

APPENDIX E

SUMMARY OF PUBLIC SCOPING MEETINGS

PUBLIC SCOPING MEETINGS

**PUBLIC COMMENTS AND QUESTIONS REGARDING
*A MANAGEMENT PLAN FOR ENDANGERED FISHES
IN THE YAMPA RIVER BASIN***

**Steamboat Springs, Colorado
November 27, 2001**

**Baggs, Wyoming
November 28, 2001**

**Craig, Colorado
November 29, 2001**

Centennial Hall – Steamboat Springs, Colorado

There were more than 28 people in attendance, including 12 from the Yampa Valley. Several individuals did not sign in. Prior to receiving public comments, Gerry Roehm (USFWS, Colorado River Recovery Program) gave a presentation on the management plan and development of an environmental assessment and programmatic biological opinion. Ray Tenney offered the perspective of the Colorado River Water Conservation District, which participated in plan development.

Attendance

Duncan Draper, Steamboat Springs, CO	Julie Baxter, Steamboat Springs, CO
Rhett Bain, Jackson, WY	Ron DellaCroce, Hayden, CO
Doug Allen, Steamboat Springs, CO	Bill Atkinson, Steamboat Springs, CO
Susan Werner, Steamboat Springs, CO	Steve Henderson, Steamboat Springs, CO
Thomas R. Sharp, Steamboat Springs, CO	John Armiger, Steamboat Springs, CO
Carrie Sabin, Steamboat Springs, CO	Linda Kakela, Steamboat Springs, CO
Ron Normann, Steamboat Springs, CO	Nadine Harrach, Steamboat Springs, CO
Bob Krautkramer, Steamboat Springs, CO	William Chace, Steamboat Springs, CO
Doug Crawl, Steamboat Springs, CO	Mark Oliver, Steamboat Springs, CO
Michael Zopf, Steamboat Springs, CO	Susan Dorsey, Steamboat Springs, CO
Tucker Burton, Steamboat Springs, CO	Eric Berry, Yampa, CO
Mike Neumann, Steamboat Springs, CO	Ben Beall, Steamboat Springs, CO
Bill Emerson, Steamboat Springs, CO	Libbie Miller, Steamboat Springs, CO
Ray Tenney, Glenwood Springs, CO	Gerry Roehm, Arvada, CO

Comments, Questions & Answers

Tom Sharp (Sharp and Steinke, L.L.C.) – submitted written comments. He provided a brief synopsis of those comments. His interest is in the Upper Yampa WCD. He supports the Plan, in general, but offered corrections to Stagecoach and Yamcolo pool capacities. He is concerned that the Plan emphasizes protection of peak flows, which may adversely impact water users ability to develop water under the allowed increment of depletions. Additional storage is likely in the Upper Yampa; enlargement of Stagecoach Reservoir is a viable option that is likely to impact peak flows. The UYWCD is counting on the Plan/PBO to alleviate any concerns over peak flow impacts. He supports alternative 12 ('C') as described in the draft plan, because it does not rely on Stagecoach for augmentation, and Stagecoach already is fully allocated.

Gerry Roehm – Noted that even without enlargement, Stagecoach or any other reservoir could impact peak flows if operated differently, such that the magnitude and/or frequency of spring storage is increased over historic operations.

Pat Martinez (CDOW) – Yampa is in sharp contrast with the Gunnison River, where flow is largely controlled. The NPS has raised concerns regarding flows both in the Gunnison and the Yampa. What is the NPS position regarding peak flow impacts on maintaining DNM habitats?

Roehm – The NPS has expressed concern in the past that peak flows not be diminished to the point that DNM resources are adversely impacted. Preliminary analyses suggest that impacts would be small, but more work needs to be done. Expects NPS to speak at the Craig meeting.

Sharp – The principal difference between DNM and the Black Canyon is that a federal reserve water right was granted (but unquantified) in 1978. No such water right exists for DNM in Colorado (i.e., the Yampa River).

Roehm – That is true, but Utah may grant NPS a water right for DNM (i.e., the Green River). But this would not require Colorado to deliver any additional water to Utah other than what is already required under Compact.

Mike Neumann (City of Steamboat Springs) – Where would the base flow be measured?

Roehm – Currently, Maybell has been our reference site and could be used in the future. This is due to its long and reliable history. However, measurement could be made farther downstream, possibly above the Little Snake River. The Deerlodge Park gage has been too unreliable.

Eric Berry (Town of Yampa) – Where is the critical habitat for the endangered fish?

Roehm – Critical habitat for all species is downstream from Craig. Only Colorado pikeminnow are known to occur that far upstream. Other species (razorback sucker, humpback chub) are restricted to the lower reaches in DNM. Therefore, actions taken in the Upper Basin would not directly impact the species. However, depletions basin-wide indirectly impact the fish and their critical habitat.

Bill Chace – Does not believe translocation (of northern pike) is cost effective. Thinks money can be better spent on habitat enhancement. Supports a bounty to anglers to increase harvest.

Roehm – The nonnative fish control element of the Yampa Plan is excerpted from the CDOW Yampa Aquatic Wildlife Management Plan. CDOW has not ruled out bounties and would support locally sponsored fishing tournaments as a means of increasing harvest. Cost effectiveness should be a consideration, but the Yampa Plan itself does not prescribe nor prohibit any actions CDOW might propose.

Bob Krautkramer – Favors lethal control of northern pike over translocation.

Roehm – CDOW is trying to preserve a fishery for anglers in the basin. Subsistence anglers have expressed satisfaction with the translocation program. Sport fisherman (and outfitters) who float the river are more likely to be impacted.

Mike Zopf – Asked about the estimate of future trans-basin diversions. Why so few?

Roehm – No potential new trans-basin diversions were identified. Diversions from the Yampa River are expected to increase slightly (from Yamcolo), while diversions from the Little Snake River in Wyoming will increase more (for Cheyenne).

Zopf – Could water above Stillwater Res. be used for “exchange water”?

Roehm – The management plan does not restrict how and by what sector the increment of depletions is developed. Assignment of depletions by sector in the plan was for the purpose of estimating those depletions. Allocation of water will follow Colorado (and Wyoming) water law.

John Armiger – Why are Stillwater, Yamcolo or Bear Res. not on the list of potential augmentation sources?

Roehm – These reservoirs have relatively small capacities compared with Steamboat, Stagecoach or Elkhead and are located farther from the critical habitat where the water is needed. Use of them for this purpose also is limited by institutional constraints.

Sharp – Bear Reservoir is a CDOW facility; Stillwater and Yamcolo are 100% allocated to irrigation.

Duncan Draper – Asked about the cost and longevity of fish screens. Who pays initial and replacement costs? Where will screens be required and how many?

Roehm/Tenney – Estimated cost for a screen at Elkhead ~\$1M, longevity uncertain. This is new technology; net is same material as used in climbing ropes—high resistance to abrasion, UV. Recovery Program is committed to install screen at Elkhead, if necessary.

Tenney/Martinez – Screens would be needed wherever warmwater gamefish are to be stocked, if escapement to the river is likely. Small ponds could be isolated and have screened outlets. Elkhead is a high priority of CDOW for warmwater fish, but CDOW currently is not stocking warmwater fish because of an agreement among CO, WY, UT and USFWS.

Chace – Number of angler days in Yampa Basin don't justify the expense of a screen; we don't need to perpetuate warmwater fisheries where they don't belong.

Draper – Putting northern pike into ponds near the river isn't effective, because anglers put them back in the river. Do pike reproduce in the river?

Roehm – Yes.

Libbie Miller (CDOW) – Need to work with counties to prevent expansion of nonnative habitat/reproduction into gravel pits, etc.

Roehm – That's worth considering. Some thought has been given to creating nonnative "traps" from features such as gravel pits and natural sloughs and backwaters. Fish like northern pike could enter, but not exit easily. They would be available for anglers to harvest from these sites.

Kevin Rogers (CDOW) – Northern pike are a concern not only for endangered fish, but coldwater gamefish, as well. CDOW has not given up on stocking trout in Stagecoach, trying different strategies (e.g., stocking larger fish to reduce pike predation).

Unidentified – Can a lake like Stagecoach be poisoned with rotenone?

Rogers – Yes, but pike are a popular fish and probably would be replaced after poisoning.

Krautkramer – Little said of habitat modification. What about tamarisk control? Tamarisk has a great impact on channel margin.

Roehm – Some believe hydrologic modifications (loss of peak flows) has allowed tamarisk to become established, although it can tolerate a certain amount of flooding. It's not as big a problem (yet) in the Yampa as it is elsewhere. DNMM may have a tamarisk control program in place. Tamarisk control complicated by the fact that it has displaced traditional willow habitat of the SW willow flycatcher (endangered bird), and replacement habitat (willows) need to be established before tamarisk is eradicated.

Draper – Peak flows also create habitat for pike.

Rogers – Pike do occupy same flooded bottomland habitat as listed fish.

Roehm – High flows that enable pike spawning is upper reaches (Hayden area) may flush adult pike from lower canyon-bound reaches. Pike unsuited for high velocity flows.

Draper – Can pike ever be eradicated from the river.

Roehm – No. But recent studies suggest that pike numbers can be reduced. Last year, about half as many pike were captured as during the previous year, but with twice the effort. At the same time, the number of Colorado pikeminnow increased. This is an encouraging trend.

Ron DellaCroce (CDPOR) – If Elkhead is enlarged, during the drawdown jet skis and other watercraft could wind up in the river.

Roehm – That is possible, but access and low water may limit use.

Draper – When, where and at what flow were bonytail stocked?

Roehm – Bonytail were stocked by CDOW in 2000 and 2001. In 2000, they were stocked in Lodore Canyon (Green River) and Echo Park (Yampa River). In 2001, the road to Echo Park was impassable, so all fish were stocked in the Green River in Brown’s Park area. These fish were stocked before the spring peak with the idea that spring flows would help to disperse fish. There is no data yet on dispersal or survival of stocked fish.

Town Hall – Baggs, Wyoming

There were 19 people in attendance, including 14 from the Yampa Valley, 8 of whom were students. Prior to receiving public comments, Gerry Roehm (USFWS, Colorado River Recovery Program) gave a presentation on the management plan and development of an environmental assessment and programmatic biological opinion. John Shields (Wyoming State Engineer’s Office) offered the perspective of the State of Wyoming, which has been involved in plan development.

Attendance

Mark Foster, Baggs, WY	Pat O’Toole, Savery, WY
Roger Pilgrim, Baggs, WY	Sharon O’Toole, Savery, WY
Randy Shipman, Rock Springs, WY	Travis Menge*, Baggs, WY
Bernie Caracena, Baggs, WY	David Barber*, Wamsutter, WY
Pati Smith (Sen. Thomas), Rock Springs, WY	Joanna Garum*, Baggs, WY
Celia Weber, Baggs, WY	Justin Tolle, Baggs, WY
Erica Kramer, Baggs, WY	Travis Foster, Baggs, WY
Betty Wilkinson, Rock Springs, WY	C.J. Shepard, Baggs*, WY
Lynn Updike, Baggs, WY	John Shields, Cheyenne, WY
Gerry Roehm, Arvada, CO	* students

Comments, Questions & Answers

Bernie Caracena (Mayor of Baggs) – Wanted to know if Baggs would be able to get the water it needs under this plan. Baggs has a 1901 (senior) water right, but cannot always get it.

Roehm – Wyoming’s estimate of future depletions is based on certain expectations of population growth in Baggs and other communities. Actual allocation of water under the increment of future depletions would follow state water law.

Pat O’Toole (rancher) – Concerned that the plan will be used as leverage by the Lower Basin to provide water to Mexico (to restore and maintain river delta).

Mark Foster (rancher/outfitter) – LSR valley is near the headwaters; whatever goes downstream (to Lower Basin states) affects us. We’re caught between downstream demand and upstream diversions (to Cheyenne). Joined the YRBP in order to be informed and involved in any decisions made that could affect his livelihood.

O’Toole – City of Cheyenne is diverting more than it is entitled to under WY water law. Need to monitor diversions and cut them off when they are out of priority. Is afraid the plan will exacerbate the problem.

Caraceno – Last summer, Baggs could not satisfy its 1901 water right, senior to Cheyenne’s.

Roehm – Plan only anticipates 4,000 AF of future trans-basin diversions in CO (Yamcolo) and ~23,000 AF in WY (Cheyenne). But it doesn’t restrict how water is actually allocated. That is the role of the states.

John Shields – SEO monitors diversion by Cheyenne, and is not aware of any misappropriation by Cheyenne, but will take this concern back to WY State Engineer.

O’Toole – Unhappy that oversight of Cheyenne’s diversions comes from Rawlins. Need someone from SEO on this side of the divide to look after LSR interests.

Roger Pilgrim – What good are these fish? We’ve gotten by without the dinosaurs and we can get by without these fish.

Roehm/Shields – Bottom line is that ESA requires their protection, and this plan and PBO are the best options available to ensure both the fishes’ survival and continued human use of water.

Lynn Updike – Resents tax dollars being spent on saving fish while additional (state) taxes are spent on projects that serve Cheyenne (against the interests of the West Slope). Also resents (water use) being dictated by “environmentalists” from elsewhere. Yampa River had the best fishing, but now funds are being spent on fish no one wants.

Roehm/Shields – ESA has broad support nationwide, not just among “environmentalists.” It is here to stay for the foreseeable future.

Randy Shipman – Equated the situation in the Colorado River Basin with the Klamath, where water was removed from irrigation in order to provide flows for fish. Fears this plan would codify it.

Roehm/Shields – The Colorado River is unlike the Klamath basin in that the Colorado River Recovery Program is considered by water users and regulators alike as a reasonable means of meeting the needs of humans and fish, without federal intervention as happened in the Klamath.

Shadow Mountain Clubhouse – Craig, Colorado

There were at least 22 people in attendance, including 18 from the Yampa Valley. Several individuals did not sign in. Prior to receiving public comments, Gerry Roehm (USFWS, Colorado River Recovery Program) gave a presentation on the management plan and development of an environmental assessment and programmatic biological opinion. Dan Birch offered the perspective of the Colorado River Water Conservation District, which has been involved in plan development.

Attendance

Jeff Comstock, Craig, CO

Darryl Steele, Maybell, CO

Norton Anderson, Silt, CO

Don Jones, Craig, CO

Robert Grubb, Craig, CO

Tamara Naumann, Dinosaur, CO

Dean Gent, Craig, CO

Terry Carwile, Craig, CO

John Campbell, Craig, CO

Holmes M. Shefstead, Craig, CO

Bill Elmlad, Grand Junction, CO

Burt Clements, Craig, CO

Ray Tenney, Glenwood Springs, CO

Rick Hammel, Craig, CO

Dan Birch, Steamboat Springs, CO

Geoff Blakeslee, Hayden, CO

Betsy Blakeslee, Hayden, CO

Ann Davidson, Hayden, CO

T. Wright Dickinson, Craig, CO

Les Hampton, Craig, CO

Bob Plaska, Steamboat Springs, CO

Gerry Roehm, Arvada, CO

Comments, Questions & Answers

Darryl Steele (Maybell) – Recalled that the August 2000 consensus included construction and maintenance of fish screens, if needed to prevent entrainment (incidental take) of endangered fish by diversions. That provision does not appear to be in the current plan. Wants it included.

T. Wright Dickinson (Moffat Co. Commissioner, Rancher) – Wants incidental take protection extended to angling and other recreational uses.

Unidentified – What is the status of nonnative fish control? Is it having any effect?

Roehm – John Hawkins reported catching half as many pike this year as last, with twice as much effort this year. At the same time, the number of Colorado pikeminnow has doubled.

Unidentified – What is being done with pike collected below Cross Mountain? No transport of fish was observed. Are they being killed?

Roehm – Hawkins collected pike, but a different crew transported them. Fish were temporarily placed in cribs (wire cages) in the river. A second crew removed them daily and transported them in a hatchery truck to Rio Blanco. Pike collected in the Hayden area (Carpenter Ranch and Yampa State Wildlife Area) were placed in SWA ponds. The only fish that may have been killed were nonnative, nongame fish, such as carp and white suckers.

Unidentified – Has observed gillnets being used in Stagecoach Reservoir. Pike and trout were killed. Why is money being spent killing gamefish? Anglers didn't stock pike in Stagecoach, CDOW did (cites Denver Post article). Extermination effort at Williams Fork Reservoir failed.

Bill Elmblad (CDOW) – CDOW uses gillnets (and other gear types) to conduct population estimates. Some mortality is inevitable, but is not the objective. Pike were stocked in Elkhead Reservoir (~580 in 1977). No pike were ever stocked in Stagecoach by CDOW.

Unidentified – Will smallmouth bass be removed?

Elmblad – Smallmouth have increased dramatically in some areas of the Yampa, constituting as much as 38% of fish caught. Other species are being significantly reduced in number. Removal of smallmouth is likely, but they will be moved to other waters accessible to anglers.

Roehm – Hawkins reports ~10x as many smallmouth as pike. Too many to process effectively. These were returned to the river alive. CDOW has requested a variance from the Nonnative Fish Stocking Procedures to allow smallmouth to be moved to Elkhead.

Unidentified – Why stock (nonnative) brown trout and rainbow in the Yampa? Why not stock native cutthroat?

Elmblad – Trout can be stocked in the river above critical habitat. Cutthroat do not fare as well in the river as they do in smaller headwater tributaries. Brown and rainbow trout seem to prefer the larger rivers; that is why CDOW stocks them there.

Roehm – The endangered fish are warmwater species. Only pikeminnow extend as far upstream as Craig, and trout are not likely to survive higher summer temperatures below Craig. Therefore, conflicts between trout and endangered fish should be minimal.

Elmblad – Trout have been found downstream from Craig, but that is exceptional.

Unidentified – Is tamarisk removal part of the plan?

Roehm – No. Tamarisk is a concern, but its effect on the fish is unknown. Another endangered species, the SW willow flycatcher, has occupied tamarisk as it displaces the bird's preferred (willow) habitat. There are other programs pursuing tamarisk control. What is DNM doing?

Tamara Naumann (DNM) – NPS plans to control tamarisk on DNM.

Unidentified – Is federal government seeking water rights from the Yampa?

Roehm – No. The State holds all water rights for instream flows. Water would be stored under relatively junior rights for release later in the year when needed. Deliveries would be treated just like any other contract delivery from storage.

Unidentified – What are “supply interruption contracts?”

Roehm – Willing water users would be paid not to divert water they would otherwise be entitled to take in priority. However, little water would be available from direct-flow water rights in dry years, and there would be no protection for water bypassed...other water users could divert it.

Unidentified – Are there opportunities for augmentation on the Little Snake?

Roehm – There are no specific flow recommendations for the Little Snake. The LSR influences only the lowest reaches of the Yampa. Its principal contribution to the Yampa/Green rivers is sediment, which is transported by high spring flows. Base flow augmentation for the Yampa is intended to benefit the reach from Craig downstream. Any additional flow the LSR contributes to this reach during base flow conditions is considered a bonus.

Dickinson – Recommends enlargement of Elkhead Res. for augmentation. Need to protect adjacent/downstream property owners. Plan must not (and does not) require water rights administration. Recovery Program must be willing to accept risk of losing some augmentation. Downstream water users will not intentionally take additional water provided by augmentation, but some incidental increase is expected. Water users should not have to adjust headgates to prevent this. “Good neighbor” policy is key to keeping the peace. Recovery Program agreed to pay for any improvements (e.g., gages, flumes) that may be necessary to ensure its deliveries.

Bob Plaska (CDWR) – If river administration requires diversion modifications specifically for fish deliveries, they would be paid for by Recovery Program. However, flumes and headgates are required by CO law, and would not be paid for by Recovery Program.

Geoff Blakeslee (Carpenter Ranch) – Will the proposed alternatives require different operations than current?

Roehm – Yes. Participating reservoir(s) perhaps will experience greater water level fluctuations.

Blakeslee – Will native stream flows be different?

Roehm – No. The objective of augmentation is to emulate historic conditions.

Unidentified – Is it really necessary to remove channel catfish. They have coexisted with the endangered fishes for 100 years, before dams. Endangered fish did not decline until after Flaming Gorge was built and the river poisoned. Catfish are highly valued by anglers and should not be removed. Will catfish removal continue next year?

Elmblad – Catfish are thought to be one of the biggest problems, especially in the lower reaches. Removing them from DNM will continue through 2003. They also will be removed from the river upstream from DNM and translocated to either Kenney Reservoir (White River) or Elkhead, where they would be available for anglers to harvest.

Roehm – A significant reason for catfish control in DNM is that there is little fishing pressure on them there. Access is limited, and people who float through DNM generally don’t fish.

Dickinson – Offered to receive comments from the public for Moffat County to consider in preparing its comments. Requested that comments be submitted to Jeff Comstock.