

Colorado River Recovery Implementation Committee  
August 25, 1992 Meeting  
- Summary -

Convene: 9:30 a.m.

Attendees: (Attachment 1)

Major Topics Discussed/Decided:

1. Review/Modify Agenda: The agenda was accepted as it appears below.
2. Elect New Chair for the Implementation Committee: The Committee elected Ralph Morgenweck as the new chair.
3. Approval of Last Implementation Committee Meeting Summary: Tom Pitts suggested that the second paragraph under "Program Highlights" lacks context and should either be struck or prefaced by "in response to the statement under 'Section 7 Consultation' regarding water interests challenging the sufficient progress requirement,." Dee Hansen noted that Barry Saunders name is misspelled on page 6. The summary was accepted as corrected.
4. Program Highlights, Shortcomings, Future Plans: John Hamill reported on the status of the endangered fishes and on progress towards achieving Recovery Program goals (see Attachment 2, Program Update). Population Status--Peter Evans pointed out that the Colorado Division of Wildlife (Division) would describe the status of Colorado squawfish populations as possibly increasing in the Green River, stable in the Yampa River, and uncertain in the Colorado River. John Hamill noted that his status descriptions are general observations only, and all are subject to debate and refinement. Program Management--Peter Evans clarified that Colorado remains fully committed to the Program, although they have had to reduce some of their research activities due to personnel changes, hiring freezes, etc. Meanwhile, the Division is working to expand prelisting activities, that is, to identify and evaluate nonlisted native fishes, and to undertake activities needed to prevent their listing. Also, the Division and the Service have scheduled a retreat in September to work through some of their areas of disagreement. Habitat Development and Maintenance--Regarding fish passage restoration at Redlands, Jeff Fassett asked if effects on other fishes will be evaluated. John Hamill replied that they would, and noted that the Division has concerns about passage allowing channel catfish access to the Gunnison. Peter Evans noted that the Division also is interested in opportunities such as experimental augmentation in the Gunnison, possibly before passage is restored. Stocking Native Fishes--John Hamill said the coordinated propagation facilities plan still is in development, and that a comprehensive basin-wide plan needs to be completed quickly. Leo Lentsch explained that the Biology Committee has held several discussions on this topic, and has set a meeting for September 1, 1992, to address specifics that need to be in the plan (the current draft is fairly general). Leo's goal is to have a functional plan in place by December. Nonnative Fishes and Sportfishing-

-Tom Pitts said that while the water users appreciate the sensitivity of nonnative fish issues with the States, they feel the impacts of nonnatives and the need to curtail stocking have been soft-pedaled in the past. The water users would like to see more affirmative and aggressive approach to these problems resulting from the retreat between the Service and the Division.

5. Section 7 Consultation:

- a. Biological Opinion Update (Attachment 3)--John Hamill distributed an updated list of Section 7 consultations and noted that the Service has consulted on 69 projects totaling 165,531 af in potential depletions since 1988.
- b. Flaming Gorge Biological Opinion--Rick Gold explained that the Northern Utes have raised an issue regarding what portions of the environmental baseline are Indian versus non-Indian water uses, and that Reclamation has been working with them to resolve this. John Hamill said the Service received numerous comments on the draft opinion, and believes it can accommodate most of them. Utah's comments expressed concerns about the flow protection language, and the Service has revised that to provide a stronger connection between that protection and the Recovery Program. In response to questions regarding flow recommendations at Jensen (raised by the Colorado River Water Conservation District), the Service will note that the intent is not to preclude future water development or prejudice future biological opinions. The flow recommendations were made at Jensen because that is where the fish are found, and the opinion is written to say what fish need, not to tell Reclamation how to operate Flaming Gorge. Rick Gold noted that Reclamation also suggested that the 5-year follow-up research consider what flows are needed above the mouth of the Yampa River in order to meet the fish needs at Jensen. Dan Luecke said the environmental groups' comments included: 1) flow recommendations for the winter period appeared to be based on what is needed to set up for the rest of the year, rather than the real biological needs in that season; and 2) the opinion calls for flows that appear to assume synchronized peak flows in the Green and Yampa Rivers, even though they did not peak at the same time historically. Clayton Palmer noted that Western Area Power Administration would like to meet with the Service to further discuss the comments they submitted.
- c. Sufficient Progress and Historic Projects--Peter Evans outlined the background of this issue, explaining that it originated with concerns about Service consultations on historic projects and Service requirements for "sufficient progress." The Management Committee realized that resolving the sufficient progress issue also would resolve concerns about historic projects, and has held numerous meetings to discuss the issues over the past year. A list of "recovery milestones" identifying activities that need to be given priority to assure the Recovery Program is making sufficient progress has resulted (Attachment 4). The next step is to develop

an agreement on the resolution of these issues. A draft framework has been developed (Attachment 5), but is not yet ready for Implementation Committee action. The Management Committee hopes to have the Biology Committee add concrete deadlines and details to the milestones within the next 3-5 months, and hopes to have an understanding regarding the milestones and the necessary commitments to meet them outlined for the Implementation Committee in January. The Biology Committee will meet at the end of September to consider the milestones and determine if they are the highest priority activities needed to achieve what the biologists believe will indicate recovery (i.e., self-sustaining populations). The Biology Committee also will review the milestones for consistency with the interim management objectives (IMOs). Bill Davis asked about the relationship between the long range plan, IMOs, and recovery milestones. Peter replied that he envisioned the recovery milestones replacing the long range plan to a large extent as the principle tool for selecting and approving recovery activities. IMOs describe what recovery will look like when we get there, and the milestones are the steps to most efficiently achieve those objectives. John Hamill noted that the cost of achieving the milestones will likely be about \$100M, and that much rides on their implementation. Program participants will have to follow through on the difficult task of getting those kinds of funds. Tom Pitts agreed that the milestones need to be taken very seriously, and said that he sees them driving the Recovery Program budget process beginning in FY 94. Therefore, it is very important that the technical committees concur with their content. Peter explained that although the milestones are an "informational item" for the Implementation Committee at this point, the Management Committee was looking to the Implementation Committee to indicate if they are on track, or if any mid-course correction is needed. In response, Dan Luecke noted that the agreement framework (Attachment 5) will not be useful until the milestones have been further developed. Peter Evans agreed the milestones need more work, and suggested that the next forum for input will be at the technical committee level. Jeff Fassett endorsed the Management Committee having something for Implementation Committee action by January. John Hamill emphasized that the key now is to avoid getting mired in the philosophical and legal issues, and to get on with making positive things happen for the fish.

6. Interim Recovery (Management) Objectives (IMOs): Leo Lentsch said the Biology Committee has reviewed the draft "interim recovery objectives" developed by Colorado in an attempt to provide a biological picture of what the fish populations should look like at recovery, and agreed they are a valuable tool which should be expanded throughout the upper basin. The Biology Committee is committed to produce expanded and revised IMOs that can be used in determining research priorities, etc. They will meet at the end of September to discuss recovery milestones and IMOs and the relationship between the two. In FY 93, the Biology Committee will:  
1) review the biological parameters used in the IMOs and determine if they are the most appropriate ones and how they should be used; and 2)

determine specific data analysis needed to expand the IMOs. They then can develop cost estimates for completing the IMOs. The Implementation Committee approved the Biology Committee's proposal for developing expanded IMOs and requested that it be included as a line item in the FY 93 Work Plan (using the scope-of-work developed after the Biology Committee's September meeting).

Lunch: 11:35 a.m. - 1 p.m.

7. FY 93 Work Plan Approval:

- a. Work Plan Overview--John Hamill summarized highlights of the draft FY 93 work plan (Attachment 6), which contains 31 projects totalling just over \$3.04M. The plan reflects the combined efforts of the Management and technical committees over the past several months. Suggested recommendations to be included are:
1. Costs for the Flaming Gorge and Aspinall "umbrella" studies should be contained, and not continue to increase beyond inflation each year.
  2. The Biology Committee should carefully consider their timeframe and possible need for funding for developing completed "Interim Management Objectives."
  3. Acquiring additional funds for hatchery/refugia operation and maintenance must be made a very high priority, as the annual Recovery Program budget was never intended to support this activity, and the cost is increasing significantly each year. Members of the Recovery Program will work with Congress to obtain funds necessary to operate and maintain existing facilities.
  4. Section 7 funds should be used to initiate work to provide fish passage at Redlands (planning, design, and NEPA compliance).
  5. The Management Committee should evaluate and prioritize recovery activities proposed by Reclamation and provide recommendations to the Implementation Committee in January 1993 for: 1) using existing Congressionally appropriated funds to initiate work on those activities; and 2) securing funds for implementing high priority projects.
  6. The Management and Biology committees should develop a plan for providing facilities needed to implement the Recovery Program's Propagation and Genetics Management Plan by January 1993. The facility plan also should address the disposition of surplus hatchery fish.
- b. Committee Discussion--Peter Evans said Colorado's only concern is the lack of a facilities plan and the cost of facility operation and maintenance. He noted that the Biology Committee did not approve

funding for operation and maintenance for Colorado's Wray facility where they are keeping 3 razorback suckers. Colorado is willing to accept the Biology Committee's decision, but believes the Program needs to determine a method to fund operation and maintenance costs which then would apply to all participants. Colorado also is concerned that the Program is moving towards expansion of existing facilities without a facilities plan, and recommends we reach consensus on an overall plan quickly. John Hamill asked Leo Lentsch if the Biology Committee would have a functional plan by January, and Leo replied that it depends on the definition of a facilities plan. The meeting scheduled for September 1 will outline fish needs and capabilities of current facilities, which will form an initial plan. Jeff Fassett asked John Hamill if he was looking for ways to cut program management costs, and John replied that he is, but that those costs are not very flexible. However, the assignment of much of these costs to program management is arbitrary, since a considerable portion of Reclamation and State work shown there is actually technical project supervision. Tom Pitts agreed, and said he thinks the program management costs are very reasonable given the many responsibilities of the Program. Peter Evans asked who should bear the cost of NEPA compliance on things like capital construction, and even reservoir reoperation, and whether the Service had faced similar situations in other work. John Hamill said the Service received \$300,000 from Congress for NEPA compliance on wolf reintroduction, and Peter suggested that perhaps the Program should try to get a package budget for NEPA compliance via an EIS on all its planned activities. Ron Johnston noted that the cost of NEPA compliance is included in the costs for each of their initiatives. John Hamill suggested that appropriate NEPA costs be factored into the costs for each milestone. The Committee approved the draft work plan and recommendations. Jeff Fassett asked John Hamill if he could produce a budget breakout by recovery element for all funds expended since the Program began, and John said he would do so.

8. Major New Initiatives: Ron Johnston outlined \$88M in Recovery Program initiatives for fish passage restoration, Yampa River instream flow protection and water development, water acquisition and development for the 15-Mile Reach, restoration of flooded bottomlands, and fish hatchery feasibility (Attachment 7). Reclamation indicated that they viewed these as Recovery Program, rather than Reclamation initiatives. Reclamation will only pursue those initiatives endorsed by the Recovery Program. Most of the proposed work would begin in FY 95 using Reclamation nonreimbursable construction funds appropriated under authorization of the Endangered Species Act. However, preparatory work needs to be conducted in FY 93 and 94 in order to begin the major work in FY 95. FY 93 work would total about \$750,000, \$250,000 of which Reclamation has recommended that the Recovery Program fund using the \$1M appropriated by Congress for water acquisition. Roughly \$3.2M will be needed for preparatory work in FY 94, which Reclamation hopes will be written into the Department budget. Reclamation wants to be sure that these initiatives are the Program's highest priority items before proceeding

further. Dan Luecke suggested the table be revised to distinguish between measures truly beneficial to the fish and those simply allowed under the Program which don't benefit the fish directly (e.g., Elkhead enlargement and Owens Creek Dam), to more clearly separate recovery from ancillary activities. Tom Pitts pointed out that several of the 15-Mile Reach initiatives came from Reclamation's report on alternative water supplies for the Reach. Bob Norman noted that the FY 93 and 94 studies are needed to gather information needed to determine whether to proceed further on projects like Owens Creek. The Implementation Committee decided to give the Management Committee their proxy to determine what initiatives to fund and how. The Water Acquisition Committee and the Biology Committee will review the initiatives and present their recommendations and priorities to the Management Committee at their September 30 meeting. The Management Committee will discuss the issues and priorities and then make a decision as to what to fund. Meanwhile, the Service will determine if the \$1M from Congress for water acquisition can be spent on the water-acquisition related initiatives. If it cannot, then Section 7 funds will be considered.

9. Recovery Program News Release Policy: John Hamill outlined the background and purpose of the proposed news release policy (Attachment 8). One objective of the Information and Education Program is to provide media with information on the Program and its activities. Concern arose earlier this year when the Service "vetoed" a news release on the implications of the fish loss at Dexter to the Recovery Program. The policy is intended to clarify how the Program will handle news releases. Tom Pitts suggested and the Committee agreed that "affected agencies" in item #6 be changed to "affected Program participants." The Committee expressed concern that item #2 implies that only the Program or the most affected participant can release Program-related information to the media. The Committee agreed Connie Young should revise item #2 to clarify that it applies only to Program news releases. Connie will send the revised policy to Ralph who will send it to Implementation Committee members, then approve the policy based on the comments he receives.

10. Critical Habitat Designation--Impacts on the Recovery Program:

Larry Shanks provided an update on Service activities to designate critical habitat for the four endangered fishes. The Service decided to designate critical habitat for all four (rather than just the razorback sucker) because relevant biological and economic information will overlap considerably. To date, the Service has identified fish status and distribution, determined the "constituent elements" of critical habitat, and is preparing weekly flow levels for 10 USGS gaging stations for a 19-year period of record. Three economists have been hired, and have consolidated 512 related economic factors into 22 to 30 key economic components for the economic analysis (which will be done on a county-by-county basis for the entire Colorado River Basin). Larry noted that critical habitat designation is being driven by court action (the Service has been sued by the Sierra Club Legal Defense Fund for failure to designate critical habitat for the razorback sucker). The Service had originally hoped to publish a draft rule by March 1993, but changed this

to September 1993 based on the complexity of the required economic analysis. However, the court will determine the due date. The Federal Advisory Committee Act constrains methods the Service may use to solicit information from outside sources, but public meetings and meetings with Program participants can and will be held after the draft rule is published.

11. Next Meeting: The next meeting will be Wednesday, January 27, 1993, from 9:30 a.m. - 4 p.m. in the Service's 3rd floor conference room in Denver.
12. Secretarial Liaison: Ralph Morgenweck noted that Region 6 sent a letter to the Washington Office requesting appointment of a new liaison. Mike Spear, who has replaced Ralph in Washington likely will be the new liaison; Ralph will confirm that within the next few weeks.

Adjourn: 3:30 p.m.

Attachment 1

Attendees  
Recovery Implementation Committee Meeting  
August 25, 1992

IMPLEMENTATION COMMITTEE MEMBERS:

- \* Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)
- \* Rick Gold<sup>1</sup>, U.S. Bureau of Reclamation
- \* Peter Evans<sup>2</sup>, Colorado Department of Natural Resources
- \* Lloyd Greiner, Western Area Power Administration
- \* Dan Luecke, Environmental Defense Fund
- \* Tom Pitts, Upper Basin Water Users
- \* Dee Hansen, Utah Department of Natural Resources
- \* Jeff Fassett, State of Wyoming
- \* Cliff Barrett, Colorado River Energy Distributor's Association (nonvoting)
- \* John Hamill, U.S. Fish and Wildlife Service (Program Director) (nonvoting)

OTHERS:

Bob Jacobsen, U.S. Fish and Wildlife Service  
Bob Green, U.S. Fish and Wildlife Service  
George Smith, U.S. Fish and Wildlife Service  
Angela Kantola, U.S. Fish and Wildlife Service  
Daryl Jennings, U.S. Fish and Wildlife Service  
Torre Anderson, U.S. Fish and Wildlife Service  
Larry Shanks, U.S. Fish and Wildlife Service  
Dale Hoffman, U.S. Fish and Wildlife Service  
Margot Zallen, Department of Interior Solicitor's Office  
Connie Young, Colorado Division of Wildlife  
Jay Skinner, Colorado Division of Wildlife  
Tom Nesler, Colorado Division of Wildlife  
Larry Harris, Colorado Division of Wildlife  
Gene Jencsok, Colorado Water Conservation Board  
Sue Uppendahl, Colorado Water Conservation Board  
Ron Johnston, U.S. Bureau of Reclamation  
Bob Norman, U.S. Bureau of Reclamation  
Randy Peterson, U.S. Bureau of Reclamation  
Steve Chaney, National Park Service  
John Shields, Wyoming State Engineer's Office  
Clayton Palmer, Western Area Power Administration  
Robert Wigington, The Nature Conservancy  
Bill Davis, Colorado River Energy Distributor's Association  
Leo Lentsch, Utah Division of Wildlife Resources

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<sup>1</sup> For Roland Robison

<sup>2</sup> For Ken Salazar



## ACTIONS AND ASSIGNMENTS

Recovery Implementation Committee Meeting  
August 25, 1992

### COMMITTEE ACTIONS:

Elected Ralph Morgenweck as the new chair of the Implementation Committee.

Approved the last Implementation Committee meeting summary as corrected.

Approved the Biology Committee's proposal for developing expanded Interim Management Objectives (IMO's).

Approved the draft FY 93 work plan and recommendations. Recommendations are:

1. Costs for the Flaming Gorge and Aspinall "umbrella" studies should be contained, and not continue to increase beyond inflation each year.
2. The Biology Committee should carefully consider their timeframe and possible need for funding for developing completed "Interim Management Objectives."
3. Acquiring additional funds for hatchery/refugia operation and maintenance must be made a very high priority, as the annual Recovery Program budget was never intended to support this activity, and the cost is increasing significantly each year. Members of the Recovery Program will work with Congress to obtain funds necessary to operate and maintain existing facilities.
4. Section 7 funds should be used to initiate work to provide fish passage at Redlands (planning, design, and NEPA compliance).
5. The Management Committee should evaluate and prioritize recovery activities proposed by Reclamation and provide recommendations to the Implementation Committee in January 1993 for: 1) using existing Congressionally appropriated funds to initiate work on those activities; and 2) securing funds for implementing high priority projects.
6. The Management and Biology Committees should develop a plan for providing facilities needed to implement the Recovery Program's Propagation and Genetics Management Plan by January 1993. The facility plan also should address the disposition of surplus hatchery fish.

Gave their proxy to the Management Committee to decide what capital projects to fund in FY 93 and how.

Agreed that Ralph Morgenweck will send the revised news release policy to Implementation Committee members, then approve the policy based on the comments he receives.

ASSIGNMENTS:

The Management Committee will work to reach an understanding regarding the recovery milestones and have the sufficient progress framework outlined for the Implementation Committee in January.

The Biology Committee's proposal for developing expanded IMO's will be included as a line item in the FY 93 Work Plan (using the scope-of-work developed after the Biology Committee's September meeting).

John Hamill will produce a budget breakout by recovery element for all funds expended since the Recovery Program began.

The Water Acquisition Committee and the Biology Committee will review the initiatives and present their recommendations and priorities to the Management Committee at their September 30 meeting. The Management Committee will discuss the issues and priorities and then make a decision as to what to fund. The Service will determine if the \$1M from Congress for water acquisition can be spent on the water-acquisition related initiatives.

Connie Young will revise the news release policy and send it to Ralph Morgenweck.

Ralph Morgenweck will find out if Mike Spear has been designated as the Recovery Program's new Secretarial liaison.