

**Revised Minutes (Without Attachments) Of The
COORDINATION COMMITTEE MEETING
OCTOBER 15, 1998
FARMINGTON, NEW MEXICO**

Renne Lohofener, Geographic Assistant Regional Director-Arizona/New Mexico, called the meeting to order. Committee members and the audience introduced themselves. Coordination Committee members or their substitutes in attendance were:

Renne Lohofener	Fish and Wildlife Service, Region 2
Joseph Dowhan	Fish and Wildlife Service, Region 2
John Hamill	Fish and Wildlife Service, Region 6
Patrick Schumacher	Bureau of Reclamation
Bob Krakow	Bureau of Indian Affairs
Lee Otteni	Bureau of Land Management
John Whipple (for Tom Turney)	State of New Mexico
Randy Seaholm (for Peter Evans)	State of Colorado
Scott McElroy	Southern Ute Indian Tribe
Jessica Aberly (for Les Taylor)	Jicarilla Apache Indian Tribe
Dan Israel	Ute Mountain Ute Indian Tribe
Stanley Pollack	Navajo Nation
Tom Pitts	Water Development Interests

Biology Committee members in attendance were:

Jim Brooks	Fish and Wildlife Service, Region 2
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Larry Crist	Bureau of Reclamation
Ron Bliesner	Bureau of Indian Affairs
David Propst	State of New Mexico
Bill Miller	Southern Ute Indian Tribe
Paul Holden	Jicarilla Apache Indian Tribe
Vince Lamarra	Navajo Nation
Tom Wesche	Water Development Interests

Biology Committee representatives from the Bureau of Land Management and the Fish and Wildlife Service, Region 6, were not present.

Minutes of February 25, 1998, Coordination Committee Meeting: Minutes of the previous meeting were distributed with the request that members review and provide any corrections or additions to Program Coordinator Joe Dowhan by October 30, 1998.

Agenda: The meeting's agenda (attached) was reviewed and requested modifications to the scheduled discussion topics agreed upon. (The San Juan channel capacity analysis and other related topics were moved up to be included with the flow recommendations discussion.) In the interest of time, some topics were deleted in order to provide sufficient opportunity for discussion of the draft flow recommendations.

Draft Flow Recommendations Report: Committee Chairman Lohofener expressed the appreciation of the Coordination Committee to the Biology Committee for the work on the report and for the professional and scientifically sound flow recommendations. Ron Bliesner, Biology Committee Chairman, provided the following summary of the process whereby the draft recommendations were formulated and the recommendations themselves. A condensation of the report is in the Executive Summary.

Chapters 1-6 discuss what went into the flow recommendations. Chapters 7-8 discuss the process for the flow recommendations and the results of the modeling. Specific scenarios show the impacts/range of developments with the flow recommendations. There is flexibility in the system for small projects in regard to the recommended modeling. Maximum periods were established before irreparable damage to threatened or endangered fish. Biology Committee members felt comfortable within the boundaries established before fish would be hurt.

The Biology Committee received a significant number of comments from participating Program agencies. While no formal responses to individual comments have been made, all comments were considered in the drafting of the third version of the report.

The basis for the recommendations was the mimicry, not replication, of the natural hydrograph. Identical replication of a natural hydrograph is not possible with the existing water uses, nor is it compatible with one of the two goals of the Program--the development of water in the Basin. Mimicry was attained through the statistical mimicry of historical hydrograph conditions of flow magnitude, duration, and frequency.

It should be noted that the report and the recommendations are not cast in stone; adaptive management responding to data gathered from long-term monitoring will be needed to reevaluate the response of the fish and the river system to flows. The flows have been divided into four basic levels:

>10,000 cfs during runoff period for a minimum of 5 days, once every 5 years, with a maximum of 10 years occurring between these peaks

This is the highest flow recommended by the Biology Committee and has the least support technically; it represents the piece of the hydrograph that we have lost since control of the river by Navajo Dam. These flows provide out-of-bank flow, generate new cobble sources, provide for channel diversity, and new channel complexity. In the years during which these flows were not provided (1991-1994), the channel simplified losing islands, side channels, and other features that add to the habitat complexity of the system. In 1995, when flows of 12,000 cfs were in the river, there was an increase in channel complexity where the river gained islands and built new secondaries. The duration of 5 days and frequency of once every 5 years are based on the historic duration of flows of this magnitude.

>8,000 cfs during runoff for a minimum of 10 days, once every 3 years, with a maximum of 6 years occurring between flows.

This is the bank full flow that moves cobble, building and maintaining cobble bars. This discharge for 8 days, 1 year in 3 on average, was found to maintain channel cross sections. Flow/duration criteria were analyzed for sufficient channel maintenance based on historical conditions since operation of Navajo Dam.

The research has also shown a direct biological response of bluehead sucker and specked dace to these flows at longer duration; thus, the 8-day period was increased to 10 days.

>5,000 cfs during runoff period for a minimum of 21 days once every other year, with a maximum of 4 years between flows.

These are the backwater cleaning flows to remove sediments from the nursery areas for the endangered fish and to maintain low velocity habitat in secondary channels.

>2500 cfs during runoff period for a minimum of 10 days every year with a maximum of 2 years between flows.

These are needed for provision of clean cobble for spawning and also to provide sufficient peak flow to trigger spawning by Colorado squawfish.

In addition to these peak flows, the recommendations include the timing of the peak to coincide with that of the Animas River. The variability of the Animas flows provides the variability in the San Juan hydrograph. The Biology Committee has also recommended base flows in the San Juan between 500 and 1,000 cfs to optimize backwater habitat and addressed flood control releases. Flood control releases have historically been continual releases from Navajo Dam through the winter. This pattern minimized backwaters. The operation of Navajo Dam has resulted in a 27 percent decrease in backwaters. Due to this, the Biology Committee recommended that flood control releases be pulsed with as high a magnitude and short duration as flood control rules would permit rather than the continuous, low volume releases of the past.

The operating rules of the reservoir weigh a decision to release from Navajo if releases have not been made in past years. Releases to produce a peak spring flow may not be made every year in order to save water to form a larger peak in a future year or to save water for development.

The Biology Committee's recommendations in the draft report are based on the premise that a release of 6,000 cfs from Navajo Dam could occur. This increase of 1,000 cfs over existing maximum releases would not affect the flow recommendations for the endangered fish, but increases the calculated amount of water available for development. If maximum releases are only 5,000 cfs, as had been previously modeled, less water is calculated as being available for development.

The New Mexico representative pointed out that the secondary criteria (Table 8.2) are based on a 6,000 cfs release. He asked if those would change at 5,000 cfs. Ron Bliesner said that he did not know, but would have to take a look at that. Bliesner said that the primary criteria will control.

Peer Review: The Peer Review Group was involved in reviewing the first draft (this is the third version). Since that initial draft, flow recommendations have not changed in all versions of the report. The Review Group provided comments on the first draft dealing with clarifying the report, but has not recommended changing the flows proffered by the Biology Committee.

Paul Holden has received written comments from one member of the Peer Review Group but has conversed with the other members by telephone. All have expressed approval of the process and of the scientific basis for the recommended flows, but not the specific recommended flows, *per se*.

Channel Capacity: If peak releases can be increased to 6,000 cfs for a duration of from 1 to 3 weeks in May and June of each year, an increase in calculated depletions for water development may be possible compared to those calculated under the existing 5,000 cfs maximum release.

Following the request of the Biology Committee to evaluate the effects of a 6,000 cfs release from Navajo Dam, Rege Leach from the Bureau of Reclamation and Dick Kreiner from the Corps of Engineers surveyed the river at recent flows of 5,000 cfs (the current maximum release from Navajo based on the interim channel capacity used by the Corps of Engineers). At these flows, problems were found with flooding of developments and facilities in the San Juan River floodplain. Releases of 6,000 cfs were not recommended without substantial investment in protection of these developments and facilities. For short-term test flows above 5,000 cfs, the following protective measures would be needed:

- Earthen bern to protect the Navajo Dam Community Water System and the Gingerbread House,
- Reconstruction of the heading of the Turley Manzanares Irrigation Ditch,
- Relocation of a fishing cabin, and
- Relocation of a mobile home.

The estimate for these protective measures is roughly \$530,000. This is an approximation only. Specific field data and designs are needed to formulate an actual cost estimate.

Also noted during this survey at the 5,000 cfs release was the potential for flooding septic systems in the San Juan de Las Vegas subdivision. For longer and higher flows, it is estimated that approximately 20 percent of the river channel would need to be protected. These measures would cost approximately \$12.4 million. Specific data and designs would greatly affect the accuracy of these estimates. Below Bloomfield, there were no structural problems. From Navajo Dam to the confluence with the Animas River, approximately 20 percent of the area needs bank protection. Options to consider would include purchasing flood easements, channel stabilization, rip-rapping, and planting trees/vegetation along the bank of the river.

No floodplain mapping has been done in the area. There are no floodplain restrictions or management along the river. People have built down to the high water mark. Property will be affected by rising flows. The longer the area goes without restrictions, the worse the problem will get during high flows. Responsibility for damage and protection from high flows are areas that need to be addressed. This will involve the landowner(s), the community, and Program participants.

Areas tributary to the San Juan drain thousands of square miles, including Canyon Largo which drains 1,700 square miles. Thunderstorms can cause over bank flows and may coincide with spring high flow releases from Navajo Dam. An operation plan has to be developed to deal with tributary inflow.

Without spending \$12 million for property protection, releases from Navajo Dam will be limited to 5,000 cfs. This limitation provides water for development, if endangered fish needs are met first, of approximately 122,000 AF/year. There are no shortages with depletions at this level, assuming that all projects are supplied with their existing demands. If shortages were allowed to occur, more development would be allowed. The Ute Mountain Ute

representative commented that the baseline is fictitious. The Corps of Engineers representative stated that the Corps recognized 5,000 cfs as a maximum release from Navajo Dam.

Mike Sullivan, local landowner, commented that flood plain development is controlled by local government; development to date has been in compliance with local zoning laws. Releases greater than 5,000 cfs have substantial impacts on the river including bank erosion, flooding of fields, destruction of fences and other structures, and killing of livestock. He objected to the Coordination Committee making decisions regarding flooding of property when the Committee is not accountable to local property owners. He specifically objected to a 6,000 cfs release.

The State of Colorado representative raised questions about flooding below the Animas River. The Corps of Engineers responded that they would look at this issue when conducting the Environmental Impact Statement (EIS). At this point, the Corps believes 14,000 cfs would go through Farmington, because 12,000 cfs went past Farmington in 1995 without causing damage.

The Water Development representative said that it is not acceptable to simply transfer Endangered Species Act (ESA) costs to local area landowners. These issues have to be addressed in the EIS. Mr. Sullivan pointed out that the flood plain issues really deal with private property rights. Consideration needs to be given to the San Juan County residents. He did say that the Bureau of Reclamation has done a good job of letting people know about the 5,000 cfs release test. He asked when National Environmental Policy Act (NEPA) compliance would begin. Reclamation representatives said it will be initiated when the flow recommendations are adopted.

Navajo Dam Outlet Works: Pat Schumacher, Bureau of Reclamation, provided a copy of the technical report on the capacity of the dam's outlet works. This review was conducted to determine the feasibility of the dam releasing a peak of 6,000 cfs. In May and June, when it is anticipated that the peak release would be needed, average reservoir elevations range from a minimum of about 6030 (May) to a maximum of 6050 (June). Maximum discharge capacities for the main and auxiliary outlet works at these elevations are 5,400 cfs (at 6030) and 5,600 cfs (at 6050). Operations at higher than normal reservoir levels in May and June would increase the discharge capacity of the outlet works to 5,910 cfs at reservoir elevation 6085. These discharges assume all outlet gates and valves are fully open, without Farmington power plant operations, and there are no operating restrictions (currently in effect) for the outlet works.

It should be noted that the current limitation on the main outlet works is 3,200 cfs and cannot be exceeded without repairs, inspection, and an emergency gate, as well as analysis of cavitation problems. Therefore, the 6,000 cfs peak release from Navajo Dam in May and June cannot be met using the existing main and auxiliary outlet works alone. Supplemental releases to the San Juan River necessary to meet this peak target downstream given these normal reservoir levels might be met by using the available wasteway capacity of the canal outlet works. The Cutter Dam spillway and river outlet works can release up to a maximum of about 2,570 cfs. Some channel improvements may be required along Largo Canyon.

Discussion of the Flow Recommendations: Each member of the Coordination Committee was requested to give

his/her opinion of the flow recommendations.

The Fish and Wildlife Service believes that the draft report has utilized the best science available and recommends that the Committee adopt the recommendations and forward them to the Bureau of Reclamation to initiate the scoping process for the reoperation of Navajo Dam, the major means of implementing the recommendations. The Service also felt that no public input is needed specifically for the flow recommendations but should be a part of the EIS scoping process following the Bureau of Reclamation's development of an operating plan to implement the flow recommendations.

The Southern Ute Indian Tribe stated that there is no argument that this is the best science, but the question is how are they going to be implemented?

The Navajo Nation is concerned that development of its water has been delayed in order to conduct the research to get to these recommendations. Now that we have them, let us get on with the process.

The Bureau of Indian Affairs, concurring with the Navajo Nation, stated that NIIP needs to go forward, and it needs these recommendations to do so.

The State of Colorado recommends that the Section 7 discussion be removed and impacts to trout need to be included. The 10,000 cfs flow recommendations are not justified. Impacts from overbank flooding are of concern regarding damage to personal property. The Section 7 Committee should be reconvened and an understanding reached regarding the use of flow recommendations in consultation before the recommendations are adopted. There should be more time for review with the provision of one more draft of the report and that draft needs to go to the public for review. NEPA is not broad enough.. The State of Colorado is not ready to adopt the recommendations at this time.

The Water Development Interests believe that public review should occur before adoption by the Coordination Committee; that the 5,000 cfs or 6,000 cfs peak release from Navajo should be resolved, and that the section 7 discussion be removed. Requested that the Service produce a "white paper" on how section 7 consultations would be conducted. The public review process would not hold up any section 7 consultation as the Service could still use the recommendations as the "best available data". The Bureau of Reclamation's NEPA process is of narrower scope than the anticipated impacts of the flow recommendations; therefore, Mr. Pitts stated that he was not prepared to adopt the draft flow recommendations.

The Bureau of Reclamation asked that if the flow recommendations are sent out for public review, what will be done with the comments? Will public comments revise the science upon which the flow recommendations are based?

The State of New Mexico stated many concerns regarding the bases for and implementation of the flow recommendations. These included:

- Before approving the draft, secondary criteria need to be reviewed with respect to the 5,000 cfs release.
- Technical data supporting the 10,000 cfs flow recommendation are inadequate.
- The State of New Mexico is concerned about technical data supporting the 8,000 cfs flow recommendations and that flows at 8,000 cfs are above bank full flows.
- If river flows are needed to flush sediment down the river channel, could sediment retention measures in tributary watersheds reduce sediment loading into the channel and consequently reduce the need for flows to flush sediment?
- More information is needed regarding modeling vs. habitat mapping.
- What will be needed to modify these flow recommendations once they are accepted?
- Who will reevaluate flow recommendations beyond the end of the Implementation Program's scheduled life?
- How will the Fish and Wildlife Service implement flow recommendations in section 7 consultations?
- The report proposes relying on flow manipulation for creating and maintaining habitat even though nonflow alternatives are available. Flows need to be reviewed in the context of nonflow alternatives.
- Concern regarding validity of Navajo operating rules.
- Section 7 discussions need to be reopened for discussion of the roles of the flows and RIP as a reasonable and prudent alternative prior to adopting the flow recommendations.
- There should be a public review process. The public has not seen the report. The State of New Mexico feels strongly that there is a need to provide public input on the draft report.
- The State of New Mexico wants more time to review the draft flow recommendations report and is not prepared to adopt the flow recommendations at this time.

The Jicarilla Apache Indian Tribe representative stated that concerns were with wording and presentation, not the science, and that there were significant concerns with the latter two chapters and with implementation which needs to be addressed.

The Bureau of Land Management representative had not had time to review the document but stated that there was confusion between public information and seeking public review and comment. The recommendations for flow were not of themselves a Federal action requiring NEPA; it was the actions and alternatives used to achieve those flows that would trigger NEPA.

Actions by the Coordination Committee:

Tom Pitts proposed a motion for a public review period of the flow recommendations and report. The motion was not approved. Voting for the motion were the States of Colorado and New Mexico and Water Development interests. Voting against were: the Fish and Wildlife Service, the Bureau of Reclamation, the Bureau of Land Management, the Bureau of Indian Affairs, the Navajo Nation, the Ute Mountain Ute, the Southern Mountain Ute, and the Jicarilla Apache.

The following was moved by Scott McElroy, seconded by Stanley Pollack, and amended (in italics) by Jessica Aberly (with a second by Lee Otteni):

It is moved that the Coordination Committee adopt the San Juan River flow recommendation report with the exception of the text beginning with Parameter Selection and Optimization Process Section on page 7-16 through page 7-20 and the text beginning with Model Results on page 8-10 through 8-19, which are to be deleted, and *with the expansion of the document to include the additional examination of both the 5000 cfs and the 6000 cfs release scenarios*. In addition, all references in the report referring to how section 7 consultations are to be conducted are to be deleted.

It should be noted that the State of New Mexico repeatedly raised the point that deleting the two modeling sections from the report would remove the sole support for the secondary flow-duration criteria given at page 8-3 of the draft report. Ms. Aberly's amendment (italics) was passed by an 8 to 3 vote of the Coordination Committee. Mr. McElroy's motion, as stated above with Ms. Aberly's amendment, was passed by an 8 to 3 vote of the Coordination Committee. Voting in favor of the motion were: the Fish and Wildlife Service, the Bureau of Reclamation, the Bureau of Land Management, the Bureau of Indian Affairs, the Navajo Nation, the Ute Mountain Ute, the Southern Mountain Ute, and the Jicarilla Apache. Against the motion were the State of New Mexico, the State of Colorado, and Water Development interests.

Further editorial comments on the draft report will be provided to the Biology Committee by November 8, 1998. The Biology Committee will furnish the revised report to the Coordination Committee 3 weeks following that date (November 30), allowing for a 2-week review period by the Coordination Committee prior to the next meeting of the committee. The next meeting of the Biology Committee will be held in Albuquerque, New Mexico, on November 9, 1998.

Section 7 Ad Hoc Committee: The Coordination Committee approved the resurrection of the Section 7 Ad Hoc Committee to address the section 7 process. The following individuals will participate on the Ad Hoc Committee:

John Whipple

Tom Pitts

Scott McElroy

Jennifer Fowler-Propst

Jessica Aberly

Bob Krakow

Randy Seaholm

John Hamill

Minor Depletions: Jennifer Fowler-Propst distributed a revised table of minor depletions. That table did not include the most recent information. An updated version is appended hereto.

Biological Opinion on Proposed Research Permitting Program at Glen Canyon National Recreation Area - National Park Service: Copies of the September 2, 1998, biological opinion prepared for the subject consultation were distributed. Because of the potential to take all four endangered Colorado River fishes, a mandatory provision to minimize that take was formulated by the Service and accepted by the National Park Service. That reasonable and prudent measure requires the National Park Service to participate in and support, including funding, the San Juan Recovery Implementation Program. Representatives of the States of Colorado and New Mexico and the Water Development Interests objected to the inclusion of the National Park Service in the Recovery Program through the section 7 consultation. The State of New Mexico specifically objected on the grounds that the Biological Opinion failed to comply with the procedure for approving new Federal agencies to participate on the Coordination Committee as stated under Section 5.1.1 on page 40 of the Recovery Implementation Program document. The Service disagreed. Lack of time precluded conclusion of the discussion.

Next Meeting: The next meeting of the Coordination Committee is scheduled for December 15, 1998, from 9:00 a.m. to 5:00 p.m. in Farmington, New Mexico.

Attachments