

# UPPER COLORADO RIVER ENDANGERED FISH RECOVERY PROGRAM

FY 2022 ANNUAL REPORT

PROJECT: FR-171

## **Project Title**

Protecting flows in the Price River, Utah

## **Bureau of Reclamation Agreement Number:**

N/A

## **Project/Grant Period:**

N/A

## **Principal Investigators:**

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## **Abstract:**

The proposed project will reconstruct an off-river reservoir to allow for the strategic release of stored water to supplement flows to the Price River for endangered species fish habitat, as well as aid agriculture demands. Associated upgrades to the Carbon Canal will reduce the risk of flooding, and an innovative water management agreement will direct approximately 1,200 AF/yr to Olsen Reservoir. Investments in future water infrastructure improvements that create additional “saved” water could be used for environmental benefits. A contractual water bank may help to shepherd water downstream to the Woodside gauge.

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### **Study Schedule:**

Ongoing.

### **Relationship to RIPRAP:**

Green River: I. C.3. Work with State of Utah and local water users to provide and enhance summer base flow conditions (either increase average daily flow thresholds or increase the frequency that those flows occur) in the lower Price River that are conducive to pikeminnow use. For example, consider securing an emergency pool of water to avoid periods of dewatering in the lower Price River.

### **Accomplishment of FY 2022 Tasks and Deliverables, Discussion of Initial Findings:**

#### *CCC Agreement*

In August 2019 TNC and the Carbon Canal Company (CCC) signed a Water Infrastructure and Supply Agreement (the Agreement). The Agreement directs the CCC to manage their system in a way that delivers carrier water to Olsen Reservoir in exchange for funding for system efficiencies such as head gates and measuring devices to increase environmental flows. TNC will pay \$10/AF to CCC for water delivered to Olsen Reservoir.

#### *NEPA*

In 2019 Funding under NRCS's Watershed Protection and Flood Prevention Act (PL-566) was secured to complete an Environmental Assessment of the Olsen Reservoir project and watershed plan. Jones and DeMille Engineering was the contractor selected to develop the EA. A final Plan-EA will be finalized in September, followed by a Notice of Availability (NOA) and Findings of No Significant Impact (FONSI). Agency and public meeting target date will be August 2023. Final step for the Plan-EA after review is expected to be completed September 2023.

#### *Milestones Accomplished*

- Plan-EA has been completed and is undergoing the review process.
- Archeological Surveys were completed in the watershed with 10 previously documented sites and 17 new sites.
- Change application was approved for water banking.
- Support from the Paiute Indian Tribe of Utah.

### **Water Banking Legislation**

Utah's Water Banking Act passed in 2020 to facilitate the development of water market activity that is locally controlled, temporary in nature and always voluntary. The first water bank known as the Carbon Canal Company Contract Water Bank (Water Bank) was approved unanimously by the Utah Board of Water Resources in January 2022 and allows water to be leased for environmental purposes benefiting six endangered, threatened, and sensitive fish species and enhancing flows on approximately 185 miles of the Price, Green, and Colorado Rivers. Water banking also exempts water rights from beneficial use requirements and protects them from forfeiture. The Water Bank is a contract bank under Utah law with five parties involved. The Water Bank includes the Carbon Canal Company (CCC) and its shareholders as lessors, the Price River Conservation District as the public entity, and three environmental/wildlife

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entities as lessees -- The Nature Conservancy, Trout Unlimited, and the Utah Division of Wildlife Resources. A fixed time application in the name of CCC was filed on February 9, 2022, to add water banking - which includes environmental uses - to the nature of use from March 1 to November 30. A hearing was held on June 22, 2022, to address a variety of protests. On December 15, 2022, CCC's change application was approved by the Division of Water Rights (DWRi) subject to following conditions:

- The applicant shall provide adequate information to the State Engineer on depletion and conveyance losses before shepherding can occur.
- The applicant shall install and maintain measuring and totaling devices to meter all water used for water banking devices.

This is the first water bank to be approved under Utah's Water Banking Act and is being used as a demonstration or pilot project for scaling up water banking to other watersheds.

### **Additional noteworthy observations:**

#### Endangered and Imperiled Fish Use.

In January 2017, the USGS Utah Cooperative Fish and Wildlife Research Unit and the Department of Watershed Science and Ecology Center at Utah State University published the results of a multi-year study, "Tributary habitat use of endangered and imperiled fishes in the Price River, Utah" (Budy et al.2017). This effort was funded under U.S. Bureau of Reclamation Grant Number R11AC40021. Overall project goals were to (1) investigate and document tributary (Price River) habitat use by Colorado pikeminnow, (2) explore movement patterns and habitat use of the "three species" within the Price River, while obtaining ancillary information on population abundance and distribution, and (3) characterize and quantify fish habitat within the Price River to guide restoration planning. Among the report findings were the detection of "several magnitudes more native fish use and movement than anticipated", and "more than twice the number of pikeminnow utilizing the Price River relative to the San Rafael River." Dr. Budy and her associates have subsequently developed a draft *Restoration and Monitoring Plan* for the lower Price River, identifying priority areas for restoration activities, and identifying activities that may best accomplish restoration goals.

#### Price Watershed Enhancement Proposal.

The Price Municipal Corporation has acquired funds from the NRCS Watershed Protection and Flood Prevention Program (PL-566) for planning and preliminary design of the "Price River Watershed Restoration and Enhancement Project." Activities proposed by the Corporation revolve around plans to construct a new reservoir at Garley Wash, replace open irrigation canals with pressurized pipelines, and upgrade to more efficient irrigation systems. Among the potential benefits are removal of diversion structures in the Price River that inhibit fish passage, removal of invasive plant species from the riparian corridor, and provision of higher and more consistent base flows in the late summer months that could significantly benefit native fishes, including Colorado pikeminnow. While the Program Director's Office and the FWS Utah Ecological Services Office take no position regarding the Corporation's proposed reservoir, we do wish to be in a position to assist in developing plans to control any non-native fish that may be introduced into that reservoir, and also assist with the development of strategies that could significantly enhance late summer base flows in the lower Price River, should this reservoir

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project move forward.

### Water Banking Legislation

See update above, specifically affirmation of the Price River as the pilot project to test the feasibility of water banking, and Utah DWRi's groundbreaking approval of a water bank contract for Olsen Reservoir.

### Utah Legislation – H.B. 33 Instream Water Flow Amendments

During the 2022 legislative session H.B. 33 was changed to allow a water user to complete a change application to be used for instream flow for the benefit of wildlife.

### **Recommendations:**

The Recovery Program supports the efforts by UDWR, TNC, the Walton Family Foundation, Utah Water Users, the Price River Enhancement Committee, NRCS, USGS, USU, USFWS, and others to improve and maintain summer base flow conditions that support Colorado pikeminnow seasonal use of the lower Price River, and to remove three fish barriers. We recommend that the Program continue to maintain contact with those organizations and their efforts as described for Project FR-171 in the 2021-22 Program Work.

### **Project Status:**

The Lower Price River Plan-EA is under review through various channels. After the Plan-EA and final public comments have been addressed, final design and construction can begin.

Following discussions with the Carbon Canal Company (CCC) and adjacent landowner the project has designed a new inlet and overflow structure on the carbon canal creating a regulating pond for pressurized irrigation for the adjacent landowner. Excess carriage water and storm water would overflow back into the canal and down through an installed culvert pipe directed into Marsing Wash conveying water into Olsen Reservoir. In the event Carbon Country becomes a piped water system, this new design would ensure water would still be delivered into Olsen Reservoir.

In August 2021, TNC and the CCC signed a Water Infrastructure and Supply Agreement (the Agreement). The Agreement directs the CCC to manage their system in a way that delivers carrier water to Olsen Reservoir in exchange for funding for system efficiencies such as head gates and measuring devices to increase environmental flows. TNC will pay \$10/AF to CCC for water delivered to Olsen Reservoir. CCC estimates they can deliver approximately 1,000 to 2,500 AF annually to Olsen Reservoir.

Significant progress has been made establishing a roundtail chub propagation pond in Emery County. Between 2020 and 2021 a total of 341 roundtail chub from the upper San Rafael River were moved into the pond. During 2022 spawning activity was observed among the fish in the pond. The intention is to use progeny from this source to populate Olsen Reservoir and in the future use the water releases from the reservoir to introduce roundtail chub to the Price River. Roundtail chub have not been found in the Price River since the late 1970's.

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**FY 2022 Budget Status**

Funds UCREFRP Funds Provided: \$0

UCREFRP Funds Expended: \$0

Difference: --

**Signed:**

Tyler Arnold 02/08/2023

Principal Investigator Date

David Graf 02/08/2023

Date