



San Juan River Recovery Implementation Program

Coordination Committee Conference Call July 20, 2011

Meeting Summary

Coordination Committee Members:

Jim Brooks, Chair
Catherine Condon
Celine Hawkins (Alternate)
Herb Becker
Alternate
Al Pfister
Tom Pitts
Stanley Pollack
Michelle Garrison (Alternate)
Brent Uilenberg
Patrick McCarthy
Kevin Flanigan
Joel Farrell

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
Scott Durst, Program Biologist

U.S. Fish and Wildlife Service, Reg. 2
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Other Interested Parties:

Bill Miller, BC Chair
Leslie James

Southern Ute Indian Tribe
CREDA

Approval of May 12, 2011 meeting summary – Whitmore received minor editorial edits from Condon. Pitts said to add an “s” at the end of “Shields” name. Becker moved to approve; Pfister seconded; the summary was approved with the minor edits. Whitmore will finalize and send the final.

MOU between the Program and the Southern Ute Indian Tribe - Condon reiterated that the Southern Ute Indian Tribe got \$117,000 dollars to convert/update the population model for use by the Program. Pitts suggested an MOU be developed between the Program and the Southern Ute Tribe. Condon provided a copy of a draft MOU for CC review. She received comments from Pitts but he will need to redo them because he thought the funding was through 2023 not a one-time amount. Condon will need to run any changes through Tribal Council. Campbell will also need to have FWS solicitors review it as well. Pitts will need a couple weeks to redo his comments to reflect the funding timeframe. He mentioned a clause in the MOU that states the Program will operate and maintain the model during the term of the MOU. Some specifics may be needed to distinguish between Program and Tribe funding responsibilities. Miller does not think it will cost much to maintain after it has been updated. Condon asked for comments by August 12. Campbell will run it by FWS solicitor, Sue Umshler.

In a letter to Secretary Salazar, the Steering Committee suggested that the Tribe submit a SOW for modeling as part of the annual Program workplan/budget process for Program approval. Miller will resend a SOW he did for the model update. Campbell said maintenance of the model will be covered under the database management activity and does not expect additional costs to the Program. Pitts asked that activities and costs for population model maintenance be included in the Database Management SOW.

Miller said the majority of work on the model update will be done in FY12 but it may extend to the beginning of FY13. Condon asked when the MOU needs to be done. Miller said the model should be ready for running next May/June so would probably need it in place by then. Discussion and approval will be on September CC meeting agenda.

Annual Funding Legislation Update - Pitts reported on efforts to restore bipartisan support for the recovery programs, appropriations, and legislation. Water users from CO, WY, and UT were asked to contact their Congressional delegates to garner support. Those contacts have been made for the most part.

Representative Bishop(R-UT) will be the prime sponsor for the annual funding legislation. He is working out some issues with House Water and Power Subcommittee Chairman McClintock(R-CA). Senator Bingaman-NM submitted a bill to maintain annual base funding for the recovery programs through fiscal year 2023 with appropriations. The bill is a placeholder until the final terms of the House bill are determined. The Senate bill will be made consistent with the House bill at markup. Reclamation testified favorably for funding the recovery program, but stated that appropriations were not a reliable source of funding.

With respect to the House bill, the Subcommittee is in support of extending funding with hydropower revenues for the recovery programs. The term would be for 7 years (to 2019) based on a new House protocol limiting authorizations to a maximum of 7 years. The Subcommittee has problems with the 11% overhead rate and with using funds to cover delisting activities under ESA. Cutgo will require offset of about \$21 million (7 years @ \$3 million). Pitts has requested assistance from the Subcommittee and Reclamation in finding the offsets. This has never been done so no one is sure how to do it.

The Subcommittee wants a report that addresses several issues including cost-sharing by the states, use of hatcheries to recover the species, and the success of the Programs in achieving recovery. A report produced in late 2010 to address concerns from McClintock included most of the information requested and can just be updated. The Subcommittee staff expects a hearing no sooner than September. When the bill is introduced, Program partners should be asking for bipartisan co-sponsorship and submitting letters of support from partners.

Campbell said this would be a good item to include on the agendas when the Water Users and Tribes meet with FWS Region 2. It will also be on the agenda for the CC's September meeting.

2012 Annual Work Plan and Budget Update - Whitmore said the budget is similar to what the CC saw in May except an actual budget total is included for the Lake Powell Survey and the Habitat Monitoring placeholder was removed from the list of funded projects. The budget numbers are fairly solid now and show an estimated \$26,000 surplus for 2012. FWS projects include 17% and 22% overhead charges which may change if Region 2 is proactive and adopts a 50% overhead reduction rate. Pitts asked why there are two different overhead charges. Campbell explained FWS charges 17% if property/buildings are government-owned like hatcheries and 22% if buildings are not government-

owned like Ecological Service and Fish and Wildlife Conservation Offices. In response to a question from Pitts, Campbell said overhead is not charged on the FWS's contribution to the Program. Pitts said some explanation should be included about the outside contributions in the last column of the budget spreadsheet. The charge is only on transfers from Reclamation to the Service.

A spreadsheet was also provided that identifies which projects will not qualify as O&M or monitoring and will not receive funding if the annual funding partial sunset clause kicks in for 2012. The total is about \$1.1 million. There have been discussions with the UCR program on this and it was determined that the nonnative fish control projects would not be eligible even though they collect a majority of the Program's endangered fish recapture information. Uilenberg said there was some question about the fish distribution portions of the hatchery SOWs not being eligible but they determined all activities related to hatchery production including stocking are part of O&M of the facilities and will be covered.

Pitts asked why the Program should continue surveying Lake Powell in 2012. Campbell explained that in 2011 random sampling was conducted and some fish were sonic-tagged for tracking purposes. The first year of the survey showed us there are a lot of endangered fish in the lake. In 2012, activities will include systematic sets and capture/recapture work for population estimates and tracking the tagged fish to locate spawning grounds. Pitts said Tom Chart (UCR Program Director) seemed hesitant to say UCR fish in the Colorado River arm of Lake Powell would count toward recovery. Campbell said he talked with Chart who recognizes the SJR fish in the San Juan River arm would count and that the situation is different for the UCR fish. Pitts wants a citation from the Service, including language in the Recovery Goals, stating these fish count toward recovery, if the Program is going to continue spending money and there are no surprises when it is time to downlist/delist the species. Brooks said the FWS's policy is consistent with the razorback sucker in Lake Mead. Pfister said the Recovery Goals would be the appropriate place for a citation.

The BC will do a final review the 2012 SOWs at their August meeting and provide recommendations, with pros and cons, to the Program Office. Approval of the 2012 AWP will be on the agenda for the September CC meeting.

CC Guidance to BC Regarding Small-Bodied Monitoring – Brooks explained a poor presentation on small-bodied monitoring at the Annual Meeting prompted some concerns with the value/design of this monitoring activity. The CC directed the BC to review the protocol and provide recommendations on how it should be modified. To give the BC more specific guidance on the review, Brooks developed a list of questions and recommended the BC provide written discussion to the CC one week prior to the next meeting. This will be on the BC agenda at their August meeting. Condon asked about them doing this at their meeting in July. Miller said the July meeting is a 3-hour conference call and not a good venue for doing this task. He asked that "2009" be added to "BC workshops" in Brook's list of questions and that the question, "should small-bodied monitoring be done and, if so, at what frequency," be added. Condon also asked that the BC look at whether the SJRIP should continue this program. Pitts will submit comments on the list. Pollack asked if making numerous changes to the protocol will jeopardize the long-term dataset. Miller said the affect of protocol changes on the long-term trend data set will be a consideration during the evaluation. Brooks asked for comments back by the end of the week so he can get something out to the CC and BC by COB Friday.

Process for Nominating and Approving New BC Representatives – Brooks explained that recent changes to BC membership prompted questions about voting on new BC members. Whitmore sent out the verbiage from the Program Document on BC voting procedures for the discussion (below). Campbell asked for clarification of the concerns. Miller said there are 10 voting members on the BC so

7 members are needed to make a quorum. If they are down two members, it may be hard to make a quorum. Campbell said the two-thirds quorum is determined by the number of BC members at the time of a vote. Whitmore said the two members being replaced, Andrew Monie, NMDGF, and Keith Lawrence, BIA, are official BC members until the new members are approved. Miller said the two nominees are currently alternates so if the members are not present, the alternates will be voting on themselves. Brooks said they should recuse themselves from the vote. Pitts disagreed and thinks all members can vote, per the language in the Program document. Campbell said BC members are supposed to be voting on behalf of their organization so all BC members or their alternate can vote regardless. Condon asked if Westfall, a hydrologist, meets the technical qualifications. Uilenberg said the guidance allows for a wide variety of disciplines applicable to the SJR including geomorphology. Condon thinks Lawrence was a good addition to the BC and is curious why the BIA wants to make the change.

Campbell announced BLM, Farmington Field Manager, Gary Torres, will be replacing Joel Farrell as BLM's representative on the CC. Pitts requested Farrell submit a resume for Torres for review.

Pfister said this would be his last CC meeting and thanked everyone for a great experience.

Next Meeting - September 28 CC meeting; 10 a.m. – 3 p.m. in Durango

Program Document, pages 35-36 Because the efforts of the Biology Committee relate specifically to the scientific basis for recovery, each participant on the committee will have expertise that is generally applicable to the San Juan River or its native fish fauna. Due to the technical nature of the committee, members should have experience in biology, fisheries, ecology, water quality, or fluvial hydrology/geomorphology that is applicable to the San Juan River ecosystem. Each of the Program participants may nominate one representative to the committee. The Biology Committee will evaluate the technical qualifications of each representative nominated to serve on the Biology Committee. The Biology Committee shall determine by two-thirds vote of the committee membership that a nominated representative is technically qualified. If a nominated representative is determined not to be technically qualified, the Biology Committee will report the reasons for rejecting the nominee to the Coordination Committee. At the request of the nominating Program participant, the Coordination Committee will determine if there are extenuating considerations, other than the technical evaluation, that would allow the nominee to serve on the Biology Committee. The Coordination Committee will determine by two-thirds vote of the committee membership if the nominee will serve on the Biology Committee and make the final decision on this matter. The representatives on the Biology Committee must bring to the Program a cooperative and objective analysis of the river's habitats and fish community. The Biology Committee will elect its chair from the committee's membership.