

**MANAGEMENT COMMITTEE MEETING SUMMARY
08/16-17/99**



MEETING SUMMARY

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

Date: August 16-17, 1999

Attendees: See Attachment 1

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

CONVENE: 10:00 a.m.

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

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

3. Program Updates

a. 15-Mile Reach Programmatic Biological Opinion - Tom Pitts said that the Service issued a second draft of the opinion on June 29, followed by a meeting of all the interested parties on July 19th. The group has another meeting scheduled for August 31st.

Reclamation has raised a number of issues, some with broader ramifications are still outstanding, and will be discussed at an upcoming meeting of the Solicitor's Office in Washington, D.C. (Reclamation will report on this at the Implementation Committee.) Tom said he believes the River District's issues regarding certainty for the Yampa and Gunnison basins are being addressed.

b. Long-term funding legislation - Wayne Cook noted that HR 2348 was introduced by Representative Hansen on June 24 and SB 1544 was introduced by Senator Allard on August 5. A few language changes are under discussion:

1) Proportionate funding - Reclamation, CREDA, and Western have drafted an MOU that says Reclamation won't use power revenues if the States' funding is not provided. This should resolve this issue.

2) Sunset language regarding continuation of base funding - Resolution is proposed in John Shield's and Robert Wigington's proposals on extending the Recovery Program.

3) Extending the language applied to the San Juan basin tribes to the Northern Ute tribe - the Ad Hoc group has agreed to a minor language change for this.

The goal is to have these concerns resolved before Congressional hearings. House hearings are anticipated sometime the week of September 23, with Senate hearings that week or the next. >Program participants should send letters to Senator Gordon Smith requesting hearings on the Senate side (similar to the letters sent to the House side). Another issue has been raised by Bob Faber of Congressman Doolittle's staff regarding use of non-reimbursable power revenues for the \$6 million base funding. It is unknown at this point if Congressman Doolittle will raise this fatal issue in the hearings, but Representative Hansen may be able to convince him not to do so.

We need to work out the split of State funding among the two programs and among years and the appropriate matches. >Tom Pitts will circulate a draft proposal for this within the next 10 days. We also need Clayton Palmer's report; >Shane Collins will ask Clayton to forego additional peer review and send the report to the Ad Hoc Committee immediately. >The Ad Hoc Committee will develop a written legislative strategy.

c. Development of recovery goals - Henry Maddux said that Rich Valdez will work with the Program and the Recovery Team to develop recovery goals for all four species throughout their range. Rich is meeting with the Recovery Team meeting on August 25, will brief the Implementation Committee on August 30, then will meet with the Biology Committee on August 31. The goals are to be finalized by April 30, then they will be published in the Federal Register for public comment.

d. Colorado instream flow protection - Bruce McCloskey reported that CDOW told CWCB they would need 3 years to develop instream flow recommendations for re-filing per the CWCB's request. Tom Pitts discussed his memo of August 9 outlining the proposal to defer the filings for up to 5 years and modify the RIPRAP accordingly next year. Robert Wigington noted that the proposal doesn't make clear what the decision point would be for the PBO on the Gunnison. Susan Baker said the Service supports this process, but that legal protection of habitat (i.e., flows) will be required for de-listing. Tom agreed that the water users won't find this option acceptable if the Service doesn't consider reservoir reoperation, contracts, and other flow protection activities in the Program as legal protection under the definition of recovery. The Committee agreed to recommend the concept and approach to the Implementation Committee, recognizing that there are details still need to be worked out.

e. Section 7 consultation list - Angela distributed a list of consultations updated through June 30, 1999. Since 1988, the Service has consulted on 210 projects with a potential to deplete a total of 587,212 af in the Upper Colorado River Basin, of which 64 are historic projects depleting 463,552 af. Three of these "projects" are blanket consultations for depletions under 100 af, up to 6,000 af total. These consultations have covered 326 actual projects depleting a total of 4,928 af. The High Savery Biological Opinion (Little Snake River in Wyoming) was completed on July 14.

f. Duchesne River coordinated reservoir operations - Jared Hansen from Reclamation's Provo office reported that a contractor has been hired and the model is to be recalibrated and the report completed by the end of the year. The oversight committee hasn't met in the last year. They are behind in accomplishing the scope of work objectives, but anticipate catching up by the end of the year. Jared said he believes they only need \$35,000 - \$40,000 for FY 2000 (which the Management Committee subsequently included in the draft FY 2000 work plan).

g. Yampa Management Plan - Gerry Roehm noted the draft synthesis report was distributed 2 weeks ago and comments are due August 31. A conference was held in Craig to discuss the report and issues that have been raised. A programmatic biological opinion process has been proposed, with a suggested completion date of September 30, 2000. The opinion would be written to the Service, based on an MOU that would be signed by the Service, the Colorado River Water Conservation District, and the state of Colorado. The River District and the Service's solicitor's office is working on an addendum to the Section 7 agreement that would address PBO's. Henry distributed a first draft prepared by the River District.

4. Flaming Gorge EIS process - Kerry Schwartz of Reclamation made a presentation to the Committee outlining the EIS process and its relationship to the Biological Opinion and the Recovery Program. The proposed schedule (aggressive) is: Notice of Intent - September 1999, Draft EIS - Sep 2000, Final EIS - March 2001, Record of Decision - April 2001. Chris Karas said that details of how the EIS will be funded are still under discussion. A web site on the EIS will be established as part of the public involvement effort. Reclamation should consider adding Bob Muth to the interdisciplinary team to represent the Recovery Program as a technical representative.

5. Price-Stubbs FERC License - Reclamation first looked at three alternatives: no action, traditional ladder, and dam removal. Jacobsen FERC license to generate hydropower is in the re-licensing process. Reclamation now is considering a fourth option that would leave drop structures in the river as a whitewater park (if we can get GOCO funds). Frank Pfeifer noted that we first have to determine that those structures can be successfully navigated by razorback sucker. The drop structures have the advantage of reducing the risk of landslide that goes with removing part of the dam. However, everything is at a standstill until FERC makes its decision. >Bruce McCloskey will contact McInnis' office to make sure they've contacted FERC. >Chris Karas will draft a letter to FERC for the Assistant Secretary's signature. >Susan Baker will give Chris an update on the status of the Section 7 consultation. NOTE: The Service determined that FERC can not act on the re-licensing until they receive the Service's biological opinion. So, letters to FERC are not needed at this point. The Service will provide a draft opinion to FERC by the end of September.

6. Tusher Wash fish screening - Keith Rose described the Tusher Wash diversions for hydropower and irrigation. Tusher is about 8 miles upstream of Green River, Utah. The two diverters are in litigation charging each other with interfering with the other's ability to operate their facilities. Their diversions are not measured. This spring, we learned fish were being impinged on the power plant intake. On May 15, a razorback sucker was killed on the intake. The Service met with both parties to try to work out a solution. To reduce the risk of additional take of endangered fish, the parties have reduced the power plant operation to one turbine at a time and they have removed the concrete wall that created additional turbulence compounding the problem. Preliminary estimates for screening the main canal intake are about \$2 million. Henry said he'd like to find an option where the Program pays capital construction costs of a screen, but Thayne or someone else assumes responsibility for operation and maintenance. Committee agreed that >Reclamation should determine options for screening the amount of water for which the diverters have legal right. The Committee also agreed to accelerate design and construction of the Tusher fish screen by two years. Henry's office will look into options

for an interim incidental take statement so that we don't get into a take situation where the Service's law enforcement has to get involved.

7. Bonytail stocking - Henry Maddux outlined the proposed stocking of bonytails at the Warm Springs site in Colorado in the spring of 2000. >The water users will take this before the Colorado legislature (at the same time they discuss the endangered species trust fund). Approval is needed by March of 2000.

8. FY 99 Capital funds - Brent Uilenberg gave an update on expenditure of FY 99 capital funds. Right now they project we'll have about \$1.5 million left on the table at the end of the year. Reclamation doesn't know if that can be carried over, so they advise assuming the capital FY 2000 budget is \$7,228M. Henry noted that the surplus could disappear quickly if several of our land acquisitions are finalized (many are in process). The Committee approved purchasing 12 coded wire tag readers (\$70-80K) with FY 99 capital funds.

9. Cost overruns at Wahweap - Kirk Fletcher outlined cost overruns in construction at the Wahweap hatchery facility. They need an additional \$206,500 from the Recovery Program, which the Committee approved, albeit reluctantly. >Reclamation (or Utah) should post any other potential changes to the fws-coloriver listserver. Committee members resented being put in the position of "provide these funds or we can't complete the work." >Reclamation will see what they can do to prevent putting the Management Committee in this position in the future (and the Management Committee will discuss that at their next meeting).

10. Status of Reclamation and Service reviews of options for Ouray NFH water treatment - Brent Rhees said the construction contractor has hired some technical experts to look into the problem. They have thus far suggested some minor modifications which are being implemented and tested. >Reclamation will provide their analysis of alternatives after they get the recommendations from the technical experts at the end of August. The technical experts may recommend a dual system that will add UV for disinfection

(apparently the more common approach). The negotiations will come in determining who (the contractor or Reclamation) will pay for this fix.

11. Extending the Recovery Program (Discussed Monday afternoon and again Tuesday morning) John Shields distributed an alternative (dated August 16, 1999) that reflects Robert Wigington's proposal with one change. The Committee discussed the proposal and made a few modifications. >Program staff agreed to modify the organization and mission document to allow credit for Implementation and Management committee participation, not just technical committee participation and lower.

Bruce McCloskey said that although Colorado remains committed to the Program, they are not inclined to approve anything to extend the Recovery Program until they are convinced we are making adequate movement toward delisting. John Shields encouraged Colorado to re-think that position, in light of the fact that other parties want agreement on extension of the Program in order to support the long term funding legislation. Robert Wigington said that Colorado's position would threaten the environmental groups support of the long-term funding legislation. Susan Baker said that if Colorado and the environmental groups take those positions, the Service will have to assume that the Program is not working. >The water users will discuss Colorado's position during their meeting this Friday, and perhaps discuss this with Governor Owens and/or Greg Walcher prior to the Implementation Committee meeting. The Committee agreed (with Colorado abstaining) to recommend John Shields proposal (as modified and minus the "sunset" language) to the Implementation Committee. CREDA (a non-voting member) did not think recommending the proposal at this time was a good idea. >Robert Wigington will draft language to try to resolve the issues between he and CREDA. If they have something helpful to offer, they'll post something to the listserver.

ADJOURN - 5:30 p.m.

TUESDAY, AUGUST 17

CONVENE - 8:30 a.m.

12. Review, discussion, and approval of draft FY 2000 work plan

a. Introduction - Henry Maddux gave an overview of the work plan, which was developed by the Program Director's Office (with input from Reclamation) and has been modified based on technical committee comments. Henry described changes in the 7/26/99 work plan spreadsheet. Henry noted that the Management Committee needs to develop strategy at some point for getting Land and Water Conservation Fund (LWCF) funds for land acquisition.

b. Technical committee comments - The technical committee chairs or their designated representative summarized their committees' review and comments on the Program Director's recommended FY 2000 work plan. Frank Pfeifer said the Biology Committee concurs with the work plan as presented. Frank noted that he thinks accelerating fish passage is important for recovery and it is frustrating to him that we have returned capital dollars instead of accelerating fish passage (even if we have to contract that work out). Mark Hadley represented the Information and Education Committee for Kathy Kanda. Mark said that the Information and Education Committee has asked Debbie to attend all Management Committee meetings so that she can provide expertise with regards to public relations and involvement as the Management Committee makes its decisions. The Committee also urges greater participation from all Program participants in the I&E Committee and in information and education activities. Mark said the Committee would like to see an environmental group representative replaced on the I&E Committee as soon as possible. Finally, Mark noted that the I&E Committee revamped their meeting schedule and will be meeting three times a year (has January, March, and July) to improve their input on public involvement work planning. The Committee also will make the public involvement plans subsets of scope of work #12, with the intent of better coordinating the Program's public involvement efforts.

c. Committee discussion and recommendations - The Committee discussed the draft work plan, and made modifications and comments which are reflected in the revised work plan spreadsheet.

>The Program Director's office will provide list of funding needs, etc. at the next Management Committee meeting for discussion of Management Committee support for getting LWCF funds for this activity. >Robert Wigington will provide a summary of current LWCF legislative proposals. >Henry will work with Solicitor's Office to make sure that canal companies won't be vulnerable to Section 9 when we do pikeminnow translocation (also applies to razorback stocking). >Henry also will find out how we can

avoid any additional take issues at Tusher Wash. >Reclamation will investigate whether they would be willing to manage a contractor to do the Hartland fish passage. FLO Engineering is preparing a report on options for passage (>Brent will post the report delivery date to the listserver).

The Management Committee acknowledged that they need to program into their schedule regular reviews of where we're at (especially on capital projects) so we can make adjustments as needed. Tom Pitts asked that the Program Director's Office develop public information materials (e.g. brochures) that describe our accomplishments in each recovery element (Debbie is working on this). >The Program Director's office will send the revised recommended work plan to the Implementation Committee for their consideration in advance of their August 30, 1999, meeting.

13. Implementation Committee agenda - The Committee reviewed and revised the draft agenda for the August 30 Implementation Committee meeting in Grand Junction, Colorado. Reclamation will provide transportation from the airport to those who contact Brent Uilenberg and let him know they need a ride. Key area leaders have been invited in for lunch to hear about progress in the Recovery Program and discuss any issues with Implementation Committee members.

14. Review of action items from recent meetings - The Committee reviewed the most recent action items list. >The Program Director's office needs to get a propagation status report out very soon. A review of the reports due list will be on the next Management Committee meeting agenda, if it's possible to update the list by that time. The Committee discussed the proposed Program tracking system and agreed that a simple calendar of due dates (with "ticklers") would suffice. >The Program Director's office (with input from Bob Norman on capital construction deadlines) will develop this calendar before the next Management Committee meeting.

15. Next Management Committee meeting - The Committee set their next meeting for Wednesday, November 3 from 9 a.m. to 4:00 p.m. at the Marriott hotel near DIA in Denver. Agenda items for the next meeting: a) how to track construction delays and potential cost overruns; b) encouraging LWCF for floodplain land acquisition.

ADJOURN - 2:30 p.m.

Attachment 1

Colorado River Management Committee, Salt Lake City, Utah

August 16-17, 1999, Meeting Attendees

Management Committee Voting Members:

Brent Uilenberg and 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

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

Pat Nelson U.S. Fish and Wildlife Service

Debbie Felker U.S. Fish and Wildlife Service

Tom Czapla U.S. Fish and Wildlife Service

Bob Muth U.S. Fish and Wildlife Service

Others:

Brent Rhees Bureau of Reclamation

Tony Morton Western Area Power Administration

Jared Hansen Bureau of Reclamation

Gerry Roehm U.S. Fish and Wildlife Service

Ray Tenney Colorado River Water Conservation District

Frank Pfeifer U.S. Fish and Wildlife Service

Barry Saunders Utah Division of Water Resources

Keith Rose U.S. Fish and Wildlife Service

Gene Shawcroft Central Utah Water Conservation District

Robert King Utah Division of Water Resources

Kevin Christopherson Utah Division of Wildlife Resources

Wayne Cook Upper Colorado River Commission

Kerry Schwartz Bureau of Reclamation

Randy Radant Utah Division of Wildlife Resources

Milo Barney Utah Department of Natural Resources

Tom Pruitt U.S. Fish and Wildlife Service

Kirk Fletcher Bureau of Reclamation

Don Archer Utah Division of Wildlife Resources

Mark Hadley Utah Division of Wildlife Resources

[TOP OF PAGE](#)