

**MANAGEMENT COMMITTEE MEETING SUMMARY**  
**1/21/99**



**MEETING SUMMARY**

**Meeting: Colorado River Management Committee, Salt Lake City, Utah**

**Date: January 21, 1999**

**Attendees: See Attachment 1**

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

CONVENE: 8:30 a.m.

1. Review/modify agenda and time allocations - The agenda was revised as it appears below.
2. Approve October 30 meeting summary - The summary was approved as written.
3. Program activities updates:
  - a. Colorado water users' discussions/15 MR Biological Opinion - Tom Pitts said he believes the pending opinion will be acceptable to most everyone, noting that it will allow the Program to serve as the reasonable and prudent alternative for ~1.2 maf of historic depletions and an additional 120,000 af. of new depletions above confluence of the Gunnison River. A draft will be out February 19 and the final should be completed by early summer. The Committee congratulated Tom Pitts, Peter Evans, Henry Maddux, and all those who worked so hard to forge this agreement.
  - b. Resolution of the Orchard Mesa power plant delivery contract - Brent Uilenberg reported that the water users agreed to accept a 33-year contract coincident with lease of power privilege and Brent hopes to have a water delivery contract in place for the upcoming irrigation season. This accomplishment should be shown in our D.C. briefing document .

c. Ruedi Reservoir Round II Sales Biological Opinion update - Henry Maddux reported that the amended opinion has been completed, allowing Round II water sales to proceed (a copy of the amendment was distributed to the Committee). Tom Pitts said that with everyone optimistic about the 15-Mile Reach programmatic biological opinion, he doesn't believe any litigation will result from the Ruedi amendment.

d. Status report on Grand Valley Water Management Plan - Brent Uilenberg reviewed Tom Pitts' December 29, 1998, which outlines steps necessary to proceed on the Grand Valley Water Management project: 1) trust fund contract - ready to be executed; 2) execution of a letter agreement for O&M - pending completion of the biological opinion; 3) contract for Highline Lake pumpback - Reclamation will be releasing a draft letter agreement for the water users and Colorado DNR to review; 4) cooperative agreement for construction and contracting with GVWUA - the pipeline probably can be under this agreement, but the pumping plant and check structures likely will have to be contracted separately (which will cost a little more, but should allow construction completion in 2, instead of 3 years). In summary, the project is ready to move ahead as soon as the 15-Mile Reach programmatic biological opinion is completed. Brent anticipates obligating all the funds for this project in FY 99 (unless this Committee decides to move some funds to another project this year and obligate the remaining funds in FY 2000).

e. Disposition of 15-mile reach flow filings - Tom Pitts outlined the seven options presented in his December 31, 1998, memo regarding these filings: 1) reinstate discussions on the original flow filings; 2) proceed with the recovery flow filing; 3) proceed with the base flow filing; 4) withdraw both filings; 5) stipulation to put both filings or the base flow filing on hold; 6) refile as conditional water rights; or 7) withdraw the filings and defer new filing until supporting information is available. Tom said that an informal survey of the water users indicated no support for reinstating the discussion on the original filings or for the recovery filings. Several water users supported withdrawing both filings, but the majority supported proceeding with the base flow filing or a stipulation to put the base flow filing on hold. Tom noted that this item is on the CWCB agenda next week and a water court conference on this topic is scheduled for early February. Of course, this filing has implications for filings in other basins. Ray Tenney noted that the CRWCD adopted a policy not to support instream flow protection filings in one basin that are different from those in other basins. Henry and Brent suggested that there may be utility in the base flow filing; and Robert asked to see that analysis. Bruce McCloskey distributed a draft letter from the Management Committee replying to the Service's September letter on the filings. Robert hasn't had the opportunity to confer on the letter or the options with EDF, so at this point, the environmental groups could only support option 7. Brent recommended a conference call to develop Management Committee recommendations and the Committee scheduled a call for 1:30 p.m. on Tuesday, January 26 (with Robert Wigington, Dave Mazour, Ray Tenney, Tom Pitts, Bruce McCloskey, Brent Uilenberg, Henry Maddux, Susan Baker, and John Shields.)

>Brent will set up the call and inform everyone of the call-in number. >Angela Kantola will post the Service's September letter to the listserver.

#### f. Biological opinions

- Flaming Gorge synthesis report - Henry reported that the draft Flaming Gorge Synthesis report was sent out for technical review to Jack Stanford, LeRoy Poff, Harold Tyus, Dave Propst, Dan Beyers, and Ned Andrews. Comments have been received from all but Jack Stanford and Ned Andrews. The authors are currently addressing the comments received thus far. Additionally, the report was sent to the Geomorphology Peer-Review Panel of Richard Marston, Bob Strand, and Bill Trush. Comments are due back by February 1, 1999. The report will then be modified as necessary and sent to the Recovery Program for review around March 1.

- High Savery opinion - The Service distributed copies of the draft biological opinion on the Little Snake Supplemental Irrigation Water Supply Project in Wyoming. In addition to the project proponent's payment of depletion charge on 7,724 acre-feet of new depletion, the reasonable and prudent alternative for this opinion consists of Program implementation of: 1) nonnative fish removal in the Yampa Basin Fish Plan and 2) development and implementation of the Yampa River Management Plan.

- Section 7 consultations list - Angela Kantola provided a list of consultations completed under the Recovery Program through December 31, 1998. > Angela will post the updated spreadsheet to the listserver (and >Tom Pitts will post his summary to the listserver).

#### g. Land acquisition update

- Recent acquisitions - Henry Maddux reported that the land acquisition program is back on track, having obligated \$802.6K for 426 acres.

- Review of "no payment policy" for use of State lands - Henry introduced the issue of whether the Program should pay or provide some sort of credit for easements on state-owned lands. To date, our default position has been not to pay. Dan McAuliffe has recommended that the best way to persuade the Colorado Division of Parks not to build levees along the river bank for bike trails in areas of important fish habitat would be to buy easements from them. The Program would like Parks to reroute some bike trails away from the river, or at least on set-back levees. Brent expressed concern about granting State cost-share credit for use of State lands. The Committee generally supported a cooperative approach (preferred over cash or cost-share credit arrangements) wherein we would try to accommodate the needs of Parks' trail system on our acquisitions and they would try to accommodate the needs of the endangered fishes on their lands. >Bruce McCloskey will initiate discussions with Parks on behalf of the Management Committee (>Henry Maddux will provide Bruce with background information). Marty Ott said purchase will be the

only option on Utah trust lands, but different options may exist for other State lands. Participants who would like their in-kind contributions in this regard noted in the annual work plan should get that information to Angela Kantola (to be noted in the work plan, but not to be used for cost-share accounting).

h. Update on Colorado's nonnative fish stocking regulations for private waters - Bruce McCloskey reported that the Colorado Wildlife Commission passed the regulation regarding nonnative fish stocking in private ponds with the caveat that if no results are shown in 3 years, then the regulation will be canceled. Henry recommended beginning the required monitoring this year, if funds are available.

i. Stocking and propagation activities update

- Genetics Management Plan - Comments on the last version are being incorporated and will be sent out for review by the Genetics Management Panel and Biology Committee (John Shields and Robert Wigington also would like copies).

- Razorback sucker collection for broodstock development - The Biology Committee agreed that all female razorbacks collected pre-spawn will be brought into captivity, fish (males or females) that don't spawn this year will be returned to the wild. Up to three males will be collected for every female, and used as needed for crosses this year (also, sperm will be collected from all males and cryo-preserved). All males will subsequently be returned to the wild. For post-spawning collections, we'll keep all suspected females collected up to about 2 weeks post-spawning. If we complete our 25x25 paired-breeding matrix for the Green River, we'll still collect fish because they can be used to produce fish for Colorado River stocking.

- Stocking plans - The Biology Committee accepted CDOW's stocking plan. UDWR just distributed a draft plan to the Biology Committee this week. The Ad Hoc Propagation Committee had an informal meeting during the Colorado River Aquatic Biologists Meeting on 1/7/99 and has begun bringing together the information necessary to meet the needs of the stocking plans. >The Management Committee asked this group to complete their facilities operation report and recommendations in time to be part of the regular budgeting process. >Tom Czapla will post the group's meeting summaries to the listserver.

4. Yampa Management Plan -

Larry Crist reported that the Biology Committee had an initial discussion of the base flow report yesterday; the draft will be revised in advance of their next meeting based on the technical comments received. Henry noted that Gerry Roehm's work on the Yampa Management Plan is funded only through March, so the Management Committee may want to consider whether to extend that funding while the report is being reviewed.

Ray Tenney outlined the development of the Yampa Basin Partnership and accomplishments to date (e.g., Yampa Basin Aquatic Management Plan). Ray introduced Ben Beall, Dan Birch, and Rick Hammel from the Yampa Basin Partnership. Ben said the Yampa Management Plan is the Partnership's main project and they're eager to make it work. They want to have certainty that the necessary water will be available for the basin's projected growth, and so they hope to make sure the funding is in place for the Yampa Management Plan. Ben says he believes they've shown that there's the political will in the Yampa Basin to solve these problems and they recognize that the Yampa River is the most important resource in the Yampa Valley. Dan said the Partnership supports the plan's goal of water for people and water for fish. Although depletions in the Yampa Basin are small in comparison to other basins in the state, expected growth will require additional water. Dan expressed concern that the collaborative partnership will dissolve if the Yampa Management Plan does not go forward (then we'll have difficulty providing water for fish or people). Rick emphasized the cooperative effort that went into development of the Yampa Basin Aquatic Management Plan. Rick said there's a definite need for warmwater fishing opportunities in the Yampa Basin and emphasized the public outcry that will result if it can't be provided. Rick said Yampa Basin residents are eager to protect the riverine environment. All three urged the Committee to continue the Yampa River Management Plan and associated funding.

Ray Tenney noted that we're currently augmenting base flows in the Yampa River by leasing water from Steamboat Lake and by requiring permittees to release their own storage water in lieu of further depleting the river during times of low flow. Noting that ~50,000 af of additional depletion is expected in the next 50 years, Ray encouraged the Committee to maintain their commitment to the Yampa Management Plan. Ben stressed the need to continue the plan and identify the available alternatives to meet water needs of fish and people. Dan encouraged the Committee to hold a future meeting in the Yampa Basin (and Ray noted the synthesis conference planned for late spring might be a good time). Ray said that if low-flow augmentation is not deemed appropriate, the Yampa Basin still would like some certainty for future water development, which might be accomplished along the line of what's being done on the 15-Mile Reach or on the Duchesne River, or perhaps some sort of habitat conservation plan (however, this will require a different funding source).

The Committee confirmed their commitment to complete Task 5, and to continuing our commitment in the Yampa Basin (whatever form that may take). In order to continue capital funding beyond Task 5, Reclamation will need to know what is the Federal action (*not* a biological opinion), and what is the purpose and need. Whatever the funding situation may be, Ben encouraged keeping the umbrella partnership in place. Brent emphasized that if flow augmentation is not called for and a biological opinion needs to be developed, then he will support use of capital funds for any reasonable and prudent alternatives (that are capital expenditures) after they've been identified in that opinion.

5. Diversion canal screening - Henry Maddux said we need to begin the process of screening diversion structures, and suggested that we might begin with GVIC. The programmatic biological opinion calls for screening out fish 300mm (12") and larger for the GVIC and Government Highline diversions on the Colorado River. We also may need to screen the Tusher Wash diversion on the Green River. A 1" screening mesh probably would be required. We need to develop the screening criteria and begin preliminary design. Ray Tenney recommended involving the canal owners from the start. >The Program Director's office and Brent will work on identifying technical experts to develop the criteria. >Tom Pitts and Henry will visit with GVIC and begin talking with them about this.

#### 6. Annual work planning items

a. FY 98 annual reports - Angela Kantola noted that the report package was sent out in early January; two reports still are outstanding from Utah (>Robert King said he would be submitting them soon). A summary report (the "*Readers Digest*" version) of the FY 98 annual reports will be out in a week or two.

b. Overdue reports list - Henry Maddux distributed the most recent overdue reports list and Tom Pitts distributed the most recent status list of Utah reports. Tom noted that after John Shields sent the draft memo about overdue reports to Utah last August, Utah submitted several reports, many of which were returned for significant revisions and a few of which were accepted. Tom noted that most of the reports on Utah's list originally were due in 1997. UDWR seems to be swamped with work (they've been receiving ~\$1M/year under the Recovery Program), Tom is concerned about assigning additional work to Utah, and he would like the Committee to implement the overdue reports policy and curtail additional funding (perhaps in FY 99 and certainly in FY 2000) until Utah can catch up. Marty Ott agreed that it's appropriate that Utah not receive contracts for new work until they deliver their current overdue work. Marty said he hopes that he will be able to show performance on these late items within the couple of months. The Committee agreed not to fund UDWR for any new work (noting that the policy would not apply to ongoing work for which reports are not overdue, such as levee removal evaluation, standardized monitoring, Wahweap operation, etc.). Reviewing the FY 99 work plan, Henry said that the policy would apply to one study which is a new start, the \$32,000 going to UDWR for project #22f, larval pikeminnow abundance in the Yampa, lower Green, and lower Colorado rivers. The Committee agreed. >Tom Pitts will draft a letter from the Management Committee to Utah, to be reviewed by Utah and the Program Director's office prior to going to John Shield's for signature.

c. FY 99 Work Plan notes - The Committee received updates on modifications to the FY 99 Work Plan since its approval by the Implementation Committee.

- Brent Uilenberg distributed an updated summary of FY 99 capital funds (which he'll provide at every Management Committee meeting).
- Brent distributed a request for additional \$25,500 to upgrade the heating system, install flow meters, and conduct one more site review at the Ouray National Fish Hatchery. Brent said FY 99 funds or FY 98 carry-over funds may be available to cover this, but if not, he would like the Committee's approval for this work (increasing our current deficit from \$593K to \$619K). The Committee agreed.
- Brent distributed a new long-term funding table which assumes that beginning in FY 2000, 54% of the total funding for the Upper Colorado will be Federal appropriations, and the remainder will be cost-share State and power revenues. >Brent will update the accompanying RIPRAP text to this table in cooperation with the Program Directors' staff. >Chris and Brent will provide the Committee members with Reclamation's FY 2000 budget justification document as soon as it becomes available.
- Colorado pikeminnow translocation - Robert Wigington distributed Hawkins' minority report. Larry Shanks encouraged delaying this work until FY 2000 (and also including adequate evaluation at that time) so as not to adversely affect the Colorado River pikeminnow population estimate. The Committee concurred, and also agreed that this translocation study does not need to occur prior to constructing additional passage.
- Highline Lake screening (CAP-20) Ray Tenney presented an update on the recommended approach and the challenges involved (e.g., tumbleweeds, a portion of the outflow that can't be screened, etc.). The kevlar/spectra net will cost ~\$200,000 (and has to be replaced about every 4 years). The bids go out next week, but CRWCD won't let the contract until they have an agreement with Colorado for operation and maintenance. The annual O&M costs may range from \$8.4K - \$34K (not including replacement costs). Ray emphasized the importance of this project from a nonnative fish control perspective. Bruce said he can't sign a blank check, so he'd like to find a way to try the net for a year to see if it works, without anyone making long-term O&M commitments. Brent suggested we view this as an experiment and cap the maximum state O&M cost (if costs go beyond that amount, then we'll have to find another option). >Colorado and the Program Director's office will negotiate an O&M agreement for the life of the first net.
- Facilities management options for Colo. River Water Division #5 (CAP-25) (not discussed) - Nine proposals were received and McLaughlin Water Engineers Ltd. was selected. A scope of work for \$200K is being developed and will be reviewed by the Executive Committee (representatives of east slope water users, west slope water users, environmental groups, Reclamation, and the Service; chaired by CWCB).
- Contribution of tributaries to recovery (#101) (not discussed) - Four proposals were submitted and received "blind" peer review. With minor revisions, the Biology Committee

approved Tyus and Saunders' proposed scope of work for \$25K for this activity. The final scope of work will be posted to the listserver shortly.

d. RIPRAP revision / FY 2000 Program Guidance schedule - The Program Director's office has received some input on recommended RIPRAP revisions and draft FY 2000 Program Guidance. The Program Director's recommended revisions and guidance will be sent out for technical committee review and comment at the beginning of February. The Management Committee will discuss them at their March 3 meeting, then they go to the Implementation Committee for approval on April 1.

## 7. Long range work planning items

a. Long-term funding legislation - The water users are ready to support this legislation (in light of recent progress on 15-Mile Reach issues). The ad hoc group met yesterday, worked on revisions, and agreed to a target date of March 1 for reintroduction of the legislation. The group will have a conference call on February 9.

b. Washington, D.C. trip - The Committee scheduled the trip for April 21-27 with travel the afternoon of the 20<sup>th</sup> and the 27<sup>th</sup> (includes a weekend stay-over, which worked well last year). The focus of this trip will be FY 2000 funding (an earlier trip will be scheduled near March 1 when the long-term funding legislation is introduced). >Angela Kantola will post last years' final schedule for everyone's information and >John Shields will post last years' trip report. We need to nail down the funding amounts that the Program is requesting. Larry Shanks encouraged Program participants to ask for additional funds in the Service fisheries budget for O&M of propagation facilities.

c. Extending the Recovery Program beyond 2003 - The Committee briefly discussed extending the Program's Cooperative Agreement. John Shields reiterated Wyoming's caveat for extension (that they be relieved of their annual base funding contribution after 2003 because they will be providing \$1.7M as part of the cost-share arrangement) (he suggested the agreement should be silent on how Wyoming would cover their Program management costs such as committee attendance, etc). CREDA has emphasized their opposition to this approach in the past. Barry Saunders and Robert Wigington suggested re-characterizing state contributions so that they don't require the states to seek additional funding from their legislatures, but John didn't see that as a viable option.

8. Review action items from recent meetings - Review of pending and recently completed assignments on the Committee's running "to do" list was deferred.

9. EnLibra Doctrine as an item for Implementation Committee agenda - A copy of this was distributed, but the Committee deferred discussion of whether the Implementation Committee should address the EnLibra doctrine for environmental management (recently

created and adopted by the Western Governors' Association  
(<http://www.westgov.org/wga/policy/98001.htm>)

10. Role of Program Information & Education Coordinator - Henry Maddux said he's prepared the announcement to advertise the position (probably in early February), with an anticipated start date as early as this May. Bruce McCloskey said recommendations (a "call to action") for improving public involvement and I&E in the Program in general will be forthcoming from the I&E Committee. The Management Committee looks forward to receiving those recommendations and the coordinated public involvement plan. Henry said he plans to work with the I&E Committee on this position and its relationship to their upcoming recommendations. Committee members discussed important features of the position. Tom Pitts emphasized the need for someone who will go to the field and talk to the public. John Shields emphasized the need for within-Program I&E (e.g., web pages, etc...).

11. Upcoming Program meetings and scheduling the Management Committee's next meeting - The Committee's next meeting will be March 3 from 9:00 - 4:30 in Denver, at a hotel near DIA.

ADJOURN: 4:00 p.m.

## **Attachment 1**

### **Colorado River Management Committee, Salt Lake City, Utah**

#### **January 21, 1999, 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

Shane Collins Western Area Power Administration

Larry Shanks for Susan Baker U.S. Fish and Wildlife Service

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

Tom Czapla U.S. Fish and Wildlife Service

Others:

Rick Hammel Yampa River Basin Partnership

Dan Birch Upper Yampa Conservancy District, Colorado River Water Conservation District

Barry Saunders Utah Department of Natural Resources

Gene Shawcroft Central Utah Water Conservancy District

Larry Crist Bureau of Reclamation

Larry Fluharty Bureau of Reclamation

Ben Beall Routt County Commissioner

Robert King Utah Department of Natural Resources

Ray Tenney Colorado River Water Conservation District

Gerry Roehm U.S. Fish and Wildlife Service

[TOP OF PAGE](#)