

Background Material  
Agenda Item 2

Colorado River Recovery Implementation Committee  
February 21, 1990 Meeting  
- Minutes -

Attendees: (Attachment 1)

Agenda: (Attachment 2)

Actions and Assignments: (Attachment 3)

Major Topics Discussed/Decided:

1. Review/Modify Agenda: Tom Pitts requested a briefing on the Service's progress in establishing agreements for control of nonnative fishes in Utah and Wyoming. Lee Mills will address this in the Technical Group Report (agenda item 4). The Water Rights Acquisition Subcommittee Report (agenda item 8) will be discussed after the Biology Researchers Advisory Group Report (agenda item 10).
2. Approval of Last Implementation Committee Meeting Summary: The summary was accepted with the last sentence on page 7 revised to indicate that the Western Area Power Administration also sided with Wyoming's position on how Section 7 consultation was to be conducted under the Recovery Program. Pustmueller said she abstained from voting on the entire FY-90 Work Plan because of her objection to providing additional funds for the San Juan River (page 4 of August 30, 1989, Implementation Committee meeting summary).
3. Program Director and Management Group Report (Hamill):
  - A. Significant Events Since Last Meeting: Selection of Angela Kantola as Assistant to the Program Director; final agreement (lease) between the Colorado Water Conservation Board and the Department of Interior to deliver flows from Ruedi Reservoir to the 15-mile reach; considerable progress by both the Sediment and Water Rights Acquisition Subcommittees (see agenda items 5 and 8); completion of draft 5-year road maps (see agenda item 11); finalization of the Muddy Creek Biological Opinion; completion of the Flaming Gorge technical study reports which will form the basis for the biological opinion; completion of a draft report on operation/structure of other basin-wide fishery programs around the country (see agenda item 4); and increased input into the Recovery Program from researchers (see agenda item 10).
  - B. Fish Status Report: Reports at the annual researchers' meeting in Moab, Utah, indicate: Colorado squawfish are doing relatively well in the Green River (although reproduction was poor in the upper and good in the lower Green this year--relation to oil spill unknown), few

→ squawfish in the San Juan River, and squawfish show evidence of a continued decline in the Colorado River; still no evidence of reproductive success in wild razorback suckers, although razorbacks have been propagated and stocked in the upper Green River; bonytail chubs very rare--the Service will ask researchers to bring any bonytails captured into refugia; humpback chubs appear to be doing well in the Yampa River and the Blackrocks area of the Colorado River; not so well or unknown in other areas.

- C. Upcoming Issues: Major issues over the next 6 months will include: Flaming Gorge Biological Opinion; Animas-La Plata Section 7 consultation, and how the San Juan fits into the Recovery Program; continued high priority of Section 7 consultation and water rights acquisition; and a pending rotational assignment for the Program Director as part of the Service's Upper Management Development Program (beginning in April or May, perhaps with Senator Tim Wirth's office).
- D. Razorback Sucker Listing Status: (Shanks) The proposed rule to list the razorback sucker is expected to be published in the Federal Register in June or July 1990. The Service will then have 1 year in which to receive comments and complete the final listing, if warranted. In discussion of the impacts of the proposal/listing it was noted that: 1) a conference report is required when a project "would likely jeopardize" a proposed species (as opposed to "may affect" a listed species); 2) projects already consulted on would not necessarily have to reinitiate Section 7 consultation unless there was continuing Federal involvement; and 3) where Federal actions remain involved, operations may not need to be changed unless razorback needs were not considered when other endangered fishes' needs were addressed.

4. Technical Group Report:

Bennett summarized the November 8, 1989, and January 22-23, 1990, Technical Group meetings. Highlights included discussion of the draft 5-Year Road Map and review of the 1989 draft annual report. The group also spent considerable time discussing recent criticism of the Technical Group, which has focused on the alleged "political" nature of the group, the level of technical expertise, and the overlap between the Technical and Management Groups. In response, Lee Mills offered to look into the operation/structure of other basin-wide fishery programs around the country and prepare a summary of findings and options for consideration by the Management Group. Mills submitted a draft summary to the Management Group at their February 5 meeting. The bottom line of this report was that although there is potential for some improvement in program structure, we are generally doing fairly well. The report contained several options which the Management Group will discuss at length at their next meeting. Recommendations on any change in the organization/structure of the Technical Group will be provided at the next Recovery Implementation Committee meeting.

- Lee Mills provided a status report on the Service's progress in seeking an agreement with Utah and Wyoming on nonnative fish stocking. Discussions are ongoing, but it is a slow process. Utah has asked that the discussion be broadened to include consideration of the proposal to introduce rainbow smelt in Lake Powell. The Service plans to take a positive approach and provide guidance on impacts and alternatives. Tom Pitts expressed concern that this could sidetrack progress on an agreement, and asked to see an agreement in place with Utah by the next Recovery Implementation Committee meeting. Barry Saunders agreed to convey those concerns to the Utah Division of Wildlife Resources. The Service explained that it has very limited authority to require States to consult with the Service on stocking proposals unless Federal funds are involved in stocking. Also noted was the threat of private individuals "taking matters into their own hands" when not satisfied with State actions to provide a game fish prey base.
5. Sediment Subcommittee Report: (Mauzy) The Sediment Ad Hoc Work Group finalized the Sediment Discussion Paper, but received comments only from Colorado and Tom Pitts. Galen Buterbaugh said the Service's comments were in draft, but would not submit them since the deadline had been missed. Mauzy reviewed the priorities the Work Group assigned to the tasks proposed in the Discussion Paper. Mauzy also noted that the sediment investigations on the Yampa River have thus far shown very little impact and suggested that the Recovery Implementation Committee consider the costs/benefits in evaluating the priority of future sediment-related research. The Committee agreed that although there was a perceived push for sediment research, each proposal would be evaluated on its own merit.
6. Information and Education Subcommittee Report: (Connie Young, Colorado Division of Wildlife, coordinator for Information and Education (I&E) efforts). Young provided an executive summary of the I&E program and FY-90 activities. Ongoing projects include the Recovery Program Newsletter, production of a full-color poster, a special section on the endangered fish in the Colorado fishing regulations brochure, a scripted slide show, and a media relations plan and media kit. In addition to continuing publications, possible projects in FY-91 include informational wallet cards, interpretive displays, a video, and establishment of a joint Colorado/Utah Project Wild program.
7. Propagation Subcommittee Report:
- A. Propagation/Genetics Management Plan: (Williamson) Williamson provided an update on the Plan and summarized the activities of the Propagation Work Group and FY-90 propagation-related activities. Some populations (including the Colorado squawfish in the mainstem Colorado River, the bonytail chub, and the razorback sucker) are now so imperiled that natural reproduction cannot sustain them over time. To address these immediate needs, the Plan calls for conducting broad

genetic surveys, developing refugia, and prioritizing populations. Estimates of long-term fish needs are being solicited from resource managers, researchers, and field biologists. Short-term fish needs data have been transmitted to lower basin production programs for 1990 and 1991. Ultimately, the Recovery Implementation Program needs a multipurpose facility to integrate all five recovery elements and address refugia/production, research and development, and propagation coordination data management. Williamson said he believed that the Colorado Water Conservation Board (CWCB) Hatchery Feasibility Study would complement the Propagation/Genetics Management Plan and that the schedules for both efforts were well coordinated.

- B. Hatchery Feasibility Study: The Propagation Work Group and Hatchery Advisory Group have worked closely in reviewing materials and recently reviewed their respective schedules to ensure their activities were coordinated over time. Jencsok outlined the progress and schedule of the Feasibility Study. Three consultants have been short-listed, and will give oral presentations in early April. The CWCB expects to complete a contract in mid- to late April. The project should begin by June 1, 1990, and be completed in December 1991.
8. Water Rights Acquisition Subcommittee Report: (Pitts) At the request of the Recovery Implementation Committee, the Management Group established an ad hoc subcommittee to identify activities for expediting acquisition of water rights. Tom Pitts summarized the resulting "Status Report and Recommendations for Water Acquisition Activities" for the Committee's approval. Highlights of the Committee's discussion on the report were:
- Shanks pointed out that language in the report requiring the Service to "develop a flow methodology" could imply one, all-encompassing panacea. No one method can answer all the questions; rather a number of methods, tools actually, are used. Shanks agreed to provide Pitts with alternative language.
  - CWCB concern over implied funding/staff requirements. Recommendation 1.2 suggests securing services of a water rights engineer and a water rights appraiser to evaluate benefits of specific rights acquisition proposals on an as-needed basis. It was clarified that the intent was not to imply this was to be accomplished with CWCB funds or staff. If these services are needed right away, Section 7 funds could be used; otherwise this could be proposed for FY-91 budget. "Implement by September 30, 1990" will be added to this recommendation, and it will be funded through Section 7 funds. McDonald pointed out that several recommendations in the report involve considerable CWCB staff time that simply cannot be provided under their current work load. He suggested that the recommendations be prioritized, and Pitts pointed out that the report does identify some FY-91 priorities.

- Tom Davidson (Wyoming) asked how the evaluation of the Little Snake River conditional water rights (3.1) related to recommendation 7.1 (not to actively pursue purchase or donation of conditional water rights until certain issues are resolved/reviewed). Pitts explained that the evaluation of the Little Snake rights was the type of review recommended in 7.1.
- Hamill proposed that the CWCB define critical assumptions related to the Orchard Mesa check and conditional water rights before conducting a water availability study for the 15-mile reach (recommendation 4.2). Under certain assumptions, the Program could spend \$50,000-\$100,000 to show that no water is available. Also discussed was what level of study would be necessary (and thus, the amount of funding needed) to get an appropriation through the water court. Eric Kuhn expressed optimism that the study proposal would be considerably less than \$100,000.
- Saunders pointed out that "Utah Division of Water Resources" in 6.2 and 6.3 should read "Utah Department of Natural Resources."

The Committee accepted the report, as revised. Hamill proposed we send copies of the revised report to Congress; the Committee agreed.

Wigington gave a status report on Cross Mountain water rights negotiations on the Yampa River. The Nature Conservancy has completed a preliminary appraisal and is negotiating with the owner. Wigington also reported that the cooperative agreement with Wyoming for evaluation of conditional water rights on the Little Snake River had been completed. The Nature Conservancy also is negotiating on a small water right on the lower Little Snake River, and expects to have a proposal by the next Recovery Implementation Committee meeting.

9. Section 7 Consultations: (Hoffman) The Service summarized the status of recent and pending Section 7 consultations in the upper Colorado drainage involving water depletions (Attachment 4). The Flaming Gorge technical study reports (which will serve as the basis for the biological opinion) are under review. In light of probable delays due to priority of work on the Animas-La Plata opinion, Hamill proposed extending the comment period on Flaming Gorge reports from 30 to 60 days (to April 15). The Committee concurred. Consultation on Sandstone is ongoing, and the Muddy Creek Biological Opinion has been completed.
10. Biology Researchers Advisory Group: (Nesler) The concept for this group began with requests by the research community for greater input to the Recovery Implementation Program, specifically in developing research recommendations and priorities. The researchers have met twice to discuss the role of the group and have developed a proposed mission and membership, which Nesler outlined. Committee members expressed considerable concern over the group's proposed primary function of

providing recommendations on research and priorities to the Technical Group, as the potential for conflict of interest exists when a group makes recommendations on research for which its members submit proposals for funding. It was generally agreed that peer review and clear biological direction were desirable, but it was not clear how the proposed "Biological Researchers' Advisory Group" would interact with the Technical Group. Due to the uncertainty of the proposed group's role, and the potential for conflict of interest and violation of Federal procurement regulations, it was decided that the Committee could not formally recognize the group at this time. However, the Committee recommended that the group operate at an informal level to provide input to the Technical Group. The Committee asked that the Management Group consider the concept of researchers' input along with other Program organization/structure issues they planned to examine at their next meeting (see agenda item 4).

11. FY-89/90/91 Work Plan for the Recovery Program:

- A. Draft FY 1989 Annual Report: (Hamill) As requested by the Committee, the Service compiled a report which summarized the results of FY-89 projects. The summary section of the report has been revised to reflect Management and Technical Group comments, and individual project reports are in revision now. The summary report will be completed and distributed fairly widely in late March; the individual project reports will be treated as an appendix to the summary report.
- B. FY-1990 Work Plan: (Hamill) All studies are generally on track and within budget.
- C. FY-1991 Work Plan:
- Hamill distributed a summary of the depletion charge and budget adjustments for FY-1991 (based on a 4.8 percent Consumer Price Index for 1989; Attachment 5).
  - The multiyear funding policy statement which was reviewed and approved by the Management and Technical Groups was approved by the Committee (Attachment 6). This policy essentially clarifies what the Program has done all along (provide funding for multi-year projects as long as they are justified and on track); but emphasizes reporting requirements and justifiable project duration.
  - Hamill distributed a summary of the status of Section 7 funds (Attachment 7), and agreed to send the Committee members a copy of the National Fish and Wildlife Foundation's (NFWF) funding accounting statement when it is received. Harris asked where the \$1 million Congress allocated for water rights was being held. Hamill explained that it was being held by the Service's

Finance Center until it was expended. It was noted that future requests for water rights acquisition should include language that would permit the funds to be transferred to the NFWF.

- Shanks summarized the development of the draft "5-year Road Map," and the schedule for completion of this document. The Road Map is intended to outline the management activities necessary to meet recovery goals to be implemented over the next 5 years and provide guidance on priority research and recovery activities. The Service offered to take the first cut in developing this document, and it has now been sent to the Management and Technical Groups, as well as researchers for review. Comments are due March 2. The Service will distribute copies of all comments received by that date. The Technical Group will then review the revised document and from it, develop FY-91 research priorities in their March 13-14 meeting. The Recovery Implementation Committee will consider the final document for approval at their next meeting.
  - Concerns over the Service's 1991 budget were apparently unwarranted, as funding for the Program is in the President's 1991 budget. Harris said the Bureau's 1990 and 1991 budget for the Program appeared sound, as well.
  - Bennett outlined the schedule for developing the 1991 work plan (Attachment 8).
  - Hamill recommended sending someone (or a group) to Washington in early summer (i.e., not during the budget process) to maintain contact. Pitts, Buterbaugh, and Matthews concurred. Lynn Starnes noted that it would be worthwhile to visit the new budget examiner at that time. Pitts was given the lead on organizing the trip.
12. San Juan River: (Harris) Harris summarized the background of the studies on the San Juan. Considerable controversy was raised by water users at a recent meeting in Durango to discuss these studies, the recommendations of the participants, and an outline for a "San Juan River Management Plan." The controversy centered around who would develop the plan, what it would encompass, and how it would address conflicting development issues. To resolve differences between those wishing to provide a biologically sound document and those wanting to have input into San Juan River management policy, the Bureau proposed to provide a San Juan River Fishery Plan by July 1, 1990, as the final product of the study funded by the Recovery Implementation Program. The Bureau proposes that an expanded group of concerned governmental and water user representatives integrate competing uses into an overall approach to protect the fish while protecting other established uses on the river, and recommends that this integrated plan be similar in format to the Recovery Implementation Program for the Upper

Basin. This would be accomplished outside of the Recovery Implementation Program, as it is currently structured. The Committee discussed the implications of the findings in the San Juan at some length, but accepted the Bureau's proposed product and schedule (Attachment 9).

- Barry Saunders inquired as to the relationship between the plan and the Section 7 consultation on Animas-La Plata. Reed Harris explained that Animas-La Plata was a specific consultation currently in progress (draft biological opinion due April 1, 1990). Therefore, this consultation is independent, and that the Bureau expected the proposed "management plan" for the San Juan River to be a comprehensive document similar to the Recovery Implementation Program. Pustmueller said she thought the fishery plan would be the very minimum necessary to complete Section 7 consultation on Animas-La Plata. Harris and Hamill clarified that the biological information and recommendations from the study that are necessary for the opinion were already available, but that they simply had not been compiled into a "fishery plan." Saunders questioned the use of the term "management plan" and asked if that did not confuse the issue. McDonald suggested calling the fishery plan a "San Juan River Fisheries Assessment," and requested that it specifically include an evaluation of the recovery potential of the fish in the San Juan River. Hamill noted that every field biologist has concluded that the fish in San Juan River are important and recovery should be attempted. McDonald said he was interested not in a philosophical consensus, but wanted to see scientific data in the report that showed recovery is possible in the San Juan. Jencsok asked if people outside the study participants and the Bureau would have an opportunity to review the fishery plan, and Harris said that they would.

- Pitts asked if New Mexico had expressed interest in becoming part of the Recovery Implementation Program. Harris said there was no indication yet, and that their position was unknown. Harris said he felt it would be best for the fish and the best use of available resources for the San Juan River to become part of the Program, as opposed to having different programs throughout the Basin. Pitts noted that it appeared the next move belonged to New Mexico. Hamill asked if the Committee wanted to take any action on potential New Mexico involvement. Buterbaugh thought this might be appropriate after the fishery plan is completed. Pustmueller and Pitts emphasized that they would not support any more Program funding for the San Juan River unless it was incorporated into the Program (with additional funds).

13. Other Business: The Committee agreed to a river trip in the Blackrocks/Westwater area and suggested that it be combined with the next Implementation Committee meeting. Dates set were: Committee Meeting - Wednesday, August 22 in Grand Junction; river trip - August 23-25. The Committee agreed it would be appropriate to invite a few key "locals" as well as key Washington staffers. The Service is sponsoring this year's trip.

COLO. RIVER  
 RECOVERY IMPLEMENTATION COMMITTEE  
 FEB 21, 1990

<u>NAME</u>	<u>ORGANIZATION</u>
REED HARRIS	US BUREAU OF RECLAMATION
LLOYD GREINER	WESTERN AREA POWER ADMIN.
Tom Pitts	Upper Basin Water Users
Margot Zaller	Solicitors Office - Denver DOI
Angela Kantola	U.S. Fish & Wildlife Service
Connie Young	Colo. Div. of Wildlife
Jim Bennett	COLO. DIV. OF WILDLIFE
Sue Uppendahl	Colo. Water Conservation Board
DON DOBEL	FISH & WILDLIFE SERVICE
HOLT WILLIAMSON	USFWS, DENVER
LYNN B. STARNES	USFWS, DENVER
Dale A. Hoffman	U.S.F.W.S. FWE. Denver,
Will Reedy	TEXACO INC.
Russ Povaird	C.R.E. D.A. TRI-state C&T Assoc.
Jay Shields	USFWS Denver
Lee Mills	USFWS Denver
Gene Jencsok	CWCB - Denver
Laurie Mathews	Co. Dept. of Natural Resources
Barry Saunders	Utah: Division of Water Resources
Tom Davidson	State of Wyoming
George Smith	USFWS Denver
A. R. MAURY	STATE OF WYOMING
GALEN BUTERBAUGH	U.S. FISH & WILDLIFE SERVICE
JOHN HAMILL	" " " "
Clayton Plamer	WAPA - SLCA

Agenda  
Colorado River Recovery Implementation Committee Meeting  
February 21, 1990

Convene - 8:30 a.m.

1. Review/Modify Agenda - *Report on New - not new  
concerns*
2. Approval of last Implementation Committee Meeting Summary
3. Program Director and Management Group report (John Hamill)
4. Technical Group report (Jim Bennett)
5. Sediment Subcommittee report (Alan Mauzy) - *Non-Notre Control*
6. I&E Subcommittee report (Connie Young) - *need to tighten up  
review procedures  
& deadline*
7. Propagation Subcommittee report (Holt Williamson)

BREAK

8. Water Rights Acquisition Subcommittee report (Tom Pitts) (PM)
  - o Yampa River activities - *Basin Feasibility Study*
  - o Colorado River activities
9. Section 7 Consultations (Jim Lutey)
  - o Summary of opinions issued and pending
  - o Flaming Gorge Biological Opinion
  - o Sandstone Project
  - o Other

LUNCH (11:45-1:00)

10. Biology Researchers Advisory Group (Tom Nesler)

11. FY-89/90/91 Work Plan for the Recovery Program
  - o FY-89 Work Plan accomplishment/shortcomings/fund accounting (Hamill)
  - o FY-90 Work Plan and funding status (by agency)
  - o 5-year road maps/recommendations for the FY-91 Work Plan (Shanks)
  - o Schedule for developing the FY-91 Work Plan (Bennett)
  - o Section 7 funds status (Hamill)
  - o Washington briefing

12. San Juan River (Harris)

13. Other Business (Hamill)
  - o Next meeting
  - o River Trip

Adjourn -- 3:30 p.m.

*Nesler's  
comments*

Attachment 3

Actions and Assignments  
Recovery Implementation Committee Meeting  
February 21, 1990

COMMITTEE ACTIONS:

- Modified and approved agenda.
- Modified and approved minutes of August 30, 1989, meeting.
- Extended comment period for Flaming Gorge technical report review to April 15, 1990.
- Approved Water Acquisition Report, as revised; agreed to send to Congress.
- Agreed to use Section 7 funds for services of a water rights engineer and appraiser to evaluate benefits and value of specific water rights acquisition proposals on an as-need basis.
- Directed the Management Group to consider the role of the proposed researcher's advisory group.
- Approved the multiyear project funding policy.
- Agreed to delay final approval of the 5-Year Road Map until the next Recovery Implementation Committee meeting in August.
- Accepted the Bureau of Reclamation's proposal and schedule for the final product ("fishery plan") on the San Juan River Study.
- Set dates for the next meeting (August 22, 1990) and river trip (August 23-25, 1990).

ASSIGNMENTS:

- Barry Saunders will convey concerns for nonnative fish agreement to Utah Division of Wildlife Resources.
- The Management and Technical Groups will work with the researchers to define role of the proposed researcher's advisory group.
- The Service will evaluate roles and responsibilities of technical advisory groups relative to Federal procurement regulations.
- The Management Group will provide recommendations on reorganizing/restructuring the Technical Group to the Recovery Implementation Committee at its next meeting.
- John Hamill will send Wigington an outline/diagram of the current program structure and committee/group membership.
- The Service will distribute copies of the National Fish and Wildlife Foundation's Section 7 funding accounting statement when it is received.
- Tom Pitts will take the lead in organizing the proposed summer trip to Washington.

*FWS  
Complete  
agreements  
a/added  
by  
Pitts*