



Upper Colorado River Endangered Fish Recovery Program

Summary Dated: September 28, 2020

CR/FY-17 UCRRIC
Mail Stop 65115

Memorandum

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

From: Acting Deputy Director, Upper Colorado River Endangered Fish Recovery
Program

Subject: Final April 15, 2020, Recovery Implementation Committee Meeting Summary

Attached are the final action and assignment summary and the general summary from the April 15, 2020, Implementation Committee meeting.

Attachment

**IMPLEMENTATION COMMITTEE MEETING SUMMARY
APRIL 15, 2020**

ACTIONS:

1. Approved October 1, draft Implementation Committee webinar summary as final.

ASSIGNMENTS:

1. Post-2023 discussions will continue.

PARTICIPANTS: See Attachment 1

MEETING SUMMARY:

CONVENED: 1:00 p.m.

1. Introductions, modify/review agenda, Chair's updates – Noreen thanked all of the participants for their time in joining this meeting. Noreen thanked Brent Esplin for joining us as well. She called attention to the unique situation we are living through with COVID-19; which is constraining our activities. Fish and Wildlife Service has issued guidance for telework with limited exceptions for mission critical actions. Brent and Steve noted that Reclamation and WAPA are operating under similar guidance. WAPA is considering sequestering employees at facilities to ensure they are safe while ensuring power is maintained. They have delivered RVs to their location centers to use if needed. Teleworking is a challenge because of the sheer amount of data needed to operate facilities. Noreen thanked all of the non-federal partners who visited Washington D.C. virtually. She has heard praise from Aurelia Skipwith about the briefing that she was given. Noreen also praised Melanie Fischer for the high quality of the documents they left behind.
 - a. Update on DOI reorganization in regards to New Mexico – Noreen said not much is changing from an FWS perspective during reorganization. Good and open communication is continuing across those boundaries. Historically, New Mexico has been in a different region. It will continue to report up through the historical regional structure, operating under an MOU with IR7, which is the Upper Colorado Basin.
2. March 2020 D.C. trip update, including authorizing legislation – Steve Wolff said the meetings were successful despite the challenges of COVID-19 as almost all the briefings were able to be held virtually. The information about species updates was welcome news, including the two downlisting actions for humpback chub and razorback sucker. They also discussed the funding concerns and noted what might be in the white paper as it had not yet been released. Steve praised Melanie for not only developing the paper briefing documents, but making them digital as well. Steve also thanked Bill Miller who was the only biologist representing the programs, but attended all of the meetings. Tom Pitts said the meeting with Aurelia Skipwith and Brenda Burman went very well and was well attended by staff of both agencies. Tom Pitts said the parties discussed post-2023 and the Program representatives

promised to provide a solution based on the long-standing partnerships currently in place. He noted that quite a few new congressional staffers were participating and the response from Congress was positive, especially in relation to the downlisting actions. Melissa Trammell thanked all of the non-federal partners for their commitment to these DC updates. Tom Chart added his thanks as well, noting the incredible planning that has to go into those meetings.

3. Post 2023 Program Planning Process and Report to Congress – Tom Chart reviewed that post-2023 discussions started in 2017. One of the first conversations held was regarding the purpose and goals of the programs. The stakeholders reiterated that recovery of these species remained the primary goal. The programs also noted the continued importance of collective science-based decision making. During a workshop in April of 2018, the participants noted that having new recovery plans in place would be useful in this planning process. Soon thereafter, the downlisting of humpback chub was recommended in the 5-year review. Downlisting actions became the priority effort from a staff time perspective. Development of recovery goals will begin in 2020.

Early in 2019, the PDO started working with technical work-groups to describe recovery actions post-2023 and build a menu based on their confidence of contributing to recovery. Based on those descriptions, the PDO built a selection tool that allowed each of the stakeholders to define their “ideal” program (however that was defined by them) without including Program Management. We gathered information throughout the summer of 2019 and presented that information back to the MC. There were a variety of responses, ranging from about \$5.5M to about \$14.3M in annual costs. We summarized each line individually based on those responses and levels of agreement. That summarization was approximately \$9.7 million together. A straight average also came to about \$9.8M. The MC was clear that \$9.7M did not represent a consensus position, but should be used in future, post 2023 annual funding discussions. After adding \$1M per year for Program Management, we have been using a working value of \$10.7M for annual funding. The Program has also been working on developing a capital expenditures list with Ryan Christianson. Tom said a Funding Subgroup has been developed with representatives from both of the upper basin programs. Michelle Garrison said the partners from both programs are well represented, including all of the federal agencies, tribes, states, water users, WAPA, and environmental groups. The first meeting was convened before the white paper was released, but the group had a discussion about preliminary content. In addition, WAPA presented information regarding their basin fund. The next meeting will occur on April 21st, during which Michelle intends to review the estimated cost projections. The group will meet again in May to discuss available funding and the estimated costs. Michelle anticipates meeting twice a month between May and September 2020 to ensure we have a proposal ready to review by the end of the fiscal year. Tom Pitts said both programs collectively are currently getting \$8.5M from hydropower and \$2.5M from other partners. The projected costs post-2023 are \$10.7M in annual costs for the Upper Colorado Program and \$3.5M in annual costs for the San Juan Program, which include

operation and maintenance of all capital facilities. Tom Pitts noted that we would need an additional \$3M to meet these projections even without the projected decreases from WAPA. Projected capital projects reached \$114M for the Upper Colorado Program and \$73M for the San Juan Program. Tom said we will either need to reduce some of these activities or find additional funding sources. Todd Adams said we could revisit the selection spreadsheet within the available funding value once we know what that number is.

Jojo asked if the draft Report to Congress was still on track. Tom Chart said that the PDO is still aiming to have a draft done by the end of this fiscal year. Program Office staff have distributed drafts of different chapters to make sure we are capturing an appropriate level of detail. As additional information is available from these funding discussions, the PDO will add more specifics to the report drafts. Tom Chart said we are still on track in terms of document development, but noted that we have a lot of ground to cover between now and the end of the fiscal year. Tom Pitts did revise the outline with Leslie's recommendations in mind. Tom Pitts will be distributing the revised outline to program partners in coming days. Don Anderson is taking the lead on the reports from our office and thanked Tom Pitts for the streamlined outline for the report. Don noted that the PDO is focused on keeping that report as streamlined and concise as possible, with additional information included in an appendix. He thanked Tom Pitts, Steve Wolff and Melissa Mata for their feedback on early drafts. Tom Pitts and Tom Chart thanked Michelle Garrison for leading the Funding Subgroup and providing an update.

4. Update on potential Program Funding and White Paper – Kathy Callister said that for FY20, Reclamation has received full funding from WAPA and is working to distribute those funds. Reclamation used the same split between programs as was used in FY19, including \$5.7 million for the Upper Colorado Program. Brent Esplin said Reclamation has been looking at funding for the environmental programs (RIP programs and the Glen Canyon Dam Adaptive Management Program (AMP)) for the last few years. Brent said WAPA has said that power revenues can be sustainable at \$12.5 million per year from 2023-2032. Brent noted that WAPA sees the value of the programs and would like them to continue. Reclamation has been discussing how to fund these programs and thus published a white paper to start the conversation with Program partners around the combination of funding sources. Reclamation has identified hydropower funds, appropriations through various federal agencies as well as cost-sharing mechanisms. Reclamation is supportive of a collective response that is supported by all program partners. Steve Wolff thanked Brent for being on the call and being willing to discuss the white paper; he asked why the AMP was prioritized for funding in the paper. Brent said Reclamation's political leadership has indicated reluctance towards seeking appropriation for the AMP because of a potential for expanding the focus of the AMP outside of its current mission. Jojo asked for clarification about the time frame for these funding changes. Brent said this will start in FY23. Steve Johnson clarified that additional funding mechanisms would be welcome to begin in FY23, but they will not strand the programs in

the last year of their current authorization. In 2020, WAPA is under guidance to transfer funds both to the programs and to the Treasury. If the double funding transfers occur, the Basin Fund could drain quickly. Tom Pitts asked where that additional funding would come from to fully fund the programs in 2023. Steve said the funds would come from WAPA's cash reserve, and further draining of those resources would endanger future funding efforts. Tom Pitts asked about cost share in other programs like the Platte River Recovery Implementation Program and LCR-MSCP programs. Brent Esplin said he thought we needed to still have discussions about what is included in the cost share agreements. Tom Pitts said there have been quite a few contributions from the water users and the states that have not been included in the current calculations, especially with cash-equivalent contributions. Jojo noted that Colorado sits on both of the upper basin programs as well as the Platte River Recovery Implementation Program. The Platte Program is run by a third-party organization and not by a federal agency, which makes it a fundamentally different conversation. Jojo asked how far the white paper has been distributed. Brent said the paper has not been widely distributed, but he is fine with participants sharing the document. Tom Pitts suggested that this white paper not be shared with congressional representatives and reiterated that this is a proposal and not a consensus opinion. Brent agreed that the goal is a consensus position that would be presented to congress.

Brent noted that the Upper Colorado Program has been identified for further cost-share outside of the federal agencies in line with some of the other programs. Reclamation understands that the San Juan may struggle because of the large Tribal component. Melissa Trammell asked if it was possible to ramp down to a new funding level rather than with such an abrupt change. Brent said a variety of options are on the table. Melissa asked why the AMP was prioritized for hydropower funding. Brent said the Grand Canyon is a highly visible park which garners a lot of attention and Reclamation believes that funding through appropriations could expand the scope of that program to efforts that are not directly related to Glen Canyon Dam operations. Tom Pitts asked if the implication of the funding distribution and proposal and the commitment to a 50/50 cost share indicate that Reclamation would be willing to appropriate funds for the upper basin programs. Brent said Reclamation's leadership has shown more willingness to seek appropriations for the recovery programs than for the GCDAMP. Jojo asked how funds are transferred currently, whether it is in one lump sum or if it is disbursed in multiple payments. Brian Sadler said WAPA's financial staff works with Reclamation's financial staff to develop a funding request letter. Once that letter is complete, funds are provided, typically in 10-11 payments per year. Reclamation then funds a variety of internal and external efforts over the year. If the agreement is determined to continue those transfers, it would be included in those annual letters. Tom Pitts said that the white paper indicated that appropriations may be less stable than hydropower and noted the importance of stable funding for these programs.

Brian Sadler said that in the year 2000, WAPA projected approximately \$51M being available, dependent on water elevations and expenses. Funding provided to Reclamation at the time was approximately \$17M, which provided stability for program funding. In current projections, WAPA projects approximately \$12.5M would be sustainably available for the environmental programs annually which does not allow for much flexibility. Leslie James noted that certainty is desired by all parties, but we are operating in an uncertain environment because of hydrology and economic uncertainty. Leslie echoed Tom Pitt's priority to get to consensus before we move forward. Steve Johnson said 70-85% of WAPA's power resources come out of Glen Canyon Dam and low water years in Lake Powell could continue to reduce the amount of annual energy they can produce. Steve Wolff said there may be less robust water deliveries to the lower basin after 2026. Tom Pitts thanked all the parties, specifically Steve and Brent, for being willing to hold these open and honest discussions.

Michelle said additional information would likely be needed from WAPA and asked that presentations be made in May. Leslie asked if the Funding Subgroup would examine costs for the future. Michelle said those discussions were likely in the next call (scheduled for 4/21).

5. Funding Discussion – Tom Chart opened the floor to the IC to see if there were any priority discussions for the members. Melissa Trammell asked if it was relevant to discuss a cost-split between the Upper Colorado and San Juan programs. Kathy Callister noted that there is currently not a specific split proposed in the white paper to facilitate more discussion with the stakeholders towards a consensus approach. Jojo asked for clarification around the two transfers currently scheduled for FY20. Steve said \$21.4M for FY20 has been transferred from WAPA to Reclamation. In addition, WAPA currently has guidance to transfer an additional \$21.4M to treasury, which will likely occur in September. Steve Wolff asked if WAPA transferred money in 2019 (after appropriations funded the programs). Steve Johnson said no transfer occurred in FY19, but the guidance remains in FY20. Tom Chart asked if the funding distribution is still on the table. Steve Wolff and Kathy Callister said it could be. Kathy said Reclamation is prepared to move forward with appropriations to fill in any gap and encouraged robust conversations around what the RIPs would look like more than where the funds would come from. Tom Pitts said Reclamation has been very supportive of the capital project funds through the appropriation process. He noted that annual funding may be more uncertain, but that appropriations could work as a part of a solution. Kathy said continued support of the non-federal partners is critical and said the programs will continue to be prioritized with other funding needs. Tom Pitts said being included in the President's budget is preferred. Leslie encouraged the DOI entities to seek appropriations for these Programs in the President's budget based on the Dingell Act authorization. Noreen noted that multi-agency priorities have been funded outside of the President's budget but acknowledged that there is much more uncertainty using that mechanism. Kathy Callister said \$20M has been identified for FY21 in the President's budget if needed. Tom Pitts clarified that is

appropriated money. Steve Wolff has been told that there are placeholders in both places in the budget. Tom Chart suggested that going back to the selection tool now was premature as we have not estimated a post-2023 funding level. He noted that recovery has taken longer than we initially anticipated, and that BC members have robust discussions to prioritize what we can accomplish with our available annual budget. Tom believes the Program is relatively small based on all of the things that are required (e.g. O & M at facilities) and the management actions we still need to accomplish. Leslie said the Funding Group was waiting for a target number, which we now have; that should drive refinement of the Program's proposal. Bart said that we have a proposed amount of hydropower revenues, a proposed disproportionate distribution of those funds among three programs, and a proposal that appropriations can be used for annual funding. Bart encouraged continued discussions about funding availability before a trimming exercise occurs.

Steve Wolff said the appropriations committee has not been supportive of additional appropriations and he noted that the white paper currently requests a 50/50 federal/nonfederal cost share and he is not sure where those funds could come from. Tom Pitts identified a \$6M shortfall in hydropower revenue and noted that it may not occur through appropriations. If other sources like states and water users are needed and if the post-2023 projections are included, the ask becomes larger. Tom Pitts said the costs should be reviewed for both annual and capital costs. Tom Pitts also said we need to define a planning horizon (is it 10 years, 15 years or another time horizon?). Tom Pitts noted that if cuts were too dramatic, it may jeopardize ESA compliance. Tom Pitts said it will be an iterative process looking at all of the pieces of the puzzle, costs, time, and funding sources. Steve Wolff said he believes we can come to agreement on annual funding, but noted that maintaining the capital projects we have now is already expensive; he doubts that we can complete any additional projects post-2023. Tom Chart agreed that there is a lot of room for discussion around those capital projects, but that some amount of capital funding will be needed for major rehabilitation and repairs of existing facilities beyond those covered with O&M (annual) funds. Steve agreed that maintaining our facilities is key in the future but recommended keeping the annual and capital discussions separate.

Tom Chart appreciated the IC's conversation and is encouraged that everyone has a good idea of the challenges before us this summer. Tom Chart highlighted that Program Management was sort of side-stepped with the original discussions; he noted that Jojo brought up that the Platte Program is managed differently and said all options should be robustly discussed by the Funding Subgroup. Tom Pitts said the Program went without staff in the 1990's and noted the importance of dedicated staff to run these programs. Jojo clarified that federal/non-federal cost share was driving her comment as the programs under discussion are not comparable in all aspects. Michelle asked how Reclamation was involved in the Platte River Program. Jojo said Reclamation does appropriate funds for Platte River. Colorado supported having a third-party running that program because of the species that did

not occur within state boundaries. She noted that Colorado and Reclamation both sit on the Program's governance committees. Michelle said Reclamation is very involved in the upper basin programs because of all the reservoirs they manage within the basin as well as all of the capital projects they have built. Jojo said most of the Platte River Program's water come from non-Reclamation facilities in Colorado, Wyoming, and Nebraska which contributes to the 50/50 cost share. Leslie said Reclamation is moving towards a 50/50 cost share on many of their programs, including grants. Tom Chart asked if that was different in the AMP. Leslie said the GCDAMP funding is entirely power revenues, except for \$1M which comes from USGS. The partners said no, but DOI moved it to USGS, which does provide some funding. Kathy Callister said Reclamation is also complying with the Grand Canyon Protection Act with the AMP, which has a much broader scope than the upper basin programs. The LCR-MSCP is also a 50/50 cost share between Reclamation and the states. Leslie said each of these programs has a different goal, different scope, and different dynamics so comparisons between the programs may not be helpful. Tom Chart agreed that comparisons may not be useful and that cuts in hydropower were expected, but he was operating under the assumption that the cuts would be shared equally among the programs because all three programs provide valuable services. Leslie noted that within the three year budget cycle in the AMP, the program stakeholders are taking a hard look at budgets to reduce costs. Noreen asked if there was a product that compared and contrasted all of the recovery programs to help provide more information to support decision making. Steve Wolff said Tom Pitts has put a lot of information together around the cost-sharing of various programs. Tom Pitts said contributions in land and water make up the majority of the 50% non-federal contributions. For example, water users and Reclamation annually put water into the 15-Mile Reach without taking any credit. Tom Pitts will provide a summary once it is available.

The committee members noted that the IC may need to meet between now and the typical meeting held in October. Scheduling of that meeting will depend on the schedule created by the Funding subgroup.

6. Capital projects update – Ryan is continuing to work with the Green River Canal Company to meet their obligations under our O&M contract to make sure the passage and screen are maintained. Ridgway Reservoir is currently in the final design stage and partners are close to finalizing an O&M contract. CWCB will be contributing \$1M for that screen. Construction is likely to be awarded this fall. The Red Fleet Screen was planned to be constructed this spring. Materials have been purchased. The group is only waiting for travel restrictions to be lifted to complete construction (Post meeting update: The screen is scheduled to begin construction on May 12). NEPA is complete at both Red Fleet and Ridgway. Reclamation has purchased electronic equipment for the OMID re-regulating reservoir, which should allow for more water savings this summer. Forthcoming are construction on the Stirrup (habitat project) and at Starvation Reservoir (fish screen). The Stirrup should be constructed

in Fall 2021. Tildon Jones said BLM is currently working on NEPA for that project. Tom Pitts thanked Ryan and all of his predecessors for all of their work on capital projects.

7. Program Director's Update – Don Anderson noted all of the flow management that is currently occurring throughout the basin. CROS operations have occurred in the last 3 of 4 years in the 15MR and will likely occur in 2020. Past experiences have demonstrated that flows in the 15MR can drop precipitously in April when irrigators begin to divert and cold weather shuts off low to mid-elevation runoff; what we refer to as the April hole. Partners have increased their focus on this time frame and a few more tools have been developed. Water was carried over into 2020 in the 'Historic Users Pool' at Green Mountain Reservoir managed by Reclamation specifically to help address the April hole. Water is currently being released to address a hole that was developing, using this new flexibility. Tom Chart praised all of the partners who have been very collaborative in identifying and addressing these problems.
 - a. Update on the effect of the COVID-19 pandemic to the 2020 field sampling schedule – Dave Speas said the BC began discussions around the impacts of COVID-19 in March and has been holding weekly conference calls to ensure all agencies were knowledgeable about the other agencies' actions. All four of the field agencies have been responding consistently. Three main guidance documents have been driving decisions: Colorado's Stay at Home Order, various local and state guidelines in Utah, Federal OMB Memorandum outlining criteria for essential travel. In addition, most universities have closed campuses and activities, most national parks have closed and the Navajo Nation has closed its borders. Most field activities have been cancelled or postponed until June, with possible openings sooner. CSU suspended all field activities through the end of April. They were concerned about travel from densely populated locations to rural areas of the state as well as the optics of scientists continuing to work. The focus has shifted to data management, report construction, and maintenance and repair of equipment to plan for the field season. Colorado Parks and Wildlife has postponed backwater netting, nonnative fish removal from Kenney Reservoir and nonnative fish removal in constructed ponds along the Colorado River. Work will be completed as soon as conditions improve. Fish and Wildlife Service directed cancellation of all field activities not deemed mission critical. FWS delayed bringing on additional seasonal staff until June. Colorado pikeminnow population estimates and San Juan Recovery work has been postponed in Grand Junction. Utah Division of Wildlife Resources cancelled most field work through June. The Moab office is conducting very limited walleye removal under social distancing guidelines and plans to operate Matheson wetland to entrain larval razorback sucker. The Vernal office does plan to operate Stewart Lake and deploy antennas. Fish stocking has continued in all agencies. Dave praised all of the principal investigators who have provided very specific details around what they are planning under constantly changing conditions.

Dave noted the coordination needed to conduct even limited activities (fish stocking) was exceptional. Noreen said she has been very conservative to approve field work across the region. Mission essential or mission critical duties can occur with permission and appropriate safety procedures. Noreen is currently considering one proposal for the Upper Colorado Program. From her perspective, decisions have really been driven by ensuring that the disease is not spread by FWS actions. Tom Chart said that water management to meet flow recommendations on the Colorado River has continued. He said the proposal in front of Noreen currently is to allow the Vernal office to trap for larval razorback sucker to inform Flaming Gorge releases on the Green River and to operate water control structures at managed floodplain habitats.

8. Recovery Planning – Tom Chart reviewed the importance of Section 4 documents in documenting endangered species recovery. The SSA for humpback chub was developed in 2018, followed by a 5-year review which was also complete in 2018. The 5-year review recommended downlisting. The proposed rule was published in the Federal Register in January of 2020. Kevin McAbee is currently working on addressing comments submitted during the public comment period. Kevin said our goal is to publish the final rule by January 2021. The recovery goal revision process will begin after that final rule is published. The SSA for razorback sucker was completed later in 2018. A subsequent 5-year review recommended downlisting for this species as well. Tom Chart noted populations of razorback sucker have expanded throughout the upper basin and that those stocked fish are reproducing in multiple locations; the decision relied heavily on the definitions of threatened vs endangered. A proposed downlisting rule was transmitted to HQ last fall and we are working through a few comments from the Solicitor. A revised recovery plan will be developed after the final downlisting action is complete. The SSA for Colorado pikeminnow has just been completed this April. The SSA documents the decline of the largest population in the Green River. A 5-year review will follow in the coming months, recommending no change in its status as endangered. The 5-year review will recommend revising recovery goals, which will begin within the next year. Bonytail is the final species considered. The stocking program for bonytail has not been successful as it has been for razorback sucker. Encounters in the wild are still rare. Cheyenne Owens completed a 5-year review during summer of 2019, continuing endangered status. An SSA was not completed for that species.
9. Delegating review/approval of RIPRAP revisions and assessment to MC – Julie reminded the IC about the purpose of the RIPRAP, and noted that the IC is the final approval step for the document. Typically this is delegated to the Management Committee. Given the many other activities surrounding Post-2023 planning, the PDO requested a more streamlined process for this year through remote review and comments. The RIPRAP is open for concurrent comments from the MC and BC via email. The IC approved delegating RIPRAP review and approval to the MC.

10. Approve draft October 2019 meeting summary – Julie asked the committee about additional comments from the last meeting’s notes. Hearing none, the October meeting summary was approved.
11. Schedule the next IC meeting – scheduled in Denver by DIA, Friday, October 2, 8-12 pm.

ADJOURNED: 4:55 p.m.

Attachment 1 - Participants

IMPLEMENTATION COMMITTEE MEMBERS:

Noreen Walsh, U.S. Fish and Wildlife Service (Chair)
Ed Warner, U.S. Bureau of Reclamation
Melissa Trammell for Rob Billerbeck, National Park Service
Bart Miller, Environmental Groups (Western Resource Advocates)
Amy Moyer, State of Colorado
Tom Pitts, Upper Basin Water Users
Steve Johnson, Western Area Power Administration
Todd Adams, MC Representative for Brian Steed, State of Utah
Leslie James, Colorado River Energy Distributors Association
Steve Wolff, State of Wyoming
Tom Chart, Program Director, U.S. Fish and Wildlife Service (nonvoting)

OTHERS:

Brent Esplin, Regional Director, Bureau of Reclamation
Kathy Callister, U.S. Bureau of Reclamation
Michelle Garrison, Colorado Water Conservation Board
Ryan Christianson, U.S. Bureau of Reclamation
Rory Reynolds, State of Utah
Jojo La, Colorado Water Conservation Board
Brian Sadler, Western Area Power Administration
Marj Nelson, U.S. Fish and Wildlife Service
Derek Fryer, Western Area Power Administration
Dave Speas, US Bureau of Reclamation
Chris Keleher, State of Utah
Harry Crockett, State of Colorado, CPW
Kyle Whittaker, Northern Colorado Water Conservancy District
Ray Tenney, CRWCD
Tom Econopoly, FWS
Julie Stahli, Recovery Program
Tildon Jones, Recovery Program
Don Anderson, Recovery Program
Kevin McAbee, Recovery Program
Melanie Fischer, Recovery Program
Cheyenne Owens, Recovery Program
John Weisheit – Living Rivers