

Management Committee Meeting Summary
December 18, 2003
Denver, Colorado

Attendees: See Attachment 1

Assignments are highlighted in the text and listed at the end of the summary.

CONVENE - 9:30 a.m.

1. Review/modify agenda and time allocations and appoint a time-keeper - The agenda was modified as it appears below.
2. Approve October 9 meeting and October 24 conference call summaries - The summaries were approved as written.
3. Yampa Plan, Environmental Assessment (EA), Programmatic Biological Opinion (PBO) and Cooperative Agreement - Gerry Roehm reported that the Service's Grand Junction office is reviewing the draft PBO, but since nonnative fish control is a significant portion of the PBO and management plan, the draft PBO can't be completed until the Program makes a decision on Yampa River nonnative fish control. The target date for completing the draft PBO is the end of January, with a final by the end of March. The EA will be on the same schedule (or perhaps a bit earlier). Gerry distributed a draft revised cooperative agreement which he recommends be signed after the PBO is complete. Committee members suggested that the post-delisting discussion in section 1.8 be tied to ESA requirements (Tom Pitts agreed as long as this includes the conservation agreements).
4. Elkhead enlargement, 404 permit application and financing - Dan Birch reviewed the proposed project (12,000 af enlargement; 5,000 af for fish releases plus a 20-year lease with option to renew for an additional 2,000 af for fish releases, and the remainder of the water for human uses), funding agreements and reservoir operations agreements. If everything goes as planned, construction could begin within about a year. Dan Luecke expressed concern that information being gathered (especially recently) regarding impacts of nonnative fishes on the native fish populations in the Yampa River raises questions about the purpose and need for reservoir enlargement for a native fishery that appears to be disappearing. Dan Birch replied that flows have been especially low the past two years on the Yampa, which has surely impacted the native fishes as well. Dan added that it would be very difficult to get the cooperation necessary to re-start a process to enlarge Elkhead Reservoir if the Program were to put it on hold while trying to figure out how to address nonnative fishes. Tom Blickensderfer informed the Committee that Colorado is considering direct payment from their endangered species trust fund to Elkhead enlargement rather than sending the funds through NFWF.
5. National Fish and Wildlife Foundation (NFWF) and capital funds
 - a. Outcome of recent conference calls - Angela Kantola summarized the results of recent conference calls among NFWF, the States, Reclamation and the Program Director's office. Questions have been answered regarding interest on accounts

and how that is reported based on when investments mature. Wyoming, Utah, and Colorado have all made deposits into their NFWF accounts and payments made out of those accounts are now proportional to each state's total capital fund commitments. NFWF has developed a tracking spreadsheet that shows these proportions. Program participants still need to work out how to maintain proportionality while factoring in payments states make directly for capital projects. Reclamation, Colorado, and Angela Kantola will be meeting to work on these and related details. Annual State payments to NFWF will be determined by a process where Angela provides draft amounts by March 1 of every year based on the amount in Reclamation's capital budget table minus the cost of any capital projects the States plan to pay for directly. After the Management Committee reviews those draft amounts, NFWF will invoice the States by May 1 of each year. NFWF will provide formal statements of account to Reclamation, Utah, Wyoming, and New Mexico twice a year (for the periods ending December 31 and June 30) and to Colorado on a quarterly basis. NFWF will send copies of these statements to all the other capital fund contributors and the Program Director's office. Each contributor will determine what level of detail they want with their individual statements and that will be outlined in their agreements with NFWF. Those and additional updates are needed in the State/NFWF agreements should be completed within a couple of months. Sherm Hoskins noted that >Reclamation needs to check the completion dates in the agreements to make sure they match with constructions schedules. The question of when NFWF charges administrative fees has been answered: fees are charged on State deposits; fees are charged when NFWF *administers* a contract (e.g. with Grand Valley Water Users Association); fees are not charged when NFWF only pays an invoice (e.g., payments to River District); and fees are not charged when NFWF simply transfers funds from the States to Reclamation. >The Management Committee will consider the issue of direct payments by the states at their next meeting after Reclamation, Colorado, and the Program Director's office have met to consider the ramifications.

- b. NFWF tracking spreadsheet - Angela explained that NFWF has agreed to provide informal accounting spreadsheets as-needed to the Management Committee to help us keep track of the status of State contributions and pay-outs. Rebecca Kramer walked the Committee through the elements of one of these informal spreadsheets (statement of account activity deposits and obligations).
- c. What happens if/when one or more states cannot make their scheduled contribution to the fund - The Committee agreed they would need to know about such a potential situation as soon as possible. We've already agreed to (and implemented) one or more states contributing more while waiting for another state not yet able to make their contribution. Sherm recommended a leveling factor to encourage everyone to contribute on schedule (otherwise a state might intentionally withhold payment) and suggested that some of the interest previously earned by the state who paid late should be credited to the states that took up their slack. Sherm provided the following draft agreement language (Section 6.b.i of the Utah agreement) to address this situation: "All funds utilized

to pay for Recovery projects that are paid from states contributed funds will be prorated to the states based on their contribution percentage. If there are inadequate funds in any states accounts to cover the total disbursement, the funds of the other states will be utilized for payment. The states with inadequate funds will be charged interest and the states that covered payment will be credited, with interest, for the period the unequal status applies. Interest for this is at _____ percent.” >Sherm will draft a policy on this for the Committee (with examples).

- d. Capital funds disbursement time frame - Brent Uilenberg said the intent of this exercise is to provide NFWF information on when funds will be needed so they can best determine how to invest the state contributions. The unknown right now is whether Colorado will fund Elkhead directly. >Brent said he would provide a revised budget leveling spreadsheet in mid-January with a draft disbursement schedule to guide NFWF’s investment decisions. This will all come together in meeting between Reclamation, Colorado, and the Program Director’s office. Brent emphasized that contract payments *must* be timely, so if Colorado wants to pay directly, they will have to be able to abide by that.
6. Tusher Wash screen - Sherm said the court case has been resolved: Thayne is entitled to the full volume that has State water right approval, so 695 cfs will need to be screened. Sherm asked if this work could begin earlier than FY 07, but Brent said the Program probably won’t have funds available until then. However, Reclamation will proceed with planning, design and permitting so they will be ready to go should another project slip behind and funds become available sooner. Sherm asked about the possibility of raising the dam ~12" to compensate for the loss of head through the screen and Brent said this will be addressed in the design work (as would any potential biological impacts of raising the dam). Brent said he has some concerns about negotiating the O&M contract; Sherm said he expects our contract should be with the Green River Canal Company.
7. Wahweap Hatchery building capital funds - Tom Czaplá outlined options for providing redundancy in the water supply at Wahweap. Utah’s proposal would cost ~\$250K, but Reclamation believes their Provo office can do the work for ~\$153K (option #3, which will provide a pump at well #2 hooked up to existing electrical system and a back-up generator). Brent asked the Committee to approve option #3 (leaving the \$410K available for Wahweap in place for now), then the funds not needed for option #3 (~\$257K anticipated) will be reprogrammed to other Program capital projects. The Committee stressed that remaining funds *will not* be made available for a hatchery building at Wahweap. Brent said he hopes the construction for option #3 can be completed this spring.
8. Nonnative Fish Management
 - a. Policy - Bruce McCloskey asked about the expected impact of this policy. Tom Pitts said in part it is to place the responsibility for nonnative fish management actions at the agency level and take the heat off of our field biologists. The policy will help folks in the field to address problems and complaints in a consistent manner and also will provide consistent answers to congressional representatives,

etc. Bruce said the Wildlife Commission sets wildlife policy in Colorado and it seems appropriate to involve them in this loop (although it would delay the process somewhat). Sherman Hoskins said the same is true of Utah's Wildlife Board, but the language in the policy saying it doesn't waive state policy covers that concern. Bob McCue and John Shields pointed out that it is the *State*, not the Wildlife Commission that is a Program partner. The policy is intended to get all the partners and all the subgroups within each partner agency/group on the same page with regards to nonnative fish management. Bruce maintained that this still leaves the Commission out of the process and clarified that the Governor can't speak for the Wildlife Commission. Tom Pitts asked if CDOW would recommend this policy to the Commission and Bruce replied that some minor changes would be needed first. Tom Pitts suggested that the Commission approve the policy before the Management Committee recommends it to the Implementation Committee. Bruce and the Committee discussed and agreed on three minor changes to the policy and >Bruce agreed to take the revised version to the Commission for acceptance. >Sherm Hoskins will reconfirm the policy with Utah's Division of Wildlife and also their Wildlife Board, if necessary. Frank asked if the Commission could approve the policy in one meeting (noting it will be an important part of information and education efforts this spring). Bruce will get it on the agenda as an action item for the January 8-9 Commission meeting in Denver (likely on Friday morning, January 9). >Angela Kantola will post the Commission agenda to the listserver when it is posted to the Commission's website tomorrow. Bruce clarified that if the Commission doesn't approve the policy, it won't stop the Program's nonnative fish management activities.

- b. Workshop - Bob Muth said the Biology Committee held a workshop Dec 3-4 to review data and make recommendations for 2004 nonnative fish control projects. Bob was pleased overall with the outcome of the workshop. Biologists agreed on the majority of the conclusions/recommendations that came out of the workshop (with the exception of Yampa River northern pike, and to a lesser extent, Yampa River smallmouth bass). The biologists also agreed to moving beyond the treatment/control approach, which proved ineffective, to depletion analysis approaches. Everyone agreed we have insufficient information to successfully manage channel catfish (except in Yampa Canyon), so additional research is needed then we will revisit channel catfish when we believe we can effectively manage them. There were mixed opinions about opportunistic removal of catfish during other removal efforts, but that can be sorted out in the scope of work approval process. Channel catfish removal will continue in Yampa Canyon. In the Green River, we'll continue depletion analysis of northern pike and also begin depletion analysis for smallmouth bass. Efforts on the Colorado River will focus on smallmouth bass to eliminate them before they become a more serious problem. The native fish response effort will continue (and perhaps be expanded) on the Yampa River and baseline information will continue to be gathered on Colorado River native fish. Dan Luecke added that while the biologists were not unanimous with regard to the options for Yampa River northern pike and smallmouth bass, there was definitely *majority* support for river-wide before/after

depletion analysis of northern pike and one treatment/control reach in the Duffy concentration area and river-wide before/after depletion analysis of smallmouth bass. Frank suggested a compromise approach of removing pike between Craig and Hayden and tagging only above Hayden. Bob Muth suggested another alternative of one treatment and one control reach between Craig and Hayden. Frank emphasized that the Yampa native fish population is declining rapidly and we need to take action now. Brent and Dan agreed. Bob McCue emphasized that delay in determining Yampa River nonnative fish management will delay the Yampa PBO. Gary said that the precipitous decline of native fish in the Yampa suggests we need to establish control first, then ratchet down to a maintenance level effort. Randy agreed, saying we could take a temporal approach of intensive control for a few years as a test to see what the effect would be. The Management Committee agreed to intensifying control efforts in critical habitat. Bruce said CDOW would be willing to have further discussion regarding the Craig to Hayden reach and tagging above Hayden. Frank encouraged Colorado to take the lead on tagging above Hayden. The Management Committee asked the Biology Committee to provide specific recommendations on northern pike and smallmouth bass management in the Yampa River. Bob Muth will try to schedule a Biology Committee conference call by next Tuesday. If the Biology Committee has a consensus position, that will be posted to the Management Committee for their approval via e-mail. Bob McCue will push for a PBO based on a recommendation from the Biology Committee approved by the Management Committee. Tom Iseman emphasized that the Biology Committee discussion and the PBO need to consider long term management (not just FY 04).

- c. Meeting to discuss preventing nonnative fish escapement during Elkhead enlargement - Gerry Roehm said the River District has devised an effective strategy for preventing escapement during construction. Options for screening after construction will be presented to the Biology Committee. The draft fishery management plan for Elkhead (after construction) would manage the reservoir for smallmouth bass, largemouth bass, bluegill black crappie and trout, assuming all spills and bypasses are screened.
9. Ruedi O&M funding - Brian Person recalled that the Program agreed to pay for the O&M costs of our 10,825 af from Ruedi Reservoir, but no advanced billing was made in 2003, so the Program was recently billed for \$43,830.43 for FY 03 and \$46,006.25 for FY 04 (both of which need to come from FY 04 funds). Not included in the billing is the recent cost of replacing an emergency gate, which will increase the Program's actual FY 04 cost by ~\$81,000 (which could be amortized over up to three years without interest). No major additional O&M items are scheduled for FY 05 or 06 (although that doesn't guarantee that emergencies won't occur after 35 years of operation). Brent and Angela will provide a recommendation for a repayment schedule for the \$81,000 to the Management Committee at their February meeting
10. Duchesne River flows - Sherm Hoskins recalled the Committee's last discussion of meeting minimum flows in the Duchesne River. Sherm outlined programmatic concerns and noted that Tribal permission will be critical. Gene Shawcroft distributed a report on

the site tour of the diversion dams and the cost of modifying them to measure (and protect) the releases from Starvation and Strawberry reservoirs downstream through the diversions. The total estimated cost of modifying seven structures to be able to measure flows is \$7 million (ranging from \$200,000 - \$3,000,000) per structure. A lower-cost approach would be \$1.8 million. This option assumes that three of the structures could be modified instead of replaced and it reduces the ability to measure flow with 100% accuracy. Sherm outlined three other alternatives: 3) put enough water in the top of the system and hope that enough makes it through to provide flows the fish need; 4) measure the releases down to the Randlett gage and assume the flows will make it safely past Jenkins pump; and 5) do nothing (fish will use the river when flows are available). Brent Uilenberg noted that the Program doesn't have capital funds available for this work. What we need to do will depend on how the biological opinion is written. Sherm Hoskins pointed out that the flow recommendations are based on USGS gage history, which may not be accurate.

11. Review of revised scope of work on depth-to-embeddedness study (85c) - The Committee approved the wrap-up of Doug Osmundson's work begun in 1999 on production of macroinvertebrates as it relates to depth-to-embeddedness on gravel bars.
12. Recovery Program updates -
 - a. Flaming Gorge EIS process - The cooperating agency review will be in December 2003 (with comments due by end of Jan 2004). The 60-day public review in March 2004 followed by public hearings in April 2004. The final EIS is scheduled for completion in July 2004 with a Record of Decision expected in August 2004.
 - b. Aspinall EIS/consultation schedule - Brent Uilenberg said a notice of intent to prepare the EA is in Washington, but he doesn't yet know when it will be published (hopefully in January). A 3-4 year schedule is anticipated, depending on the level of controversy. No progress on PBO until we can begin to move forward on the EIS. The water users will draft an MOU on the PBO soon.
 - c. Highline Lake water storage agreement and pumping plant construction - The agreement has been signed and construction has begun.
 - d. GVIC fish screen improvements - Contract awarded and work should be completed in March prior to the irrigation season. It will cost \$324,000 (\$275,000 budgeted, but should be able to make up difference from other areas).
 - e. Price Stubb fish passage - Brent said he believes we'll get a lower cost on the job with a 2-year construction window instead of one (because material for the rock ramp can be produced over a longer period). This does mean that Price-Stubb will be a barrier to upstream migration for an additional year.
 - f. Grand Valley fish passage and screen - Under contract and proceeding according to schedule.

- g. Redlands fish screen - Will likely be accelerated since Price-Stubbs fish passage will take two years. Bob McCue said the Service has started working on the biological opinion.
- 13. Lower Basin issues - Tom Czapla reviewed the conclusions and recommendations from the lower basin expert panel review on humpback chub population estimates as well as Rich Valdez and Ron Ryel's response to those conclusions. Tom said we continue to have concerns about the population estimates that are being generated in the lower basin. Randy Peterson said the panel review seemed to thoroughly review population estimate methodologies and suggested the Biology Committee may want to provide a considered response to the panel conclusions by early February to the AMWG. Tom Pitts suggested that perhaps it's more appropriate for the Regions 2 and 6 Service to respond, since the Service is responsible for recovery goals. >Tom Czapla will send the full report to the Biology Committee.
- 14. Encouraging increased participation in the CROPS process - Tom Pitts said to keep this on the agenda, but that he hasn't had the discussion yet.
- 15. Reports status - Angela Kantola distributed copies of the updated "reports due" list.
- 16. Section 7 consultation update - Angela Kantola distributed copies of the Section 7 consultation list updated through September 30, 2003.
- 17. Next meeting – February 5th in Salt Lake City, 8:00 - 3:00. Utah will arrange a meeting room.

ADJOURN – 4:30 p.m.

ASSIGNMENTS

1. Reclamation needs to check the completion dates in the NFWF agreements to make sure they match with constructions schedules.
2. The Management Committee will consider the issue of direct payments by the states for capital projects at their next meeting after Reclamation, Colorado, and the Program Director's office have met to consider the ramifications.
3. Sherm Hoskins will draft a policy (with examples) on a "leveling factor" to be applied when one state can't make their capital fund contribution in a timely fashion (e.g., some of the interest previously earned by the state who paid late would be credited to the states that took up their slack).
4. Brent Uilenberg will provide a revised budget leveling spreadsheet in mid-January with a draft disbursement schedule to guide NFWF's investment decisions.
5. Bruce McCloskey will take the revised draft nonnative fish management policy version to the Colorado Wildlife Commission for acceptance. He will make this an action item for the January 8-9 Commission meeting in Denver (likely will be slotted for Friday morning, January 9).
6. Angela Kantola will post the Colorado Wildlife Commission agenda to the listserver when it is posted to the Commission's website on Friday, December 19.
7. Sherm Hoskins will reconfirm the nonnative fish management policy with Utah's Division of Wildlife and also their Wildlife Board, if necessary.
8. The Biology Committee will provide specific recommendations on northern pike and smallmouth bass in the Yampa River. Bob Muth will try to schedule a Biology Committee conference call by next Tuesday. If the BC has a consensus position, that will be posted to the MC for their approval via e-mail.
9. Bob McCue will push for a Yampa PBO based on a recommendation for management of northern pike and smallmouth bass in the Yampa River from the Biology Committee and approved by the Management Committee.
10. Brent Uilenberg and Angela Kantola will provide a recommendation for a repayment schedule for \$81,000 (Program's share of the recent cost of replacing an emergency gate at Ruedi Reservoir) to the Management Committee at their February meeting.
11. Tom Czapla will send the full report on the lower basin workshop on humpback chub population estimates to the Biology Committee.
12. Utah will arrange a meeting room February 5th in Salt Lake City, 8:00 - 3:00.

ATTACHMENT 1
Colorado River Management Committee, Denver, Colorado
December 18, 2003

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Randy Peterson	Bureau of Reclamation
Tom Blickensderfer	State of Colorado
Bruce McCloskey	State of Colorado
Sherm Hoskins	Utah Department Of Natural Resources
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Gary Burton	Western Area Power Administration
Bob McCue	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:

Gerry Roehm	U.S. Fish and Wildlife Service
Pat Nelson	U.S. Fish and Wildlife Service
Tom Czapl	U.S. Fish and Wildlife Service
Debbie Felker	U.S. Fish and Wildlife Service
Amie Hart	U.S. Fish and Wildlife Service
Angela Kantola	U.S. Fish and Wildlife Service

Others:

Rebecca Kramer	National Fish and Wildlife Foundation
Ray Tenney	Colorado River Water Conservation District
Dan Birch	Colorado River Water Conservation District
Dan Luecke	Western Resource Advocates
Robert King	Utah Division of Water Resources
Gene Shawcroft	Central Utah Water Conservancy District
George Smith	U.S. Fish and Wildlife Service
Tom Nesler	Colorado Division of Wildlife
Frank Pfeifer	U.S. Fish and Wildlife Service
Melissa Trammell	National Park Service
Lee Leavenworth	Colorado River Water Conservation District
Brian Person	Bureau of Reclamation