

MANAGEMENT COMMITTEE MEETING SUMMARY
10/30/98



MEETING SUMMARY

Meeting: Colorado River Management Committee, Lakewood, Colorado

Date: October 30, 1998

Attendees: See Attachment 1

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

CONVENE: 9:00 a.m.

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

2. Approve August 12-13 meeting summary - The summary was approved as written.

3. Review action items from recent meetings - The Committee reviewed items on the recent action items list (Attachment 2). With regard to updating the RIPRAP funding table, the Committee agreed that >Brent Uilenberg, Bob Norman, Chris Karas, Henry

Maddux, and Angela Kantola should meet to draft changes (in digital spreadsheet format) and provide those to the Committee by mid-December. In discussing Clayton's report on a scientifically defensible cost estimate for replacement power, the Committee agreed that >Clayton should send the report out for peer review by November 15, get comments back by December 15, and provide a revised report to the Management Committee and the Ad Hoc Long-Term Legislation Group by January 15.

4. Program activities updates:

a. Colorado water users' discussions/15 MR Biological Opinion - Tom Pitts gave an update on these discussions. Remaining issues to be resolved are: incidental take (both in diversion canals and due to water depletion); and delivery of water from Green Mountain Reservoir. Tom said he hopes to complete these negotiations before Christmas (which may be optimistic). Robert said the environmental groups are split with regard to delivering Green Mountain water via a recreational contract, because they don't believe it's secure. There's a meeting next Tuesday to discuss the incidental take issue.

b. Resolution of the Orchard Mesa check settlement contract - Brent Uilenberg reported that Reclamation is still negotiating the term of the contract (they've offered a 25 or 33 year term). The water users will grudgingly accept the 33 year term if they're unsuccessful in their bid to get a longer term when they talk to the Commissioner at the NWRA meeting next week.

c. Long-term funding legislation - Dan McAuliffe posted a revised draft to the listserver. References in that draft and in CREDA's amendments to the Service overhead charge need to be revised to reflect the agreement (not 11%, but 50% of the standard rate). Robert Wigington said that budget neutrality is no longer an important issue. We need to make the budget numbers in the bill and the RIPRAP match and we need to get the Colorado River (15-Mile Reach) water issues resolved. The loan subgroup meets November 9. >Management Committee members should submit any recommended language changes to Dan McAuliffe by November 15. The Ad Hoc group needs to meet

again in December. >Henry Maddux will make sure that a member of Congressman McInnis' staff is invited to that meeting. >Henry also will work with Wayne to set a meeting date.

d. Biological opinions - Angela Kantola distributed an updated Section 7 consultation table.

e. Land acquisition update - Henry Maddux reported that we now have agreements on three properties on the Green River, and we're close to three more on the Green and one on the Colorado River. These seven deals will total about \$750,000. The Committee thanked Dave Soker for these successes.

f. Flaming Gorge synthesis report - Larry Crist reported that the draft report went out for five peer reviewers on October 9. Those reviews will be back in December and it will go out for Program review in January.

g. Aspinall Biological Opinion preparation update - Henry reported that the draft synthesis report is still expected by the end of December; however, >he will check to see if that's still the case and post an update to the listserver.

h. Update on Colorado's stocking regulations for private waters - Bruce McCloskey reported that the Commission is scheduled to approve the new regulations on November 12. These will be effective January 1 and will drastically change nonnative fish stocking on the west slope. Enforcement will be phased in, but the regulations will be strictly enforced.

i. Yampa Management Plan update - Henry noted the update posted to the listserver and reported that the draft report calls for development of a Yampa management plan; recommends a 93 cfs base flow for August to October; and discusses options that should be evaluated as part of the NEPA process. Peer review comments currently are being incorporated into the flow studies report. Ray Tenney emphasized that the water users want the Service to make it clear if augmentation will be needed to compensate for depletion of up to an additional 50,000 acre-feet of water from Yampa Basin. They either want the Service to endorse a process that the Program will pay for to provide flows or they want the Secretary of Interior to agree that flows won't be required under ESA consultation, Wild and Scenic Rivers Act, or by Dinosaur National Monument.

j. Stocking and propagation activities update - Tom Czapla said both Colorado and Utah are developing draft stocking plans (Utah's hasn't been distributed outside the state yet, but may be distributed to the Biology Committee in November). >Marty Ott will encourage UDWR to get theirs done as quickly as possible. The Committee asked that the >plans be submitted at the next Biology Committee meeting, that the Biology Committee review them within 2-3 weeks and discuss them on a conference call. >The Program Director will outline the process/timeline for translating these stocking plans into a Hatchery Facility Plan. Ouray is working on meeting the stocking goals for this year. An additional 165 10-inch fish will be stocked in a 20-acre floodplain depression to gain over-wintering information, but since we're stocking so few fish, we need to be careful not to interpret few to no recaptures as an indication that floodplain restoration isn't successful. Robert Wigington expressed concern that we adequately monitor the outcome of stocked fish, noting that ISMP may not be adequate.

k. Ruedi Reservoir Round II Sales Biological Opinion update - Henry reported that there's disagreement between east and west slope water users on this. The east slope water users are afraid that the west slope will walk away from the Program, so they want to hold off on the amended Ruedi opinion until the 15-Mile Reach programmatic opinion is completed. The Service is trying to resolve this disagreement.

l. Biology Committee chair - Henry said since few people have time to serve as chair, the States have suggested that the Program Director's office take care of pre- and post-meeting logistics and that the Program hire a facilitator to run the meetings. The Biology Committee hasn't discussed this yet. Larry said that one area the chair needs help with is in clarifying the issues for the Committee and writing those up in advance of the meetings. Larry will continue to chair the Committee for now.

m. Implementation Committee meeting date - Tentatively re-scheduled from March 9 to for **April 1**; >Angela will post this to the listserver and Management Committee members will make sure the date is okay by November 6.

n. NIWQP

Griffith property - Brent Uilenberg reported that the development of this property is coming along well. NIWQP is initiating a planning process for selenium remediation there (Orchard Mesa Wildlife Area).

On the Uncompaghe, a demonstration remediation project is going forward that will replace five open laterals with pipeline. This has implications for addressing Gunnison River selenium loading.

5. Extending the Recovery Program beyond 2003 - Committee members discussed State funding obligations in an extended Program, with most members agreeing that those could be voluntary instead of mandatory. Clayton Palmer and Dave Mazour expressed concern with that position, however, because they interpret the long-term funding language to mean that base funding amounts don't change (they don't believe power revenues should contribute the entire base funding amount). Robert Wigington noted that the absence of Utah and Wyoming's small contributions would have very little impact on the power revenues. Dave said the amount is not the issue, rather, that if one participant wants to discontinue their contributions, others, like power users, will want to discontinue their contributions, as well. >Management Committee members will review this issue with their Implementation Committee members and discuss this again at the Ad Hoc Legislation Group meeting (and probably the next Management Committee meeting, as well). Ray Tenney asked about depletion fees, and the group generally agreed they will remain as long as the Section 7 agreement remains in place. NEPA may have to be done again. With regards to the length of extension, many felt that the extension should go through the expected monitoring (perhaps 2010).

6. Demonstration of draft Program participant web pages and discussion of tracking system - Angela Kantola demonstrated the Program participant web pages (currently in draft form) and discussed progress to develop a web-based tracking system (hopefully using web-based groupware).

7. Expanding Peer Review - Henry said that if the Program wants to expand peer review beyond reviewers who are involved in this Program or related programs in the lower basin, etc., then we may need to pay for reviews. Tom Pitts said he thinks we need to expand peer review because otherwise the Program is at real risk for "groupthink." Chris Karas cautioned that one problem with "outside" review is that you get comments from people who are not familiar with the ecosystem. Henry recommended using (and funding) outside review on some of our more major, high-profile reports on a trial basis. >Henry will provide a list of reports he recommends for this (and estimated review costs); and

will consider how to handle the difficulty that will arise when people outside the Program are paid for review, and those within the Program are not.

8. Grand Valley Growout Pond Acquisition - Henry said everyone approved this acquisition and we were able to leverage \$135K of Program funds for a site next to Clymer's Pond for growout ponds. Construction on the ponds will begin this spring.

9. FY 99 Work Plan Notes - Angela Kantola provided an update on the FY 99 work plan (Attachment 3). With regards to delaying translocation of squawfish above Government Highline Diversion Dam, Tom Nesler said he thinks the model should be able to be adjusted to compensate for the removal. Tom Pitts said they oppose delaying the translocation. Robert said he'd like to know if the going ahead now will impair our ability to develop a baseline to determine if translocation is effective? >The Biology Committee will discuss this and provide their recommendation. Meanwhile, it will be included in the FY 99 work plan until a final decision is made. The Committee discussed funding for Flaming Gorge and Aspinall public involvement. Clayton said he contacted Ed Vidmar and Steve McCall and got their estimations of what portion of the operation meetings were attributable to endangered fish: Steve said the Aspinall meetings cost about \$40,000 (50% attributable); Ed said Flaming Gorge meetings cost \$56,000 (100% attributable). >Reclamation, WAPA, and the Program Director's office will resolve the disagreement over this and post a solution to the listserver for the Management Committee by November 6. With regards to the capital budget, Brent noted that Highline screening may cost more than \$80,000 (perhaps \$200,000). Chris Karas said they'll know if the FY 99 capital projects budget will be hit by "underfinancing" by November 13. Brent Uilenberg discussed FY 98 carry-over (cost of Leota outlet and Ouray non-contract costs). >Brent will update his budget summary and provide that to the Committee. >Robert Wigington, Reclamation, and the Program Director's office will work together to work out questions related to the budget figures we're using in our Washington briefing books, and so forth.

10. Colorado's Pond Reclamation Activities - Tom Nesler said they're working on narrowing the lists of ponds to be reclaimed to those believed to have the greatest impact. The scope of work should be revised on that basis within the next few weeks, then the group can convene to discuss how to proceed with pond reclamation over the long-term. >Tom Nesler will post the revised scope of work to the listserver.

11. Interim Management Objectives - Tom Czapla reported that the Service has made no progress in convening the Recovery Team and having them add a habitat component to the IMO's and then develop recovery goals. The team may be able to meet this winter, but the process could take 12-18 months. Right now, the Service needs to determine who has the lead to direct the Recovery Team. >The Program Director's office will draft a letter for the Service outlining the process/steps that need to occur. After the Committee sees this draft letter, they'll see how it impacts what we want to present to Congressional staff.

12. Overdue Reports List - An updated list was posted to the listserver and distributed at the meeting. If anyone has comments, they can provide those to the Program Director's office. Henry distributed a list of reports scheduled to be reviewed by the Biology Committee.

13. Diversion Canal Screening - Discussion deferred.

14. Department of Interior Secretarial Liaison - Henry said he communicated our concern to Washington, and they said they would send someone to the next Implementation Committee meeting if given enough notice. (However, since then, the Service's Washington Office has recently taken a 10% cut to their travel budget.) >The Program Director's office will inform them of the Implementation Committee date as soon as it's set. >Robert Wigington will raise the issue to Don Barry when they meet with him next week.

15. Upcoming Program Meetings and Scheduling of Management Committee's next meeting - The next meeting will be January 21 in Salt Lake City at Utah DNR from 8:30 - 4:00. >John Shield's will post the "Enlibra" doctrine (from Western Governor's Association) to the listserver so Management Committee members can review it and

determine if they want to put it on an Implementation Committee meeting agenda. (See <http://www.westgov.org/wga/initiatives/enlibra.htm>)

ADJOURN: 4:00 p.m.

Attachment 1

Colorado River Management Committee, Lakewood, Colorado

October 30, 1998, Meeting Attendees

Management Committee Voting Members:

Brent Uilenberg Bureau of Reclamation

Chris Karas Bureau of Reclamation

Bruce McCloskey State of Colorado

Tom Pitts Upper Basin Water Users

Marty Ott Utah Department of Natural Resources

Robert Wigington The Nature Conservancy

John Shields State of Wyoming

Clayton Palmer Western Area Power Administration

Nonvoting Members:

Dave Mazour Colorado River Energy Distributors Association

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

Ellen Szczesny U.S. Fish and Wildlife Service

Others:

Larry Crist Bureau of Reclamation

Larry Fluharty Bureau of Reclamation

Brent Reese Bureau of Reclamation

Robert King Utah Department of Natural Resources

Robert King State of Utah

George Smith U.S. Fish and Wildlife Service

Ray Tenney Colorado River Water Conservation District

Tom Nesler State of Colorado

Shane Collins Western Area Power Administration

Gary Burton Western Area Power Administration

Attachment 3

FY 99 Work Plan Status/Update

Package of final scopes of work is at the printer and should be mailed out next week.

Final FY 99 work plan summary is being prepared and should be mailed out in ~2 weeks.

Budget spread is underway. BOR, PD's office, and States meeting Nov. 17 to discuss.

Major changes since IC approval:

Proposal to modify channel monitoring (#17) to continue work of monitoring cobble-gravel embeddedness in the stream bed of the Upper Colorado River will be made to the Biology and Water Acquisition committees. (No change in budget.)

The FY 98 *Gila* hybridization work was delayed, so work should be ongoing in FY 99; however, Utah doesn't plan to add any additional funds in FY 99 (Program is not providing any funds in FY 99, either).

** Service has recommended delaying Colorado squawfish translocation above Government Highline Diversion Dam in the Colorado River until FY 2000 so that removal of the fish from the 15-Mile Reach doesn't interfere with completion of the population estimate in project #22a2.

** Reclamation submitted the Flaming Gorge operations PIP for \$28,000 in annual funds; did not submit a separate PIP for Aspinall operations. Moving the \$28,000 back to capital funds would balance the annual funds budget. (Implementation Committee had agreed with Clayton Palmer's suggestion that the Program fund whatever percent of both Flaming Gorge and Aspinall that is attributable to providing flows for the endangered fishes.)

Pond reclamation PIP has carry-over funds, so \$8,600 (capital funds) not needed for that in FY 99.

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