus, they can't award contracts for major expenditures at this point. Projected expenditures for 2012 and beyond are indicated on the spreadsheet, but actual amounts are unknown until the President's budget is released. Brent noted that we are rapidly moving toward increasing the 2013 and 2014 "budget bulge" and moving it further out.

Planning for the Horsethief ponds is going well, and Reclamation will be in a position to award a contract when the funds are available; however, the earliest date the ponds will be ready is fall 2011. OMID canal automation (4-year construction schedule) is moving along well. The Federal government will hold title to the re-regulating reservoir and OMID will own the other facilities. The River District purchased the re-regulating reservoir property. Reclamation will purchase it from the River District and then the funds will be applied to an O&M escrow account (to be administered along with, but in a separate account from the CWCB \$1.5M grant funds). All this is being worked through the Solicitor's office in Salt Lake. OMID also agreed to contribute \$100K to the escrow account. The Recovery Program has committed to \$100K/year for O&M. Additional O&M funds likely will be generated from proceeds OMID gets from hydropower on the conserved 17KAF as OMID and GVVUA take over the hydropower plant operation (Excel is pulling out of the hydro plant because it is closing its Cameo coal plant). This is also an incentive to keep more water in the river because OMID keeps any additional proceeds generated from hydropower

over and above the 17KAF. Construction of Tusher Wash screening is further out. The Biology Committee will provide input by December; the project proponents are still undecided on their preferred course of action. Brent distributed a spreadsheet showing preliminary results from this summer's Grand Valley Canal automation. It was a difficult year, and would have been more so without these facilities. They tapped every drop of the "fish pools" and still struggled to maintain the target (everyone is heartily commended for their very hard work in meeting the targets). This shows that when we lose the 10,825 af Ruedi "2012" water, OMID water will be imperative if we are to come close to meeting the fish targets. Brent thinks that in a year like 2010, OMID can easily contribute 25-30KAF.

4. Aspinall [EIS](#) and Gunnison River Study Plan – Brent said the Aspinall EIS is being reviewed in the Department; as soon as they get approval, they will distribute it to cooperators for review. Brent said the hope for a ROD in time for spring 2011 operations is dimming. Tom Pitts noted that if the Service puts ESA compliance at risk, they need to elevate it to the Department's attention via their assistant secretary. Tom Chart said they've held a series of meetings on the Aspinall study plan, he e-mailed a revised draft yesterday, and there will be a webinar next Monday (November 15). Another webinar may be scheduled to include folks that can't participate Monday, but we have to stay on schedule with the December 4 deadline looming. Brent said the Selenium Remediation Plan is moving forward on schedule.
5. Congressional activities
  - a. Ruedi contract – Tom Pitts reviewed arrangements to provide a permanent 10,825 af of water as required by 15-Mile Reach PBO. For the portion to be provided from Ruedi Reservoir, Reclamation recommended a water service contract at (~\$1.1M + ~\$18K.yr O&M). Work is underway on a 40-year contract and accompanying legislation (to be introduced next year) would make the contract permanent.
  - b. Annual funding legislation – Tom Pitts reported on the status of the House and Senate bills. The House passed a bill that would replace a portion of our annual funds from power revenues with appropriations to avoid PAYGO. The Senate bill (in the Natural Resources Committee) would continue with power revenues through 2023. The Committee is putting together an omnibus public lands bill before lame duck session begins next week that should include this. The bill would pass if they can get 60 votes in the Senate, but the likelihood of that is unknown (although the omnibus will include bills that would benefit the upper basin states). If it gets passed as an omnibus, it is expected to pass in the House, and this would be best for the recovery programs. If it doesn't pass, the non-Federal partners will work to reintroduce the legislation, but can expect difficulties since this became a partisan issue for the first time in the programs' history when it was introduced last year.
  - c. Report to Rep. McClintock – John Shields sent this response document and is in the process of contacting staffers to make sure the report satisfied their questions/concerns. John thanked everyone who worked so hard to prepare the report, including our program and the San Juan Program. John noted that McClintock is poised to become the subcommittee chair.

- d. Conference calls to brief Congressional staff – Debbie Felker reported that the Implementation Committee recommended 1-3 conference calls/year, led by the non-Federal partners, to make sure the Upper Colorado and San Juan programs are visible, keep Congressional staff aware of our current projects, and remain transparent and address Congressional questions/concerns. The Service’s Congressional Affairs office in D.C. will likely be able to help us host the first call in February (~15 minutes on a Thursday or Friday afternoon) in advance of the March briefing trip. >By the end of November, Management Committee members will send John Shields and Debbie and Kara Lamb (I&E Committee chair) a list of the highlights they’d like to see covered in this first call and they’ll get a combined list out to everyone for review by mid-December. Committee members quickly brainstormed a few ideas, including: announcing the March trip; species status (every call); time for questions from staffers; legislative updates and anything else for which the programs need Congressional assistance; and discussion of annual water supply (snowpack) and implications for the fish, (I&E Committee chair). Aligning these items with reports we’re already working on (e.g. fish status summaries, capital project budgets, upcoming technical reports, etc.) will simplify our preparation. Leslie James mentioned that Paul Griffin, a new staffer with Tri-State, may become CREDA’s Management Committee representative. Paul comes from the National Rural Electric Coop Association in Washington, DC, and before that he worked on the Hill, so he’ll be a great asset in our work with Congress.
- e. March 15-22, 2011, briefing trip – Debbie reported on the November 8 conference call with both programs to discuss briefing book production for next year. The book will have similar content, but a more conservative look than past years. Emphasis will be on recovery goals, including downlisting/delisting dates (Tom Chart is following up with the Service on this). The group discussed the possibility of a 1-2 page “Hot Topics” report that can be included as an insert (topics not yet defined, but likely would include recovery goals, nonnative fish management, etc.). In light of changes in Congress, Tom Pitts noted they need to do a lot of work prior to the March trip, getting in touch with and briefing new members (UT, NM, and CO), and making sure they know the recovery programs are a high priority (this also needs to be reiterated with existing members). Tom Pitts will be in touch with the non-Federal program participants to develop a briefing strategy. Debbie added that we’ll need partners’ help to get briefing book quotes from the three new governors. John Shields noted they plan to tone down the look of the nonfederal programs participants funding request brochure. The Committee discussed potential delegation letters, etc., recognizing the potential need for changes this year.

## 6. Budget Issues

- a. FY 2012 use of power revenues – Tom Pitts and Brent Uilenberg noted we’ve done all that we can at this point and now just have to wait and see what happens. John Shields noted the Implementation Committee was presented with a budget showing implications of lost power revenues, so its members are well aware of this issue.
- b. FY 2011 Work Plan update – Angela Kantola said the Program Director’s office has been working to fit additional needed projects into the FY 11 work plan, despite the very tight budget. A PIT-tag array at Maybell Ditch and pumping of the Stirrup

floodplain to help overwinter fish have been approved. Other high-priority projects which may be funded include: evaluation of fish condition below the Grand Valley Project fish screen return; Gunnison River fish community investigations; additional Elkhead O&M; floodplain rearing of hatchery fish; growout pond leases and/or additional O&M costs with Horsethief Ponds coming online.

7. Green River flow protection – The Committee began discussion of this item while Gene Shawcroft could be present. Robert King emphasized this is a Department of Natural Resources *plan* for implementation (the plan also was well received by the Governor’s office). Some may feel it relies too heavily on the Lake Powell pipeline; that’s where Utah is focusing at this point, but other alternatives may still be discussed after modeling is completed. Matt Lindon agreed, adding that none of the alternatives are off the table. The plan goes out to 2015 in recognition of the time likely required if legislative support is needed, but they will be delighted if they can get this accomplished earlier. John Shields asked if legislation would be specific to the Green River basin or apply statewide. Robert said that has been discussed, but statewide application would take 10-15 years, so this protection likely would be specific to the Green (with the potential for precedent/later application statewide). Norm Johnson said an effort is underway to educate water users and legislators about flows needed for endangered fish, specifically as those relate to ESA compliance for current and future water development. Norm said that Utah is committed to protect the flows even if the Lake Powell pipeline doesn’t go through. Norm noted that they may need other Upper Basin states to get involved at some point (Robert pointed to the obvious connection with Yampa River flow).

Jana described concerns raised about the plan in letters from Western Resource Advocates and the Service. Their comments were somewhat similar, especially as related to the anticipated 2015 completion date. The focus on Lake Powell was a concern, but Jana thought that was primarily because the lengthy appendix speaking to the breadth of the approach wasn’t included. Annual accountability/interim milestones under the RIPRAP was another concern, but the WAT thinks that can be worked out. Both letters also mentioned large outstanding water projects they’d hoped the State would defer until modeling is completed. (Robert noted that some of the big projects that Jana mentioned pre-date the Program, and the CUP, in fact.) Mike Roberts added that he didn’t think there was any desire on the part of environmental groups to enforce any flow protection in Utah not required in Colorado (quite the opposite, in fact).

Tom Pitts didn’t submit comments, but sees the submission of this plan by DNR as a sign of Utah’s high-level commitment to protect Green River flows and protection of releases to Lake Powell is an important first step. It’s unrealistic to expect legal protection could be achieved by 2012; rather, Tom is concerned that 2015 may be too optimistic. With regard to outstanding water projects, Tom noted that there also are proposals for projects elsewhere, but no one is pushing for Colorado or White River flow protection by 2012. In terms of process, Tom summarized that he doesn’t think it’s the role of the Management Committee to approve this plan, but to amend the RIPRAP schedule in accordance with the plan.

Robert King said this may be a kind of de facto protection, since Utah is rapidly approaching depletion of its full allocation (perhaps the question is “what water can’t be taken in light of Compact limitations?”).

Leslie asked how the modeling will fit with other modeling work (basin study, etc.) and Robert said this will be more detailed (daily time-step), but it's all going on at the same time. Mike Roberts agreed that the larger Basin study modeling is helping this work. Mike suggested decoupling the technical (modeling) timeline from the very uncertain political timeline. Those modeling/technical aspects are very important, and he would like to see dates identified for those interim steps to help the Program track progress. Julie Lyke agreed that we need some checkpoints with specific dates in this process. The Committee discussed potential dates/checkpoints. Gene said the technical issues will be crucial in determining the needs and what form the legislation will take. He anticipates the technical questions (modeling) will take 2 years, in light of anticipated conversations once the model is complete. Melissa Trammell asked how flows might be protected until the pipeline comes on line (perhaps well after 2015) and Gene said he thinks that while protecting the water to Lake Powell likely will require legislative action, we probably could operate to deliver the pipeline water before the pipeline project is complete.

John Shields expressed strong concern at the mention of Federal legislation on page 3 of the WRA letter. John encouraged the Service to take a similar position as it has with similar efforts in Colorado regarding Utah's good-faith commitment to protect Green River flows. John emphasized the need to allow the flexibility that exists within the upper basin to address these issues, give a little and give Utah the necessary time over the next couple of years to resolve this. The group agreed to simply consider the WRA and Service letters as received for the record.

Mike Roberts seconded Jana's recommendation that >the Water Acquisition Committee work on a timeline to put into the RIPRAP. Brent said he thinks we'll be hard-pressed to provide more detail than already provided in the bar chart; the group agreed the intent is not for the WAC to change dates in Utah's plan. Robert said he anticipates >Utah would provide periodic progress updates to the Management Committee (especially prior to each year's sufficient progress review) and Tom Pitts recommended the topic also be discussed at each WAC meeting.

Larry Crist joined the group after lunch. Larry said he's been involved in many of the discussions leading up to the plan and understands that 2015 may be the soonest realistic, date, but he would like to see dates for interim checkpoints (e.g., model results) in the RIPRAP so that 2015 doesn't creep up on us without having made the necessary progress. Julie and Mike Roberts agreed we can reach resolution on what goes in the RIPRAP with the inclusion of some checkpoints/interim timelines. Larry discussed concerns about protections of flows (especially base flows) in the lower river (reach 3), e.g., as points of diversion are changed.

## 8. Nonnative Fish Management

- a. Update on development of a Basinwide NNF Management Strategy and its focus on prevention – Pat Martinez said he's assembling the necessary documentation for background and guidance and drafting the strategy for this preventive component.
- b. Update on Yampa River Aquatic Management Plan and the Wildlife Commission's Regulations Change process – Becky Mitchell said the plan and the 98a synthesis report

have both been submitted to the Recovery Program (as well as responses to agency comments on the plan). Colorado continues to work on Elkhead escapement numbers and expects to complete by end of November. Tom Chart noted this is a sufficient progress item and will help determine nonnative fish management strategies for Elkhead for 2011. The Colorado Wildlife Commission meets this Friday to consider a number of fishing regulation changes (Tom Chart will be there to represent the Service). Tom said the Service is promoting a must-kill policy for crayfish on the west slope, for example, but initial indications are that the Commission is moving in a different direction than the Service has recommended on all five of the proposed regulation changes. Becky said that she hopes to begin moving more aggressively to a stronger nonnative fish policy soon. CDOW expects to fill its native fish position soon (and Becky wants to set up some meetings to start resolving these issues as soon as that happens). Tom Pitts suggested it would be appropriate for Tom to remind the Commission that the Program provides ESA compliance for more than 1,800 water projects depleting more than 2.8Maf of water. Tom said the Service prefaced its letter with that, and may raise it at the meeting. Krissy said Utah agreed with the Service's points, but just e-mailed Colorado's Chief of Fisheries, Greg Gerlich, outlining the main points, rather than writing a formal letter (Greg replied saying they appreciated the comments and would make the Commission aware of them). >Becky will ask CDOW to let the Program know when they can begin to incorporate the 2009 Stocking Procedures into their fishing regulations. Tom Chart –said he hopes Greg Gerlich will be able to attend the December nonnative fish workshop.

- c. Current Direction for the NNF Workshop – Pat Martinez has been working on the agenda for a couple of weeks and recently met with CSU folks on the smallmouth bass “super-synthesis.” Andre has all the data through 2008, so the workshop likely would de-emphasize individual smallmouth bass project syntheses through that date and rely on Andre's treatment of the whole body of that information. Also at the workshop, Pat will provide a brief outline of the nonnative fish control strategy and preventive emphasis. Coordinated reports will then need to be prepared for the Researchers Meeting January 12-13 in Moab (John Shields strongly encouraged Management Committee members to attend, noting how very valuable this is each year). Then the Biology Committee will use all of this information to formulate recommendations for 2011 strategies. Melissa Trammell encouraged convening a Nonnative Fish Subcommittee meeting in connection with the workshop.

## 9. Section 7 Consultation

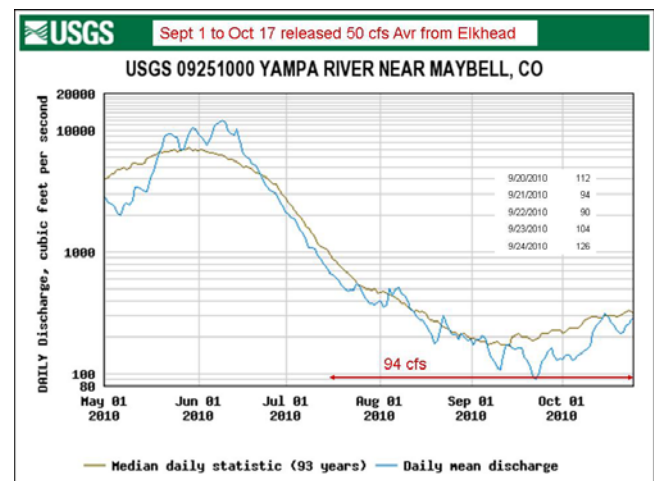
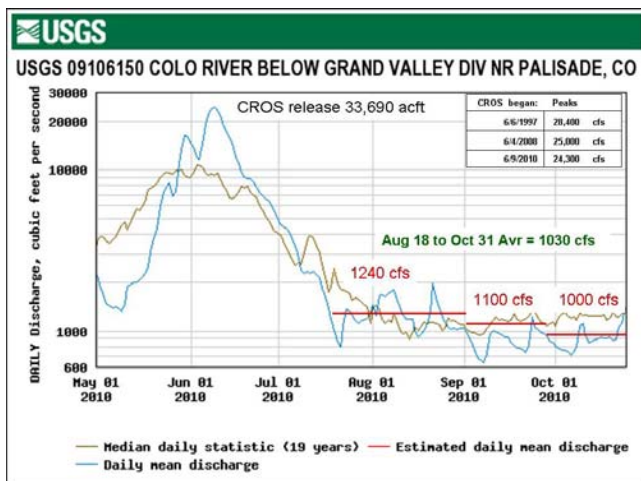
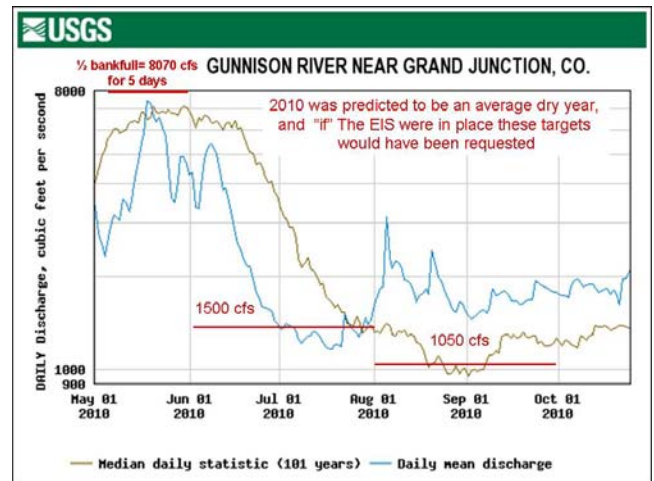
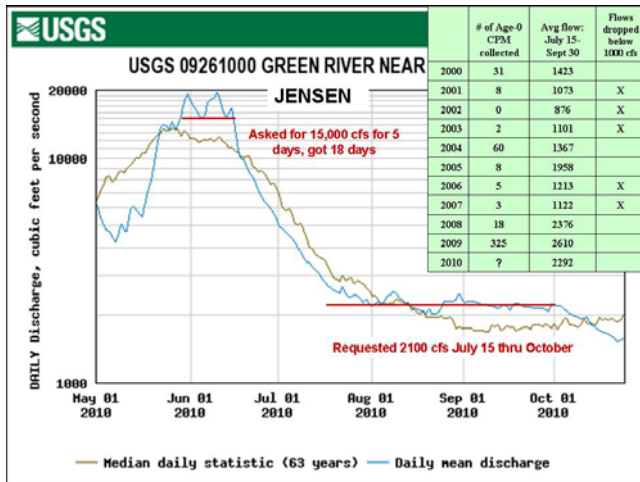
- a. Review sufficient progress action items – See Attachment 3.
- b. Format/process for future sufficient progress memos (Attachment 4) – Tom Chart referred to the Service's proposed modification to the process/steps we go through to prepare this memo each year in order to best address both Service and Management Committee comments and to complete the memo as expeditiously as possible. The only major change is that the Program Director's office will try to draft the backbone of the sufficient progress memo and provide it to the Management Committee for a webinar discussion before it's taken to the Service for final review and evaluation. The idea is to get as much input as possible from the Program's self-evaluation, then let the Service

conduct its evaluation of progress. The Committee approved the revised process (which should be made part of the long-deferred Procedures Manual). With regard to format, Melissa provided specific examples of how the Park Service's suggestions might be incorporated (>and will provide those in electronic format to the Program Director's office). Changes would include using more action oriented statements and better tying accomplishments/shortcomings to the criteria listed in the letter. (It also would reduce confusion to decouple the accomplishments and concerns/shortcomings in the table.) John Shields said he thought those changes would be helpful; Tom Chart agreed.

- c. Updated consultation list – Deferred; >Angela Kantola will post an updated list to the website in the near future.

## 10. Updates

- a. Hydrology – Jana Mohrman gave an update on the past hydrologic year and endangered fish flows:



We requested 15,000 cfs on the Green River near Jensen 15Kcfs for 5 days, and despite the dry year, got flows exceeded 15,000 cfs for 18 days, which was very good for floodplain habitats. Base flows were usually above the 2,100 cfs request, with an

average of 2,292 cfs through October. On the Gunnison River, we didn't quite reach high flow targets that would have been requested if the EIS were in place. During the baseflow period, flows were below 1500 cfs half the time in June and July, but stayed above the 1,050 that would have been requested in August and September. On the Colorado River, we didn't think we'd be able to do coordinated reservoir operations (CROS), but flows came off quickly and peaked 23,600cfs (25,400cfs is the new flood stage), and CROS releases totaled ~33,690 af. Baseflow targets dropped throughout the season as flows decreased. Water users again agreed to operate as if Shoshone were making its call, which helped get us closer to meeting target flows. Yampa River flows only dropped to the minimum baseflow target one day in late September.

Cory Williams is addressing comments on the sediment report and will have a revised draft to the Water Acquisition and Biology committees by January 3. He'll offer a webinar and take questions and comments from those committees by January 17 (with their written comments due within a week). Cory will address those comments, send the report to USGS editorial staff, and then it will go to the Water Acquisition and Biology committees for final approval.

- b. 10,825 Alternatives and agreements update – Water users and the Department of Interior are in the final stages of discussion of a permanent agreement to provide 10,825 af water required by the Colorado River Programmatic Biological Opinion. This agreement can be signed by water users and the U.S. Fish & Wildlife Service in January, 2011. The environmental assessment (NEPA compliance) is expected to be completed mid-2011. In mid October, River District staff met with staff of the Bureau of Reclamation in Washington, D.C. regarding the proposal for a water service contract for 5,412.5 acre-feet of water from Ruedi Reservoir. Reclamation was open to addressing most of the River District's concerns. A positive reply is in process. One of the terms the River District proposed was that Reclamation support legislation to make the contract permanent so it would not have to be renegotiated 40 years hence. Reclamation cannot comment on the legislation until it is introduced. The legislation will likely be introduced in the next session of Congress.
- c. 5-year species status reviews – Tom Czapla said all four are in Service review, but it may take a few months to get them out due to Regional Office backlogs. John Shields emphasized that to maintain our credibility with Congress, it's critical these be completed by the end of this calendar year so we can include them in the *Program Highlights* briefing book (which goes to the printer by February 11). >Julie Lyke acknowledged the urgency and will reorganize Regional Office priorities accordingly.
- d. Recovery plan schedule and recovery timelines – Tom Czapla said they're working with Bob Muth to have him assist with writing the recovery plans/goals. Tom Pitts asked >Service to provide a process and timeline as soon as it can. Although the plans won't be complete by March, we need to have revised downlisting/delisting target dates in the briefing book.
- e. Floodplain restoration activities – Tom Chart said the Biology Committee, some folks from Utah's WAT, and Ouray NWR Manager Ryan Mollnow, visited many of the floodplain habitats in the Ouray area in September. This was helpful to focus us on



floodplains again and raised our awareness of some capital items, like water control structures needed at some sites. We need to evaluate whether fish are surviving through summer now that the number of razorback sucker larvae continue to increase. The razorback monitoring plan and floodplain synthesis report will provide us further guidance for floodplain management. We did realize the need to pump water into Stirrup to help overwinter fish, so that's being done. Tom Pitts commented this was a very worthwhile field trip and we need to be sure we have a process for incorporating the many good ideas (from the Refuge and others) into our work plan. Krissy Wilson noted that the Biology Committee recognized we also need to take the information we're getting and review/revise our propagation/stocking plans. John encouraged the >Committee to consider naming one of the floodplain sites for Pat Nelson.

- i. Southern Rockies LCC (Landscape Conservation Cooperative) – Tom Chart had nothing new to report, but noted the Vegas meeting summary recently provided. John Shields noted that it seems John Hamill would like to see the Southern Rockies LCC take on continuation of the Scottsdale symposium (basinwide coordination) in the future. Chart let Kevin know that he and Michelle Shaughnessy (alternate) would serve as liaison to the Southern Rockies LCC. John Shields said his office is meeting with Kevin on Nov 22<sup>nd</sup>; Becky added meetings also are scheduled with Colorado.
11. Upcoming Management Committee tasks, schedule next meeting, previous meeting assignments – The Committee scheduled its next meeting for February 16 from 10a.m. to 4p.m. in Denver near DIA (at Country Inn and Suites, if available). The Committee may schedule a conference call in the interim. Agenda items will include: DC trip planning and Implementation Committee conference call (March 9) agenda; review or discussion of February Congressional conference call (depending on when it's scheduled); scheduling RIPRAP revisions and FY 2012-2013 Program Guidance review (webinar?); IC proxy to approve?); floodplain restoration activities (formalizing input from the Refuge, etc.); review of sufficient progress items; and updates on legislation, recovery goals/plans, nonnative fish management activities, Aspinall, capital projects, and Southern Rockies LCC.

**ADJOURN by 3:00 p.m.**

Attachment 1

Attendees

Colorado River Management Committee, Salt Lake City, Utah, November 9, 2010

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Rebecca Mitchell	State of Colorado
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Julie Lyke	U.S. Fish and Wildlife Service
Leslie James	Colorado River Energy Distributors Association
Melissa Trammell for John Reber	National Park Service
Mike Roberts	The Nature Conservancy
Robert King	State of Utah

Western Area Power Administration was not represented.

Nonvoting Member:

Tom Chart	Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Debbie Felker	U.S. Fish and Wildlife Service
Tom Czapla (via phone)	U.S. Fish and Wildlife Service
Pat Martinez (via phone)	U.S. Fish and Wildlife Service
Angela Kantola (via phone)	U.S. Fish and Wildlife Service

Others

Walt Donaldson	Utah Department of Natural Resources
Norm Johnson	Utah Attorney General's Office
Mike Quealy	Utah Attorney General's Office
Matt Lindon	Utah State Engineer's Office
Jana Mohrman (via phone)	U.S. Fish and Wildlife Service
Gene Shawcroft	Central Utah Water Conservancy District
Dave Speas	Bureau of Reclamation
Adam Bergeron	The Nature Conservancy
Krissy Wilson	Utah Division of Wildlife Resources
Michelle Garrison	Colorado Water Conservation Board
Larry Crist	U.S. Fish and Wildlife Service

## Attachment 2, Assignments

1. The **Fish and Wildlife Service** will meet to consider if it would be acceptable to screen the irrigation water and not the low-head hydropower water at Tusher Wash or if other methods (e.g., a weir wall) might achieve our objectives for screening Tusher Wash. *Discussions underway; but pending decisions on dam rehabilitation. 8/10/09: Robert King said no decision has been reached yet on dam rehabilitation. Brent said a fish preclusion weir such as the one that will be installed at the Hogback Diversion on the San Juan could be an option if fish mortality in the power turbines isn't a significant problem (would cost much less than the \$7-\$9 million to screen the entire canal flow). Brent Uilenberg will draft a recommendation for reviewing this. (Ask Biology Committee to review, first considering work done on similar turbines and potential for fish-friendly turbines, if needed. If this is unclear, field work may be needed to determine mortality at Tusher; this might be considered pre-design work under capital funds). Brent will prepare a decision tree outline. 2/25/10: Brent will send this out. The key decision point is to determine if fish entrainment mortality through the turbines acceptable (which may require a scope of work to do some monitoring and evaluation). Perhaps "fish-friendly" turbines would be a good alternative. Another question is whether the owners plan to raise the height of the dam. 3/24/10: Discussed by Biology Committee. The Program Director's office is preparing a list of issues to be resolved (e.g., what levels of mortality are acceptable for what size classes, potential O&M costs, etc.) to help move a decision on Tusher forward. 7/27/10: As identified in the sufficient progress memo, Biology Committee to make a recommendation to the Management Committee by 12/31/10.*
2. **Program Director's office** will provide a more specific recommendation regarding establishing a basinwide recovery/conservation oversight team for the endangered fishes. *8/10/09: Tom Czapla said the Program Director's office believes that continuing coordination by Service staff in California/Nevada and Regions 2 and 6 is the best way to accomplish this. As with recovery goals, these Service offices would maintain communication with their stakeholders and then coordinate with one another. Tom will ask that Service group for their suggestions on how they would like to continue this coordination role as the recovery goals revision process wraps up. Pending. 2/25/09: Service Solicitor strongly recommended revising the full recovery plans (which will include the recovery goals). Tom Pitts asked if the recovery team would be reconvened; >the Service will look into this and also into Tom's question as to whether recent regulations have expanded potential recovery team membership. 4/7: The Service will maintain consistency with what has been done so far on recovery goal revisions, that is, relying on Service personnel to work with the partners in each program (e.g., Upper Colorado, San Juan, GCDAMP, etc.) throughout the Colorado River Basin. The Service does not plan to reconvene a recovery team at this time. Tom Pitts and others asked >the Service to provide a process and schedule for completing the recovery plans to the Recovery Program as soon as possible (request reiterated 11/9/10). 6/7/10: This schedule will be out shortly. Tom met recently with Lower Basin folks from the two Reclamation and two Service regions. The group recommended a meeting or conference call of the Program Directors with Reclamation and the Service in both regions twice a year to maintain coordination. Leslie James asked if the Glen Canyon program would be addressed in those meetings and Tom Czapla said that Sam Spiller participated in the meeting via phone. Tom Pitts asked for a short summary of the difference between recovery plans and recovery goals (provided by Tom Czapla 6/14/10).*

3. The **Program Director** will further discuss with the Service developing a programmatic biological opinion for the White River Basin when the Gunnison River PBO nears completion. *Pending. 8/10/09: We need to review the flow recommendations. Tom Pitts also suggests reviewing water demand data from the state (unclear if that's been updated to include projected needs for oil and gas development). Dan McAuliffe said a pending roundtable report should address oil and gas development and associated water demand estimates. (Dan Birch can provide status update). 4/7: **The Service** will begin discussing a White River PBO during their sufficient progress review next week. 5/24: Pending completion of the White River flow recommendations addendum (12/31/10).*
4. The **Program Director's Office (Tom Czapla)** will alert the committee when the 5-year status reviews are completed and provide a link to the documents. *Pending; no change in listing status anticipated. The Program Director's office confirmed these will be done before the end of the calendar year, as was reported on the Washington, D.C. trip. 11/9/10: In review by FWS Regional Office; **Julie Lyke to prioritize review to meet deadline.***
5. The **Program Director's Office** will develop FY 2011 guidance for research to determine levels of selenium that affect eggs of endangered Colorado pikeminnow and razorback sucker (working with the San Juan Program). *2/22: Not yet developed; should be a component of the Gunnison River Study Plan (which also includes the affected area of the Colorado River from the Gunnison River confluence to Lake Powell). 4/1: Summary of FWS-Ecological Services contaminants activities sent to Biology and Management committees on 3/22/10. On March 30, Tom Czapla, Jana Mohrman, and Tom Chart met with Kevin Johnson (FWS-Region 6 Contaminants Coordinator) and David Campbell to discuss elevated levels of selenium (and mercury) detected in endangered Colorado River fishes throughout the Upper Basin (similar information has been reported from the Lower Basin as well). The group agreed the primary information need was to determine how these contaminants are affecting our ability to recover the fish, i.e., better understand what constitutes harmful levels. The SJRRIP is tasked with reducing all threats to the recovery of Colorado pikeminnow and razorback sucker, but the upper basin Program has not historically dealt with threats associated with degraded water quality. In any case, the primary information need likely is larger than the recovery programs' budgets could handle and perhaps beyond our expertise. Kevin agreed to start a dialogue with his colleagues in Region 6 as well as with FWS-Region 2, EPA and USGS to explore ways to answer this question. Meanwhile, during fish community monitoring in the lower Gunnison River, tissue samples will be collected from razorback suckers, as well as a chosen surrogate species, to determine selenium concentrations. 4/7: The water users and other Program participants want to have input into development of the work plan that is produced to address this primary information need. >**The Service** will provide the Committee an outline of the process for developing the work plan. John Shields suggested that the Service develop an e-mail list or listserv for these conversations so everyone interested can remain informed and involved. 7/27/10: The PD's office is currently focusing on the Aspinall study plan in light of its end-of-year deadline.*

6. **Tom Czapl**a has been working with Krissy Wilson regarding UDWR's stocking regulations and Krissy said Utah can receive fish if the facility is certified (the concern was more about the potential for aquatic invasive species from leased and public ponds). Tom will confirm this with Krissy and Dave Campbell. *8/12: Tom Czapl*a said they're still working with New Mexico, but believes Utah's concerns have been resolved.
7. **Becky Mitchell and Tom Chart** will arrange a meeting among Program staff, the Service, Colorado DNR, CDOW, and if interested, water users, to have a more thorough discussion of nonnative fish management issues and alternatives. **Becky** will ask **CDOW** to let the Program know when they can begin to incorporate the 2009 Stocking Procedures into their fishing regulations.
8. Regarding fish condition below screen return pipes and potential injury to fish when the gates on the Grand Valley screen are narrowed to maintain the diversion, the **Program Director's office** will request a scope of work to seine below the Grand Valley Project screen return pipe and assess physical condition of fish (perhaps employing white suckers captured in the passage as surrogates). *Draft SOW pending.*
9. By the end of November, **Management Committee members** will send **John Shields** and **Debbie Felker** and **Kara Lamb** (I&E Committee chair) a list of the highlights they'd like to see covered in this first call and they'll get a combined list out to everyone for review by mid-December.
10. The **Water Acquisition Committee** will work on a Green River flow protection timeline (from Utah's plan) to put into the RIPRAP. **Utah** will provide periodic progress updates to the Management Committee (especially prior to each year's sufficient progress review) and the topic also will be discussed at each **Water Acquisition Committee** meeting.
11. **Melissa Trammell** will send the Program Director's office her examples of how the Park Service's formatting suggestions for the sufficient progress memo might be incorporated.
12. **Angela Kantola** will post an updated consultation list to the website in the near future.
13. The **Management Committee** will consider naming one of the floodplain sites for Pat Nelson.

## ATTACHMENT 3

Action Items from the [2010 Sufficient Progress Memo](#)

November 15, 2010

ACTION ITEM	LEAD	DUE DATE	STATUS
The Service will continue to closely follow the effectiveness of nonnative fish management actions and the responses of the endangered and other native fishes. Data should continue to be reported annually, and necessary changes to nonnative fish management actions should be made in a timely fashion.	FWS, CDOW, UDWR	Ongoing	Ongoing.
A <a href="#">research framework project</a> (building on results and recommendations of previous population estimate reports and information developed as a result of previous population estimate workshops) was initiated in 2005 to conduct additional data analyses to further understand environmental variables and life-history traits influencing the dynamics of Colorado pikeminnow and humpback chub populations. The draft research framework report is significantly behind schedule (originally due in 2007), but the Program Director's office is working with the principal investigators to get the draft report to the Biology Committee for review in the summer of 2010. Results will be used to refine hypotheses and direct management actions.	PDO, Valdez, Bestgen		7/26/10: Draft sent to BC for review 7/16/10; comments due back to authors 8/31/10. Environmental groups, Service and Utah have submitted comments on the draft. PD's office will meet discuss with the environmental groups (and perhaps other commenters) prior to the December Biology Committee discussion/review of the framework so that the Committee can have a fairly focused discussion. 11/9: PDO met with environmental groups, still need to meet with Service and Utah and summarize all comments in advance December BC meeting.
By September 30, 2010, the State of Utah will identify the legal and technical process and schedule to protect recommended year-round flows for the endangered fishes in the Utah.	Utah	9/30/10.	Utah submitted work plan and will provide regular updates to the WAC and MC. WAC to draft a timeline for RIPRAP.
The Program Director's office will complete the Price River position paper and submit it for Biology Committee review by September 1, 2010.	PDO	<del>9/1/10</del> <del>10/1/10</del> 10/31/10	In FWS review.
The Biology Committee (assisted by an ad hoc technical group) will analyze existing data to understand impacts and what could be gained by various screening options at Tusher Wash and make a final recommendation to the Management Committee by December 31, 2010.	BC	12/31/10	Ad hoc work group reviewing options; conference calls 11/10/10; 11/24/10. Recommendations will be made based on current configuration/operations.
CDOW will complete the Yampa River Aquatic Management Plan (with an Upper Yampa River northern pike strategy) by July 31, 2010. The Program will use this strategy and available information to evaluate the need for additional northern pike control upstream of Hayden to Steamboat Springs.	CDOW	7/31/10	Plan completed and CDOW also provided responses to comments; PDO will post plan to web.
Based on their analysis of smallmouth bass recapture information, CDOW and the Recovery Program must decide, prior to the 2011 sampling season, if Elkhead Reservoir can continue to serve as a translocation site for smallmouth bass removed from the Yampa River.	CDOW	2/1/11	End of Nov from CDOW. CSU synthesis also examining; CDOW waiting on their data.
In cooperation with the Service, the CUWCD will draft a water management report (chronicling how flow recommendations have been met over the past 5 years, describing yearly efforts, available water and evolution of past operations [release triggers, etc.]) This report will replace the "water management plan" that the 2005 Biological Opinion called for by December 2009. A second or third draft will be presented	CUWCD / FWS / DRWG	Fall 2010	Duchesne work group meeting 11/10/10.

at the fall 2010 DRWG meeting. The DRWG will continue to examine the feasibility of other options for obtaining water.			
The Program Director's office will complete the addendum to the <a href="#">White River report</a> and provide a status update and recommendation on the draft Schmidt and Orchard report on peak (channel maintenance) flows for Biology Committee review by December 31, 2010.	PDO	12/31/10	In progress.
Implementation of CROS provided good peak flow augmentation in 2009; however, some constraints on operations due to flooding concerns may remain. The CROS working group will consider Cameo flood guidance to maximize benefits of CROS operations for endangered fish habitat.	CROS working group	4/1/10	Good operations in 2010; draft flood criteria were incorporated into decision-making.
Work on CFOPS has resumed and the Phase III CFOPS report will be completed by September 30, 2010.	CFOPS working group	<del>4/30/10</del> 1/30/11	When CWCB completes the report (pending), the group can then analyze how reservoir releases to augment the peak could be made. The concept is to the extent necessary, we would use a portion of the Service's pools of fish water to augment the spring peak, instead of later during base flows. Will require legal review. Concerns may remain regarding flows in the Frypan and reservoir levels for the Aspen Yacht Club. CWCB reviewing 2008 data. 2009 report should be out soon. 2010 (very unusual year) draft information received; accounting pending.
Close coordination will be maintained by meeting twice a year with Grand Valley water users and conducting conference calls as needed to discuss river conditions prior to the weekly Historic User Pool calls. The focus should be on taking full advantage of water savings brought about by operation of the Grand Valley Water Management project for late summer flow augmentation.	PDO, water users	Meetings ongoing.	Next meeting December 1.
The <a href="#">15-Mile Reach PBO</a> requires agreement(s) for permanent sources of the "10,825" water by June 30, 2010. Water users will extend existing interim agreements through 2013 (and another 2 years, if necessary) until the permanent water is in place. They also are preparing permanent agreements (were due June 30, 2010), which propose to provide water from Ruedi and Granby reservoirs (contingent upon the various steps that still need to occur). The water users will provide water from interim sources until that time. The permanent agreements currently are in draft and being reviewed by the Service. Work will continue on the National Environmental Policy Act process for the permanent water from Ruedi and Granby reservoirs to be completed in early 2011.	Upper Basin water users, FWS	<del>6/30/10</del> 6/1/11	Interim 10825 agreements to provide water from Wolford and Williams Fork executed in July 2010. They extend the interim arrangements through July 1, 2013, with the possibility of a 2-year extension. Permanent agreements to be signed in January. River District and Reclamation have agreed to 40-yr water service contract for Ruedi releases. NEPA scheduled for completion mid-2011.

**REVISED**  
**ANNUAL SUFFICIENT PROGRESS MEMO PROCESS AND FORMAT**

**PROCESS** (Proposal for Management Committee consideration)

At the August 11, 2010, Management Committee meeting, the Service/Program Director's office agreed to prepare a memo on the proposed revised process for consideration at the next (November 9) Management Committee meeting.

**Objective:** Address both Service and Management Committee comments on the draft memo, complete the memo as expeditiously as possible, and reduce the need for extensive changes to the Service's draft memo.

**Revised Process:**

1. March 31: RIPRAP assessment is completed and approved by the Program.
2. April 15: Program Director's office distributes a draft of the following elements of the sufficient progress memo (with final RIPRAP assessment attached) to the Service and MC:
  - a. the population status update;
  - b. list of accomplishments and shortcomings; and
  - c. discussion and recommended action items.
3. April 30: Management Committee web conference to review and comment on the draft elements of the sufficient progress memo.
4. May 7: Service web conference to review and comment on the RIPRAP and draft elements for sufficient progress memo. The Service will consider the Management Committee comments during the review.
5. May 15: Program Director's office prepares final draft sufficient progress memo/determination for Service review.
6. May 30: Service sends Management Committee the final draft sufficient progress memo primarily for informational purposes. The Management Committee will notify the Service if members have any significant issues/concerns.
7. June 15: Service finalizes sufficient progress memo.

Note: The dates above are suggested based on dates over the last five years when the PD's office has sent out the RIPRAP (and in bolded years, Program Guidance) materials, and the dates (early April in most years) that those materials have been approved by the Management Committee (by proxy for the IC).

Year	Sent by PD	Approved by MC	Date Suff. Prog. memo signed
2010	2/11	4/7	7/16
<b>2009</b>	2/7	4/2 (web conf)	6/10
2008	2/1	3/31 (final comments due 4/11)	7/3
<b>2007</b>	2/21	4/5	June or July
2006	2/22	4/11 (conf call)	11/15
<b>2005</b>	2/1	3/1	9/14



The established work planning calendar context is:

1/15	Annual researchers' meeting held no later than this date.
2/1	Due from Program Director to technical committees (and their consultants and interested parties) and Management Committee:
	Draft RIPRAP assessment
	Draft revised RIPRAP; and
	Draft FY 12-13 Program guidance (including recommendations for new, ongoing, and ongoing-revised projects).
2/15	Technical committees' review/recommendations on draft RIPRAP assessment draft revised RIPRAP and draft Program Guidance due to Management Committee.
2/28	Management Committee review/recommendations draft RIPRAP assessment, draft revised RIPRAP and draft Program Guidance due to Implementation Committee (or IC may delegate approval to MC).
3/10	Implementation Committee approval by this date (if not delegated to MC).
3/15	Program Director issues final RIPRAP assessment, revised RIPRAP and FY 12-13 Program Guidance.
4/30	All (new, revised, and ongoing) FY 12-13 technical scopes of work due from principal investigators to Program Director. Coordinators begin working (with technical advisory panels and principal investigators) to review and refine technical scopes of work and develop recommended FY 12-13 technical work plans.
6/20	Recommended FY 12-13 technical work plans and refined technical scopes of work due from Program Director to technical committees.

## ANNUAL SUFFICIENT PROGRESS MEMO PROCESS AND FORMAT, cont'd

### **FORMAT**

Based on comments received on the 2010 sufficient progress memo (see below), the Service has suggested that the Management Committee also discuss the format for future sufficient progress memos.

Items to consider are:

- Intended audience of the sufficient progress memo.
- Where/how to reflect population status (in the annual sufficient progress memo, in the Service's 5-year status reviews, in the annual Program Highlights document, in the research framework report, etc.).

Comments received:

- NPS: Tie each accomplishment to the criteria on page 1 of the sufficient progress memo. "The Service used the following criteria to evaluate whether the Recovery Program is making "sufficient progress" toward recovery of the four listed fish species:
  - actions which result in a measurable population response, a measurable improvement in habitat for the fishes, legal protection of flows needed for recovery, or a reduction in the threat of immediate extinction;
  - status of the fish populations;
  - adequacy of flows; and
  - magnitude of the impact of projects."
- Environmental groups: Provide more graphical representation of population numbers. Provide more specific details/quantitative data in the population status tables and related discussion (environmental groups).