



COLORADO

Colorado Water
Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718
Denver, CO 80203



South Platte Water Related Activities Program, Inc.
220 Water Avenue, Berthoud, Colorado, 80513

June 30, 2016

Eliza Hines, Nebraska Field Supervisor
Fish and Wildlife Service
Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

RE: Draft 2016 Platte River Recovery Implementation Program (PRRIP) Milestones Report

Dear Ms. Hines,

We would like to thank the Fish and Wildlife Service (Service) for allowing us the opportunity to provide comments on the draft Platte River Recovery Implementation Program (PRRIP) Milestones Report for 2016. The Colorado Water Users (SPWRAP) and the State of Colorado PRRIP Governance Committee (GC) representatives (Colorado Team) have reviewed the draft report and would like to offer the following comments.

We concur with your general assessment in the transmittal letter that the PRRIP has been very successful, that continual progress has been made during the first increment, that there is optimism about the future, and are reassured by your commitment to working with the PRRIP and its stakeholders in developing a path forward while maintaining ESA compliance.

Milestone Subtasks

The Colorado Team would like to provide some history and context for how the sub-components of the milestones were envisioned within the Program Document. We would like to clarify that the milestone subtasks are informational and not meant to serve a prescriptive function. Section III.A.4 of the Program Document states "the explanatory information and related interim steps and schedules [in Attachment 2, Milestones Document] are included as background information only and are not to be considered as individual milestones for purposes of ESA compliance."

We do acknowledge the utility of noting instances where PRRIP has accomplished the subtasks listed in the Milestone document, so long as these subtasks are understood to be informational and nonbinding. Along those lines, we note that the Service's Draft Milestone 2016 report acknowledges that the "development of specific actions or mechanisms to offset depletions within the Federal new depletions plan is ongoing within each state". However,

the draft report does not acknowledge that Colorado has accomplished this task through signed Memorandums of Understanding (MOUs) with the Service that secures 350 acre-feet of water annually to offset new federal depletions.

Water Action Plan

With respect to the FWS' concerns regarding achieving the goals of the Water Action Plan, the Colorado Team would also note that under the agreed upon funding level for the first increment, PRRIP may not have enough financial resources to fully implement the Reconnaissance-Level Water Action Plan, regardless of the effort that is being put forth to do so. Because of these limits on resources, the Colorado Team believes that an extension to the first increment is warranted so that PRRIP may acquire the time and resources to further its progress to achieve the goals of the Reconnaissance-Level Water Action Plan.

Managing Flow and the Pallid Sturgeon

The Colorado Team would also like to provide some historical context around managing flow for the pallid sturgeon. Section III.E.1.c. of the Program document states "consistent with the April 28, 2004 finding of the National Academy of Sciences (NAS), it is now agreed that current habitat conditions on the lower Platte River do not adversely affect the likelihood of survival and recovery of the pallid sturgeon because that reach of the river appears to retain several habitat characteristics apparently preferred by the species. However, NAS and FWS believe that further alterations of discharge patterns or channel features that modify those characteristics might irreparably alter this habitat for pallid sturgeon use, loss of Platte River habitat would probably result in a catastrophic reduction in the pallid sturgeon population, and any recovery effort for the pallid sturgeon will most likely include the lower Platte River". This text outlines that the intent of the Program agreement is not to increase flow on the lower South Platte River, but rather to focus on learning more about habitat, pallid sturgeon usage and how habitat parameters might be related to flow. This intent is further reflected in the monitoring and research approach prescribed in Section V.K.3. of the Adaptive Management Plan (Attachment III of the Program Document).

Considering the intent of the Program document, the Colorado Team is open to the concept of hosting a symposium on the pallid sturgeon; however, we have potential concerns with the scope of any such effort. Before deciding on whether to implement the symposium, we believe that it would be critical to define the scope of the symposium. We believe that a symposium could be useful for PRRIP provided it was designed with clear guidance that pallid experts will be attending for the sole purpose of informing the PRRIP on the current state of knowledge about the pallid sturgeon and the pallid sturgeon's use of the lower Platte River. Further, the Colorado Team suggests that the scope of the symposium be designed after the first two objectives in Section V.K.3 to help further our understanding:

1. A summary of existing information on the pallid sturgeon;
 - Objective is to understand the existing knowledge on pallid sturgeon biology range wide, but with particular emphasis on the Platte River.
2. Micro- and macro-habitat use/selection by adult and juvenile sturgeon, relative to conditions;
 - Objectives are to 1) determine what habitats pallid sturgeon use (and select for) in the Platte River, and what are the similarities and differences with habitat use and selection in other parts of the species range, 2) Does use and selection change with changes in river conditions, and if so how?

Thank you for your consideration of our comments. We appreciate the hard work and collaboration between the Service and the program partners that have allowed PRRIP to

achieve many of the program milestones and become a model for recovery of threatened and endangered species and the ecosystems they depend upon.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Ament". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Don Ament
GC Representative
State of Colorado

A handwritten signature in dark ink, appearing to read "Alan Berryman". The signature is cursive, with a large initial "A" and a long, sweeping tail.

Alan Berryman
GC Representative
South Platte Water Related Activities Program, Inc.