



San Juan River Recovery Implementation Program

Coordination Committee Meeting

May 12, 2011
8:00 a.m. – 12:00 p.m.
Fort Lewis College

Meeting Notes

Coordination Committee Members:

Jim Brooks, Chair
Catherine Condon
Celine Hawkins, CC Alternate
Herb Becker
Steve Lynch
Al Pfister
Tom Pitts
Stanley Pollack
Ted Kowalski
Brent Uilenberg
Patrick McCarthy
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
Scott Durst

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

Mike Oetker, CC Alternate
Bill Miller, BC Chair
Mark McKinstry, BC Rep.
Paul Holden, BC Rep.
Vince LaMarra, BC Rep.
Keith Lawrence, BC Rep.
Judy Manwell
Brandon Albrecht
Mike Greene
Tom Chart
Janet Blair
Melynda Roberts
Bruce Whitehead
Carrie Lile

U.S. Fish and Wildlife Service, Reg. 2
Southern Ute Indian Tribe
Bureau of Reclamation
Jicarilla Apache Nation
Navajo Nation
Bureau of Indian Affairs
Jicarilla Apache Nation
Bio-West
PNM
USFWS/UCRRIP
U.S. Fish and Wildlife Service
Bureau of Reclamation
Southwestern Water Conservation District
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Brooks welcomed the group. He recognized how far the Recovery Program has come and thanked everyone for a great annual meeting. He commended the Biology Committee and Principle Investigators for all the good work they have done.

Introductions - Pfister announced he will be retiring August 3 and this will be his last CC meeting. Brent Uilenberg said his alternate Tom Ryan will be replaced by Beverly Heffernan.

Approval of February 3, 2011 Conference Call Summary – Whitmore said she had received comments from Oetker on his Dexter LMBv update and made the changes. Becker moved to approve the summary, Pfister seconded, and the CC approved the summary.

2011 Long-Range Plan – Whitmore reported the draft 2011 LRP is posted on the website's Working Documents section. She checked on the process from last year. After all input was received and incorporated and no comments were flagged as needing further discussion, the LRP was given the date, August 2010, and posted on the website. She said she has been keeping a list of changes made. The CC asked that the list be sent to the CC.

Annual Funding Legislation Update and Planning – Pitts reported he and John Shields drafted a bill for funding beyond 2011 to correct the sunset clause in the current authorization that will limit what base funds can be used for beyond 2011. He emphasized it is important that everyone is onboard with what is submitted. They are working with Congressional delegations from CO, WY, and UT to draft a proposal all can support. They are also in the process of contacting everyone. He sent an email to the CC on Monday, May 9, outlining amendments being considered.

He reiterated that legislation was introduced in the 111th Congress to extend annual funding from power revenues through 2023. In order to comply with the "paygo" rule, the House version of the legislation (H.R. 2288) was amended to authorize appropriations to replace the lost power revenues rather than simply extending the authorization to continue to use the Upper Colorado River Basin Fund power revenues. The Senate did not pass the proposed legislation (S. 1453) at the end of the 111th Congress, and the bill was not signed into law. The new leadership in the House introduced a new rule called "cutgo" which is more severe than "paygo." It requires money be taken away from existing programs to fund new programs. Because no one knows how this new rule will work yet, Pitts and Shields were advised to reintroduce the legislation and deal with any issues that may arise as a result of "cutgo."

The amendments proposed to Public Law 106-392 include: 1) Extension of the annual base funding from hydropower revenues - No term/sunset clause is stipulated in the legislation but a Report to Congress is required no later than 2021 to address the need for funding after 2023. Pitts said the House has said there will be no authorization periods longer than 7 years but it is not a rule. 2) Provision to allow annual funding to cover post-listing activities – This complies with Section 4(g) of the Endangered Species Act that requires monitoring for at least five years following delisting of species. It also recommends continuation of activities leading to recovery of the species to insure that the species does not become relisted and that threats are managed. 3) Stipulation that the overhead rate charged by the Fish and Wildlife Service or other federal agencies will be 50% of the usual charge - The UCRRIP has an agreement with Service Region 6 that they will only charge 50% but Region 2 did not agree and charges the full rate. Writing it into the bill will make charging 50% mandatory instead of optional and proactively appease those in Congress who have voiced concerns. Vigil asked who will carry the bill. Pitts said Representative Rob Bishop, UT, House Committee on Natural Resources, has been asked to sponsor the bill but they have not heard back yet. Pitts said the bill could possibly be introduced in June. Pitts pointed out they will still need to deal with "cutgo" and he has no idea what that will entail. The annual dollar ceiling is still in the bill and capital funds are not affected by the legislation but there could be problems in 2012 due to Reclamation budget issues.

Kowalski cautioned that not including a term could be a problem strategically because Congress does not like indefinite terms in bills. He also questioned the value of putting the 50% reduction in overhead costs into the bill. Oetker said the amount of overhead Region 2 receives from the Program is not a lot and Region 2 will continue to support the bill with the 50% provision. Chart said it is a good idea to be proactive by including it. McCarthy asked Pitts for talking points on the issue for his RERI tour next week.

Pitts asked if the CC can support the legislation with the amendments he described and asked the non-federal representative what a reasonable timeframe would be for getting initial feedback on the amendments. He said all the information is in the packet he sent Monday. They agreed on next Friday, May 20, for providing feedback.

March Congressional Briefing - Pitts reported on the annual Washington trip. He said there was good SJRRIP participation. The briefings went better than expected. There was a lot of support for the programs from new members and the veteran Democrats. Everyone they met with asked a lot of questions and he truly believes they understand the value of the programs. The primary problem is the deficit. The group received compliments from Ann Castle and Mike Connor. Vigil, who attended the trip, said he was proud to be part of the group. Condon gave accolades to Pitts and Shields for their superior work in making this trip and past trips successful. Mike Greene said PNM's Washington liaison said it was the best organized group/effort she has seen. Campbell said he was pleasantly surprised to see that the veterans from both sides were still supportive and the new members receptive. Chart said the current theme in DC is efficient use of money and that was the message the group delivered. He emphasized the need to be back there each year.

Pitts mentioned the Water Users Steering Committee has put in a request to meet with Service Region 2 Regional Director Tuggle sometime in June/July.

2012 Annual Work Plan and Budget – Campbell went through the preliminary FY2011-12 budget comparison. He said most budgets went down.

SOW 8 - Stocking and Acclimation of CPM and RBS - The budget increased to accommodate acclimation of both species instead of just Colorado pikeminnow. This is a measure to try and increase survival of razorback sucker stocked from Uvalde. Increased levels of cortisol after 19 hours of transportation could be the problem. Distance from NAPI is only 15 miles but stocking goals cannot be met by NAPI alone. Brooks is consulting with Dexter and Service engineers to see what it would take to bring 6-pack ponds back online. He will report back on the assessment by the end of the month. Pollack asked about the process for assessing and possibly bringing the six pack ponds back online. Brooks is doing the initial evaluation using his station's NAPI project funds. If a decision is made to rehabilitate and bring them back into operation, capital funds could be used. Campbell said if acclimation can improve survival of razorback sucker from Uvalde, it would make more sense for the Program to stay with Uvalde instead of going to a new startup. With the fish currently on station, the Program has a two-year window to fix the problem. The Program will also have space available at Horse Thief Canyon Ponds when it is done.

SOW 9-11 – Fish Production at Dexter and Uvalde – The approved FY2011 AWP included \$51,645 to Inks Dam, the Service's Regional Distribution Unit (RDU), to haul San Juan River fish. After the first trip, it became apparent that the RDU was not well suited for hauling and stocking fish in the San Juan River. Fisheries decided to put distribution back with Uvalde and Dexter so the Inks Dam SOW was

never funded. Dexter and Uvalde provided revised FY2011 budgets so those budgets are higher than what was in the original FY2011 budget spreadsheet.

SOW 17-18 – Nonnative Fish Control – Two placeholders are included under Element 2 (Monitoring) for the rare fish monitoring portion of nonnative fish control. A large part of these projects are collecting capture/recapture data on the endangered fish. The monitoring aspect of these projects should be reflected in the budget because they provide the majority of the Program's capture/recapture data. If nonnative fish control cannot be funded in 2012, the Program does not want to lose the rare fish monitoring data it provides. The Program Office and Fisheries are trying to find a way to reasonably separate the budgets for nonnative fish control and rare fish monitoring in the SOWs but it is difficult because both activities are so intertwined. Campbell said he hopes the Program will be fully funded so this is not necessary.

SOW 29-30 – Database Management and Program Management - The budgets increased for both of these projects because the Program Office had carry-over in FY2011. The amount of carry-over is added back into the budget for FY2012 (\$29,262 for database management; \$50,700 for Program management). Campbell mentioned the 2010 Data Integration SOW that was approved by the CC but never funded because of the tenuous budget situation. He said he would like to move Durst into this higher-graded position since he is basically already doing the work. Under this scenario, database management and data integration activities would be combined into one SOW and the Service would contribute 25% to the position (Durst's position is currently 100% funded by the Program). A cost comparison showed the change would result in an \$8,523 increase to Program funding. He also plans to increase the Service's contribution to his own position from 75 to 80% which will further offset costs. He said the BC discussed this and supports the change. The CC indicated support also.

Becker asked about peer reviewers. Condon questioned why they were at the previous day's annual meeting. Miller responded their primary role for the BC is to review annual reports and attend the February meeting to observe and provide input on the Principal Investigator's preliminary results. As for attending other meetings, he is not sure it is necessary. Campbell said they were at the annual meeting to answer questions. He pointed out they are peer reviewers for the full Program not just the BC.

Habitat Monitoring – Habitat monitoring under the current protocol was not done in FY2010 because of contracting issues with BIA. Putting out an RFP for the work in FY2011 was also put on hold because of budget issues. Now that Reclamation has a budget and Program funds are freed-up, McKinstry plans to put out an RFP for the work before the end of FY2011. The Program needs to determine what habitat monitoring should be done in FY2012 and beyond. Habitat monitoring needs to focus on the relationship between flow management and habitat/fish response which the current monitoring protocol does not capture. The habitat monitoring workshop planned for 2011 was put on hold but is back on the table for fall/winter 2011.

Kowalski asked about the need for videography every year. Campbell replied that even though it is taken every year, it has not been interpreted for several years but is available when needed. It will be part of the assessment during the habitat workshop and the needed frequency determined.

McCarthy asked about the \$200,000 for habitat monitoring. The BC included it as a placeholder to implement habitat monitoring based on workshop results. They do not want that activity to be lost because no money was budgeted. Temperature monitoring and habitat mapping will be done in 2011 via RFP and temperature monitoring will be done in 2012 because it is a requirement in the NIIP BO. The habitat workshop will determine if habitat mapping continues after 2011. Pollack asked if

temperature monitoring can be done as part of other projects. Campbell said it was done by Keller-Bliesner from 1992-2009 and no one else wants to do it. Miller said that the P.I.'s already have their hands full when on the river and adding another activity that involves deploying, maintaining, and checking temperature monitors would be difficult.

Lake Powell RBS Survey – A placeholder of \$200,000 was included to continue this project into a second year. Elverud gave an update on the Lake Powell survey. They made two trips to date and encountered some problems with access and gear but caught eleven razorback suckers (5 with PIT tags) and 6 Colorado pikeminnow (4 with PIT tags). They implanted eight razorback suckers with sonic tags and tacked them. They picked up signals from two fish which lead to the capture of another razorback. They expect to catch more fish now that the problems have been worked out and more habitat becomes accessible for sampling. Based on the preliminary results, the BC thinks it is important to continue the work but the cost for next year is unknown at this time and a new SOW will need to be developed for 2012. Fish caught in the San Juan Arm of Lake Powell count toward recovery.

Condon asked about the small-bodied monitoring. Based on the presentation at the annual meeting, she questioned if that project should continue. Pitts concurred and wants to see some justification before it proceeds. Miller said he does not see the value in doing it at this time. The purpose is to pick up fish that recruit before they can be picked up by electrofishing as adults. LaMarra said timing or gear type may be the issue and it should be evaluated. It was pointed out that no one in the Upper Colorado Basin can catch juveniles. Lawrence said frequency of sampling was cut back to once per month which may not be adequate. Campbell said all sampling protocols were evaluated at the monitoring workshops in 2010 but the BC chose to change nothing. Chart pointed out the current methods are targeting juvenile Colorado pikeminnow not razorback sucker. Miller said other techniques/methods such as population estimate sampling and block and seines may be more effective. Kowalski said the GCMRC is doing similar types of work and the BC should coordinate with them. Brooks suggested directing the BC to review small-bodied monitoring and make recommendations to the Program Office on how to best monitor for recruitment.

Campbell said that with so many unknowns about FY2012 funding, it is difficult to budget at this time. McKinstry was asked when he needed a final budget to work with. He said his deadline for getting an approved budget would be September 6.

2010/2011 Annual Base Funding Update – McKinstry distributed his SJRRIP Funds Management FY2010 Final Report. Twenty-seven projects received continued funding in FY2010. The CC approved the budget by September 11, 2009, and all contracting was completed by November 30, 2009 except for habitat monitoring and fish-habitat use which was mailed to the BIA in February but was never signed. Total Basin Fund Power Revenues were \$2,412,000 (1.3% less than FY2009) and Program expenditures were \$2,283,276 for an excess of \$128,724 primarily due to the inability to obligate the funding for habitat and temperature monitoring.

For FY2011, total Basin Fund Power Revenues of \$2,438,532 (1.1% more than FY2010) plus \$80,580 in carry-over from the unfunded temperature monitoring and habitat mapping work makes the total base funds available \$2,519,112. The budget was approved by the CC September 23, 2010 but McKinstry was not able to process all contracts until a federal budget was passed on April 8. He was informed that the larval fish work will no longer go through NMDGF so he will have to do an RFP for FY2012. He mentioned Reclamation is funding a study with USGS at Uvalde on the effects of repeated electrofishing and they are contributing money to CDOW for fish sampling in San Juan Basin tributaries.

Condon asked why they are looking at tributaries. Campbell said Colorado pikeminnow have been found in Yellow Jacket Canyon, about 30 miles up McElmo Creek from its mouth with the San Juan River, for the last four years, some of which were tagged by the Program. Tributaries may provide important habitat for San Juan River fish and the Program supports CDOW's project to sample the tributaries. Pitts asked about the electrofishing effects study and mentioned that Pat Martinez and the UCRRIP are standardizing their electrofishing fleet. He asked how the flow recommendations revision scheduled for 2012/2013 fits into the budget. Campbell said he will discuss it with BC and it will be discussed at the habitat monitoring workshop.

Capital Projects Update – Uilenberg handed out the most recent budget spreadsheet. A contract will be let for Horse Thief Canyon Fish Rearing Ponds in August with construction to begin in September and the project completed in late spring/early summer depending on winter weather. Project costs are increasing due to increased gas and petroleum products costs (e.g., diesel fuel, 6 acres of pond liners). Total costs of \$9.6 million include \$7.9 million in FY2011 and \$1.7 million of carry-over from FY2010. About \$6.6 million is available for Horse Thief Canyon Ponds in 2011. Hogback Fish Weir could potentially get done as soon as 2012 but will depend on Reclamation getting the full amount requested for FY2012, using 2011 carry-over, and the pulling back of \$2 million de-obligated in FY2011. Reclamation's request for FY2012 is \$5,848,000 plus \$400,000 for activities to avoid jeopardy.

Uilenberg said Larry Walkoviak authorized moving \$2 million from capital funds that could be used as a last stitch effort to insure the recovery programs are whole in 2012 if Plan A or B for dealing with the potential shortfall of funding for both programs in 2012, falls through. Plan A is to get legislation through that fully funds all activities and Plan B is using CRSP funds distributed to the States. He emphasized that pre-obligating capital funds for base funds (Plan C) is not preferred and he is hopeful it will not be needed.

Kowalski reported on Plan B. He said they have been working on the logistics. There are some differences between Reclamation and the States about when the funds started amassing. He asked when the drop-dead date was for when Plan C would kick in. Uilenberg said they are still working out the details. Campbell pointed out that Plan C will not make the programs whole. Uilenberg said they are also looking at Reclamation's 2012 budget to come up with the rest. Campbell asked Flanigan where NM was with Plan B. He said he did not know. Uilenberg said Walkoviak's effort shows the high level of support Reclamation has for the programs. Kowalski said Walkoviak may want to contact Reclamation staff working with the CRSP funds because they are currently not on the same page as the States.

BC Report – Miller reported the BC set a conference call for July 27 to discuss the 2012 SOWs again, the habitat monitoring workshop set for the weeks of December 5-9 or 14-18, small-bodied monitoring, and the Lake Powell survey results from the May/June trips.

Condon gave an update on the Southern Ute Tribe's activities with the population model. They are working on an MOU between the Tribe and Program and it should be done possibly next Thursday. The model will be useable in 9 months so the MOU needs to be in place by then. It should be finished in time for the September CC meeting. Chart said the positive population criteria in the 2002 Recovery Goals are based, in part, on population model results and asked if any changes were expected. Miller said he did not anticipate any changes.

Large Mouth Bass Virus Update – Oetker reported that Dexter received the results of its second fish health inspection on May 4 following the initial detection of LMBv at the facility in September 2010. All fish lots tested negative for the virus again which cleared the way for stocking to occur based on the agreed upon expedited testing procedures. Shortly after, the State of California indicated they would not support the expedited procedures and would require a 5-year moratorium on stocking of any fish species from any facility that has tested positive for LMBv. This was unprecedented position which exceeds existing protocols followed by all state and federal agencies. Since then, Oetker has talked to the CA Director who said they will limit their objections to the lower river. Campbell said there was talk of getting Program funding for the hatcheries for disinfection stations. He would like to get a quote from NAPI, Uvalde, and Dexter.

RERI Project Update – McCarthy said six sites west of Shiprock have been identified for restoration. This will be a pilot project to see how the restored sites work. TNC may consider seeking more funding later. The RERI money was allocated under the prior NM administration and it must be spent by June 2011. Their main concern is that they can get the work done in time. They will not be able to get everything done (e.g., monitoring). McCarthy invited everyone on a site visit of the project on Tuesday, May 17. Brooks said actual restoration will cost \$200,000 and the project total is \$400,000. He asked how the other \$200,000 is being used. McCarthy responded it is being used by the contractor, Keller-Bliesner, for design, planning, etc. Lawrence cautioned people not to think we will be able to show a link between the restoration and biological response.

TNC Conservation Action Plan (CAP) – McCarthy said the purpose of a CAP is to create a broad vision for conservation and to develop comprehensive programs and strategies that are cross-cutting among listed species and other resources. It is broader than the Recovery Program and includes a basin-wide perspective. It compliments and reinforces what is going on with the Program and could be used by the Program for activities such as planning and integration. CAP's help TNC direct their resources and bring in new partners. Program participants and many others were involved in developing a CAP for the San Juan River Basin. The final product is currently being reviewed by the technical folks. A glossy, eight-page version will be distributed throughout the basin.

Schedule next meeting – A conference call was scheduled for July 20; 1-3 p.m. An in-person meeting was scheduled for September 28; 10 a.m.-3 p.m. in Durango primarily to review and approve the 2012 AWP.