

MANAGEMENT COMMITTEE MEETING SUMMARY
4/15/98



MEETING SUMMARY

Meeting: Colorado River Management Committee, Denver, Colorado

Date: April 15, 1998

Attendees: See Attachment 1

Assignments are highlighted in the text, and in Attachment 2.

CONVENE: 9:45 a.m.

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

2. Approve February 17, 1998, meeting summary - The summary was approved as written.

3. Review action items from recent meetings - The Committee reviewed action items and noted the following:

Barry said Leo has been concerned that Biology Committee members aren't getting copies of peer reviews (such as those from the Genetics Panel) and that he's preparing a letter about this. It was agreed that this can be resolved at the Biology Committee.

Dan McAulliffe reported that the Colorado appropriation for the Colorado Native Species Trust Fund (HB 1006) passed the House on April 10, and the amount was increased from 5.8 to 10 million. This legislation is expected to go through the Senate easily. The second piece of legislation (HB 1189) also is well on its way.

Status of sufficient progress letter - Henry said the letter (which will come out in draft) has been written and is in routing for signature. (The letter should be mailed out by the end of the week.)

4. Activities updates:

a. Status of unliquidated obligations - Brent Uilenberg provided an updated report on progress to resolve prior-year unliquidated capital fund obligations and noted that the outstanding amounts have decreased. Barry and Larry Crist reported that Utah is working to get outstanding billing done. Bob Norman said he thinks things are moving along, but there's a time lag in the billing at the administrative level in the states.

b. Capital funds expenditures - Recommendations from the Program Director were recently posted to the listserver, as were Biology Committee comments on those recommendations. Dave Soker also recently posted an update on land acquisition activities to the listserver.

Land acquisition - Tom Pitts asked about the draft EA and biological opinion, and Dave said these apply to floodplain land acquisition as a whole. The final EA is ready to go to the printer and the final biological opinion is pending. The intention is to do a FONSI after the biological opinion (which would be sent out with the EA). The Service has

agreed to hold the properties long-term if Reclamation will hold them short-term (during the Service planning process). This is acceptable to Reclamation if the Service will pick up associated costs with holding those properties in the interim (which the Service has agreed to do). >Dave agreed to post the listserver regular updates of general (non-sensitive) information on offers made and land acquired.

Discussion of capital funds expenditures recommendations: Angela Kantola reviewed the Program Director's recommendations. Brent said we need to add \$28K to Highline screening for netting over the spillway. They've contacted the Colorado River Water Conservation District for managing the Highline screen construction and the District is interested, but will need to get their Board's acceptance. Larry Shanks said the Service's Bozeman Fish Health facility recommended installing submerged aerators in all of the ponds at Ouray. The Service purchased eleven of these last year and would like to purchase 29 more for the rest of the ponds (\$25K). Also, water got under one of the pond liners at Ouray, and the repair will cost \$25K. Thus, Larry would like an additional \$50K for those purposes at Ouray, which should take care of all their remaining needs (the ribbon-cutting at Ouray will be September 12).

In response to a question of whether any additional fish passage work could be done this year, Brent said it's not possible until we work through Price-Stubbs issues (with the \$300K already obligated this year).

Larry Crist said the Biology Committee endorsed the Program Director's recommendations: they believe the additional \$550K at Wahweap will help meet Program needs for growout ponds; and they agree with the land acquisition and Highline screening (they would prefer to accelerate fish passage over the Highline screen, but understand that's not possible this year). The Biology Committee also believes we'll likely need to stock squawfish in the unoccupied reach of the upper Colorado River and that existing hatchery facilities at 24 Road are not adequate for propagating these fish. Therefore, the Biology Committee recommended beginning design work for expanding the hatchery facilities in the Grand Valley. Larry Crist noted that the Committee also stressed the need to finalize stocking plans, with the highest priorities being Colorado squawfish portion of Colorado's plan for the upper Colorado River and Utah's plan for razorback suckers in the Green River. >The Committee agreed that this needs to be a Biology Committee priority.

Robert said that he could support the allocation of FY 98 funds for a Grand Valley hatchery facility for CSF because it appeared that there was strong support in the Biology Committee for the existing prioritization of broodstock development and stocking in the Genetics Management Plan and for sticking to those priorities in the development of stocking plans and of the Coordinated Hatchery Facilities Plan. He would be not be able to support much more hatchery construction until both of those planning documents were finalized or if we had to start over on the priorities in Genetic Management Plan. Brent said they have space for another hatchery building at the 24 Road facility, but they don't have an "extra" building available. Bob Norman said he believes we can design the building, build it, and order equipment in FY 98; then finish it out this winter and have it operational by spring. The total cost would probably be about \$225K.

Brent commented that the Highline screens will require a careful agreement about O&M, so it's too early to tell if we'll be able to spend all \$510K on it this year. The land is owned by the Colorado Division of Wildlife (CDOW), but it's being managed by the Colorado Division of Parks. However, the management may become more fish and wildlife oriented (there's a Federal Aid audit issue involved), so it may be possible to work out the O&M agreement with CDOW. >Henry will brief Ralph Morgenweck about the Highline issues.

Chris Karas said that the lower basin wants to take a maximum of 40 Little Colorado River humpbacks and put them at Willow Beach for genetic refugia and experimental purposes, and have asked for about \$27K. Tom Pitts said he doesn't think we need genetic material and doesn't really see the benefit to the Upper Basin. John Shields recommended that we try to carry over any surpluses for outyear overhead costs. Chris Karas pointed out that if we carry over funds, it makes it much more difficult to justify future year funding requests. We should consider that we have more credibility getting the funds in a later year and *performing* on it.

The Committee approved the following:

2,214.9K

- 550.0K Construction of an additional 6 ponds and water delivery system at Wahweap (in *addition* to the \$550,000 already obligated).

- 921.0K Floodplain land acquisition -- The Program is ready to make offers on about three properties for a total of \$500,000 and anticipates making offers on seven other properties on the Green River and two on the Colorado in the very near future.

- 50.0K Ouray submersible pumps (29) and pond repair.

- 225.0K Grand Valley fish hatchery facility expansion design and construction.

- 508.0K Installation of screens to prevent nonnative fish escapement from Highline Reservoir into the Colorado River near Grand Junction (\$480K) and netting over the spillway (\$28K)

= - **39.1K** Given the track record and probabilities that some money might not get spent, the Committee agreed to over commit remaining capital funds. The Committee decided that it's premature at this point to assume that we'll have surplus funds. We'll know more when we've made offers for land acquisition and know more about Highline (the River District's willingness to contract screening work and resolution of CDOW issues). The Committee will re-visit the progress on these in mid-June.

Tom Pitts suggested that we need to develop a backlog of capital projects for which we've already conducted planning, design, and NEPA compliance. We need to do more advance planning to identify obstacles to spending capital funds in each element of the Program. >The Program Director's office will add a list of capital projects upcoming and potential obstacles that may prevent performing on these to the action items list which the Committee reviews at each meeting.

c. Long-term funding legislation - Dan McAulliffe reported that two bills have been introduced: S1749 by Senator Allard and HR3669 by Representative McInnis. Dan is preparing the amendments for these based on recent agreements. Co-sponsors are being lined up for both bills. Dan is working on the side agreement with WAPA and CREDA. He's also put together a draft letter agreement on the state cost-share (which he distributed

to the Committee). Tom Pitts noted a serious problem with getting support of the New Mexico Interstate Stream Commission. The New Mexico water users have a meeting scheduled with the chair of the Commission and will be working to get his support. >Dan will circulate the amendment language regarding the 3% overhead to the ad hoc group.

d. Washington D.C. briefing trip update/follow-up - John Shields distributed a trip report along with copies of follow-up letters and a recent article in the Casper Star-Tribune. Robert Wigington provided copies of the letters that the environmental groups sent.

LUNCH 12:15 - 1:15

e. Report process and request for corrections - The Committee discussed responses to the Program Director's request for FY 97 annual report corrections. Larry Shanks expressed concern that the dates Utah has given for submitting the reports that are part of the Flaming Gorge and Aspinall packages don't meet the required time frames for the biological opinions. Larry Crist said that for most of these reports, early drafts have been made available for writing the integration reports. Larry Shanks said that as of last week, two crucial reports were still outstanding. Tom Pitts said he believes the underlying issue is a structural problem within UDWR -- Leo Lentsch must review every report and he has a tremendous backlog. >Within a week, John Shields as Committee chair will send a draft letter to Utah's Management Committee representative with a strong message that this can't continue and future funding may be in jeopardy. Tom Pitts pointed out two other significant concerns with UDWR: 1) changing approved scopes of work by saying that final reports won't be submitted but instead, study recommendations will be incorporated in the Flaming Gorge synthesis report; and 2) funds that still haven't been transferred to USU. Larry Crist said Randy Radant has agreed that in the future, funds for USU will go directly from Reclamation to USU. Larry Shanks said another problem is that UDWR has still not issued collecting permits for Service and National Park Service office FY 98 activities. Shields' letter will ask that Utah make recommendations for resolving these issues by June 1. Frank said it's unacceptable to him to use draft reports that haven't been peer-reviewed for the Aspinall synthesis report. Barry recommended that John's letter focus on the problem of late reports that are holding up other work, and note that attempts to resolve this through normal channels have failed. John will attach a copy of the revised annual report status. Frank questioned why the revised reports that Utah did submit are

dated March 23 (the date they were due to the Program), but they weren't sent to the Program Director until April 13. Another significant late report is the final IMO document. >John will copy the Management Committee with the draft letter.

With regard to the DeMaris report, Larry Crist said he thought the delay in the report was due to a delay in sample processing. >Tom Czapla will provide the Management Committee with an update on the status of this report.

WAPA is working on a scientifically defensible cost estimate for replacement power (related to long-term funding legislation), and >Clayton said he will have a report out for peer review in two weeks.

5. Ground tour/river trip - Tom Pitts distributed a proposal for a ground tour that would allow Program participants, biologists, and staff to learn more about water management facilities in the Grand Valley and above. Tom said he would like to include briefings on endangered fish use above and below the 15-Mile Reach. Tom recommended a tour of Utah facilities sometime in the fall, perhaps after the Implementation Committee on the 10th and leading into the Ouray ribbon-cutting on the 12th. Tom said he would like to get the water users to help with the Colorado tour and briefings, but he would like to >turn the arrangements over to the Program staff. Henry agreed. Chris Karas suggested contracting this with the Water Education Foundation or a similar entity. >Tom Pitts and Henry will work together to cut the schedule back to under two days for the tour and to start making the necessary arrangements. The tour was set for July 14th and 15th.

6. Agreement with Colorado Department of Parks - Brent Uilenberg said Reclamation wants to develop an agreement with Parks to use Highline Reservoir for pumpback for Grand Valley Water Management, but Peter Evans wants to work this out within Colorado between Jim Lochhead and Laurie Mathews, so it doesn't need to be discussed by the Management Committee at this point.

7. 2003 Program cutoff date - In light of the change in the long-term funding legislation to extend the Upper Basin Program authorization through 2005, the Management Committee has been asked to address what needs to be done with the Program's Cooperative Agreement (which currently ends in 2003) and to consider long term operation and maintenance costs (which is authorized in the legislation through 2010). Tom Pitts recommended extending the agreement through 2010, with the understanding that it be left in its current simple form with no one proposing changes to leverage position. Tom said he thinks the water users would be willing to sign off on such an extension when the 15-Mile Reach biological opinion is complete. John Shields said that Wyoming believes the most consistent position with the legislation is that the Program expires in 2003, after which a series of ad-hoc MOA's or MOU's for long-term monitoring, O&M, etc., would be the most appropriate way to proceed. Tom said the water users want to remain at the table providing input on the implementation of the reasonable and prudent alternatives. John said Wyoming does not want to continue to financially support base funding for the Program financially after 2003. Robert noted that extending the cooperative agreement doesn't mean we can't change the annual funding commitments after 2003. John Shields asked if there will be a need to do another EA. >The Service will find out. In light of the fact that the Section 7 agreement is tied to the cooperative agreement, John wondered if we're proposing to extend it in perpetuity and if we might want to wait until after the completion of the 15-Mile Reach consultation before we address any of these issues. >Each Committee member will talk with their Implementation Committee representative to make sure they're willing to extend the cooperative framework through 2010 and to summarize their position on extending the present annual funding contributions through 2010. These are separate from issues of *how* the cooperation will proceed (e.g., committee structure, etc.). This will be taken up again at the August meeting.

With regard to the question raised by Reclamation to dissolve the Implementation Committee, Tom Pitts said he doesn't want to spend time and effort right now discussing re-structuring the Program. John Shields noted that we've just asked the Service's Washington office to look into restoring the Secretarial liaison on the Committee. John said he thinks it's important to get the input of Implementation Committee-level people. Chris Karas recommended that if an Implementation Committee member can't attend a meeting, they need to inform their fellow members and the meeting should be either canceled or rescheduled if a significant number of Implementation Committee members can't be there. >Each Management Committee member will communicate these views to their Implementation Committee member. >In the future, Program participants should carefully consider whether to send a proxy to Implementation Committee meetings.

8. Inadequacy of public involvement plan reporting - Concern has been expressed that the FY 97 public involvement plan annual reports were weak in reporting what results we're getting for our significant public involvement plan dollars. Angela Kantola suggested asking the I&E Committee to make recommendations for how they could be more accountable in letting the Management Committee know what's going on in public involvement. John suggested perhaps a more frequent report on the status of public involvement activities two or three times per year. Brent disagreed that more reporting is needed and said he believes it's a waste of funds. Robert suggested that instead, when we have a report to the Committee on a major Program element (e.g. land acquisition), that we also hear about the public involvement (such as we got this morning from Dave). >The Committee agreed. John noted that the recent press clippings were very useful to him. >The Program Director's office will more regularly provide press clippings to the Management Committee (using discretion as to what clippings are most important, since it would be too voluminous to send all of them). >Each Management Committee member will communicate the importance of public involvement plans and reports to their agency people who prepare them.

Tom Pitts said the water user's would like to see more on video about the Program (e.g., Doug Osmundson saying this is a pool, this is a riffle, and this is why it's important.; habitat stuff, etc.). They believe this would be very useful in informing the water user community about Program activities. Angela recommended that >Tom prepare a draft scope of work and get it to the Information and Education Committee as soon as possible. Tom agreed. Barry cautioned that videos, even very basic ones, are pretty expensive. Larry Fluharty said video generally costs \$1000 per minute. Chris Karas suggested video taping the ground tour.

9. Revision of peer review portion of Biology Committee report review process - On March 6, the Implementation Committee recommended that the Biology Committee should change the Peer Review portion (Step 2) of their report review process so that the principal investigator recommends the peer reviewers and the Program Director approves them. The Biology Committee recently considered this recommendation and approved instead the following changes:

- Under responsibilities, change language to say that it is required that peer reviewers be outside of the immediate office, and that two of the three be outside of the agency. Also add a statement that authors cannot be reviewers.
- In the paragraph under step 2, include a statement that the PI will also notify the Biology Committee of who the peer reviewers are.
- Fifth bullet page F-2, second line - delete word "met" and replace with "adequately addressed," so that it reads " In the event that the Program Director's review finds that the goals and/or objectives of the original scope of work are not ~~met~~ adequately addressed, they will provide a written statement to the PI identifying the deficiencies and actions that need to be taken to rectify the report."

Larry Crist clarified that coordinators would be notified along with BC who the reviewers are, and that if the Program Director believes additional review is needed, he can send the report out for review to additional people. Clayton Palmer expressed concern that the Biology Committee's changes still allow the PI to choose reviewers sympathetic to their view of the world. >Management Committee members will check with their Implementation Committee members to see if the Biology Committee's changes are satisfactory. >Angela Kantola will post a copy of the Biology Committee's final recommendation to the listserver.

10. Updated consultation list - An updated consultation list (through 3/31) will be distributed. >Angela Kantola will post this to the listserver in Excel format.

15-Mile Reach discussions update - Tom Pitts reported that the most recent meeting went very well. The Service and the water users have been exchanging proposals, remaining issues include: the size of the block of depletion; the role of the instream flow filings as reasonable and prudent alternatives for existing/future depletions; seasonal allocations of the new depletions; proposed target for coordinated reservoir operations (amount of spring peak augmentation), etc. Numerous details remain to be worked out. The Service will respond to the water users' last proposal by May 4, the large group will probably be a couple more meetings, then they'll be breaking into work groups to focus on specific issues.

11. Next Management Committee meeting - Conference call on the FY 98 capital funds budget at 10 a.m. on Friday, June 12. The ground tour will be July 14th and 15th. The next meeting will be August 4-5 (beginning at 9 on the 4th and concluding at 3 p.m. on the 5th) in Cheyenne, Wyoming (which will include some sort of social dinner event on the 4th). Pending items for the August meeting are: review of action items from recent meetings; approval of the draft FY 99 work plan; tracking system; extending the Program beyond 2003;

ADJOURN: 4:15 p.m.

Attachment 1

Colorado River Management Committee, Denver, Colorado

April 15, 1998, Meeting Attendees

Management Committee Voting Members:

Brent Uilenberg Bureau of Reclamation

Chris Karas Bureau of Reclamation

Dan McAulliffe for Peter Evans State of Colorado

Tom Pitts Upper Basin Water Users

Barry Saunders Utah Department of Natural Resources

Robert Wigington The Nature Conservancy

John Shields State of Wyoming

Larry Shanks U.S. Fish and Wildlife Service

Clayton Palmer Western Area Power Administration

Nonvoting Members:

Henry Maddux Recovery Program Director, U.S. Fish and Wildlife Service

Recovery Program Staff:

Angela Kantola U.S. Fish and Wildlife Service

Pat Nelson U.S. Fish and Wildlife Service

Tom Czapla U.S. Fish and Wildlife Service

Dave Soker U.S. Fish and Wildlife Service

Others:

Larry Crist Bureau of Reclamation

Gene Shawcroft Central Utah Water Conservation District

Larry Fluharty Bureau of Reclamation

Larry Crist Bureau of Reclamation

Frank Pfeifer U.S. Fish and Wildlife Service

Tim Modde U.S. Fish and Wildlife Service

Keith Rose U.S. Fish and Wildlife Service

Bob Norman Bureau of Reclamation

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