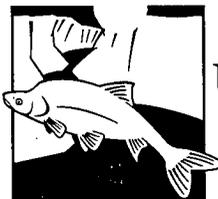


Henry Maddux  
Director,  
Recovery Program



UPPER COLORADO RIVER  
ENDANGERED FISH  
RECOVERY PROGRAM

Ralph Morgenweck  
Chairman,  
Implementation Committee

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CO/KS/NE/UT-CR/FY99--  
End. Species Act--Section 7  
Mail Stop 65115

JUN 29 1999

Memorandum

To: Implementation/Management Committee, Consultants, and Interested Parties

From: Regional Director, Region 6

Subject: Sufficient Progress/Section 7 Consultations--Upper Colorado River Recovery Program

In accordance with the Section 7, Sufficient Progress, and Historic Projects Agreement, the Fish and Wildlife Service recently reviewed the Colorado River Recovery Implementation Program's 1998 and cumulative accomplishments. Per that Agreement, the Service used the following criteria to evaluate whether the Program is making "sufficient progress:"

- a. 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
- b. Status of the fish population
- c. Adequacy of flows
- d. Magnitude of the impact of projects

A complete assessment of recent accomplishments under the Recovery Implementation Program Recovery Action Plan (RIPRAP) is contained in Attachment 1. Previous years' accomplishments are outlined in the RIPRAP itself.

Status of the Species

Significant changes in the status of the four species generally are not detected on a year-to-year basis. Over the last 5 years, razorback suckers in the Green River have declined to precariously low numbers. Colorado pikeminnow appear to be increasing in the Colorado and Green rivers. Humpback chub captures in the Yampa River seem consistent with capture rates from the mid 1980's. In Westwater Canyon, humpback chub populations are stable, although capture rates are somewhat variable from year to year. Augmentation of bonytail continues in the lower Colorado River near Moab, Utah and has expanded to the Green River, near Green River, Utah.

### Accomplishments:

In the past year, the Program has accomplished some important objectives including: incorporating the final Nonnative Stocking Procedures into Colorado's stocking regulations; good progress with pond reclamation by CDOW; continuing to operate Flaming Gorge Reservoir and the Aspinall Units to provide research flows; acquiring floodplain easements on the Green and Colorado rivers; breaching additional levees to restore floodplain habitat, completing construction and beginning operation of the Grand Valley Irrigation Commission fish passage; and placing additional fish passage construction back on schedule. Due to recreational considerations on the Fryingpan River, only 20,798 acre-feet of the 31,650 available from Ruedi Reservoir was released. Approximately 31,700 acre-feet of surplus Green Mountain Reservoir water was delivered to the 15-Mile Reach. Wolford Mountain delivered its 6,000 acre-feet commitment and an additional 5,500 acre-feet to support flow targets in the 15-Mile Reach. Without this augmentation, flows would have been below the target 1,240 cfs 87% of the time. With the augmentation, flows were below 1,240 cfs only 23% of the time, and then only by a small amount. Finally, the Coordinated Reservoirs Operations effort increased the 1998 spring peak flow by approximately 2,500 cfs and the Coordinated Facilities Study which is designed to add to the spring peak was approved and initiated by the Program. These accomplishments indicate considerable efforts by the participants of the Program toward recovery of the endangered fish.

### Concerns

The Service's 1998 assessment of sufficient progress expressed concern regarding progress in: 1) acquiring floodplain habitats or easements; 2) filing of Colorado instream flow appropriations and completion of a long-term agreement for water delivery from Ruedi Reservoir; 3) reclaiming ponds in the Grand Valley and Gunnison River (for nonnative fish control); and developing brood stock and meeting augmentation goals for razorback sucker. The Service is pleased with the progress the Program has made in several of these areas. Areas of remaining concern are:

1. The need to accelerate fish passage construction - The Service would like to accelerate construction of fish passage and recommends working concurrently rather than completing one passage structure at a time. Could some of the work be contracted to make this possible?
2. Delays in completing construction of outlet structures at Leota and Johnson Bottom - These delays have significant impacts to razorback sucker recovery. The Program must continue to emphasize and accelerate activities that will help razorback suckers (floodplain restoration, completing hatcheries, completing broodstock development, and stocking).

3. Delays in completing construction at the Ouray hatchery - Hatchery and water treatment buildings have been constructed but currently are inoperable due to delays by contractors. Problems with getting the water treatment building working have been related to heating and water exchange issues.
4. Concerns regarding the value of the recovery flows on the Colorado and Yampa rivers led the Service to withdraw its support for the Colorado Water Conservation Board's 1995 base flow and recovery flow instream flow filings. The Board subsequently passed a motion to withdraw the recovery flow portion of instream flow filings on the Colorado and Yampa rivers. The Board instructed their staff to look into the implications of administration of the base flow right and to refile by December 1999. The Management Committee adopted a goal of establishing an appropriate mechanism for protection of instream flows in Colorado and developing a recommendation to the Board by December 1999. A subcommittee was established to scope the process, and I am hopeful that this will result in constructive recommendations for instream flow protections that address the concerns of the State, the Service, and the water users.

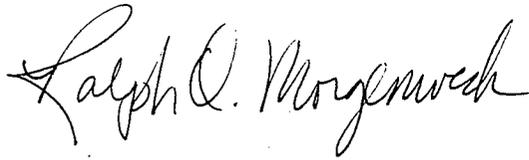
I am concerned with the direction that flow protection in the Yampa River Basin has taken. It seems premature to abandon any options at this point until we find and secure alternative solutions. With this change in position regarding flow protection in the Yampa River, what is the Program's recommendation for providing and protecting flows? Does the Program support a programmatic biological opinion process similar to the one undertaken for the 15-Mile Reach as has been suggested by the Program Director's Office? The Yampa River is not only important in its own right, but its flows and sediment also are vital to the Green River system.

5. The Service and its partners need to complete the Flaming Gorge and 15-Mile Reach opinions. With so many important recovery actions hinging on the completion of these opinions, the Service needs to commit to getting the Flaming Gorge opinion finalized by the end of 1999 and the Programmatic Biological Opinion for Funding and Implementation of Recovery Program Actions and Water Depletions in the Upper Colorado River Above the Confluence With the Gunnison River finalized by mid-summer of this year.

### Conclusion

Based on careful evaluation of the status of the fish, adequacy of flows needed for recovery, magnitude of depletion impacts, and cumulative Recovery Program accomplishments and shortcomings, the Service concludes that progress in the Program continues to be sufficient for projects that have an annual depletion of up to 3,000 acre feet. Water users believe that the Service should consider increasing this threshold each year based on cumulative Program accomplishments. Although the Service may consider raising the threshold in the future, in light of the still precarious status of the razorback sucker and bonytail and the flow protection still needed for recovery, we do not believe it is appropriate to raise the threshold at this time.

Although sometimes things move slowly, I am encouraged with the progress the Program made in 1998 and efforts accomplished so far this year. Program participants need to actively pursue resolution of the issues identified above, and I ask that a report of progress in these areas be provided to the Implementation Committee at their September meeting. I am confident that with continued Program participant cooperation, the Program can continue to make significant strides toward recovery of the four endangered fishes.

A handwritten signature in cursive script, reading "Ralph O. Morgenweck". The signature is written in black ink and is centered on the page.

Attachment

February 1, 1999

**FY 99 RIPRAP ASSESSMENT:**  
**Status of items to be conducted or completed in FY 98 or FY 99**

**Page,Item #    Status Assessment**

**GENERAL**

- 19, IB3      *Late:* Discussions on senior conditional rights have been tabled pending resolution of instream flow filings.
- 20, IIC2,3    *Late:* Phase II, identifying restoration/protection tools/approaches and viable institutional options delayed due to previous delays in completing issue paper. (Phase II completion now set for 12/99.)
- 20, IIIA2c    *>\*In progress:* Implement & evaluate effectiveness of viable active nonnative fish control measures - Several nonnative fish control activities are underway.
- 20, IIIB4a-c    *>\*Done:* Incorporate final Nonnative Stocking Procedures into state aquaculture permitting processes (CO, UT, & WY) - Complete (Colorado's regulations completed in 1/99). No change was required in UT & WY aquaculture permitting because their state wildlife agencies have the authority to regulate this (and they are doing so).
- 21, IIIB5      *In progress:* Dave Irving is exploring options for removing nonnative fish from riverine sections on tribal lands and translocating the fish to a Bottle Hollow Reservoir (west of Vernal).
- 21, IVA2      *In progress:* Biology Committee approved sending draft Genetics Management Plan to Genetics Panel in 1/99; anticipated final by the next blue moon.
- 21,IVA3b1    *Late:* Biology Committee has final draft with peer review comments. Further revisions may be difficult to obtain since information already has been published in a refereed technical journal. Allozyme report draft anticipated 3/99.
- 21, IVA3b2    *Late.* Draft report on *Gila* mtDNA to be submitted to Program for review by 1/98. PI has not yet received internal reviewer comments. Report on morphological and allozyme analyses are under Biology Committee review; final now expected by 3/98.
- 21, IVA3c    *Late:* Revised draft pikeminnow genetics report has been submitted to Biology Committee with peer review comments. Final now expected by 4/99.
- 21, IVA4      *>Ongoing:* Secure and manage genetic stocks - Ongoing for razorback sucker on Green and Colorado rivers; beginning in FY 99 for Colorado River pikeminnow.
- 21, IVA5a    *Ongoing:* Bonytail were stocked at two locations (one on the Green and one on the Colorado river) in the fall of 1998.
- 21, IVB1      *Ongoing:* Fish needs are identified and coordinated annually, but will be done

- 24, IA3d >\**Delayed*: Operate Flaming Gorge pursuant to biological opinion.
- 24, IA4a3 >\**Ongoing, as needed*: Legally protect summer/fall flows -- prepare and execute contracts to with water users to subordinate diversions.
- 24-5, IA4b1-3, IB... >\**Delayed*: Legal protection of winter/spring flows (prepare and execute contracts to with water users to subordinate diversions) will be delayed due to delay of Flaming Gorge biological opinion.
- 25, IC1 *Late*: Price River report and peer review comments expected February 1999.
- 25, IIA1a2&3 *Ongoing*.
- 25, IIA2d >\**Ongoing*. Easements on 400 acres of floodplain habitat have now been acquired along the Green River.
- 26, IIA3b >\**Ongoing*: 5 levees were breached in FY 98, and levee removal evaluation continues.
- 26, IIB1 *Ongoing*: Assess and make recommendations for fish passage at Tusher Wash - final report is due July 1999.
- 26, IIB5a *See IIB1 above*.
- 26, IIC1 *Late*: This report has been incorporated in Flaming Gorge synthesis and will be part of the biological opinion, now expected 12/99.
- 26, IIIA1 *Late*: Report late (final expected by 5/99). Also will be incorporated in Flaming Gorge synthesis and will part of the biological opinion.
- 26, IIIA3 >\**Ongoing*: Identify and control sources of centrarchids in the middle Green River.
- 26, IIIA4 >\**Ongoing*: Remove small nonnative cyprinids from backwaters and other low velocity habitat.
- 27, IVA1c >*Ongoing*: 514 razorback stocked in Green River in FY 98 (including 125 in Stirrup bottomland depression).
- 27, IVA2a,b *Late*: Utah's stocking plan delayed; draft submitted to Biology Committee in January 1999. Final expected by April 1999.
- 27, VA1&2 *Late*: Report now expected by 5/99.

#### YAMPA RIVER

- 28, IA4b >\**Ongoing*: Lease 2,000 af (up to 3,000 af) from Steamboat Reservoir - 5-year lease in place; water leased in FY 97 and FY 98.
- 28, IA4a3ai *Partially complete; ongoing*: CDOW's portion of public involvement plan complete; remainder ongoing.

- 36, IA3c1biv >\*Ongoing: Long-term Ruedi lease agreement to be submitted to CWCB by July 1999.
- 36, IA3c1c >\*Complete: Agreement for delivery of water from Wolford Reservoir was signed February 1998; water was delivered in 1998.
- 37, IA3c2aiic >\*On hold: Pending outcome of Colorado River programmatic biological opinion.
- 37, IA3c3a >\*Ongoing: Delivery of 5,000af (+5,000 af 4 of 5 years) from Ruedi Reservoir.
- 37, IA3c3b >\*Ongoing: Delivery of water of to 6,000af from Wolford Mountain Reservoir.
- 37, IA3c3ci Late: Coordinated reservoir operations report should be finalized by in FY 99.
- 37, IA3c3cii >\*Ongoing (but report portion late): Coordinated reservoir operations were implemented beginning in FY 97; over 2000cfs were released in FY 98. Annual report is late.
- 38, IA3c3fiib Delayed: Agreement anticipated by FY 99 irrigation season.
- 38, IA3c3fiic Ongoing through FY 99.
- 38, IA3c3fiid Ongoing through FY 99.
- 38, IA3c3fiii >\*Delayed: Pending outcome of programmatic biological opinion.
- 38, IB1...  
IC1,2. Delayed: Gunnison to State line flow recommendations delayed due to delays in preparation of individual reports. Synthesis report now expected 4/99.  
>\*May cause delays in subsequent flow protection.
- 38, IB3c2 >\*Ongoing: Operate Aspinall to provide test flows.
- 39, IIA1d&e Ongoing: Operation/evaluation of Gravel Pit at 29-5/8 Road. Report due 5/01.
- 39, IIA2d On hold: Evaluation and monitoring of Adobe Creek experimental control site is complete for now. Use of the site for endangered fish floodplain habitat is on hold since the site has intermediate levels of selenium and many selenium questions remain unanswered. However, the site is available for further experimentation as needed.
- 40, IIA3d&e Ongoing: Walter Walker monitoring and evaluation are ongoing and will be completed in 7/99. Operation and maintenance will continue.
- 40, IIA4 >\*Ongoing: The levee at the 8-acre Jarvis property was breached in 1998 and the 29-5/8 Gravel Pit was re-configured.
- 40, IIA5 >\*Ongoing: An easement for 25 acres of floodplain habitat have been acquired; more are in the works.
- 40, IIB1a4&5 >\*Ongoing: GVIC operation and evaluation began in FY 98. Evaluation study cut by one year. Final report due 3/99.

## GUNNISON RIVER

- 43, IA-C      *Delayed:* Flow recommendations delayed due to delays in preparation of individual reports. Synthesis report now expected 4/99  
>\*Will cause delays in subsequent flow protection.
- 43, 1C3a      >\**Ongoing:* Aspinall Unit supplemental releases to maintain 2,000cfs flow at CO-UT state line 9 of 10 years.
- 43, IC3b1      >\**Ongoing:* Operate Aspinall to provide test flows.
- 43, IC3c1      >\**Ongoing:* Deliver flows from Paonia in accordance with Horsethief biological opinion.
- 44, IIA2b      >\**On hold:* No levees were breached on the Gunnison River FY 98. Subject to committee approval, one site may be breached in FY 99.
- 44, IIA3d      >\**Delayed:* Negotiate acquisition & acquire - Behind schedule because acquisition has focused on the higher priority Green and Colorado rivers.
- 44, IIB1c      >\**Ongoing:* Operate and maintain Redlands fish passage.
- 44, IIB1d      *Ongoing:* Monitor and evaluate Redlands success.
- 44, IIB1f      >\**Ongoing:* Deliver flows below Redlands.
- 45, IIIA3      >\**Delayed:* Cyprinid removal scheduled to begin in spring 1999.
- 45, IVA1b1    >*Ongoing:* 608 razorbacks were stocked in the Gunnison River in FY 98 (third year of stocking).