



# Upper Colorado River Endangered Fish Recovery Program

## DRAFT Water Acquisition Committee Summary December 5, 2022: 9:00 am – 12:00 pm (MST)

### ATENDANCE:

**Committee Members:** Tom Pitts, Kara Scheel, Laura Belanger, David Jones, Erik Knight, David Graf, Jared Hansen, Melissa Trammell for Mark Wondzell

**Interested Parties:** Charlie Ferrantelli, Paul Badame, Michelle Garrison, Russ Franklin, Kyle Whitaker, Julie Stahli, Koreen Zelasko, Valerie Deppe, Julie Stahli, Shannon Nelson, Tildon Jones, Kevin McAbee, Chris Michaud, Joe Trungale, Colleen Cunningham, Diana Lane (Nature Conservancy), Jennifer Wellman, Lee Traynham

**Greetings and Introductions** – All committee members and attendees introduced themselves and briefly described their positions and roles.

**Committee Structure, Roles, and Chair** – Julie and David explained that the WAC has been operating a little differently than the other committees in that it was chaired by the Instream Flow Coordinator from the Program. We are now transitioning to a model like the Biology and Management Committees which are chaired by partners and supported by the Program Director's Office coordinators and staff. Conditions across the basin are going to make conversations in the WAC more important and we see this as a way to engage with partners more effectively.

**Review / Modify Agenda** – The agenda order was modified as reads below.

**Maybell Diversion** – Jennifer Wellman with The Nature Conservancy (TNC) provided an overview of the need for funding support to rehabilitate the Maybell Diversion and water control structures. Julie Stahli shared a short video which summarizes the current state of the Maybell infrastructure and its connection to irrigation management and fish and boat passage. For this committee the focus is on the rehabilitation and replacement of the headgate structure. Jennifer shared a summary presentation which depicted the location, the condition of the diversion, and the lacking function of the very aged headgates. The overall redesign includes improved fish and boat passage as well as a new headgate system to allow for accurate and reliable diversion of water. TNC has secured \$4.95M for this project and have an estimated total cost of \$7.8M resulting in a \$2.8M funding gap. TNC is requesting the Program to help fill that gap. The primary funding source is a WaterSMART grant through Reclamation which will be directed to the diversion rebuild portion of the project. Additional federal funding provided through the Recovery Program (or other federal sources) will need to be directed to

replacement of the headgate system. Melissa Trammell asked if allowing water users to utilize their full water right will reduce the amount of water in the river below the intake downstream to irrigation returns. Jennifer replied that improved headgate function and removing the need to rebuild push-up dams to direct flows will make the entire process more efficient and be unlikely to increase water use above current levels. Mike Camblin noted that improvements will also allow water right holders to prove up their water rights avoiding potential loss of water rights. Tom Pitts thanked Mike for all of his efforts over the years to progress toward completing this project.

**Basin Summaries: 2022 Review** – David reported on current drought conditions and upcoming forecasts. Currently, the basin is looking positive from a precipitation perspective, but overall conditions are expected to continue with a La Nina pattern, which will move most of the moisture to the north of us.

- a. CO 15-MR Operations / Flows – David reiterated the importance of the 15-Mile Reach to razorback sucker and Colorado pikeminnow. We are not meeting targets in dry, average-dry, and average-wet conditions more than 50% of the time. Dry conditions are especially challenging. David reviewed the challenges surrounding the April hole and during baseflow conditions. He noted CROS has been implemented in 12 of 25 years, supplementing peak flows. He reviewed how those decisions are made, specifically with weekly HUP calls managed by Reclamation. In 2022, which was an average-dry year, we did a pretty good job of meeting the 810 cfs, but the average-dry year targets are 1240 cfs. David acknowledged that we accomplished what we did because of substantial contributions from both CWCB and Colorado Water Trust. In addition, an HUP surplus was declared which added water in September and October. Kyle Whitaker noted that Green Mountain was intended as a compensatory reservoir as mitigation for the Colorado Big Thompson Project (trans basin diversion). It was designed for west-slope agriculture. There was a court case in the mid-1990s ('Check Case'), supported by Recovery Program partners, that allowed for instream flows to support endangered fish when surpluses are declared. Michelle noted that David should get the information on the effects of the surplus to incorporate into these presentations.
- b. Yampa River – Elkhead Reservoir Operations / Flows – David talked about how releases from both Elkhead and Stagecoach helped the river. Stagecoach releases were designed to meet temperature standards downstream of the wastewater treatment plant, but these releases lack flow protection below the City of Steamboat WWT plant and are not operated by the Program. Elkhead releases are protected releases due to the language in the enlargement decree for Elkhead, but there has been some confusion regarding legal protection when these releases result in flows at Maybell that exceed the minimum flow targets (93 cfs for 'Dry Years'; 134 cfs for 'Ave Years'). While there has been some written confirmation from the Division 6 Water Engineer of the benefits of these releases for Recovery Program purposes, further discussions this winter should clarify the protocols and understanding of releases if they result in flows above minimal 'targets' at Maybell.

- c. Other Basins – Green (Jones), Gunnison, Duchesne - In the Duchesne, CUWCD was working to meet the 50 cfs target. A gage issue made it difficult to determine the actual flow levels. Once the gage was fixed, the 50 cfs target was met more frequently. In the Gunnison, Reclamation met all releases as recommended in the ROD for Moderately Dry conditions. The peak flow and baseflow targets were relaxed based on drought rules. Tildon reviewed the implementation of Flaming Gorge Flows.

**WY Depletion Accounting, 2016-2020** – Charlie Ferrantelli reviewed the Wyoming Depletion Accounting report for the Little Snake River basin. He noted that irrigation use represents most of the depletions occurring in the basin. Municipal, domestic, trans-basin diversion and reservoir evaporation are all included in the analysis. Irrigated agriculture accounts for 72% and 21% is exported to Cheyenne. The 2016-2020 average is 38,623 acre-feet vs just over 37,000 acre-feet in the last period of review. Both the results and methods used in this reporting cycle has been very similar to the previous period, including the irrigation mapping and climate data source. Wyoming did change the Penman Monteith model regarding the methods used to convert potential ET to actual ET, using eMETRIC/ remote sensing information instead of using regulation dates, and also started using crop coefficient curves based on local studies. Wyoming is using an adjustment factor of 80% to account for how irrigators use water relative to a crops' potential demand. Laura asked about the fluctuations in irrigated acres seen between water years. Charlie said that he thinks the irrigators often look at snowpack and make an educated decision on how much to irrigate.

*Committee Action:* Complete a review and edit process for Wyoming's 2016-2020 depletion accounting report by Dec 31. David will work with Charlie Ferrantelli to receive and incorporate edits and distribute a copy back to the WAC for email acceptance. David will then provide a final draft to Ecological Services for final approval. The PDO will then put an informational item on the subsequent Management Committee agenda to inform them that the document has been approved by Ecological Services and will be posted on the website.

**White River Management Plan / PBO Update** – The White River was added to the RIPRAP in 2002 and recent efforts include a report on Interim Flow Recommendations and a multiple phase approach that separates the future depletion scenarios under a PBO based on availability (or not) of augmentation water ('Phase 1' vs 'Phase 2'). David and Kara just finished a draft that is currently under review by the WRMP Planning Team. David noted that the WAC will receive a copy of the document in the Spring and the committees will need to think critically about what actions make sense for implementation.

**Plan Development to Assess the 15-Mile Reach Flow Targets** – Stahl

The next step in the process is for Chart and Anderson to meet with interested WAC members to get your input on the assessment of the flow recommendations plan and the development of specific scopes of work. Current volunteers include Kara Scheel, Michelle Garrison, Tom Pitts, Kyle Whitaker, and Laura Belanger. Don Anderson and Tom Chart will reach out to the WAC

interested parties and set up meetings themselves. Interested WAC and BC members will work with Chart and Anderson to develop an assessment plan and recommended scopes of work to address needs identified in that plan. Those recommendations will be provided to the full WAC and BC for consideration and then moved forward to the MC.

**Post-2023 / Work Planning FY 24-25** – Julie briefly reviewed the Instream Flow Program priorities list that resulted from the 2019 post-2023 planning workshop and asked the Committee members how they would like to proceed with considering the priorities in the next round of Program guidance. Tom Pitts suggested that to have an informed discussion about which priorities to pursue in FY24-25 that it would be helpful for the PDO to provide an initial list of activities regarding how each item would be implemented through our RIPRAP process. Julie agreed with Tom and said that the PDO will develop a draft outline of that for the committee to work from. Laura Belanger noted the 15-MR is their highest priority. Melissa Trammell asked about Reclamation’s Post-2026 DCP planning and the near-term interim SEIS and if those have the potential to effect upper basin flow management. There is a lot of uncertainty in the basin because of water availability. The PDO recommends adding a more robust discussion to the next WAC agenda. The PDO is seeking input on what context WAC members need in order to have a productive discussion around drought management impacts.

**Next meeting** scheduled for February 6, 2023 from 9 AM – 1 PM

**Consent Agenda:** The August 22 WAC summary was approved and will be posted the Program website.

**Action List:**

- **PDO** will develop a straw dog of how to implement the post-2023 recommendations relevant to Instream Flow and have them ready for the WAC in February.
- **WAC** to complete a review and edit process for Wyoming’s 2016-2020 depletion accounting report by Dec 31. **David Graf** will work with **Charlie Ferrantelli** to receive and incorporate edits and distribute a copy back to the WAC for email acceptance. David will then provide a final draft to **Ecological Services** for final approval. The **PDO** will then put an informational item on the subsequent Management Committee agenda to inform them that the document has been approved by Ecological Services and will be posted on the website.