

**IMPLEMENTATION COMMITTEE MEETING SUMMARY**  
**3/6/98**



CR/FY-98 UCRRIC  
Mail Stop 65115  
March 12, 1998

Memorandum

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

From: Director, Colorado River Recovery Implementation Program

Subject: Draft March 6, 1998, 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.

Actions and Assignments

Recovery Implementation Committee--March 6, 1998

COMMITTEE ACTIONS:

1. Approved the September 17, 1998, meeting summary no revisions.
2. Approved the FY 99 Recovery Program Guidance and RIPRAP revisions with modifications as noted in this summary.
3. Recommended changing the long-term funding legislation to extend the Upper Basin Program authorization through 2005 (in sections 4Ai and 4Bi).

ASSIGNMENTS:

1. The Program Director's office will share highlights of press clippings with Program participants after the upcoming public meetings.

2. The Program Director's Office will finalize the revisions and print and distribute the 1998 version of the RIPRAP.

3. Program staff and committees will take hard look at the RIPRAP funding table each year as they make RIPRAP changes to make sure the table is appropriately updated each year.

4. Dan McAuliffe will make the change in the long-term funding legislation to extend the Upper Basin Program authorization through 2005 (in sections 4Ai and 4Bi) and provide explanation (and perhaps a savings clause) in the briefing paper.

5. In light of the change in the long-term funding legislation to extend the Upper Basin Program authorization through 2005, the Management Committee will address what needs to be done with the Program's Cooperative Agreement which currently ends in 2003. The Management Committee needs to consider the fact that several RIPRAP items now have 2004 completion dates and also should consider long term operation and maintenance costs.

6. The Biology Committee should change their report review process so that the principal investigator recommends the peer reviewers and the Program Director approves them.

7. The Program Director's office will add the biology report review process to the Program Organization document.

8. The Management Committee should look into the inadequacy of public involvement plan reporting.
  
9. The next consultation list update (end of March) will contain correct, current depletion numbers for the pending consultations that have now been completed. Consultations newly added to the list will be denoted with an asterisk.
  
10. Program participants will seek a 3% rate for FY 99 (capital and annual funds) (this should go in the FY 99 funding request letters) and recommended that the ad hoc group consider including language for 3% for both capital and base funds in the draft legislation.
  
11. Dan McAuliffe should circulate a proposal regarding this language (see assignment #10) in the draft funding legislation.
  
12. Ralph Morgenweck will call Patty Beneke to request that Reclamation employees be allowed to attend this year's Washington, D.C., briefing trip.
  
13. Kathleen Clarke will secure a meeting room for the September 10, 1998, Implementation Committee meeting (9 a.m. - 4 p.m., DNR, Salt Lake City, Utah).

- Draft Summary -

Recovery Implementation Committee--March 6, 1998

CONVENE: 9:15 a.m.

Major Topics Discussed/Decided:

(>Assignments also are highlighted in the text)

1. Introductions, Review/Modify Agenda: The agenda was modified as it appears below.

2. Approve September 1998, Implementation Committee Summary: The Committee approved the final summary with no revisions.

3. Program and Fish Status Update:

Henry Maddux provided an update on the Program and the status of the endangered fishes in the Upper Basin (Attachment 2). John Shields asked if the Program Director's office could please share highlights of press clippings after the upcoming public meetings.

>Henry said he would do that.

4. Review/approve recommended RIPRAP revisions:

The Implementation Committee reviewed and approved the recommended RIPRAP revisions with minor modifications regarding: 1) the date for CWCB review of Rifle-to-Roller-Dam flow recommendations (pg. 38) and subsequent actions; 2) clarification that

augmentation/restoration is done *as guided by the Genetics Management Plan*; and 3) the budget table (dollar amount for Yampa River Management plan and addition of a footnote that *individual* projects aren't capped, just the overall total). >The Program Director's Office will finalize the revisions and print and distribute the 1998 version of the RIPRAP. The Committee directed >Program staff and committees to take a hard look at the funding table (getting it appropriately updated) each year. With regards to RIPRAP items scheduled for completion in 2004, the Committee recommended changing the long-term funding legislation to extend the Upper Basin Program authorization through 2005 (in sections 4Ai and 4Bi) (>Dan McAuliffe will make the change) and directed >the Management Committee to address what needs to be done with the Program's Cooperative Agreement which currently ends in 2003. The Management Committee needs to consider the fact that several RIPRAP items now have 2004 completion dates and also should consider long term operation and maintenance costs. With regards to the long-term funding legislation, explanation (and perhaps a savings clause) can be put in the briefing paper (by Dan McAuliffe).

#### 5. Review/approve FY 99 Program Guidance:

The Implementation Committee reviewed and approved the recommended FY 99 Program Guidance with a minor modification regarding adding a deliverable (report to the Biology Committee on changes and the reasons therefore) to the maintenance and updating of the endangered fish population models project. Peter Evans asked how the incidental take issue would be addressed with regards to the razorback sucker and Colorado squawfish translocation in the Upper Colorado River. Henry Maddux replied that he recommends that this stocking/translocation include an intra-Service Section 7 consultation that addresses the incidental take issue. The Committee questioned the Biology Committee's report review process in which the Principal Investigator selects the peer reviewers. The Implementation Committee recommended that >the Biology Committee change this so that the PI recommends the peer reviewers and the Program Director approves them. >The Program Director's office will add the report review process to the Program Organization document. Tom Pitts and Chris Karas expressed some reservations about the experimental selenium new start (Adobe Creek), but agreed this could stay in the Program Guidance and the scope of work will be evaluated with all the others. John Shields expressed concern about what results we're getting for our public involvement plan dollars, noting that the FY 97 public involvement plan annual reports seemed pretty weak in terms of reporting results in that area. >The Management Committee should look into the inadequacy of public involvement plan reporting.

6. FY 98 budget update:

a. Status of FY 98 capital funds budget - Angela Kantola distributed a copy of the Management Committee's latest decisions regarding allocation of FY 98 capital funds (from their January 27, 1998, meeting). The Management Committee will make decisions regarding allocation of the remaining FY 98 funds at their April meeting (recently changed from April 16 to April 15).

b. Report on progress to clean up unliquidated obligations - Brent Uilenberg distributed an updated table on unliquidated capital fund obligations (which now reflects obligation of some FY 98 dollars). Brent encouraged Program participants to encourage their agencies to get their bills submitted to Reclamation. Chris Karas reported that her office has established a new tracking system for obligation of base (annual) funds from Reclamation.

7. Update on Management Objectives:

Henry Maddux briefed the Committee on the status of the Management Objectives. The report has been approved by the Biology Committee and Utah is making the final changes. As soon as they're done with that, the Service will send the report out for external peer review and will announce in the Federal Register that it's available for public comment. Comments received will be used by the Service as it develops more specific recovery (population numbers and habitat) goals. The Program will consider the comments before giving final approval to the IMO's. The modeling report is scheduled for approval by the Biology Committee at their next meeting. Dan Luecke strongly recommended reflecting the IMO numbers in two significant digits instead of four so that we're not incorrectly indicating specificity that doesn't exist.

## 8. Section 7 Consultation:

### a. Programmatic biological opinions

- Duchesne River - Henry Maddux reported that this opinion should be released to the Federal agencies this week. It's for a total depletion of 428,000 acre feet (~402,000 historic, ~25,000 new) and contains many of the items in the RIPRAP. It does not contain any RPA's not currently in the RIPRAP. The Central Utah Water Conservancy District is satisfied with the opinion; the Ute Tribe still has some concerns about the Service giving away Winters' Doctrine priority rights through the State priority system.

- Colorado River (15-Mile Reach programmatic opinion) - Henry reported that negotiations have continued and there's a meeting next Friday to discuss the Service's analysis of the size of a block of water that potentially could be offset by a set of RPA's (including flow and non-flow activities). The water users have continued their discussions, focusing recently on how the 6,000 af of Ruedi Round II contract water can be released. Peter said he wonders if we now need to do some more modeling with CRDSS; Henry said he thinks that will be appropriate after we agree on a block of water. Tom Pitts said he thinks the process is going well, although we have heavy negotiations to work through in the next month or two.

b. Other consultations - Henry reported that the Atlas Mill Tailings opinion has been completed. The Wolford Mountain opinion was signed on March 4. The Ute Water opinion also has been completed. We have not yet resolved how to deal with the 6,000 af on Round II water sales contracts. A consultation list updated through December 30, 1997 was distributed. >The next update (end of March) will contain correct, current depletion numbers for the pending consultations that have now been completed. >Consultations newly added to the list will be denoted with an asterisk.

c. FWS Sufficient Progress determination - Ralph expressed concern about three areas where the Program is behind schedule:

1) Floodplain acquisition - The issues that have held up progress are: a) who'll hold easements - Ralph said the Service is willing to do so; b) environmental assessment - which is now out for public comment; and b) the Utah sovereign lands issue - Kathleen said Utah Attorney General's office has said they're understaffed and don't anticipate getting to this anytime soon, so Utah believes it's appropriate for the Program to go ahead with land acquisition work and properties will be reviewed on a case-by-case basis.

2) Ruedi reservoir releases, Colorado instream flow filings, and Grand Valley Water Management - Ralph says he thinks we're making good progress and he's fairly optimistic that we can bring these to fruition.

3) Pond reclamation - Ralph said he had the greatest concern about this item. The Colorado Division of Wildlife is considerably behind in reclaiming ponds to control nonnative fishes. This also includes implementing regulations to control introduction of sportfish in private ponds that can escape into the river.

The Service's "sufficient progress" memo will propose maintaining the 3,000 af depletion threshold and re-evaluating where we are on the three items of concern on September 1. Eric Kuhn asked for clarification about the 3,000 af threshold under the programmatic biological opinion and Henry replied that the 3,000 will not apply in the 15-Mile Reach (or in the Duchesne). Tom Pitts said the water users had anticipated that the threshold would increase as the Program accomplishes recovery activities. Ralph said that the re-evaluation could result in raising the threshold. Tom noted, however, that the threshold doesn't seem relevant to what we're doing now (e.g., 15-Mile Reach programmatic, etc.). John Shields repeated his comment from last year that the difficulties we've had with

propagation and production haven't been mentioned among Ralph's concerns. John also encouraged the Service to be sure to emphasize accomplishments as well as shortcomings in the sufficient progress letter. John Hamill noted that Program accomplishments is one of four factors the Service considers in assessing sufficient progress, the other three being status of the fish, adequacy of flows, and magnitude of impacts.

## 9. Long-term funding legislation:

a. Funding legislation update - Clayton Palmer noted the two recent changes to the legislation: 1) a decrease in the amount of Federal contributions from \$60 to \$46 million dollars; 2) an agreement among all parties at the last ad hoc meeting that \$13 million heretofore identified would be taken out of the Elkhead category, resulting in a total authorization of \$80 million (\$46M Federal; \$34M local cost-share). (See also Agenda item #4, wherein the Committee recommended changing the long-term funding legislation to extend the Upper Basin Program authorization through 2005 [in sections 4Ai and 4Bi]).

b. Position on Service overhead charge - At issue is inclusion of language in the draft legislation specifying that any transfer of Recovery Program (Reclamation) funds to the Service would be limited to an overhead charge rate of 0 to 3 percent. Of the FY 98 10% rate, 8% goes to Washington administration; 2% goes to Regional administration (for items such as vehicles, phones, xerox paper, computer systems, payroll contractor, etc.). The Service charges this because Congress has never appropriated enough funds for Service operation. Ralph said he can live with 10%, and he thinks Washington will support that, but he doesn't know that he can get them to go down to 3% or less (they didn't support it the last time the Program tried). Kathleen said she understands the problem, but sees the Washington 8% as a dishonest budgeting process. Tom Pitts said he thinks 10% seems excessive. Robert Wigington noted that we need to apply the same overhead rate or waiver to both capital and base funds. >Program participants will seek a 3% rate for FY 99 (capital and annual funds) (this should go in the FY 99 funding request letters) and recommended that the ad hoc group consider including language for 3% for both capital and base funds in the draft legislation. >Dan McAuliffe should circulate a proposal regarding this language in the draft funding legislation.

10. Washington, D.C. briefing trip:

Tom Pitts outlined the strategy for this year's Washington, D.C., briefing trip, which is scheduled for March 25 - April 1. The Committee also asked >Ralph to call Patty Beneke to request that Reclamation employees be allowed to attend.

11. Next Meeting: September 10, 1998, from 9 a.m. - 4 p.m., DNR, Salt Lake City, Utah (>Kathleen Clarke will secure a meeting room) Agenda items will include:

- Approval of final March 6, 1998, Implementation Committee meeting summary
- Program Director's update
- Approval of FY 99 Work Plan
- Program committee organization (do we need an Implementation Committee?)
- Final approval of IMO's by Recovery Program (see pg. 25 of the RIPRAP)
- Section 7 consultation update
- Long-term funding legislation update

ADJOURN: 2:50 p.m.

Attachment 1 - Attendees

Colorado River Recovery Implementation Committee

March 6, 1998 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 (Jim arrived later)

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

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

OTHERS:

Barry Saunders , Utah Department of Natural Resources

Will Tully, U.S. Bureau of Reclamation

Alice Johns, U.S. Bureau of Reclamation

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

Brent Uilenberg, U.S. Bureau of Reclamation

Chris Karas, U.S. Bureau of Reclamation

Ray Tenney, Colorado River Water Conservation District

Margot Zallen, Department of Interior Solicitor's Office

John Hamill, U.S. Fish and Wildlife Service

## RECOVERY PROGRAM DIRECTOR'S UPDATE

March 1998

A. Population Status: Little change in population status.

SPECIES	GREEN	RIVER	
		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 ---- all rivers	

B. Habitat Management (Instream Flows)

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

Status: o The Service during January of 1998 signed a MOU with the Colorado River Water Conservation District to make up to 6,000 acre feet of water available from Wolford Mountain Reservoir. The water will be managed as if the Service has an account in Wolford Mountain reservoir and will be subject to the hydrology of Muddy Creek, similar to other accounts in the reservoir.

o The CWCB has written a draft water right decree for the Instream flow filings for the baseflow flow water rights on the Colorado and Yampa Rivers. The purpose of the draft decree is to narrow down the issues and to begin working with objectors. Further progress on this issue is linked to progress in the development of the programmatic biological Opinion for the 15-Mile Reach.

o The water users and CWCB have been meeting and developing a proposal for resolution of the Ruedi reservoir issue with regards to providing water for the endangered fish.

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. Synthesize reports are due May 1998 for Flaming Gorge and October 1998 for Aspinall.

o The water demand study, as part of development of the Yampa Water Management Plan, has been completed and should be available in March 1998.

o The Bureau of Reclamation released the draft Environmental Assessment for the Grand Valley Water Management Project, December 1997. Reclamation also began public negotiation meetings on a contract with Public Service Company of Colorado for delivery

of a portion of the surplus Green Mountain Reservoir water; it appears that a contract can be worked out by this summer. Completion of the programmatic biological opinion for the 15-Mile Reach remains an obstacle for beginning construction of the project.

- o The process to begin coordinated reservoir operations in the Duchesne River basin has been initiated, thanks to the CUWCD and Bureau of Reclamation.

### 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 Operation of the Redlands Diversion Dam on the Gunnison River continued in 1997. The ladder was used by 20,603 fishes, 94% of which were native fishes, including 19 Colorado squawfish. Native fishes that were marked and released above the dam dispersed upstream, some as far as 57 river miles to the base of the Hartland Diversion Dam.

- o A fish passage structure was constructed at the Grand Valley Irrigation Company Diversion Dam on the Colorado River in January 1998; evaluation is scheduled to begin in March 1998. Providing fish passage at this structure, Price-Stubb, and the Grand Valley Project Diversion Dam will restore 55 miles of historically-occupied habitat for endangered fishes.

o Design options are currently being developed for restoring fish passage at the Price-Stubb Diversion Dam. Construction is tentatively scheduled to begin in the fall of 1998, and could be completed as early as April 1999.

o Pre-construction activities are being initiated in FY 98 to restore fish passage at the Grand Valley Project Diversion Dam. The current plan is to complete pre-construction activities in FY 99.

o Studies are underway to determine if the Tusher Wash Diversion Dam on the Green River just upstream from the town of Green River, Utah, is a barrier to upstream movement of endangered fishes; and to determine if the Tusher diversion canal siphons endangered fish larvae through the power plant or into irrigation ditches. The results of this study will be used to determine the need for screening at diversion structures.

o During March 1997, levees were breached at 3 sites along the Green River, resulting in 201 floodable acres. During October 1997, levees were breached at 3 more sites resulting in an additional 153 floodable acres. Levees are currently (February/March 1998) being breached at 2 more sites for an additional 862 to 1380 acres (depending on flows). Total habitat made available for endangered fishes is 1,216 to 1,734 acres. This fills out the 8-site block design recommended by the Levee Removal Evaluation Group and subsequently approved by the Biology and Management committees. Evaluation studies will be conducted through October. A report based on preliminary results of data collected from 1996 through 1998 will be developed by December 1998 for review and evaluation by the Recovery Program.

o Thirty-two sites have been screened for contaminants (including pre-acquisition surveys on 14 private properties; pre-restoration surveys on 18 public properties; 2 candidate

growout ponds; and 2 post-restoration surveys). Floodability assessments have been conducted on 28 sites.

o Land acquisition activities have resulted in 14 private landowners that have shown interest in selling easements or titles on approximately 500 acres of floodplain properties along the Green, Colorado, and Gunnison rivers.

#### 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 During Fall 1997, 3,732 razorback suckers ranging in size from 4-15 inches were stocked in the Gunnison River. These fish were raised in Clymers Pond, Grand Junction. Up to 1,000 razorback suckers may be stocked in the Green River in late Spring 1998.

o In October 1997, 2,164 age-0 and 10 age-1 bonytails with radio transmitters were stocked in Professor Valley near Moab, Utah. Another 3,000 will be stocked in the Spring of 1998.

o Construction of 10 new — acre ponds at the Ouray National Fish Hatchery was completed on December 31, 1997. There are now 36 line ponds on line at this facility. Twenty-three of the ponds currently hold fish. The water treatment system is basically complete, except for testing. The remainder of the facility should be complete by early Summer 1998.

#### 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. This past season removal included: 16,611 catfish; 1,332 carp; 1,051 centrarchids; and 6,683 other nonnative fish.

o Removal efforts this spring and summer will include Yampa Canyon in Dinosaur National Monument and nursery habitats along the Green and Colorado rivers.

o Nonnative fish control efforts recommended in the FY 99 Program Guidance include: expanding nonnative fish removal on the Colorado River to include the 15 & 18-Mile Reaches and nonnative fish removal on the Yampa River.

## 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) is being expanded 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) have been approved by the Biology Committee. The current estimate of effective population sizes for each stock are: Colorado squawfish - 5,477; razorback sucker - 5,316; humpback chub - 4,796; and bonytail - 4,118. These are adaptive objectives and can be modified as new information becomes available. Note: The Westwater/Black Rocks humpback chub population has been estimated at 7,000.

## G. Information and Education

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

Status: o The text portion of the Recovery Program Web site is now on-line (Web address: <http://www.r6.fws.gov/coloradoriver>). Additional photos and graphics are being added this month.

o In conjunction with the three open houses we are holding next week on the environmental assessment on land acquisition, we also are setting up meetings with local reporters and editorial boards to discuss the program and the value of floodplain habitat to endangered fish, other wildlife, vegetation and the river ecosystem.

o We have been working with producers of several public television and cable programs on stories on the Colorado River and endangered fish recovery. One of the programs aired February 20 and 27 in Denver on KRMA and Grand Junction on KRMJ.

#### H. Section 7 Consultation

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

Status: o The draft biological opinion for the 15-Mile Reach on historic and new depletions has been delayed. Discussions between the various water user groups have been very beneficial. Discussions continue between the water users, environmental representatives, Bureau of Reclamation, and the Fish and Wildlife Service.

o An official draft of the Duchesne River biological opinion, addressing both historic and new depletions is undergoing final regional review.

o The updated biological opinion for Wolford Mountain Reservoir has been finalized.

o The biological opinion for the Ute Water District pipeline expansion has been finalized.

## I. Program Management

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

Status: o The FY 99 Program Guidance and RIPRAP revisions have been drafted for Implementation Committee approval.

o Most of the participating water users have sent a letter to Senator Allard (Colorado) asking him to support the long-term funding legislation for the Upper Basin and San Juan recovery programs. Program participants briefed their Washington, D.C. delegations on the long-term funding legislation and FY 99 appropriations.

o Program Director's office is developing a tracking systems for program activities including research, Recovery Action Plan items, final reports, etc.

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