

MANAGEMENT COMMITTEE MEETING AGENDA

Crystal Inn, Denver Airport
December 13, 2004

If you are the lead for an agenda item, you are strongly encouraged to post a synopsis of your report on the list-server or to the Management Committee in advance of the meeting.

CONVENE: 10:00 a.m.

1. Introductions, review/modify agenda and time allocations, and appoint a time-keeper (Shields, 5 min.) - The agenda was modified as it appears below.
2. Approve September 15-16, 2004, meeting summary - Tom Pitts asked that his statement regarding environmental conditions affecting sampling efficiency be inserted under the population estimate discussion. The Committee approved the summary as modified. >Angela Kantola will post a revised summary to the listserver.
3. Status of humpback chub recovery goals lawsuit - Bob Muth gave an update on the complaint with the court on March 31 by Grand Canyon Trust (GCT) on the humpback chub recovery goals. DOI/DOJ filed a response to the complaint on May. In late October, the plaintiffs amended their complaint to include Richard Johnson as a plaintiff. Bob said the administrative record was filed November 15. The court allowed the plaintiffs limited additional discovery and the Service/DOI/DOJ are responding to those discovery requests. DOI/DOJ filed a motion to dismiss on December 3. Tom Pitts asked Tom Iseman if the environmental groups have talked to GCT to learn if there might be alternative avenues to resolve their concerns. Tom Iseman said they talked with GCT before the lawsuit was filed, but not since. Tom Pitts encouraged the environmental groups to follow up with GCT on this and >Tom Iseman said they would do that. >Bob Muth will check with the DOI/DOJ attorneys and provide the Committee with a copy of the motion to dismiss if that's permissible.
4. Schedule for Washington, D.C., briefing trip - John Shields recommended scheduling the trip from March 9 or 10 through March 16 or 17. Tom Pitts distributed the House calendar. The Committee agreed that the briefings will be held March 9-15 (with the usual luncheon on Friday, March 11). The Implementation Committee meeting is currently set for Tuesday, March 1. John recommended making it a priority to meet with Policy, Management, and Budget division of Interior. John said revisions to the briefing book are well underway; and the book should include not only the letters circulated as the result of last year's trips, but also the later letters to the Secretary and subsequent responses. John Shields recommending contacting Ken Salazar prior to the briefings (he is a former Implementation Committee member) and Tom Blickensderfer mentioned that he's already contacted Ken's staff. John also recommended determining if some of the meetings with entities off the hill can be consolidated. We need to encourage New Mexico (>John Shields will contact them) and CREDA to participate in the trip (Dave Mazour said CREDA will try to have someone at many of the briefings). >Tom Pitts will invite David Campbell on the trip (new San Juan River Program coordinator as of

January 23).

5. Elkhead enlargement, agreements/contracts, and 404 permit application - Dan Birch said the bids for the primary construction contract were opened last week. The engineer's estimate was \$16.9M and the lowest bid was \$17.7M. Dan said he is currently fine-tuning the budget; based on the lowest bid and other information gained, the cost will be ~\$300K over the upper cap established in the terms of the Program's agreement on Elkhead. The Program could withdraw from the Elkhead enlargement project on that basis, but that decision would need to be made now. Dan recommend the Program go ahead, and noted that costs would increase too much if the Program decided to pull out now then later decided to proceed with the project. The terms of the agreement allow the Program to either pay the additional cost and still get 5,000 af or stick with their established contribution and receive proportionally less water (~230 af less) (that decision doesn't have to be made until the end of the project). If the Program asks Congress for additional capital appropriations, he recommends including the Elkhead additional costs. Increased steel and fuel costs are the main reasons for the cost increase. Tom Iseman asked for more information about the budget and how the additional costs relate to the original agreements; >Dan will provide that to the Program Director's office to send to the Management Committee. Dan said the 404 permit application was submitted in April and is now in Sacramento for signature. As of 2 weeks ago, divers installed the temporary fish screen and reservoir draining has begun (it takes ~ 2 months to draw down the reservoir). The series of State and Federal agreements are essentially in final form and should be ready for signature when the Yampa PBO, etc. is done; then River District Board would be in position to execute the construction contract at their January 17 meeting. Tom Iseman asked about nonnative fish escapement during drawdown and Dan said a 1/4" screen has been installed over the existing outlet. Dan said he should have pretty good idea of the overall final construction cost by the end of 2005. Brent added that they have some housekeeping chores to complete with regard to the budget. John Shields recommended a status report to the Implementation Committee; Bob Muth suggested an Implementation Committee conference call in January to address this and potential of asking Congress for additional capital funds. >The Program Director's office will monitor development of both of these items and work with Implementation and Management committee members to schedule a conference call at the appropriate time.
6. Yampa Plan, EA, and PBO - Gerry Roehm provided copies of the Yampa Management Plan and EA, and said the FONSI also has been completed (all documents on the website at <http://www.r6.fws.gov/crrip/yampa.htm>). The PBO has undergone both internal and external review and is being reviewed by Margot (anticipate it back sometime this week). Gerry said he believes the PBO will be completed no later than the end of next week. It may be difficult to get all the State and Federal agreements done by January 1, but they'll be done within first two weeks of January. The cooperative agreement will be signed by Pat Tyrrell, Russell George, and Ralph Morgenweck. John Shields recommended a joint press release upon signing. Tom Iseman asked about the positive population response criteria discussed in the PBO, and Gerry said PBO requires the criteria to be developed by December 2005.

7. Nonnative fish management update - Tom Nesler gave an update on the December 8-9 nonnative fish management workshop. Results were presented on all the active control projects and the group discussed each project and examined the strategy by species and river. This past field season was the first year for one marking pass followed by 3-5 or more removal passes. It appears we can very effectively sample (or remove) Yampa northern pike from reaches with high concentrations (we're removing ~60% or more of the population). Of ~360 northern pike captured in the Upper Yampa (Steamboat) reach, 47 were captured downstream. The Biology Committee agreed to discontinue the intensive population estimate in the upstream reach, just do one marking pass, and put the remainder of the effort into additional downstream control and examination of between-year downstream movement. The Biology Committee set criteria that if we can meet the adult northern pike target in critical habitat (no greater density than adult pikeminnow density), then we don't need to move control upstream to the Steamboat reach in the short term. Long-term, we will still need to address the northern pike sources (primarily a CDOW initiative at this point). CDOW also will update their management plan for the Yampa River. For smallmouth bass, we got good exploitation rate on adult bass in 9+ passes on a 12-mile treatment reach in the Yampa River, but much lower rates of exploitation for smallmouth bass in large river reaches in Utah. We recognize that the very numerous age-0 and age-1 bass may be having the greatest impact on the native fishes on the Yampa; it's not clear if this is the case on the Green, but want to be sure we don't get into a Yampa-like situation on the Green River which has such important nursery habitat for endangered fish. Smallmouth bass have thrived in the drought and be significantly reduced in more normal water years. Smallmouth bass sampling done later in the season yielded more bass, so some earlier sampling will be shifted to later. CDOW has agreed that smallmouth bass <8" can be lethally removed (too difficult to transport alive). Channel catfish control in Dinosaur will continue, but the emphasis is on smallmouth bass. The Biology Committee has begun to define criteria for effective nonnative control. Tom Pitts added that public relations was also discussed and he suggests that Debbie contact each researcher and get feedback on what's working and what's not to see if we need to adjust our public relations effort in any way. Tom said nonnative fish control seems to be the biggest impediment to recovery at this point. Bob Muth has agreed to work with project leaders, interested Biology Committee members, and others to develop a strategy paper for northern pike control on the Yampa (by January). Given the potential impact on recovery; we may need to revisit our overall nonnative fish control strategy. For example, the States need to be aware of implications for the level of nonnative fish effort that could be required after de-listing. Tom Nesler said a summary of workshop is pending. Melissa Trammell said she'd like to see evidence that translocation is, in fact, effective public relations and Tom Pitts replied that the City of Craig's signature on the cooperative agreement and cooperation from the Yampa Basin Partnership is evidence.
8. Population estimates update
 - a. Status of 8/24-25 upper basin workshop summary report - Bob Muth said the draft summary report should be out by the end of December.
 - b. Lower basin humpback chub estimates - Tom Czapla reported that the workshop

scheduled to develop an RFP for this in December was postponed (new date to be determined) because several participants were involved in evaluation of the Glen Canyon flood releases. The earliest concurrent population estimate would be fall of 2005, but even that's tenuous. GCMRC has to approve this before it can occur. Tom Pitts added that Arizona may hold a workshop on a lower basin recovery program in early 2005.

- c. Size of Colorado pikeminnow being stocked in San Juan River - Bob Muth said Regions 2 and 6 have not met to discuss this yet, but hopefully will do so in February or March (before the D.C trip, if possible). The new San Juan River Recovery Program coordinator is David Campbell from the Snohomish County Department of Public Works, who will start on January 23. John Shields suggested inviting David Campbell to an upper basin meeting; Tom Pitts said he will encourage David to spend a few days with Bob Muth and staff.
9. Update on recent controlled flood releases from Glen Canyon Dam - Gary Burton reported that beaches were built by the experimental flows, but it remains to be determined where the sand came from, where it went, and how long it stays put (we'll know more in 3-9 months). A large number of young-of-year humpback chub washed out of the Little Colorado River into the mainstem this year (there was an exceptionally large year-class, perhaps in response to trout removal), but we don't know yet how those chubs fared in the high flows. Regulation was moved from Glen Canyon to Hoover Dam and the spinning reserves moved to Aspinall (which required Aspinall releases to be reduced somewhat). Lake Powell dropped 3 feet, but the annual release volume remains unchanged.
 10. Capital Projects Update - Brent Uilenberg said the reimbursement to Grand Valley for power revenues lost during fish passage construction totals \$77,717 (within our original estimate). The Management Committee approved this expenditure (pending Leslie James' review). Brent said the final estimate to improve the Wahweap water and power supply is \$367K (for a new well & plumbing, new pump, and an auxiliary power supply. Reclamation had de-obligated \$157K from the original Wahweap agreement, and Utah had been holding \$161.5K of their capital funds from previous years, for a total of \$318K. Matthew Andersen has said the remainder (\$48K) can be funded within this year's O&M funds for Wahweap. The Committee concurred with the Wahweap expenditure. Brent said Grand Valley and Redlands fish screens are both under contract and progressing according to schedule. Brent outlined the contracts awarded to date, noting they don't cover automation of the SCADA systems. These systems require considerable technical expertise, so Reclamation would like to use a specific contractor (through NFWF) for this (\$59.5K for Redlands and \$58.5K for Grand Valley, which are included within the current estimates). The Committee approved. Brent reported that not all of the conditions have been met to incorporate the safety/recreational facilities at the Price-Stubbs fish passage. CDOT approval requires public access, which would have to be granted by Union-Pacific Railroad because the access would encroach within 30 feet of their track. The Railroad recently changed their mind and declined to provide access. Also, Palisade asked for a GOCO grant to fund the additional cost of the safety/recreational features, but didn't make the first cut in that grant process.

Reclamation has to advertise the fish-passage only option by January in order to proceed with construction in a timely fashion.

11. Funding issues

- a. Strategy for potential capital funds shortfall - The Implementation Committee tasked the Management Committee to identify strategies and make a recommendation regarding what the Program should do about the potential capital projects budget shortfall. Bob Muth said he talked with the Service's Salt Lake City office and we have no information at this point on which we could justify downsizing the screening at Tusher Wash (it would take considerable time and money to determine if take could be prevented with less screening). Sherm Hoskins said that an alternative approach would be to offer to buy out Thayne's power generation at Tusher. (Brent said the buy-out amount would have to be based on appraisal.) Sherm encouraged further consideration of what's needed at Tusher. Brent emphasized that in low water years, Tusher diverts a significant portion of the Green River. Tom Pitts recommended that in addition to the ~\$2M current estimated capital shortfall, we also cover the \$300K overrun on Elkhead, as well as any other Elkhead cost increases. John Shields asked if we should also determine if our annual funding component is adequate. Tom Iseman agreed, noting that we need to make sure we have adequate funding to stay on track to recovery. John Shields pointed out that the existing legislation already commits DOI to submit a report (no later than September 30, 2008) that makes a recommendation regarding whether the annual funding should continue for research after 2011 (the legislation already provides for O&M and monitoring beyond 2011). Robert King encouraged the Program Director's office to begin preparing the information for that report (e.g., anticipating the need for additional research, etc.). >The Program Director's office will begin working with Reclamation on determining those numbers, but the Committee agreed we don't want to pursue any change in the annual funding authorization at this time. John Shields noted that we also could also seek Congressional clarification that funds spent for capital program management (~\$2.6M) don't count toward the capital fund ceiling. Robert King said he could agree, but pointed out that it may be much more difficult to get Congress to understand and approve that approach than simply asking them to authorize additional capital funds. Tom Pitts recommended seeking a change in the Federal cost share (~\$5M increase). Dave Mazour agreed, and said that the power interests cannot support any additional power revenues for capital expenditures. We also need to seek additional time (beyond 2008) to complete construction activities (primarily for the San Juan). >Tom Pitts, Brent Uilenberg, John Shields, Clayton Palmer, Tom Blickensderfer, Robert King or Sherm Hoskins, Leslie James, and someone from New Mexico (probably John Whipple) will constitute an ad-hoc committee to consider the options for long-range capital costs and timeframes. The group will have a conference call at 2:00 p.m. on December 28 (>John Shields will set up the call) and report back to the Management Committee by early January. >Brent will provide an estimate of the anticipated additional capital funds need prior to the

call.

- b. Status of FY 05 annual and capital contributions - Brent referenced his e-mail to the committee regarding indexing of the annual base funding from power revenues. Reclamation began the indexing in 2002, the first full fiscal year after the 2001 enactment of the legislation. Because Reclamation began providing annual base funds per the legislation in 2001, the Recovery Program calculated the indexing to begin in 2002, but Reclamation began the indexing in 2003 (as spelled out in the legislation). As a result, we now have a \$162,200 shortfall in anticipated FY 05 annual funds from power revenues. The Program Director's office met with Brent and believes that we can still meet the 2005 budget. Angela Kantola added that Reclamation uses a consumer price index (CPI) figure released 9 months later (they index on a fiscal, not calendar year basis) than the CPI released in January that the Program has used. To address this difference, when the Program calculates expected annual contributions in January of each year, we will use the index planning figure that Reclamation's power office uses in order to estimate the anticipated power revenues contribution for the upcoming fiscal year, then will modify that estimate when the CPI is released the following October. We will continue to use the CPI released in January for Service and State annual contributions. Angela said the Service's FY 05 contribution is anticipated to be ~\$691K. Tom Blickensderfer said Colorado is allocating their species conservation trust fund this week and anticipate obligating ~\$682K in capital funds this year (future year allocations are still unclear, but Colorado will meet their total capital obligation).
- c. Update on Reclamation contracting and procurement procedures - Brent Uilenberg provided a draft memo from Reclamation on their discretionary grant/financial assistance process. Brent pointed out the section on sole source justification, and said they hope work conducted by state fish and game agencies and the Fish and Wildlife Service will be defined as inherently governmental and sole-sourced. Brent said Reclamation welcomes comments on the draft (as soon as practical).
- d. FY 05 work plan update - John Shields outlined concerns regarding the additional costs for Ruedi O&M and Reclamation's failure to bill the \$27K the Program allocated for this expense in FY 04 (thus causing the Program to lose the funds). >John Shields will send a letter on behalf of the Management Committee asking Reclamation to credit the Program for the unbilled \$27,000 for extraordinary 2004 Ruedi O&M, and that the Program be billed for a revised total of \$94,763 (\$121,763.51 minus \$27,000) in 3 installments over FY 05-07. >The Program Director's office will provide the Committee with an updated FY 05 work plan budget.
- e. NFWF funds status - Tom Pitts asked if anyone knew New Mexico's concern regarding the level of accounting detail (no one did, but New Mexico may contact Rebecca Kramer with their concerns). Sherm Hoskins asked for a report on in-

kind contributions, and >Angela said she'll provide that after the uncertainties about Colorado and Utah's in-kind contributions are cleared up.

- f. NFWF funding for environmental groups participation - Tom Iseman asked the Committee if they would be willing to send NFWF a letter of support for Dan Luecke's continued participation in the Recovery Program. >Tom Iseman will provide a draft letter to the Management Committee, and if the Committee approves, >John Shields will send that letter on behalf of the Committee (and Committee members also may follow up with individual letters). John Reber and Mary Henry recommended finding out from NFWF what their concern has been so that we might write a stronger letter. The Committee agreed.

12. Section 7 consultation

- a. Revised sufficient progress determination - Mary Henry asked if the Committee had questions or comments on the revised draft. Tom Iseman asked about the data analyses described in the conclusion section and Bob Muth said his intention is to begin that work in FY 05. Bob said he'd like to see Kevin Bestgen of the Larval Fishes Lab take the lead on that, but there may be other possibilities. John Reber said he thinks the overall approach is good, and he appreciates the steps the Service has outlined, but since the bottom line is results, John wondered if the Service considered reducing the 4,500 depletion amount in order to send a stronger message. Bob Muth said Service offices recommended being more explicit and assertive about concerns and the steps needed to alleviate the shortcomings, but they did not recommend changing the threshold. Tom Pitts said he thinks the Service has to consider both sides of the equation (accomplishments and shortcomings), and they've done a good job of that. Tom Pitts, Melissa Trammell, and John Shields pointed out minor editorial changes. >The Service will finalize the draft memo.
- b. Flaming Gorge EIS update - John Shields said the comment deadline was November 12. Brent Uilenberg said Provo says the ROD will be out in April 2005 in advance of spring releases. Bob Muth said the final draft of the BA is being reviewed and Service expects to begin consultation soon.
- c. Aspinall EIS and consultation process update - Brent Uilenberg said this is moving forward; and Rick Gold and Ralph Morgenweck will soon send Colorado a letter outlining Reclamation's and the Service's intentions for the Aspinall BO. The PBO would be developed parallel with the EIS.
- d. PBO on tributaries - deferred to next meeting.
- e. Consultation list update Angela Kantola said the most recent list posted to listserver on November 2, 2004. From the inception of the Program through September 30, 2004, the Service has consulted on 153 projects with a potential to deplete a total of 1,729,097 af in the Upper Colorado River Basin, of which

1,507,175 af are historic depletions. Three of these "projects" are blanket consultations for depletions under 100 af, up to 7,500 af total. Thus far, these three consultations have covered 493 actual projects depleting a total of 7,070 af (5,002 af in Colorado, 1128 in Utah, and 940 af in Wyoming). Another of these 153 "projects" is the 15-Mile Reach PBO which covers an average depletion of up to 1 million acre-feet per year of existing depletions (through September 30, 1995) and up to 120,000 acre-feet of new depletions (since September 30, 1995) in the Colorado River above the confluence with the Gunnison River. Thus far, the 15-Mile Reach PBO has covered 144 actual projects. In total, then, since January 1988, the Service has consulted on 786 projects depleting water from the upper Colorado River basin. The Service will amend the small depletions (<100 af) biological opinion to allow another 3,000 af, bringing the total allowed to 10,500 af.

13. Reports status - Angela Kantola distributed a revised reports list.
14. Schedule next meeting - The Management Committee recommended replacing the March 1 Implementation Committee meeting with a Management Committee meeting (and the Management Committee would ask the Implementation Committee for their proxy to approve the draft revised RIPRAP and draft Program Guidance. The meeting will be in Salt Lake City, from 8 a.m. - 4 p.m. >Sherm Hoskins will arrange for a meeting room. Robert King noted that Bob Morgan has announced his retirement effective December 31.

ADJOURN 4:15 p.m.

ASSIGNMENTS

1. Angela Kantola will post the revised September 15-16, 2004 meeting summary to the listserver.
2. The environmental groups will follow up with Grand Canyon Trust regarding whether there might be ways other than litigation to address their concerns about the humpback chub recovery goals.
3. Bob Muth will check with the DOI/DOJ attorneys and provide the Committee with a copy of the motion to dismiss the humpback chub recovery goals lawsuit if that's permissible.
4. John Shields will contact New Mexico regarding participation in the March briefing trip to D.C.
5. Tom Pitts will invite David Campbell on the D.C. trip.
6. Dan Birch will provide more information about the Elkhead budget and how the additional costs relate to the original agreements to the Program Director's office to send to the Management Committee.
7. The Program Director's office will monitor development of the Elkhead agreements and the potential need to ask Congress for additional capital funds and will work with Implementation and Management committee members to schedule an Implementation Committee conference call at the appropriate time.
8. The Program Director's office will begin working with Reclamation to determine whether base funds are adequate to keep the Program on track for recovery so as to begin to prepare for the report the legislation requires DOI to submit no later than September 30, 2008, recommending whether annual funding for research, etc. (other than O&M costs) should continue after 2011.
9. Tom Pitts, Brent Uilenberg, John Shields, Clayton Palmer, Tom Blickensderfer, Robert King or Sherm Hoskins, Leslie James, and someone from New Mexico (probably John Whipple) will constitute an ad-hoc committee to consider the options for long-range capital costs and timeframes. The group will have a conference call at 2:00 p.m. on December 28 and report back to the Management Committee by early January. John Shields will set up the call. Brent Uilenberg will provide an estimate of the anticipated additional capital funds need prior to the call.
10. John Shields will send a letter on behalf of the Management Committee asking Reclamation to credit the Program for the unbilled \$27,000 for extraordinary 2004 Ruedi O&M, and that the Program be billed for a revised total of \$94,763 (\$121,763.51 minus \$27,000) in 3 installments over FY 05-07.

11. The Program Director's office will provide the Committee with an updated FY 05 work plan budget.
12. Angela Kantola will update her report on State in-kind capital contributions after the uncertainties about Colorado and Utah's in-kind contributions are cleared up.
13. Tom Iseman will provide a draft letter for the Management Committee to send to NFWF, and if the Committee approves, John Shields will send that letter on behalf of the Committee (Committee members also may follow up with individual letters).
14. The Service will finalize the draft sufficient progress memo.
15. Sherm Hoskins will arrange for a meeting room for the Management Committee in Salt Lake City on March 1 (8 a.m. - 4 p.m.).

Attendees
Colorado River Management Committee, Denver, Colorado
December 13, 2004

Management Committee Voting Members:

Brent Uilenberg	Bureau of Reclamation
Tom Blickensderfer	State of Colorado
Sherm Hoskins	Utah Department Of Natural Resources
Tom Pitts	Upper Basin Water Users
John Shields	State of Wyoming
Mary Henry	U.S. Fish and Wildlife Service
Dave Mazour	Colorado River Energy Distributors Association
John Reber	National Park Service
Tom Iseman	The Nature Conservancy
Gary Burton	Western Area Power Administration

Nonvoting Member:

Bob Muth	Recovery Program Director, U.S. Fish and Wildlife Service
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Recovery Program Staff:

Gerry Roehm	U.S. Fish and Wildlife Service
Angela Kantola	U.S. Fish and Wildlife Service
Debbie Felker	U.S. Fish and Wildlife Service
Tom Czapla	U.S. Fish and Wildlife Service
Pat Nelson	U.S. Fish and Wildlife Service

Others:

Dan Birch	Colorado River Water Conservation District
Kevin Urie	Denver Water
George Smith	U.S. Fish and Wildlife Service
Tom Nesler	Colorado Division of Wildlife
Melissa Trammell	National Park Service
Robert King	Utah Division of Water Resources

