



**San Juan River Basin
Recovery Implementation Program
Coordination Committee
Minutes for
May 26, 2004**

Coordination Committee Members

Joy Nicholopoulos
Brent Uilenberg
Joel Farrell
Susan Jordan
Bob Krakow
Henry Maddux
Dan Israel
Scott McElroy
Tom Pitts
Stanley Pollack
John Whipple

Representing:

U.S. Fish and Wildlife Service
Bureau of Reclamation
U.S. Bureau of Land Management
Jicarilla Apache Nation
U.S. Bureau of Indian Affairs
U.S. Fish and Wildlife Service
Ute Mountain Ute Tribe
Southern Ute Indian Tribe
Water Development Interests
Navajo Nation
State of New Mexico

Hydrology & Biology Committee Members:

Pat Page, Hydrology Committee
Chuck McAda, Biology Committee
Bill Miller, Biology Committee
Vince Lamarra, Biology Committee

Representing:

U.S. Bureau of Reclamation
U.S. Fish and Wildlife Service
Miller Ecological
ERI Navajo Nation

Others Present:

Rob Ashman
Brian Hanson
Mike Buntjer
Joann Perea-Richmann
Rick Trost
M. Roberts
Randy Kirkpatrick
Robert E. Oxford

Representing:

PNM – San Juan Geological Service
U.S. Fish and Wildlife Service
U.S. Fish and Wildlife Service
U.S. Fish and Wildlife Service
BHP Billiton New Mexico Coal
U.S. Bureau of Reclamation
S.J.W.C.
Unknown didn't indicate

WELCOME AND INTRODUCTIONS

Brian Hanson welcomed everyone to the meeting and explained that the flight for Joy Nicholopoulos and others was cancelled; therefore they were in route via car and would arrive about 11:00 am.

UPDATE ON BIOLOGY COMMITTEE – CHUCK MCADA, CHAIRMAN

Informed the Coordination Committee one proposal is being re-evaluated and two others will be reviewed by a sub-committee within the Biology Committee. There were no proposals for entrainment in the canal so it was re-issued and has a 30 day advertisement period.

The committee has been working on the final report for data integration that evaluates the monitoring program. The committee met earlier this month to discuss additional data analysis identified for some part of the small-bodied fish component of the report. A draft is scheduled to be out mid June, with a revised draft in late June and the final by mid-July.

Annual reports have all been produced by various researchers within the committee as well as their individual reports associated with the data integration process. We looked at ongoing studies and monitoring, suggested changes within the scopes-of-work to make adaptations to improve the process. Some design changes were made but most are staying the same.

The population model was discussed and the committee agreed to provide additional money to finalize the model to get it running so that others can use it.

Fish augmentation condition is an issue with some ponds in the Farmington area. More facilities are needed to produce sufficient fish and size to meet augmentation goals. Pond management is an issue and the BIA has done a good job. Navajo Fish and Game is developing a process to take over management of the ponds. The Grand Junction FWS office has been coming down to stock the ponds with about 1300 10"-12" razorbacks this spring. The FWS will be bringing down about 100,000 (8"-10") fry.

We are currently working with the Hotchkiss fish hatchery who is interested in raising some fish and on water rights associated with some ponds. We're anticipating 3,000-4,000 razorbacks by the end of the year.

At the last Coordination meeting some discussion was brought up about having a full-time Fish and Wildlife employee to be housed in Albuquerque or Farmington to oversee pond management as well as a variety of other projects. The Biology Committee agreed to this and would like the Coordination committee to consider this. A position description was put together by Chuck and Jim Brooks for comments.

Tom Pitts suggested that the Biology Committee define the needs for this

position then forward position description, write-up and recommendation to the Coordination Committee before their next meeting in September before a decision is made. The Coordination Committee Agreed.

Razorback stocking has been successful since catch rates of adults have increased. Larval razorback have been captured in large numbers in the summer time and some documentation of recruitment of wild fish into the juvenile phase.

Pike minnow were stocked (approximately 175,000) last fall, and continue to be captured, some adults from 1996-1997 stocking period, younger fish from 2002 stocking period and some through the winter months from last falls stocking. Looks like another 1,000 will be stocked of the larger pike minnow in the upper basin as soon as possible.

An update was given on fish that were lost last year. Paul Holden tried to simulate the same process as the first stocking to see why the fish died but the fish did not die. It was determined that stress may have led to this unfortunate mishap.

Vince Lamarra indicated that the pond which is currently being used is producing fish.

The Biology committee is asking for 300,000 Pikeminnow from Dexter for stocking this year, which are approximately 50mm long. Last year 175,000 fish were received and year's prior we received about 200,000 fish. It appears we are getting natural reproduction.

All fish go into the river pit tagged except for the small pikeminnow. Various marking exercise's have been used to identify the fish put none have worked well.

The fish ladder has been working well. A large number of native fish have gone through. Last year eight Colorado pike minnow, four Razorback Suckers and one round tail have gone through. There's been no indication of endangered fish as of yet but a large amount of traffic has been seen.

ACTION ITEMS

Biology Committee is to provide information for Coordinator/Field Manager to the Coordination Committee with the above information.

Provide Coordination Committee with the final draft of the Data Integration Report by the end of August early September after the Biology Committee and Peer Review Committee reviews it. Upon the review from the Coordination Committee, a suspense day for comments would be the end of September 2004.

UPDATES FROM HYDROLOGY COMMITTEE – PAT PAGE, CHAIRMAN

Three tasks budgeted for 2004 (1) completion of the Generation 3 Model (Gen 3), (2) Operation and Maintenance including model runs and (3) additional visits to gaging stations by USGS to calibrate more frequently. A meeting was conducted May 18, 2004 where the committee identified a finish line for the Gen 3 where the schedule called for calibration and implementation of the 3rd generation operating rules into the Navajo EIS data set and drought documentation by July 6, 2004. There are still issues that need to be resolved at the next meeting.

Three new river projects will be run and analyzed with the 3rd Gen model along with completion of documentation: Jicarilla, Long Hollow and Navajo Gallup. The actual documentation will be run with Gen 2 and Gen 3 and see if they match.

At the last Hydrology meeting the committee approved recommendations for requesting and making model runs. This will basically set up procedures when another agency or group wants a model run. **Pat Page will send recommendations for conducting and or requesting model runs to Joann to send out via list serve.**

The committee is still developing the draft for the extreme conditions definition. The Hydrology Committee agreed that we are still in extreme conditions (dry conditions).

Next meeting is a Conference call July 13, 2004 to discuss FY 2005 budget.

Cloud Seeding Proposal from Hydrology Committee

A briefing was presented by Mr. Hjernstad of Western Weather Consultants in reference to cloud seeding process. No action was taken at this time and it would depend on funds.

BRIAN HANSON ADDRESSED THE POSITION OF PROGRAM COORDINATOR

Internally the coordinator position is in the personnel office for classification. Hopefully, this will be advertised within the next month both within and outside Fish and Wildlife Service. This process could take about 3-4 months to finalize.

The coordination committee expressed the concern on how the work plan would be assembled. Brian said with the help of the coordination committee, Fish and Wildlife Service is committed to getting this done. **Submit Draft Work Plans for FY2005 by July 21, 2004 to Brian Hanson and Joann Perea-Richmann who will then compile and try to have it to the Coordination Committee by August 15, 2004.**

COMPLETION OF CAPITAL PROJECTS – BRENT UILENBERG

Concerned with authorizing legislation funds for the Recovery Program. We have a limited window of opportunity to get the capital projects built which expires in 2008. After that time we will lose authorization for the use of Federal Funds for the San Juan River. He stated that if there are any projects in which the Biology Committee feels needs to be done it needs to be done soon. The focus should be on what needs to be accomplished.

Brent indicated that RFP's being evaluated are for screening Hogback Diversion and two RFP's on passage evaluations on the Arizona Public Service diversion and the Fruitland Diversion. These are one year studies using FY04 funding and are in the FY2005 budget. Bill Miller stated that they were on track and that they are on a one-year study. The reports recommend appropriate screening and passages if needed.

Tom Pitts asked why the evaluations could not be completed this year. Bill Miller indicated that the money is not in for the evaluation at this time. Brent asked that if the Biology Committee can identify any capital projects such as fish screens and any others to be included in proposals for funding in FY2005.

Long Term Plan Update - Brent Uilenberg made a suggestion that the committee review and be prepared to discuss and approve the plan at the next meeting.

Tom Pitts and Brent Uilenberg will review the DRAFT Long Term Plan and make any necessary changes and forward them to the rest of the committee for approval prior to the next meeting September 10, 2004.

Program Documents – The document dated Oct 29, 2002 transmittal date Feb 4, 2003 was sent out by Shirley Mondy which asked the Coordination Committee to submit their comments. Brent stated that he didn't remember the committee finalizing this. Apparently comments were never received. Brent mentioned that he reviewed this and it looked good, so there may only be minimal changes. **The Coordination Committee needs to review and send comments to Joann by July 1, 2004. Then the review comments will be sent to the Coordination Committee along with the DRAFT Program Document by July 15, 2004 via e-mail in word format. The document will be finalized at the September 10th Coordination meeting.**

Brent addressed the committee saying that the Coordination Committee needs to provide better leadership to both Biology & Hydrology Committee. Meetings need to be scheduled on a regular basis.

Brent asked if and when documentation and recommendations were received from the Biology Committee for the position of Propagation Coordinator if this could be sent to FWS for hiring. Brian stated yes this could be done but would need some guidance from the Coordination Committee of how they wanted it posted, internally only or also to the outside community. Brian also mentioned

that the Biology Committee discussed this at their meeting in May.

Tom Pitts gave an update on funding for FY2005 – A visit to Washington D.C. occurred in March for the San Juan RIP and the Upper Basin things went very well. We have excellent support from our Delegation and 13 out of 14 members from our four states signed letters supporting appropriations for the Service and Bureau separately. Both the San Juan RIP and Upper Basin have been cited as models on how the ESA can be implemented it looks like the funding will be there. The Department of Interior dropped the Service funding for Upper Basin program down to about \$700,000 along with other popular programs like Wolf and Grizzly Bear but the committee asked that funding be put back in.

Joy addressed the committee to see if all were in agreement to approve the Conference Call minutes for October 3, 2003. All committee members approved.

RAMIFICATIONS OF THE BIOLOGICAL OPINION (BO) FOR THE NAVAJO DAM RE-OPERATIONS - STANLEY POLLACK

The Tribes had a meeting in March with the Service and at that meeting had questions on the Draft Biological Opinion. Apparently the draft BO is with Solicitors in Reclamation and Fish & Wildlife. A number of impacts resulted from the delay. Releases were higher than they should have been or would have been if the final BO arrived in the spring. The release has affected the water users who have been cooperative. But in terms of the program the more water that's released is going to affect next year's spring release; therefore we need to build up the Navajo reservoir supply. At this point the technical committee is looking at the Coordination committee for support.

Joy handed out a memo from Ms. Carol DeAngelis, Area Manager Bureau of Reclamation dated May 19, 2004 which requested that the BO not be released for the Navajo Reservoir Operations. "We are now changing the proposed action so that evaporation is no longer part of the proposed action. It should have not been included in the basis. Therefore, evaporation is not a result of proposed action it should be a part of the baseline, as such we should have not have included it in our Biological Assessment as a component of the action. Further, we understand that there are additional issues that are currently being discussed within the Office of the Solicitors in Washington D.C. We request that you do not release a final Biological Opinion until these issues are resolved."

Stanley Pollack stated that part of the problem is that we've worked really hard to develop flow recommendations that we think are valuable to the fish, but the BO that came out says that the flow recommendations themselves, which is what the re-operation of the dam is trying to achieve, is bad for the fish. There is a huge PR hit by that kind of BO. This seems to undermine the ethics of the Program.

Joy responded saying that the BO didn't say that the flow recommendations are hurting the fish. The BO said that the expected results in habitat building and

habitat improvements have not been realized as expected from the flow recommendations. So it was not a jeopardy opinion, it basically said that it's too early to tell.

Stanley replied that seems to suggest that if the beneficial aspects of the dam re-regulations are not benefiting habitat, then will that put existing projects at risk of re-consultation?

Joy stated that she thought it was too much of a leap to make. It's still early, we had the research period and we are still in the process to see what will happen with the flow recommendations. The Biology committee is still researching this and we'd have to wait for Biology Committee's recommendations.

Tom Pitts stated that he was amazed with the process, because we have a flow recommendation which this committee approves, and that the FWS approves, which everyone agrees will do something for the fish.

Joy stated that the Service is still waiting for more discussions from the Biology Committee, because that's where we expect to get technical information from.

It was asked if the BO would be affected. Joy stated NO, The BO was non-jeopardy. The BO when completed will be finalized as a non-jeopardy, but what it says about how much habitat has been built or what the flow recommendations have resulted in, is not as concrete as we thought the flow recommendation would produce. We're not saying the flow recommendations are bad or that we don't support them.

Tom Pitts stated that there's also a section in the BO about adaptive management in what were doing. It sounds like the Service is taking a negative view at adaptive management. Water users are at a high point of frustration with the process and that this is tied up in the Solicitors office. He also stated that they are going to write a letter to the Secretary of Interior to voice their concern with the hold up.

Dan Israel made a statement that they have zero confidence with the ability of competence with FWS and Bureau of Reclamation to get the jobs done.

Joy stated that she disagreed with Mr. Israel and feels her staff is totally competent with the work that is done. Her staff is trying to get this document out which is legally sufficient and can be defended and will continue to work with the Bureau of Reclamation.

Susan Jordan stated a point of clarification that when they had the tribal meeting, it was her impression that the Service had realized and believes as Susan McMullan stated "that it was a mistake to describe the flow recommendations in the way they were described in the BO and that it came across in a more

negative way, then what was intended higher up when others reviewed the draft.” And it was Susan Jordan’s impression that this was being fixed.

Joy stated that the tone in the BO was taken wrong therefore a second draft has been completed to correct the wording. Tom Pitts asked if there was any idea when this BO would be released. Joy stated that she has no idea when it would be released. The issues were on categories, baseline versus ongoing impacts and discretion issues and beyond that no other information can be given.

Susan Jordan asked if the Bureau was going to release this document for the committee to review and comment to keep this moving while under going Solicitor review.

Brent responded by saying he would be hesitant to respond. And that he would have to follow up on this and get back to the committee.

EA STATUS ON THE BUREAU OF RECLAMATION OPERATIONS - PAT PAGE

They want to have releases lower than 500 cfs during this time frame. Public comment closed on this 5-14-04 and the Hydrology Committee should have the final EA 5-21-04, with a preferred alternative of 350 cfs minimum allowable release. Based upon the current forecast the maintenance flow of 400 cfs is still triggered because of the end of July content is still less than 1 million acre feet so it triggers the maintenance flow. Once the Animas runoff is over, operations will maintain the 400 cfs target base flow through October.

JICARILLA APACHE NATION, NAVAJO RIVER WATER DEVELOPMENT PLAN – BRIAN HANSON, FWS

The situation on the final letter dated April 7, 2004, to the, U.S. Army Corps of Engineers (Jicarilla Apache Nation, Navajo River Water Development Plan proposed action). It was mentioned that on Page 32 an error was found where an Appendix B was not included in this BO. Tables of results and modeling inputs done by Keller–Blissner Inc. were included in the Biological Assessment (BA). If someone wanted to verify the model run they could take this information and make the run. The Hydrology portion of this model run can be obtained from the Army Corps of Engineer.

At what point does the depletion begin to affect the flow recommendation? Model inputs were done by Keller-Blissner (Consultants/Contractors). The nation provided the information to make the model run.

Joy stated that the FWS does not make model runs. Also, formal notifications of consultations once a BO is complete are not sent out. It is the responsibility of others to request this information.

Susan Jordan said the Service does not authorize anyone’s water rights. The Jicarilla chose to use Section 7 rules.

Dan Israel read a statement saying “Section 7 principles require that the feds minimize impacts for future depletions for conservations. “The Service will work with these federal actions (Corps of Engineer) and project sponsors during consultations to attempt to identify mutually agreeable opportunities to minimize impact. Then he reads from the BO stating it regulates depending on certain factors.” His question on this is why Jicarilla is not required to use their existing depletions first before requesting more?

Joy stated that “the FWS does not craft the proposed action, we analyze the proposed action. We don’t ask them to change anything, we only analyze the proposed action we are given.”

Susan Jordan explained that the Service is NOT granting water rights or depletions she stated that “ the Nation has water rights that are recognized through a final decree act of congress and a contract, and have the right to utilize that water. We simply went through a section 7 compliance process and demonstrated that we weren’t adversely impacting the species. And that was done. In terms of minimizing impact and effects; what the Service appropriately does is what they did. This project was analyzed in accordance with the model that was adopted by the Hydrology committee of this program, and the project depletions were run through this model with the baseline that was utilized in this model. She also said if people are critiquing this model they are critiquing it for every model and project out there.

Dan Israel asked “Does the Jicarilla utilize water rights without depletions?” Susan Jordan stated that any tribe can go through the section 7 process. Joy again stated that the Service only analyzes the information given.

Joy suggested that Dan Israel make an appointment with her to discuss the section 7 process.

Tom Pitts stated he had a couple concerns with consultations--The Long Hollow re-consultation took some information from the Corps of Engineer and did a model run to see if this impacted their project. Then they decided they needed to change some information on the baseline because things may change. Long Hollow came in after the Jicarilla depletions were analyzed. Tom’s concern is with the timing of computer runs. He would like guidelines on how this can be completed and some definitions from the Hydrology Committee on how they handle computer runs. **Joy stated that information will be provided at the next Coordination Meeting.**

Tom Pitts asked if and when a Biological Assessment is submitted by a Federal agency to the Service is this public information? **Joy commented that if the Service receives FOIA for the final Biological Assessment it can be released to the public upon request.** Brian mentioned that during the last Hydrology meeting, if there were any upcoming water issues they would bring

them to the attention of the other committees.

Mr. Pollack stated he understood the flow recommendation in the model, but asked how we can prevent a rush of water consultations under the model before it gets to a point where the water can't be released into the next month?

Tom Pitts asked to address a question which Mr. Israel asked about depletion of water. He stated that this Program was set up to facilitate the recovery of the fish and water development in accordance with interstate compact and state law. This program is doing much more than providing flows in order to recover these fish and to provide reasonable prudent alternatives. No one ever wrote into the document that flow recommendations are sacrosanct. Section 7 principles say that the Service will consider all the activities of the program; from stocking, passages, screens, flow releases in determining reasonable prudent alternatives. It doesn't state anywhere that flow recommendations are dependent on the ability of the state, tribes or water users who develop the water rights. And the section 7 principles state the same thing. He also stated that he doesn't think there is a need or rush and hasn't been a rush for the Upper Basin because the program is designed to cover all depletions up to the compact limits.

Joy agreed and stated that the Service has never understood the rush for consultations, but appreciates others wanting to get these done as soon as possible.

REIMBURSEMENT TO CITY OF DURANGO FOR COST OF GROW OUT PONDS/SHARING OF COMPUTER RUNS RE: SECTION 7 CONSULTATIONS – TOM PITTS

Reimbursements to City of Durango for cost of grow out ponds/Sharing of Computer runs Re: Section 7 consultants – It was agreed by the committee that if Durango wants to re-consult and if the solicitors approve, then the Coordination committee agreed that the money could be returned.

ACTION ITEMS

1. The Biology Committee will prepare a written report defining the need for fish propagation coordinator and make a recommendation how to implement it. Due before August.
2. The Biology Committee should discuss and identify capital projects such as fish screens and others so proposals can be written and projects funded in FY05 – FY08.
3. FY2005 Draft Work Plan should be completed by August 15, 2004 for Coordination Committee review. All RFPs should be developed and reviewed by various committees and plans submitted to FWS (Service) to Brian Hanson and Joann Perea-Richmann by July 21, 2004. The Service will compile and send to the Coordination Committee by August 15, 2004 for review.

4. Program long-term plan needs to be reviewed and finalized. Members of Coordination Committee should review and submit comments to the Service by July 1, 2004. The Service will send out the document with comments by July 15, 2004. The plan will be finalized at the September 10, Coordination Committee Meeting.
5. Demonstration of Population Model by the Bill Miller & Vince Lamarra at the September 10, 2004 meeting.

Next meeting September 10, 2004, 8 am – 4 pm, then January 11, 2005, 9 am – 4 pm, both in Farmington at the Civic Center.

Meeting Adjourned at 3:00 pm