

WATER ACQUISITION COMMITTEE MEETING SUMMARY
03/01/99



Water Acquisition Committee

Summary Meeting Notes

March 1, 1999

USFWS Water Resources Conference Room, USFWS Regional Office

Lakewood, Colorado

The Water Acquisition Committee met to review and comment on 2000 Program Guidance and Proposed RIPRAP revisions. Present at the meeting were George Smith, Chairman; Bob Norman, Vice Chairman; Tom Pitts; John Shields; Randy Seaholm; Sue Uppendahl; Malcolm Wilson; Robert Wigington; Bob Muth; Angela Kantola; Henry Maddux; and Ray Tenney on the phone.

1. **Agenda:** John Shields noted that at the upcoming Management Committee meeting there would be a discussion of improving and revamping information and education coordination in the Recovery Program due to the current I&E Coordinator position vacancy and he suggested that the Water Acquisition Committee provide its input concerning I& E efforts relating to water acquisition at this time. John questioned whether water acquisition and flow augmentation efforts by the Program are receiving enough I&E visibility within the Program, given that it is an important Program element. Henry Maddux reported that the program is recruiting a new I&E coordinator and that the Program would make a greater effort to let the public know about water and bottomlands being acquired by the Recovery Program. Tom Pitts cited the recent report to the CWCB on Ruedi flow augmentation as a good example of water acquisition activities and the benefits to the fish.

2. **Minutes of the Dec. 21, 1998 meeting:** Approved with a number of minor corrections noted on the draft minutes that were given to George Smith.

3. **Proposed RIPRAP Revisions:** RIPRAP Changes: Instead of indicating that base and recovery flows are "on hold," as recommended by the Program Director's Office, Robert Wigington offered changes to:

1. Add to the general narrative on flow protection in Colorado that the combined

appropriation of base flow and modifiable recovery flow has been rejected on the 15 Mile Reach and lower Yampa:

The combined appropriation of a base flow water right and a modifiable recovery flow right to legally protect existing flows against depletions under more junior water rights has been rejected on the 15 Mile Reach of the Colorado River and the lower Yampa River between its confluence with the Williams Fork and Little Snake Rivers. This combination will therefore not be pursued on other reaches in Colorado without the broad support of potential water court objectors.

2. Where subbasin narratives and action plans reference instream flow filings consisting of the base and recovery flow files filed in Dec. 1995, we need to: a) indicate that the CWCB has withdrawn the recovery flow filings; and b) indicate that the utility of the still pending base flow filings to protect the full FWS flow recommendations will be evaluated. (Also identify a lead agency and timeframe for the evaluation, and add an item that says pursuant to the evaluation, if the flow protection isn't adequate, we'll identify what needs to be done to protect the flows needed for recovery) Henry Maddux noted that the draft on the 15-mile Reach Biological Opinion will be out on Friday, March 5. Optimistically, the PBO should be finalized by July 1999. If the CWCB could have the evaluation report completed by October 1, 1999, it might be possible to forward the same to the water court by October 30, 1999 so that it might take action to drop or proceed the base flow filing. Some felt that December 1999 might be more appropriate depending on the completion of the 15-mile Reach Biological Opinion.

3. Where action plans call for combination of base and recovery flow rights, replace that reference with one that simply calls for the legal protection of the flows needed for recovery. See Robert Wigingtons memo of 2/28/99 (Attached) with RIPRAP Changes relating to the Colorado Flow Filings .

Tom Pitts suggested and the group agreed that the Program should agree to proceed with Yampa Management Plan and agree to submit an evaluation report on base flows by September 2000, and ask that objectors agree to hold the base flow filing in abeyance until September 2000. The evaluation needs to look at: 1) how will administering the base flow right affect administration on the river; and 2) resolving issues relating to the base flow amounts recommended by FWS (especially the period outside of Aug-Oct). CWCB should have lead for the evaluation, but FWS will have the lead on the second part. Ray Tenney suggested the CWCB ISF committee hold a meeting for the Yampa River Valley.

Evaluation of 15-Mile Reach instream flows. (Report by Oct. 31, recommendation to water court to drop or proceed with base flow filing.) 2000-6000 af of GVWM not protected by programmatic biological opinion (natural flow component). The opinion will be finalized hopefully by July. If we need to protect that additional 2-6,000 af and the base flow filing won't do it, we'll do so under Div. 5 and modify that SOW (put this in RIPRAP text).

Ray Tenney asked if this requires a daily model, who will do the technical support and will we be able to make the deadline? Randy wasn't sure that a model evaluation will be needed , but Ray said others may disagree. Randy said he'd probably evaluate with CRDSS first, and not worry about a PACSIM simulation. The Committee then discussed whether legally protecting the 2-6,000 acre-feet is worth the investment in time, resources and overcoming the political difficulties it would require.

With regards to items completed in the RIPRAP that refer to the combination of base and recovery flow filings, we'll leave it alone, but somehow cross reference it (e.g., "see below").

RIPRAP, Pg. 35 - Add a new task just before 1A2 (pg 35) and 1B2 (pg 38) (everywhere you the "State acceptance) language is used. Task: to evaluate the need for legal protection. Then put the steps that follow on hold. Then, since those steps are "on hold," we don't necessarily need to take out the recovery and base flow combination. Also make this change on page 43 on the Gunnison River, before 1B and on page 33 on the White River, before 1B (just for Colorado

on the White). Randy - CWCB should be able to do the evaluation for these reaches by January 1st.

Pg. 38, Ia3c3fiib, delete note in the status column about NEPA compliance since the Grand Valley Water Management EA included this water.

Pg. 43, dates for the Aspinall synthesis report and draft biological opinion have slipped; won't the following dates also need to be slipped or can enough tasks be done concurrently? Yes, the dates for the following activities (items IA4 through IC2c) should to be moved out 6 months. Reclamation will work complete the draft and final NEPA documents earlier, if at all possible (which would allow the dates for the remaining flow protection to be moved back up).

Malcolm Wilson noted that the Division 5 study on pg 38, (IA3c3g) may be more involved than the 3 steps listed. So, in step ii, instead of "develop necessary contracts and agreements to deliver flows" change to "develop an implementation plan to deliver flows." Make this same change to IA3c3i (permanent delivery).

4. Program Guidance: Make project #70 "ongoing, needing revision" to add an evaluation of the need for legal protection of instream flows (as discussed under the RIPRAP modifications).

5. Geomorphology Peer Review: George Smith reminded the group that adding the embeddedness work to the 1999 channel Monitoring scope of work had been referred to the geomorphology peer review panel by the Biology Committee. Peer review comments were received from Bob Stand and Bill Trush. The comments were read and discussed by the WAC which deferred to the judgment of the Biology Committee and approved adding the work to the FY99 Channel Monitoring Scope of work. The WAC further requested that they see the revised Scope of Work or a letter addressing how Bill Trush 's comments and suggestions were incorporated into the work.

George Smith also reported that peer review comments on the Flaming Gorge Synthesis Report had been received from Bob Strand and Richard Marston. These comments along with comments from Bill Trush which were received after the WAC meeting are attached. The coordination of the peer review panel will be turned over to the instream flow coordinator (as planned in the original Scope of Work) when the Biological Opinion for Flaming Gorge has been completed.

6. USGS Gage Funding: Ray Tenney informed the WAC that the River District had been informed by the USGS that the cost of O&M on gages is going up based upon the assessment of additional hover head costs by USGS. George Smith reminded the WAC that the intent is to include gaging station O&M in the long-term funding legislation. Bob Norman advised that the Funding Spreadsheet includes funding for this. This issue is a major concern to states and local governments and John Shield the agencies affected should write letters to Congressional appropriations subcommittees.

7. 1997 Channel Monitoring Report: The WAC agreed to finalize report with peer review comments included.

8. **Other Business:** Maddux letter re: Ruedi Reservoir flow benefits: George Smith mentioned that the Service would like to relax the reporting requirement on the benefits of Ruedi endangered fish augmentation flows. Tom Pitts felt that the recent report to the CWCB was very informative and that the program needed more reports like the recent report and not less. George Smith mentioned that some years it is very difficult to find any thin definitive to report and that the Service would like to report periodically when there was something definitive to report. Randy Seaholm reported that the CWCB is very interested in the augmentation and suggested that a cover letter highlighting the results of the relevant ISMP, RIP annual reports might be sufficient and that if there was little to report a short letter would do. George Smith agreed that the Service would continue to provide annual reports as long as releases are being under annual contracts, but the Service would like to discuss some type of period reporting when the long term Ruedi contract is negotiated.

9. Next Meeting: The next WAC meeting is scheduled for 9:30 A.M. July 15, 1999, at the U.S. Fish and Wildlife Service Lakewood CO 134 Union Blvd. in the Division of Water Resources conference room.

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