

MEETING SUMMARY

Meeting: Colorado River Management Committee, Cheyenne, Wyoming

Date: August 7-8, 2001

Attendees: See Attachment 1

Assignments are highlighted in the text and listed at the end of the summary.

1. Review/modify agenda - The agenda was modified as it appears below.
2. Approve June 5 and 25, 2001 meeting/conference call summaries - The summaries were approved as written.
3. Recovery Program updates
 - a. Recovery goals - Bob Muth said the Service is ready to publish the Notice of Availability of the draft goals for public review within the next month or so. Greg Walcher has asked to talk to Ralph Morgenweck about a few remaining concerns; hopefully that will happen this week. Susan said after the draft goals are out, the Service will have additional meetings to hear concerns of lower basin groups and tribes. Region 2 of the Service still has concerns about target recovery numbers, length of monitoring before downlisting and delisting, and application of the minimum viable population method, but they agreed Region 6 could proceed with public comment. Kent said he understands Greg Walcher wants the goals *finalized* before Colorado will sign an extension of the Program cooperative agreement, and Greg may discuss with Ralph the possibility of extending the agreement for a shorter term until the goals are finalized. John Shields noted that the cooperative agreement allows any party the option to withdraw from the Program by giving a 30-day notice; therefore, it wouldn't seem particularly advantageous to extend the agreement for a short term.
 - b. Price-Stubbs Fish Passage - Brent said FERC considered the Jacobsen hydropower license amendment application in July, and is expected to vote on it within a few days. FERC did post the results of a field inspection that notes no technical or engineering problems. If the hydropower application is denied, Reclamation will recommend "rocking over" half the dam, a passage option which would resolve numerous issues. Jacobsen's hydropower license expires in 4 months. >Bob Muth will let Kent, Tom Blickensderfer, Tom Pitts and John Shields know what he hears from FERC.
 - c. Tusher Wash fish passage - On behalf of the Recovery Program, Reclamation offered to buy out Thayn Hydropower for up to 235 cfs (35 cfs is for irrigation, 200 cfs is for hydraulic pumping) at \$470K. Thayn has not yet responded to that offer. Thayn is currently under a court injunction and cannot divert, but there may still be some threat of take of fish in the canal.
 - d. Grand Valley Fish Screen - Brent said NEPA compliance and design are final and they've begun negotiations with the contractor. The one remaining issue is the

arbitration clause in the O&M contract (hopefully this can be resolved).

- e. Ouray hatchery completion - Reclamation determined a need to rehabilitate one well and construct two new wells at Ouray; however, these measures didn't provide enough water, so they are looking for two new well sites. They also have a flow rate problem resulting from iron bacteria buildup in the pipe that goes from the wet well to the conditioning pond (this will be an ongoing maintenance issue). Of the \$250K authorized to fix remaining problems at Ouray NFH, Reclamation has expended \$115K (which will accommodate the new wells and pipe cleaning). Bob Muth noted that we again run the risk of losing substantial numbers of this year's fish if we can't bring them into the hatchery building for treatment.
- f. Land acquisition - Dave Soker proposed ways to reduce costs of contaminant and flood surveys (see memo posted to listserver on August 6). All habitat and landowners have now been identified. By then end of this week, all the landowners will have been contacted. (However, the priority areas in the lower Green River have not been included.) Dave suggested placing more emphasis on Delta and Garfield counties.
- g. Highline MOU - Tom Blickensderfer proposed the following motion for the Committee to approve the \$300K purchase of storage in Highline Reservoir:

“Colorado moves that the Management Committee approve the expenditure of \$300,000 of Program funds, payment to be made to the State of Colorado on or before September 30, 2005, for the purchase of water storage in Highline Reservoir in Mesa County, Colorado, consistent with the MOU executed among the Department of Interior Bureau of Reclamation, Fish and Wildlife Service, and the Colorado Department of Natural Resources, Division of Parks and Outdoor Recreation and the Grand Valley Water Users Association on [DATE]. The payment shall be made on terms acceptable to all parties and contingent upon the transfer of the Highline Reservoir property to the Colorado Division of Parks and Outdoor Recreation from the Colorado Division of Wildlife. This transaction is to be considered non-precedential in nature as per future expenditures by the Program.”

The Committee approved this motion.

- h. Briefings for the new Director of the Service, Commissioner of Reclamation, and Assistant Secretary for Fish, Wildlife, and Parks - John Shields suggested Program participants might want to send them a copy of the Program highlights document and a letter saying we look forward to meeting them next year during the D.C. briefing trip. >John Shields will send the letters and materials at the appropriate time.

4. Late reports

- a. Status - An updated late reports list was distributed for the Committee's review and Committee members provided additional information.
- b. Draft policy on late projects - The Committee reviewed a draft policy on late projects (posted to the listserver on July 23, 2001). Tom Chart pointed out that it doesn't seem appropriate to withhold funds for a final report (e.g., 25%) every year. Instead, it would be better for the scopes of work to identify a specific task for the final report, the cost of which would be withheld in the year the report is to be written. The Committee agreed. The Committee made minor revisions to the policy and adopted it. >The Program Director's office will finalize the policy, post it to the listserver and website, and make it part of the annual Program guidance. It will be made clear that this policy applies to all existing and new projects from here forward.

5. Review of the draft FY 2002-2003 work plan

FY 02 Budget Table

>Gerry will prepare three separate scopes of work for programmatic biological opinions/tributaries: Gunnison; Yampa; and tributary water projections.

With regard to the scope of work on the effects of Flaming Gorge Dam releases on the Lodore/Whirlpool fish community, Shane Collins questioned whether changes in the fish community can be related back to just flow and temperature changes. Clarify that this provides input into, but doesn't begin the adaptive management process.

>Tom Nesler will try to get the needed rotenone and reclaim Butch Craig pond by this fall.

>Tom Nesler will take the lead to see that scopes of work 98 and 98a are revised by August 23.

>The Biology Committee will discuss need for project 22c at their September meeting and provide justification for why it needs to continue.

>Tom Czapla will check on the high cost of the final report in 22j.

>The Program Director's office will check on who has the lead for developing the monitoring plan for stocked fish.

Tom Pitts recommended a placeholder for an evaluation of nonnative fish escapement from Elkhead Reservoir before we proceed with a \$1M screen. Tom Nesler said the proposed 2-year study would cover the peak flow season (April and May) using netting and electrofishing and would cost about \$40-45K/year. The Committee approved a \$50K placeholder for FY 2002 and for FY 2003. Bob Muth expressed concerns that the study

needs to be well thought out to adequately address the escapement issue. >Tom Nesler will get a scope of work to the Biology Committee for review by August 17.

Tom Pitts requested that completion of the Colorado Fisheries Management Plan be added to the FY 02 work plan. Tom Nesler said the plan will be completed by late 2001 and finalized in early FY 2002. Tom Pitts requested that Colorado include the Recovery Program in its process for reviewing and approving the plan.

Kent Holsinger said Colorado is preparing a one-year extension of the Steamboat water lease. This will be on the Management Committee's list of updates until it is resolved.

FY 03 Budget Table

>The Program Director's office will make the comments in the FY 2003 budget table consistent. Where there is no 2-year scope of work, the budget column will be blank and the comment "budget to be determined" added. If there is a scope of work or a reasonable estimate for FY 2003, that number will be shown in the budget table. The title of the FY 2003 budget table will reflect that it is tentative with budget numbers subject to change. Funds to operate and maintain fish screens will be added to the FY 03 budget table.

6. Funding issues:

- a. Capital funds status report - Brent noted that \$300K of the \$2.4M of state capital funds is now in place. Reclamation has worked diligently to move forward with the FY 2001 capital projects while waiting for the state's capital funds to become available.
- b. Status of state agreements with the National Fish and Wildlife Foundation - Don Glaser said the agreement with Wyoming is in place and an invoice is being prepared to transfer the funds. Colorado's agreement is nearing completion. (Tom Blickensderfer said Colorado has some standard contract language that the Foundation couldn't accept, but it sounds like that will get resolved within the next several days.) Utah's agreement has been signed by the state and will be reviewed and signed by the Foundation today if it mirrors Wyoming's agreement. Don noted that he signed the New Mexico agreement and they're working on finalizing that. The agreement with Reclamation also is now in place.
- c. Duchesne River Coordinated Reservoir operations - Brent said Ed Vidmar has told him this project is \$10K over budget and will need another \$10K (for a total of \$20K over budget). The Committee expressed concern regarding performance, but approved the additional expenditure (funding source to be determined by Brent and the PD's office), pending the results of the meeting next week. >Bob Muth will inform the Committee of the results of that meeting. >Ed Vidmar will submit a revised scope of work to the Program Director's office that justifies the increased budget.

7. Extending the Recovery Program beyond 2003 - John Shields distributed a draft 2-paragraph extension of the Program cooperative agreement and proposed providing it to the Implementation Committee for their consideration prior to their meeting on September 6. All Program participants will explore extension options with their legal advisors and be prepared to discuss them at the Implementation Committee meeting.
8. Gunnison River flow recommendations report - Susan Baker said the Service met twice with the minority objectors to this report, but disagreement remains on several points. Susan said that they will be discussing process on these with Ralph Morgenweck tomorrow and then >inform the Management Committee how they recommend proceeding. Bob Muth said he doesn't believe we're at an impasse and that some additional discussion may help resolve remaining technical issues. Several Committee members noted the distinction between policy issues to be addressed in the NEPA process versus technical issues which may be addressed by additional discussion among the Service and the minority objectors. Tom Pitts said he considers his concerns about the floodplain to be a technical issue. Several members expressed concern that changes made to address the issues raised by the minority objectors could result in a report and recommendations that are substantially different than those approved by the Biology Committee. Bob Muth agreed to keep program members informed of future discussions with the objectors and further changes to the report.
9. Section 7 update
 - a. Status updates on programmatic biological opinions
 1. Gunnison River - Gerry noted that Reclamation has issued its draft water demand study. Brent said they projected reasonably foreseeable in-basin development (excludes trans-basin diversions) of ~11,000 acre-feet, but have agreed to incorporate 2000 census data and get a revised draft out after comments are received at the end of January. Arapahoe County has requested that Reclamation modify their assumptions to consider out-of-basin diversions, thus increasing the potential future development to 240,000 acre-feet.
 2. Yampa Implementation Plan - Yampa Implementation Plan - Gerry distributed draft cooperative agreements for: a) permitting of Elkhead Reservoir enlargement (or other water supply alternative); and b) the overall implementation of the Yampa Plan and. The draft Elkhead agreement is conceptual (please submit comments to Ray Tenney or Tom Pitts). Ray introduced Dan Birch, the project manager on Elkhead. Dan said the agreement allows us to enter into the NEPA process and file for a 404 permit. Dan would like approval from the Committee to move forward to work out the details on the proposed Elkhead cooperative agreement. The Committee agreed. Margot Zallen received a copy of the draft. While she advised that the agreement has many legal implications, she has not yet reviewed it or provided specific comments.

Gerry said that the draft cooperative agreement for implementing the Yampa Plan has been reviewed and revised several times. This is separate from the Elkhead agreement, encompassing implementation of the entire Yampa Plan, including recovery actions, not just water supply alternatives. Subsequent to the Management Committee meeting, Gerry, Bob Muth and Susan Baker arranged to meet with Margot on August 24 to discuss both agreements. >Following that discussion, Gerry will make minor editorial changes and post the draft agreement to the listserver.

- b. Consultation list - Angela distributed the most recent list of consultations under the Recovery Program (updated through June 30, 2001).
 - c. Service sufficient progress determination - The Service sent out the sufficient progress letter on July 20 and increased the 3,000 af threshold to 4,500 af. Committee members expressed appreciation for the letter and increase.
10. Implementation Committee Agenda - the Committee identified the following agenda items:
- a. Recovery goals update
 - b. Extending the Recovery Program
 - c. FY 2002-2003 work plan review and approval
 - d. Price-Stubbs fish passage and FERC license update
 - e. Tusher Wash screening update
 - f. Highline MOU
 - g. Steamboat Lake water lease update
11. Schedule next meeting - Wednesday, October 31 from 9:30 a.m. - 4:30 p.m. in Salt Lake City, hosted by Utah.

Meeting assignments:

- 1. Gerry will prepare three separate scopes of work for programmatic biological opinions/tributaries: Gunnison; Yampa; and tributary water projections.
- 2. Bob Muth will let Kent, Tom Blickensderfer, Tom Pitts and John Shields know what he hears from FERC about the Jacobsen hydro license.
- 3. John Shields will send letters and Program briefing materials to the new Director of the Service, Commissioner of Reclamation, and Assistant Secretary for Fish, Wildlife, and Parks at the appropriate time.
- 4. The Program Director's office will finalize the draft late reports policy, post it to the listserver and website, and make it part of the annual Program guidance.
- 5. Tom Nesler will try to get the needed rotenone and reclaim Butch Craig pond by this fall.

6. Tom Nesler will take the lead to see that scopes of work 98 and 98a are revised by August 23.
7. The Biology Committee will discuss need for project 22c at their September meeting and provide justification for why it needs to continue.
8. Tom Czapla will check on the high cost of the final report in 22j.
9. The Program Director's office will check on who has the lead for developing the monitoring plan for stocked fish.
10. Tom Nesler will get a scope of work for a study of nonnative fish escapement from Elkhead Reservoir to the Biology Committee for review by August 17.
11. The Program Director's office will make the comments in the FY 2003 budget table consistent. Where there is no 2-year scope of work, the budget column will be blank and the comment "budget to be determined" added. If there is a scope of work or a reasonable estimate for FY 2003, that number will be shown in the budget table. The title of the FY 2003 budget table will reflect that it is tentative with budget numbers subject to change. Funds to operate and maintain fish screens will be added to the FY 03 budget table.
12. Bob Muth will inform the Committee of the results of the Duchesne Coordinated Reservoir Operations meeting. Ed Vidmar will submit a revised scope of work on this project to the Program Director's office (to justify the increased budget)
13. The Service will inform the Management Committee of Ralph Morgenweck's decision regarding revising/finalizing the Gunnison River Flow Recommendations report.
14. After a meeting with Margot Zallen on the cooperative agreement for implementing the Yampa Plan, Gerry will make minor editorial changes and post the draft agreement to the listserv.

Attachment 1
Colorado River Management Committee, Cheyenne, Wyoming
August 7-8, 2001

Management Committee Voting Members:

Brent Uilenberg & Tom Chart	Bureau of Reclamation
Tom Blickensderfer and Kent Holsinger	State of Colorado
Sherman Hoskins & Robert King	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
Skipp Ladd & John Reber	National Park Service
Tom Iseman	The Nature Conservancy

Nonvoting Member:

Bob Muth	Recovery Program Director, U.S. Fish and Wildlife Service
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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
Gerry Roehm	U.S. Fish and Wildlife Service
Dave Soker	U.S. Fish and Wildlife Service

Others:

Paul Dey	Wyoming Game & Fish Department
John Wullschleger	National Park Service
Tyler Abbott	U.S. Fish and Wildlife Service
Bob McCue	U.S. Fish and Wildlife Service
George Smith	U.S. Fish and Wildlife Service
Tom Nesler	Colorado Division of Wildlife
Ray Tenney	Colorado River Water Conservation District
Kevin Bestgen	Colorado State University
Brian Ocepek	National Fish and Wildlife Foundation
Dan Birch	Colorado River Water Conservation District
Don Glaser (via phone)	National Fish and Wildlife Foundation