

MEETING SUMMARY

Meeting: Colorado River Management Committee, Denver, Colorado

Date: June 5, 2001

Attendees: See Attachment 1

>Assignments are highlighted in the text.

1. Review/modify agenda - The agenda was modified as it appears below.
2. Approve February 26-27, 2001 meeting summary - The meeting summary was approved as written.
3. Recovery Program updates
 - a. Green Mountain Municipal Recreation Contract (5-year, no-cost) - Brent Uilenberg said they've reached resolution with Grand Junction/Fruita/Palisade, the contract is on the Regional Director's desk for signature, and the water will be available this summer. >Brent will post the contract to the listserver.
 - b. Tusher Wash screen - In January, the Committee agreed to make an offer to build the building screen for the entire capacity of 715 cfs that Thayn claims right to for hydropower, or alternatively, offer to buy out Thayn at the avoided cost of the screen. Thayn chose the screen option; however, the Green River Canal Company (who owns the canal and whose permission is needed) has refused to allow the screen to be built to that capacity because they don't believe Thayn has right to that amount of water. Bob Muth said Tim Modde's office has just completed a draft report on a fish-stranding survey conducted in the raceway and canal system last year (the report has not yet been reviewed by the Biology Committee). They did not find any evidence of fish being trapped in the canal or the raceway and suggested that screen construction is premature. Tom Pitts suggested we develop an agreement on operations with the canal company which would allow some continued monitoring, then write a biological opinion with an incidental take statement so the canal owners and hydropower company have regulatory coverage. >Bob Muth ask the Biology Committee to review the report. If the report is approved, then the Program will consider dropping the fish screen from the capital projects list. >After the Biology Committee reviews the report, Utah will take a proposal for an agreement and biological opinion (as suggested by Tom Pitts) to Thayn and the Green River Canal Company.
 - c. Ouray hatchery completion - Brent said they developed a plan to make Ouray fully operational (rehabilitate one of the wells, construct two new wells and a pipeline manifold to provide 1200 gpm of water for the hatchery and ponds). These items are expected to be completed by mid-July, at a total cost of \$125,000 (substantially less than we thought might be needed). Steve Severson is the acting hatchery manager and the Service hopes to have a new hatchery manager by fall.

John Shields recommended that the Management Committee take a field trip to the hatchery within the next year.

- d. Price-Stubb Fish Passage - The Service's biological opinion on the Jacobsen hydropower license (finalized in August 2000) requires passage. Service attempts to determine how and when FERC will act on the license application have gone unanswered. Ute Water Conservancy District has concerns with removing the diversion because they use the pool behind the dam as auxiliary water supply. The railroad and CDOT also have expressed concerns about bank stability. Reclamation identified an alternative that leaves the dam in place, but instead of a chute ladder, a rock ramp would be built below the dam that basically buries the dam in rock and would operate with currently available flows. The recreational boating community also would support this alternative. However, we can't move forward with fish passage at Price-Stubb until FERC makes a decision on the Jacobsen hydropower application. >Brent will provide the appropriate history to Kent so that >Colorado can ask their delegation to ask FERC to make a decision on Jacobsen's hydropower application (assuming Greg Walcher approves). John Shields said he'd be happy to ask the Wyoming delegation to join in that letter.
- e. Late reports status - Angela Kantola provided an updated late reports list. The Management Committee recommended that future contracts be written to withhold the maximum payment regulations will allow until final reports are completed. >Tom Chart and Brent Uilenberg will determine Reclamation's authority under cooperative agreement rules to hold this sort of retainer (and the potential effect on continuing agreements). >Kent will talk to CDOW about their overdue reports and also write CSU about Hawkins' reports. >Hugh and Sherm will talk to USU about Crowl's reports. >Bob Muth will send a letter to the Fishery and Wildlife Biology Department Chair at CSU regarding Hawkins' overdue reports (and provide information to Kent for a letter from Colorado). The Program Director's office is developing a system to be more proactive in giving principal investigators notice that their reports are coming due. The Committee discussed not approving scopes of work from anyone with overdue reports. >Bob Muth and Tom Pitts will draft policy/procedures for the Committee's consideration at the August meeting.
- f. Washington, D.C., briefing trip - John Shields said the trip was quite successful. This year's briefing document is entitled "Program Highlights" so it can be used for general purposes (and is available on the Program website and from the Program Director's office). Tom Pitts said an article by Jim Hansen on the long-term funding legislation and the ESA was published in the journal of the Forum for Applied Research and Public Policy. The article recommends that the Upper Colorado and San Juan Programs be looked at by Congress as a successful way of implementing the ESA. Tom is sending copies of the article to the Management Committee and others. >Bob McCue will send the electronic version to the Program Director's office to post on the Program website.

4. Status of agreement to construct Highline Lake pumping plant as part of the Grand Valley Water Management Project - (Issue brief posted to the listserver by Bob Norman on May 29, 2001). Brent outlined available alternatives: 1) continue negotiations with Colorado for use of Highline Reservoir; 2) build the pumping plant at the cross-drainage dam above the canal (more cost-effective with more flexible operation) instead of at Highline; or 3) drop the pumping plant component of GVWM, which would reduce the 28,500 af yield to endangered fish habitat by 12,600 af (and probably would re-open the 15-Mile Reach PBO). The second alternative would depend on the State Engineer's willingness to operate in a way to maintain water quality at Highline Reservoir (which would be at significant risk in water court, in Tom Pitts' opinion). Brent noted that Highline Lake was built with Federal funds. Tom Blickensderfer and Kent said Colorado has made improvements to the dam structure (up to \$1M), and believe they can appropriately seek credit for the capital asset of water storage (~\$300K). Colorado would likely request that credit be given toward their capital funding obligation. Tom Pitts said the third option Brent identified is certainly not acceptable. Tom also said he doesn't believe that offering Colorado credit will set precedent for others requesting credit. Clayton Palmer said WAPA has received a \$20M credit for Flaming Gorge and could ask for more credit based on power costs, but they will stick with the deal already struck and not ask for additional credit for Flaming Gorge. Relative to the definition of capital projects in the legislation, John Shields asked what would be acquired under the agreement to use Highline Reservoir for storage. Brent and Bob McCue expressed concern that offering credit on this could set precedent and severely impact the availability of real cash for the Program's \$62M capital funds budget. Tom Pitts said he doesn't believe requests for additional credit are a serious risk. John Shields said he's somewhat troubled that this issue wasn't raised earlier when the long term funding legislation was drafted. Tom Iseman also expressed concern with the impact to the Program's overall capital budget *if* this is considered precedent-setting. Kent offered language explaining that the Committee does not expect this unique situation to set precedent or open the door to additional requests for credit. The Committee agreed that Colorado is not requesting "credit" but rather offering the use of storage in Highline Reservoir at a cost of ~\$300,000. With regard to precedent, concerns were raised about entities "requesting credit" for the value of items like CDOT growout pond(s), Stewart Lake in Utah, Elkhead Reservoir, Escalante SWA, other floodplain and growout pond properties, etc., which were not contemplated in the Program's \$62 million ceiling. The Committee gave conditional approval to the expenditure of ~\$300K of Colorado's capital funds for acquisition of storage space in Highline Lake in FY 02, pending agreement on terms and conditions of this expenditure on a conference call in 3 weeks. Brent Uilenberg, Bob McCue and Tom Iseman abstained from this approval. >Brent will work with Colorado, then post the terms and conditions of the agreement to the listserver. The conference call will be June 25 from 10:30 a.m. - 12:00 p.m. >The Program Director's office will reserve a conference call bridge and announce the call on the listserver.

5. Funding issues:
- a. Capital funds status report - Brent distributed the most recent spreadsheet noting that it reflects projects approved in FY 2001, and assumes successful completion of the state agreements with the National Fish and Wildlife Foundation.
 - b. Status of state agreements with NFWF - Don Glaser provided an update on the status of Colorado, Utah, Wyoming, and New Mexico agreements with the National Fish and Wildlife Foundation. The Wyoming and New Mexico agreements are in NFWF's Washington office for approval. Utah's agreement is mirrored after Wyoming's, so Don suggests that Utah allow Wyoming and NFWF work through minor changes to that agreement before finalizing Utah's agreement. Colorado provided a document in April but hasn't yet revised it based on the meeting 3 weeks ago. Reclamation's agreement also needs to be revised as quickly as possible (Brent said it's currently in their Salt Lake City office for review and hopefully will be out this week). Don would like to complete all of this within the next two weeks. Brent emphasized the need to get the agreements in place as soon as possible.
 - c. Two-year work planning process proposal - At the last Management Committee meeting, each Committee member and the Program Director's office agreed to send comments on this proposal to John Shields on or before March 31. This was not done, but the Program Director's office proposes a two-year work planning process, and has begun to review/revise the draft FY 2002 scopes of work they have received to make them FY 2002-2003 scopes of work. Angela outlined that under this process, annual reports would still be completed, the RIPRAP would be revised annually, and the Service would still review sufficient progress annually, but scopes of work would cover two years. Within the two-year period, modifications would be made as needed to projects' scope and budget (much as they are now within the one-year period). Clayton Palmer clarified that this is a 2-year *work planning* process, as opposed to a 2-year *budgeting* process. The Committee approved this new approach.
6. Land acquisition status report - Tom Czapla, Pat Nelson and Dave Soker provided updates on hatchery and growout ponds, habitat restoration, and land acquisition (summaries previously posted to the listserv). Tom Czapla said stocking plans are being modified to stock fewer, larger fish, which will result in reduced facility needs. Pat Nelson reviewed habitats already restored and future plans. Dave Soker distributed updated easement and growout pond status reports. Dave reviewed the land acquisition process and discussed recommendations (including those made in the overview document posted to the listserv). One problem is that the assessed market value of a property may be very different than its potential value for endangered fish. Dave Mazour asked if there

might be a way to develop a system of evaluating property in terms of its value to recovery. Bob Muth asked if landowners could be given a general idea of property value early in the negotiation process. Tom Pitts said one concern he has is the cost per acre *before* actual acquisition and would like to see those numbers. >The Service will get their contaminants experts together and discuss options for faster contaminant surveys (e.g., contracting with private certified labs). >Pat Nelson will fill in the acres on the habitat summary. The Program Director will briefly discuss these recommendations with the Management Committee on the June 25th conference call.

7. Gunnison River flow recommendations report - Bob Muth said the Service met twice with the minority reporters. Bob distributed the Service's recommendations for addressing the issues raised by the minority reporters. The Service is currently working to revise the report based on these recommendations.
8. Recovery goals update - Bob Muth distributed an update on the recovery goals. The Service hopes to publish a notice of availability of the draft goals in the Federal Register in late summer 2001.
9. Extending the Recovery Program beyond 2003 - Wyoming and Western Area Power Administration have discussed releasing the States from their annual funding commitment during the post-2003 phase of the Recovery Program. Wyoming has determined that it will not seek to change or delete Section 5.3.3 of the September 29, 1987 Program "Blue Book" which states: "Under this program, Colorado, Utah and Wyoming will contribute a total of \$200,000 per year to the rare species recovery program." However, post-2003, Wyoming's program management scope of work will reflect the full commitment of Wyoming's annual funding for Wyoming program management. Wyoming will not seek legislative appropriation by the Wyoming Legislature for the Recovery Program's annual funding (consistent with the commitment made at the time Wyoming's capital construction cost-sharing of \$1,700,000 was appropriated). Instead, Wyoming will provide all their annual funding through in-kind contributions (salary, benefits and overhead for Wyoming Program participants, travel expenses, supplies and equipment), as Colorado and Utah have done throughout the Program. The Service and Colorado meet on the recovery goals on Thursday. >Bob Muth will send the Committee a summary of that meeting. Tom Blickensderfer said he senses that they are close to agreement. Extending the Program will be on the Committee's August agenda.
10. Section 7 update
 - a. Consultation list - Angela Kantola provided the list updated through March 31, 2001.
 - b. Status updates on programmatic biological opinions
 - i. Yampa Implementation Plan - Gerry Roehm distributed a proposal for

implementing recovery actions in the Yampa Basin (previously posted to the listserv). Brent noted that expenditures after FY 2005 would have to be non-Federal. Tom Iseman said the environmental groups would like the current \$14.75M total for the Yampa River Management Plan (shown in the RIPRAP budget table and in Reclamation's outyear discussion work plan) be revised. Brent said he expects the budget will be about half of the previously projected \$14.75M. The Committee agreed to revising the budget projection and approved the modifications Gerry provided.

- ii. Gunnison River - Gerry distributed a proposed schedule for a similar implementation plan and PBO for the Gunnison River. Gerry will distribute a draft outline for the plan at the June 26 Gunnison meeting. Brent said that since we haven't yet approved the Gunnison River flow recommendations, he doesn't think Reclamation will be able to complete their modeling by August 31. The Committee discussed the wisdom of completing the PBO before the EIS. >Gerry Roehm and Tom Pitts will post a summary of the June 26th meeting to the listserv.
 - c. Service sufficient progress determination - Tom Pitts asked that the word "symbolically" be removed from Wyoming's recommended wording change. >The Service will revise the letter based on recommended changes and new information and send it out in draft if they foresee any concerns, or in final if they do not.
11. Schedule next meeting - The Committee will have a conference call on June 25th from 10:30 - 12:00 p.m. (Agenda items will include use of Highline Reservoir and recommendations for improving land acquisition.) The Committee will meet August 13-14 in Cheyenne. The meeting will start at 10:00 a.m. on August 13 and conclude by 4:00 on August 14. Agenda items will include: review of the draft FY 2002-2003 work plan, extending the Recovery Program, and policy/procedures for dealing with late reports.

Attachment 1
Colorado River Management Committee, Denver, Colorado
June 5, 2001

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Tom Chart for Christine Karas	Bureau of Reclamation
Tom Blickensderfer	State of Colorado
Sherman Hoskins & Hugh Thompson	Utah Department Of Natural Resources
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Clayton Palmer for Shane Collins	Western Area Power Administration
Bob McCue for Susan Baker	U.S. Fish and Wildlife Service
Dave Mazour	Colorado River Energy Distributors Association
John Reber	National Park Service
Tom Iseman	The Nature Conservancy

Nonvoting Member:

Bob Muth	Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Angela Kantola	U.S. Fish and Wildlife Service
Gerry Roehm	U.S. Fish and Wildlife Service
Tom Czapla	U.S. Fish and Wildlife Service
Pat Nelson	U.S. Fish and Wildlife Service
Dave Soker	U.S. Fish and Wildlife Service

Others:

Tom Chart	Bureau of Reclamation
Kent Holsinger	Colorado Department of Natural Resources
George Smith	U.S. Fish and Wildlife Service
Jeff Humphrey	U.S. Fish and Wildlife Service
Ray Tenney	Colorado River Water Conservation District
Jim Hartman	Western Area Power Administration
Don Glaser	National Fish and Wildlife Foundation
Brian Ocepek	National Fish and Wildlife Foundation