

Management Committee Webinar Summary, February 26, 2020, 1 pm - 4 pm

CONVENED: 1:02 PM MT

1. Introductions & requests to modify agenda – agenda was modified as reads below.
2. Approval of meeting summaries – Management Committee approved the September and December meeting summaries. >Julie will finalize and post (*done*).
3. Program Director's Update
 - a. DOI Reorganization – Marj said that New Mexico's position in the DOI reorganization has been in question (because it is geographically in IR 7). Noreen Walsh and Amy Leuders have determined that the supervisory chain will remain with Amy in New Mexico, but activities will be coordinated with Noreen and her staff, which is very similar to how things have always operated. That message has been presented to Western Association of Fish and Wildlife Agencies (WAFWA).
 - b. Federal Register updates – The proposed rule to downlist humpback chub was published in the Federal Register on January 22nd. The public comment period is open until March 23rd. We received a lot of media interest, most of which was positive or neutral. CBD published an article that was not supportive of the decision. The rule included a 4(d) rule and recommended revising the recovery goals. Tom Chart met with Glen Canyon Dam Adaptive Management Working Group on February 11, 2020 to discuss the proposed rule. During that conversation, Tom described the continued protected status for the species under the proposed 4(d) and how continued recovery actions in both upper and lower basins factored into the Service's decision. Tom said he expects that many partners may be drafting letters of support and noted that the Service is really interested in any new information or requests for new information that could help bolster positions. Marj encouraged comments related to the 4(d) rule. The proposed rule discusses the loss of the Dinosaur National Monument population and that information was assessed as part of the downlisting process. Melissa Trammell and Shane Capron have reconvened a committee to assess translocation/reintroduction efforts. Melissa said they were originally waiting for a genetics report on humpback chub that was completed in 2019 (Bohn et al. 2019). She thanked Shane for restarting this effort. Dr. Rich Valdez did the majority of the work during the original conversations, the team supported continuing that relationship. Rich has already produced some information to kick-start those discussions. Many questions remain, including compliance needs, additional genetic information, and potential logistics. Shane highlighted a risk assessment which will consider a variety of factors and noted the importance of this effort in context of the downlisting rules. Leslie said there is

information about the Western Grand Canyon and on this Yampa River work that is essential to get into the record of downlisting. She noted there are individuals who are not close to the program who could find that information valuable and asked how that information could be added into this conversation. Marj encouraged Leslie and others to submit comments into regulations.gov that document any new information that has become available since 2018 when the SSA was published. Kevin noted that the proposed rule includes a lot of information about the uncertainty of whether the Program would continue after 2023 and noted that partners have had a lot of conversations since then. Kevin said that the majority of the work was completed on the SSA in late 2017. It was published in March 2018 with a 5-year review. The proposed rule was drafted and submitted to headquarters in November 2018. No new science was added between November 2018 and publication in January 2020, but that science will be considered during the final rule phase.

- c. Dinosaur National Monument humpback chub Section 7 funds – Tom said the NFWF contract we had with Dr. Rich Valdez to develop the draft white paper on reintroduction has lapsed. The PDO would like to establish a new contract with Rich to complete that effort. Tom estimates a cost of up to \$25,000 and asked for tacit approval from the MC to provide Rich with some support from NFWF funds. The formal scope will be brought back to the MC for final approval when it is available. Steve asked when the SOW was likely. Tom said March was likely. Tom said the balance in the NFWF account is currently about \$1.1M. The MC provided preliminary approval. >Julie will circulate NFWF updates to the States and will contact Courtney Kwiatowski to make sure all are on the contact list.
- d. Colorado Pikeminnow Update – Tom said a Recommendation Team Meeting occurred in early February. Tildon Jones presented the Colorado Pikeminnow SSA to Assistant Regional Directors for Ecological Services and Fish & Aquatic Conservation in Legacy Regions 2 & 6. The ARDs assessed species needs, current condition, future condition, and species viability to determine status. The ARDs recommended no change in status. Tom thanked Tildon for presenting the information in a clear and concise manner. The declining population in the Green River basin was of considerable concern to the decision makers. A 5-year review is currently being drafted to formalize that decision. Tom said both programs are committed to continuing recovery actions to improve the status of the species, which will be reviewed again in another 5 years. Humpback chub, razorback sucker and Colorado pikeminnow 5-year reviews all recommend revising recovery goals. The PDO understands how important revising recovery goals is to the partners and has proposed to Noreen that we will start with Colorado pikeminnow about 4 months after the 5-year review is final (i.e., mid to late summer). Tom Chart understands that humpback chub is also important, but proposes to begin that process after the final downlisting rule has been submitted to HQ and the Report to Congress is submitted to the DOI bureaus in Headquarters. Tom Pitts asked if there is a timeline for

an expected draft of recovery goals. Tom Chart said a discussion around schedule and timing will likely be the first priority at the recovery team kickoff meeting.

- e. Sufficient Progress & RIPRAP – Tom posted the 2018-2019 sufficient progress memo to the list-serve last week, which was signed by Noreen in early February. Tom thanked the committees and partners for their reviews and comments which were helpful. One advantage of the delay was that we were able to include information on the depletion accounting reports that have been published over the last year. Julie said that the RIPRAP process has begun and has been shortened this year to make room for other priority efforts including the Report to Congress and Section 4 documents. The coordinators have finished their review. Julie and Tom will begin their review in coming weeks and expect to get the tables and text out to all committee members through email for comment and approval in April. As discussed at previous meetings, the PDO will solicit partner comments / final approval of these important documents via email this year.
4. Update on 2015 depletion reports – Don Anderson said that an accounting of depletions are required in both the Yampa River and 15-MR PBOs. The Program had fallen behind on depletion accounting for both of those PBOs, but with the help of both Colorado and Wyoming, we now have updated depletion reports finalized through the Program. Don said the methodologies to account for depletions have been updated since the PBOs were originally published. A technical review team was developed (through the Water Acquisition Committee) to assess the new techniques and make sure they met the standards established in the PBOs. The technical review team accepted the new/modified methods used by both Colorado and Wyoming. Don showed the depletions for the Yampa River in Colorado which show that over the most recent 5-year period, depletions fell by about 6,000 af in the Yampa basin relative to the pre-PBO baseline. A similar analysis from Wyoming showed a similar trend. Leslie asked what the power portion of the graph was; Jojo confirmed that is electricity generation from Tri-State.

In the 15-Mile Reach assessment, the average amount of depletions decreased or modestly increased (2006-2010) relative to the 1971-1995 baseline period. The data indicated year-to-year variation (especially in agricultural use and transbasin exports). Under this analysis, new depletions in the basin upstream of the 15-Mile Reach have not reached the 120,000 AF/yr maximum allowed under the PBO, nor the 60,000 AF/yr “first block”.

These reports have been reviewed by the technical review team and were presented to the Ecological Services offices of USFWS. Those offices have accepted these reports as complete and as fulfilling the requirements of the PBOs. Don thanked Steve and Charlie Ferrantelli from Wyoming and Jojo, Michelle, and Brian Macpherson in Colorado for their great work in producing these reports. Don said the next reporting period will be forthcoming with data ending in 2020. He said there are a few large projects that have already consulted but aren't yet operating, and will eventually add to depletions, including an estimated 38,000 af of depletions associated with the Windy Gap Firing and Moffat Collection System Projects in the Colorado

River headwaters. The 15-MR PBO also requires a report in 2015 to evaluate whether the effects of water depletions are being satisfactorily offset in light of Program activities and biological data. That effort was on hold pending the results of these depletion analyses. The Program Directors Office is currently drafting that document and Don said it is probably close to being ready for the technical committees' review. Tom Pitts echoed Don's praise for Colorado and Wyoming's effort in producing these reports and noted the excellent nature of the reports. Steve and Jojo appreciated Don's careful review and support in developing these reports.

5. GREAT Report Discussion – Tom Chart said the GREAT report (LaGory et al. 2019) revises flow recommendations along the Green River. The original flow recommendations were published in 2000 and were adopted in Reclamation's 2006 Record of Decision. Results of that implementation were assessed and revised in this updated document. The report was reviewed and approved by the technical committees in late 2019. The MC heard about the report in December, but delayed approval to allow for further discussion, especially around hydropower effects. Tom said the PDO will continue to work with the authors to present information as soon as possible.
 - a. Update on GREAT hydropower analysis – Shane is interested in reviewing the report with the main authors and having subsequent discussions to understand the recommendations more fully. WAPA has begun the process of completing the hydropower analysis, which is being led by Derek Fryer. Derek led a call in January to determine the scope of the effort and determine what was needed. Climate change and reduced water availability were noted heavily in the GREAT report and Derek noted that WAPA may need some model runs from the Bureau of Reclamation, especially during drought analysis. Derek is also seeking to incorporate information from the Drought Contingency Planning (DCP) process and noted that more data may be needed from Reclamation before modeling can begin. Tom Chart recognized that drought operations (as per the DCP) are possible and could greatly exacerbate the effect to storage stemming from our GREAT experiments. Leslie said the assumptions used can cause various effects, especially when analyses are done in single years vs many years in a row. Derek said he is happy to share that information when it is available. Melissa Trammell asked what the effects of these efforts would have on the approval timeline of the GREAT report and whether the analyses would be available to the report authors. Derek said he needed monthly volumes and reservoir elevations under various experiments. Tom said he is hoping we can have the analysis complete before we seek to approve the 2021 flow request letter to include all experiments if deemed appropriate. Melissa supported that timeline and encouraged efficiency. Tom said that he and Derek will provide updates to all the committees as information comes available, but noted that for the sake of expediency Don, Tildon and he are serving as technical experts in those discussions. Tom said he will incorporate feedback from the primary authors as needed in the process. Dave Speas asked if this analysis would be incorporated into the GREAT itself. Tom recommended keeping it separate, but noted it could be an

appendix if needed. Shane said he was thinking this report would be a more informal presentation for the MC specifically. He noted that once the underlying data is available, the WAPA analyses should be relatively quick. Tom said that Shane and he previously agreed that both the economic impacts to hydropower and the economic and biological potential effects of not conducting the experiments in the context of recovery should be reviewed together. Don advised caution when interpreting hardwired flow requests in the model, as many of the flow release decisions are ultimately made on a year to year basis based on how much water may be available and new information on species and habitat responses. He said some of these analyses may help guide some of those year to year decisions in the future. Tom said we will continue to track this as an agenda item through the year.

- b. Update on 2020 Flow Request Letter – Tom Chart said the 2020 Flow Request letter was completed and transmitted to Reclamation on February 13th. The letter mirrors last year’s letter, including both larval trigger and base flows for Colorado pikeminnow. One difference was the order of these two priorities, which typically has been larval-triggered flows to support razorback sucker. With the declining population of Colorado pikeminnow in the Green River, the Program is prioritizing base flows supportive of young-of-year Colorado pikeminnow, which may mean reducing dam releases to base flow conditions earlier than normal to match the Yampa River. Patrick highlighted House Concurrent Resolution 23 in the Utah State Legislature - “Encouraging a Balanced Approach to Releases out of Flaming Gorge” sponsored by Rep. Scott Chew (State House Representative from Jensen/Vernal). The resolution encourages participation of local landowners in decisions around flows. >Patrick will send a copy of that resolution to the MC and PDO (done on 2/26). Tildon has taken Rep. Chew on wetland tours in the past. Tom asked if it would be appropriate to add this item to the agenda at the Flaming Gorge Work Group meeting in March. Kathy is asking for that addition.
 - c. Study Plans – Tom noted that the Program’s study plans also need to be completed prior to conducting all three experiments. Biological study plans are currently approved for both Flow-Spikes and Larval Trigger. The PDO working closely with Dr. Kevin Bestgen have drafted a Base Flow Study Plan, which is currently under review by the Biology and Water Acquisition committees. Melissa Trammell and NPS are working on a study plan to monitor the physical effects of these experiments.
6. Stirrup Wetland revised construction costs – Tildon said the MC has seen updates to the Stirrup construction at several meetings over the last few years. The Field Supervisor for Reclamation’s Force Account Crew visited the site and revised the estimate to include more concrete and personnel necessary to complete the fish kettle. The project cost estimate has increased from ~\$500K to \$709,000. The BC has approved the technical design based on these new cost estimates, but Tildon would like MC approval to authorize the increase in cost based on these finalized plans. Construction is planned for 2021 because of availability of the Force Account Crew. Dave Speas said Reclamation has already spent an additional \$20K on the

design. Tildon said the project adds an additional wetland to the Green River portfolio which would be valuable for bonytail research and life-history studies. The site is relatively deep and can connect at low flows, which provides opportunities in lower-flow years. In addition, BLM has a fish biologist who will be operating and maintaining the site for few Program funds in comparison to the other wetland projects. The committee approved the project and capital expenditure.

7. Post-2023 update

- a. Funding Group Status – Michelle Garrison said the funding group will meet in two sessions as it was difficult to determine a single time that worked for everyone. The agenda will be duplicated on both March 13 and March 17. She anticipates that the main agenda item will be consideration of the information from WAPA and Reclamation on available funds. Navajo Nation will join that group; if there are others who should be included, please have them contact Michelle. Michelle is hoping to hold an in-person meeting in coming weeks, but wanted to make sure the group met at least once before the DC trip. Tom Pitts has been working with Julie Stahli, Melissa Mata, and Ryan Christianson is putting together information on capital and annual costs for both programs, including separating out the costs of operations and maintenance of existing facilities. He anticipates that information will be available before the March 13th meeting. Michelle thanked Tom for his efforts in developing that information. Leslie asked when an in-person meeting was likely. Michelle said she is working diligently to schedule those meetings, but anticipates May as a potential time frame. Patrick reiterated that a lot of work remains to develop a funding proposal in a minimum of months.
- b. Report to Congress (RtC) update – Don Anderson has begun drafting the Report to Congress because of impending deadlines. He used the draft RtC outline distributed by Tom Pitts last fall. The PDO has drafted section 2.1 (accomplishments of the Upper Basin Program) with the goal of including a lot of information while keeping it as brief as possible. Don is planning to distribute that to Tom Pitts, Steve Wolff, and the SJ Program for an initial review in the next week or so. Don is also working on drafts for section 6 based on the post-2023 exercise and tables. He has drafted a conceptual framework, based in instream flow which will also be distributed for review. Don is also tracking Sections 4, and 5 which will be drafted in the weeks following review of sections 2 and 6. Leslie thanked Don for the work and noted that DOI agencies will be working on budgets this fall for FY2024. Tom Pitts noted that we may need to review the outline to shorten and simplify the document. Tom Pitts will distribute that outline to Tom Chart, Melissa Mata, Don, and Steve for review, probably next week. Tom Pitts supported the use of appendices for any needed detail. Jojo asked how Don will incorporate the information from post-2023 planning with the variation in recommendations from MC members. Don said the chapter will likely not include specific numbers or specific projects, but focuses on essential activity areas that were highlighted as important. Don anticipates having placeholders for dollar figures once

additional conversations have occurred with the funding group. Jojo asked if benefits of the program would be included. Tom Pitts said benefits of the programs are important and would likely appear in the accomplishments of the program and ESA compliance. Jojo advocated for a benefits section which would outline what would likely occur if the programs disappeared. She noted those were common questions in the Platte Recovery Program reauthorization. Don confirmed that the draft ‘accomplishments’ write-up already includes considerable discussion of Program benefits. Leslie thanked Jojo for her insight from the Platte River process and encouraged sharing of any additional information as this process moves forward.

- c. Status on CRSP WAPA/Reclamation funding discussions – Kathy Callister thanked everyone for their patience in this process; she believes internal conversations are concluding and information should be available in the next week. Reclamation and WAPA are working on a white paper which will go to Brent Esplin for approval and will then be distributed. The white paper will include a proposal accompanied by reasoning and how it might be implemented. Patrick asked if OMB has been involved in development/review of the proposal. >Kathy will ask HQ as she does not know. Tom Pitts asked for clarity around the deadlines for these funding discussions (end of FY22 or end of FY23?) based on presentations at AMWG. The MC’s understanding is that we are seeking funding solutions for the period starting in FY24, i.e., post FY23; WAPA’s presentation to the AMWG indicated a solution needs to be in plan post FY22. Kathy said she would check the draft white paper to see how that was characterized. Steve reiterated the importance of the DC Trip and a unified message for all participants.
8. D.C. Trip Logistics and Planning – Steve Wolff said the majority of the meetings have been confirmed for Tuesday-Friday of the week of March 24-27. Fifteen people are scheduled to attend. Marj offered support if FWS appointments are difficult to obtain. Steve has confirmed an appointment with Dir. Skipwith.
 - a. 2020 briefing book and associated documents – Melanie said three documents are currently at the printer: a redesigned briefing book, a nonnative fish impact brochure, and the pocket folder. The briefing book will no longer be stitched in to the pocket folder. Melanie asked for the address of the hotel and a list of attendees to include in the packet. >Steve will send 2/27. Four additional inserts will be included: a financial summary (pie charts, cost sharing and depletion accounting), Path to Recovery, Briefing Summary (new, short and sweet), and species update handouts. Melanie plans to ship on March 15th so the boxes will be there upon arrival. Steve thanked Melanie for her beautiful work on all of these updated documents.
9. Next meeting will be April 27-28 approximately noon to noon at the Reclamation conference room in Grand Junction.

ADJOURNED: 3:46 PM MT

Attachment 1: Meeting Attendees

In Attendance:

Steve Wolff, chair	State of Wyoming
Todd Adams	State of Utah
Michelle Garrison	State of Colorado
Jojo La	State of Colorado
Tom Pitts	Water Users
Patrick McCarthy	The Nature Conservancy
Leslie James	Colorado River Energy Distributors Assoc.
Shane Capron	Western Area Power Administration
Melissa Trammell	National Park Service
Kathy Callister	Bureau of Reclamation
Marj Nelson	Fish and Wildlife Service
Tom Chart (non-voting)	Program Director, Upper Colorado Program

Upper Colorado Program Office Staff:

Kevin McAbee	Nonnative Fish Coordinator
Julie Stahli	Deputy Director
Don Anderson	Instream Flow Coordinator
Tildon Jones	Habitat Coordinator
Cheyenne Owens	Natural Resource Intern

Interested Parties:

Dave Speas	Bureau of Reclamation
Lee Trayhnam	Bureau of Reclamation
Derek Fryer	Western Area Power Administration
Lain Leoniak	Colorado Attorney General's Office

Attachment 2: Meeting Assignments

1. **Kathy Callister** will try to determine more information about how Reclamation's proposal was developed and which agencies have been involved up to this point.
2. **The PDO** will distribute the Scope of Work from Rich Valdez when it becomes available.