

IMPLEMENTATION COMMITTEE MEETING SUMMARY
9/17/97



- Draft Summary -

Actions and Assignments

Recovery Implementation Committee--September 17, 1997

COMMITTEE ACTIONS:

1. Approved the draft March 6, 1997, meeting summary as final with no changes.
2. Approved the FY 98 Work Plan with minor modifications.

ASSIGNMENTS:

1. The Program Director's office will issue preliminary Program guidance for FY 99 by November 1, or as soon thereafter as possible.

2. Any additional recommendations to be included in section 6 of the work plan should be submitted to Henry Maddux by Monday, September 22.

3. The Management Committee will discuss the issue of the sufficient progress threshold and make recommendations to the Service.

4. Ralph Morgenweck will look into the Service's consultation on wetland ponds in Wyoming which the project proponent would prefer to permit individually rather than in aggregate (which puts them over the 3,000 af threshold).

5. Henry and the Management Committee will work out a system to better track products and reports and for applying pressure as needed when they are late.

6. The States will meet to discuss how their funding obligation under the long-term funding legislation agreement would be allocated among Colorado, Utah, and Wyoming.

- Draft Summary -

Colorado River Recovery Implementation Committee

September 17, 1997 Meeting

Attendees:

IMPLEMENTATION COMMITTEE MEMBERS:

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

Chris Karas for Rick Gold, U.S. Bureau of Reclamation

Jim Lochhead, Colorado Department of Natural Resources

Clayton Palmer for 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

John Shields for Jeff Fassett, State of Wyoming

Joe Hunter, Colorado River Energy Distributors Association (nonvoting)

Henry Maddux, U.S. Fish and Wildlife Service, Recovery Program (Program Director)
(nonvoting)

OTHERS:

Peter Evans, Colorado Water Conservation Board

John Hamill, U.S. Fish and Wildlife Service

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

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

Connie Young, U.S. Fish and Wildlife Service, Recovery Program

Alice Johns, U.S. Bureau of Reclamation

Larry Clever, Ute Water Conservancy District

Robert Wigington, The Nature Conservancy

Brent Uilenberg, U.S. Bureau of Reclamation

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

Gary Burton, Western Area Power Administration

Dave Mazour, Tri-State Generation and Transmission

Margot Zallen, Department of Interior, Solicitor's Office

CONVENE: 9:30 a.m.

Major Topics Discussed/Decided:

(>Assignments are highlighted in the text)

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

2. Approve March 1997, Implementation Committee Summary: The summary was approved as final with no modifications.

3. Recovery Program update

a. Announcements - Ralph Morgenweck announced: Henry Maddux, new Recovery Program Director; John Shields, new Management Committee chair; and Kathleen Clarke, new Management Committee vice-chair.

b. Program update - Henry Maddux provided an update on the Program and the status of the endangered fishes in the Upper Basin (which subsequently underwent minor modifications based on input from other Program participants) (see Attachment 1).

c. Program participants responses/concerns - John Shields suggested that the Director's Update is one of the Program's most helpful documents and suggested it be posted to the listserv (which was then done).

d. Yampa River Management Plan update - John Hamill briefed the Committee on the status of the Yampa River Recovery and Water Management Plan, discussing: the vital biological importance of the Yampa; Yampa River hydrology; the goals and objectives of the Yampa Management Plan, which is a proactive strategy to protect the native fishes in the Yampa River; and the stakeholder involvement activities of the Yampa Plan (involving the Yampa River Basin Partnership). FY 98 plans for the Yampa River Plan are:

1) Complete technical studies

- low flow/passage study (final report-June 1998)

- human water demands (final report - December 1997)

- sediment and flow monitoring (ongoing)

2) start the NEPA process

- evaluate alternative flow scenarios (early 1998)
- Section 7 consultation process (early 1998)
- Complete State Aquatic Management Plan (December 1997)
- Refine Purpose and Needs Statement (September 1998)
- Identify alternatives (January 1999)

3) other activities

- Hire a technical project coordinator (FWS) (December 1997) (6 months of staff time for this person is included in the FY 98 Program budget under the Yampa Plan)
- Hire a NEPA contractor (November 1997)
- Public information and education (ongoing)

Tom Pitts suggested the Program may want to consider the Yampa stakeholder involvement process as a model for stakeholder involvement in other areas of the Program, such as the 15-Mile Reach and the Gunnison Basin. Peter Evans noted that the December 1998 target for completing Yampa River instream flow adjudication will need to be re-evaluated in light of the process that's been outlined under the Yampa plan.

4. Review/approve FY 98 work plan

Henry Maddux provided an overview of the draft FY 98 work plan. Henry described the contingency project list and noted that as funding becomes available for those projects, they will have to get scopes of work approved by the technical and Management committees. Dan Luecke asked if Henry anticipates the "voting" process (which the Management Committee used to rank the contingency project list) may be applied more

broadly in the Recovery Program. Henry said he sees it limited to things like contingency budget lists. Clayton Palmer and Kathleen Clarke noted that the contingency list as ranked by Management Committee members is that Committee's initial ranking of the list, and the Committee may discuss these further to develop greater consensus. The text of the work plan will be modified to reflect this.

Page 3 (FY 99 work planning process): Utah requested preliminary Program guidance by November 1, if possible; >Henry said he would try to issue it then or as soon thereafter as possible.

Page 2, item 1: Tom Pitts noted that based on Charley Calhoun's commitment, he was going to try to get \$7.468 million for FY 98. Chris Karas confirmed that Reclamation intends to try to make up the shortfall.

Tom expressed concern that the discussion in the work plan needs to better reflect the Management Committee's discussion of projects CAP 6 and 7 (the discussion is reflected in Table, but needs to be reflected in the text, as well).

Page 5, item B: Tom noted that the Management Committee agreed that Dave Soker would provide a proposal as to how we'll deal with land acquisitions. The text was revised to reflect this.

Tom said he has reservations about finalizing the budget and work plan with all the current uncertainties. The Committee resolved this by deleting items 1-7 on page 2.

The Committee agreed that the contingency projects in the budget table will be moved to their own category at the end of the table (shown after the totals).

Tom said he would submit additional corrections to some minor typographical errors.

Recommendations (section 6 of the work plan) - Final recommendations for funding activities on the contingency list will come back to the Implementation Committee for approval (which they may do by conference call). Recommendation #5 from the FY 97 work plan (Program staff to review propagation and facilities needs) should be included. Recommendation #6 from the FY 97 work plan should be modified to reflect the Management Committee's request for a report from Henry on nonnative fish control. >Any additional recommendations to be included in this section of the work plan should be submitted to Henry Maddux by Monday, September 22.

5. Section 7 Consultation

a. FWS Sufficient Progress update -

Tom Pitts asked how issues related to the impacts of releases from Ruedi Reservoir on the Fryingpan River would be addressed (item #6 on page 4 of the sufficient progress letter). Henry replied that those issues are being resolved through the Ruedi public meetings, and that the current plan is to stick with the 250cfs limit. Wolford Reservoir also is helping resolve this.

Tom asked if the ongoing consultation would resolve the long-term Ruedi water delivery agreement, and Henry said it would (although we have a long way to go to reach

agreement and finalize that consultation).

John Shields said he was surprised that the Service wasn't concerned enough about the difficulties, challenges, and problems we've had with fish propagation and production not to include that as an item in the list on page 4.

John said he thought it would be helpful to Program participants to have some idea what criteria the Service might use in considering raising the 3,000 af threshold. Ralph replied that the issue of thresholds has come up in his discussions with the water users, and that the Service and the Program are still thinking about the implications of increasing or eliminating the 3,000 af threshold. >This would be an appropriate item for Management Committee discussion. Tom Pitts said he thinks we need to address the lack of awareness of the Program and its benefits to small water users, but not by eliminating the threshold, as some have suggested.

John asked >Ralph to look into the consultation on the wetland ponds in Wyoming which total more than 3,000 af in aggregate, but not individually. (The project proponent would prefer to permit them individually, but the Corps of Engineers and the Service want to consult on them as a unit.)

Tom Pitts raised the issue of the Program's history of falling behind schedule with products and reports and asked that >Henry and the Management Committee work out a system for better tracking of products and reports and for applying pressure as needed. Chris Karas recommended once again enforcing deadlines by not providing additional funding to people with overdue products/reports.

b. Programmatic biological opinions

- Colorado River - Peter Evans reviewed progress on the programmatic 15-Mile Reach biological opinion. The group has made good progress in developing a proposed approach, which they're now discussing with their various constituents. The elements of current proposal are: addressing current depletions which for discussion purposes is a baseline condition; examining the benefits of flow and non-flow Recovery Action Plan items; and providing an RPA for a block of new depletions. Water users who don't anticipate additional development in the short-term don't consider this approach to be a helpful solution to them. The Colorado Water Conservation Board is monitoring these discussions, and the Colorado water users will be working very hard over the next 60 days to try to reach agreement among themselves on most of their critical issues. Colorado's Department of Natural Resources remains convinced that a programmatic opinion is still the best solution. Robert Wigington noted that in yesterday's meeting, they expressed their concern about bringing this to closure as soon as possible and not "starting over." Tom Pitts said some water users are concerned about any attempt to cap development (even temporarily), and have raised several issues regarding who gets remaining water (east vs. west slope users, existing vs. new projects, compensatory storage, etc.). The Water Users also are committed to the programmatic approach. Chris Karas said that if proposed solutions involve Ruedi and Green Mountain reservoirs, then Reclamation should be involved early on so that they don't end up raising new issues after resolution has been reached among the other parties.

- Duchesne River - Henry Maddux said the Service has added more hydrology and re-written the reasonable and prudent alternative (RPA) for this opinion in accordance with the Section 7 Agreement. Reed Harris will meet with CUWCD, Reclamation, and Utah to go over the RPA once more, the Service will have one more internal discussion to make sure the draft opinion is in compliance with Section 7 agreement and that it doesn't conflict with expected outcome of the 15-Mile Reach programmatic opinion, then the Service will release a draft opinion. Barry Saunders said he'd welcome some intra-Service discussions on the importance of tributaries in order to achieve a unified position in the Service. Henry said that Reed has asked for that also.

c. Other consultations

Ute Pipeline - Henry said the Service and Larry Clever met yesterday to discuss recent revisions to the opinion. The Service will give him one more draft to review, then the opinion should go to the Regional Office to be finalized in about a week.

Wolford Mountain. Reservoir - This is a biological opinion on increasing the usable pool. The opinion is basically completed and should be out in a few weeks.

Ruedi Reservoir - Negotiations are continuing. The Service will meet with Reclamation again soon, hopefully reach agreement on an amendment, and have another draft out within a month. Tom Pitts said he understands the Service asked Reclamation to delay contracts until this is resolved. Tom said that only 6,000 af is involved here and that the delay is causing real concern among the water users. Alice Johns clarified that a contract for up to 1 year for additional water from Ruedi is pending and is subject to issuance of the draft 15-Mile Reach programmatic opinion. Henry will clarify this in the Program Director's Update.

GVIC fish passage - The biological opinion has been completed and construction is underway. The biological opinion on Grand Valley Water Management is awaiting completion of the 15-Mile Reach programmatic opinion.

High Savery (Wyoming) - This is for a depletion of about 7,000 af fairly high up in system. Henry has been working with the Service's Cheyenne office and with Mike Carnevale to develop an RPA, but consultation hasn't been formally requested yet.

Price River - Consultations on the Narrows Project (reinitiation) and Price-San Rafael salinity control are upcoming soon.

6. Long-term funding

a. Funding legislation update - John Hamill distributed a summary of the major elements of the long-term funding legislation (Attachment 2). John will be going back to Washington, D.C. soon to brief people in the Department of Interior about the legislation. Dan Luecke said he supports the idea of including credits in principle, but he's concerned that the way we've approached it has increased the Federal funding commitment by 30%. He also has concerns about how the value of credits from Flaming Gorge and other facilities has been estimated. Peter Evens said Colorado views the State and power user contributions as being equal, but noted that the Colorado Water Conservation Board is willing to help finance the power user portion so that rate increases would be as small as possible. Chris Karas noted that the power revenues would be reimbursable. Joe Hunter said CREDA doesn't see any reason right now to support a proposal that would increase rates; and that the issue of rate neutrality should be tested in Washington. However, the bottom line is that it appears that the rate impact of this kind of proposal would be very small. Tom Pitts noted that water users provided a draft to the Colorado delegation in Washington last week. Robert Wigington noted an error on page 3, section 4.a.1. of the draft legislation: it appears that the San Juan River has mistakenly been included in the total, which really should be \$74 M. Kathleen Clarke noted that >the States need to meet again and discuss allocation of their contribution among the Colorado, Utah, and Wyoming.

7. Next meeting - 9 a.m. - 4 p.m. on Friday, March 6, 1998, at the Fish and Wildlife Service office in Lakewood, Colorado.

ADJOURN: 2:45 p.m.

RECOVERY PROGRAM DIRECTOR'S UPDATE

September 1997

a. Population Status:

SPECIES	RIVER		
	GREEN	YAMPA	COLORADO
Colorado squawfish	Stable/increasing	Stable	Stable/small
Humpback chub	Stable?/small	Stable?/small	Stable
Razorback sucker	500+ adults, limited recruitment	Few adults, limited recruitment	Few adults, no recruitment
Bonytail	Rare -- no recruitment -- all rivers		

Notes: 1. Relatively large numbers of YOY Colorado squawfish captured on the Colorado River in summer/fall of 1996.

2. Presence of a spawning population of razorbacks in the lower Green River was recently confirmed.

B. Habitat Management (Instream Flows)

Goal: To protect sufficient instream flows to support self-sustaining populations of the fishes

Status: o The change in the Steamboat Lake (Yampa River basin) decree to allow for reservoir releases for instream flows has been completed. The 5-year contract for the water has been signed. a purchase order for the lease of water in 1997 has been completed

and water delivery began on September 13 at a rate of 100 cfs. The flows will increase fish habitat and facilitate the low flow studies in Yampa Canyon.

- o Agreement was reached with the objectors to the CWCB's application for a 581 cfs instream flow right in the 15-Mile Reach. The final decree for the 581 cfs and 300 cfs of return flows was entered on September 2, 1997.

- o Up to a 1-year contract for an additional 21,650 af of water from Ruedi Reservoir is pending. Because of wet conditions, it is unlikely that much of the water will be used this year. Issues over delivery of that water and a longer term contract are under review.

- o Work to synthesize technical information related to Flaming Gorge and the Aspinall Units is progressing, but has been delayed because the supporting technical reports have been late.

- * The water demand study, as part of development of the Yampa Water Management Plan, is nearing completion. Public meetings have been held in Craig and Steamboat Springs.

- o Reservoirs in the upper Colorado River were operated to provide an additional 1,500 cfs of peak flows in 1997, until natural runoff exceeded flow targets.

- o CWCB continues to work with objectors to their instream flow filings on the Yampa and Colorado River flow filings.

o The draft Environmental Assessment for Grand Valley Water Management / Green Mountain Surplus Water Contract will be released in October 1997. a draft surplus water contract has been developed, reviewed internally, and is ready for the public negotiation process. Critical path items include the 15-Mile Reach Biological Opinion and obtaining construction authority.

C. Habitat Development and Maintenance

Goal: To provide or enhance habitat for the rare fishes through habitat development or management measures such as:

- o fish passageways
- o restoration of flooded bottomland habitats.

Status: o The fish passageway at Redlands Dam (Gunnison River) has been in operation through the spring and summer months. One Colorado squawfish used the ladder during the short period of operation in 1996. This year, 18 Colorado squawfish moved upstream through the ladder. Additionally, over 19,000 other native fishes have used the ladder.

o Levees were breached at three sites along the middle Green River in March 1997. Levees will be breached at an additional five sites during FY 98. This will complete the sites needed for the ongoing floodplain evaluation.

o Work continues with nine floodplain landowners along the Green River, six landowners on the Gunnison River, and two landowners on the Colorado River for acquisition. The first priority would be to acquire flood easements for these properties.

o Two gravel-pit ponds along the Colorado River will be reconfigured to function as terrace floodplains, thus reducing or eliminating their ability to produce nonnative fishes. These sites will be evaluated in FY 98..

o The Environmental Assessment and Biological Opinion have been completed for the GVIC fish passage. All applicable contracts and agreements have been signed. Construction is underway.

D. Stocking Native Fishes

Goal: a. Produce a sufficient supply of hatchery reared fish to support research and recovery activities.

B. Conserve the genetic diversity present in the wild.

Status: o On September 11, 1997, approximately 1,800 razorback suckers averaging about 7 inches were stocked in the Gunnison Rivers. Up to an additional 8,000 fish will be stocked by the end of September. These fish were raised in Clymers Pond. Up to 250 razorback suckers may be stocked in the Green River in October 1997.

o In October 1997, 10,000 age-1 and 250 age-2 bonytail will be stocked in Professor Valley near Moab, Utah.

- o The Ouray National Fish Hatchery will be completed by the Spring of 1998, growout ponds will be acquired in the Grand Valley and possibly the Green River in 1997/98.

- o Increased stocking of razorbacks is planned for 1998.

- o The Hatchery Facility Plan and Genetics Management Plan are being reviewed by the Program Director's Office and will be submitted to the Biology Committee in October.

E. Nonnative Fishes and Sportfishing

Goal: Minimize the impacts of nonnative fishes and incidental take associated with sport fishing on the endangered fishes.

Status: o Removal of nonnative catfish, carp, and centrarchids is proceeding on the Green River.

- o The Environmental Assessment for pond reclamation activities in the Grand Valley is completed. An Intra-Service biological opinion is being prepared.

- o Nonnative control efforts in 1998 will be expanded to include: removal of small minnows from backwater nursery areas on the Green, Colorado, and Gunnison rivers; catfish removal on the Yampa River in Dinosaur National Monument; and centrarchid

removal from the Colorado River as part of an evaluation to determine if ISMP adequately monitors nonnative fish abundance.

F. Research, Monitoring, and Data Management

Goal: To support recovery activity, monitor endangered fish status and trends, and maintain Recovery Program data archives.

Status: o The Interagency Standardized Monitoring Program (ISMP), which is designed to measure the status and trends of the endangered fish stocks in the upper basin, will be expanded in 1998 to incorporate population estimates of humpback chub, Colorado squawfish, and razorback suckers in various reaches of the Yampa, Green, and Colorado rivers.

o Management Objectives (MO's) are expected to be completed by the end of 1997. These adaptive objectives describe what the effective population size for each of the stocks of the four endangered fishes would need to be in order for them to persist for 100 years.

o Population estimates made under ISMP will be related to the MO's both to aid in determining priorities recovery actions within the Program and in refining the MO's as we obtain better information.

G. Information and Education

Goal: To promote public understanding, appreciation, and support for efforts to recover the endangered fish.

Status: o In 1998, public involvement will be coordinated for the various Program activities by river basin: Colorado/Gunnison; Green; and Yampa.

o The Recovery Program Web site will be "on-line" by the end of September 1997.

o Our news releases and media relations about the Program and the success of the Redlands Fish Ladder have resulted in favorable coverage.

o Our most recent Program Newsletter was sent out in June, along with the 1996 annual reports. We continue to get positive feedback about both of these products.

o Connie Young has written two articles for the Colorado Outdoors magazine on Program recovery efforts in the Yampa and Colorado rivers.

H. Section 7 Consultation

Goal: To allow water development to proceed in the Upper Colorado River Basin in compliance with the ESA.

Status: * FWS completed its annual review of sufficient progress in April 1997. The sufficient progress threshold was restored to 3,000 acre feet.

* The draft biological opinion for the 15-Mile Reach on historic and new depletions has been delayed because of the need for additional hydrology data analyses and disagreement over what the baseline hydrology should look like.

o a preliminary draft biological opinion on historic and new depletions from the Duchesne River was supplied to the cooperating Federal agencies. a revised draft will be released in the very near future.

o The biological opinion for the Ute Water District pipeline expansion which covers historic and new depletions is being finalized.

I. Program Management

Goal: To ensure effective implementation and coordination of the Recovery Program

Status: * The FY 98 work plan has been drafted for Implementation Committee approval; FY 98 capital funds are less than requested.

* Issues relating to long-term funding legislation for the Upper Basin and San Juan recovery programs are near resolution and the group has basically agreed to a Bill that

will be/is being circulated in Congress.

* New Program Director, Henry Maddux, was hired in August 1997.

o Recovery Program electronic mailing list (fws-coloriver) is fully operational and has been helpful in speeding communication among Program participants.

Major Elements

Colorado and San Juan Rivers Funding Legislation

1. The bill will authorize funding for capital construction, O&M, and the Program's annual budget. O&M funding and the annual budget will be funded entirely with power revenues beginning in FY99 or whenever the bill gets passed. Funding authorization would be capped at:

Annual Funds

San Juan: \$1.35M per year through 2010

Upper Colorado: \$3M per year through 2010

Total: \$4M per year through 2010

Operation and Maintenance Funds

San Juan: \$.6M per year through 2010

Upper Colorado: \$1M per year through 2010

Total: \$1.5M

Capital Funds

San Juan: \$15M through 2007

Upper Colorado: \$74M through 2003

Total: \$ 89M

2. The States will be given credits for the capital project costs associated for providing water and for lost power revenues due to reoperation of Flaming Gorge (about \$27M). Thus, the total capital program cost would be \$116M.

3. Federal contributions would be \$58M.

4. Power customers will contribute about \$14M by increasing power rates a little bit.

5. States would and power user would split the remaining costs equally (about 15.5M each). Power rates would be raised slightly to raise the power users contributions. However the States would loan money to the power users to minimize the rate increase

6. There will be a provision in the Bill to waive the overhead charges for transferring funds between Federal agencies (e.g., from BR to FWS).

7. The bill would authorize O&M funding and annual funding through the year 2010 at which time the Secretary will submit a report to Congress on the effectiveness of the RIPs and recommendations for how to proceed.

8. EDF and CREDA objected to some elements of the bill. EDF because they think the credit numbers being proposed by the states are questionable and the Federal share is too high. CREDA, because the bill would require a marginal rate increase. Both agreed to discuss the bill with their constituents and report back at the next meeting (October 9th).

9. The water users have indicated that they will support circulation of the Bill among the delegation in Washington even though the 15-mile reach and Duchesne BO have not been completed.

10. A draft of the Bill will be distributed at the Implementation Committee meeting. on 9/17. Issue papers on CREDA's and EDF's concerns will be generated by the end of September.

11. Program participants are expected to review the Bill internally within their group/agency prior to the next ad hoc funding committee meeting on October 9 in Salt Lake City, UT

12. The bill will be circulated in DC at the end of October.

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