

UPPER COLORADO RIVER ENDANGERED FISH RECOVERY PROGRAM

FY 2024-25 SCOPE OF WORK

PROJECT: C-6 EASEMENT

Project Title

Easements & Weed Management

Bureau of Reclamation Agreement Number:

R22 NEW

Reclamation Agreement Term

October 1, 2022 – September 30, 2027

Note: This FY23-24 scope of work was drafted in August of 2022 and is offset one year earlier than the typical biennial work plans (next pair will be 2024-25). This revision was completed for the purpose of developing a new 5-year agreement with Reclamation using current costs projected for five years.

Lead Agency:

U.S. Fish and Wildlife Service

Principal Investigator:

Robert Bundy, Project Leader
U.S. Fish and Wildlife Service
Ouray National Wildlife Refuge
HC 69 Box 232
Randlett, UT 84063
Phone: (406) 788-5041
Email: rob_bundy@fws.gov

Category:

- Ongoing project
- Ongoing-revised project
- Requested new project
- Unsolicited proposal

Expected Funding Source:

- Annual funds
- Capital funds
- Other

Relationship to RIPRAP:

- GREEN RIVER ACTION PLAN: MAINSTEM
 - II.A.2. Acquire interest in high priority flooded bottomland habitats between Ouray NWR and Jensen to benefit endangered fish
- COLORADO RIVER ACTION PLAN: MAINSTEM
 - II.A.5. Acquire interest in high priority flooded bottomland habitats
- COLORADO RIVER ACTION PLAN: GUNNISON RIVER
 - II.A.3. Acquire interest in high priority flooded bottomland habitats

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Study Background/Rationale and Hypotheses:

- I. Easements have been acquired on 17 properties totaling 1,347.12 acres. The last easement was acquired on the Colorado River (Hoaglund property) in April 2006. Easements acquired by the Recovery Program were transferred to the U.S. Fish and Wildlife Service, Division of Refuges for management as part of the Colorado River Wildlife Management Area established in July 1999. All easements are managed in accordance with an easement management manual (“Administrative and Enforcement Guidelines and Procedures for Management of Perpetual Floodplain Easements, Colorado River Wildlife Management Area” dated April 3, 2000). Management primarily consists of monitoring easements to ensure that landowners comply with easement terms and special use conditions. The Refuge Manager and/or staff visit with landowners once annually to ensure that they understand the terms of the easement. Enforcement and penalty procedures are identified in the Easement Enforcement Manual in the event of a violation.

Study Goals, Objectives, End Product:

Goal: Monitor and manage easements acquired by the Recovery Program for the purpose of supporting and sustaining recovery of the endangered fishes.

Objectives:

1. To restore, enhance, and/or protect floodplain habitats to benefit endangered fishes.
2. To maintain positive working relationships with Colorado River Wildlife Management Area landowners.

End Product: Annual report submitted to the Recovery Program

- I. Study Area: Easements are located within priority geographic areas which include the Green River floodplain between Pariette Draw (RM 238) and Dinosaur National Monument (RM 318); the Gunnison River floodplain between Escalante SWA (RM 50) and the North Fork (RM 75) and the Whitewater area; and the Colorado River floodplain between Westwater (RM 127) and Rifle (RM 240).

Study Methods/Approach: After an easement is acquired by the Recovery Program and transferred to the U.S. Fish and Wildlife Service, Division of Refuges, contact is established between the Refuge Manager and the landowner as soon as possible. A letter is sent by the Refuge Manager to the landowner that introduces the easement Manager and describes what the landowner can expect during easement administration. Attached to the letter are maps, photos, and legal descriptions that delineate easement boundaries; and lists of activities that are allowed, not allowed, or allowed only with a permit. Floodability enhancement plans accompany the letter where applicable. The landowner needs to be notified prior to any construction activities, and a pre-construction meeting will be held with the landowner in attendance.

The Refuge Manager or biotech conducts an annual on-site meeting with the landowner and/or operator. At such a meeting, the Refuge Manager will review the terms and conditions of the easement contract, reaffirm the landowner’s and the operator’s understanding of the terms and

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conditions, visually inspect all dikes, dams, and levees, building sites and other improvements to assess whether any improvements or additions contrary to the easement or Service permits have been made, or that Service constructed inlets, outlets, gates, dikes, or levees are operating as designed and are in a good state of repair. Any management problems that the landowner or operator are experiencing will be discussed.

The annual meeting and inspection are also ways to reaffirm that the landowner, or possibly a new or second-generation landowner or operator, is aware and knowledgeable of the easement and its terms and conditions, and a way to establish more of a partnership or working relationship between the landowner/operator and the Service.

All easements are checked aerially for compliance once each year during spring runoff (May/June). If the easements are not aerially inspected they will be inspected on the ground. The objective is to detect all activities which may constitute a violation of the floodplain easement. Such violations would include alterations in floodplain topography or hydrology resulting from earth-moving, excavation, and/or construction or operation of flood-control features.

If violations are suspected as a result of the routine aerial flights, then follow-up ground inspections will be conducted as soon as possible. Once a violation is confirmed, it will be investigated and documented in detail.

If damage or harm to the floodplain easement can be demonstrated or articulated as a result of activities within the easement boundaries, an easement violation may have been committed. The findings will be documented and the landowner will be contacted in person. If the landowner does not repair the damage, the Refuge Manager or Special Agent may issue a notice of violation. Compliance contacts will be made until restoration or restitution has been made.

Global Positioning System (GPS) and GIS mapping may take place on all acquired easements. Easement boundary, access point and existing structures are recorded. Other points or areas of significance within or related to the easement will also be documented.

To address local concerns, easement management will include monitoring for noxious weeds. The monitoring may be conducted by refuge staff during annual ground inspections, or it may be contracted. The degree of noxious weed management depends on the severity of the infestation, plant species and the possible threat to the endangered fish.

Task Description, Deliverables and Schedule:

1. Initial contact with landowner (within 30 days after easement is acquired or land ownership has been transferred)
2. Annual monitoring
 - a. Aerial inspections (May) if deemed necessary
 - b. Ground inspections and annual meetings with landowners (September/October unless an easement violation was detected during an aerial inspection)

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3. Pre-construction meetings (as needed)
4. Permit issuance (as needed)
5. Enforcement (as needed)

Budget Summary:

Fiscal Year	<i>Budget</i>
2024	\$50,977
2025	\$51,996
2026	\$53,036
2027	\$54,097
2028	\$55,302
Total	\$265,408

This budget reflects labor costs only. Ouray NWR will pick up all costs associated with travel (2 trips/3 staff annually), fuel, herbicide, equipment, and all incidental expenses associated with monitoring and enforcement of the 17 easement contracts under Service oversight. Additionally, staff time will also be used to attend meetings and manage water to provide maximum benefit to endangered fish species and to implement the Lower Green River NWR Complex Habitat Management Plan to construct and maintain riverbank breaches and remove interior levees to enhance nursery habitat for razorback sucker.

Reviewers:

References:

SUMMARY OF PROPOSED COSTS

Name of Servicing Agency:	U.S. Fish and Wildlife Service--Ouray National Wildlife Refuge
Project Name:	C-6 Easement

	YEAR 1		YEAR 2		YEAR 3		YEAR 4		YEAR 5		TOTAL
	10/1/2023		10/1/2024		10/1/2025		10/1/2026		10/1/2027		
	Through		Through		Through		Through		Through		
Enter the BEGINNING dates for each year ----->	9/30/2024		9/30/2025		9/30/2026		9/30/2027		9/30/2028		
Enter the ENDING dates for each year ----->	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL					
DIRECT LABOR AND FRINGE BENEFIT COSTS:											
Direct Labor - Hourly	\$ 36,989.35	\$ 37,729.14	\$ 38,483.72	\$ 39,253.40	\$ 40,038.46	\$ 192,494.07					
Fringe Benefits - Hourly	\$ 12,502.65	\$ 12,752.70	\$ 13,007.76	\$ 13,267.91	\$ 13,653.32	\$ 65,184.34					
Subtotal of Direct Labor & Fringe Benefits:	\$ 49,492.00	\$ 50,481.84	\$ 51,491.48	\$ 52,521.31	\$ 53,691.78	\$ 257,678.41					
OTHER DIRECT COSTS:											
Materials and Supplies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
Travel Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
Contractors	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
Subtotal of Other Direct Costs:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
INDIRECT/OVERHEAD COSTS:											
Subtotal of Labor and Other Direct Costs:	\$ 49,492.00	\$ 50,481.84	\$ 51,491.48	\$ 52,521.31	\$ 53,691.78	\$ 257,678.41					
Total dollars exempt from indirect/overhead base:											
<Enter Description of Indirect/OH Cost #1>	3.00%	\$ 1,484.76	3.00%	\$ 1,514.46	3.00%	\$ 1,544.74	3.00%	\$ 1,575.64	3.00%	\$ 1,610.75	\$ 7,730.35
Total dollars exempt from indirect/overhead base:		\$ -		\$ -		\$ -		\$ -		\$ -	
<Enter Description of Indirect/OH Cost #2>	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%	\$ -	\$ -
Subtotal of Indirect/Overhead Costs:	\$ 1,484.76	\$ 1,514.46	\$ 1,544.74	\$ 1,575.64	\$ 1,610.75	\$ 7,730.35					
	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL					
GRAND TOTAL:	\$ 50,976.76	\$ 51,996.30	\$ 53,036.22	\$ 54,096.95	\$ 55,302.53	\$ 265,408.76					