

IMPLEMENTATION COMMITTEE MEETING SUMMARY

3/6/97

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Mail Stop 65115

Memorandum

To: Implementation Committee
Management Committee

From: Acting Director, Colorado River Recovery Implementation Program

Subject: Draft March 6, 1997, Recovery Implementation Committee Meeting Summary

Attached are the draft action and assignment summary and the general meeting summary from the October Implementation Committee meeting. Please review these documents and contact me if you think any changes are necessary.

Attachments

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- Draft Summary -

Actions and Assignments

Recovery Implementation Committee--March 6, 1997

COMMITTEE ACTIONS:

1. Approved the final October 2, 1996, meeting summary.
2. Approved the RIPRAP with minor modifications as shown in the notes and pending the outcome of the Collbran issue.
3. Approved the FY 98 Program Guidance with minor modifications as shown in the notes.

4. Presented a resolution of appreciation to John Hamill in recognition of his service to the Recovery Implementation Program.

ASSIGNMENTS:

1. Angela Kantola will check on the status of the Service's draft Hybridization Policy and provide Tom Pitts a copy of Region 6 comments on the draft policy.

2. John Hamill clarified that the delay in long-term funding negotiations has been due to a combination of the environmental community's reluctance to return to negotiations and the water users' concerns. John and Angela will include progress on additional recovery activities (e.g. Colorado efforts) in future updates.

3. Peter Evans will take the lead to convene the group of people with issues on the Collbran/Orchard Mesa Settlement/Green Mountain RIPRAP items and work to develop an agreeable solution for Management Committee consideration.

4. The Management Committee is to review and address the problem of issues/concerns being raised late in the process for reviewing and revising the RIPRAP and circumventing the normal committee process.

5. Tom Pitts will rewrite the Program Guidance for the new channel monitoring project (to include a separate geomorphology task) by Wednesday, March 12.

6. The Service has been working on the review of sufficient progress and plans to send out draft by April 15th, but will try to do it sooner if possible because of the need for some to see the letter prior to Washington D.C. trip.

7. Ralph Morgenweck will set up a meeting of the ad hoc long-term funding group on Friday, March 28th at the Service's Denver office from 9:30 a.m.-3:30 p.m.

8. Peter Evans will participate on the Program Director interview panel. Recovery Program participants should provide Peter any questions they'd like the panel to ask the candidates. Ralph will advise Recovery Program participants of who he plans to select prior to making his final approval, as long as doing so doesn't violate Federal hiring regulations.

- Draft Summary -

Colorado River Recovery Implementation Committee

March 6, 1997 Meeting

Attendees:

IMPLEMENTATION COMMITTEE MEMBERS:

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

Rick Gold, 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

Kathleen Clarke for Ted Stewart, Utah Department of Natural Resources

Jeff Fassett, State of Wyoming

Joe Hunter, Colorado River Energy Distributors Association (nonvoting)

Angela Kantola, U.S. Fish and Wildlife Service, Recovery Program (Acting Program Director) (nonvoting)

OTHERS:

Milo Barney, Utah Department of Natural Resources

John Shields, State of Wyoming

Clayton Palmer, Western Area Power Administration

John Hamill, U.S. Fish and Wildlife Service

Tom Czapl, U.S. Fish and Wildlife Service, Recovery Program

Jack Garner, U.S. Bureau of Reclamation

Larry Clever, Ute Water Conservancy District

Gene Shawcroft, Central Utah Water Conservancy District

Robert Wigington, The Nature Conservancy

Brent Uilenberg, U.S. Bureau of Reclamation

Tom Nesler, Colorado Division of Wildlife

Randy Radant, Utah Division of Wildlife

Ray Tenney, Colorado River Water Conservation District

Julie McKenna, Northern Water Conservancy District

Steve Arveschoug, Southeastern Water Conservancy District

Pat Nelson, U.S. Fish and Wildlife Service, Recovery Program

Henry Maddux, U.S. Fish and Wildlife Service, Recovery Program

George Smith, U.S. Fish and Wildlife Service

Chris Karas, Bureau of Reclamation

Gary Burton, Western Area Power Administration

Dave Mazour, Tri-State Generation and Transmission

CONVENE: 9:30 a.m.

Major Topics Discussed/Decided:

(Assignments also are highlighted in text)

1. Introductions, Review/Modify Agenda: The agenda was not modified.

2. Approve October 1996, Implementation Committee Summary: Tom Pitts asked if the Service had prepared anything on their draft Hybridization Policy. Larry Shanks had given verbal reports at other committee meetings regarding this issue. >Ralph asked Angela to check on the status and agreed to provide Tom Pitts with a copy of Region 6

comments on the draft policy. The Committee approved the final meeting summary without change.

3. Program and Fish Status Update:

John Hamill provided an update on the Program and the status of the endangered fishes in the Upper Basin (Attachment 1). The 581 cfs final decree review by the Justice Department should be completed within 1 month. We are waiting for a Corps of Engineers permit to proceed with levee removal on the Green River. Questions remain regarding who owns the floodplain along the Green River. Milo Barney commented that the State Attorney General's office was meeting to determine what lands belong to the State. The Ouray National Fish Hatchery should be completed by spring 1998. Increased stocking is scheduled for this year: about 7,000 razorback suckers in the Gunnison, 1,000 in the Green, and bonytail near Moab, Utah. The draft programmatic biological opinion for the upper Colorado River should be out around October (due to the time required to complete a thorough hydrologic analysis).

Tom Pitts commented on the fish population status section of the update, stating that he thought the Colorado River squawfish population was stable, small, but increasing. John responded that we've so far just seen the increases in the 85-86 year classes. Tom said the water users are not holding up *discussions* on long term funding, but do oppose *introducing legislation* until issues are resolved. John agreed that the delay has been due to a combination of the environmental community's reluctance to return to negotiations and the water users' concerns and >agreed to clarify this in the Program Update report. Peter Evans added that the instream flow filings for the Yampa are tied in with the Yampa Management Plan and NEPA process. Peter outlined actions pending in the State Legislature, which include construction funding for a native fish propagation facility. The plan is to provide some facility space for the Recovery Program. The CWCB is trying to get authority to make species recovery grants to benefit native species throughout the State. Colorado is moving ahead on pond reclamation. Their highest priority is looking for growout ponds to assist propagation. Ralph commented that he appreciates the great effort Colorado makes in all their recovery activities> John and Angela agreed to include these kinds of items in the Recovery Program Update in the future.

4. Review/approve proposed changes to the RIPRAP

Angela Kantola gave an overview of the changes to the FY 98 RIPRAP and the process the Recovery Program went through to arrive at those changes. She noted that the Management Committee was unable to reach consensus on whether or not to remove Collbran from the RIPRAP. Angela said she is still revising the RIPRAP budget table and recommended that the Committee defer approval of that portion of the RIPRAP to the Management Committee. Angela noted that habitat restoration (levee removal) is still something of an issue. The Program Director recommended that levee removal on the Green River be extended another year, but the Management Committee did not reach consensus on that, therefore the RIPRAP does not reflect extending levee removal. Clayton noted that the Management Committee did agree to submit a list of questions to the Biology Committee to address with regards to bottomland restoration. The Management Committee agreed they could revisit this issue after receiving a response back from the Biology Committee. The Implementation Committee then discussed remaining issues on the RIPRAP revisions.

Instream Flow issues -

Some Recovery Program participants want the Collbran item removed from the RIPRAP on the grounds that any potential water is addressed through the Orchard Mesa Check Settlement. Related to this is the desire to transfer this project to private ownership. Others participants have asked that Collbran not be removed from the RIPRAP until water is delivered as a result of the Settlement. Dan Luecke said they will approve removal of the Collbran RIPRAP item when there is a firm contract for at least 3,000 af. of the Orchard Mesa Check water (based on Grand Valley power plant capacity) and it is guaranteed that Collbran will still be part of coordinated reservoir operations. They agree that the water can be delivered, but there's no guarantee that the water will be provided to the 15-Mile Reach. Brent Uilenberg briefed the Committee on how they've been addressing the Collbran Project and the Orchard Check Settlement. Larry Clever said he doubts that water is really available in the Collbran Project, and added that if this issue is

not addressed, it will end up in court. Some West Slope municipal water users may oppose providing Green Mountain water to the 15-Mile Reach. Tom Pitts didn't support leaving Collbran in RIPRAP because it will result in a law suit. He noted that removing Collbran or leaving it in won't affect the protection of the 3,000 af., and he added that he considers this "hostage taking" (using one RIPRAP item as leverage to get some other action completed). John Hamill questioned transferring Collbran without certainty of providing and protecting water for fish, since it could be removed as a RIPRAP item and then protection of the Green Mountain water could later fall through. Brent replied that if the Green Mountain water fell through, 3,000 af could be made available for fish use to the 15-Mile Reach. Peter Evans said he'd like to reach a mutually agreeable solution and avoid creating division between participants that have been working together to support the Recovery Program. Rick Gold stated that leaving Collbran in the RIPRAP and getting that water is litigation dependent, and that relying on Green Mountain water is contract and NEPA dependent. We need to decide which is better. Ralph Morgenweck recommended that a small group work to resolve this issue, keeping in mind that the goal is to get water for the fish. Rick Gold said neither approach will guarantee the water, but that the contract approach is likely to be the most productive. Brent said he believes the contract can be completed in a short time frame, but potential opposition could result in an EIS that could significantly slow the process. Peter Evans observed that there is willingness among participants to work this out, they just haven't had enough time. Clayton Palmer asked if the language in the RIPRAP could be made less specific but have the same goal, and then remove the reference to Collbran. Dan Luecke said he needs something to take to the environmental community that shows that water will be provided for the fish. >Ralph asked that the group of people with issues on this negotiate and try to reach agreement. Peter Evans agreed to take the lead on this. The Committee agreed that if that group provides a solution that has Management Committee consensus, the issue will not need to come back to Implementation Committee. If the Management Committee does not reach consensus, they will refer it back to the Implementation Committee. If the issue is not resolved by April 7, then the RIPRAP will be finalized with no changes to these items (would not include the proposed changes or the addition of the Green Mountain language). Even if the issue is not resolved, language should be added to the RIPRAP that explains this issue. The new RIPRAP dates on page 41 to protect Green Mountain water may not be realistic. If consensus is not reached, other activities to provide water for the fish (such as Grand Valley Water Management and the Orchard Check Settlement) will be affected.

Habitat restoration issues -

Changes have been proposed to delay construction of fish passage (other than GVIC). Many biologists feel there is no justification for delaying construction. Brent said they propose to move construction out about 2 years (some structures have been delayed up to 5 years since they were first added to the RIPRAP). Reclamation had the Redlands ladder configuration reviewed by some people outside the Recovery Program and their recommendation was to delay construction of this type until the design, gradients, and velocities are shown to work. Based on that recommendation, Reclamation decided it was best to delay construction of additional passage structures of this type until further evaluation is completed. John Hamill said that the original design for Redlands was reviewed by independent experts before construction. Reclamation intends to move ahead on GVIC because it is a low-head facility needing a completely different type of passage structure. The proposed delays and their implications for recovery have not been discussed by the Biology Committee. Reclamation also is reluctant to proceed with additional construction until the issue of who pays O&M costs is resolved. Tom Pitts said he doesn't see a need to proceed with construction of passage on the Colorado River until there are more fish in the system to use them. He said that he's concerned that there are no firm plans to reintroduce razorback suckers upstream of the diversions or that sufficient numbers of squawfish are present in the system to recolonize the area above Government Highline diversion. Clayton noted that the Management Committee decided they would revisit this issue based on the outcome of the planned Biology Committee review of the success of Redlands passage. The Implementation Committee agreed to abide by the Management Committee decision until the Biology Committee completes their review.

The Committee discussed the concern about the cost of construction of screens to prevent endangered fish entrainment in diversion structures, and whether "speculative" activities should be included in the RIPRAP. The Committee agreed to leave screening in the RIPRAP, but not include the costs in the budget table. A footnote to the budget table will say that costs for potential screens are not included. The potential cost (thought to be up to \$30M) will not be included in that footnote.

Nonnative Fish Control issues - Tom Pitts asked if all the priority nonnative fish control activities identified in the letter from Henry Maddux were included in FY 98 Program Guidance, and Henry responded that the Guidance requests scopes of work for each of those activities.

Propagation and Genetics Management - Tom Pitts said he believes the long-term plans that Tom Czapla is developing will provide an avenue for addressing the water users' stocking and facilities issues.

Additional changes - Tom Pitts asked that 1.C.2.b & 1.D.2 in the Duchesne River section be changed from "develop" to "determine feasibility of" The Committee did not agree to this, but did agree to add the words "if feasible" to the above two RIPRAP items, as they are currently reflected in the revised RIPRAP.

General -

Tom Pitts said the Management Committee has asked the Biology Committee for input on the question of the appropriate balance among stocking, nonnative fish control, and habitat restoration in the Program. He said the water users are concerned that we are proceeding to open flooded bottomlands despite data that suggest nonnative fishes may benefit more than native fishes, and they are concerned that we're not implementing enough nonnative control and endangered fish stocking at the same time. However, the proposed additional nonnative fish control activities have somewhat ameliorated their concern about that element.

John Hamill said that issues raised late in the process for reviewing and revising the RIPRAP circumvented the normal committee process and created some problems this year. The Implementation Committee directed >the Management Committee to review and address this issue.

John Hamill pointed out that several new RIPRAP items have been included in the RIPRAP (e.g. diversion screening to prevent entrainment), yet we still have no plan for how we'll fund these actions. Recovery Program participants need to consider how this will affect the overall cost of the Recovery Program.

The Implementation Committee approved the RIPRAP with the above changes and pending the outcome of the Collbran issue.

5. Review/approve proposed FY 98 Program Guidance

Angela Kantola presented an overview of recommended FY-98 Guidance, noting new scopes of work that are being requested and those needing revision.

Tom Pitts asked that the new Channel Monitoring project include the term "and Geomorphology" and the budget be increased to \$30K. John Hamill proposed that the channel monitoring and geomorphology portions be two separate tasks >Tom Pitts agreed and said he would rewrite the guidance by Wednesday, March 12. Dan Luecke agreed to this modification with the understanding that it doesn't replace the existing peer-review process for flow recommendations.

Milo Barney noted that at the top of page VI-2, the lead should be Utah Department of Natural Resources. Angela acknowledged that this was appropriate, and the Implementation Committee agreed.

The Committee approved the Program Guidance with the above changes.

6. Section 7 Consultation

a. FWS Sufficient Progress determination: >The Service has been working on the review of sufficient progress and plans to send out draft by April 15th, but will try to do it sooner if possible because of the need for some to see the letter prior to Washington D.C. trip.

b. Programmatic biological opinions

- Colorado River - Peter Evans briefed the Committee about progress on addressing depletion issues in and above the 15-Mile Reach. The group is focusing on trying to provide some certainty for existing depletions plus another 100-120KAF in the future.

- Duchesne River - Henry Maddux briefed the Committee on the status of the Biological Opinion, which is currently in internal review and expected to be released to the consulting agencies in early April (unless major issues arise). Tom Pitts noted that a costly 3-5 year study is proposed for the Duchesne River, yet only the lower 2.5 miles are designated as critical habitat. Tom feels that the Recovery Program should focus on high priority areas designated as critical habitat and that recovery efforts on the Green River should address impacts to the Duchesne River. John Hamill noted that the critical habitat regulations make it clear that some areas outside of critical habitat also may be important for recovery.

7. Long-term funding

a. Funding cap - the issue of inclusion of screening costs was addressed in the RIPRAP discussion.

b. Funding legislation update - After some discussion regarding the status of the long-term funding legislation, the group agreed that negotiations could and should resume. Dan Luecke suggested focusing on the funding portion of the discussions. John asked if the group should focus on what will happen after 2003, since it will take 2 years to get the funding legislation passed. >Ralph agreed to set up a meeting of the ad hoc long-term funding group on Friday, March 28th at the Service's Denver office from 9:30-3:30.

8. Washington, D.C. briefing - Peter Evans said that the plan is to go back to Washington the week of April 7th. Letters of support still need to be gathered and funding levels to be requested need to be determined. Rick Gold believes that the budget process will be more difficult because of the balanced budget issue. Some in the group were uncomfortable with asking more than the \$7.5 million proposed for Reclamation's FY-98 budget. These issues will be addressed as the Management Committee discusses their trip strategy.

9. Yampa River Management Plan update - John Hamill noted that a public meeting is scheduled in Craig, Colorado, on March 24th.

10. Discussion of Program input to Program Director selection

Ralph Morgenweck said that this position requires approval at the Washington level, but should be announced very soon. Ralph said he would like to invite the chairman of the Management Committee to participate on the interview panel. >Peter agreed to do this. >Program participants should provide Peter any questions they'd like the panel to ask the candidates. >Peter asked Ralph to advise Recovery Program participants of who he plans to select prior to making his final approval. Ralph indicated that as long as it didn't violate Federal hiring regulations, he would do that.

John Hamill was recognized for his service to the Recovery Implementation Program. John encouraged the group that the Recovery Program is still a good model for doing business and that participants should focus on ensuring success and not draw firm lines in the sand.

11. Next Meeting: September 11, 1997, 9:30 a.m. - 4 p.m., Fish and Wildlife Service, Denver.

ADJOURN: 3:20 p.m.

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