

CR/FY-09 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 22, 2010, Recovery Implementation Committee Meeting
Summary

Attached are the draft action and assignment summary and the general meeting summary from the recent Implementation Committee meeting.

Attachments



Upper Colorado River Endangered Fish Recovery Program

Dated: September 27, 2010

- Summary -
Actions and Assignments
Recovery Implementation Committee–September 22, 2010
Denver, Colorado

ACTIONS:

1. Approved the March 3, 2010, conference call summary as revised.
2. Agreed to try enhancing the Program's Congressional communications with regularly scheduled (~3 times/year) conference calls.
3. Scheduled the next conference call for March 9, 2011 from 1:30 – 3:30 p.m. and the next meeting for September 21, 2011 from 10:30 – 3:30 in Denver near DIA.

ASSIGNMENTS:

1. The Program Director's office will post the March 3, 2010, meeting summary to the fws-coloriver listserver (*done*) and Program website as final.
2. The Management Committee will arrange the first Congressional staff briefing call (likely in December).
3. The Service will provide the Management and Implementation committees with an update on the LCC meeting being held September 23, which will have participants from both the Desert and Southern Rockies LCC's.

CONVENE: 10:30 a.m.

1. Introductions, modify/review agenda – The agenda was modified as it appears below. Dave Mazour is retiring and will no longer be on the Management Committee; John Shields, chair of the Management Committee, presented Dave with a plaque of appreciation for his many years of service.
2. Approve [March 3, 2010 conference call summary](#) – Minor revisions were received from Tom Pitts and Jana Mohrman and meeting participants provided additional changes. Implementation Committee approved the summary with those revisions. >The Program Director's office will post the March 3, 2010, meeting summary to the fws-coloriver listserv and Program website as final.
3. Program Director's report on the Recovery Program, status of the fish and coordination with [San Juan Program](#) – Fish status: we have the best data for Colorado pikeminnow, which we sample for three years, followed by two years of no sampling. The Green River 2006-2008 population estimate has rebounded from the 2001-2003 decline. The Colorado River population appears relatively stable with an indication of an increasing trend. We're working to restore populations of razorback by stocking, are seeing increasing recaptures and strong reproduction, and now are poised to begin implementing a monitoring program. Humpback chub seem to have been the most impacted by the drought and nonnative fish. We have concerns about both the Desolation/Gray Canyon and Yampa River Canyon populations (and have brought some of those fish into captivity). The small Cataract Canyon population is showing an upward trend. Bonetail are being restored through stocking and survival generally has been low, but 2009 recaptures were the highest yet. Dan Luecke asked about confidence intervals on Colorado pikeminnow population estimates; Tom Chart said that despite the wide confidence interval for the Green River in 2008, based on the increasing trend in juvenile fish, Kevin Bestgen feels pretty confident about the overall increasing trend. The broader confidence intervals generally reflect lower recapture rates. These rates likely were lower in 2008 due both to hydrology and to crew changes. Recovery elements: Tom gave a brief overview of recent instream flow protection activities on the Colorado and Green rivers. Most significantly, Reclamation has been able to maintain good base flows in the Green River which is good for age-0 Colorado pikeminnow. Under habitat restoration, Tom described existing screens and passages and the remaining screen needed at the Tusher Wash Diversion on the Green River. Tom Czaplá discussed the remote PIT antenna array recently installed at the Price-Stubbs fish passage. PIT-tagged fish and their direction of travel are automatically detected and the data downloaded by cell phone. Two Colorado pikeminnow and about a half-dozen roundtail chub have been detected since the installation in August. Our hatcheries continue to meet or exceed stocking targets for most species in most stocking locations in most years. In the nonnative fish arena, northern pike on the Yampa River and smallmouth bass in the Yampa, Green, and Colorado rivers continue to be our greatest concerns. We've ramped

up mechanical removal considerably over the years, both in terms of reaches sampled and cost. The density of smallmouth bass in Little Yampa Canyon was reduced to 44 fish/mile in 2009 (the interim goal is 30 fish per mile); however, 2010 data are not in yet and the large 2007 cohort was expected to reach reproductive maturity this year. Tom said that the Program has responded fairly well to the need to manage nonnative fish in the river; however, as Pat will discuss, we also need to begin focusing on prevention of potential future aquatic invasive species introductions.

4. Nonnative fish management – Pat Martinez discussed potential preventive measures for inclusion in a basinwide strategy to control nonnative aquatic species in the upper Colorado River basin.

a) The Program’s Nonnative Fish Stocking Procedures, revised in 2009, are our first line of defense. Colorado has not yet updated their private sector warmwater fish stocking regulations to reflect the revised Procedures (the next opportunity begin the three-step process to update the regulations would appear to be spring 2011). Pat described situations which may not fit within the revised Procedures, including translocating smallmouth bass removed from the Yampa River to Elkhead Reservoir (because of documented escapement); translocating northern pike removed from the Yampa River; and the fishery management proposal for Rifle Gap Reservoir (Pat suggests the proposed screen be reviewed for adequacy and smallmouth bass should *not* be a preferred stocking option, but rather sterile walleye [preferably sterile-male walleye]).

b) Hazard Analysis and Critical Control Points (HACCP). This tool is modified from the food industry where it is used to ensure food purity by removing hazards at critical points in production rather than at costly end-points. Adapted for natural resources, it is intended to prevent the spread of invasive species by identifying points most likely to pose risk and it allows regulators to understand and assess the entire process.

c) Invasive species and aquatic nuisance species. Invasive species status and management strategies apply to certain nonnative aquatic species in critical habitat.

d) Prohibited versus permitted species lists. Examples of permitted (“white”) list species in the upper Colorado River basin might include: rainbow trout, yellow perch in critical habitat (but a problem in higher, colder waters), and bluegill.

e) Disincentives for perpetuation/expansion of nonnative fish, potentially including: restriction of Federal Aid in Sport Fish Restoration funds (which may be complicit in fish management scenarios detrimental to recovery); ESA Section 9 (“take”) provisions; the Recovery Program’s annual sufficient progress memo; and the Clean Water Act (nonnative species may be considered to be biological pollutants).

Pat emphasized that steps to enhance prevention should include ensuring compliance with the Nonnative Fish Stocking Procedures, facilitating training and use of HACCP to prevent “hitchhikers,” applying invasive species and aquatic nuisance species strategies; encouraging the use of permitted/prohibited species lists; and avoiding use of Federal Aid funds for projects which may promote problematic fishery scenarios. Additional steps which could be considered include: assessing potential ESA take concerns (e.g., by northern pike); reviewing potential sufficient progress implications of reservoir fishery management; and reviewing the potential to regulate invasive nonnative aquatic species as biological pollutants in critical habitat.

Dan Luecke said he believes there's a strong scientific basis for all of these preventive measures; however, in the interest of maintaining strong cooperation among Program participants, Section 9 likely would not be a helpful approach. (Tom Chart clarified that Pat's was only being thorough and describing *all* possible approaches, not suggesting that the Program or the Service would endorse them, especially not Section 9). John Reber observed that education will play an important role in implementing preventive strategies. Tom Pitts emphasized that nonnative fish control is the last element of the Recovery Program to be implemented and it's our weak link. Tom suggested that Colorado Division of Wildlife's (CDOW) fishery proposals for Rifle Gap and Lake Nighthorse give the appearance that they are out of sync with the Recovery Program and its importance for providing ESA compliance to some 1100 water projects providing water to the people of Colorado. Tom observed that the Service has been quite clear that if the endangered fish populations are negatively affected by nonnative fishes, this will have consequences for Program's Section 7 compliance. Tom encouraged some consciousness-raising at CDOW, as well as beginning the three-step process required to implement the 2009 Nonnative Fish Stocking Procedures in Colorado's regulations. John Shields said he felt Pat's presentation was very helpful and represents good strategic thinking about which we will have considerable ensuing conversation. As with other recovery elements, we will accomplish much more working together than we can accomplish individually. John noted that the Southern Rockies LCC might provide an opportunity to broaden the conversations about this topic. Becky Mitchell said she is certainly willing to facilitate the discussions on these topics and said that after the recent Management Committee discussion, she decided it was time to work on a statewide program to address native versus nonnative fishes.

12:30 p.m. – 1:45 p.m. LUNCH

5. Strategic planning

- Recovery goals – We need to determine what to tell Congress about the need to revise downlisting/delisting dates, when to tell them, and on what basis (e.g., pending revised recovery goals/plans).
 - o Anticipated downlisting timelines have changed since the 2002 recovery goals.
 - o Need for recovery goals revision to be completed promptly – Clayton Palmer said the court received a revised incidental take statement from the Service regarding the Grand Canyon humpback chub population. Without final recovery goals, the incidental take statement causes confusion about the goal for the Grand Canyon population. As does the biological opinion issued to Reclamation requiring mechanical removal of nonnative trout in the Grand Canyon (i.e., is this intrusive action necessary for recovery?). Clayton is willing to offer assistance/resources and/or participate in planning to expedite revising the goals. Tom Chart said the Service may be amenable to the two-step process of revising the recovery goals and subsequently the recovery plans. John Shields said the best-case scenario would be for the Service to release revised recovery goals along with the species status reviews at the end of this calendar year. Leslie noted the complicating factor of Lower Basin litigation. Tom Chart doubts we can have finalized recovery goals by the end

of the calendar year, but we may be able to get the process well underway if we pursue the two-step process beginning with the recovery goals. Humpback chub will be the most complicated, and we may need assistance to assess what data are realistic, what modeling approaches can be taken (e.g. ASMR model used in Grand Canyon), etc. Population estimates may not be possible for the smaller humpback chub populations. Tom does think the Service can provide some kind of documentation regarding revised dates prior to issuing revised recovery goals.

- Annual and capital funding
 - o Annual Funding – John Shields described the differences between the House and Senate versions of the Programs’ funding bill. If the Senate version (S.1453) is not passed, then an estimated \$1.9M for the Upper Colorado and \$1.2M for the San Juan (adjusted annually for inflation) will need to be in Reclamation’s budget each year beginning in FY 2012. Without those funds, we would have to significantly cut ongoing recovery actions and Program management; with consequences for progress towards recovery and thus ESA compliance. As John Shields’ analysis notes, adding ~\$3.1M (both Programs) to Reclamation’s Endangered Species Recovery Implementation Program budget line-item for the Upper Colorado Region every year through 2023 will be a real challenge. Tom Pitts doesn’t believe Reclamation’s current draft FY 2012 budget includes this \$3.1M. Tom said we won’t know the outcome of the legislation on the Senate side for another few months. Brent Uilenberg said Carol DeAngelis has briefed their Regional Director who has briefed Reclamation’s Commissioner on this problem. Reclamation considers the potential consequences of failure of this Program too great to even be considered. Steve Guertin said that despite the current Federal budget situation, he’s confident that whatever Congress does, Reclamation will make these Recovery Programs a very high priority.
 - o Capital Funding – John noted that having only \$5,913,000 (current year dollars) of remaining authorized ceiling for the Upper Colorado Recovery Program after completion of the contemplated/planned capital construction projects is not very much in the event that repair, rehabilitation or replacement of existing canal screens, fish ladders, hatchery facilities, etc. is needed.
- Enhancing communications with Congress/Administration
 - o Meeting specific Member and Committee data needs & supplemental information requests – Mike Roberts outlined the challenge of responding to non-technical audiences regarding the complex, technical information generated by the Recovery Programs. John added that some Washington, D.C. contacts want much more in-depth and specific information than we can provide in the *Program Highlights* document. Steve agreed we need to be responsive to all of our contacts, and noted that strong, long-standing relationships with appropriation committee staff are especially important. Having all participants go back to Washington as a group and getting bipartisan support on the joint delegation funding support letters are real strengths of the Recovery Programs.
 - o Tools, techniques & timelines – Mike said Mat Maucieri of Reclamation’s

Congressional Affairs Office has suggested that in addition to continued efforts to produce the *Highlights Briefing Book* and the annual DC briefing trip, our Programs should consider regularly scheduled (three times / year) conference calls open to congressional staffers. Mat says this has been a fruitful communication strategy in the San Joaquin Program. Robert King suggested separating *Program Highlights* into two documents: 1) a primer on the Recovery Programs (perhaps only updated every other year); and 2) an annual update (much shorter). Along with the suggested conference calls, this might be a good strategy. Leslie James said she sees both pros and cons to calls, since some staffers only respond to crises, but it might be worth trying. Robert King stressed the importance of keeping the calls brief. John Shields added the calls will need to provide specific updates that go beyond a general message. Pat Tyrrell said the calls seem like a very good idea (at least to try for a year), and recommended they be conducted in a very streamlined fashion. Steve suggested offering to set up a call in December, then ask how it went in March, and if the response is positive, offer to set up another call in the summer. The Committee agreed; >the Management Committee will arrange the first call.

6. Updates

- Green River flow protection – Jana Mohrman said the State of Utah is developing alternatives for protecting Green River flows (since the contemplated subordination method received too much opposition). A technical group has been working on modeling and developing a work plan. The draft plan calls for Utah to analyze model results in 2011-2012, educate stakeholders, and then implement legal protection between 2014 and 2015. Utah will submit the plan to the Management Committee next week.
- Aspinall [EIS](#) and Study Plan – Brent Uilenberg said the EIS is still in review in Washington, D.C. (Reclamation will send it to the cooperators before making it public). It's still feasible that it might be finalized in time to implement for the 2011 runoff season. Tom Chart described development of the Aspinall study plan. It will follow the Green River template to the extent possible and completion is anticipated by the December 31, 2010, deadline. Brent said Reclamation prepared an MOU for development of a Selenium Remediation Program. The MOU should be signed by all the parties soon and Brent believes they will get the draft Program out for review by the established deadline. On the ground, \$1.6M has been obligated to Uncompahgre Valley WUA which will completely fund their work for two years and cover 12 miles of laterals. Brent believes Uncompahgre will secure additional funds under the current funding opportunity announcement.
- Capital projects – Reclamation is working on fish rearing ponds at Horsethief Canyon SWA (having settled on an infiltration gallery water supply). Construction should be complete in late summer or early fall 2011. The OMID irrigation efficiency project also is in process and is anticipated to more than replace the 10,000 from Ruedi Reservoir (for which the agreement expires in 2012).
- Status of 2009 – 2010 sufficient progress items – See the status update on action items, attached.
- FY 2011 Work Plan update – Angela Kantola noted the Program is in the second year

of its two-year FY 2010-2011 work plan. The budget is very tight with all funds obligated. The Management and technical committees will need to review/consider contingency projects within the next several months.

- Legislation – Tom Pitts said that the legislation related to Ruedi Reservoir may now only need to make a water service contract permanent.
- Washington, D.C. briefing trip – John Shields said March 15-22 has been proposed for the 2011 trip. The report from last year’s trip can be found at (***AK NOTE BEFORE SENDING THIS OUT: ADD LINK AS SOON AS ELLEN POSTS THIS TO THE WEB***)
- [Southern Rockies LCC \(Landscape Conservation Cooperatives\)](#) – The Program Director’s office recommends Tom Chart as point of contact/liaison to the LCC (Michelle Shaughnessy also will be involved and will serve as Tom’s alternate). Steve said DOI wants to first do no harm to existing partnerships, and so having this Program’s director serving as the liaison makes good sense. The Southern Rockies LCC, while not specifically funded this year, has already begun forming a cohesive partnership. Co-led by Bureau of Reclamation and Fish and Wildlife Service, a scoping meeting was held in July and an Interim Steering Committee was formed to develop the vision and mission of the LCC. They have begun amassing and synthesizing both science availability and data needs across the geographic area, as well as drafting a governance document. The group hopes to gain commitments for the Steering Committee and host a first meeting in January. >The Service will provide the Management and Implementation committees with an update on the LCC meeting being held tomorrow, which will have participants from both the Desert and Southern Rockies LCC’s. John Shields encouraged Reclamation and the Service to employ webinar technology for future meetings when possible.

7. Wrap-up and schedule next Implementation Committee meeting call (March 9, 2011 1:30 – 3:30 p.m.) and meeting (September 21, 2011 10:30 – 3:30).

ADJOURN: 3:30 p.m.

Attachment 1 - Participants
Colorado River Recovery Implementation Committee Meeting, September 22, 2010

IMPLEMENTATION COMMITTEE MEMBERS:

Steve Guertin, U.S. Fish and Wildlife Service (Chairman)
Brent Uilenberg for Carol DeAngelis, U.S. Bureau of Reclamation
John Reber, National Park Service
Dan Luecke, Environmental Groups
Leslie James, Colorado River Energy Distributors Association
Robert King 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
Becky Mitchell for Mike King, Colorado Department of Natural Resources
Program Director Tom Chart, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Dave Mazour, Tri-State
Gordon Olson, National Park Service
John Shields, Wyoming State Engineer's Office
Julie Lyke, U.S. Fish and Wildlife Service
Michelle Garrison, Colorado Water Conservation Board
Tom Nesler, Colorado Division of Wildlife
Melissa Trammell, National Park Service (via phone)
Tom Czapl, U.S. Fish and Wildlife Service, Recovery Program
Debbie Felker, U.S. Fish and Wildlife Service, Recovery Program
Pat Martinez, U. S. Fish and Wildlife Service, Recovery Program
Jana Mohrman, U.S. Fish and Wildlife Service
Angela Kantola, U. S. Fish and Wildlife Service, Recovery Program

ATTACHMENT 3

Action Items from the [2010 Sufficient Progress Memo](#)

August 27, 2010

ACTION ITEM	LEAD	DUE DATE	STATUS
The Service will continue to closely follow the effectiveness of nonnative fish management actions and the responses of the endangered and other native fishes. Data should continue to be reported annually, and necessary changes to nonnative fish management actions should be made in a timely fashion.	FWS, CDOW, UDWR	Ongoing	Ongoing.
A research framework project (building on results and recommendations of previous population estimate reports and information developed as a result of previous population estimate workshops) was initiated in 2005 to conduct additional data analyses to further understand environmental variables and life-history traits influencing the dynamics of Colorado pikeminnow and humpback chub populations. The draft research framework report is significantly behind schedule (originally due in 2007), but the Program Director's office is working with the principal investigators to get the draft report to the Biology Committee for review in the summer of 2010. Results will be used to refine hypotheses and direct management actions.	PDO, Valdez, Bestgen		7/26/10: Draft sent to BC for review 7/16/10; comments due back to authors 8/31/10. Revised draft due to BC 9/30/10.
By September 30, 2010, the State of Utah will identify the legal and technical process and schedule to protect recommended year-round flows for the endangered fishes in the Utah.	Utah	9/30/10.	8/27/10: Draft work plan in review.
The Program Director's office will complete the Price River position paper and submit it for Biology Committee review by September 1, 2010.	PDO	9/4/10 10/1/10	In draft; now anticipated October 1, 2010.
The Biology Committee (assisted by an ad hoc technical group) will analyze existing data to understand impacts and what could be gained by various screening options at Tusher Wash and make a final recommendation to the Management Committee by December 31, 2010.	BC	12/31/10	
CDOW will complete the Yampa River Aquatic Management Plan (with an Upper Yampa River northern pike strategy) by July 31, 2010. The Program will use this strategy and available information to evaluate the need for additional northern pike control upstream of Hayden to Steamboat Springs.	CDOW	7/31/10	8/11/10: Still not received; Becky Mitchell will find out when this will be submitted. Subsequent to receiving this plan from CDOW, the Program can consider any management actions called for in the plan which the Program may need to implement (and/or whether the plan adequately identifies actions which may be needed to manage nonnative fish sources in the upper Yampa River). 9/22/10: CDOW working on response letters to UT and FWS; Becky will see if this can be expedited.
Based on their analysis of smallmouth bass recapture information, CDOW and the Recovery Program must decide, prior to the 2011 sampling season, if Elkhead Reservoir can continue to serve as a	CDOW	2/1/11	

translocation site for smallmouth bass removed from the Yampa River.			
In cooperation with the Service, the CUWCD will draft a water management report (chronicling how flow recommendations have been met over the past 5 years, describing yearly efforts, available water and evolution of past operations [release triggers, etc.]) This report will replace the "water management plan" that the 2005 Biological Opinion called for by December 2009. A second or third draft will be presented at the fall 2010 DRWG meeting. The DRWG will continue to examine the feasibility of other options for obtaining water.	CUWCD / FWS / DRWG	Fall 2010	
The Program Director's office will complete the addendum to the White River report and provide a status update and recommendation on the draft Schmidt and Orchard report on peak (channel maintenance) flows for Biology Committee review by December 31, 2010.	PDO	12/31/10	
Implementation of CROS provided good peak flow augmentation in 2009; however, some constraints on operations due to flooding concerns may remain. The CROS working group will consider Cameo flood guidance to maximize benefits of CROS operations for endangered fish habitat.	CROS working group	4/1/10	Good operations in 2010; draft flood criteria were incorporated into decision-making.
Work on CFOPS has resumed and the Phase III CFOPS report will be completed by September 30, 2010.	CFOPS working group	9/30/10	CWCB to have the 2008 report the week of 8/9/10 and the 2009 report shortly thereafter. Then can analyze how reservoir releases to augment the peak could be made. The concept is to the extent necessary, we would use a portion of the Service's pools of fish water to augment the spring peak, instead of later during base flows. Will require legal review. Concerns may remain regarding flows in the Fryingpan and reservoir levels for the Aspen Yacht Club.
Close coordination will be maintained by meeting twice a year with Grand Valley water users and conducting conference calls as needed to discuss river conditions prior to the weekly Historic User Pool calls. The focus should be on taking full advantage of water savings brought about by operation of the Grand Valley Water Management project for late summer flow augmentation.	PDO, water users	Meetings ongoing.	Fall meeting to be scheduled.
The 15-Mile Reach PBO requires agreement(s) for permanent sources of the "10,825" water by June 30, 2010. Water users will extend existing interim agreements through 2013 (and another 2 years, if necessary) until the permanent water is in place. They also are preparing permanent agreements (were due June 30, 2010), which propose to provide water from Ruedi and Granby reservoirs (contingent upon the various steps that still need to occur). The water users will provide water from interim sources until that time. The permanent agreements currently are in draft and being reviewed by the Service. Work will continue on the National Environmental Policy Act process for the permanent water from Ruedi and Granby reservoirs to be completed in early 2011.	Upper Basin water users, FWS	6/30/10	Interim 10825 agreements to provide water from Wolford and Williams Fork executed in July 2010. They extend the interim arrangements through July 1, 2013, with the possibility of a 2-year extension. Reclamation proposed additional comments on the permanent 10825 agreement. Representatives of the River District, Southeastern Colorado Water Conservancy District, CWCB, and the Executive Committee met with Interior and Reclamation staff in Washington on June 25 to discuss Ruedi legislation. Reclamation proposed alternatives for resolution of issues associated with capital costs, timing of releases, and payment of operation and maintenance costs.

			The River District Board reviewed Reclamation's comments on the permanent agreement on July 21 and decided to review Reclamation's pending Ruedi legislative proposals prior to accepting any changes to the permanent agreement proposed by Reclamation. Negotiations are underway on a water service contract.
Condition of fish passing through the return pipes in the Grand Valley area fish screens has never been evaluated. The Program Director's Office will work with the Service and Reclamation to prepare a white paper on this issue and work with the Biology Committee to develop recommendations for conducting an evaluation in Fiscal Year 11 or 12.	PDO, Service, Reclamation, BC	TBD	PD has initiated discussions with Reclamation; data-gathering underway. Reclamation is closely watching the Grand Valley Project gates, but believes we need to seine below the return pipe to assess physical condition of fish passing through that pipe. The primary concern is high velocities especially when the gate openings are narrowed to maintain adequate water diversions >The Program Director's office will request a scope of work on this (perhaps employing white suckers captured in the passage).
Biennial scopes of work and annual reports are needed from <i>each</i> fish screen/passage facility (Grand Valley Project, Grand Valley Irrigation Company and Redlands). The Program Director's Office will work with Reclamation and the projects' operators to make sure these are submitted in a timely fashion (each November for annual reports and April in odd years for 2-year scopes of work).	PDO, facility operators, Reclamation	November 2010	
The Program Director's Office will work with the Biology Committee to craft a timeline/process for developing the Aspinall Study Plan and to form a subcommittee to prepare the plan (similar to the plan developed for the Green River in 2007). The plan will be completed by December 2010.	PDO, BC	December 2010	Ad hoc group meetings held in June and September 2010; drafting underway; webinar October 5.