

Colorado River Recovery Implementation Committee
August 30, 1988, Meeting
- Minutes -

Attendees: (See Attachment 1)

Agenda: (See Attachment 2)

Major Topics Discussed/Decided:

1. The February 23, 1988, meeting minutes were approved as written.
2. Implementation Committee Participation/Recovery Program Administration:
 - a. Supporting resolutions from the water community: Supporting resolutions have been received from the Utah Water Resources Association and the Wyoming Water Development Association, nominating Tom Pitts as their representative.
 - b. Supporting resolution from environmental groups: The supporting resolution from major environmental groups, nominating Carse Pustmueller as their representative, is being circulated for signature. The resolution supports program implementation, but states concern that the program's Section 7 consultation provisions should not be implemented prematurely. Committee members accepted Carse Pustmueller as the environmental groups' representative, with the understanding that the supporting resolution be received before the next Committee meeting.
 - c. Secretary liaison: Ralph Morgenweck (Assistant Director, Fish and Wildlife Enhancement, Fish and Wildlife Service, Washington, D.C.) was introduced as the Secretarial liaison.
 - d. Technical and Management Group activities:
 - Jim Bennett, Chairman, Technical Group, summarized the group's activities, including the process used to rank the FY-89 work proposals.
 - John Hamill, Chairman, Management Group, summarized the group's activities. Activities of the group are reflected by topics contained on the Implementation Committee's agenda. Appreciation was shown to The Nature Conservancy for arranging the Yampa River raft trip.
3. Summary/Update of Major Recovery Activities:
 - a. Extension of Flaming Gorge biological opinion: Drought conditions have caused Flaming Gorge releases to be cut back considerably. This will delay research efforts and completion of the Flaming Gorge draft biological opinion, perhaps until August/September 1989. The Fish and

Wildlife Service (Service) and Bureau of Reclamation (Reclamation) will meet on September 6, 1988, to finalize the new schedule for completion of the biological opinion. The draft opinion will be distributed to the Implementation Committee for review prior to finalization.

- b. Propagation and rearing/hatchery: A 3-year propagation/rearing plan developed by the Service was reviewed by the Technical and Management Groups, who agreed that it should be implemented as soon as possible. The Service has advertised for a biologist to implement the plan, and expects to fill the position in October. By December 1988, the Service will determine if a need exists for a hatchery and, if so, the appropriate size and configuration. Feasibility studies would then be done. The State of Colorado has expressed an interest in funding the construction of a hatchery in Colorado.

- Lloyd Greiner suggested that this effort be coordinated with the proposed Central Utah Project legislation which contains provisions and funds for hatchery construction. Carse Pustmueller noted she had not seen the plan but had concerns about the use of program funding to construct a hatchery before a determination had been made as to whether hatchery-reared fish would survive and reproduce in the wild. John Hamill responded that fish needed for research purposes exceed current hatchery capacity. Chips Barry responded that hatchery construction, investigation of propagation techniques, and development of a broodstock at this time would reduce the lead time needed to implement a stocking program, if deemed necessary. John Hamill noted that these actions do not presuppose a decision to stock in the near future, and that the propagation/rearing plan specifies several decision points before a final decision would be made to build a hatchery.

- c. Status of recovery plans: Fish and Wildlife Service recovery plans for the three endangered fishes are under development. The recovery plan provides a framework for recovery of the fishes throughout their range (i.e., in the Upper and Lower Basin). The Service views the Recovery Implementation Program as a stepdown of these plans (i.e., the Recovery Program will be the primary mechanism for implementing the recovery plans in the Upper Basin). Before being finalized, the plans would be distributed for technical review and agency review.
- Technical review of the bonytail chub and humpback chub recovery plans was completed earlier this year.
 - The bonytail chub recovery plan was sent out for agency review on August 12, 1988.
 - The humpback chub recovery plan will be sent out for agency review in a few weeks.
 - The Colorado squawfish recovery plan will be sent out for technical review this fall.

Tom Pitts expressed concern that there were inconsistencies between the draft recovery plans and provisions of the Recovery Implementation Program. John Hamill indicated that the Service will attempt to resolve these inconsistencies before finalizing the plans.

Note: The Endangered Species Act, expected to be reauthorized soon, contains a new provision requiring public review of recovery plans.

4. Budget and Work Plan for Colorado River Fishes: Hamill provided an overview of a draft work plan developed by the Technical and Management Groups which summarized the background of the work plan, the work plan development process, the FY-89 budget and work plan, and recommendations for implementing work plan. Recommendations included in the draft work plan were accepted (i.e., each agency should ensure funds and staff are available to implement the work plan early in the fiscal year; each project funded under the Recovery Program should produce an annual report by January 31, of each year.) In addition, the Implementation Committee requested the following:
- a. Projects should be contracted through Reclamation to the maximum practical extent to avoid the overhead charge that the Service assesses on funds transferred from Reclamation to the Service.
 - b. The term or expected completion date of each project should be specified in the work plan.
 - c. In the future, the total cost of each project itemized by year should be identified in the work plan.
 - d. The Technical Group should develop guidance that describes program thrusts/areas of emphasis for the FY-90 work program. The guidance should include a clear definition of project objectives and needed final products. The guidance should be included in the Technical Group's FY-90 request for proposals and also used in the annual evaluation of each funded activity.
 - e. The Technical Group should develop an annual summary report that discusses each project's status, accomplishments, and shortcomings in relation to its objectives.
 - f. Items 4.b-e above should be completed and provided to the Implementation Committee in advance of its next meeting (February 21, 1989).
 - g. In the future, the draft work plan should be distributed to Implementation Committee members at least 2-weeks in advance of their meeting.
 - h. Colorado expressed concern that \$35,000 would be inadequate for the Information and Education project (project 26). Similarly, John Hamill indicated that \$50,000 may be inadequate to develop the Yampa River flow recommendations (project 8). The Implementation Committee authorized the Management Group to make adjustments to the funding levels for each project, if necessary. However, the Implementation Committee indicated that they should be consulted if significant changes to the work plan occur, i.e., if projects are added to or deleted from the work plan or if significant changes to cost estimates occur. The Management Group should surface major changes to their respective Committee members.

- i. The Implementation Committee approved the FY-89 work plan and budget, as written, except contingency project C1 (additional San Juan River studies) was deleted. Carse Pustmueller offered qualified support for propagation activities, depending upon future research results.
 - j. John Hamill will finalize the FY-89 work plan and budget and distribute it to the Implementation Committee, Management Group, Technical Group, and interested parties.
5. San Juan River Plan: The recommendations contained in the San Juan Issues and Strategy Paper (Attachment 3) were accepted. The Implementation Committee did not feel that it was appropriate to approve funding for additional San Juan studies (contingency project C1) at this time. The Service and Reclamation will meet with appropriate State officials to assess New Mexico's interest in participating in the Recovery Implementation Program.
6. Use of Recovery Program funds for Humpback Chub Studies in the Grand Canyon: Western Area Power Administration (Western) and Reclamation indicated that they believed that it was appropriate to use Recovery Implementation Program funds for humpback chub studies in the Grand Canyon because: (a) Glen Canyon Dam is an Upper Basin facility, (b) power users will question the use of additional Colorado River Storage Project (CRSP) funds toward humpback chub studies in the Grand Canyon when \$1.5 million of CRSP funds was already being applied toward rare and endangered fish studies in the Upper Basin, and (c) the Grand Canyon population of humpback chub is integral to recovery of the species. The Service, Tom Pitts, and Carse Pustmueller did not agree that the Grand Canyon population of humpback chub was part of the intended scope of the Recovery Implementation Program. The State of Colorado indicated that they may support Western's and Reclamation's proposal if a connection was shown between these studies and recovery of the fish in the Upper Basin. The State of Utah indicated they would support the proposal. The State of Wyoming indicated that the Cooperative Agreement and Plan would have to be formally amended before the Grand Canyon studies could be incorporated into the Recovery Implementation Program. John Hamill indicated that there should be coordination with the State of Arizona before a final decision was made. No agreement was reached on the issue. The Implementation Committee did agree to revisit the issue when the FY-90 budget is under consideration. Western will send a letter to the Implementation Committee to reiterate their position.
7. Instream flow determinations and water rights acquisition:
- a. John Hamill summarized the status of the draft instream flow reports for the Yampa River and the 15-mile reach.
 - (1) The Yampa River report will be finalized in two phases: Phase I will include the summary of biological data on the Yampa River and is scheduled for completion in November 1988; Phase II will provide quantitative flow recommendations. A draft work plan is being developed for Phase II activities and will be submitted for

review by the Technical and Management Groups prior to being sent to the Implementation Committee for formal concurrence. Currently, the schedule for completing the Phase II report is February 1989.

- (2) The 15-mile reach report is currently being revised based on comments from the Technical Group and is scheduled for completion in December 1988.
 - (3) John Hamill indicated there had been considerable debate and comment over both the Yampa River and 15-mile reach reports and that obtaining consensus on flow recommendations will be difficult to achieve.
- b. Chips Barry reported that discussions regarding the possible acquisition of Juniper-Cross Mountain water rights are occurring with the City of Craig, Moffat County, and the Colorado River Water Conservation District. He was optimistic that a deal could be worked out. In addition, the Colorado River Water Conservation District is preparing a prospectus on some large conditional water rights on the Little Snake River that it may make available for acquisition under the Recovery Implementation Program.
- c. The Colorado Water Conservation Board is evaluating various options for delivery of Ruedi Reservoir releases to the 15-mile reach. A report on the evaluation would be available for discussion at the next Management Group meeting (October 12, 1988).
8. Fish and Wildlife Foundation: John Hamill reported that efforts by the Service to transfer congressionally appropriated water rights acquisition funds and Section 7 contributed funds to the Fish and Wildlife Foundation have been unsuccessful. Galen Buterbaugh requested additional time to pursue the issue. If his efforts are unsuccessful, the Implementation Committee should then consider sending a letter to the Service's Director for resolution. Laurie Mathews suggested that future water rights funding from Congress be earmarked for the Foundation. The Implementation Committee agreed to defer any specific action on this topic until the next meeting.
9. Uintah Mountain Club lawsuit--status: The lawsuit requests a declaration from the court that the Recovery Program is a major Federal action requiring an EIS. Although the complaint is titled "Complaint for Declaratory and Injunctive Relief," the plaintiff did not request injunctive relief in the "Request for Relief." The lawsuit appears to imply the program will promote significant growth and development in the Upper Basin. The Department of Justice plans to file a motion to dismiss by September 6. If the court rules against the motion, the possibility of State participation in the suit will be discussed. John Hamill will keep Committee members informed.
10. Section 7 Consultations: John Hamill provided an overview of the standard language that the Service will use in biological opinions addressing the impacts of depletion projects on the Colorado River fishes in the Upper

Basin. The Service indicated that the language would be finalized after incorporating comments received from the Management Group on August 19, 1988. The final language will be used in biological opinions in the Upper Basin until serious flaws in the approach are identified. No objections were raised by the Implementation Committee concerning the Service's approach. The Service agreed to inform Committee members in a timely fashion of any projects where re-initiation of Section 7 consultation is required. A summary of recent/ongoing consultations was provided (Attachment 4).

11. Other Issues/Discussion Items:

- a. The Wyoming Legislature required that a public meeting be held on the Recovery Implementation Program to inform and allow the opportunity for input from the public as a condition of the appropriation of funds for contribution by the State of Wyoming to the Recovery Implementation Program. The meeting will likely be held this fall in Rock Springs, Wyoming. Service assistance would be appreciated.
- b. The Colorado General Assembly has directed the Colorado Department of Natural Resources to hold a public hearing on the Recovery Implementation Program. Accordingly, on Thursday, October 20, 1988, the Colorado Department of Natural Resources with assistance from the Service will host public hearings in both Rangely and Meeker, Colorado. The meeting will be at 1 p.m in the courtroom of the Municipal Building in Rangely and at 7:30 p.m. at Fairfield Complex in Meeker.

12. Next Meeting: The Implementation Committee will meet on February 21, 1989, in the third floor conference room of the Service's Denver Regional Office, from 8:30 a.m. to 3 p.m.

Attachment 1

Colorado River Recovery Implementation Committee
August 30, 1988
- Attendees -

Recovery Implementation Committee:

Galen Buterbaugh, Regional Director, Fish and Wildlife Service, Denver
Clifford Barrett, Regional Director, Bureau of Reclamation, Salt Lake City
Lloyd Greiner, Area Manager, Western Area Power Administration, Salt Lake City
H.J. (Chips) Barry, Executive Director, Colorado Department of Natural Resources
Dee Hansen, Executive Director, Utah Department of Natural Resources
Jeff Fassett, State Engineer, Wyoming
Carse Pustmueller, Representative, Environmental Groups
Tom Pitts, Representative, Water Developers
Ralph Morgenweck, Assistant Director, Fish and Wildlife Enhancement, Fish and Wildlife Service, Washington, D.C. (Secretarial Liaison)
John Hamill, Colorado River Fishes Recovery Coordinator, Fish and Wildlife Service, Denver (Program Director)

Others:

Reed Harris, Bureau of Reclamation, Salt Lake City
Laurie Mathews, Colorado Department of Natural Resources, Denver
Larry Shanks, Fish and Wildlife Service, Denver
Barry Saunders, Utah Department of Natural Resources, Salt Lake City
John Shields, Wyoming State Engineer's Office, Cheyenne
Bob Weaver, Resource Associates, Inc., Denver
Jim Bennett, Colorado Division of Wildlife, Denver
Alan Mauzy, Wyoming Water Development Commission, Cheyenne
Margot Zallen, Regional Solicitor's Office, Department of the Interior, Denver
Robert Wigington, The Nature Conservancy, Boulder
Gene Jencsok, Colorado Water Conservation Board, Denver
Jim Young, Fish and Wildlife Service, Albuquerque
Patrick Nelson, Fish and Wildlife Service, Denver
Nancy Chu, Fish and Wildlife Service, Denver

Attachment 2

Agenda
Colorado River Implementation Committee Meeting
August 30, 1988

Convene--8:30 a.m.

1. Implementation Committee Participation/Recovery Program Administration
 - o supporting resolutions from the water community
 - o supporting resolution from environmental groups
 - o Secretary liaison
 - o Technical and Management Group activities
2. Budget and work plan for Colorado River fishes
 - o approval of FY-89 work plan
 - overview of work activities
 - status of funding for FY-89 by agency/participant
 - o staff implications
 - o roles of participants in implementation of FY-89 work plan
 - o FY-90 needs
3. Summary/update of major recovery activities
 - o Extension of Flaming Gorge biological opinion
 - o Propagation and rearing/hatchery
 - o status of Recovery Plans
4. San Juan River Plan
5. Use of Recovery Program funds for humpback chub studies in the Grand Canyon
6. Instream flow determinations and water rights acquisition
 - o Yampa River
 - o 15-mile reach
 - o Ruedi/Green Mountain releases
7. Fish and Wildlife Foundation
 - o status of cooperative agreement for Colorado River funds
 - o status of \$1M water rights funds
8. Uintah Mountain Club law suit--status
9. Section 7 Consultations
 - o language for use in Biological Opinions
 - o summary of opinions issued and pending
10. Next Meeting

Adjourn--3:00 p.m.

Attachment 3

San Juan River Issues and Strategy August 30, 1988

1. Recovery Potential and Value
 - the San Juan is one of three remaining natural Colorado squawfish populations.
 - the San Juan River provides additional protection against the possible extinction of the Colorado squawfish and razorback sucker; i.e., it reduces the total dependency on the Colorado or Green Rivers for recovery.
 - 6 adult fish and 20 young-of-year fish were captured during 1987.
 - so far in 1988, three adult Colorado squawfish and one ripe razorback sucker have been captured in the San Juan in Utah and New Mexico.
 - results of the 1987 and 1988 field studies indicate that adult Colorado squawfish and razorback sucker are present in low numbers, and reproduction is occurring.
 - there is no ready explanation for the low population numbers in the San Juan; however, the San Juan has been abused in the past (dewatering, poisoning), and these activities may have depressed the population.
 - 200 miles of unobstructed riverine habitat is available.
 - exotic/predatory fish abundance appears similar to Upper Basin rivers.
 - water quality appears suitable.
 - based on observations in 1987, the San Juan has suitable physical habitat for spawning, recruitment, and adult fish; however, 1987 was an abnormally high water year, and there is uncertainty regarding the adequacy of flow and habitat conditions in the future (i.e., the river may go dry).
 - recovery could involve a potentially costly reintroduction and monitoring effort and refinement of the operation of Navajo dam to meet the flow needs of the rare fishes.
 - there is uncertainty about how much operational flexibility exists at Navajo.
2. Section 7
 - several small depletion projects will probably come to the Service for Section 7 consultation in the near future.
 - "big" projects subject to Section 7 consultation include Animas-LaPlata, which proposes to deplete 198,000 AF, or 13 percent of the average annual flow and possible water sales from Navajo Reservoir.
3. Related Information
 - the San Juan River has been excluded from the Recovery Program because:
 - (a) in the past, the recovery potential of the San Juan River has been considered low, and
 - (b) New Mexico has been reluctant to participate in the Recovery Program process.
 - New Mexico has no instream flow legislation or program.
 - no funds are presently identified to support a San Juan recovery effort.
 - a costly recovery effort on the San Juan would probably dilute the recovery effort on the Colorado and Green Rivers.

- the Colorado River Fishes Recovery Team recommended in a September 13, 1985, letter to the Service "that the San Juan River be considered an integral part of the upper Colorado River basin in its recovery efforts" and "that the Service encourage participation by the State of New Mexico and other appropriate entities so that the San Juan can be more fully incorporated into the Recovery Plans, and subsequently, in Implementation Plans."

4. Recommended Strategy for FY-89

A. Recovery:

1. Complete the initial evaluation of the recovery potential of the San Juan River in FY-89, at a cost not to exceed \$50,000.
 - o complete field studies to determine the abundance and distribution of rare fishes in the San Juan in Utah and New Mexico, assess habitat potential, and identify possible limiting factors (New Mexico and Utah lead; final report due January 31, 1989).
 - o assess the present and future hydrology of the San Juan River; i.e., model the "environmental baseline" for the San Juan River and determine how much operational flexibility and uncommitted water remains in Navajo Reservoir (BR lead; final report due January 31, 1989).
 - o develop a draft recovery/management plan for the San Juan River by March 1, 1989 (FWS/BR).
2. Use of Recovery Program funds in the future would be evaluated on a case-by-case basis by the Implementation Committee.

B. Section 7:

Implement a depletion charge on small projects that come to the Service for consultation, using a depletion formula developed specifically for the San Juan River. Evaluate large depletion projects on a case-by-case basis.

Attachment 4

August 29, 1988

Section 7 Consultations Involving Water Depletions
in the Upper Colorado River Drainage

| Federal Agency | Project | Location | Initiation | Due Date | Depletion | Fund @ \$10/ Ac.Ft. | Opinion Finalized |
|----------------|----------------------------------|----------|---------------|----------|------------------|------------------------|-------------------|
| OSM | Black Butte Mine | WY | 2/5/88 | 5/5/88 | 72 | \$720 | 4/18/88 |
| OSM | Colowyo Coal Company | CO | 1/11/88 | 4/9/88 | 127 | \$1,270 | 4/18/88 |
| BLM | Rock Creek | UT | 1/4/88 | 4/2/88 | 120 | \$1,200 | |
| BR | Church & Dwight Company, Inc. | WY | 12/14/87 | 3/14/88 | 1,250 | Exempt | 4/19/88 |
| OSM | King Mine | CO | 2/18/88 | 5/18/88 | 0.7 | \$7 | |
| COE | Sandstone | WY | 7/19/88 | 10/17/88 | 13,394 30,600 | \$133,940 \$306,000 | |
| FS | Rock Ck/Muddy Ck | CO | Not Initiated | | 15,000 | \$150,000 | |
| OSM | Trapper Mine | CO | 3/25/88 | 7/1/88 | 122.8 | \$1,228 | 4/18/88 |