

**Management Committee Meeting Summary
December 1, 2020****CONVENED: 8:28 AM MT**

1. Introductions & requests to modify agenda – Steve welcomed the committee. Agenda was revised as reads below.
2. NPS – Award Presentation – Melissa Trammell introduced Patrick Malone who is the Regional NPS partnership lead. Patrick Malone thanked and recognized the great work that occurs within the Program. The Award is given to a valuable partner in the work that NPS does. After Melissa’s nomination, the Recovery Program is being given the award based on the work completed to recover endangered fish species within and around National Parks. Tom Chart, on behalf of all the partners, thanked Patrick and Melissa for the recognition and noted the importance of NPS as a partner in the Program. Tom noted we will include the award in our briefing information this year. Steve agreed and thanked Melissa for her incredible work with the Program.
3. Public/Private Conservation Fund – Jojo La said the idea of a private/public conservation fund was identified in a survey during recent post-2023 discussions. Jojo, Nancy Smith, and Patrick McCarthy developed a cutsheet based on recent similar efforts like the Yampa River Fund. The cutsheet was well-received, but partners were interested in what the next steps look like. Nancy and Jojo provided another document outlining the next steps which has been distributed. The Upper Colorado Recovery Program has projected both annual and capital funding needs above the likely available. Jojo is asking for three things: 1. Commitment and support from the partners, 2. Approval to move forward, 3. Volunteers to help in the discussion. Nancy noted that this funding will target specific projects that are appealing to a broad donor audience, most likely capital projects. Nancy said for the most success, we would likely need to blend a variety of issues together to target interest from corporate and large donors. The entity would then funnel money through grants to recovery program efforts. A few likely sources have been developed including energy transition bonds, corporate replenishment, renewable energy fees, foundations, outdoor recreation industry but all will need further discovery efforts. This mechanism would not likely generate traditional annual funding, but could help fill gaps around specific management efforts.

Jojo reviewed some of the precedents that are relevant to the Program. The Yampa River Fund was recently set up to target efforts in that basin. The Recovery Program is one of the entities that benefits from the grants from the Yampa River Fund, specifically targeting flows through water leases. The Four Corners Power Plant Biological Opinion and the Depletion Fees both do the same thing, moving money into NFWF which can then be used by the program. Conservation funds are also common within DOI, each developed with very specific purposes. Each is an interest-bearing sustainable account which has been funded through appropriations. The Platte River Program uses these funds for water leases in Nebraska which benefits private and public entities as well as the Platte River Program. The [Rio Grande Water Fund](#) focuses on forest treatments in the headwaters. Nancy believes it is a similar scale for what may be appropriate for our programs. Municipal water providers and health agencies both assist in these efforts. The Quito Water Fund is a good example of an endowment that was able to build up funds that now generate almost \$3M a year in interest. Nancy noted that the Program needs some information to present to Congress next fall. She and Jojo

have developed a schedule based on that timeline with three steps: early stage scoping, a phase 1 feasibility assessment and a design phase. If the MC is comfortable, they will begin reaching out to other partners to assess interest. Active engagement is needed from MC members or representatives during the Feasibility Assessment between March and August. Nancy said they also need acknowledgement from the MC that Jojo and Nancy will be digging in to what issues will create broad appeal. They would be talking about the Recovery Program and how it fits within a larger system and it may create ties to outside organizations. Jojo said the Yampa Fund was developed with local stakeholders. The Recovery Program then had choices to make about whether it wanted to be involved. This time, the Management Committee needs to approve the exploration of the concept to identify issues that may develop. Steve appreciated the context they provided, and thought this was a very interesting approach. Melissa Trammell related the efforts to the Friends Group thought up by Melanie Fischer. Melanie said this likely supersedes the Friends Group as it would provide quite a bit more functionality. Melanie was fully supportive and thinks this could do amazing things for outreach. Melissa agreed and supported the effort. Leslie asked about the concept of an implementing grantee concept. Nancy said this structure is designed to protect the decision making control of the Management Committee. The MC would decide what projects would go up for approval. Leslie cautioned pitting one kind of renewable energy against another. Nancy said those are exactly the discussions that we would need to have during the feasibility stage. Katie Duncan asked about previous discussions related to annual funding and about impact restricted giving - meaning that others would be able to guide the program through restricted giving. Jojo said capital projects typically have a broader appeal, which is not as pertinent to annual funds. Jojo said private donors stepped up for the Yampa Fund before it was even developed, but further exploration is needed to determine how grants would be provided. Patrick said TNC deals with the issue of donor control all the time and noted the importance of governance in the fund. He suggested early establishment of the fact that the Program has a fully formed governance structure and strategic plan. By developing a menu of needed actions to potential donors, the Program can maintain control. Katie expressed concern around the ability to attract funding. Patrick agreed that substantial outreach would be needed. Ryan said it would be difficult to combine funds from this fund with Reclamation funds. Reclamation could not donate into this fund for projects, but they could receive funds from this fund as match. Katie said NFWF is currently an option to receive funds. Jojo noted that she has not received any comments on the outline that was distributed on this effort. New Mexico does not believe that they could contribute to this type of fund without special legislation. Patrick said this is likely going to be a different model from the Rio Grande fund and that funds would likely flow to agencies like the State of New Mexico to complete on the ground efforts. Steve asked if this fund would likely apply to both programs. Jojo said yes, it would likely apply to both, but they will be presenting at the Coordination Committee was well. Katie suggested the MC approve these efforts in multiple steps. Steve asked if Tom Chart had any concerns about using the Recovery Program name. Tom said he did not see any hurdles during the exploration phase, but the PDO will clear that with USFWS leadership. The MC provided approval for the feasibility efforts to begin, contingent on the PDO's final assessment of potential ethics restrictions. Steve appreciated all of the efforts to get this moving.

4. Green River Stakeholders/ Utah House Resolution meeting update – Tom Chart said there was a public meeting held by Rep. Chew in northeast Utah regarding perspectives about Flaming Gorge Dam operations. Todd Adams said a resolution was developed in the last legislative session to be presented in the Utah State Legislature, but it met quite a bit of resistance. Todd contacted Rep Chew and encouraged finding common ground. After some discussion, Rep Chew revised the

resolution and brought it to the Water Development Commission, which would then bring recommendations to the Natural Resource Committee at the State Capital. Todd and others pushed for continued conversation to try to address the concerns before any resolution was put forth. Todd said the recent public meeting was productive. He believes the resolution will continue to move forward in the next legislative session. Chris Keleher said at the public meeting, Utah asked for more specific information about what the issues are around Flaming Gorge operations. His goal was to address some of those needs without a resolution. Todd and Chris said they have not yet heard back from the stakeholders. Tom Chart said participants are still trying to figure out who the “stakeholders” are and noted there are a wide range of opinions out there, including white-water rafters who benefit from and support the Recovery Program’s flow recommendations. Tom noted the group has opened conversations around how privately owned property that could potentially be developed into habitat that could be used by the Program. Tom said that he believes the concerns are around flooding and erosion. Todd said he believes the group is moving in the right direction with small steps. Tildon said Rep Chew is still refining language based on the meetings held thus far, but fully intends to continue with the resolution. Tildon’s intent is to seek a distinction between dam operations that are specifically requested by the Recovery Program from those that are naturally caused. Todd will call Rep Chew and request the list of issues from the stakeholders and will discuss the resolution again. Melissa asked if the text of the resolution could be distributed to the group and asked what the effect of the resolution would likely be. Tom said the Department of Interior responded last year that operations were consistent with the Record of Decision for Flaming Gorge. Tom noted the importance of having Todd and Chris and Brian Steed representing the Program in these discussions. Tom believes that the stakeholders understand that additional NEPA is not imminent and therefore this Resolution represents an alternative strategy. Patrick thanked Tildon, Tom, Todd, and Chris for their efforts to gather information around the group’s concerns. He encouraged specifying the concerns in the resolution text and also recommended defining the true source of the concerns, noting that other stakeholders may not have had the same ability to weigh in on these efforts. Patrick has been briefing TNC’s congressional liaison in Salt Lake on these efforts and she is willing and available to help with outreach on this effort. Tildon said he was invited to testify last year, but DOI policy prohibits doing that. He noted additional voices are still missing in those discussions. Kathy Callister encouraged everyone to coordinate with Reclamation to ensure consistent messages were being relayed from all partners. Todd said he has talked with Kent multiple times. Dale Hamilton has also been present in the meetings. Jojo looked at H.C.R. 23 which was focused primarily on aquaculture, but recommended that the stakeholders work on a new management plan. She asked how that has changed. Todd says it has changed quite a bit. Tildon said the stakeholders understand that we do use aquaculture and hatcheries to stock fish into the river, but they now have a better understanding around LTSP flows and other management actions. Tildon said their management plan seemed to be pointing more towards post-2023 and the big picture of the Program, not specifically towards Flaming Gorge. Chris quoted some language from the draft resolution noting “supports the creation of a new management plan that supports stakeholder involvement in the management of Flaming Gorge dam”. >Todd will distribute the draft (*done*).

5. WAPA Hydropower update - Derek Fryer said WAPA has been working to analyze the impacts of the new experiments on hydropower generation. WAPA asked BOR to conduct the CRSS analysis. Currently, they have identified the efforts needed and WAPA and BOR are working on rulesets for modeling baseline conditions and the experiments. Next, WAPA will talk to the states about drought operations (meeting will be held on 12/3) and how they will be handled in the model. The results should be available by the middle or end of December. Then WAPA will need 1-2 months to

complete the overlaying hydropower analysis. Proposed model runs include baseline conditions, LTSP flows, base flows for Colorado pikeminnow and smallmouth bass flow spikes. BOR can run the models individually or together. The team will look for hydrology out of each combination including elevations, monthly release amounts, and daily release volumes. WAPA is open to suggestions around how to present those results back to the MC. Steve and Tom Chart thanked Derek for the robust update.

6. Post 2023 update – Michelle said the post-2023 groups started with an examination of program needs in association with the decrease in projected revenue from hydropower. She said there are gaps in both capital and annual funding that need to be resolved. A survey provided ideas around funding ideas and then cut sheets were developed for each of the ideas. She said the group is going through each of those cut sheets and assessing which ones hold the most promise. She noted some very interesting options through legislation that has not yet been passed, but that could hold real promise if they become law. Once those conversations have completed, we will work to address the combination of funding sources and how to address any concerns. Michelle thanked everyone who has put so much time into those funding discussions. She noted the complexity added by COVID ravaged budgets over the last year. Michelle said the group is working on having information developed for inclusion into a report by next spring, which is due to Congress by September of 2021. If the drafts are complete by March/April, then it is possible to still meet that deadline. If that is not possible, an extension may be needed which may cause additional steps in extending other pieces of the program to allow for continuation. Steve and Tom Chart thanked Michelle, Julie and everyone for all the work that has been going into that group. Tom noted that the detail provided in the cut sheets has provided a great foundation for the next steps.
7. Capital Projects Update – Ryan Christianson referenced the materials he sent to the group prior to the meeting. He said the agreement with CWCB has been executed to transfer Ridgway funds. Jojo confirmed that those funds have been moved to Reclamation. Ryan thanked Jojo for her work on getting that done. The O&M agreement is also complete. He is expecting the construction award will be granted by the end of the calendar year, with construction occurring in fall of 2021 when reservoir levels go down.

The screen at Red Fleet has been constructed, but during testing water was running around the head walls at the highest flows. The Provo area office is working on ideas to resolve those issues.

At Starvation Reservoir, Utah is interested in conducting a value engineering (VE) study. Utah needs to know if the Program would support that effort; Ryan anticipates that it would cost somewhere in the tens of thousands of dollars. Kevin said that VE studies have proven useful in the past, allowing for discussion between the biologists and the engineers. >Ryan will pursue a cost estimate for that VE study and will bring that back to the MC.

Ryan anticipates Stirrup Bottom project to be constructed later in 2021.

Ryan said the Grand Valley Power Plant has provided a grant to rehabilitate the existing power plant and those funds are now being redirected to the new power plant construction that accomplishes the same goal with fewer funds. Ryan anticipated that the contract would be in place by April. Tom Pitts asked if the water right would be in place during construction. Ryan believes it will. Jojo said that Mark Harris said flows will be uninterrupted through fall of 2021 and he will keep the Program

informed around any interruptions in flow. Leslie asked which lease the work was being conducted under. Ryan said it is going through the LLPP process, receiving the discounted rate under LLPP process which is 2 mils. The revenue will go to the Grand Valley Project.

Ryan has received final numbers for the 2020 capital projects. The Program spent a little under \$700,000 in 2020. Ridgway was expected to start, but was delayed to 2021 using carryover funds. In addition, Starvation and Stirrup are planned in 2021, but the Starvation construction may be delayed by value engineering.

Ryan said he has been in conversation with the PDO about projects that could be built before 2023. About \$4.5M is available to get something done. He thinks that GVIC is likely the priority project, but that full implementation may be more than what is available under the cost ceiling. It is possible to split the project into two pieces, with the first part being raising the dam. The downside of that concept is that the phase 1 benefits could be lost depending on the final phase 2 design. Ryan noted it may be prudent to direct our attention to Catamount Lk escapement solution in lieu of the GVIC screen. Bob Norman is currently working on options to resolve the issues at GVIC. Once that report is complete, Ryan will bring it to GVIC to get their input and then will bring it to the MC for discussion. Ryan is hoping to have those discussions early in 2021. Kevin said these analyses really help provide information to help prioritize the construction efforts. He recommended a potential VE approach to developing an escapement solution for Catamount Lake as well. Tom Pitts prioritized fixing GVIC. Ryan agreed, but we need to gather more information. Regarding our relationship with the Catamount stakeholders, Kevin said all indications are they will work with us and he anticipates being able to move forward with the project when we are ready. The Metro District there will assist the Program and Colorado with the Homeowners Associations when the time is right. Tom Pitts asked when Reclamation would need authorization to start planning for 2024. Ryan said discussions with Brent Uilenberg have been productive, noting that funds have been able to be added into the budget projections based on ESA compliance, but he noted that a much easier method would be to have authorization. Tom Pitts asked if we should raise costs ceilings in the current legislation when we go back to Congress. Ryan noted that just because the cost ceiling is raised, it does not mean that funding is automatically provided. Tom Chart thanked Ryan for another great update on our capital funding and pending projects.

8. LTSP Update – Tildon Jones said the MC has previously received updates on how LTSP was implemented this spring. Final numbers on razorback sucker have come out: Stewart Lake (32), Johnson Bottom (46) and Old Charley (6). Investigations are ongoing as to why those numbers are lower than previous years. In good news, two wild-spawned razorback sucker from Stewart Lake have been detected 6 years later on antennas at Razorback Bar (a historical and current spawning location) and Ashley Creek, providing the first confirmed documentation of wild-recruitment in the basin. Matheson was drained early because of declining water conditions to avoid a fish kill.
9. CPM recovery team update – USFWS (Reg. Dir. Walsh) has sent official recovery team invitations to Dr. Kevin Bestgen, Scott Durst, Kelly Cambridge, Jacob Mazzone, Dr. Bill Miller, Paul Badame, Harry Crockett and Matthew Zeigler. Kevin McAbee will be the FWS Liaison to the team and Tildon will be the team leader. They are currently working on determining a start date to begin meetings. The recovery plan will occur under the new [Recovery Planning Implementation \(RPI\)](#) process which has three parts: the SSA, the Recovery Plan and the Recovery Implementation Strategy. The SSA describes the biological life histories of a species along with threats and needs

within the context of three ecological concepts: resiliency, redundancy, and representation (the 3R's). The Recovery Plan contains the recovery vision establishing what recovery looks like, and the three statutory required elements – objective and measurable criteria; site specific management actions; time and cost estimates. The recovery plan will be much shorter because all of the biological information will be held in the SSA. The Recovery Plan will be published in the Federal Register for public comment. The third component is the Recovery Implementation Strategy (RIS) which contains tasks and plans to complete the site specific actions. Tildon recommended a presentation from FWS to the MC at a future meeting to explain the RPI process. Steve and other committee members welcomed such a presentation. Tom Pitts asked if there was a written description for this new process. >Tildon will find some materials and distribute them to the Committee (*done*). Tom Pitts asked if there will be demographic requirements, time and cost estimates. Tildon said those are regulatory requirements and will be included. Tom Pitts reviewed the current goals and noted that continuous improvement in populations is not realistic in a large river system like the Colorado. He is curious to see how demography is addressed in the new plan. Tom Chart recognized the importance of the population viability analysis to support those discussions. Tom Chart said recent conversations with Region 2 have highlighted the importance of identifying management actions that are needed to attain and sustain recovery in the long term. Tom Pitts said it is important to incorporate timelines to recovery that are realistic. Tildon said it is important to note that the recovery plans are an idea of what the Service thinks recovery could look like, but at each assessment point, the question considered by USFWS is: is the species in danger of extinction, now or in the future. The plan may lay out multiple paths to recovery.

10. FY21 Funding/Legislative Update – Kathy Callister said the House passed an appropriations bill in July. In the Senate bill (Section 305), the language mirrors that of the house bill, with a dollar amount of \$21.4M. That bill has not yet passed. The current CR runs through December 11, but current rumors indicate a second CR may be possible. The appropriation bills tell WAPA to transfer funds, but WAPA has identified issues with those transfers based on the language in the extension (Dingell Act). Kathy also referenced the pending transitions and noted that there may be fluctuations in budget. For FY23, Kathy has incorporated funding in Reclamation's request per the Dingell Act, allowing Reclamation to request \$10M for annual basin funding. Tom Pitts noted we do not have authorization to request additional funds in FY24. Kathy said ESA could be used as justification, but it would be better to have specific authorization for the appropriation request. Jojo asked how Reclamation is working without the power revenues this year. Kathy said Reclamation is currently working through those issues. Carryover funds were used early on, but funding could become constrained if a second CR comes to pass. Leslie reminded the group that the Dingell Act authorizes up to \$10M between now and 2023. Leslie offered that last year CREDA supported appropriations to the programs through that authorization and encouraged others to do so as well.
11. Spring 2021 Congressional Discussions – Tom Pitts said a number of issues will need to be addressed, including a potential extension in the legislation. He does not anticipate a problem if that is for only one year. Tom said we will need to update them on our proposal for funding post-2023. He noted that we have promised a consensus proposal from the partners that everyone agrees on. Tom noted the conflict created by the language in the Dingell bill that needs to be discussed as well. Steve anticipates that virtual briefings will likely continue through March. He asked if people would be interested in a Fall briefing, potentially in smaller numbers. Tom Pitts said that might align well with the updates we will need to provide. Leslie asked if the non-federal parties would support appropriation requests under Dingell in the next few years. Tom Pitts expressed some concern about

guidance provided by some Hill staffers that indicated that appropriations would not likely be viable, but encouraged further conversations. Leslie encouraged continued efforts to get funding through the currently authorized vehicle. Tom Pitts recommended conferring with the appropriators. Leslie supported keeping options open for a fall briefing.

12. Sufficient Progress – Tom Chart said MC review of the Sufficient Progress Memo is complete. He thanked all the partners who submitted comments. The FWS field offices reviewed the report as well. They appreciated the effort that goes into that memo every year and complemented its completeness. The final memo has been distributed with the Yampa and Gunnison PBO review. The third appendix will now be the State of Colorado’s recently approved 15 MR Depletion Accounting Report in its entirety. Also distributed was a response to comments. The memo is currently working its way up through the Service’s new document tracking system to receive Reg. Dir. Walsh’s signature. We will alert the Committee when the final Sufficient Progress packet is complete and posted to our Recovery Program website. Tom Chart recognized Tom Pitts’ extra efforts to standardize the formatting and message in the PBO reviews specifically. Tom Pitts appreciated the detail included in the report.
13. 15-MR PBO Review – Tom Chart said Colorado’s recent depletion accounting report provided a key piece of information to complete this review. The technical committees have submitted comments on the draft review in early September, but the PDO noticed that many MC members contributed comments simultaneously. We may be able to streamline Program review. Next steps – 1) the PDO will revise the document based on comments received and generate a response to comments; 2) seek an expedited MC review / approval (e.g. 2 week turnaround via email); 3) seek approval from the Service field offices; 4) submit to the Regional Director for approval and finalization. Steve asked when the MC might receive the revised document, because a two week turnaround could be difficult during the holidays. Tom said the PDO will transmit the document until early 2021. Jojo supported continued movement on this effort, because it sounded like we may now be able to finalize the 15-MR PBO review before the next Sufficient Progress review as previously discussed. Tom Chart agreed that we are now looking at an accelerated time frame, because many of the MC members have already provided comments. He anticipates submitting this document to the Regional Director for approval in the first half of 2021. The MC supported Tom’s approach.
14. FY22-23 Funding Update – Julie Stahl summarized that the BC is discussing options for addressing the approaching budget shortfall in FY22-23. The BC and PDO will issue Program Guidance to PIs before they write scopes of work that will already provide numbers around suggested cuts. Julie asked if the MC had interest in reviewing those suggested cuts before the guidance is finalized. Jojo asked about cuts to nonnative fish work, and was concerned about the potential impact they could have on nonnative fish populations in the basin. Julie indicated that the PDO and BC are still looking at areas and strategies to adjust funding, with a meeting scheduled for next week. There are a number of options on the table and we will know much more after the discussion on December 8th. Steve asked about process and whether the BC is providing the majority of the input. Julie said that in a typical year, Program Guidance would be developed by April, after which scopes of work would be developed and the MC would approve of the budget in August before the fiscal year starts. Because changes are likely to be larger than normal, Julie asked if the MC had interest in approving the changes to Program Guidance before it is distributed. Steve suggested the MC approval remain at the final stage, but Tom Pitts and Todd Adams asked that the MC be kept apprised of general areas where cuts are being considered throughout the coming months.

15. Schedule next meeting – meetings were scheduled for February 17th, 8:30-12 and April 27th 8:30-4 pm.

ADJOURNED: 11:48 am

Attachment 1: Meeting Attendees

In Attendance:

Steve Wolff, chair	State of Wyoming
Todd Adams	State of Utah
Michelle Garrison	State of Colorado
Jojo La	State of Colorado
Tom Pitts	Water Users
Patrick McCarthy	The Nature Conservancy
Leslie James	Colorado River Energy Distributors Assoc.
Shane Capron	Western Area Power Administration
Melissa Trammell	National Park Service
Ryan Christianson	U.S. Bureau of Reclamation
Kathy Callister	Bureau of Reclamation
Angela Anders (Acting for Marj Nelson)	U.S. Fish and Wildlife Service
Tom Chart (non-voting)	Program Director, Upper Colorado Program

Upper Colorado Program Office Staff:

Kevin McAbee	Nonnative Fish Coordinator
Julie Stahl	Deputy Director
Don Anderson	Instream Flow Coordinator
Melanie Fischer	I&E Coordinator
Tildon Jones	Habitat Coordinator

Interested Parties:

Dave Speas	Bureau of Reclamation
Derek Fryer	Western Area Power Administration
Chris Keleher	State of Utah
Colleen Cunningham	State of New Mexico
Lee Traynam	Bureau of Reclamation
Bart Leeflang	Central Utah Water
Katie Duncan	Colorado AG's office
Harry Crockett	Colorado Parks and Wildlife
Christopher Holmquist-Johnson	USGS
Patrick Malone	National Park Service
Nancy Smith	The Nature Conservancy
Ray Tenney	Colorado River District

Attachment 2: Meeting Assignments

1. **Julie** will add another tab to the Work Plan spreadsheet documenting NFWF expenditures.
2. **Ryan** will check with Bob Norman on the recommendations and will send a memo to the MC with potential options to alter the GVIC screen.
3. **WAPA and BOR** will provide updates to the Committee about funding as the situation develops.
4. **Ryan** will develop a cost estimate for the Starvation Value Engineering study and will bring that back to the MC.