

Approved August 1, 2006

**SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM
PROGRAM DOCUMENT WORKSHOP
JUNE 8-9, 2006
DURANGO, COLORADO**

Members Present

Jim Brooks

Mark McKinstry
Stanly Pollack
Noelle Graney
Dan Israel
Scott McElroy
Cathy Condon
John Whipple
Randy Seaholm
Steve Lynch
Tom Pitts

Representing:

U.S. Fish and Wildlife Service, Fisheries
Field Office
U.S. Bureau of Reclamation
Navajo Nation
Jicarilla Apache Nation
Ute Mountain Ute Tribe
Southern Ute Tribe
Southern Ute Tribe
State of New Mexico
State of Colorado
U.S. Bureau of Indian Affairs
Water Development Interests

Program Management:

Dave Campbell

Joann Perea-Richmann

Representing:

U.S. Fish and Wildlife Service,
New Mexico Ecological Services
U.S. Fish and Wildlife Service,
New Mexico Ecological Services

Interested Parties:

Steve Harris

Water Development Interests

KEY DISCUSSION ISSUES

As a result of earlier discussions and input at the June 8 and 9 meeting, the following issues were discussed by the Coordination Committee:

1. Developing the long range plan and annual work plan (roles of the Coordination Committee, technical committees, and Program Coordinator)
2. Contracting procedures
3. Voting procedures
4. Proxy voting
5. Program Coordinator and technical advice and decisions
6. Coordination Committee line item veto of annual budget
7. Selection process for technical committee members (who decides qualifications)
8. Use of National Fish and Wildlife Foundation for contracting
9. Title of Program Coordinator
10. Participation in the Program
11. Staffing of the Program Coordinator's office

8/8/2006

Working Group Final Meeting Summary June 9, 2006.doc

Discussions associated with each of these items are summarized below:

No final agreements were reached; however, some tentative agreements were reached.

REVIEW OF ISSUES

1. **Developing the long range plan and annual work plans - roles of the Coordination Committee, technical committees, and Program Coordinator:** Dave Campbell is working with the Biology Committee and Hydrology Committee to update the long range plan, and make it specific so that it can be used to formulate annual work plans that meet long term Program goals.

As the discussion began of the long range plan and roles of the technical committees and work plans on June 8, Dave Campbell provided a chart indicating what he thought would be a workable process for development of the long range plan and annual work plan (Attachment 1). (Attachment 1 references a “fiscal manager.” Campbell is referring to the Bureau of Reclamation as the “fiscal manager.”) That process, as tentatively agreed upon, is described below:

- 1) **Conduct SJRBRIP annual meeting:** An annual meeting (similar to the one held last February) involving the Coordination Committee and technical committees will be conducted each year. At the meeting, presentations will be made by members of the technical committees. Coordination Committee members would be provided an opportunity to ask questions and to come to an understanding of current program activities. Decision issues will need to have 7 days notice if vote is required, unless the committees unanimously decide to consider an issue for a vote when it is presented.
- 2) **Update the long range plan:** Following the annual meeting, the Program Coordinator will update the long range plan. The update will reflect accomplishments during the past year, new projects needed to achieve goals, changes in timing of projects, etc.

The Program Coordinator will provide the draft updated long range plan to the technical committees and the Coordination Committee for initial review and comment. (One of the problems in past has been that the Coordination Committee never saw a long range plan, annual budget, or scopes of work until the end of the process, and never had a chance to review early drafts.)

Following receipt of comments, the Program Director will modify the long range plan and begin working with the technical committees to develop a proposed draft long range plan for presentation to the Coordination Committee.

The long range plan will be approved by vote of the Biology Committee, Hydrology Committee, and Coordination Committee.

- 3) **Develop list of prioritized projects for annual work plan:** Based on the long range plan, the Program Coordinator will provide a list of projects for the next annual work program to the technical committees and Coordination Committee. The technical

committees will prioritize the projects. The prioritized list will be approved by the Coordination Committee.

- 4) **Request for proposals and development of scopes of work:** Scopes of work will be prepared for the list of prioritized projects and requests for proposals will be solicited. (See discussion of contracting below.) Upon receipt of the scopes of work, and responses to requests for proposals, the prioritized projects will have associated budgets. These will be compared to the availability of funds. Projects which are low on the priority list will be eliminated if funding is not available to fund all projects in that fiscal year. This effort will be conducted entirely by the Program Coordinator. Unfunded, low priority, projects will be considered in the next long range plan update.
- 5) **Development of an annual work plan and budget:** After comparing the prioritized list to available funds, the Program Coordinator will provide a proposed annual work plan and budget to the technical committees and Coordination Committee for final approval.

2. **Contracting procedures:** The contracting procedures that were tentatively agreed upon include:

- A. Certain types of work are defined as inherently governmental: monitoring of endangered fish, propagation and stocking of endangered fish including operation of hatcheries, and nonnative fish removal. (Operation of fish passage structures will likely be added to the list.)
- B. Work that is defined as “inherently governmental” will be reserved for federal, state, and tribal agency personnel.
- C. All work that is not inherently governmental, including research, will be competed out on an RFP basis.
- D. Private contractors currently serving on the Biology Committee will not be excluded from bidding on work that is not inherently governmental.

3. **Voting procedures:** Tribal representative (Scott McElroy, Southern Ute), proposed that vote of two-thirds of the Coordination Committee is needed to approve any measure. This would require 8 out of 11 voting on a particular measure to pass it. (This would seem to imply that two-thirds of the participants is a quorum, however, the quorum issue was not addressed by McElroy’s proposal.)

Water development interests proposed that two-thirds would constitute a quorum and two-thirds of quorum would be an appropriate vote for approval. This would mean eight members could be a quorum; six would be required to pass any measures, if only eight were present. Six would still be a majority of the total membership of 11.

4. **Proxy voting:** Scott McElroy proposed that proxy voting be allowed. The proposal included limitations that proxies be used on something like one-fourth of the votes that are taken.

Water development interests prefer the use of alternates to proxies.

5. **Program Coordinator Technical advice to Coordination Committee:** During a discussion of the annual work program process, a Coordination Committee member said that he wanted the opinion of the Program Coordinator, independent of the Biology Committee, on recommendations to the Coordination Committee, including those of the long range plan and annual work plan budget. There seemed to be general concurrence among those present that this should be the case. However, David Campbell pointed out that he had been instructed by the Service that the role of the Coordinator was to support the decisions of the various technical committees and not to offer opinions that undermine the role of the technical experts.

6. **Coordination Committee line item veto of annual budget:** The subcommittee proposed that the Coordination Committee have line item veto of items in the budget. The tribes proposed a two-thirds affirmative vote of all members of the Committee to veto. In other words, it would take eight votes to remove an item from a budget proposed by the technical committees.

7. **Selection process for technical committee members:** The subcommittee proposed that each member of the Coordination Committee (or Program participant) appoint members to the Biology and Hydrology committees, and eliminate the existing requirement that the Biology Committee review and approve nominees based on technical qualifications.

The tribal representatives proposed that the qualification provision for the Biology Committee be maintained and also apply to the Hydrology Committee.

Dave Campbell said that U.S. Fish and Wildlife Service supports having the technical committees review and pass on the qualifications of members as a means of ensuring that technical qualified people serve on the committees.

It was pointed out that only once in the history of the Program had the Biology Committee rejected a member based on qualifications, i.e., a BLM employee. BLM subsequently nominated another person who was accepted.

Randy Seaholm said that Colorado may not have a lot of choice in who it nominates to serve on the committee. The person who fills a certain slot at the Division of Wildlife will be the nominee.

Tom Pitts raised questions regarding the qualification statement that says that that person must have experience in the San Juan basin, which severely limits nominees. The language was modified to reflect this concern.

Proposed resolution: If the technical committees reject a nominee, that rejection goes to the Coordination Committee for a final decision, and the Coordination Committee will determine if there are circumstances other than technical qualifications that would provide for that person serving on the committee.

8. **Use of National Fish and Wildlife Foundation for contracting:** In order to expedite contracting and possibly reduce contracting costs, there was a discussion of the options for transferring funds appropriated to Bureau of Reclamation by Congress to the National Fish and Wildlife Foundation (NFWF). Currently, NFWF receives contributions from the states (Colorado, Wyoming, Utah, and New Mexico) for their portions of the capital projects budget.

At issue is to determine whether or not the Program and Reclamation have legislative authority to transfer funds to National Fish and Wildlife Foundation. If authority exists, it could expedite contracting procedures and reduce contract administrative costs.

9. **Title of Program Coordinator:** The committee discussed changing the name of the Program Coordinator to “Program Director” as proposed by the subcommittee.

10. **Participation in the Program:** Scott McElroy, Southern Ute representative, raised the issue of the water development interests having equal voting participation in the process along with federal, state, and tribal governments. He said it was not clear who Tom Pitts was representing, i.e., what water development interests? In order to clarify this matter, he would like to know who Tom Pitts represent, and also what the water development interests “decision making process” is.

Scott pointed out that the water development interests were not a “signatory” to the agreement. As an intergovernmental agreement only governments were signatories. Tom Pitts responded that the water development interests chose not to become a signatory in the Upper Basin Program because water development interests thought that the Cooperative Agreement should be an agreement among government agencies. That logic was carried through on the San Juan, and it is still acceptable to the water users. However, it is clear in both Program documents that the water users to have seats on the Coordinated Committee and other committees on an equal basis with other members. This has been the case since the inception of the Program.

11. **Staffing of Program Coordinator’s office:** In discussing the role of the Program Coordinator, one of the members of the Coordination Committee raised the issue as to whether or not Dave Campbell had adequate staff to carry out the new duties. Campbell said that he could use some help along the lines of a GS 9 or 11 grade level biologist.

It was suggested that Dave Campbell insert into the 2007 work plan a new position for his office (the GS 9 or 11) biologist for consideration by the Coordination Committee. The Committee concurred with this recommendation.

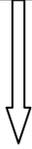
The Service representative said the Service would support additional staffing if it is in the budget.

Next Meeting:

Follow-up Workshop scheduled for Aug 1 (1-5pm), Aug 2 (8 am – Noon) in Albuquerque, NM. Directions will be e-mailed.

Attachment 1

SJRRIP Annual Meeting
Coordination Committee, Technical Committees, USFWS



Updated Long Range Plan
Technical Committees, Program Coordinator



List of Prioritized Projects
Technical Committees, Program Coordinator



Request for Proposals
Internal or External Review Process
Program Coordinator and Fiscal Manager



**Development
of
Annual Work Plan
and
Budget**
Program Coordinator and Fiscal Manager