

I. Project Title: Gunnison River Management Plan

II. Principal Investigator:

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III. Project Summary:

A management plan for the Gunnison River may be necessary to maintain and recover the endangered fishes of the Upper Colorado River Basin and protect other native fish and wildlife resources in the Gunnison River while water development continues to serve existing and foreseeable future human needs. Such a plan could serve as the basis for a Programmatic Biological Opinion (PBO) for the Gunnison River Basin. However, an EIS proposed by the USBR for Aspinall Unit reoperation could provide the federal nexus for an ESA Section 7 consultation. A final decision as to whether a management plan is necessary was deferred, pending fulfillment of the following three prerequisites, identified as essential to this process:

1. Flow recommendations for the Gunnison River by the FWS (February 2003)
2. Estimate of future water demands in the Gunnison River Basin by the State of Colorado (2003)
3. Settlement of NPS water rights claim for the Black Canyon of the Gunnison National Park (date uncertain)

Flow recommendations developed by the FWS were accepted by 7 of 10 Biology Committee (BC) members. The three dissenting parties submitted a minority report, raising a number of technical and policy issues, which the FWS addressed and presented to the entire BC. Several of the parties who had approved the original draft were concerned the FWS had gone too far to satisfy the minorities concerns. Compromise language was agreed upon, and the FWS will revise its flow recommendations report accordingly, with a final report expected early in 2003.

The USBR developed an estimate of future depletions (11,000 AF/year) based largely on 50-year projections of the human population growth in the basin. Some members of the workgroup considered the estimate too low, considering that storage projects are planned for which the USBR did not account. Also, there is unallocated storage available in Ridgway Reservoir that could be

utilized in the future. But they wanted the PBO to consider only in-basin depletions. The USBR and FWS stated that they have no control over water allocation between basins, and that any increment of future depletions would be available to anyone with a need for it, in priority, per Colorado water law and interstate compact. The USBR asked that water users decide on what they need, and the USBR would consult on it. In-basin water users provided an estimate of roughly 50,000 AF/year; however, others outside the basin requested that Colorado consider 240,000 AF/year of “unallocated storage” in Blue Mesa reservoir as available for diversion. The State of Colorado was asked to provide the workgroup with an estimate of reasonably foreseeable future depletions on which to consult. Colorado is expected to provide such an estimate in 2003.

In 1978, the National Park Service (NPS) was granted a 1933 reserve water right for the Black Canyon of the Gunnison. At that time, NPS was instructed to quantify its water right, which the NPS quantified in FY 2001. A negotiated settlement may take several years.

For these reasons, the workgroup agreed to table further discussion of the management plan until the outcome of these three elements becomes clearer, unless a decision is made to proceed without a management plan.

IV. Study Schedule:

Initial year: 2000

Final year: 2004 (Completion of a management plan, if necessary)

V. Relationship to RIPRAP:

Colorado River Action Plan: Gunnison River

I.A.2. Develop a Gunnison River Management Plan

VI. Accomplishment of FY 2000 Tasks and Deliverables, Discussion of Initial Findings and Shortcomings:

Task 1. Final flow recommendations expected early in 2003.

Task 2. Colorado’s estimate current and foreseeable future depletions expected in 2003.

Task 3. Habitat research strategic plan due in 2003 is expected to address the importance of the Gunnison River to recovery.

Task 4. USBR began evaluating the ability of Aspinall Unit to meet draft FWS flow recommendations. Additional modeling will be needed in 2003 to evaluate revised flow recommendations in the context of current and foreseeable future depletions.

Task 5. A progress report and annual report were submitted separately for Project 107.

- Task 6. Evaluation of fish passage/entrainment issues at Hartland Diversion deferred pending completion of Task 5.
- Task 7. Draft Gunnison River Management Plan pending decision in 2003.
- Task 8. Final Gunnison River Management Plan pending decision in 2003.
- Task 9. Agreement to implement the management plan pending decision in 2003.

VII. Recommendations:

Several options may be considered in determining whether a management plan is appropriate for the Gunnison River Basin. The USBR could elect to consult on the depletions of its existing projects in the Basin, using its proposed reoperation of Aspinall Unit dams as the federal nexus for an ESA Section 7 consultation. The USBR may wait for the conclusion of a negotiated settlement of NPS reserve water rights or proceed without such a settlement by reoperating Aspinall Unit dams simply to meet FWS flow recommendations.

With respect to non-federal depletions, water users could opt to piggyback their existing projects onto an Aspinall consultation, relying on Aspinall reoperation to compensate for their depletive impacts. Without such a federal nexus, existing non-federal projects may not otherwise require consultation, but could be subject to “take” sanctions under ESA Section 9. In addition, water users could ask the USBR to consider including an increment of future non-federal depletions in an Aspinall consultation. Such an increment of depletions must be reasonably likely to occur in the foreseeable future and should be sufficiently specific, both spatially and temporally, to allow for its impacts to be quantified and offset through Aspinall reoperation.

VIII. Project Status:

A management plan for the Gunnison River is on hold pending outcome/resolution of several contingencies, including the final flow recommendations (Project 54), expected in 2003. Funding was delayed for Phase II of the Gunnison River / Aspinall Unit Temperature Model (Project 107), resulting in a late start for this project in FY 2002. However, it is expected that the project will be completed in FY 2003 as planned. A decision on whether to prepare a management plan and what, if any, non-federal depletions such a management plan would include is expected in 2003. With or without a management plan, the USBR may consult with the FWS on its existing projects in the basin.

IX. FY 2002 Budget Status:

- A. Funds Provided: \$ 0 (funded under Program Management, Project #s 54, 107)
- B. Funds Expended: \$ 0
- C. Difference: \$ 0
- D. Percent of the FY 2002 work completed: 0%  
Projected costs to complete: \$0
- E. Recovery Program funds spent for publication charges: \$0

X. Status of Data Submission: Not applicable.

XI. Signed: Gerry Roehm                      December 10, 2002  
Principal Investigator                      Date