

San Juan River Recovery Implementation Program

Coordination Committee Conference Call February 3, 2011

Conference Call Summary

Coordination Committee Members:

Mike Oetker, Chair (Alternate)
Catherine Condon
Celine Hawkins for Dan Israel
Herb Becker
Michael Howe (Alternate)
Michelle Schaunessy (Alternate)
Tom Pitts
Stanley Pollack
Ted Kowalski
Brent Uilenberg
Patrick McCarthy
Amy Haas, Kevin Flanigan
Absent

Representing:

U.S. Fish and Wildlife Service, Reg. 2
Southern Ute Indian Tribe
Ute Mountain Ute 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
The Nature Conservancy
State of New Mexico
Bureau of Land Management

Program Management:

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

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

Other Interested Parties:

Bill Miller, BC Chair
Mark McKinstry
Steve Harris
Carrie Lile

Southern Ute Indian Tribe
Bureau of Reclamation
Southwestern Water Conservation District
Southwestern Water Conservation District

Mike Oetker welcomed the group and did roll call. Amy Haas, counsel for New Mexico Interstate Stream Commission (ISC) and Kevin Flanigan, John Whipple's replacement at the ISC, introduced themselves. They reported the new governor had not yet made appointment at ISC but in the interim, the two of them and Paul Harms would be representing New Mexico at CC meetings.

Approval of Sept. and Oct. CC meeting draft notes – Pitts moved to approve both meeting summaries with no additional changes; Kowalski seconded; the motion passed.

DOI's new Scientific Integrity Policy – Campbell reported the new policy was emailed to the CC on February 2 as an FYI. It will apply to the BC and anyone who contracts work for the Program. Pitts asked that Campbell put together a summary of how it would impact Program projects. Campbell will do a white paper.

Continuing Resolution (CR) Effects on Annual Funding and consistency with PL 106-392 – Campbell reported the Program could see a substantial budget cut in 2011 because of the federal budget situation but exact amounts are not known at this time. The government is currently operating under a

CR which ends March 4 and may be operated under CRs the whole year. He will continue to track the budget process, plan for potential shortfalls, and budget accordingly.

McKinstry described how the CR affects the Program. Reclamation needs a budget approved by Congress, or a CR, in order to have an appropriation to obligate funds to the various projects. Both recovery programs are funded from the Basin Fund, a fund within the U.S. Treasury that must abide by the same rules as appropriations. Because the CR does not exclude specific programs or projects such as the recovery programs, Reclamation is bound to follow the rules that the budget or CR lays out for projects. Normally, the Program's Annual Work Plan (AWP) is approved at the end of September, Reclamation starts contracting in October, and people have their money by December. Reclamation did not get a budget in FY2011; they got a CR on December 3 which allowed Reclamation to spend 17% of the 2010 budget. They can now spend 42%. This situation makes it very difficult to disburse the money when there are 30 projects. He said he and the Program Office decided to fund non-federal and new projects first. If a CR is in effect until the end of the year and spending is capped at the 2010 levels, it would be a 1.1% reduction for the Program or ~\$26,000. There has been talk that Congress may lower the authorization to FY2008 or even FY2006 levels.

Pitts suggested for planning purposes adjusting Program budgets in the 2011 AWP to 2010 levels. McKinstry said he will fund the rest of the projects at 2010 levels. Campbell indicated that if the deficit stays at ~\$26,000, he would like to see if the Program Office could absorb the deficit and will look at possible scenarios for the budget before the next CR. McKinstry was asked if the federal budget situation could affect the Program's authorized funding. He said the Basin Fund is in the budget that goes to the President but he will send the question to Reclamation solicitors and get back to the CC with their response. Campbell, McKinstry, and Miller will look at the budget, lay out options, and get something out to CC by mid February. Miller asked if the Program's principle investigators (P.I.'s) will be contacted. Campbell said they will be informed as more is known.

Capital projects update – Uilenberg reported FY2011 capital funds for both recovery programs are currently frozen at ~\$2.9 million and the FY2011 request in the President's budget is for \$7.9 million. New projects in 2011 include Horsethief Canyon ponds, Hogback Fish Weir, and couple other Upper Colorado River Program projects. Because there are not enough funds to do them all, he recommended focusing on Horsethief Canyon fish rearing ponds at \$5.4 million because it is a joint project between both programs. Costs would be spread over FY2011 and FY2012 funds. Campbell asked what that would mean for the Hogback fish barrier project which was supposed to start in 2011. Uilenberg said he does not know what will happen with the budget but has heard the 2011 budget will be held at 2008 levels and he doubts a budget will be passed in 2011. There is not enough money in 2011 to cover all new contracts so it makes sense to pursue a joint project that will benefit both recovery programs. Condon asked how this will affect the schedule for Hogback and the implications for ESA compliance. Uilenberg said it is very challenging and asked Campbell about the biological opinion for Hogback. Campbell said the biological opinion is not a problem and will not cause any delays with starting the project. Campbell mentioned Hogback irrigation canal renovation that is scheduled to start in 2016 as part of the Indian Water Settlement. Pollack said it is in the settlement but no money is authorized yet.

Pitts moved to approve Uilenberg's recommendation to move forward with the Horsethief Canyon project; Becker seconded; the motion carried. Uilenberg will proceed with cutting a contract for Horsethief Canyon fish rearing ponds.

Approach to appropriations – Pitts reported on appropriations for 2012. The President's budget is running late and is expected the second or third week of February. Oetker said the President's budget

will come out February 14. He said the Senate is no longer doing earmarks or add-ons. Pitts said it has been several years since the recovery programs asked for more than what is in the President's budget.

He announced the DC trip to brief Congress, committees, and subcommittees is March 16-22. This trip will be more critical than in the past because there are numerous new congressionals and staff that need to be briefed on the recovery programs. They have found in the past that if this is not done yearly, congressionals will forget. With Reclamation and Service budgets questionable this year, he is not sure what to expect but will support what is in the President's budget. Letters from states and tribes to Congress will be needed after the President's budget comes out. Kowalski said it will be more difficult getting a letter from Colorado because the governor is new but he will try. A preliminary list of attendees for the DC trip includes: Cathy Condon, Stanley Pollack, Darryl Vigil, Mike Roberts, Tom Pitts, Bruce Whitehead, Becky Mitchell, John Shields, Bob King, and Gene Shawcroft.

Reintroduction of annual funding legislation – Pitts explained that after 2011, use of power revenue funds will be limited to O&M and monitoring which means a loss of about \$2 million for the Upper Colorado River Program and \$1 million for San Juan River Program. In 2010, a House bill switched power revenues to appropriations and a Senate bill was rolled into the public lands omnibus bill. Regardless, neither of the bills made it to the floor so they will have to start over this year and re-introduce legislation. House "pay-go" rules were replaced with "cut-go" rules which will apply to continued use of power revenues, but may or may not apply to discretionary spending via appropriations. The advice they are getting from congressional staff is to wait to re-introduce legislation until the new rules are figured out so a bill authorizing appropriations will probably not be introduced before May. Haas asked if the MOA on use of the Colorado River Storage Project (CRSP) Upper Colorado Basin Fund factored into the strategy.

Annual funding for 2012 under Upper Colorado Basin Fund - Pitts said there is currently no authorization for power revenues or appropriations to make up funding for non-O&M and non-monitoring activities in FY2012. On January 24, 2011, an MOA developed by the non-Federal program participants could potentially provide a temporary backstop for these funds. Haas said the amount of CRSP funds is based on percentages, not specific dollar amounts. Kowalski said there would be ~\$11.5 million on average for the life of the MOA. Use of the funds will defer to the States' requests but he believes the recovery programs will be high on state priority lists. Haas said the funds could only be used for annual funding. Kowalski said it is all very preliminary and they are still working out the details. Pitts said the States are not interested in doing this on a permanent basis; it would just be a stop gap measure. Pitts asked if the States would like to hear from Program representatives about the programs. Kowalski said to give them some time first but they may want something like that later. Haas said within the next month, they will come up with a protocol with Reclamation for using the fund.

Sufficient Progress Assessment action items – Campbell reported the Sufficient Progress Report was signed by the Service on Dec.16, 2010. The report included numerous recommendations for compliance. He put all the recommendations into a table of action items and sent it to the CC for review prior to the meeting. The intent of the document would be for: 1) tracking status of the compliance actions items from the 2010 Sufficient Progress report; and, 2) facilitating the timely completion of the next Sufficient Progress report in two years. Once the table is completed, it can be reviewed and updated at CC and BC meetings. He will also be working with the BC to insure the action items are included as tasks in the LRP. Whitmore recommended maintaining it as a separate table from the LRP because tasks in the LRP are not that easy to track. The corresponding LRP tasks can be included in the table for cross-reference. Pitts emphasized these are high priority tasks that need to be completed for sufficient progress in two years. Whitmore will make sure the compliance action items are in the LRP and work to complete the table.

Long Range Plan update – Whitmore reported the BC spent a lot of time at their December meeting reviewing and providing input for the 2011 LRP and will review a modified/updated draft at their February 24-25 meeting. The Program schedule calls for the final version of the LRP to go to the CC, with an explanation of input received and changes made, during the Feb/Mar time frame. Whitmore indicated the CC can provide comments/input at any time for incorporation into the 2011 LRP.

Flat-plate PIT tag antenna in the SJR - McKinstry reported he presented the same information on this topic to the BC that he presented to the CC at the last meeting. The BC is in support of the project but no specific details were discussed. He is working with Navajo Nation to put a passive PIT tag detector in at the PNM fish passage to track downstream movement of fish. He will put together a SOW for review.

BC Update – Miller said the BC has had two meetings since the CC last met. At the November meeting, they worked primarily on products from the nonnative fish workshop and had a presentation from CDOW on Lake Nighthorse stocking plans. They provided input and the next step is to review CDOW's lake management plan when it is done. At the December meeting, they thoroughly reviewed the LRP and identified modifications needed for the 2011 version. The next meeting is for two full days February 24-25 in Farmington and is primarily for the P.I.'s to present their 2010 results. It should be interesting because there were a lot of recaptures in 2010. The annual meeting was set for May 11 in Durango. The meetings will be held at a new venue at Fort Lewis College. CC members asked to have a block of rooms reserved.

McKinstry said conducting habitat monitoring in 2011 could be problematic. There is currently a hold on any new starts which includes habitat monitoring so it will be late in the year before it can be funded. In the past, Keller-Bliesner Inc. did the temperature monitoring, a biological opinion requirement, in conjunction with habitat monitoring. Temperature monitors were put in place but, without funding, the data will not be downloaded or worked up. He and the Program Office have been discussing options for getting temperature data collected possibly by modifying existing contracts. He has informed the P.I.'s who use temperature data in their yearly analyses that they need to collect their own data. Larval fish survey crews already do collect their own temperature data. An important step for habitat monitoring is a BC workshop planned in 2011 to develop a long-term habitat monitoring plan.

Largemouth Bass Virus (LMBV) update - Oetker reported. The ponds froze over at Dexter during the recent cold snap which may be a first and they are not sure how it will affect the fish. He reported they have had face-to-face meetings with all states except NM. UT provided an expedited testing protocol for T&E species which truncates two years of testing into eight months and they are moving forward with it. All states except CA have endorsed the expedited process and it has been approved by fish health professionals. The first testing, conducted in November, came back all negative for LMBV. The next test is to be done six months after the first which should be in May. It takes a total of about 30 days so results should be available in late May/early June. If, tests are positive, they will go back to the two-year protocol. The Service will continue to work with CA to increase their comfort level with the expedited protocol.

McKinstry said the BC made recommendations on the San Juan River fish currently being held at the hatchery (290,000 age-0 and 3,000 age-1 Colorado pikeminnow). By early June 2011, there should be at least 150,000 of these formerly age-0 pikeminnow. If the second fish health test comes back negative, the BC said these fish should be stocked in early June upstream of PNM to free up space for the production of 400,000 new age-0 pikeminnow that will be stocked in the fall of 2011. The BC is in

favor of proceeding with stocking both the hold-over fish and the 400,000 age-0 pikeminnow in the same year.

Lake Nighthorse stocking plan update – Kowalski reported they had internal discussions on this issue and the Executive Director of CO Dept. of Natural Resources has indicated development of the lake management plan will be an iterative process with CO Division of Wildlife (CDOW) working with the BC to address all concerns before moving forward. Miller said CDOW presented options for lake management plan (e.g., tiger muskies to control white suckers, no pump during spawning season, identify the source of white sucker) and the BC provided input. The next step will be for the BC to review the draft lake management plan but there is no timeframe when it will be done.

Pitts asked if CDOW has taken nonnative warmwater fish stocking off the table. Kowalski said no final decisions have been made yet. Different missions exist but he feels the DNR Executive Director is sincere about working closely with the Program to address all concerns. Pitts asked if there will be a response to a letter directed to Larry Walkoviak asking if any stocking in the reservoir needs to be approved by Reclamation. Uilenberg said he was not sure but Reclamation and the solicitors were meeting today about it. Pitts asked about the need for reinitiation of consultation if stocking of nonnative warmwater fish is allowed. Uilenberg believes it would be required. Campbell said Service R6 who has the lead on Animas-La Plata consultation has said reinitiation would be required because warmwater fish stocking was not considered in the biological opinion.

SJRB Hydrology Model update – Whitmore reported the hydrologic baseline workgroup last met November 5th to further discuss the two options for simplifying the model (i.e., aggregating nodes above Navajo Dam and removing all detail above Navajo Dam). The outcome of the meeting was that Katrina Grantz would meet with CO representatives to discuss the technical details and challenges of aggregating data from StateMod nodes and the technical details of how/whether statistical relations could work. On December 20, Grantz met with Ray Alvarado, Ted Kowalski, Erin Wilson, Ryan Christianson, and Edie Zagana and Nick Mander (director and modeler from CADSWES). They determined one or more relationship would be needed for each tributary and the model would need to be able to accommodate alternative inflow scenarios. Currently, Grantz is evaluating the viability of using a statistical relationship for each major tributary above Navajo and will present the results at the next hydrologic baseline workgroup meeting tentatively scheduled for March 10 in either Denver or Albuquerque. If a statistical method can be used, the model will be functional (able to run various depletion scenarios identified by the workgroup) and can be validated and verified in three months (June). If the aggregated node approach is needed, the model will be ready in six months (September).

Kowalski said it was a good meeting. They explored options but will need additional conversations with NM to address concerns. Haas and Flanigan indicated they want to be involved in the next meeting. Whitmore said she will be sending out an email soon to set up the March 10 meeting.

Federal Government travel restrictions – Campbell said he does not believe the travel restrictions will affect the Program Office's ability to travel for core Program activities. Oetker indicated the Service will manage for an overall 20% reduction in discretionary travel, providing flexibility to focus on high priority issues.

Conference calls with Congressional staff - Pitts said that after last year's issues with Representative McClintock, they decided more communication would be beneficial. Participants from both programs have been working with Reclamation's congressional liaison to arrange congressional conference calls to educate congressional staff members on the recovery programs. The first call is scheduled for February 24 at 1 p.m. MST and is expected to be only 20-25 minutes long. The agenda for the call

includes: annual funding legislation update, March 16-18 and 21-22 DC visits by Program participants, and status of the species to be given by Tom Chart and Dave Campbell. Uilenberg asked if they knew which staffers would be participating on the call. Pitts said the announcement was sent to everyone and he does not know who will participate. This first call is a trial and they are not sure if they will work. Pitts will send out the conference call announcement to the CC.

Next meeting – No meeting date was scheduled.