

MEETING SUMMARY

Meeting: Colorado River Management Committee, Denver, Colorado

Date: November 20 & 27, 2000

Attendees: See Attachments 1 & 2

>Assignments are highlighted in the text.

CONVENE - 9:30 a.m., Monday, November 20 & 9:30 a.m. Monday, November 27

1. Review/modify agenda - The agenda was modified as it appears below.
2. Introductions - Robert Wigington noted that Tom Iseman is joining The Nature Conservancy and will replace Robert on the Management Committee in January 2001.
3. Approve August 21-22, 2000 meeting summary - The summary was approved as written.
4. Recovery Goals - Robert Muth noted that the Program Director's office has responded to all comments except Tom Pitts' comments on the razorback sucker, bonytail, and humpback chub (which were just submitted in the last few days). Robert distributed a draft of the outreach plan for the Federal Register notice that will seek public comment on these goals. The Committee discussed the approval process, then listed outstanding concerns with the current drafts/Program responses:

Regulatory Issues (consensus was reached on items a-d)

- a. Scope and expense associated with conservation plans (>Susan Baker will post information to the listserver about the new grant funds available to States for developing conservation plans.) The conservation plans will be developed **cooperatively** by all the entities with authority to carry out the protections. Contents will be determined through cooperative discussions and will specify those actions necessary to ensure long-term management and protections of a species to avoid relisting.
- b. Site-specific management actions - Concerns with requiring specific management actions for downlisting/delisting as opposed to basing those decisions primarily on the population numbers. If the population numbers are achieved but not all the site-specific management actions have been achieved, what happens? Margot responded that in order to change the legal status of a species, the ESA requires using the same factors used for listing. Thus, the 5 listing factors must be addressed/satisfied so that they are no longer a problem for the species. Further, the law requires that recovery plans (thus, recovery goals, which are a supplement to the recovery plans) must address the 5 listing factors. Case law has demonstrated that the Service cannot say "the habitat must be adequate because the population numbers have been achieved." Robert Wigington said he thinks the goals address the "common sense" concern of what happens if the population numbers are achieved but all management actions are not met through an adaptive approach that does not lock in the details of management actions and habitat

requirements at this point. Language is needed in the document that more clearly outlines this adaptive management approach. Henry offered to insert a paragraph or two in Section 5.0 of the documents specifically discussing this. >This language will be posted via e-mail to the Management Committee, along with language that explains the link between downlisting and de-listing actions (where the downlisting action determines implementation is *not* necessary or feasible).

- c. Concern with the assumption that regulatory authority exists for site-specific management actions regarding pipelines, railroads, and highway bridge traffic. Before we put these actions in the documents, do we know that someone has the regulatory authority to carry them out? >The site-specific management actions will be revised to identify authorities (for downlisting) and call for implementation where authorities exist to carry out those actions (for delisting).
- d. Concern with how the Atlas Mills tailings pile is addressed. What would happen, for example, if all other factors but this one are addressed? Margot responded that this also can be part of the adaptive management strategy, i.e., the need to remove the tailings pile as a required site-specific management action can be reassessed, and potentially not be required for de-listing. Tom Pitts asked for >inclusion of a citation of the recent legislation that governs the clean-up and funding source. >The language regarding Atlas will be made more specific so that it's clear that we're only concerned about the state water quality standards that affect the endangered fish.

Distinct Population Segments (consensus was reached on items e-f)

- e. Distinct Population Segments (DPS) - Henry said they've added language explaining that it is the Service's intent to do a DPS analysis at the first opportunity (when we consider the first downlisting action for a species in a recovery unit). Susan added that the Service only has listing funds for court-ordered court-settlement species actions, so they cannot address listing (which includes reclassification) of any other species at this time. Therefore, if the Recovery Program decided that they wanted the Service to do a DPS analysis right now, the Service, in fact, could not get funds to do so until 2004. However, if we pursue the DPS analysis as part of a future downlisting action, there are no funding restrictions. Tom Pitts said he appreciates this explanation, but he remains concerned that this does not match the commitment made in the Program blue book. Robert Wigington notes that the blue book also says the Service cannot abrogate its authorities. Thus, when the two citations from the Blue Book are read together, achieving recovery in the Upper Basin alone must be done in compliance with the DPS policy. Tom Pitts said he'd like to include the language from the Blue Book regarding recovery in the Upper Basin. >The Program Director's office will post to the list server the linkage of the Blue Book and DPS policy. Tom added that the water users withdraw their request that the San Juan River be a separate DPS.

- f. Upper vs. lower basin recovery; what happens if species are downlisted or delisted first in the upper basin? Western is concerned with leaving Glen Canyon Dam in a permanent jeopardy position. Humpback chub may be one DPS.

Methodology of Defining/Calculating Populations (consensus reached on g, h, and j)

- g. Implication of measuring by the minimum viable population mean as opposed to the lower confidence interval - Henry said that although the mean value of the point estimate will be used, 95% confidence intervals will still be calculated to look at the trend analysis over time.
- h. In the expanded humpback chub Grand Canyon population - what is the criteria? (The two responses don't seem consistent; >this will be considered for revision).
- i. Recovery goal numbers between basin and species - e.g., why is only one humpback chub population called for in the lower basin and greater numbers of populations called for in the upper basin? Henry said that since it's not clear if/where we could have a second population in the lower basin, therefore, the goals call for an increase in the number of adults (an "expanded core population") or natural reproduction and recruitment in the mainstem lower Colorado River. Robert Muth noted that study results from this year show that there appears to be humpback chub reproduction in the mainstem lower Colorado River. Tom Pitts expressed concern with the term "core population," specifically, with lumping the Westwater and Black Rocks humpback chub populations into one core population, leaving the Desolation/Gray population to meet the second core population requirement (with no plan for augmentation). Henry said the Desolation/Gray population may be larger than currently estimated. Henry agreed that they would discuss this further, but did not commit to changing it. Robert Muth said they also may expand the discussion of the different situations in the upper and lower basin humpback chub populations.
- j. Pikeminnow in the lower basin - removing "augmentation and/or" why isn't this removed under the other species, as well? Henry said this *will* be changed for everything but the Lake Mohave razorback genetic pool/broodstock.
- k. Methodology for definition of recovery populations for each species. What's the statistical basis and what's to be accomplished by setting N_c at 1000? Different assumptions have been used for calculating the minimum viable population size for bonytail and razorback sucker. Robert Muth replied that N_c of 1000 is the more conservative approach. Henry noted that much of the uncertainty responsible for setting N_c at 1000 as opposed to 500 may be resolved by the time of down/de-listing. However, given the greater uncertainty with razorback sucker and bonytail, the authors chose the more conservative number. Tom Pitts said the N_c/N_g ratio of .3 also seems overly conservative, but Henry and others have pointed out that this is realistic, if not a little too risky. Henry concluded that they may be willing to give a bit on some of these factors, but not all. (Also see "m")

below.)

1. Numerous concerns with the specific downlisting and delisting criteria for each of the four species. 1) For the two humpback chub populations exceeding 2100, why do we still need a 5-year waiting period? Henry replied that some previous estimates potentially could be updated (thus making the case that the first reliable estimate has already been made). 2) Middle and lower Green River pikeminnow populations - the uncertainty of whether this is one population or two should be recognized (agreed; will see how this can be addressed). Tom Nesler remained concerned about the middle and lower Green River stocks of pikeminnow, which are *not* genetically isolated (and thus, why do they both warrant mvp status?). Rich acknowledged that there is not consensus on whether two different stock recruitment dynamics are occurring in the middle and lower Green. Tom Nesler noted that this approach also could set the numbers for the Green River higher than carrying capacity. (This could be treated as one of the uncertainties that need to be identified in the goals.) 3) Tom Pitts expressed concern that the “five-year period” requirement for downlisting pikeminnow in the San Juan will greatly delay downlisting in the upper basin. The Service suggested leaving in the five-year criteria, but counting juveniles to adults as opposed to just adults. >Program staff will consider this further.

- m. Minimum viable population (mvp) calculation - why add on annual adult mortality? Henry said that adult mortality is compensated for over time, but not each year. >The Program staff will identify the citation where this has been used before, but further discussion may be needed. Rich explained that this is a buffer for long-term demographic viability. Tom Nesler asked why the mvp for Green River is 2500, but only 1000 in the upper Colorado? Rich said that although this appears inconsistent, it recognizes lower carrying capacity of the upper Colorado and assumes panmixing among the Upper Basin rivers. Tom Nesler pointed out that with a different sex ratio, different N_e , and different N_e/N_g , then an mvp of 1000 would be justifiable. Tom Pitts suggested that an N_e of 500 seems adequate to provide the necessary genetic diversity; Henry Maddux disagreed, noting how little we know about mortality, survival, and recruitment rates of bonytail and razorback sucker. Robert Wigington concurred with Henry, saying he is not comfortable with lower target numbers for these two species. Rich noted also the very small founder stock of bonytails. Tom Pitts said that if uncertainty is the underlying reason for the conservative approach, then we should simply add in an uncertainty factor rather than increasing N_e , etc. Further, Tom believes we need to acknowledge the uncertainties in these documents and focus research on resolving them (see “r” below). Rich responded that an N_e of 1000 for razorback and bonytail is more defensible than adding an uncertainty factor because 1000 is the number needed to express the genetics of the small founder populations. >Program staff will discuss these issues and at a minimum provide additional justification.

Bruce McCloskey commented that he believes many in the general public may comment that these goals are very complicated (compared to recovery goals for

other species) and that for razorback and bonytail the bar is set very high and recovery is far off. Where the approach and logic is similar to other species, we need to explain that (probably in the fact sheets we use in public outreach, or perhaps in the introduction sections). The public outreach documents might also show a chart or summary table comparing the four species.

- n. Pike minnow goals are adjusted for carrying capacity in the upper Colorado River, which seem to fall short of the minimum population size. (See “m” above.)

Other Criteria Issues

- o. The two (range of) numerical goals presented (what’s the point of presenting a range, when all that will be required is to meet the minimum?) In part, this was done to help satisfy the concerns of the lower basin. Potential solution: >drop the upper number and stick with the population numbers (with 2550 for two populations in the lower basin). Also, better explain why we don’t call for 2550 in the Colorado and San Juan rivers (due to mixing). >Program staff will consider this further.
- p. Inadequate justification for requiring reoperation of Glen Canyon Dam in the humpback chub goals. Rich discussed the importance of the mainstem lower Colorado for humpbacks. Perhaps more discussion is needed to indicate how the mainstem may be filling a vital role (e.g., in nursery habitat, etc.). The group discussed at length the need for two humpback populations OR an expanded core population in the lower basin. >Program staff will attempt to better justify the current position.
- q. Unclear how concerns regarding importance of floodplains for bonytail will be addressed. Tom Pitts also expressed concern regarding having specific numbers for bonytail at all. The group discussed this and tentatively agreed to leaving the numbers in, and that the bonytail goals will need to identify many uncertainties and have a different tone to reflect that this species is further from recovery than the other species.

Other Issues

- r. Recovery goal documents incorporate numerous assumptions and uncertainties that are not identified in the documents for future reference and revisions. Also need specific language that these recovery goals will be revised every 5 years. Agreed to both: >tasks will be identified to resolve uncertainties and revision of the goals AND review of the status of the species every 5 years will be included in the RIPRAP and in these documents.
- s. Not satisfied with responses to several other of the water users’ comments. Tom Pitts asked that the portion of the DPS policy which says you can apply DPS at the 5-year status review cited in the recovery goals documents. Agreed. Clarification is needed regarding escalation of effort and funding required under

MSCP in order to carry out recovery in the lower basin. Agreed. Finally, Tom Pitts asked that the Program staff reconsider the subjective (and rather inflammatory) language regarding dams as “catastrophes.”

- t. Concerns where response appears to address comments/concerns, but unclear how the comments/concerns will be addressed in the document itself. (See concluding discussion.)
- u. Okay to defer definition of “adequate or sufficient range,” but once it’s identified, those ranges need to be maintained for de-listing.
- v. Reference to age-0 Colorado pikeminnow on pages 46 and 50 will be deleted.
- w. The time to recovery section needs to identify assumptions and show realistic time-frames.
- x. Tom Nesler questioned the criterion of a point estimate lower than the first acceptable estimate which would “reset the clock” as opposed to relying on the trend. Rich will go back to Ron and some other statisticians to discuss whether this is a statistical trap.

Committee members seem to be more concerned about adequately addressing comments than meeting the previously-established December deadline. >Program staff will first send out revisions to the sections they’ve identified above to the listserver. >Program staff will post a revised schedule for completion to the listserver by December 1.

- 5. Award of Recognition - John Shields presented a plaque of appreciation to Sue Uppendahl for her outstanding service to the Recovery Program on behalf of the Management and Water Acquisition Committees.
- 6. FY 2001 Budget and Financial Issues - Clayton Palmer outlined Western’s budget situation as it relates to the Program’s FY 2001 budget and distributed a handout on this topic. Western purchased \$55 million in power this summer to meet its contract requirements (as opposed to a norm of \$6 million) of electrical power due to: dry conditions; test flows at Glen Canyon; and a remarkable increase in electrical prices. Western anticipates purchasing an additional \$42 million this winter and still more next summer. As a result, the CRSP basin fund is low and Western would like to find a way to reduce their FY 2001 Recovery Program expenses. The long-term funding legislation allows for requesting appropriated funds when the CRSP fund is short; however, any request this year would have to be for a supplemental appropriation. Dave Mazour commented that the temporary rate increase proposed by Western to help resolve the CRSP shortage exceeds 60%.

Brent Uilenberg proposed deferring the construction costs on GVIC and Tusher Wash screening to FY 2002, saving Western nearly \$1 million in FY 2001. This would *not* change the construction *schedule*, just the year in which the costs are incurred (because the actual construction does not begin until the water is out of the canal next fall). It could, however, mean higher bids since the bidding companies would essentially have to

finance any of their costs in excess of \$250,000 before FY 2002. Other options to explore include: 1) staging the transfers of annual base funding (transferring one third of the annual power revenues in the first quarter, the second third in the second quarter, and the final third in the third quarter); 2) the States providing additional capital funds (through NFWF) in FY 2001 and less in FY 2002 (maintaining the rolling 2-year average); 3) looking for Reclamation reprogramming halfway through the fiscal year; 4) looking into unliquidated Program obligations (as the Program has done in past years); and 5) implementing the loan arrangement with CWCB. The Committee approved the change in the timing of the fish screen expenditures, if needed. Brent noted that Reclamation has put on hold the \$1.1 million of annual base funding for the San Juan Program.

>Angela Kantola will proceed with completion, printing, and distribution of the FY 2001 work plan.

7. Gunnison River flow recommendations and the role of the Gunnison River in recovery - John Shields noted the white paper distributed by Western as well as the Service's flow recommendation report in review/revision. Discussion was deferred. (A minority report may result from the Biology Committee's review of the Gunnison River flow recommendations.)
8. Yampa PBO and Management Plan status - Gerry Roehm distributed a briefing paper on the Yampa and discussed the water supply alternatives being evaluated. Additional work is underway to revise the estimate of current depletion. Gerry reviewed the revised schedule for completing the management plan and beginning the PBO. With regards to the Biology Committee's request to clarify its role in review of the Yampa Management Plan, the Management Committee clarified that the Biology Committee's input was provided at the research report phase. There will be a public and open process on NEPA and the PBO and Biology Committee members are free to provide input through their agencies.
9. Gunnison River PBO - Tom Pitts noted that they've had three meetings in the basin and encouraged the Park Service to get involved, as well as CREDA and WAPA. January 31 in Montrose is the first formal meeting to kick off the PBO process. Brent Uilenberg noted that he submitted a draft scope of work for the Gunnison River water demand study to the listserver (for the placeholder in the FY 2001 budget). >Any comments on this scope of work are due to Brent by Monday, November 27. Otherwise, the scope is approved as written.
10. Colorado River Coordinated Facilities Operations Studies - George Smith distributed a written update. *This will be on the agenda for the next meeting.
11. Next meeting - Special meeting on Monday, November 27, to continue recovery goal discussion from 9:00 - 4:00 at the Service's Regional Office in Lakewood. Next regular meeting: February 26-27 in Salt Lake City, starting at 10:00 a.m on the 26th and ending at 4:00 p.m. on the 27th.

ADJOURN – 4:10 p.m. (November 20) & 3:30 p.m. (November 27)

Attachment 1
Colorado River Management Committee, Denver, Colorado (DIA)
November 20, 2000

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Bruce McCloskey	State of Colorado
Robert King	Utah Department Of Water Resources
Hugh Thompson	Utah Department Of Natural Resources
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Shane Collins	Western Area Power Administration
Susan Baker	U.S. Fish and Wildlife Service
Dave Mazour	Colorado River Energy Distributors Association
John Reber	National Park Service
Skip Ladd	National Park Service
Robert Wigington	The Nature Conservancy

Nonvoting Members:

<u>Bob Muth</u>	Acting Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Angela Kantola	U.S. Fish and Wildlife Service
Tom Czapla	U.S. Fish and Wildlife Service
Gerry Roehm	U.S. Fish and Wildlife Service

Others:

Henry Maddux	U.S. Fish and Wildlife Service
Tim Pollard	Colorado Department of Natural Resources
Kirk LaGory	Argonne National Laboratory
Tom Nesler	State of Colorado
Jim Hartman	Western Area Power Administration
George Smith	U.S. Fish and Wildlife Service
Bob McCue	U.S. Fish and Wildlife Service
Ray Tenney	Colorado River Water Conservancy District
Margot Zallen	Department of Interior
Sue Uppendahl	Formerly with the Colorado Water Conservation Board
Clayton Palmer	Western Area Power Administration
Art Roybal	Western Area Power Administration

Attachment 2
Colorado River Management Committee, Denver Colorado (USFWS)
November 27, 2000

Management Committee Voting Members:

Larry Crist	Bureau of Reclamation
Bruce McCloskey	State of Colorado
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Shane Collins	Western Area Power Administration
John Reber	National Park Service
Robert Wigington	The Nature Conservancy

Nonvoting Members:

<u>Bob Muth</u>	Acting Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Angela Kantola	U.S. Fish and Wildlife Service
Tom Czapla	U.S. Fish and Wildlife Service

Others:

Henry Maddux	U.S. Fish and Wildlife Service
Kirk LaGory	Argonne National Laboratory
Tom Nesler	State of Colorado
Rich Valdez (via phone)	SWCA