



# Upper Colorado River Endangered Fish Recovery Program

March 25, 2011

Draft

## MANAGEMENT COMMITTEE WEB CONFERENCE SUMMARY

March 25, 2011

### CONVENE: 8:00 a.m.

1. Roll call, review/modify agenda – The agenda was modified as it appears below.
2. Schedule next meeting and discuss agenda items – The Committee scheduled a web conference for May 31 from 10:00 a.m. to 1:00 p.m. (primarily to discuss legislation) and their next meeting for August 10 – 11 in Cheyenne, WY (likely at Little America) starting at 1:00 on the 10<sup>th</sup> and adjourning at 2:00 p.m. on the 11<sup>th</sup>.
3. Updates
  - a. Washington, D.C., briefing trip – Tom Pitts said this year’s trip was different, but new Congressional members do understand the need for the Recovery Program and generally responded positively. Unlike previous years, there will not be a delegation support letter from the House supporting the President’s budget (although there likely will be letters from individual members); there *may* be a joint delegation letter from the Senate. Tom Pitts and Mike Roberts expressed their appreciation to John Shields for organizing the trip. Tom Chart echoed those thanks and also thanked the group as a whole for another excellent team effort. We continue to receive positive feedback on our well-organized visits and high-quality materials. >John Shields will provide a trip summary. John Reber said it was very helpful that the group met with Park Service folks in Washington, including the top person in their Natural Resources group. John Shields noted that the House Resources Committee staff asked lots of questions, and may request our budgets for the past 5 years; John let them know what was available on our website and that we would provide any additional information they need.
  - b. Legislation – The non-federal Program participants have been advised that they will need to find an offsetting cut (within the committee’s authorization) whether they seek continued authorization of power revenues or appropriations and that any authorization will be limited to seven years. Additional conversations will need to occur with staffers on the Water and Power Subcommittee and with Program participants to determine how to move forward. To begin this discussion, >John Shields will draft a summary of these conversations and circulate this to the group and >Brent Uilenberg will talk with Carol DeAngelis and schedule a briefing with Larry Walkoviak. This will need to move quickly, as there may be an opportunity for a hearing on the bill in May. However, the non-federal Program participants will *not* want their bill to be the first of this kind (“cutgo”) introduced. >An ad-hoc committee of the non-federal Program participants will work on the legislation, in consultation with the Management Committee as a

whole. Leslie stressed that her board will need to discuss any legislation *before* it is introduced. >John will send a copy of the Senate “dear colleague” letter to the Management Committee today (*done*). Gene Shawcroft said the District and Utah plan to discuss options and any possible cuts.

4. Review/Approval of draft RIPRAP revisions/assessment and 2012-2013 Program Guidance – The Implementation Committee has given the Management Committee their proxy to approve these documents.
  - a. RIPRAP

Angela Kantola noted the question of reviewing the need for instream flow filings every 5 years. After some discussion, the Committee determined that by September 30, 2011, as required in the PBO’s, >the WAC should review mechanisms of current flow protection under the PBO’s for the Yampa and Colorado rivers to determine if additional mechanisms or instream flow filings are needed at this time (and this will be reviewed every 5 years). (Angela Kantola will modify both RIPRAP text and tables to reflect this.) Mike Roberts suggested that whether or not depletion accounting is working (are we able to adequately document depletions) needs to be part of this discussion (the depletion accounting, however, does not need to be completed in order to determine if additional mechanisms or instream flow filings are needed at this time). Melissa said she is most concerned about peak flows on the Yampa, and asked that those be discussed (Tom Chart noted that the first step for that would be a peak flow recommendation).

Tom Pitts has suggested deleting the Dolores River RIPRAP text that says “Inflows from the Dolores River that may be identified in the future as necessary to recover the endangered fishes on the mainstem of the Colorado River will need to be legally protected.” This could be misinterpreted to imply that *all* tributary flows in the entire Upper Colorado River Basin that contribute flows in critical habitat have to be protected. We are committed to protecting flows in critical habitat but that doesn’t imply protection of all tributary flows. Further, this is not in the RIPRAP tables, so that alone is a reason to delete it from the text. >The PD’s office will review history of this text and provide that to the Committee; but we will assume this text can be deleted unless the history suggests otherwise (in which case the Management Committee will revisit the Dolores text before the RIPRAP is finalized). *Note: History sent to Committee by Angela Kantola on 3/25/11 with recommendation to delete the subject sentence and add “The Program will consider the need for additional recovery actions in the Dolores River as new information becomes available” to the end of Section 3.7.2. Committee members were asked to respond by Friday, April 1 if they do not concur.*

The Committee approved the RIPRAP tables and text, as revised (unless review of the history of the Dolores text indicates the Committee needs to revisit that issue). >Angela Kantola will finalize the RIPRAP text and tables and post them to the website.

b. FY 12-13 Program Guidance

Angela reviewed cuts that the PD's office and the Biology Committee made to bring FY 12 and FY 13 within the currently projected budget (with power revenues at FY 10 levels), noting especially the 20% reductions in nonnative fish passes in non-source reaches (preliminary synthesis information indicates the greatest need for control is in source reaches). Melissa said the Biology Committee didn't really have any place else to cut. Reducing nonnative fish management in non-source reaches does represent some risk, so Melissa hopes we can return our nonnative fish management efforts to full funding after FY 2013. Julie Lyke asked if it's realistic to expect increased funds in the future and suggested that we may need to commit now to restore full nonnative fish funding after 2013. Pat emphasized that these cuts make our efforts to *prevent* any additional nonnative fish introductions/expansion all the more important. The Committee approved the FY 12-13 Program Guidance; >Angela Kantola will finalize it and post it to the listserv and website.

5. Flaming Gorge flow request letter – In follow-up to the March 14 call, Tom Chart said he received comments from Western today and will work with Clayton Palmer and Kirk LaGory to address those comments and then will >send the draft final to the Management Committee for their approval via e-mail. >Clayton also will send his comments to the Committee.

**ADJOURN: 10:40 a.m.**

Attachment 1  
Participants  
Colorado River Management Committee Web Conference  
March 25, 2011

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Becky Mitchell	State of Colorado
Robert King	State of Utah
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Julie Lyke	U.S. Fish and Wildlife Service
Leslie James	Colorado River Energy Distributors Association
Melissa Trammell	National Park Service
Mike Roberts	The Nature Conservancy
Clayton Palmer	Western Area Power Administration

Nonvoting Member:

Tom Chart	Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Angela Kantola	U.S. Fish and Wildlife Service
Debbie Felker	U.S. Fish and Wildlife Service
Pat Martinez	U.S. Fish and Wildlife Service
Tom Czapla	U.S. Fish and Wildlife Service

Others:

Gene Shawcroft	Central Utah Water Conservancy District
Jana Mohrman	U.S. Fish and Wildlife Service
John Reber	National Park Service
Dave Speas	Bureau of Reclamation
Michelle Garrison	Colorado Water Conservation Board
Adam Bergeron	The Nature Conservancy

## Attachment 2: Assignments

- 1. Program Director's office** will provide a more specific recommendation regarding establishing a basinwide recovery/conservation oversight team for the endangered fishes. 8/10/09: *Tom Czapla said the Program Director's office believes that continuing coordination by Service staff in California/Nevada and Regions 2 and 6 is the best way to accomplish this. As with recovery goals, these Service offices would maintain communication with their stakeholders and then coordinate with one another. Tom will ask that Service group for their suggestions on how they would like to continue this coordination role as the recovery goals revision process wraps up.* 2/25/09: *Service Solicitor recommended revising the full recovery plans (which will include the recovery goals). Tom Pitts asked if the recovery team would be reconvened; >the Service will look into this and also into Tom's question as to whether recent regulations have expanded potential recovery team membership.* 4/7: *The Service will maintain consistency with what has been done so far on recovery goal revisions, that is, relying on Service personnel to work with the partners in each program (e.g., Upper Colorado, San Juan, GCDAMP, etc.) throughout the Colorado River Basin. The Service does not plan to reconvene a recovery team at this time. Tom Pitts and others asked >the Service to provide a process and schedule for completing the recovery plans to the Recovery Program as soon as possible (request reiterated 11/9/10).* 6/7/10: *This schedule will be out shortly. Tom Czapla met recently with Lower Basin folks from the two Reclamation and two Service regions. The group recommended a meeting or conference call of the Program Directors with Reclamation and the Service in both regions twice a year to maintain coordination. Leslie James asked if Glen Canyon would be addressed in those meetings and Tom Czapla said that Sam Spiller participated in the meeting via phone. Tom Pitts asked for a short summary of the difference between recovery plans and recovery goals (provided by Tom Czapla 6/14/10).* 2/16/11: *Tom Chart said the Service is working with Bob Muth and Rich Valdez to revise just the recovery goals at this point (having re-negotiated this point with the Solicitor and Regional Office).*
- 2. The Program Director** will further discuss with the Service developing a programmatic biological opinion for the White River Basin 8/10/09: *We need to review the flow recommendations. Tom Pitts also suggests reviewing water demand data from the state (unclear if that's been updated to include projected needs for oil and gas development). Dan McAuliffe said a pending roundtable report should address oil and gas development and associated water demand estimates. (Dan Birch can provide status update).* 4/7: **The Service** will begin discussing a White River PBO during their sufficient progress review next week. 2/3/11: *Pending completion of the White River flow recommendations addendum (4/15/11).*
- 3. The Program Director's Office (Tom Czapla)** will alert the committee when the 5-year species status reviews are completed and provide a link to the documents. *Pending; no change in listing status anticipated. The Program Director's office confirmed these will be done before the end of the calendar year, as was reported on the Washington, D.C. trip.* 11/9/10: *In review by FWS Regional Office; **Julie Lyke to prioritize review to meet deadline.*** 2/7/11: *Julie Lyke secured a final round of Regional Office input on the HBC 5-year by mid-November, 2010. The HBC 5-year was subsequently revised and submitted back to the RO for surnaming (on Jan 31, 2011). The CPM 5-year was revised similarly and submitted for surnaming on Feb 7, 2011.*

4. The **Program Director's Office** will develop FY 2011 guidance for research to determine levels of selenium that affect eggs of endangered Colorado pikeminnow and razorback sucker (working with the San Juan Program). *2/22: Should be a component of the Gunnison River Study Plan (which also includes the affected area of the Colorado River from the Gunnison River confluence to Lake Powell). 4/1: Summary of FWS-Ecological Services contaminants activities sent to Biology and Management committees on 3/22/10. On March 30, Tom Czapla, Jana Mohrman, and Tom Chart met with Kevin Johnson (FWS-Region 6 Contaminants Coordinator) and David Campbell to discuss elevated levels of selenium (and mercury) detected in endangered Colorado River fishes throughout the Upper Basin (similar information has been reported from the Lower Basin). Group agreed the primary information need was to determine how these contaminants are affecting our ability to recover the fish, i.e., better understand what constitutes harmful levels. The SJRRIP is tasked with reducing all threats to the recovery of Colorado pikeminnow and razorback sucker, but the upper basin Program has not historically dealt with threats associated with degraded water quality. In any case, the primary information need likely is larger than the recovery programs' budgets could handle and perhaps beyond our expertise. Kevin agreed to start a dialogue with his colleagues in Region 6 as well as with FWS-Region 2, EPA and USGS to explore ways to answer this question. Meanwhile, during fish community monitoring in the lower Gunnison River, tissue samples will be collected from razorback sucker and surrogate species to determine selenium concentrations. 4/7: Water users and other Program participants want to have input into development of the work plan that is produced to address this primary information need. >**The Service** will provide the Committee an outline of the process for developing the work plan. John Shields suggested that the Service develop an e-mail list or listserv for these conversations so everyone interested can remain informed and involved. 2/3/11: Selenium toxicity experiments have been included in the Draft Aspinall Study plan and are a proposed revision to the RIPRAP. The PD's office doubts Program funds will be available in 2012 and strongly urges Program partners to work with the PD's office to explore alternative funding strategies.*
5. **Becky Mitchell** will ask **CDOW** to let the Program know when they can begin incorporating the 2009 Stocking Procedures into their fishing regulations. *2/16/11: Tom Chart said CDOW told him this will need to wait for the next 5-year regulation review process and they will work on it this year.*
6. Regarding fish condition below screen return pipes and potential injury to fish when the gates on the Grand Valley screen are narrowed to maintain the diversion, the **Program Director's office** will request a scope of work to seine below the Grand Valley Project screen return pipe and assess physical condition of fish (perhaps employing white suckers captured in the passage as surrogates). *Revised draft SOW (\$18,100) approved by BC on March 1.*
7. **Angela Kantola** will post an [updated consultation list](#) to the website. *Done.*
8. The **Management Committee** will consider naming a floodplain site for Pat Nelson.
9. The **Program Director's office** will ask Ryan Mollnow, to document the Ouray NWR's floodplain management recommendations in their draft FY 12-13 easement scope of work (and also ask how the Program might better participate in the Refuge's planning process).

10. **John Shields** will prepare a summary of the Washington, D.C. trip.
11. **John Shields** will draft a summary of the conversations with committee staff about legislation with and circulate this to the group and >**Brent Uilenberg** will talk with Carol DeAngelis and schedule a briefing with Larry Walkoviak. >An **ad-hoc committee of the non-federal Program participants** will work on the legislation, in consultation with the Management Committee as a whole. >**John Shields** will send a copy of the Senate “dear colleague” letter to the Management Committee today (*done*).
12. By September 31, 2011, as required in the PBO’s, the **Water Acquisition Committee** will review mechanisms of current flow protection under the PBO’s for the Yampa and Colorado rivers to determine if additional mechanisms or instream flow filings are needed at this time (and this will be reviewed every 5 years). This discussion will include whether or not depletion accounting is working (are we able to adequately document depletions); however, the depletion accounting does not need to be completed in order to determine if additional mechanisms or instream flow filings are needed at this time. Peak flows on the Yampa should be discussed, but a peak flow recommendation may be the first step in this process.
13. The **Program Director’s office** will review history of the Dolores River flow text in the RIPRAP and provide that to the Committee. *Note: History sent to Committee by Angela Kantola on 3/25/11 with recommendation to delete the sentence about inflows and add “The Program will consider the need for additional recovery actions in the Dolores River as new information becomes available” to the end of Section 3.7.2. Committee members were asked to respond by Friday, April 1 if they do not concur.*
14. **Angela Kantola** will finalize the RIPRAP text and tables and post them to the website (unless review of the history of the Dolores text indicates that the Management Committee needs to revisit that issue). **Angela** also will finalize the FY 12-13 Program Guidance and post it to the listserv and website.
15. **Tom Chart** will work with Clayton Palmer and Kirk LaGory to address Western’s comments on the draft Flaming Gorge letter and then will send the draft final to the Management Committee for their approval via e-mail. >**Clayton** also will send his comments to the Committee (*done*).

