

MANAGEMENT COMMITTEE MEETING SUMMARY
5/15/97



CO/KS/NE/UT-CR/FY-97

Management Committee

Mail Stop 65115

May 21, 1997

Memorandum

To: Management Committee

From: Acting Director, Colorado River Recovery Implementation Program

Subject: May 15 Draft Meeting Summary.

I have attached the subject group memory for your information. If you have any comments, you may provide them at the next Management Committee meeting (July 1, 1997).

/s/ Robert Williams

Attachments

cc: Management Committee Consultants

and Interested Parties

Biology, Water Acquisition, and

Information & Education committee members

MEETING SUMMARY

Meeting: Colorado River Management Committee, Lakewood, CO

Date: May 15, 1997

Attendees: See Attachment 1

Assignments are highlighted in text

Convene: 9:30 a.m.

1. Review/modify agenda and time allocations - The agenda was modified as it appears below.

2. Approve February 26-27, 1997, meeting summary and March 10, 1997 conference call summary. Both meeting summaries were approved as written. The Committee discussed comments submitted on April 1 by the Colorado River Water Conservation District on the February meeting summary and agreed they applied to RIPRAP revisions, not to the meeting summary. Since the comments were submitted after the Implementation Committee approved the RIPRAP revisions, the Management Committee agreed to address the comments in the text (as opposed to table) portion of the RIPRAP. >The Program Director's office will post recommended text changes to the listserver by Friday or Monday and Program participants will have until Wednesday, May 21 to comment. (The revised RIPRAP will be sent out for printing by Friday, May 23).

3. Review action items from recent meetings - The status update and review was helpful.

4. Update on pending reports -

Genetics management plan and facilities plan updates - Drafts will be provided to the Biology Committee in advance of September. The Committee had a lengthy discussion regarding whether or not the Management and Implementation committees should approve these plans. The Biology Committee has traditionally approved this kind of document, then provided it with recommendations for implementation through the annual work plans and the RIPRAP (which the Management and Implementation committees approve). Tom Pitts is concerned that this has resulted in significant policy decisions being made that aren't being reviewed by the Management and Implementation committees (e.g., the decision to propagate razorback suckers and bonytails, but not Colorado squawfish at this time).

Recovery objectives (IMO's) schedule - Tom Czapla provided an update on the IMO's (Attachment 2). The Committee decided not to send this back to Conrad Lass and others in Washington, D.C., who inquired about the IMO's, but to >wait and send them the actual management objectives.

5. Sign Collbran RIPRAP language agreement - Committee members signed the revised RIPRAP language agreed to by the work group (>the memo will be sent to the Implementation Committee).

6. CUWCD funding for FY 94 and FY 95 Flaming Gorge studies - The Committee discussed the disagreement over whether the Central Utah Water Conservancy District

ever agreed to provide funding to UDWR for Flaming Gorge studies in FY 94 and 95 (totaling \$74,000). Angela Kantola provided a summary of information she found in Recovery Program files on this topic. The Committee agreed that Utah and the District will split the responsibility for \$37,000 (each providing \$18,500) and that the Recovery Program will cover the remaining \$37,000 by allowing Utah (if they so desire) to reduce their in-kind obligation to the Recovery Program (which totals \$100,800 in FY 98) by \$18,500 in FY 98 and \$18,500 in FY 99.

7. FY 97 capital funds update - Brent Uilenberg provided an updated spreadsheet showing the status of FY 97 capital funds. The major changes since the last update are increases in the cost of Ouray pond construction, water treatment, and noncontract costs. The Service has agreed to cover \$265,000 of the water treatment costs from hatchery funds. After other minor changes are added/subtracted, the end result is a \$126,765 deficit which the Management Committee agreed could be taken from the Grand Valley Water Management project, since Reclamation won't be able to expend all the funds (\$1.7M) on that project in FY 97 (although they will *obligate* the remainder of the unspent funds to the project).

8. Ad Hoc Funding Committee Meeting Update - Peter Evans reported that John Hamill is still working on the summary for this meeting, but that the group agreed they would like to have a draft of the legislation by the end of September. Most of the previously identified unresolved issues are still outstanding (ESA neutrality, treatment of CRSP power revenues, 15-Mile Reach and Duchesne River consultations, funding cap, and budget neutrality). New issues include the need to complete the Management Objectives, the adequacy of the water users' funding contribution, the need for the Federal government to carry any tribal funding obligations, and Animas-La Plata. The Ad Hoc Committee is committed to trying to work through these issues. They asked the >Management Committee to update long-term Recovery Program costs by mid-August. Chris Karas said Reclamation's understanding of their commitment is for 50% of the total capital funding cost of the Recovery Program, beginning with the start of capital expenditures in 1993. The Committee disagreed and said if that's indeed Reclamation's position, >they need to make it clear to the Ad Hoc Committee before the June 30 meeting.

9. Process issues in work plan development - Angela Kantola reviewed established Recovery Program procedures for development and review of the annual work plan and RIPRAP revisions and concerns raised about recent actions that have circumvented the procedures (e.g. scopes of work and RIPRAP revisions that have not gone through Biology Committee review) (Attachment 3). The Committee noted that since the Recovery Program operates by consensus, any member can "enforce" the process by refusing to accept something until it's had technical review. The Committee reaffirmed the established Recovery Program review process.

10. Section 7 consultations -

Update on the Service's sufficient progress review - Reed Harris said the Service met on May 6 and raised the threshold back up to 3,000 af. They are in the process of preparing the sufficient progress letter, which will identify important accomplishments the Recovery Program has made and also identify items scheduled for implementation or completion in the next year that the Service considers very high priorities. Peter Evans said Colorado is concerned about their ability to meet the 15-Mile Reach and Yampa River appropriation deadlines (12/98). These filings will proceed more smoothly after the 15-Mile Reach opinion is done. Some water users also may try to use these appropriations as a test case for SB 64. Larry Clever reported that the Colorado River Water Conservation District did hold a meeting of the 15-Mile Reach objectors, as Ralph Morgenweck requested.

Discussion of issues confronting the Service - Reed said outstanding issues are part of the 15-Mile Reach and Duchesne consultations: 1) how historic projects are treated (on the Ute opinion, and in general (the Service is working to resolve their position on this) and 2) reinitiation of consultation due to listing of the razorback sucker and designation of critical habitat.

Update on 15-Mile Reach opinion - Peter provided a copy of a status report he and Randy Seaholm wrote for the Board. Recent changes in the proposal include: 1) if we come to agreement on the draft funding legislation and the Management Objectives are accepted

by the Service, then there would only be a narrow "re-opener" clause (consultations only re-opened if Recovery Program improvements are not maintained); 2) back-casting in any significant new depletions that have occurred since 1995; and 3) the possibility of the Recovery Program not covering water users who oppose final instream flow filings (after all the preliminary steps have been completed). The Service has asked for indications of support for these concepts. The water users responded and asked for a Service response to their position by May 20; Bob Williams noted that the Service won't be able to meet that deadline.

Update on the Duchesne opinion - Reed said that the preliminary draft is out and the Service is working on their response to the comments they've received.

Updated consultation list - Angela Kantola provided an updated consultation list and said >she would work with John Shields to resolve any minor discrepancies with his calculations.

11. DOI selenium studies - Brent Uilenberg said Reclamation believes up to 30% of selenium in the Colorado River comes from the Uncompahgre and Grand Valley projects, but the DOI has only funded studies, not remediation. Mike Baker's 12/11 memo to John Hamill asked the Recovery Program to identify where selenium remediation would be most beneficial. Frank Pfeifer said the Service has provided DOI with that information. Frank emphasized that studies to determine the effects of selenium on the endangered fish are still ongoing. >The Biology Committee should be given a briefing on this when the results of the current study are complete (December/January). In light of the articles that have appeared in the press on selenium, >the Recovery Program should do some I&E to get the facts out when they are available.

12. Comments on fish passage NEPA compliance - The water users recommended doing NEPA on all three Colorado River passage structures at once. Brent said they don't have enough detail to do NEPA on all three at one time, but they do intend to disclose the intent to build passage at all three sites. Water users also commented on the need to resolve the

Section 9/take issue on entrainment. Henry said that an incidental take statement would need to identify what steps are being taken (e.g. screening for adults and subadults) to minimize take. Brent added that this would mean we would need to include screening costs in our long-term funding estimates (perhaps about \$9M if we screen only adults and subadults).

13. Flaming Gorge Operations Update - Chris Karas reported that Reclamation will probably bypass flows at Flaming Gorge this year, but that the forecast is still changing. They are working to identify studies and funding needed to take advantage of these flows (not Recovery Program funding or power revenues).

14. Program Director - Bob Williams will be acting Program Director through June 6, followed by Tom Czapla and Henry Maddux (6 weeks each). The Program Director position closed on April 28; a new Program Director may be on board by mid-to late summer.

15. Next meetings:

July 1, 1997, in Salt Lake City (DNR) from 8 a.m. - 4 p.m. (agenda items will include long-term funding estimate, discussion of the Biology Committee's response to questions about floodplain restoration and balance in the Recovery Program, and a presentation on land acquisition).

August 14, 1997, in Denver (FWS) to consider the draft FY 98 work plan.

Adjourn: 4:15 p.m.

Attachment 1

Colorado River Management Committee, Lakewood, CO

May 15, 1995 Meeting Attendees

Management Committee Voting Members:

Brent Uilenberg Bureau of Reclamation

Chris Karas Bureau of Reclamation

Peter Evans State of Colorado (via conference call)

Tom Pitts Upper Basin Water Users

Barry Saunders Utah Division of Water Resources

Reed Harris for Larry Shanks Fish and Wildlife Service

Robert Wigington Environmental Groups

John Shields State of Wyoming

Clayton Palmer Western Area Power Administration

Nonvoting Members:

Dave Mazour Tri-State (Power Customers)

Bob Williams Acting Recovery Program Director

Recovery Program Staff:

Henry Maddux Fish and Wildlife Service

Angela Kantola Fish and Wildlife Service

Tom Czapla Fish and Wildlife Service

Others:

Kathleen Clarke Utah Department of Natural Resources

Gene Shawcroft Central Utah Water Conservancy District

Larry Clever Ute Water Conservancy District, Grand Junction, Colorado

George Smith Fish and Wildlife Service

Tom Nesler Colorado Division of Wildlife

Larry Crist Bureau of Reclamation

Frank Pfeifer Fish and Wildlife Service

Larry Fluharty Bureau of Reclamation

Robert King Utah Division of Water Resources

Upper Colorado River Endangered Fish

Management Objectives

Background

Management Objectives are specific recovery goals that will set targets for important life history parameters and habitat requirements for the endangered fish species of the Upper Colorado River Basin . Biologists are developing: 1) biologically-based parameters and a modeling approach to describe the status of populations or stocks of the endangered fish; and 2) Management Objectives based on these parameters that describe "self-sustaining"

status for each population or stock in the Upper Basin. Life history parameters include population or stock size, age class structure, sex ratios, age at sexual maturity, fecundity (number of eggs produced), number of times a fish may spawn/season or life time, etc.

Using population simulation models based on life history and habitat requirements, a variety of management actions can be tested to determine which action(s) may result in increased survival of an endangered fish species. The simulation models will be used to identify priority river reaches and determine management actions expected to make the maximum contribution to recovery.

The end product will be a Management Objective document for each species identifying specific recovery targets, discussing priority recovery actions, and summarizing significant gaps in our knowledge about the fish. The Objectives will then be used by the Recovery Program to assess progress towards recovery and to prioritize management actions and research.

The endangered fish are long-lived species, and some stocks are very imperiled. As such, we recognize that it will likely take longer than the Program's 15-year time frame (1989-2003) to achieve the Management Objectives (i.e., recovery) for each population/stock.

Schedule

The Recovery Program is currently working to complete the species Management Objective documents (the Utah Division of Wildlife Resources has the lead). Along with Dr. Todd Crowl (Utah State University, Logan, UT), they have already gathered all available life history information and developed conservation biology/population dynamics models. They will provide a Management Objectives summary specific to Upper Basin Colorado squawfish, razorback sucker, and humpback chub by May 31,

1997. (Management Objectives cannot be developed for bonytail at this time because the fish has been extirpated from the Upper Basin and after re-introduction may have slightly different life histories and habitat requirements than the fish which still exist in the Lower Colorado River Basin.) These summaries will go to the Recovery Program's Biology Committee, and then out for peer review. Comments will be due in 3-4 weeks and a complete document (including model simulations, etc.) for all three species will be done by July 15, 1997. These time frames should allow the Program's Implementation Committee to approve the Management Objectives in September 1997.

Discussion of Recovery Program "Process"

At the March 1997 Implementation Committee meeting, John Hamill expressed concern that issues raised late in the process for reviewing and revising the RIPRAP circumvented the normal committee process and created some problems this year. The Implementation Committee directed the Management Committee to review and address this issue. The Program Director's office developed the following discussion for the Management Committee's consideration of this issue.

In the 1994 organization and mission document, the Recovery Program established a process for technical and Management committee review of products developed by the Program Director's office. Each year, the Program Director's office initiates development of the annual work plan and making revisions to the RIPRAP. The fundamentals of this process are:

Input is invited from all Program participants.

Program staff develop draft document (e.g., Program guidance, RIPRAP revisions, or work plan).

Technical (biology, water acquisition, and information & education) committees review draft document and provide comment.

Program staff revise draft document based on technical committee comments.

Management Committee reviews revised draft document and provides comment.

Program staff revise draft documents based on Management Committee comments.

Implementation Committee reviews, revises as necessaria, and approves final document.

The importance of technical input and review in this process (especially by the Biology Committee) was again emphasized and affirmed during the Program's 1995 team-building exercise.

In the work planning and RIPRAP revision process over the last year, several technical issues have been raised to and/or acted upon at the Management Committee level or higher without first receiving Biology Committee review. Examples include: addition of the Duchesne River study and the Flaming Gorge ice study to the FY 97 work plan (Management and Implementation committees); direction from the Implementation Committee to accelerate propagation and nonnative fish control activities in FY 97; water users' propagation summary report to the Management and Implementation committees; and delay of fish passage construction activities (Management Committee). Program participants also have used permit restrictions and the NEPA process in attempts to "influence the outcome" outside of the bounds of the established Recovery Program review/approval process. The Program process is flexible when real emergencies arise or when small changes need to be made, but these are not examples of emergencies or small changes.

Bypassing technical review and using means other than discussion by the whole Recovery Program to change Program direction or decisions is counterproductive to the Recovery Program partnership. It is interesting that the Management Committee has recently asked the Biology Committee to describe the appropriate "balance" among the various recovery elements in the Recovery Program. Yet the established (but frequently averted) Program planning process is the very means technical experts have by which to make recommendations for priorities to achieve this balance.

All Program participants should abide by and enforce the established Program planning process, and the Management Committee needs to reaffirm their commitment to this process. The Management and Implementation committees should agree to refuse substantive technical information, reports, scopes of work, etc. that have not received technical committee review except in the case of a real emergency. Further, the Management and Implementation committees should agree to exercise extreme caution before considering approval of technical changes reviewed but not *recommended* by a technical committee.

Inherent tension lies in our unique partnership to recover the endangered fish while allowing water development to continue in compliance with the ESA, state law and interstate compacts. Program participants have recognized that the Recovery Program partnership is "the only game in town" for achieving these dual objectives. Therefore, in respect of the partnership and our desire to achieve these objectives, we all must be committed to following the established Program planning process and be *very* careful about attempting to circumvent the process for our own ends.

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