

STATE OF COLORADO

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DEPARTMENT OF
NATURAL
RESOURCES

Bill Owens
Governor

Greg E. Walcher
Executive Director

March 29, 2000

Dear Members of the Colorado General Assembly:

On behalf of the Department of Natural Resources, I have attached the Species Conservation Trust Fund Annual Report for 2000. It provides a progress report for the projects underway this fiscal year and lists the proposals for next fiscal year. Those proposals will be part of a resolution sponsored by Senator Wattenberg and Representative Young this session. If you would like a copy of last year's annual report, please contact my office.

As I have indicated on several occasions, it is my intention that Colorado assume a lead role in the area of species conservation. That lead role requires us to develop adequate science, evaluate the effectiveness of the existing programs, set goals for future programs, and establish a finite term for these programs.

The availability of these funds is critical as we prepare to enter into a new Memorandum of Agreement Concerning Management of Colorado's Declining Native Species (MOA) with the United States Department of Interior. This MOA will serve to: (1) commit federal and state agencies to use market-bases and other incentives to prevent the need to list species in the first place; and (2) commit the U.S. Fish and Wildlife Service to establish measurable recovery goals for species that are already listed. The State of Colorado, in collaboration with local governments, private citizens, businesses, and community groups, will work together to protect wildlife and plant species before ESA listing is required.

The state will commit significant resources and use the best science to actually recover and delist threatened and endangered species in a timely fashion. The state will place emphasis on property rights, collaboration, voluntary action and constructive partnerships. Also, Colorado will aggressively challenge unwarranted petitions to list species so that maximum resources are spent on those truly in need of protection. In this way, we will protect the state's valuable wildlife and plant resources while allowing for a minimum intrusion from federal regulations.

Please do not hesitate to contact me, Ron Cattany, or Kent Holsinger if you would like further information on the specifics of these programs. Thank you for your interest in these complex and sometimes perplexing issues.

Sincerely,

Greg Walcher
Executive Director

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**Native Species Conservation Trust Fund (HB 98-1006)
2nd Annual Report to the Colorado General Assembly**

**March 2000
by the Colorado Department of Natural Resources**

EXECUTIVE SUMMARY

In 1998, the Colorado General Assembly passed HB 98-1006 that established the Native Species Conservation Trust Fund (hereinafter, "the Fund"). The statute is attached as Appendix A.

Expenditures from the Fund are intended to promote the conservation of native wildlife species whose populations are declining. The General Assembly initially appropriated \$10 million into the Fund -- \$5 million from various water funds matched by \$5 million of General Fund.

HB 98-1006 directs the Executive Director of the Colorado Department of Natural Resources (DNR) to prepare an annual Species Conservation Eligibility List describing programs eligible to receive funding from the Fund. This list is prepared after consulting with the Colorado Water Conservation Board (CWCB), its director, the Colorado Wildlife Commission and the director of the Colorado Division of Wildlife (DOW). HJR 99-1019 authorized the projects for FY 1999-2000 and is included in Appendix B. The proposed list for FY 2000-2001 is contained in Appendix C.

HB 98-1006 directs the DNR Executive Director to provide an annual report to the General Assembly on the progress and status of activities undertaken to recover Colorado's native species, as well as activities that may be required in the future.

This report is organized into two sections reflecting the major purposes for which expenditures from the Fund are authorized:

- HB 98-1006 authorizes the DNR to make expenditures from the Fund for purposes of implementing cooperative agreements, recovery programs, and other programs designed to meet obligations arising under the federal Endangered Species Act and to provide a stable and predictable regulatory environment for Colorado's citizens.
- HB 98-1006 authorizes the DNR to make expenditures from the Fund for studies and programs designed to conserve species currently listed as threatened and endangered under state law; recover or protect candidate species in order to avoid the need to list these species under federal law; and improve the scientific understanding that governs decisions on adding or removing species from either the state or federal endangered species lists.¹

¹ Both state and federal law contain endangered species statutes. The federal Endangered Species Act of 1973, 16 U.S.C. 1531, et seq., is a complex federal statute that has been the focus of considerable public debate and judicial interpretation almost since its adoption by Congress twenty five years ago. It often is referred to as the most powerful environmental law in the world due to the extraordinary regulatory authorities it confers upon the U.S. Fish and Wildlife Service for protection of species and habitats thought to be in danger of going extinct. By contrast, the State of Colorado's endangered species protection law, 33-2-105, C.R.S., is limited to creating a special management status for rare or declining species. It does not confer habitat protection regulatory authority upon agencies of the State of Colorado, though it does affirm the Colorado Division of Wildlife's authority to regulate the killing, or "taking," of state-listed species.

INTRODUCTION

COLORADO IS A GROWING, DYNAMIC STATE

Colorado's strong economy, excellent business opportunities, and natural environment attract new residents and development activities in large numbers every year. Between 1990 and 1999, the state grew by 23.1 percent, from 3.29 million to 4.1 million residents. Such growth established Colorado as the fifth fastest growing state in the nation during the last decade. Moreover, this trend shows no immediate signs of slowing significantly. The Colorado State Demographer's Office projects that by the year 2010, nearly 5 million people will call Colorado home. This represents an increase of almost a million new residents over the state's 1999 population.

GROWTH STRAINS NATIVE SPECIES

While most (well over 90%) of Colorado's native species are secure, a number of native plant and animal species are sensitive to the effects of growth, especially when growth occurs in the absence of knowledge about the species' needs. However, we also know that numerous species are able to accommodate these effects when growth is accomplished with an eye to the impact to that species' welfare. Minimizing unavoidable impacts and maximizing the probabilities of sustaining viable populations in the face of growth are goals of Colorado's wildlife natural resource programs. They are reflected in the recommendations for expenditures from the Species Conservation Trust Fund as discussed herein.

THE FEDERAL ENDANGERED SPECIES ACT IN COLORADO

Some of Colorado's native species have declined to the point where they could become extinct. As a result, they have been added to the list of threatened and endangered species pursuant to the federal Endangered Species Act (ESA). The ESA is the most powerful environmental protection law in the world due to the extensive regulatory authority it confers upon the U. S. Fish and Wildlife Service. Use of this authority has generated considerable controversy around the United States, due to concerns that federal-level decisions could take private property without just compensation or unacceptably limit state and local land use and natural resource management rights and prerogatives.

Recognizing the importance of endangered species issues to Coloradans, Governor Bill Owens issued Executive Order D01199 to create an Interdepartmental Management Team on Endangered Species. Headquartered at the DNR, the Management Team will coordinate endangered species issues with the Departments of Transportation, Agriculture, Public Health and Environment, and the Division of Wildlife so that the state can efficiently and effectively deal with these important issues.

The state will also enter into a new Memorandum of Agreement Concerning Management of Colorado's Declining Native Species (MOA) with the United States Department of the Interior. This MOA will serve to: (1) commit federal and state agencies to use market-based and other incentives to prevent the need to list species in the first place; and (2) commit the U.S. Fish and Wildlife Service to establish measurable recovery goals for species that are already listed. The State of Colorado, in collaboration with local governments, private citizens, businesses, and

next 15 years, not to mention the costs that may be associated with other species protection and recovery efforts.

To properly address the full range of protection and recovery efforts for both listed and unlisted species, the Department of Natural Resources estimates the Fund will need to be increased. Assuming the Fund is managed as an annuity over a 15-year time period, returns a nominal rate of 6 percent per year,² and is effectively leveraged against other public and private sources of revenue, the Department estimates that a capitalization of \$24.5 million is necessary.

HB00-1429 is intended to add the next \$10 million to the fund. The sources will be \$5 million from the DNR Severance Tax Operating Account matched by \$5 million from the General Fund. The final \$5 million will be Great Outdoors Colorado funds that will be requested on a project specific basis.

COOPERATIVE AGREEMENTS, RECOVERY PROGRAMS AND OTHER PROGRAMS DESIGNED TO MEET OBLIGATIONS ARISING UNDER THE ENDANGERED SPECIES ACT

Colorado is currently involved in three river basin-oriented endangered species and habitat recovery programs: the Cooperative Endangered Species Agreement for the Platte River Basin, the San Juan River Recovery Program and the Upper Colorado River Recovery Program. These programs are designed to protect species and habitat currently listed under the federal Endangered Species Act, while allowing water use and development to proceed under state law and interstate compacts.

In addition, Colorado is coordinating the Habitat Conservation Planning (HCP) process for the Preble's meadow jumping mouse. Soon the counties affected by the listing will have these plans in place. PMJM habitat conservation plans and implementation agreements will protect the mouse and its habitat and provide the regulatory compliance that assures a continuation of broad range human activities along the Front Range.

San Juan and Upper Colorado River Programs

After years of hard work and study, the San Juan and Upper Colorado River Endangered Fish Recovery Programs are beginning to yield positive results. Operating under cooperative agreements in place since 1988 (Upper Colorado Program) and 1992 (San Juan Program), these programs are designed to protect four endangered fish species occurring in the Colorado River Basin while allowing water development to continue in accordance with the State of Colorado's entitlements under the Colorado River Compact. In addition to Colorado, the states of Utah, Wyoming, and New Mexico, the U.S. Fish and Wildlife Service, the U.S. Bureau of Reclamation, water users, and the environmental community are also engaged in these efforts.

As of December 1999, more than 200 water development projects in the Upper Colorado River Basin have received the required clearances under the federal Endangered Species Act. Populations of two of the four target species – the Colorado River pikeminnow (formally the Colorado River squawfish) and the humpback chub – are stable or increasing in response to

² The nominal rate of return is not adjusted for inflation.

San Juan and Upper Colorado River Programs. The bills also identify cost sharing by the states of Colorado, Wyoming, Utah, and New Mexico, and recognize contributions that are being made by consumers of electricity generated by federal hydropower projects. SJR006 introduced this session in the Colorado General Assembly supports passage of this legislation.

Anticipated Long-Term Costs: The San Juan and Upper Colorado River Programs' capital projects could cost as much as \$100 million during the remaining five to seven years of their anticipated duration. Under the proposed cost-share in the recently introduced federal funding legislation, Colorado's share for completion of the San Juan and Upper Colorado Programs is projected to be about \$9 million. The balance, approximately \$91 million, will be paid by our funding partners: the U.S. Bureau of Reclamation; the states of Wyoming, Utah and New Mexico; and electric power customers.

Status of Activities and Expenditures from the HB 98-1006 Fund in FY 1999-2000: An amount of \$222,000 was allocated from the Fund to the San Juan and Upper Colorado River Programs in FY 1999-2000. These funds are paying for programs initiated by the Colorado Division of Wildlife to ensure that non-native fish do not continue to compete with the native endangered fish. Specific capital funds from the HB98-1006 Fund have been directed at screening outlet works, and building berms at two locations totaling 80 acres. This has been done to ensure that warm-water non-native fish left in ponds do not escape into the river system and compete with native species. On-site consultations, elevation surveys, and preliminary designs have been completed. Design refinements are proceeding; a completion date of final construction documents is targeted to be no later than June 2000. Bids will be released in the summer and actual construction will begin in Fall – Winter 2000 (contingent upon water levels and environmental conditions at the construction sites). Related Division of Wildlife operational actions, not using HB 98-1006 Funds, have included removing non-native fish from four floodplain ponds in FY98-99.

Recommended Expenditure from the HB 98-1006 Fund in FY 2000-2001: The DNR recommends allocating \$225,000 from the Fund to the San Juan and Upper Colorado River Programs in FY 2000-2001 to continue non-native fish control structures in the Grand Junction area.

Platte River Program

On July 1, 1997, the governors of Colorado, Nebraska and Wyoming, and the Secretary of the Interior signed the Platte River Basin Cooperative Endangered Species Agreement. The Cooperative Agreement describes a long-term habitat restoration program and commits the parties to a series of activities that provide certainty to Colorado water users and protection for the species. These activities include a three-year evaluation of the proposed program as required by the National Environmental Policy Act (NEPA). The Cooperative Agreement also provides a predictable ESA compliance mechanism for water facilities in the Platte River Basin while NEPA compliance on the long-term program proceeds.

Once NEPA compliance is complete, the Cooperative Agreement would be replaced by a subsequent agreement to implement the actions described in the Cooperative Agreement.

\$20,000 for a stream connecting two ponds, and the extension of an additional stream (all fully lined). The design would allow recharge at the peripheries of the ponds, while also providing approximately 15 additional acres of suitable habitat for South Platte native fish species. In addition \$20,000 would be allocated for pumping costs (electricity) as well as \$20,000 for additional equipment, supplies, vehicle mileage and the construction of stream corridors and sloughs at Pony Express State Wildlife Area.

Preble's Meadow Jumping Mouse Program

The Preble's meadow jumping mouse is another species that has been the focus of a large-scale effort to reduce or eliminate regulatory compliance burdens imposed by the federal ESA. According to the U.S. Fish and Wildlife Service, PMJM populations have declined throughout the species' range in Colorado and Wyoming possibly due to habitat conversion and degradation. On May 12, 1998, the Service listed the PMJM as a "threatened" species under the federal Endangered Species Act. In its decision to list the PMJM, the Service identified residential and commercial development, flood control and water projects, mining, highway and bridge construction, and livestock grazing as possible causes of the species' decline. The DNR, working with numerous local government and private sector partners, is coordinating a collaborative planning process to address conservation of the PMJM. This effort is designed to reduce or eliminate the need for federal regulation of the numerous activities along the Front Range that affect the PMJM or its habitat.

Key Issues: The collaborative PMJM planning effort is near completion. Five county Habitat Conservation Plans (HCP) for the PMJM habitat are underway in El Paso, Douglas, Elbert, Jefferson and Boulder counties. We expect Larimer and, possibly, Weld counties to also initiate habitat conservation plans. Acquiring options on PMJM habitat is one way for the state to promote mitigation banking and recovery goals to help ensure ESA compliance.

The effort will demonstrate successful programs that protect riparian habitats (e.g., local ordinances, open space programs, etc.) that can substitute for direct federal regulation. Federal permits could then be written to allow activities such as trail construction, gravel mining, and highway and home construction to proceed in compliance with the ESA, as long as they fit within the planning and regulatory priorities of local governments.

Anticipated Long-Term Cost of the HCP Process: The long-term costs of the planning effort, ESA compliance, primarily through the NEPA process, will also add to the costs; however, no estimates can be determined at this time. Continued funding for recovery of the species will also be necessary, but long term funding estimates cannot be determined as of yet.

Status of Activities and Expenditures from the HB 98-1006 Fund in FY 1999-2000: The Division of Wildlife re-programmed \$227,000 of its GOCO funds to leverage with the Species Conservation Trust Funds for a total of \$477,000 to be made available for habitat conservation work. The request for proposals (RFP) was mailed on December 20, 1999 to more than 850 individuals and organizations. Completed applications were due on January 28, 2000. A review panel composed of personnel from the DNR Executive Director's Office, Colorado Division of Wildlife, and the U.S.

conservation easement attributes have been determined. These attributes focus on protection of water quality and associated riparian vegetation. The Division currently is entering into negotiations with two willing landowners on Big Sandy and South Rush Creeks.

For native cutthroat trout, a DOW design engineer has been assigned to this project and has completed pre-engineering, on-site inspection, and detailed surveys of the Big Sandy and South Rush Creeks. The preliminary design entails conversion of five small impoundments to three larger and deeper impoundments, two spawning channels, and associated water control structures.

Recommended Expenditures from the HB 98-1006 Fund in FY 2000-2001: The DNR recommends allocating \$300,000 to fabricate and install an ultraviolet water treatment system for native cutthroat at the Mt. Ouray hatchery near Salida. The UV system should provide protection against disease organisms including whirling disease by treating the incoming water with ultraviolet light. This will ensure the Division's ability to produce and re-introduce 500,000 inches of native cutthroats per year.

Prairie Grasslands Species Program

The Prairie Grasslands Species Program is directed toward developing conservation plans and agreements for prairie grassland species not currently listed under the federal Endangered Species Act, but that may be listed if no action is taken.

The species that would be addressed through this program include the mountain plover (petitioned for federal listing), the burrowing owl (currently listed under state law as threatened), the long-billed curlew (species of special concern), the upland sandpiper (undetermined status), and the black-tailed prairie dog, which has been petitioned for federal listing as a threatened species.

Anticipated Long-Term Costs: The long-term costs of this effort, as well as a full range of sources to fund these costs, will be developed through a cooperative planning process.

Status of Activities and Expenditures from the HB 98-1006 Fund in FY 1999-2000: An amount of \$75,000 from the FY 1999-2000 Fund remains open to bids for prairie dog and plover studies and inventories. The DNR solicited bids on this proposal in 1999, but received only one response due to an aggressive time schedule for completion of work. Rather than proceed with the only bid, the DNR will resubmit this proposal, adjust the time frame of the work plan in an effort to solicit more responses and, therefore, assure the highest quality work on this important issue.

Recommended Expenditures from the HB 98-1006 Fund in FY 2000-2001: The DNR recommends no allocations from the Fund for this program in FY 2000-2001.

Appendix A
Native Species Conservation Trust Fund Statute

Native Species Conservation Trust Fund Statute

24-33-111. Conservation of native species - fund created. (1) Legislative declaration. The general assembly hereby recognizes the importance of conserving native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service. The general assembly hereby declares and determines that the Colorado department of natural resources and the division of wildlife are responsible for the development, implementation, or approval of appropriate programs to address the conservation of such species for complying with the "Federal Mandates Act", article 78 of this title, and for negotiating agreements with federal agencies and other states to avoid regulatory conflicts pursuant to section 24-33-103.

(2) Species conservation trust fund - creation. There is hereby created in the state treasury the species conservation trust fund, which shall be subject to annual authorization by the general assembly to carry out the purposes of this section. There is hereby created within the species conservation trust fund the operation and maintenance account and the capital account. The moneys in the operation and maintenance account shall be for administrative and noncapital expenditures necessary for the implementation of this section. The moneys in the capital account shall be used exclusively for capital expenditures including but not limited to property acquisition and project construction. All income derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. No investment earnings or other moneys in the species conservation trust fund shall be subject to any management fee imposed by law for the benefit of the general fund. To the maximum extent practical, only interest from the fund shall be expended for activities pursuant to this section.

(3) Species conservation eligibility list and annual report. (a) The executive director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, shall annually prepare a species conservation eligibility list describing programs and associated costs that are eligible to receive funding pursuant to this section. The species conservation eligibility list shall be subject to modification and adoption through passage of a joint resolution that is approved by a majority vote of both houses of the general assembly. At the same time as the species conservation eligibility list is submitted, the director of the department of natural resources, after consultation with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, shall also provide a detailed report to the general assembly on the progress and status of activities to date and their effectiveness in the recovery of the species and identify proposed future activities. The report shall include an assessment of habitat benefits, both public and private, attributable to such activities.

(b) Funding shall be distributed by the executive director of the department of natural resources among projects included in the species conservation eligibility list for the following purposes:

(I) Cooperative agreements, recovery programs, and other programs that are designed to meet obligations arising under the federal "Endangered Species Act of 1973", 16 U.S.C. 1531, et seq., and that provide regulatory certainty in accordance with subsection (4) of this section;

(II) Studies and programs established or approved by the division of wildlife and the executive director of the department of natural resources regarding:

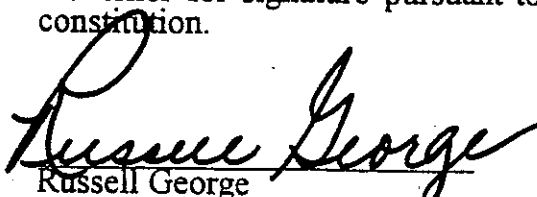
(A) Species placed on the state endangered or threatened list in accordance with section 33-2-105, C.R.S.;


Appendix B
HJR 99-1019


(b) From the operations and maintenance account of the Species Conservation Trust Fund for the Executive Director of the Department of Natural Resources, in cooperation with the Commissioner of Agriculture, to retain an independent biologist for the purpose of assessing the appropriateness of listing the prairie dog and mountain plover as threatened and endangered species under federal law, the amount of:

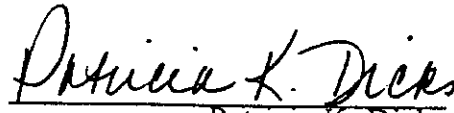
PROGRAM/ SPECIES	AMOUNT
Prairie Grassland Species	\$ 75,000
Subtotal	\$ 75,000
Grand total	\$ 1,151,000

Be It Further Resolved, That this resolution be presented to the Governor for signature pursuant to Article V section 39 of the state constitution.


 Russell George
 SPEAKER OF THE HOUSE
 OF REPRESENTATIVES


 Ray Powers
 PRESIDENT OF THE
 SENATE


 Judith M. Rodriguez
 CHIEF CLERK OF THE HOUSE
 OF REPRESENTATIVES


 Patricia K. Dicks
 SECRETARY OF
 THE SENATE

APPROVED Mar 24, 1999 at 11:09 AM.



Bill Owens
 GOVERNOR OF THE STATE OF COLORADO



1999

HOUSE JOINT RESOLUTION 99-1019

BY REPRESENTATIVES Young, Berry, Coleman, Gotlieb, Grossman, Hoppe, Johnson, Miller, Plant, Smith, Spradley, May, Tochtrop, Tupa; also **SENATORS** Wattenberg, Chlouber, Dennis, Hillman, Musgrave, Nichol, Pascoe, Reeves.

CONCERNING THE SPECIES CONSERVATION ELIGIBILITY LIST.

WHEREAS, Pursuant to section 24-33-111 (2), Colorado Revised Statutes, the Species Conservation Trust Fund has been created in the state treasury to fund programs designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species, or are likely to become candidate species, as determined by the United States Fish and Wildlife Service; and

WHEREAS, Pursuant to section 24-33-111 (3), Colorado Revised Statutes, the Executive Director of the Department of Natural Resources, after consulting with the Colorado Water Conservation Board and its Director, the Wildlife Commission, and the Director of the Division of Wildlife, has prepared and delivered to the General Assembly a Species Conservation Eligibility List describing programs and associated costs that are eligible to receive funding from the Species Conservation Trust Fund; and

Appendix C
Species Conservation Eligibility List
Fiscal Year 2000-2001

HB 98-1006 Native Species Conservation Trust Fund
Species Conservation Eligibility List
Fiscal Year 2000-2001

Introduction

HB 98-1006 created a Native Species Conservation Trust Fund. Each year the Executive Director of the Department of Natural Resources (DNR), after consulting with the Colorado Water Conservation Board (CWCB) and its director, the Wildlife Commission, and the director of the Division of Wildlife (DOW), must prepare a species conservation eligibility list, describing programs that are eligible to receive funding, and their associated costs.

The Species Conservation Eligibility List is then subject to modification and adoption through the passage of a joint resolution by the General Assembly.

When the species conservation eligibility list is submitted, the DNR Executive Director must also provide a report on the progress and status of activities to date and their effectiveness in the recovery of the species, and identify proposed future activities.

Funding Distribution

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

- (i) Cooperative agreements, recovery programs, and other programs that are designed to meet obligations arising under the federal "Endangered Species Act of 1973" that provide regulatory certainty;
- (ii) Studies and programs established or approved the DOW and the Executive Director of the DNR regarding:
 - (a) Species placed on the 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.

Recommended Programs

A. Recovery Programs for the Endangered Fish of the Upper Colorado and San Juan Basin Upper Colorado River Non-native Fish Control Project.

The purpose of this project is to reduce the abundance and distribution of threatening non-native fish species so that they will not impede the recovery of the Colorado River endangered fishes.

Summary

FY 99-00 Allocation	FY 99-00 Progress Highlights	FY 00-01 Proposal	FY 00-01 Contributions from other sources and operating support (leverage)
\$250,000	SCTF funds "bundled" with \$227,000 of GOCO funds for a total of \$477,000 available for habitat protection leases and easements. Requests for habitat conservation proposals mailed on December 20 to 850 entities. Respondents must demonstrate a 50% match (total project cost basis) to qualify. Completed applications were due on January 28, 1000. A review panel comprised of DNR, Division of Wildlife, and the US Fish and Wildlife Service selected and awarded \$263,500 to 3 successful proposals in February 2000 and will initiate a second request for proposals.	\$250,000	Total \$1,094,346 leverage, ratio of 4.4 = \$375,000 GOCO; \$47,173 other DOW, x 2—(50% cooperator match required), plus \$250K (50% cooperator match required).

Project Tasks/Deliverables and Associated Costs for FY 00-01 Recommendation:

Colorado will purchase options on desirable Preble's mouse habitat conditioned upon the U.S. Fish and Wildlife Service establishing recovery goals to the state's satisfaction. If the Service changes recovery criteria over the state's objection, or fails to set recovery goals, then the state may choose not to exercise the options or transfer them to another entity.

The collaborative PMJM planning effort for affected counties is nearing completion. We expect five to seven county habitat protection plans to be completed within the next year. To help see this effort through, the state requests \$50,000 from the Fund.

Anticipated Long-term Costs: The long-term costs of the planning effort, ESA compliance, primarily through the NEPA process, are also necessary and will require continued funding for recovery of the species but long term funding estimates cannot be determined as of yet.

Costs for all tasks related to this project shall not exceed \$ 250,000 from the Native Species Conservation Trust Fund.

C. Conservation of Aquatic Species

This program is directed primarily toward developing and implementing conservation plans and agreements for aquatic species that are not currently listed as threatened or endangered under the federal Endangered Species Act, but which may be listed if no action is taken. The species benefiting include native fishes of the Arkansas and South Platte basins and native cutthroat trout.

Summary

FY 99-00 Allocation.	FY 99-00 Progress Highlights	FY 00-01 Proposal.	FY 00-01 Other funds (leverage), and operating support
	A Division of Wildlife design engineer has been assigned this project. Pre-engineering on-site inspection and consultations, elevational surveys have been completed. Entails conversion of 5 small impoundments (old fish rearing unit) to 3 larger, deeper impounds, 2 spawning channels, and associated water control structures.	\$ 300,000	Total \$386,367 leveraged, ratio of 2.3 = \$275,000 GOCO; \$111,367 other DOW.

Project Tasks/Deliverables and Associated Costs for FY 00-01 Recommendation:

For \$300,000, fabricate, install UV treatment system for native cutthroat trout at Mt. Ouray hatchery near Salida. This system will provide redundant protection against disease organisms including whirling disease by treating the incoming water with ultraviolet light. The intensity of the light, in addition to the filtration, will remove any threat of the whirling disease pathogen. The system will economically treat up to 450 gallons / minute which will be suitable for small hatcheries that raise limited numbers of cutthroat trout. Presently, there are no plans for installing the system on large hatcheries. The Mt. Ouray Hatchery near Salida is especially well suited since it is small and concentrates on raising cutthroat trout, including the greenback. Installation will assure that fish can be raised for stocking that are free of the pathogen that would adversely affect the Division's ability to produce and re-introduce 500,000 inches of native cutthroats per year.

Costs for all tasks related to the Conservation of Aquatic Species of Special Concern/Species at Risk projects shall not exceed \$ 300,000 from the Native Species Conservation Trust Fund.

Costs for all tasks related to all projects shall not exceed \$ 1,100,000 from the Native Species Conservation Trust Fund.