

## Post-2023 Scoping/Planning Meeting Agenda

February 7, 2018 1-4 pm MST

### *Joint meeting of*

*Upper Colorado River Endangered Fish Recovery Program's Management Committee &  
San Juan Basin Recovery Implementation Program's Coordination Committee*

**Purpose:** To scope the next 2-3 year process by identifying all topics to be considered in the development of a post-2023 strategy; and to obtain Management Committee/Coordination Committee input and approval for the steps and timelines through which the Program partners will address those topics and reach agreement on a post-2023 Plan.

### **Participants:**

Upper Colorado River Recovery Program Management Committee: Steve Wolff (State of Wyoming, chair), Todd Adams & Chris Keleher (State of Utah), Ryan Christianson (Bureau of Reclamation), Shane Capron (Western Area Power Administration), Patrick McCarthy (The Nature Conservancy), Marj Nelson (Fish and Wildlife Service), Tom Pitts (Water Consult), Melissa Trammell (National Park Service), Leslie James (Colorado River Energy Distributors Association), Michelle Garrison (State of Colorado)

San Juan Basin Recovery Program Coordination Committee: Tom Sinclair (Fish and Wildlife Service, chair), Cathy Condon (Southern Ute Indian Tribe), Roland Becenti (Bureau of Indian Affairs), Dale Ryden (Fish and Wildlife Service), Rolf Schmidt-Peterson (State of New Mexico), Stanley Pollack (Navajo Nation), Tom Pitts (Water Consult), Patrick McCarthy (The Nature Conservancy), Ryan Christianson (Bureau of Reclamation), Michelle Garrison (State of Colorado)

Recovery Program staff: Tom Chart, Don Anderson, Julie Stahli, Kevin McAbee (Upper Colorado River Recovery Program); Sharon Whitmore, Melissa Mata, Scott Durst, Nate Franssen, Eliza Gilbert (San Juan Basin Recovery Program)

Interested Parties: Ed Warner, Mark McKinstry, Dave Speas (Bureau of Reclamation), Amy Moyer, Carlee Brown (State of Colorado), Peter Fleming (Colorado River District), Kirsta Scherff-Norris (Colorado Springs Utilities), Bill Miller (Southern Ute Indian Tribe), Dave Campbell, Jason Davis (Fish and Wildlife Service)

- Introductions and Welcome
  - Tom Chart and Sharon Whitmore thanked everyone for attending and stressed the importance of these conversations for all stakeholders of both Programs.
- Update on status of funding legislation
  - Tom Pitts stated that through much collaboration of stakeholders, bills have been introduced in both the House of Representatives and the Senate. The House bill was introduced by Rep. Curtis (UT). Subcommittee testimony occurred in December. The House bill is now awaiting action on the House floor. The Senate bill has been introduced Sen. Gardner (CO) and is awaiting subcommittee testimony.

- Overview of the need for Report to Congress from the funding legislation
  - As a refresher concerning the purpose of this and future meetings, please see the language below regarding the FY 2021 report by the Secretary the Interior that is included in the current amendments to the annual funding legislation being considered by Congress.
    - a) Section 3 of Public Law 106-392 (114 Stat. 1602) is further amended to add the following subsection: *“(j) No later than the end of fiscal year 2021, the Secretary shall submit a report to the appropriate Committees of the United States Senate and the House of Representatives. The report shall include a description of the accomplishments of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; the listing status of the Colorado pikeminnow, humpback chub, razorback sucker, and bonytail under the Endangered Species Act; the projected listing status of each of these fish species as of the end of fiscal year 2023; total expenditures and expenditures by categories of activities by the programs through fiscal year 2021 and projected expenditures through 2023, including expenditures of appropriated funds, power revenues, and contributions by the states, power customers, tribes, water users, environmental organizations and other sources of funds; identification of activities by the programs beyond 2023, and the projected cost of post-2023 activities. The Secretary shall confer with the participants in the recovery programs in compiling the report.”*
  - A report to Congress in spring of 2021 will require review from Executive Branch Departments likely in fall of 2020, and other stakeholders prior. This timeline doesn't provide a lot of time for report completion, so haste is important.
  - Reaching stakeholder consensus within the report to Congress, especially concerning actions after 2023, is the most important aspect of this process. Consensus will allow for support from elected officials and others.
- Scoping of key topics and associated issues for Post-2023 planning (see attachment)
  - The participants modified the attached list of scoping topics that will need to be considered and addressed prior to the report to Congress.
    1. Defining Recovery
      - completing Recovery Plans is a high priority to guide this process;
    2. Re-defining the Program(s)
      - Many options are available and all should be considered
    3. Identification of Activities
      - Technical teams describe actions and implementation, but not ESA compliance
    4. Legal / Environmental Compliance
    5. Funding
    6. Cooperative Agreement

- Suggested Timelines for Post-2023 planning
  - The general timeline (Figure 2) in the attachment describes a process in which:
    - a) SSAs and 5 year reviews are completed by the Fish and Wildlife Service prior to developing Recovery Plans;
    - b) Alternative Program structures are debated and a preferred Program structure is described prior to requesting the specific activities necessary for compliance from technical committees;
    - c) After specific activities are proposed, final recommendations for Program structure are recommended;
    - d) As specific activities and Program structure are debated, environmental and legal compliance actions are planned and completed;
    - e) Necessary funding amounts and sources are not debated until clarity on Program activities and structure are provided; and
    - f) A new cooperative agreement is completed based on the decisions of the previous topics.
  
- Discussion and Next Steps
  - The next step in the process is to begin to consider what alternatives are possible after 2023. It is important to get guidance from the Fish and Wildlife Service about which alternatives are acceptable and which alternatives have proven successful in other instances. This includes a list of pros and cons for various alternatives that can be considered by the committees.
    - a) A 'Possible Post-2023 Structure' group was established to work with the Fish and Wildlife Service to initially investigate topics 2.a and 2.b.
      1. Marj Nelson will present the Fish and Wildlife Service perspective. Tom Pitts, Michelle Garrison, Shane Capron, and Steve Wolff volunteered to initially consider ideas. The Recovery Program staff will assist with as needed.
      2. Others wishing to participate should contact Tom Chart or Sharon Whitmore.
  - The group discussed the importance for strong leadership during the Post-2023 Program(s) structure conversation and technical input process. Ensuring all stakeholders are involved and decisions are made on-time will require a strong central presence.
    - a) Tom Pitts was nominated and is willing to lead this effort in an oversight role.
  - Next meeting is scheduled for April 26th at 1pm - Fairfield Inn near DIA<sup>1</sup>, and as a webinar. Important agenda items and topics of discussion include:
    - a) Tom Pitts will provide a history of the negotiations and processes that led to the establishment of the two Programs (first agenda item);
    - b) Marj Nelson will present USFWS perspectives on recovery and alternative approaches to recovery / conservation planning, particularly in the context of these long-term collaborative programs. This will support

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<sup>1</sup> This will constitute the first part of the Upper Colorado River Recovery Program's Management Committee meeting, which will continue on April 27<sup>th</sup>.

development of post-2023 Structure. These topics will have been considered by the 'Possible Post-2023 Structure' group described above prior to this meeting.

1. The participants of today's meeting requested a written submission prior to the meeting so they may be prepared to ask substantive questions.
- c) Tom Chart will provide updates on SSAs, 5-year reviews, and recovery plans.
- d) Recovery Program staff will present ideas for managing the roles, structures, involvement, and timeline for technical input into specific activities necessary after 2023.

## **Post-2023 Planning Session**

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### **Key Topics to Address by 2021**

1. Defining Recovery (led by FWS)
  - a. What is recovery? Defining recovery in the Upper Colorado and San Juan basins.
    - i. Develop new recovery plans for humpback chub, Colorado pikeminnow, and razorback sucker by 2021. Bonytail actions TBD.
      1. Important considerations include necessary levels of population redundancy, role of stocked fish, role of Lake Powell, monitoring plan, etc.
    - ii. Ensure consistency of revised species recovery plans with Program(s) structure (topic 2) and the activities implemented after 2023 (topic 3).
2. Re-defining the Program(s)
  - a. Understand the suite of acceptable alternatives (discussed by a sub-group with heavy FWS guidance).
    - i. Determine which structures will work and which will not;
    - ii. Define pros and cons for each alternative; and
    - iii. ESA compliance mechanisms for each (FWS lead)
    - iv. Examples of alternatives.
  - b. Define the institutional format for the Program(s) beyond 2023. Some options include:
    - i. Continuation of the Recovery Programs (status quo)
    - ii. Other Recovery Programs with different goals (e.g. Platte River Recovery Program)
    - iii. Multi-party conservation agreements (e.g. Grizzly bear, least chub, 3 species range-wide, Cutthroat Trout)
    - iv. Adaptive Management Programs created through legislation (e.g. GCDAMP)
    - v. Conservation Programs (e.g. Lower Basin MSCP)
    - vi. Stakeholder Long Term Plans (e.g. sage grouse)
    - vii. Habitat Conservation Plans (e.g. desert tortoise)
    - viii. Other arrangements as suggested by the group
  - c. Establish governance of and participation in activities once the framework is established.
    - i. Administrative structure for continuing activities in the two river basins

1. One organization or two?
2. Governance by agency vs. third party
3. Identification of activities occurring on a long-term basis to benefit/maintain the species
  - a. Identify actions that must occur independent of species status to maintain/benefit the species (baseline)
    - i. Perpetual Operation, Maintenance & Repair commitments for Capital Projects and the challenge of always including these items in future federal budgets.
    - ii. RIPRAP and Long Range Plan
    - iii. Definition of the cost of those activities (topic 5).
4. Legal / Environmental Compliance
  - a. Discuss projected status of the species in 2023.
    - i. Review species protections under PBOs, etc if species are not ESA protected
  - b. Establish needed environmental compliance (NEPA, etc.).
  - c. Determine legal mechanisms to provide ESA compliance for water projects in the basin
    - i. Remain faithful to state and tribal authority under existing water laws
5. Funding
  - a. Renegotiation of funding commitments and sources of funding for the recovery program(s).
    - i. Timeline for new funding legislation
6. Craft a new Cooperative Agreement.

Figure 1: General topics in relation to each other.

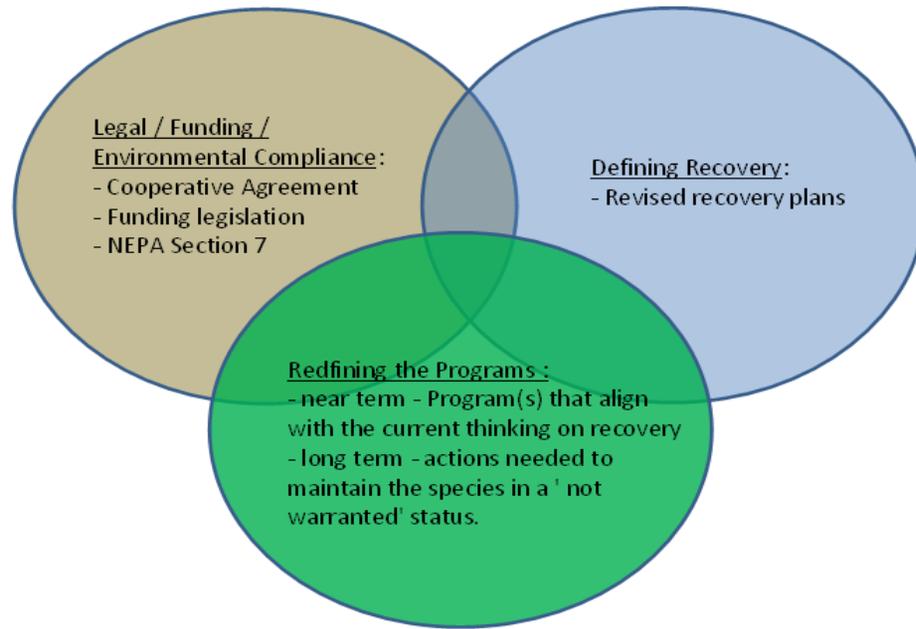


Figure 2: Suggested Timeline

Topic	2018												2019												2020												2021			
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
#1	SSAs / 5 year Reviews (USFWS)												Develop Recovery Plans (Recovery Teams)																											
#2	Explore options for alternative structures of governance. Identify a preferred institutional framework/approach. Develop framework to guide activities discussion.																								Incorporate feedback from activity assessment and make final recommendations.															
#3													Describe specific activities necessary to remain compliant. (Technical teams)																											
#4													Discuss and resolve legal and environmental compliance issues																											
#5																									Determine necessary funding and sources.															
#6																																					Create a new Cooperative Agreement			