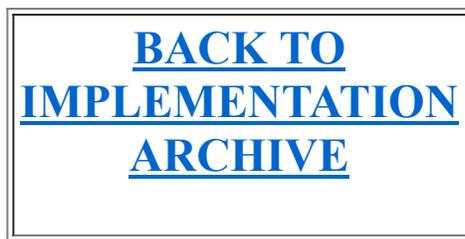


**IMPLEMENTATION COMMITTEE MEETING SUMMARY**  
**9/7/95**



ES/CR/FY-93 UCRRIC

Mail Stop 65115

Memorandum

To: Implementation Committee  
Management Committee, Consultants, and Interested Parties  
Meeting Attendees

From: Director, Colorado River Recovery Implementation Program

Subject: Draft September 7, 1995, Recovery Implementation Committee Meeting  
Summary

Attached are the draft action and assignment summary and the general meeting summary from the recent Implementation Committee meeting. Please review these documents and contact Angela Kantola (ext. 221) or myself (ext. 223) if you think any changes are necessary. If I do not receive your comments by October 20, 1995, I will finalize and distribute the summary to all parties interested in the Recovery Program.

Attachment

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- Final Summary -

### Actions and Assignments

Recovery Implementation Committee Meeting--September 7, 1995

#### COMMITTEE ACTIONS:

1. Approved the March meeting summary.
2. Agreed that additional discussions between the Colorado Department of Natural Resources (CDNR) and the environmental groups are needed on the draft Nonnative Fish Stocking Procedures. The Committee thus delayed the public review process for the Procedures by 2 months.

3. Approved a resolution of support of the Yampa River Basin Partnership.

4. Approved the FY 96 work plan with the addition of the Price River study.

ASSIGNMENTS:

1. The Service will send background information on their geographic reorganization to the Committee members.

2. John Hamill will add a section to the status report on 15-Mile Reach flow protection.

3. The Colorado Department of Natural Resources (CDNR) and the environmental groups will hold additional discussions on the draft Nonnative Fish Stocking Procedures, focusing on resolving the environmental community's concerns with the draft procedures. The environmental groups may also prepare an alternative to the draft procedures. The Implementation Committee will have a conference call on this in December. The Service will make sure that their NEPA process is structured to allow for development of an EA or an EIS as appropriate.

4. The Service will make the following revisions to the section 7 consultation table: 1) include in the summary at the end a statement summarizing how much water is provided for the fish by reoperation of Flaming Gorge, and from Ruedi; 2) merge tables 1 and 2; and 3) include "reasonably expected" consultations, if possible.

5. John Hamill will identify what information is needed to avoid having "place-holders" in next year's work plan budget. The Management Committee will identify what projects need to be ready to accept any surplus funds not committed to this year's place holders.

6. The Implementation Committee will make a go/no go decision on the Yampa River Operation and Management during a December conference call.

- Final Summary -

Colorado River Recovery Implementation Committee

September 7, 1995, Meeting

Attendees:

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)

Rick Gold for Charles Calhoun, U.S. Bureau of Reclamation

Peter Evans for Jim Lochhead, Colorado Department of Natural Resources

Dave Sabo, Western Area Power Administration

Dan Luecke, Environmental Defense Fund

Tom Pitts, Upper Basin Water Users

Howard Rigtrup for Ted Stewart, Utah Department of Natural Resources

Jeff Fassett, State of Wyoming

John Hamill, U.S. Fish and Wildlife Service (Program Director) (nonvoting)

OTHERS:

Barry Saunders, Utah Division of Water Resources

Clayton Palmer, Western Area Power Administration

Angela Kantola, U.S. Fish and Wildlife Service, Recovery Program

Chris Karas, U.S. Bureau of Reclamation

John Shields, Wyoming State Engineer's Office

Margot Zallen, Department of the Interior, Solicitor's Office

Convene: 9 a.m.

Major Topics Discussed/Decided:

1. Introductions:

2. Review/Modify Agenda: The agenda was modified as it appears below.

3. Approve March 1995 Implementation Committee Summary: The Committee approved the final summary as written.

4. Recovery Program Update:

John Hamill reviewed the status report (Attachment 1), which is being provided to give Recovery Program participants and others a simple, brief update on Program activities. Some program management activities not covered in that report include: 1) Henry Maddux is the Recovery Program's new instream flow coordinator, and is located in Grand Junction; and 2) the Recovery Program is working on an agreement between the National Fish and Wildlife Foundation and Reclamation for capital project funds which will allow those funds to be carried over from year-to-year and provide somewhat greater flexibility in spending, although funds will still be spent only on capital projects.

John noted that the Service and Reclamation funding's are earmarked in the FY 96 budget, and probably will remain so. Ralph Morgenweck said the House and Senate versions differ somewhat on the section 6 earmark, but he plans to take the \$200,000 in section 6 funding off the top of the Region's allocation again. Rick Gold and Ralph both noted that "across-the-board" agency budget cuts could still occur in their FY 96 budgets, however. Ralph mentioned the real possibility of a Federal Government shutdown on October 1, which could last more than a couple of days. Also, the debt ceiling has to be raised in mid-November which could bring everything in the Federal Government to a major halt again. John Hamill reminded the Committee that Reclamation's FY 97 budget will only include 50% of the capital project needs.

John mentioned that the Service is reorganizing along geographical (as opposed to "program") lines as of October 1, 1995. Joe Webster will be the supervisor for Service activities in Colorado, Utah, Nebraska, and Kansas (both John Hamill and Larry Shanks will work under him). Ralph said he would send background information on the Service's reorganization to the Committee members.

John Hamill distributed the Recovery Program's reporting policy recently approved by the Management Committee. The policy provides guidelines for handling late reports and for Recovery Program reporting requirements, in general. Ralph asked if Recovery Program reports are generally published in refereed literature and John replied that many are. The Recovery Program encourages publication (even providing page costs when needed), and Jack Stanford's review noted that the Recovery Program's publication rate is higher than other similar programs he had previously reviewed.

Dave Sabo outlined recent controversy over privatization of Western. Public power groups and investor/utility groups probably will continue offering opposing proposals, but it's not likely that anything will happen until after the elections next year. Western also is going through reorganization; the Salt Lake City office may no longer be an "area office," but would still have responsibility for all Colorado River activities.

Peter Evans said the Colorado Water Congress is going through a long-range planning process; ramifications for the Recovery Program might be that it could help us communicate with a broader sector of the water public. The Colorado Division of Wildlife (CDOW) is going through major reorganization; Jim Lochhead has emphasized that he believes the State's commitments to the Recovery Program need to have a higher priority in that process.

John said the Flaming Gorge work group plans to ask for bypass flows next year (23,000-24,000 cfs target), which will no doubt be controversial. Barry Saunders said he thinks Utah will have real problems with that and is concerned about who will pay for flooding damages, and what impact will the flows have on the trout fishery. Dan Luecke noted that bypass flows in at least 1 of the 5-years of research were part of the biological opinion, which the Implementation Committee reviewed. Barry said that the recent proposal calls for higher flows than Utah ever agreed to, however. Chris Karas said the reason for these flows is to reconnect the floodplain to the river. Chris also noted that Reclamation's report on the feasibility of retrofitting the bypass tubes should be released soon. Clayton said Western doesn't oppose bypass flows as a matter of policy as long as they provide the scientific information needed to write the biological opinion.

Peter Evans suggested adding a section to the status report on 15-Mile Reach flow protection; John agreed. Peter noted that the Colorado Water Conservation Board (CWCB) is meeting today in Lamar and considering flow protection for the fish. No decisions will be made today since many Recovery Program participants can't be there. Peter would like to reconvene the "Guru 2" discussion group next Wednesday (9/13) when Chuck Lile can be there. CWCB is currently scheduled to file instream flow appropriations in three major reaches on December 1, 1995 (Yampa River above the Little Snake, Yampa River below the Little Snake, and in the Colorado River). Peter explained the three possible concepts for how these could be filed.

a. File for a specific amount of water at specific times in a specific reach, probably with a modifiable portion.

b. File for a specific amount at specific times in specific reach with a modifiable portion, but instead of placing a call every time the right is in priority and the water's not there, would call only when the habitat hasn't been provided for a certain number of years (would result in few calls now, more later as development proceeds).

c. File to appropriate all the unappropriated water for instream flows except a specific amount (and that specific amount might be modifiable).

Another possibility is some combination of the second two options. Tom Pitts said the water users support CWCB making the filings on December 1. Dan Luecke said the environmental groups consider this a very important part of the Recovery Program. They have some concerns about how the modifiable portions are handled and they also are concerned about rumors regarding crippling the State's instream flow program in the State legislature. Margot Zallen noted that the ramifications of the three concepts aren't yet clear, since we don't yet know exactly how they would affect the fish. Peter said Colorado knows that seeking protection through junior water rights is just a starting point in protecting flows.

#### 5. Update on Nonnative Fish Stocking Procedures:

Ralph said we need to determine if there are any fatal flaws in the current draft, since public meetings in the three States are scheduled for the week of September 18. Dan Luecke said the environmental community probably has the most serious concerns. He's discussed the Procedures with the Sierra Club Legal Defense Fund (SCLDF), the National Wildlife Foundation (NWF), and The Nature Conservancy (TNC). SCLDF's bottom line is no stocking of nonnatives within critical habitat. NWF's position is a little softer, but not much. Dan and TNC have tried to evaluate the Procedures based on the unanswered scientific questions. They do not believe that CDOW has shown that bluegill, largemouth bass, and black crappie (which could be stocked under the draft Procedures) are not a threat to the endangered fishes. The environmental groups question whether escapement can really be prevented and also who will be held liable if the Procedures don't work. Dan said they believe better ways can be found to control nonnative fishes in private ponds than the Procedures offer. Further, they believe that the interest in warmwater sportfishing in the Grand Valley is really very low. Peter said CDOW currently estimates that of 30 million days of recreational fishing in Colorado, 10,000 are associated with Grand Valley warmwater sportfishing.

Tom Pitts said the water users support the Procedures and believe they provide a workable start to solving the nonnative fish problem. Water users primarily are concerned with nonnatives currently in the river (which make up 90-95% of the fish fauna). They look forward to the nonnative strategy and will be very disappointed if it's just another research proposal and doesn't contain definitive measures to reduce existing nonnatives. Peter said Colorado supports the draft Procedures, agrees with the need to monitor their effectiveness, and believes this is a good first step, but may not be all that will need to be done to control nonnatives. Jeff Fassett asked if it would be possible to build in a step to evaluate how the Procedures are working. Rick Gold agreed that a re-evaluation needs to be clearly stated in the Procedures. Rick and Ralph observed that the water community is further along than the sportfishing community in recognizing and taking steps necessary to recover the endangered fishes. Barry said it seems like the draft Procedures are better than no policy at all, which is the current situation.

The Committee agreed that additional discussions between CDNR and the environmental groups are needed, given that the environmental groups still have very serious concerns about the draft procedures. The public review process will be delayed by 2 months. The discussions between CDNR and the environmental groups will focus on resolving the environmental community's concerns with the draft procedures. The 2-month period may also be used by the environmental groups to prepare an alternative to the draft procedures. The Implementation Committee will have a conference call on this in December. The Service will also make sure that their NEPA process is structured to allow for development of an EA or an EIS, as appropriate.

6. Recovery Program Long-Term Funding, Cost Sharing, and Strategies: The ad hoc funding group has met several times, a draft proposal was developed to provide long-term funding for the Upper Basin and the San Juan River. Issues remaining: cost-sharing; whether to eliminate apportionment; question of sufficient progress and the need for greater certainty in section 7; and should the scope of program include candidate endangered species. The group agreed to continue to meet to try to resolve these issues. The Service will send out a draft response regarding sufficient progress and certainty within the next week or so. Reclamation is providing some follow-up on cost sharing. The group will meet October 5 to discuss this further; Colorado may have a legislative proposal for review at that time. (This meeting would be canceled if government employees are furloughed.) Tom Pitts said he thinks progress has been made reaching the acceptable bottom-line, but two potential "deal-killers" could be: 1) \$6 million in power

revenues being the entire Federal contribution and States having to match that; and 2) certainty for projects undergoing section 7 consultation.

7. Recovery Program "Team-Building" Update: Peter Evans outlined highlights of the team-building retreat, which was attended by about 30 members of the Management and Biology committees and interested parties (see Attachment 2). Ground rules for Recovery Program meetings: 1) instead of recording meeting discussion and preparing detailed summaries, the Management Committee will keep major points and agreements on flip charts; 2) committees will work on improving getting materials out 2 weeks in advance of meetings; and 3) committees will identify each agenda item as decision or information items. Numerous concerns and suggestions were brain stormed regarding the role of Biology Committee, communication between the Biology and Management committees, and the role of Program staff. The issue of accountability within the Recovery Program also was raised. These issues were assigned to a subcommittee to draft recommendations for Management Committee consideration. The group brain stormed some ideas as to what tangible accomplishments the Recovery Program needs to achieve by the year 2003; these will now go to the Biology Committee for discussion. Peter said the group also briefly discussed the level of trust and respect among Recovery Program participants.

#### 8. Section 7 Consultation Activities:

o Update on consultation activities (Attachment 3) - Clayton Palmer asked that the summary at the end of the table include the statement: "Reoperation of Flaming Gorge provides x acre-feet for the endangered fish." John said he'll add that in the footnote (also Ruedi flows). Tom Pitts suggested and John Hamill agreed to merge table one and two. Tom Pitts asked about the criteria for pending consultations and John replied that they have to have reached formal consultation. Tom requested that "reasonably expected" consultations also be included. John agreed this is a good idea and said he would look into it. Peter Evans alerted the Committee to a controversial and difficult consultation pending on the Ute Water Conservancy District pipeline. The District proposes to divert an additional 30,000-40,000 acre-feet per year above 15-Mile Reach and return it below the Reach. They say their consumptive use will be 500 acre-feet, thus significantly below the 3,000 acre-feet threshold. Keith Rose has stated that because flows in the 15-Mile Reach will be significantly affected, this may be a direct impact, as opposed to a depletion

impact covered by the Recovery Program. John Hamill provided a summary of projects under 100 acre-feet which have been approved under the Service's small depletion biological opinions (Attachment 4).

o Narrows project update - Barry explained this project would divert water from the Colorado River Basin to the Great Basin. The consultation had been completed, but Reclamation wants to reopen it based on new information (capture of a juvenile Colorado squawfish in the Price River). The Service has requested that the RIPRAP item to assess the recovery potential of the Price be moved up to FY 96. John Shields questioned why Narrows has paid more than table shows that they owe. Chris Karas replied that the depletion amount was modified a couple of times.

9. Yampa River Basin Partnership Update: John Hamill said Don Birkner sent a letter inviting the Recovery Program to formally participate in a grassroots partnership addressing growth and natural resources issues in the Yampa Basin. The Management Committee agreed to participate on an informal basis, since the Partnership has a much broader perspective than the Recovery Program. John Hamill drafted a resolution reflecting that, which is before the Implementation Committee for approval. The Committee revised the draft resolution to read "NOW, THEREFORE, BE IT RESOLVED the Recovery Program for Endangered Fish Species in the Upper Colorado River Basin: 1) commends the membership of the Partnership on its initiative in creating this grassroots organization; 2) encourages the Partnership to support the goals of the Recovery Implementation Program; and 3) will participate in the YRBP in an informal capacity to provide for exchange of information, improve communication, and coordination of activities on matters of common interest." This translates into John Hamill attending Partnership meetings. Miscellaneous editorial revisions were made and the Committee approved the resolution (Attachment 5).

10. FY 96 Work Plan Approval: John Hamill outlined: 1) the process leading to development to this year's work plan; 2) outstanding issues; and 3) "place-holders" in the FY 96 budget (for projects with scopes of work not yet completely defined and approved).

John described an additional issue regarding a request that we reconsider providing funding again in FY 96 to help control mosquitoes in the Vernal area. John said he doesn't support providing additional funding, but rather, recommends that we work with local representatives and county extension agents to help them find alternative ways/funding to address both their noxious weed and mosquito problems. John also suggests asking the Mosquito Abatement District to provide information as to how they'd like the dam operated in various water years to avoid exacerbating the area's mosquito problems. (Decisions can't be made based on this alone, but at least the information could be considered.)

Barry Saunders requested additional funding for the bonytail/razorback flow training work, saying he believes the Biology Committee considered this proposal worthy of \$50,000. John Hamill said the Biology Committee discussed the minimum level needed to continue the flow studies and Leo agreed it could be done for \$30,000-\$35,000. John suggested that if we're going to put more funding into bonytails, we should look to the recent draft bonytail reintroduction plan for the highest priority work. The Committee did not approve increasing this budget. If surplus funds become available, the Biology Committee should be asked to make recommendations for priorities.

Regarding the Price River work, Barry said that he's not sure of the basis for the length or the cost of the study. Tom Pitts said he doesn't understand the need for a full-blown study just to determine if the Price River provides adequate habitat. John Hamill said the RIPRAP item says to "assess the recovery potential." The presence or absence of fish is important, but we also need to look at other native and nonnative fish presence, water quality, and so forth. Clayton Palmer expressed concern about section 7 driving the Recovery Program and altering biological recovery priorities. John Hamill said he thinks the Price River work can be funded out of the available \$20,000 and surplus funds which usually become available within the first quarter of the fiscal year (or from section 7 funds if surplus isn't available). The Committee approved the Service's request to conduct this study in FY 96 and 97. John Hamill said he would like to get an approved scope of work for this project by December.

Tom Pitts agreed with John Hamill's suggestion to establish review dates for "placeholder" projects in this year's budget and to reallocate their funds if the projects aren't

approved by those dates. In addition, Tom asked that John identify what information is needed to avoid having place-holders next year. Ralph agreed and suggested we also need to identify what projects need to be ready to accept surplus funds in the event they are not committed to the place holders.

The Implementation Committee will make a go/no go decision on the Yampa River Operation and Management Plan during a December conference call.

The Committee approved the FY 96 work plan as modified above.

11. Other Items and Next Meeting: The Committee will hold a special conference call to discuss the outcome of discussions on the draft Nonnative Fish Stocking Procedures and make a go/no go decision on the Yampa Operation and Management Plan at 1 p.m. on Monday, December 4. The next regular meeting (March 1996) was not scheduled.

Adjourn: 3:30 p.m.

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