



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Carlee Brown, Suzanne Sellers, Michelle Garrison, and Steve Miller
Interstate, Federal, & Water Information Section

DATE: January 24, 2017

AGENDA ITEM: 26. 2017 Species Conservation Trust Fund Eligibility List Approval

Introduction

The native Species Conservation Trust Fund (SCTF) was created in 1998, pursuant to HB98-1006 (codified at section 24-33-111, C.R.S. (2014)). After its initial creation, the General Assembly expanded the SCTF to cover studies and programs within Colorado Parks and Wildlife (CPW) dedicated to recovering species listed as threatened and endangered under state law; recovering and protecting federal candidate species; conducting scientific studies related to the listing or delisting of any species; and evaluating genetic, habitat and declining species baseline data.

Each year, the Executive Director of the Department of Natural Resources (DNR) prepares a “species conservation eligibility list” (SCEL) after consultation with the CWCB and its Director, and the Commission and the Director of CPW. The SCEL describes programs intended to accomplish the goals first articulated in HB98-1006, and associated costs eligible for funding. The SCEL is then sent to the General Assembly for review and modifications as appropriate prior to the passage of the annual SCTF bill.

The CPW Commission issued its approval of DNR’s recommendation on January 11, 2017.

Staff Recommendation

Staff recommends, contingent upon appropriations, that the Board: 1) concur with the DNR Executive Director’s proposed recommendations to the General Assembly to approve an expenditure of up to \$1.5 million from the SCTF for FY 17-18 for the projects and programs outlined herein; and 2) forward a statement of concurrence to the CPW Commission.

Additional Information - Species Conservation Trust Fund

The Act requires that funding be distributed for the following purposes:

1. Cooperative agreements, recovery programs, and other programs that are designed to meet obligations arising under the federal “Endangered Species Act of 1973” and that provide regulatory certainty.
2. Studies and programs established or approved by the CPW and the Executive Director of the DNR regarding:
 - (a) Species placed on the state endangered or threatened list;
 - (b) Candidate species, in order to assist in the recovery or protection of the species to avoid listing of the species; and
 - (c) Scientific research relating to listing or delisting any species.

Current SCTF Balance and related considerations

The unobligated balance in the SCTF is currently projected to be as much as \$1.5 million for FY 17-18, although this amount is dependent upon actual severance tax receipts in the remaining months of FY 16-17.

Severance tax projections will be updated in March 2017, at which time the Executive Director's office will make its final determination about the total amount of funds available for expenditure from the SCTF in FY 17-18. Since severance tax receipts are subject to some volatility due to fluctuating energy prices as well as variable local property tax rates and associated credits energy producers can apply towards state severance tax liability, it is possible that there could be less than \$1.5 million available to fund FY 17-18 SCTF projects. Should less money be available for expenditure than current projections indicate, staff recommends that the Commission authorize reduction of FY 17-18 contributions proportionally from the amounts described in more detail below, unless staff deems it necessary to reduce amounts based on prioritization, project need and the matching capacity of project partners.

FY 2017-18 Recommended Projects

The recommended projects for FY 17-18 are summarized below.

Colorado Water Conservation Board Projects *Total Request: \$750,000*

1. Platte River Recovery Implementation Program: \$600,000

The Platte River Recovery Implementation Program helps to provide Endangered Species Act (ESA) compliance through management of land and water resources on the Platte River in Nebraska. The four target species that benefit from the Program include three endangered species (the whooping crane, the interior least tern, and the pallid sturgeon), and one threatened species (the piping plover). While the management actions are concentrated in Central Nebraska, a Programmatic Biological Opinion provides ESA compliance for existing and certain new water-related activities upstream in the North Platte and South Platte Rivers.

Colorado contributes to this program through cash for its funding and some water contributions. This payment will help Colorado meet its obligations for the first increment of the Program, which extends through 2019.

2. Non-native fish control: \$150,000

Interactions between native and non-native fish interactions increasingly threaten the success associated with the recovery of four endangered fish species within the Upper Colorado River Basin. Successive dry years during the current drought have resulted in significant population increases of non-native species such as small mouth bass and pike in the Yampa River and other areas in the Upper Colorado River system.

These funds will be used to support non-native fish management activities. Projects may include a pilot program to explore the effectiveness of incentivized angler harvest of selected species, mechanical removal, and the installation of a screen at Ridgway reservoir to decrease escapement of illicitly stocked non-native fish into the Uncompahgre River below the dam.

3. Selenium Management Program / Selenium Research, Monitoring, Evaluation & Control: \$0

Though not requesting SCTF funding this year, CWCB staff wishes to recognize the ongoing importance of the Gunnison Basin Selenium Management Program (SMP) by noting it here. The SMP is a required

conservation measure identified in the Programmatic Biological Opinion (PBO, issued by USFWS, Dec. 4, 2009) as part of the Aspinall Unit NEPA evaluation (PFEIS, issued December 2010). The USFWS has determined that high selenium levels in the Uncompahgre and Gunnison Rivers are limiting the recovery of several Colorado River endangered fish species and that a SMP is necessary for the continued existence of those endangered species.

Given the anticipated shortage of funds in FY17-18, the SMP partners have agreed that the results of recently completed research and planning are sufficient for next one to two years, during which time research needs will be evaluated and reformulated. This deferral is also meant to recognize that the primary goal of the SMP is recovery of the endangered fish species; that goal is best met by making funds available for all projects which aid those species, including non-native fish control.

Colorado Parks and Wildlife Projects

Total Request: \$750,000

1. Native Terrestrial Wildlife Conservation: Up to \$375,000

- Continue work on controlling plague in prairie dog colonies. This work was instrumental in the recent Fish and Wildlife Service decision that listing the Gunnison prairie dog as threatened or endangered was not warranted.
- Monitor black-footed ferret release sites, treat for plague and develop oral vaccine.

2. Native Aquatic Wildlife Conservation: Up to \$375,000

- Continue work on native cutthroat trout (creating and improving habitat and unraveling the complicated genetics) and improving broodstocks for native trout and whitefish.
- Collect baseline information on movement and life history of Eastern plains native fish to avert potential Federal listing decisions.
- Continue to improve knowledge on boreal toad distribution, genetics, and chytrid fungus resistance. The U.S. Fish and Wildlife Service is considering ESA listing for the Southern Rocky Mountain Boreal Toad population (SRMP), found almost exclusively in Colorado, as a Distinct Population Segment.