

CR/FY-06 UCRRIC
Mail Stop 65115

Memorandum

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

From: Director, Upper Colorado River Recovery Implementation Program

Subject: Draft September 11, 2006, 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 or myself (303/969-7322, ext. 221 or 268, respectively) if you think any changes are necessary.

Attachment

- Summary -
Actions and Assignments
Recovery Implementation Committee–September 11, 2006

ASSIGNMENTS:

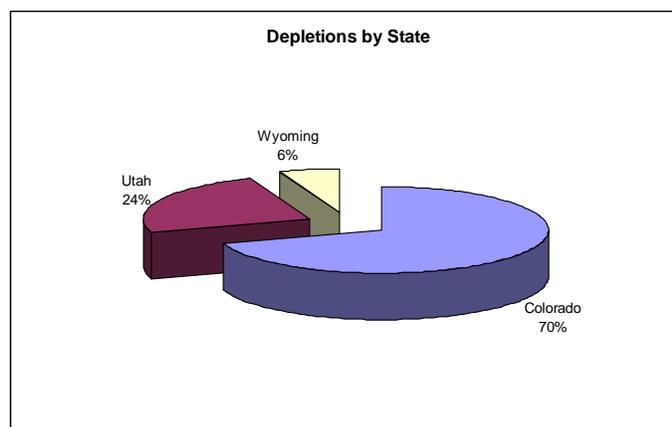
1. The Service will provide copies of any additional comments received on the draft sufficient progress memo to the Management Committee.
2. Angela Kantola will send the Committee an e-mail reminder for the Implementation Committee conference call on 8:00 a.m. on Friday, September 22.
3. The Management Committee and Program Director's office will begin drafting the report to Congress on the Recovery Program. The Management Committee also will discuss the issues of extending the authorizing legislation and the purposes for which power revenues will be needed and report back to the Implementation Committee.

CONVENE: 10:00 a.m.

1. Introductions, modify/review agenda – Bob Muth introduced Mitch King, who replaced Ralph Morgenweck as the Regional Director of the U.S. Fish and Wildlife Service's Mountain-Prairie Region (Region 6).
2. Election of new Committee chair – The Committee elected Mitch King as chair (replacing former Committee chair, Ralph Morgenweck).
3. Approve [September 23, 2004, meeting summary](#) and [January 24, 2005, conference call summary](#) – The summaries were approved as written.
4. Program Director's update on the Recovery Program and the status of the fish – Bob Muth reviewed recent Program highlights.
5. ESA Compliance
 - a. "Sufficient Progress" – Larry Gamble said the Service has provided a draft sufficient progress letter to the Management Committee for review. The Service annually evaluates progress of the Recovery Program and its ability to continue to serve as a reasonable and prudent alternative to jeopardy. In its review, the Service considers:
 - a) actions which result in a measurable population response, a measurable improvement in habitat for the fishes, legal protection of flows needed for recovery, or a reduction in the threat of immediate extinction;
 - b) status of the fish populations;
 - c) adequacy of flows; and
 - d) magnitude of the impact of projects.The Service anticipates finalizing the memo by early October. Larry reviewed highlights of accomplishments and concerns identified in the draft memo and said it concludes that

the Service is confident Program will continue to make significant strides toward recovery and that progress in the Recovery Program is sufficient to continue to provide the reasonable and prudent alternatives which avoid the likelihood of jeopardy resulting from depletion impacts of new projects that have an annual depletion of up to 4,500 acre feet. John Shields asked >the Service to provide copies of any additional comments received on the draft sufficient progress memo to the Management Committee. Dan Luecke said the environmental groups have drafted their comments and will be submitting those after this meeting. Dan said they believe what's happening to the humpback chub population in the Yampa River is catastrophic –we formerly thought the Green/Yampa system was in really good shape, but the current explosion of nonnative fishes and decline in native fishes is of critical concern. Dave Mazour said power users share this concern. Mitch King asked about the significance of the Yampa Canyon humpback chub population and Bob Muth said that while the Black Rocks, Westwater and Desolation/Gray populations are considered the core populations, the recovery goals call for no net loss in any population. Mitch asked about genetic differences and Bob said we don't yet have that information (report outstanding from CSU, however). Tom Pitts noted that sufficient progress letters were previously issued in the spring, and he would like to the Service to return to that schedule. Bob Muth said that's his goal, as well. The Committee discussed nonnative fish control and concerns recently expressed at Colorado Wildlife Commission meetings.

- b. [Consultation list](#) – Angela Kantola reviewed the most recent list of Section 7 consultations conducted under the Recovery Program. From the Program's inception through June 30, 2006, the Service has consulted on 1,395 actual projects depleting a total of 2,069,457 af of water from the upper Colorado River basin (1,799,466 af, or 87% of which, are "historic" depletions which were occurring prior to the Program's inception). Of the ~2 million af, roughly 2/3 of this amount is in Colorado, nearly 1/4 in Utah, and the remainder in Wyoming:



Angela said that the number of consultations has increased significantly due to the recent ditch bill consultations; Tom Blickensderfer and Tom Pitts emphasized the importance of those consultations (3 opinions, ~500 projects) in allowing

diversions to continue. Mitch King said it concerns him somewhat that so many opinions under the Recovery Program are “jeopardy” calls and asked about the rationale. Given that the Program serves as RPA, wouldn’t non-jeopardy opinions work with up-front reference/commitment by the action agency to the Recovery Program? Tom Pitts said jeopardy is how the Service characterized consultations historically, but that what’s most important to the water users is that the Program in general (rather than select Program activities) provide the reasonable and prudent alternative or measures.

6. Capital projects

- a. Capital projects review – Brent Uilenberg reviewed progress on capital projects.
- b. Elkhead Reservoir enlargement cost overrun – Brent distributed an issue paper outlining options for addressing increased costs. The original cost estimate to enlarge Elkhead Reservoir was \$20.5M, of which Program share for 5,000 af was \$8.7M (with allowance for up to an additional 5%, and if costs were more than 5% higher, the Program would have the option to take less water). The current cost estimate for the Program’s entire 5,000 af (43%) is \$12.7M. If the Program elects to pay for the full 5,000 af, that will leave \$9.2M for Price-Stubb fish passage construction and \$5.3M for Tusher Wash fish screen construction (not sufficient to screen the entire Green River Canal flow, but believed adequate to screen the canal flow that is hydraulically pumped for irrigation use and possibly replace the existing hydroelectric turbine runners with “fish friendly” runners). Dan Birch said the River District would like to see the Program go ahead and purchase their full 5,000 af. John Shields said it is his sense that the Management Committee supports this full purchase, but Dan Luecke countered that in talking to their Management Committee representative, he understood this was never brought to the Management Committee for approval. John Shields also discussed options for dealing with potential future budget shortfalls (to which Leslie James countered that Reclamation has no source of funds other than power revenues). Tom Pitts said large portion of these additional costs were covered by the recent \$15M additional cost authorization. Dan Luecke said he would rather not make a decision on Elkhead until we have a better idea of the costs of Price-Stubb fish passage. Dan Birch said it will be very unsettling to the River District Board (which meets Oct. 11) to hear that Program funding is uncertain at this point. Tom Pitts said he believes that we need to keep our commitment to Elkhead and that we will build Price-Stubb fish passage, one way or another. It was moved and seconded to pay the increased cost of Elkhead Reservoir enlargement, but Dan Luecke said the environmental groups could not support that right now (nor could they abstain); that while they support the commitment we’ve made to Elkhead, they want to know more about the implications this has for Price-Stubb fish passage costs which we should know by early December). Tom Pitts emphasized again that the Program needs to keep its commitment to Elkhead enlargement; we’ve entered into a partnership with the River District on Elkhead, and that is fundamentally different than the situation on Price-Stubb or Tusher Wash (increased costs for either

of the latter two can be solved, and they can be accomplished with very little in the way of partnerships). Dan Birch agreed. Tom Blickensderfer added that the Program used the cost of the water from Elkhead Reservoir as a part of our cost-share presented to Congress. Dan Luecke offered to discuss the Committee's concerns with his colleagues and report back by the time of an Implementation Committee conference call on 8:00 a.m. on Friday, September 22 (>Angela Kantola will send the Committee a reminder e-mail).

7. Report to Congress – Sec. 3 of Public Law 106-392 reads as follows:

“PUBLIC LAW 106–392—OCT. 30, 2000 114 STAT. 1605

...

SEC. 3. AUTHORIZATION TO FUND RECOVERY PROGRAMS.

...

(d) BASE FUNDING.—(1) Beginning in the first fiscal year commencing after the date of the enactment of this Act, the Secretary may utilize power revenues collected pursuant to the Colorado River Storage Project Act for the annual base funding contributions to the Recovery Implementation Programs by the Bureau of Reclamation... (2) For the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin, the contributions to base funding referred to in paragraph (1) shall not exceed \$4,000,000 per year. For the San Juan River Recovery Implementation Program, such contributions shall not exceed \$2,000,000 per year. The Secretary shall adjust such amounts for inflation in fiscal years commencing after the enactment of this Act. The utilization of power revenues for annual base funding shall cease after the fiscal year 2011, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring. No later than the end of fiscal year 2008, the Secretary shall submit a report on the utilization of power revenues for base funding to the appropriate Committees of the United States Senate and the House of Representatives. The Secretary shall also make a recommendation in such report regarding the need for continued base funding after fiscal year 2011 that may be required to fulfill the goals of the Recovery Implementation Programs. Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs.”

Bob Muth suggested that our report to Congress should cover the whole scope of the Recovery Programs, and should be framed in terms of the recovery goals. Bob believes the cross-links document provided to OMB last year would provide a good template for that report and suggested that his office could draft the report. John Shields said the Management Committee wanted the Implementation Committee to be aware of this and felt the Implementation Committee would want to direct the Program to work on the report; and the Management Committee would outline the schedule and process for the report to the Congressional delegation this spring. Bob Muth added that the recovery goal revisions (and consideration of time and cost estimates) will also provide information for this report. The Implementation Committee approved and directed >the Management Committee and the Program Director's office to begin drafting this report.

Dave Mazour asked about the need to extend the authorizing legislation beyond 2011 and the purposes for which power revenues could be used after 2011. Tom Pitts said he always assumed we would request extended authorization, but it's uncertain at this point what purposes power revenues might be needed in addition to O&M and monitoring. John Shields noted that this will need to be coordinated with the San Juan Program. >The Management Committee will discuss these issues and report back to the Implementation Committee.

8. Recovery goals history and revisions – Bob Muth said the 2002 recovery goals commit to revision every 5 years, and so need to be revised in 2007. Bob has drafted a strategy for the Service to consider; once that's approved, they'll begin moving forward on the revisions. Bob said it will once again be a very open process, and that he wants to involve Regions 1 and 2 of the Service up front to work with their stakeholders. Bob said it could take a year and a half to complete the revisions, but at the very least, a good draft will be available by the end of 2007. Revisions will include consideration of time and cost estimates and updates to fish status and genetics. Dan Luecke asked about minimum viable population numbers, noting that a fair number of geneticists seem to believe that these numbers in the recovery goals were low. Bob Muth said that the draft revised goals will be reviewed by an independent review panel.
 - a. Update on the [San Juan River Recovery Implementation Program](#) and Lower Basin activities – Bob Muth provided a report from Dave Campbell (see Attachment 2). Tom Pitts said he's pleased with recent progress in the San Juan Program and that he believes it's starting to operate more efficiently. Tom Pitts encouraged the Service to get some kind of commitment to lower basin recovery efforts. Clayton Palmer said that the Glen Canyon Adaptive Management Program has prepared a draft recommendation to DOI with respect to recovery in the entire lower basin; the AMWG will consider this in November. Leslie James said this is a very broad recommendation. Leslie James noted that Solicitor Bob Snow has suggested that the settlement agreement on Grand Canyon trust litigation has been mischaracterized in the media. Bob Muth said the good news from the Grand Canyon is a stabilized humpback chub population of ~5,000 fish.
9. Scheduling next Implementation Committee meeting – The Committee scheduled a conference call on Friday, September 22 at 8:00 a.m. and their next meeting for March 14 from 10 a.m. to 3 p.m. to discuss the 2008-2009 work plan, RIPRAP revisions, report to Congress, recovery goals progress, and the status of the capital projects budget.

ADJOURN: 3:30 p.m.

Attachment 1 - Participants
Colorado River Recovery Implementation Committee Meeting, September 11, 2006

IMPLEMENTATION COMMITTEE MEMBERS:

Mitch King, U.S. Fish and Wildlife Service (Chairman)
Carol DeAngelis, U.S. Bureau of Reclamation
Janet Wise, National Park Service
Dan Luecke, Environmental Groups
Leslie James, Colorado River Energy Distributors Association
Darin Bird for Mike Styler, Utah Department of Natural Resources
Clayton Palmer, Western Area Power Administration (via phone)
Tom Pitts, Upper Basin Water Users
Pat Tyrrell, Wyoming State Engineer's Office
Tom Blickensderfer for Russell George, Colorado Department of Natural Resources
Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Gary Burton, Western Area Power Administration
John Shields, Wyoming State Engineer's Office
Brent Uilenberg, U.S. Bureau of Reclamation
John Reber, National Park Service
Carol Taylor, U. S. Fish and Wildlife Service
Larry Gamble, U. S. Fish and Wildlife Service
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program
Steve Wolff, Wyoming State Engineers Office
Heather Patno, Western Area Power Administration
Kathy Kitzmann, Aurora Water
Dan Birch, Colorado River Water Conservation District

Attachment 2
San Juan Update
September 8, 2006

1. San Juan Program Document

The final draft of the revised San Juan Program Document was by the Coordination Committee on August 15 2006. The Coordination Committee agreed that the draft would be presented to their respective entities, agencies or tribal governments for consideration and approval.

2. San Juan Cooperative Agreement

A 15 year extension of the San Juan Cooperative Agreement is moving through the approval process. This extends the Cooperative Agreement until 2023.

3. Stocking

Razorback sucker

- NAPI Ponds

The SJRRIP is moving towards a single cohort management approach at the NAPI ponds. Ponds will be stocked with 200mm fish and harvested after one growing season.

This year has proven to be one of our better production years for razorback suckers at the ponds – to date we have pit tagged and stocked over 9,000 fish from the ponds.

- Dexter/Uvalde

The RBS rearing project is progressing well at Uvalde. Capital improvements were completed at Uvalde which included reshaping and lining of three ponds and the rehabilitation of one well.

William Knight, fishery biologist from Dexter is stationed at Uvalde and provides daily care (along with assistance from the Uvalde staff) for the fish as per the established fish production guide.

On April 7, 2006 larval fish were stocked into three one acre ponds and fingerlings size fish into three quarter acre ponds. Water quality has been monitored daily and plankton blooms were maintained for a 30 day period. The fish are responding well and large numbers of fish are seen in the ponds. Water temperatures have been ideal for warm-water fish growth, remaining in the high 70's and low 80's. The fish are now being fed three times daily and a small amount of fresh water run through the ponds.

We expect to exceed our 6,000 fish target from Uvalde this year.