



# Upper Colorado River Endangered Fish Recovery Program

Dated: June 13, 2014

## May 5, 2014, Management Committee Webinar Summary

**Participants: See Attachment 1**

**CONVENE: 1:05 p.m.**

1. Introductions, review/modify agenda and time allocations, and appoint a timekeeper – The agenda was modified as it appears below.
2. Approve March 20, 2014, revised draft meeting summary – No comments were received on the summary posted to the fws-coloriver listserv by Angela Kantola on March 24, 2014; the Committee had no comments and finalized the [summary](#).
3. Reports from Washington, D.C. trip – Henry Maddux reviewed the list of participants. Tom Pitts said they visited the delegation, committees, and administration and received overall good feedback and appreciation for showing up, being so well organized, and not asking for things not in the President's budget. Tom noted the recovery programs compare favorably to other activity/controversy over with the ESA right now (e.g., exemption of Bay Delta during drought, conflicts on the Chattahoochee River in Georgia and Florida). Trip participants got the usual questions about the length of the recovery programs and when recovery will be reached. Tom and Henry are preparing a trip report that will be out in the next week or so. Henry said the group did a great job making sure every office was contacted. The meeting with OMB went well. OMB asked questions about using funds to purchase water as opposed to current recovery actions and the group had opportunity to explain what is feasible. They also discussed long-term O&M for capital projects. The group met with Michael Bean and others from Interior; they remain supportive, but also asked when we would meet our goals. The briefing with Anne Castle and others went well and the group also met with DOI budget staff (who was primarily interested in out-year budgets). In meeting with the Association for Fish and Wildlife Agencies, the group discussed nonnative fish, sportfishing interests, and Federal hatcheries. A part of the group met with Laura Wilkinson of the Western Governors' Association (WGA). Overall, the successful collaborative effort is appreciated, but folks also want to know when we'll reach our recovery goals. It will be a difficult road when we need to change the date on our authorizing legislation. Tom Pitts said the current legislation is authorized through FY19 and we'll have to start working on it in 2016. Tom said Kiel Weaver's comments on this topic indicated this might be a considerable challenge. The group was advised that even non-controversial legislation takes a long time to achieve now and we would need to start work on amending the legislation by 2016, not 2017. Leslie James and Henry said questions about the Programs' success come from both sides of the aisle. Henry said that despite the two-year spending guideline legislation passed last year, they were advised that budgets still may not be passed in a timely fashion and omnibus bills and continuing resolutions are likely (and being in the same package as EPA's budget may delay our budget). Tom Pitts said Pete Cavalli gave an excellent presentation at the luncheon and the dialogue was good; but only about five staffers attended. Tom and Henry suggest discontinuing this tradition. Patrick McCarthy reiterated the importance of the trip. Patrick found it interesting that Michael Bean and his colleagues engaged the group in a serious dialogue in how to make the Programs successful and achieving recovery and expressed interest in assisting in that regard. Henry said he became even more convinced of the importance of making this trip annually. Leslie said the Program was specifically included in CREDA's briefings in early March, also. Tom Chart thanked

everyone for all the work they put into the trip. Tom asked Patrick about the idea of potentially meeting with WGA (especially as it relates to invasive species); Patrick said Laura had not been with WGA long, but said she would try to integrate our budget requests in WGA's budget comments. She also thought the issues we're addressing are relevant across the West, so Patrick recommends following up with WGA. Leslie James suggested a group might want to meet with Holly Propst and Jim Ogsbury of WGA in Denver and noted that WGA's annual meeting in Colorado Springs June 9-11. Tom Chart asked if there had been discussion about content of our next report to Congress; Tom Pitts said they didn't receive input on this. In the previous report, the greatest difficulty was getting the report through Interior, so we'll want to start work on this early. Henry thanked Melanie for all she did to get the briefing book completed and delivered. Henry said some of the best visits were with the Colorado delegation and expressed hope that Colorado can re-join the trip in the future.

4. Multi-species recovery plan proposal – The Committee continued their discussion from the previous Management and Implementation committee meetings. Tom Pitts reviewed his original proposal to accelerate recovery goal revision based on concerns about the sequencing and time required to complete recovery plan revisions (sparked by the delay in downlisting that emerged from Colorado pikeminnow recovery team discussions). Tom's proposal also requested diversification of the recovery teams. When the Service did not accept Tom's proposal, water users and Western proposed a multi-species recovery plan, which was discussed by the Implementation and Management committees. Tom Chart provided his thoughts on the proposal in a memo to the committees on March 18, recommending proceeding with a separate humpback chub recovery plan, considering a combined razorback sucker and bonytail plan when new information warrants, and add a Stakeholder Team to participate in development of management actions, timelines and costs.

Tom Pitts noted that the 1994 guidance on recovery team make-up he shared has been superseded by 2010 guidance, doesn't think that guidance restricts expanding recovery teams, and believes broader stakeholder involvement would be appropriate. Henry said it seems one of the Service's biggest concerns with concurrent plan development was the time required, especially of Program staff (versus spending time implementing recovery actions). Referring to his March 18 memo, Tom Chart questions whether a multi-species plan would offer much efficiency in the case of the Colorado River fish. With regard to stakeholder involvement, Tom said we need clarification from water users and Western on what they envision. Tom proposes staying on track to complete the Colorado pikeminnow plan, develop a separate plan for humpback chub because it wouldn't fit well with razorback and bonytail, and suggested that we do not have new information at this time that warrants revising the razorback sucker and bonytail plans/goals at this time. Clayton said Western's purpose was to revise recovery plans more quickly (a review of Glen Canyon Dam operation underway and Service regions currently disagree on what constitutes recovery of Grand Canyon humpback chub populations). Clayton reviewed roles of recovery team members on the team Shane Capron worked on in Alaska. This is an example of broader participation on recovery teams than the Service has suggested for Colorado River fish.

Henry asked Bridget if amendments to the bonytail and razorback sucker plans might be streamlined; Bridget said if we don't have substantial new scientific information, she doesn't know how we'd amend or revise the plans. The Service often has new information that means we do something different than outlined in a recovery plan. It is unusual to have delisting and downlisting criteria based on dates rather than demographic criteria. The Service can support downlisting and delisting regardless of what a recovery plan says if the facts support the action. Bridget emphasized that funds and time spent revising recovery plans are funds and time not spent *implementing* recovery actions.

Leslie said CREDA's concerns are similar to Western's; CREDA has concerns about the actual goals and demographic criteria for humpback chub, particularly with regard to "where the goalposts are set." Bridget said the Service has committed to revise the humpback chub recovery plan. Tom Chart said they plan to

convene the humpback chub team in the very near future. Henry noted that species experts can be recovery plan and ESA policy neophytes and suggested either providing them some training or having someone on the team who is good with recovery plans and understands downlisting and delisting. Tom Chart said his office has been trying to fill that role. Henry acknowledged that this can create an adversarial relationship between the Program Director's office and the recovery team. Tom Pitts asked for clarification of the recovery plans versus the 2002 recovery goals; Tom Chart said the Service recommended that if we are going to include time and costs, we should do a revised recovery plan, not just update the 2002 recovery goals. With regard to Bridget's comment that recovery plans typically base downlisting and delisting on demographic criteria rather than dates, Tom Pitts said Congress wants to see anticipated recovery dates.

Patrick McCarthy observed that recovery is a biological process with a political component. Patrick asks "what will allow the fish to recover faster?" Is it a revised/new recovery plan? In light of what Bridget has said, it seems revising a recovery plan is in order only if we have significant new information or if revision is needed for a critical decision (e.g., Glen Canyon Dam EIS). We don't seem to have enough new information to justify revising the bonytail or razorback sucker plans at this time. Thus, it would seem logical to sequencing the Colorado pikeminnow plan, then humpback chub, and then razorback sucker/bonytail when warranted (combined or separate, depending on what would be most effective and efficient). Patrick said he and WRA favor involving stakeholders in portion of plans that address management. In response to discussion of sequencing by Patrick and Clayton, Tom Chart said it would be faster to complete the humpback chub plan if it were not part of a multi-species plan.

Tom Chart said >his office will prepare draft letters for their Regional Director inviting HBC recovery team members by end of this month (May). Tom Pitts asked if the 2002 razorback sucker and bonytail goals would remain in effect until new information is available, those plans are revised, and Tom Chart said they would. Tom Pitts asked if the Service is willing to diversify the Colorado pikeminnow recovery team and Tom Chart said he thinks the revision would be delayed by at least a year if we were to revise the make-up of that team at this point.

Tom Chart said the Recovery Team's and Service's comments on the draft Colorado pikeminnow recovery plan are due May 12, then the Program Director's office will convene a meeting with team and the Service. The next step would be stakeholder review (basically the two recovery programs), working out any issues with the Service, followed by notice in the Federal Register that the draft plan is available for public review. With regard to diversifying the humpback chub recovery team, Tom Chart said his office will recommend the team consist of Melissa Trammell, Shane Capron, a USFWS - Region 2 representative, and likely someone from UDWR. Michelle said Colorado believes it is helpful to include folks beyond species experts, as needed (e.g., someone with recovery planning/implementation expertise, stream geomorphology, or whatever might be required). Bridget said the make-up of the team depends on the kinds of questions we're asking. Tom Pitts asked from whom time and costs information would be sought. Tom Chart said the two Program Director's offices generated this for Colorado pikeminnow and they also would seek input from other programs involved with humpback chub recovery.

>Clayton will submit comments (to Tom, Bridget, and the Management Committee) from Western regarding expertise they might be missing from the humpback chub team. Bridget said she'd like Western to identify the roots of their concerns regarding diversity of the team. Henry concluded that we'll see what comes of that discussion and then determine if the Committee needs to discuss the matter further. The Committee agreed to moving forward with humpback chub plan as quickly as possible, but with regard to formalizing the team, gave itself an opportunity to weigh in by May 12 on expertise they believe is needed on the team. Tom Chart said he expects it will take ~18 months from the time the team convened to the time a draft plan is ready for Service review (his office will work with the team to establish a timeline for completion). The Program Director's office recommends no revision of the razorback sucker and bonytail plans/goals at this point, but may consider a combined revised recovery plan when new information

warrants revising the plans.

5. Draft letter inviting the States' oil and gas division chiefs to meet with the Program Director's Office and Service staff to discuss a strategy that would address risks associated with development in or in close proximity to endangered fish critical habitat (included in e-mail with this agenda) – On April 21, Tom Chart e-mailed the Management Committee a revised draft letter modified to serve as an invitation to the States to discuss the issue. Tom asked Committee members to coordinate with their Implementation Committee representative before May 5. If the Management Committee approves the letter as revised, Tom Chart will seek Implementation Committee e-mail approval and the letter will ultimately be signed by the Implementation Committee chair. Leslie said she is comfortable with the current draft but would like a chance to review any recommended revisions. Patrick McCarthy said the environmental groups are comfortable with the streamlined draft also, but, if others would agree, they would prefer that the following paragraph be restored because it provides important reasoning for the meetings the Recovery Program is proposing with state oil and gas regulators:

“The Recovery Program is very interested in finding approaches to energy exploration within and in close proximity to all designated critical habitat, Recovery Program facilities, and waters that are compatible with recovery of endangered fish. We do not wish to preclude access to mineral rights that reside under these areas, but would like to find ways to avoid surface or groundwater contamination through new technologies (e.g., directional drilling) and other mutually agreeable solutions.”

Henry said he doesn't think Utah would be opposed to that. Dave Speas questioned the sentence in the last paragraph that references economic development (as opposed to just water development) and suggested it be replaced with something like “Since the Recovery Program's mission is to ensure recovery and water development can proceed, we anticipate a similar approach can be taken with energy development” (Dave will send a suggested written revision to Tom Chart). Patrick thought that also would get at part of their issue. Dave also suggested adding something to the last sentence to please provide Kevin with a point of contact to further discuss meeting logistics. Tom Chart agreed and said Melissa had suggested something similar and recommended including a timeframe. >The Program Director's office will send a final draft out to the Management and Implementation committees for a quick final look and approval.

6. Review previous meeting assignments – See Attachment 1.
7. Schedule next meeting, webinar, or conference call – Angela Kantola still needs to draft a yearly meeting schedule for the Management and Implementation committees' consideration. Meanwhile, the Committee scheduled a webinar from 10 a.m. to noon on Friday, June 13 to review and comment on a draft sufficient progress memo (to be provided to the Committee in May) and a face-to-face meeting on August 25<sup>th</sup> from 10 a.m. to 4 p.m. near DIA. A mutually available time could not be found for a meeting split over two days in August to include a social event the first evening, but Angela will poll the group to see how many would like to attend a social gathering either near DIA or at her house in the southwest Denver foothills after the August 25 meeting.

**ADJOURN: 3:15 p.m.**

## **Attachment 1: Participants**

Colorado River Management Committee Webinar, May 5, 2014

### Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Michelle Garrison	State of Colorado
Tom Pitts	Upper Basin Water Users
Steve Wolff	State of Wyoming
Bridget Fahey	U.S. Fish and Wildlife Service
Mark Sturm for or Melissa Trammell	National Park Service
Patrick McCarthy	The Nature Conservancy
Clayton Palmer	Western Area Power Administration
Leslie James	Colorado River Energy Distributors Association
Henry Maddux	State of Utah

### Nonvoting Member:

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

Tom Czapla	U.S. Fish and Wildlife Service
Kevin McAbee	U.S. Fish and Wildlife Service
Angela Kantola	U.S. Fish and Wildlife Service

### Others

Andrew Gilmore	Bureau of Reclamation
Robert King	State of Utah
Lynn Jeka	Western Area Power Administration
Jana Mohrman	U.S. Fish and Wildlife Service
Jerry Wilhite	Western Area Power Administration
Dave Speas	Bureau of Reclamation

## Attachment 2 Meeting Assignments

1. **Tom Pitts** will work with **Clayton Palmer and Brent Uilenberg** and provide a list of additional Program contributions to be added to the Program's budget pie chart that appears in each year's briefing book. *In process.* For the 2012 & 2013 *Program Highlights*, we used the \$37.4M annualized estimate. **Western** contracted with Argonne to model and report actual Flaming Gorge power replacement costs going back to 2001. Subsequently, **Western** will provide annual power replacement cost for the previous year each January for inclusion in the *Program Highlights* pie charts. Those pie charts will include a footnote explaining the calculation and assumptions. **Program participants** will identify other significant costs that have not previously reported (e.g., the Granby component of 10,825 which is estimated at \$16M, \$1.25M contributed by Colorado for GVWM and \$1.5M for OMID, CRWCD contributed property for OMID, etc.) *(done)*. **Tom Chart** will ask **Dave Campbell** to work with the SJCC to determine their additional costs not currently reported. *A Cost Subcommittee met several times via conference call to review the proposal for and results of the power replacement costs analysis. 1/29/14: Water user and Colorado additional costs added and documented in Kantola's Briefing Book Pie Chart Data spreadsheet. Power revenue replacement costs "placeholder" from previous years retained until Argonne report finalized and approved (currently in revision). 3/20: Tom Pitts said that a few adjustments on water user contributions will need to be made, but seem to have the totals and process for updating pretty much squared away.*
2. **Michelle Garrison** will discuss with Ted Kowalski (and get back to Brent or Bob Norman) on the proposal of having the Programs ask the National Fish and Wildlife Foundation (NFWF) to obligate \$200K of Colorado's San Juan NFWF funds by putting an "Upper Basin" label on them and then invoicing against that \$200K for Upper Colorado NFWF capital expenditures (e.g., Tusher \$40K and others) in the future. **Michelle** will discuss with Brent and Ted *(done)*. *3/20 - The New Mexico agreement expired and NM is working on renewing, after which this could move forward.*
3. **Angela Kantola** will send out a revised version of the annual depletion charge budget adjustment update (Attachment 3) in October when Reclamation's FY15 contribution is known. *Pending in October.*
4. **Kevin McAbee and Colorado Parks & Wildlife** will draft an action plan for smallmouth bass control in Ridgway, including all the options and contingencies.
5. **Angela Kantola** will draft a schedule for consideration and send a Doodle poll to schedule both the next Management Committee webinar and face-to-face meeting. Suggestions are welcome from **Management Committee members** as to future venue(s) for an August face-to-face meeting, which was held for many years previous in Cheyenne.
6. Draft energy development letter – **Dave Speas** will submit recommended changes regarding "economic development" and contact information. The **Program Director's office** will send a revised final draft to the Management and Implementation committees for a quick final look and approval.
7. Recovery plan revision – The **Program Director's office** will prepare draft letters for their Regional Director inviting HBC recovery team members by end of this month (May). **Clayton Palmer** will submit comments (to Tom, Bridget, and the Management Committee) from Western regarding expertise they might be missing from the humpback chub team (Bridget asked Western to identify the roots of their concerns regarding diversity of the team). The **Committee** agreed to moving forward with humpback chub plan, but with regard to formalizing the team, gave itself an opportunity to **weigh in by May 12** on expertise they believe is needed on the team.