

Approved March 2, 2010

San Juan River Recovery Implementation Program  
Coordination Committee Meeting  
Sept. 10 and 11, 2009  
Farmington, NM

Meeting Summary

**Coordination Committee Members:**

Jim Brooks, Chair  
Catherine Condon  
Herb Becker  
Steve Lynch  
Al Pfister  
Tom Pitts  
Stanley Pollack  
Randy Seaholm  
Brent Uilenberg  
John Whipple  
Adrian Oglesby  
Dan Israel (first day)  
Absent

**Representing:**

U.S. Fish and Wildlife Service, Reg. 2  
Southern Ute Indian Tribe  
Jicarilla Apache Nation  
Bureau of Indian Affairs  
U.S. Fish and Wildlife Service, Reg. 6  
Water Development Interests  
Navajo Nation  
State of Colorado  
Bureau of Reclamation  
State of New Mexico  
The Nature Conservancy  
Ute Mountain Ute Tribe  
Bureau of Land Management

**Hydrology & Biology Committee Members and Committee Alternates:**

Andrea LeFevre, CC Alternate  
Michael Howe, CC Alternate  
Bill Miller, BC Chair  
Mark McKinstry, BC Member  
Paul Holden, BC Member  
Paul Harms, HC Alternate  
Steve Harris, HC Member

Jicarilla Apache Nation  
Bureau of Indian Affairs  
Southern Ute Indian Tribe  
Bureau of Reclamation  
Jicarilla Apache Nation  
NM Interstate Stream Commission  
Southwestern Water Conservation District

**Program Management:**

David Campbell, Program Coordinator  
Sharon Whitmore, Asst. Program Coordinator

U.S. Fish and Wildlife Service, Region 2  
U.S. Fish and Wildlife Service, Region 2

**Interested Parties:**

Amy Kraft  
Warren Vigil  
Randy Kirkpatrick  
Maria O'Brien  
Carl Woolfolk

Southwestern Water Conservation District  
Jicarilla Apache Nation  
San Juan Water Commission  
BHP Billiton  
APS Four Corners Power Plant

Jim Brooks, CC Chair, opened the meeting. Several items were added to the agenda. Introductions were made. Randy Seaholm announced he would be retiring; Nov. 6 will be his last day on the job. He said his replacement on the CC would probably be Ted Kowalski but nothing is official yet.

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**July 16-17, 2009 Meeting Summary** – Seaholm moved to approve the summary as is; Whipple seconded; approved

**2010 Annual Work plan and Budget** – Campbell said changes and adjustments were made to the last version of the draft FY2010 AWP to bring costs into alignment with available funds. All changes are explained in the September 9 memo from the Program Office to the CC. He talked to all principal investigators about their budgets with the exception of the lower river non-native fish removal project. He plans to follow-up, as their costs were higher than last year with no known change in scope. He said the Program Office recommends Proposal B, which holds project budgets at last year's funding levels unless there is a change in scope or other justification for increase. He explained that the Consumer Price Index (CPI) for FY2010 is estimated to be at 0% so there will be no increase in base funds from 2009 levels. He would like the CC to establish a standard Program policy that yearly project costs reflect the annual CPI adjustment. The out-year estimates in most SOWs that show 5% annual budget increases would be removed.

Miller said the BC only reviewed the details of the SOWs, not the budgets, and are supportive of Proposal B. Israel asked if all BC members agreed with the activities in the AWP. Miller said they prioritized 2010 recovery activities and they are reflected in the AWP.

Campbell said he would like the CC to approve SOW budgets, if possible, so Reclamation can move forward with contracting. Brooks said if the budgeted amount can be agreed to, SOW details can be modified later. The group decided to go through all SOWs in Proposal B, Element by Element, and approve the budgeted amounts, if possible. Pitts asked about items with no SOWs including Workshops, TNC Habitat Planning, PNM O&M, Improve Stream Gaging, Capital Projects, and River Videography. Campbell said some do not have SOWs for various reasons. For example, a fixed amount goes directly to Reclamation every year for videography, the Program has a standing contract with PNM to do maintenance, and the funds set aside for workshops is a placeholder; actual costs are unknown until the workshop is planned. Funds could be used for facilitators, peer review, and/or expert participation. In 2009, the actual costs for workshops were more than the budgeted amount because the BC held three. Pitts requested a SOW be developed for the FY2010 workshop when the details are known. It was decided that the Program Office would develop and provide to the CC a detailed proposal prior to holding the workshop.

#### Element 1. Development, Integration, and Evaluation of Information for Recovery

**SOW #5 Database Management** – the Program Office does this activity now. The costs have not changed for 2010, it was just taken out of the Program Office SOW and given its own scope to identify it as a specific activity.

**SOW #6 Peer Review** – Pitts asked if this scope needs to be re-evaluated based on recent discussions about changing the process. Campbell said the amount is an estimate; total costs for the year may be different depending on the actual peer review work done. Miller said the new process will be to give peer reviewers specific products for focused review. The current peer reviewers would still attend the annual meetings where technical presentations are given and in-depth data discussion occur as they have been valuable contributors to that process. The number of meetings they attend will be minimal. Holden pointed out that the estimated costs for peer review may likely be less as costs for workshop peer reviewers will come out of that budget. Campbell said the scope is being revised to reflect recent CC and BC discussions. A new version of the scope that includes the current peer

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reviewers and maintaining a list of experts for focused peer review was handed out. The CC was asked to provide comments on draft SOW to Program Office within the next couple of weeks.

**SOW #7 Data Integration** – Campbell said this scope reflects the strategy of doing data integration on an annual basis. It includes a new staff position in the Program Office funded 75% by the Program, 25% by the Service. Miller said the BC supports annual data integration and believes it will be a more effective and efficient approach than the 5-year process. The BC recognizes that annual data integration will always be one year behind and they are somewhat concerned with retention of the new position. That person will need to stay with the Program long enough to perform the job well. Campbell pointed out that \$65,000 of carry-over from 2009 is included and the full amount will be required in future years.

### Element 2 - Management and Augmentation of Populations and Protection of Genetic Integrity

**SOW #8 - #12 Rearing/Stocking** - Israel asked if there were disagreements among any BC members on any of the stocking/augmentation SOWs and budgets. Miller said the BC did not consider costs and ranked this activity as highest priority, in part, because stocking is a required recovery element. Holden said the BC mostly discussed modifying certain aspects of the stocking program such as stocking location and timing. Campbell emphasized the stocking program is relatively young and stocking goals are just now being met. Pitts asked if there is a specific number of stocked fish expected from NAPI ponds. Brooks said the strategy is single cohort production, i.e., all ponds are drained each year and all fish stocked regardless of size; the size target is  $\geq 300$  mm. Campbell said total numbers are not known but the objective, described on page two of the SOW, is for 4,200 to 6,300 fish from all ponds based on a 40-60% return.

Condon asked about the high cost of transporting fish, \$10,000 for Uvalde. Campbell said they have to travel a long way in large trucks making several trips and he thinks the costs are reasonable. Holden pointed out they will need to make more trips in 2010 to transport the larger fish.

### Element 3 - Protection, Management, and Augmentation of Habitat

**SOW #13 SJRB Model** – Pitts questioned the projected 3% increase for out-years. Total costs should go down once Gen3 is fully developed when the primary activities are routine maintenance and operation. Campbell said it is not anticipated that Gen3 will be fully developed until 2013. Whipple said the estimate was two years to finish the conversion of StateMod to Riverware Migration Model and another two years to develop a natural flow component.

**USGS Stream Gaging** - A SOW was included in the past for this activity. Whitmore said she contacted Pat Page to check on the costs but had not heard back yet. Whipple said the cost to the Program is to increase the number of visits for measurements. Uilenberg, McKinstry, and Katrina Grantz will develop a SOW.

**SOW #15 Operation of PNM Fish Passage** – Pitts asked about the need for a projector and screen. Campbell explained the fish passage provides a great opportunity to promote Program goals and the Navajo Nation does a lot of education and outreach at the facility.

**TNC Habitat Planning** – A SOW for \$20,000 was included in the FY2009 AWP for identification of habitat restoration sites and hazardous materials threats sites. Oglesby said the

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\$10,000 budgeted for FY2010 will go toward costs associated with administration of the RERI grant. Holden asked if there is a report for the 2009 work. Oglesby said they are still in the process of moving the money to TNC. They have started on the survey of oil and gas impacts but put everything else on hold to see how the RERI grant would factor in. He thinks they will move forward with the original SOW and deal with the RERI grant on its own. He will do a new SOW for FY2010 and it will include coordination with the BC.

**Capital Projects Management** - Uilenberg said there is no SOW because construction of a fish weir at Hogback will not begin in 2009 as he originally hoped. The Service and Reclamation have some biological opinion issues to work through before construction can start. He has informed the Navajo Nation, San Juan Diñe Water Users, and NECA that construction will not occur in 2009. A contract could be awarded in 2010 if the issues can be worked out and depending on what happens with the Upper Colorado River Program. He anticipates about \$2 million in appropriated dollars, which are allotted on a first come, first served basis. The Upper Colorado River Program is intent on expanding ponds at Horsethief Canyon and if that project is allotted first, there will not be enough funds for Hogback until the next year. Israel asked why they need to expand ponds. Uilenberg said they were leasing the ponds and the leases are up. The ponds were problematic so they are looking for a better, long-term situation. He thinks the SJR Program could benefit by partnering with them on this project. Uilenberg will develop a SOW for Capital Projects Management.

#### Element 4 - Interactions between Native and Non-Native Fish Species

Pitts said a lot of money is being spent on this Element and he would like to see a comprehensive look at the non-native fish removal program including targets, progress to-date, and how it fits into achieving recovery. Campbell said the workshop scheduled for 2010 will address this. Miller said the key focus of the workshop will be to define realistic targets, timeframes, and level of effort. Pitts said it is important to know how this activity fits into achieving recovery. For example, how many non-native fish need to be removed to achieve a self-sustaining population of the listed species. Miller said data integration will also be designed to answer these types of questions. Brooks said a big picture snapshot of the whole Program would be helpful for determining how much effort should go into each of the various activities the Program funds. Seaholm said the Glen Canyon Dam Adaptive Management Workgroup found that non-native fish removal was not needed every year in the Grand Canyon downstream.

#### Element 5 - Monitoring of Fish and Habitat

**River Videography** – In the past, this activity was included with habitat mapping so it did not have a separate SOW. The estimated funds go directly to Reclamation to contract for this work so it is a separate activity. Uilenberg will develop a SOW.

**SOW #21 Larval Fish Monitoring** – Pitts asked why there are no costs for NMGFD if they are a Principal Investigator. McKinstry said the contact is with NMGFD and they subcontract to ASIR. It is out of his control as to how they handle their contracting. Pitts asked about the \$9,000 cost for attending meetings. Campbell said the ASIR biologists are not committee members so their expenses to attend committee meetings can be covered. He said they are active participants and add a lot to the discussion. Pitts asked that NMGFD be prominently listed in the SOW as the primary contractee.

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**SOW #24 Temperature Monitoring/Habitat Mapping** – Campbell said the Program gets no SOW for habitat mapping/temperature monitoring because it goes out through the RFP process, which makes it hard to track. Pitts said he does not like approving line items when there is no detailed budget provided and he is not satisfied with what is provided. Campbell said if this work is contracted through BIA, a Program partner, then a detailed scope like the other projects will be required. He said he talked to Chris Banet, BIA-ABQ, and they are willing to do this. McKinstry said it would involve doing an interagency agreement with BIA and they will handle the sub-contracting. Oglesby asked about the \$46,000 cost for the detailed reach analysis. Campbell said it is a carry-over expense from 2009 to finish up that study and will come out of the Program's 2010 funds regardless.

✓ Becker moved; Oglesby seconded to have habitat mapping/temperature monitoring contracted through BIA instead of through the RFP process with the assumption/expectation that the CC has to approve the final SOW; approved.

#### Element 6 - Information and Education

**SOW #28** – Campbell said the cost for this activity increased because the Upper Colorado River Program, who handles the majority of this activity, is charging more.

#### Element 7 - Program Coordination

**SOW #29 Service Program Management** - Campbell said the SOW includes a full-time coordinator and the Science Recovery Biologist position. Condon asked about the costs for the other senior biologist listed. Campbell replied it is to cover some expenses for Dr. Marilyn Myers in his office to provide expert assistance to the Program. Condon asked about the budgeted costs for meeting locations. Campbell said the Program Office always tries to find free facilities first but meeting rooms can be expensive. He thinks the estimate is realistic.

**SOW #30 Reclamation Funds Management** – Pitts asked about the ~2,000 hours of supporting personnel and asked what they do. McKinstry said a lot of people are involved in the process and they all charge the Program but it is necessary and he thinks they do a good job. Uilenberg pointed out that it all adds up to one FTE or 6% of the total cost, which he does not think is out-of-line.

✓ Pollack moved to approve the 2010 AWP budget, Proposal B, with stipulations; Becker second; approved. Approval is based on these items being accomplished:

- Peer Review SOW subject to approval by CC – comments on draft SOW to Program Office
- USGS Stream Gaging SOW – Reclamation to provide
- Capital Projects Mgt. SOW – Reclamation to provide
- TNC Habitat Restoration Planning SOW – Oglesby to provide
- Habitat Mapping/Temperature Monitoring SOW subject to approval by CC
- Videography SOW – Reclamation to provide
- Larval Fish Monitoring SOW clearly states NMGFD is principal contractee
- NNF Removal Workshop proposal be developed prior to workshop - Program Office

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All of the above (except the workshop proposal) is due to Program Office by Oct. 30. The final FY 2010 AWP with modifications is due to the CC by Nov. 3 (1 week before Nov. 10 conf. call).

Pitts informed the group that the Upper Colorado River Program has had an agreement with the Service that they will charge only half the standard 22% administrative overhead but it is expiring. The Service was asked to extend this agreement with the SJR Program included and they are considering it. He expects there will be inquiries about this during legislative hearings, which have not been scheduled yet, and has asked the Service to provide some word prior to the hearing. Israel noted the legislation is not clear on overhead costs so some clarity would be good. Pitts said the charge to the Upper Colorado River Program is about \$240,000 at the 11% and about \$200,000 for the SJR Program at the non-reduced rate, a significant amount that would be available to the programs. Brooks pointed out the stations doing the work never see any of the money that goes to overhead.

**Biology Committee Report** – Miller reported the BC had a conference call July 20 about the CC's clarification of process, BC roles and responsibilities, and changes to Ch. 6. They met Aug. 20 to do a technical review of the 2010 draft AWP SOWs. They determined some changes are needed based on the outcome of the workshops but no major changes would occur until after 2010. They prioritized 2010 recovery activities after flagging the non-discretionary ones. They had a final conference call on Sept. 8 to review the final draft AWP before it went to the CC. He said the BC supports Proposal B and changes to the peer review process. They agree that separating peer review from the Program process is needed. Writing assignments were made to address workshop input including: 1) three specific peer reviewer recommendations, 2) protocols, and 3) data integration. They set a deadline of Oct. 23 for workshop-related assignments and will meet again Nov. 4 and 5 in Farmington to discuss the LRP and AWP. They also scheduled meetings for Jan. 13 and 14 and Feb. 23 and 24 in Farmington. Brooks mentioned he sat in on the Sept. 8 conference call and reviewed the meeting summary and it is clear that the BC understands their roles and responsibilities and associated changes to the Program Document.

**Program Document Ch. 6 Revisions** – Brooks opened by overviewing the responsibilities and actions of the Drafting Workgroup. Campbell said some of the major changes were adding a Reclamation responsibilities section, adding more responsibilities to the HC to match the BC's list, and referring to both as Program "technical committees." Condon added other changes included removing the numerous references to other committees in the Service Responsibilities section and putting it in a footnote, removing most voting from technical committees since they only review and recommend, and specifying a person cannot sit on more than one committee. The group went through the comparison version of the document, section by section, and made edits in the document and flagged other needs. Numerous changes and edits were made to the document. Items that received a fair amount of discussion included:

Participants cannot be on more than one committee - Brooks said this provision is mandatory for resolving the conflict of interest issue. He explained the "review and recommend" role of the technical committees must remain separate from the "review and approve" role of the CC.

SJRB Hydrology Model – Number 9 under Service Responsibilities was revised to cover the Service's responsibility for flow recommendations. A new #4 was added to Reclamation's list to cover their responsibility for generating and analyzing model runs associated with section 7 consultations and requests from action agencies or the CC.

Whipple said the footnote/disclaimer regarding the SJRB model can be revised but it must be in the Program Document. Condon said it was removed because the workgroup thought it would be more appropriate with the model documentation. Whipple said model documentation is not in adequate shape for this to be an acceptable solution. The footnote verbiage was revised. Pollack said there is no specific section in the Program Document that describes the SJRB Model. He recommended adding a section between the Flow Recommendations and Navajo Dam and Reservoir Operations sections on page 14. A new section on the SJRB model will be added and the footnote/disclaimer will be included there.

Pitts said the model workgroup is assisting with completing Gen3 of the model. When done, it will be technically reviewed by the CC member's technical representatives. After that, the process will involve annual review and model updates. He proposed that in lieu of a standing hydrology committee, an annual hydrology model review meeting be held to facilitate technical review and provide an avenue for information to the CC. Reclamation is doing most of the work that the HC was tasked with originally. Seaholm said the current model review process can be changed as long as there is a pipeline for model information to get back to the CC. Uilenberg said he thinks the concept has merit and could cover all of the concerns/requirements identified by Rick Gold but he would need to run it by his colleagues before endorsing the idea. He pointed out a number of Program Document sections would require revision. Campbell said he thinks an ad hoc committee that meets annually would be an efficient, cost effective way to have model review. Whipple said the role of the HC has changed and he thinks an ad hoc committee would work. He said it is a Service/Reclamation model and does not think a standing HC is needed. McKinstry asked that the concept be written up in a proposal and sent out for review and consideration. Pitts will put a proposal together. Pollack asked that the "Rick Gold memo" that describes Reclamation and the Service responsibilities regarding the model be redistributed and posted on the website.

Posting of draft meeting summaries on the website - Condon said she wanted to insure the verbiage on how and when draft meeting summaries get posted on the website is clear. The group agreed the procedure, as described in the current paragraph, is not clear and needs work. Brooks tasked the Program Office with clarifying the verbiage for inclusion in the next version.

Figure 2, Annual Work Plan and Budget Development Process - The group agreed there should be a step-down chart. One will be developed after all the Program Document revisions are finished.

Identified Ch. 6 needs included:

- Draft a new hydrology model section with footnote/disclaimer
- Proposal from Pitts to replacing the HC as a standing committee with an annual meeting to review the model and facilitate information exchange
- Reword verbiage on posting draft meeting summary on the website
- Reword first sentence of Capital funding section
- Develop Process flow chart after Program Document revisions are done
- Redistribute Rick Gold letter
- Do an acronym check with the rest of the Program Document after all revisions are complete - consider taking acronyms out of text and putting into a list
- Uilenberg will get agency approval of the new Reclamation section

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The Program Office will send a revised Ch. 6 to the CC by Sept. 25. The CC will provide comments back to the Program Office by Oct. 9. A revised Ch. 6 will be sent to the CC by Nov. 3 (1 week before Nov. 10 conf. call).

**SJR Nonnative Fish Stocking Procedures** – Campbell said these procedures are for informational purposes at this point. They are fashioned after a similar agreement in the upper basin. He asked the CC to review the draft to see if it is something they could support. He mentioned the Service is currently involved in an intraservice consultation on its sportfish stocking program and the two policies will need to be consistent. Pollack said the Jicarilla should be listed. Pitts pointed out it is a recovery element. Campbell said to send any comments to him.

**Desert Rock Energy Project Update** – Campbell said a draft biological opinion is scheduled for release Oct. 1 and the final due in November. The Service is working with the action agency to identify terms and conditions and recovery activities that they could fund. They would like to use the Recovery Program as the vehicle for implementation. They will be coming to the CC with a package for consideration. Pitts said the first step would be to insure the activities are in the LRP and covered for depletions impacts. Campbell said the impacts from Desert Rock are not due to depletions so the activities may be in addition to current activities in the LRP. He acknowledged the Program is currently set up to cover depletions and water operations but it is intended to recover fish and the LRP includes the full suite of actions needed to recover the species. Pitts questioned how the Program can cover non-depletions impacts from a new power plant. Campbell said the Program is offsetting many different impacts but it will be up to the CC to decide if they want to do this. If the BIA, the action agency, has to offset the impacts on their own, there will be another group out there doing duplicative activities. He also pointed out that the action agency and Navajo Nation are both Program participants. Pitts voiced concern that this would open the door for other projects to get their impacts covered. O'Brien said she has discussed the concept with many Program participants and is identifying activities/projects to offset impacts from Desert Rock to recover the species. She wants the dialogue to continue and wants to make sure that everyone is well aware of what is being proposed. Desert Rock is not a depletions project and they are not asking to be a Program partner but they are willing to provide money to fund recovery activities.

Whipple said there is some disagreement about depletions associated with Desert Rock. Project proponents say the ground water pumping will not impact river flows but the NM State Engineer's calculations shows there will be impact. He asked about water use for the mining component of the project. O'Brien said water use would be a maximum of 600 af and is covered by BHP's 2838 permit; it falls within the 39,000 af already in the baseline. Whipple said there will be a physical depletion impact even if it is in the baseline because water not currently being used will be used.

Pollack said it is important that the CC understands what the Program is being asked to do. O'Brien said they are not being asked to do anything at this time but will eventually be asked to provide funding for recovery projects. If the CC decides not to accept, then the project proponents will have to find another implementation mechanism. Pollack voiced concern that the CC is being asked to play a role in approving conservation measures in biological opinions and said those measures could be implemented by the project proponents without the Program. O'Brien said the Service will determine the elements of the biological opinion and will come to the CC with a package and dollar amount. The CC will approve/disapprove the package not individual activities in it or individual elements of the biological opinion. The Service assured the CC that any actions identified in the biological opinion would be consistent with the recovery elements in the LRP.

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Pitts emphasized that when the Service is identifying terms and conditions and conservation measures, they need to consider the AWP timeline and the ability of the Program to implement activities. He said the Service should include in the biological opinion the implementation timeline and recognition that timeframes may shift but as long as the activities are in LRP, they are in compliance.

Brooks pointed out the Program is bumping up against the budget ceiling and he thinks it is good to have funding from multiple sources. Campbell asked that if any CC member has concerns that this is not a workable option, to let the Service know.

**Navajo Dam Operations Issues** – Uilenberg said Reclamation had a conference call with the Service last week to brief them on concerns about stress/damage to the 4x4 gates from the current release regime. They have asked their Denver Technical Services Center to look at the gates. Their plans are to follow the flow recommendations in 2010 unless Denver says “no.” He said their current maintenance schedule calls for maintenance in 2012 but something may be needed sooner. They should hear back from Denver in early 2010. Campbell asked if the main gates could be redesigned to accommodate a 5,000 cfs release instead of the current 3,400 cfs maximum release. Uilenberg said there are numerous options and asked if the Program would consider using capital funds to cost-share. He pointed out that the Program’s capital funds are in good financial shape. Pollack said this is the type of work the capital funds are intended for but voiced concern about releases not being made and not meeting the terms of the ROD.

**SJRB Model Workgroup Update** – Whitmore reported that the Hydrology Model Workgroup met August 5. Grantz reported 90% of the technical transfer from Dave King is complete and she is now making all model decisions and modifications. The schedule is for completion of the conversion from State Mod to RiverWare by Dec. 2009 and end of Dec. 2010 for the rest of the updates. The workgroup recognized the model will not be totally finished until the natural flow component is also converted from StateMod to Riverware. Grantz is working on several Sept. action items including developing a timeline with milestones and defining model purpose and use. These documents and the meeting notes should go out next week. She is also cleaning up the website and it should be in good shape by Friday. The next meeting will be January 20, 8:30 to 3, in Albuquerque.

**Annual Funding Legislation Update** – Pitts said there was a Senate hearing in July on the legislation. Mike Connor testified and no other witnesses were required. Of several bills heard, it was the only one that got a favorable nod. It passed with the date change to 2023. It was introduced into the House by Salazar at the same time. It has good co-sponsorship. A hearing has not been scheduled yet and he is not sure what they will do about witnesses. He said there has been great support from program participants and he very appreciative because grassroots support is very beneficial. He will again be asking for support letters for House committees and will send a request for letters now knowing that the hearing will be coming and notice may be short. Pitts reiterated he is hopeful they will get a favorable response from the Service regarding reduced overhead costs so it is not part of the hearing. After this legislation gets passed, both Programs will be in good shape through 2023.

Brooks bid farewell to Randy Seaholm. The group gave him a robust round of applause in appreciation of his years of service to the Program.

**Next meeting - Nov. 10 @ 1:30 – 3:30 p.m. - Conference Call**

- Ch. 6 final review/approval

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- FY2010 AWP outstanding items