

CR/FY-02 UCRRIC  
Mail Stop 65115

Memorandum

To: Implementation Committee  
Management Committee, Consultants, and Interested Parties  
Meeting Attendees

From: Assistant Director, Upper Colorado River Recovery Implementation Program

Subject: Draft October 17, 2001, Recovery Implementation Committee Meeting Summary

Attached are the draft action and assignment summary and the general meeting summary from the recent Implementation Committee meeting. Please review these documents and contact me (ext. 221) if you think any changes are necessary.

Attachment

- Summary -

Actions and Assignments  
Recovery Implementation Committee—October 17, 2001

COMMITTEE ACTIONS:

1. Approved the March 14, 2001, meeting summary and April 23, 2001, conference call summary as written.
2. Unanimously recommended that the three governors, the Secretary of the Interior and the Administrator of WAPA extend the Recovery Program's Cooperative Agreement through September 30, 2013.
3. Scheduled the next Implementation Committee meeting for March 5, 2002, in Denver near DIA from 9:30 a.m. - 3:00 p.m.

ASSIGNMENTS:

1. The Management Committee will review the issue of expanding northern pike removal in the main channel above critical habitat and make necessary modifications to the FY 2002-2003 work plan.
2. Margot Zallen will work with John Shields to prepare a short, simple (likely one-sentence) document to be signed to extend the cooperative agreement. The Program Director's Office will prepare a draft transmittal letter for the extension of the cooperative agreement. The Service will take the lead in securing approval from Secretary of the Interior and also will find out if she would like to have a signing ceremony.
3. The Program Director's office will develop a draft fact sheet that explains the benefits and impacts of the Recovery Program.
4. As part of its discussion of the 2002 Washington, D.C. briefing trip, the Management Committee will consider the need for carry-over language in appropriations reports and how to address the FY 2005 capital projects deadline.

- Summary -  
**October 17, 2001, Implementation Committee Meeting**  
Denver, Colorado

CONVENE: 9:45 a.m.

1. Introductions and modifications to the agenda - The agenda was modified as it appears below.
2. Approve March 14, 2001, meeting summary and April 23, 2001, conference call summary - The Committee approved the summaries as written.
3. Program Director's update

Angela Kantola thanked the Bureau of Reclamation for Christine Karas' service to the Management Committee. Christine has taken a 2-year detail to Washington, D.C. Ralph Morgenweck will send a letter and plaque of appreciation to her. Leslie James thanked the Recovery Program for help with CREDA's congressional tour in August.

Angela provided updates on the overview of recent Program accomplishments, issues, and future direction (see <http://www.r6.fws.gov/crrip/doc/UPDATE15.pdf>).

Instream flow identification and protection: Chuck McAda is comparing his peak flow recommendations (Colorado/Gunnison River) for channel maintenance with those of Pitlick and Milhous. Chuck has prepared a matrix of fish flow recommendations by species and life stage. The preliminary results of these efforts have been shared with Kirk LaGory (under contract to WAPA) for his input and continued collaboration on sediment transport analyses. The Service will finalize responses to the latest minority comments and hopes to schedule a meeting before the end of November. A meeting on the Coordinated Facilities Operations is scheduled for November 13 to discuss a draft final report of the Phase II studies. The draft final Yampa River Management Plan was posted to the Program website last week and hard copies are being mailed this week. The schedule calls for a final programmatic biological opinion by June 2002.

Habitat restoration: Five razorback suckers used the Redlands fish ladder this year (one which was stocked in 1996, and four stocked this past spring). The O&M agreement for the GVIC fish screen has been signed and construction begins this year. (Thanks to Brent Uilenberg, Bob Norman and GVIC Board for all their hard work on this.) A draft report on Phase I of assessment of feasibility of warming releases from Aspinall Unit has been received. The Biology Committee will discuss moving ahead with Phase II of assessment during its October 23 conference call. At the request of the Biology Committee, the Program Director's office is working with existing razorback sucker production/survival data to estimate how much floodplain habitat needs to be protected to achieve recovery targets.

Nonnative fish control: Angela thanked CDOW for chemically reclaiming the pond at the former Butch Craig property along the Gunnison River.

Propagation: Revised Colorado and Utah stocking plans were approved by the Biology Committee (the revisions call for stocking fewer, bigger fish to achieve recovery targets). Existing facilities are sufficient to handle the production/grow out needs.

Information & Education: Debbie Felker reported that there was extensive news media coverage of draft recovery goals, including a Colorado Public Radio interview of Greg Walcher and Ralph Morgenweck. Montrose Pavilion in Gunnison has requested endangered fish to exhibit in its aquarium. The Program is working to provide fish as well as interpretive signs/materials. The Program also is working with the National Park Service to prepare a "traveling trunk" with educational materials for teachers about the uniqueness of the Yampa River. The Colorado River Water Users Association Public Affairs Committee is developing an interactive web-based map that can eventually be modified for Program use.

4. Yampa River Northern Pike Relocation - Bruce McCloskey discussed his memo notifying the Program of a potential delay in expanding pike removal on the Yampa River upstream of critical habitat. CDOW believes we need to first complete the evaluation of the current removal effort and they are concerned about public opposition at this point. At the very least, expansion should not be considered until after the nonnative fish workshop in February and we have time to better inform the public. Tom Nesler added that expanding the removal would interfere with effective evaluation of the pike spawning enclosure (a study the Program has approved for FY 2002 and 2003). Finally, CDOW is concerned they do not have enough receiving waters for the pike that would be removed. The main opponents to pike removal are fishing guides who make a living from northern pike fishery and anglers. CDOW wants to slow down, finish the evaluation, obtain public buy-in and then move forward. Therefore, they recommend waiting until FY 2004 to expand northern pike removal to the main channel above Craig (but continue to remove pike from critical habitat and from side channels as we have been). >The Management Committee will review this issue and make necessary modifications to the FY 2002-2003 work plan.
5. Recovery goals update - Angela Kantola said the public comment period ends October 24. Three comment letters have been received so far – all in strong support of the goals (CWCB, Copper Mountain Inc., American Soda LLP). John Shields and Greg Walcher distributed Wyoming and Colorado's letters of support. Lower basin states and water/power interests and basin tribes were contacted offering follow-up meetings. Only the Jicarilla Apache Nation has requested government-to-government consultation. Ralph Morgenweck and Bob Muth will meet with them on October 22.
6. Extending the Recovery Program beyond 2003 - John Shields presented an extension agreement. Greg Walcher said Colorado is extremely comfortable with going ahead with

a 10-year extension and he thanked the Service and the Program for their hard work on completing draft recovery goals. It now seems clear as we enter the next decade where the Program is going and why. Greg moved that the Committee recommend that the three governors, the Secretary of the Interior and the Administrator of WAPA approve extension of the Recovery Program's Cooperative Agreement through September 30, 2013. Pat Tyrrell seconded the motion. The motion was unanimously approved.

>Margot Zallen will work with John Shields to prepare a short, simple (likely one-sentence) document to be signed to extend the cooperative agreement. >The Program Director's Office will prepare a draft transmittal letter.>The Service will take the lead in securing approval from Secretary of the Interior and determining if she would like to have a signing ceremony. Ralph Morgenweck recommended that the Recovery Program issue a news release today announcing the Implementation Committee's vote.

7. "Hydropower Override" - The Committee discussed the language in H.R. 4 (energy bill, now tabled) which calls for study to identify then implement measures to maximize hydropower production at facilities generating >50 megawatts and how this mandate could affect Recovery Program accomplishments. Margot Zallen said she believes that the section which says implementation of measures "shall be limited to those measures that can be implemented within the constraints imposed on DOI facilities by other uses required by law" includes the Endangered Species Act and thus would protect Program accomplishments regarding reoperation of Flaming Gorge and Aspinall. Greg Walcher and Leslie James agreed with Margot's interpretation. Still, this bears watching, just in case. As a result of this discussion, John Shields suggests the Program develop a fact sheet that explains the benefits and impacts of the Recovery Program. >The Program Director's office will develop a draft.
8. Highline MOU - Brent Uilenberg reported that Reclamation agreed to purchase storage in Highline from Colorado. The DOI Solicitors say this is a perpetual lease rather than an MOU, and Reclamation is waiting to hear from Colorado regarding acceptance of that (Colorado will provide an answer by the October 30, Management Committee meeting). This is all contingent on transfer of the property from CDOW to Colorado State Parks, which is on track. A draft environmental assessment (EA) will go out for internal review next week, followed by a 30-day public review. The transfer will follow shortly after the EA is finalized.
9. Price-Stubbs - Angela Kantola said FERC lifted the stay on Jacobson's hydropower license. He must begin construction on the power plant by mid-January 2002 and needs to file a financing plan which must be approved. If a power plant is constructed, the cost of construction of a fish passageway is Jacobson's responsibility (over and above the Program's least cost alternative, which is removal of the dam). If construction doesn't go forward, passage is the Recovery Program's responsibility, and Reclamation likely will propose a rock ramp alternative which would require a supplement to the draft EA.

10. Screening the Tusher Wash diversion on the Green River - On behalf of the Recovery Program, Reclamation offered to buy out Thayn Hydropower for up to 235 cfs (35 cfs is for irrigation, 200 cfs is for hydraulic pumping) at \$470K. Thayn has not yet responded to that offer. Thayn is currently under a court injunction and cannot divert, but there may still be some threat of take of fish in the canal. Bob Muth spoke with Thayn's attorney a few weeks ago, but there is nothing new to report.
11. Status of agreements to transfer state capital funds to the National Fish and Wildlife Foundation for expenditure on Program capital projects - Don Glaser reported that the Wyoming and Utah agreements are in place. They are still working with Colorado to get a waiver on a standard article requiring Colorado preference in contracts (requires approval of the attorney general's office). Tom Blickensderfer is working to push this through to resolution. A contract with the Grand Valley Water Users Association is on hold until the Colorado agreement can be completed. The New Mexico agreement is nearly complete for the San Juan River. The Program thanks Don and the States for their extra efforts to get these agreements in place.
12. Status of FY 2001-2002 Budget - Brent Uilenberg reported that of \$6.089M in capital funds approved in FY 2001, \$3,790M was spent. Not fully funded in 2001 were: floodplain acquisition (only \$1 million expended out of \$1.7 million); propagation (only ~\$200K of nearly \$1.3M spent). Brent thinks we can stay on track and keep State and Federal/power funds balanced if we get the State 2001 and 2002 contributions to the Foundation soon.
13. Carry over of capital funds - Prior to the passage of P.L. 106-392, Reclamation capital funds unspent at the end of the fiscal year were often lost to the Recovery Program. Language in Section (3)(e) of P.L. 106-392 clearly stipulates that any remaining funds will now be carried over for Program use. Brent Uilenberg said that in the past, rather than carry over funds, funds not spent were reprogrammed within Reclamation. Brent said Reclamation will abide by the legislation, but cautioned that carrying over large amounts of money undermines their budget request. Brent noted that thus far, we've never been in a situation where capital funds weren't available to meet Program needs. The Committee agreed that carry-over language may need to appear in appropriation bill report language, as well. Brent noted that the legislation calls for capital project construction to be completed by FY 2005, which could be a problem for Elkhead expansion, Tusher Wash screening, and Price-Stubb fish passage. As part of its discussion of the 2002 Washington, D.C. briefing trip, the Management Committee will consider the need for carry-over language in appropriations reports and how to address the FY 2005 capital projects deadline.
14. Additional items - Kathleen Clarke has been nominated to head the BLM. Sherm Hoskins will represent Utah on the Implementation Committee until Kathleen's replacement is named. Steve Williams has been nominated as the new FWS Director. Ralph Morgenweck asked each Committee member to make sure each of their various

committee representatives have been formally appointed (this is done with a letter to the Program Director's office).

15. Scheduling of March 2002 Implementation Committee meeting - The next meeting will be March 5, 2002, in Denver near DIA from 9:30 a.m. - 3:00 p.m.

ADJOURN: ~12:50 p.m.

Attachment 1 - Attendees  
Colorado River Recovery Implementation Committee: October 17, 2001

IMPLEMENTATION COMMITTEE MEMBERS:

Ralph Morgenweck, U.S. Fish and Wildlife Service (Chairman)  
Brent Uilenberg for Rick Gold, U.S. Bureau of Reclamation  
Greg Walcher, Colorado Department of Natural Resources  
Dave Sabo, Western Area Power Administration  
Dan Luecke, Environmental Defense  
Tom Pitts, Upper Basin Water Users  
Pat Tyrrell, Wyoming State Engineer's Office  
Sherm Hoskins for Kathleen Clarke, Utah Department of Natural Resources  
Ron Everhart for Karen Wade, National Park Service  
Leslie James, Colorado River Energy Distributors Association  
Angela Kantola for Program Director Bob Muth, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

John Shields, Wyoming State Engineer's Office  
Bruce McCloskey, Colorado Division of Wildlife  
Shane Collins, Western Area Power Administration  
Mark Wieringa, Western Area Power Administration  
Debbie Felker, U.S. Fish and Wildlife Service, Recovery Program  
John Reber, National Park Service  
Susan Baker, U.S. Fish and Wildlife Service  
Tom Nesler, Colorado Division of Wildlife  
Ray Tenney, Colorado River Water Conservation District  
Tom Blickensderfer, Colorado Department of Natural Resources  
Don Glaser, National Fish and Wildlife Foundation  
Margot Zallen, U.S. Department of the Interior (Solicitor)  
Jenny McCurdy, Denver Water  
Don Carlson, Northern Colorado Water Conservation District