



**SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM (SJRIP)
COORDINATION COMMITTEE
Conference Call/Webinar
Friday, February 8, 2019**

Final Meeting Summary

COORDINATION COMMITTEE (CC) MEMBERS:

Jason Davis, Chair
Catherine Condon
Daryl Vigil
Dale Ryden
Tom Pitts
Stanley Pollack
Michelle Garrison
Ryan Christianson
Rolf Schmidt-Petersen
Patrick McCarthy

REPRESENTING:

U.S. Fish & Wildlife Service (Service), Region 2
Southern Ute Indian Tribe
Jicarilla Apache Nation
U.S. Fish & Wildlife Service, Region 6
Water Development Interests
Navajo Nation
State of Colorado
U.S. Bureau of Reclamation (Reclamation)
State of New Mexico (NM)
The Nature Conservancy

PROGRAM OFFICE (PO):

Melissa Mata, Assistant Coordinator
Scott Durst, Science Coordinator
Eliza Gilbert, Biologist

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

OTHER INTERESTED PARTIES:

Susan Millsap, CC Alternate
Lorelyn Hall, CC Alternate
Jennifer Dumas, CC Alternate
Jojo La, CC Alternate
Kathleen Callister, CC Alternate
Christina Noftsker, CC Alternate
Jacob Mazzone, BC Chair
Crystal Tulley-Cordova
Mark McKinstry
Nathan Franssen
David Campbell

U.S. Fish & Wildlife Service, Region 2
Southern Ute Indian Tribe
Jicarilla Apache Nation
State of Colorado
Bureau of Reclamation
State of New Mexico
Jicarilla Apache Nation
Navajo Nation Water Management Branch
U.S. Bureau of Reclamation
U.S. Fish & Wildlife Service, Region 2
U.S. Fish & Wildlife Service, Region 2

1. Introductions/Changes to Agenda – Davis

No changes were made to the agenda.

2. Approval of Oct 24, 2018 Meeting Summary – PO (vote required)

Condon, Noftsker, Schmidt-Petersen, and Paul Harms commented on the draft summary and those comments were incorporated into the final version. Schmidt-Petersen moved to approve, Ryden seconded, and the motion was unanimously approved.

3. Review of Action Items from Oct 24, 2018 – Davis

A. A written proposal from Biology Committee (BC) on their request to include overall budgets in their assessment of SOWs and projects.

On behalf of the BC, Mazzone sent a letter with this request to the CC. Discussion of the BC's request is on the agenda.

B. The PO will communicate BC recommendation via email to the CC after the BC's next meeting (4-6 December 2018).

The email was delayed due to the partial government shutdown and sent just prior to this call.

C. Schedule a conference call in the first three weeks of January to discuss the BC's recommendations.

The original meeting (10 January 2019) was canceled due to the partial government shutdown and rescheduled to today.

4. Sufficient Progress Report Update – PO

The report was with the Service's Regional Office for the Regional Director's signature prior to the winter holidays. The partial government shutdown created a backlog and the report is expected to be reviewed for approval by the end of March.

5. BC Update – PO

Mata chaired the last BC meeting as the Chair position was vacant. However, Mazzone was elected Chair during the meeting and will serve out the remainder of the two year term which expires December 2019. New representatives for New Mexico (Matt Zeigler and Jill Wick), Service Region 2 (Stephen Davenport), and Bureau of Land Management (David Mueller) were also approved during the meeting to fill vacancies for those SJRIP participants. The BC requested that the PO and Bureau of Indian Affairs (BIA) address Phase III comments received from Water Development and New Mexico CC representatives. The BC decided it would use those responses when considering whether to re-recommend the project at the next BC meeting (February 2019). An update was provided on a possible project in McElmo Creek which would consist of stocking larval Razorback Sucker. There was a discussion of river-wide PIT tag antenna systems and a need for long-term planning. A mini-workshop to discuss Channel Catfish predation and assumed impacts based on the current diet study data was held.

The McElmo Creek project does not require funding and was not intended as a SOW for the Annual Work Plan (AWP) approval process. Water Development Interests objected to SJRIP participants implementing recovery activities absent SJRIP approval and requested Reclamation submit the proposal as a scope of work for the FY19 AWP, for CC approval. Razorback Sucker are present in the tributary and the lack of nonnative fishes suggests stocked larvae may exhibit higher survival than in the river. Additionally, larval fish stocked into the wild will undergo a natural selection process that they would not experience in the hatchery, potentially producing fitter individuals. To a certain extent, this project is a way to test ideas proposed for Phase III. The CC did not require an approval process for implementation of projects and stocking of fish that previously occurred (i.e. stocking of larvae and juveniles to test the Hogback weir, RERI habitat restoration, stocking Round tail Chub in tributaries). However, the bioenergetics model was approved through the CC even though the second iteration was not financially supported by the SJRIP as it was fully funded by the Southern Ute Indian Tribe. The McElmo Creek project would not include stocking of waters within Colorado and the State of Utah did not raise any concerns when they were contacted. Stocked larvae would be marked with a chemical (oxytetracycline) to allow differentiation with wild produced fish (a method used successfully when larvae were stocked at the Hogback weir). The Service

will review the Program Document to see whether the SJRIP has the reach to approve a project that is not part of the AWP process and will provide the findings to the CC. The project proponents asked the BC to provide technical input for the project. Water Development Interests were objected that implementation of the stocking proposal without SJRIP approval could be used by entities that were not SJRIP participants. Ultimately, whether or not the project supports species recovery is a Service decision and review of the proposal would occur through a Section 7 consultation. The project is supported by the Navajo Nation Department of Fish and Wildlife and would be conducted on Navajo Nation lands. The SJRIP is a cooperative program and encourages partnerships, and the Program Coordinator wanted to recognize that States and Tribes have authority for their water resources, and to protect and manage fish and wildlife resources within their boundaries.

6. Annual Work Plan Updates for FY19 – PO

A. Updates from previously approved SOWs for FY19

The CC approved the 2019 AWP with the higher of two budgets providing for either larval sampling in April or sampling below the waterfall, with the expectation that the BC would make a recommendation in December on which option to finalize. The BC recommended sampling below the waterfall. No objections were raised by CC members to implementing the BC's recommendation.

B. Wild Razorback sucker spring sampling trip Scope of Work (SOW) (vote required)

Due to the documentation of a record number of young of year Razorback Sucker and a delay in fiscal year (FY) 2019 appropriations, some FY 2018 funds were not spent and are now available to support a spring sampling trip to determine whether this cohort survived over winter. This SOW would not change the total 2019 AWP expenditures and the BC unanimously recommended this SOW for CC approval.

C. Demographic monitoring SOW (vote required)

The purpose of this project is to obtain annual survival, detection probability, and population estimates for both endangered species. As currently proposed, the SOW will replace fall monitoring in 2019 and will be conducted for three years. The demographic monitoring will use a statistical modeling approach to estimate demographic parameters for the endangered species. Fall monitoring, as a single pass, cannot provide the data for statistical modeling but does provide a full community, holistic approach, to conservation. It acts as an index that provides other data helpful with long-term assessment of the system. This type of community wide information is not obtained by the Upper Colorado Recovery Program (UCRP) and has reduced that program's ability to understand what has happened to the fish community overtime (e.g. the invasion of nonnative fishes). Inclusion of this SOW into the 2019 AWP would not change the AWP budget as funding would come from the 2019 calcein project (it will not occur as laboratory experiments indicate the procedure will not be successful in the wild), the UNM long-term data integration work (the post-doc took a different position), and reduction in effort for the Channel Catfish diet study (from 4 to 3 passes). If funding is available in future years, fall monitoring could be included in future AWP's. The BC recommended this SOW unanimously for CC approval.

Pitts moved to approve both SOWs, Condon seconded, and the motion was approved unanimously. La requested the 2019 AWP be revised to reflect these changes. The PO will make the revision and update the online version.

7. BC Nominations Discussion/Process – PO

The Service, Region 2, had nominated Dr. Nathan Franssen to represent it on the BC. Some CC members voiced concern and the Service withdrew the nomination. This was discussed at the last BC meeting and the BC thought the process for them to provide input had been bypassed. In the future, they would like the

opportunity to review what is in their purview before the CC provides its opinions. This issue was not only related to BC nomination but also with the CC going around the BC to end discussions like the proposal for stocking in the Animas River. This is a process question and it may be useful to have a quick reference in the Program Document indicating which committees act on items and when/how that has played out with specific case by case examples. Pages 34-36 of the Program Document gives guidance on the CC's role. There may be times when the CC needs to step in when it thinks the subject matter is outside the purview of the SJRIP and would not want the BC to waste their time on consideration of technical merit. Some CC members thought it was within their purview to comment on BC matters and supported CC members stating concerns regarding pending SJRIP actions when those concerns arise. Some CC members were of the opinion that the issue with Dr. Franssen serving on the BC was not based on his qualifications, but on his essentially being a PO staff member and that it is not appropriate for PO staff to serve on the BC. What the BC requested, was the opportunity to think through ideas before the CC made decisions that stopped BC conversations. The topic merits further conversation, may require clarification in the Program Document, and development of a quick reference table was supported.

8. BC request to review SOW budgets – Mazzone/PO

The BC has been discussing this for about a year. Currently, the BC is not allowed to prioritize SOWs or make an evaluation of a SOW through review of budgets. Mazzone and Brian Westfall (BIA) wrote a memo to the CC with the help of the BC to request review of SOW budgets during the AWP process. The request was made because the BC has found it difficult to make a technical review without examining overall budgets when they are being asked to compare similar projects or suggest reductions in recommended SOWs. At some point in the AWP process, especially when evaluating contentious or conflicting projects, the BC needs to see overall budget information. The BC's memo requested review of summarized budgets during the second phase of their review. This would be after a purely technical review has been conducted without consideration of budgets. Schmidt-Petersen moved to approve the BC's request, McCarthy seconded, and the motion was approved unanimously. Davis agreed to review the Program Document to see if any modification would be necessary, draft a response to the BC, and would send that letter to the BC once the CC commented on the draft letter.

9. Upper Colorado RIP post-2023 planning coordination with SJRIP– PO

The SJRIP and Upper Colorado River Endangered Fish Recovery Program are working together to conduct post-2023 planning. The SJRIP is including the BC, peer reviewers, and PIs while the UCRP is using small teams of technical experts. The SJRIP is holding a short workshop as part of the BC February meeting. This will aid in the development of actions with associated levels of confidence those actions will contribute to post-2023 recovery for incorporating into various post-2023 scenarios. The question as to the recovery role of the SJRIP beyond 2023 will not be included in the BC's workshop. The Service has the responsibility in developing recovery planning guidance for threatened and endangered species per the Endangered Species Act.

10. Funding Updates Bureau of Reclamation – McKinstry/Callister

Reclamation's funding, which was included in a Department of Energy appropriation, was received in January. The benefit of obtaining the funds through an appropriation is that Reclamation can allocate the funds all at once rather than quarterly distributions, which is what was required through use of power revenues. The 2019 funds did not include a cost of living adjustment but there was flexibility in the 2019 AWP that allows for balancing of that AWP. The 2020 budget information is currently under consideration for inclusion into the President's budget. Thus, the information cannot be shared with the CC. If the President's budget is made available in time, it can be shared with the CC prior to the March Washington D.C. trip. Reclamation is requesting funds through appropriation. Because the reauthorization of the recovery programs is not currently in law, there is some difficulty in making a request specifically for the

recovery programs actions rather than just for compliance activities. The reauthorization for the recovery programs was included in U.S. Senate Bill 47 and moved to the U.S. Senate floor for a vote. It is expected to be passed within the next couple of weeks and is unlikely to incur significant changes by the U.S. House. Because Reclamation works on a three year budgeting cycle, they are working on a 2021 budget. Western Area Power Administration, which had provided power revenue funds, is still under the Office of Management and Budget directive to return funds to the U.S. Treasury that had been allocated for the recovery programs.

11. Program Funding/March D.C. Briefing Trip– Pitts

The trip is scheduled to begin on 12 March with 3 days of meetings. Steve Wolff is organizing the meetings. The broad participation of nonfederal parties (last year there were 16 people) allows multiple meetings to occur.

12. New Mexico Contribution – Schmidt-Petersen

New Mexico Interstate Stream Commission (ISC) staff sought full funding from the New Mexico State Legislature (Legislature) to fulfill the State’s SJRIP capital contribution commitment. A part of the requested funding was included in an outlay bill (Senate Bill 280); with \$420,000 included out of the full \$740,000 remaining. If the bill is successfully approved, ISC will know by April whether the Governor is likely to sign it. If so, the funds would be available in early July 2019. With coordination through the National Fish and Wildlife Federation, funds would be available in the fall. It would be helpful if SJRIP participants contact the Legislature to communicate their support of ISC’s request.

13. Upper Basin Drought Contingency Plan (Plan) implications for the SJRIP – Schmidt-Petersen

There are two separate efforts, one in the Upper Colorado River Basin (Upper Basin) and one in the Lower Colorado River Basin (Lower Basin) plus federal authorizing legislation, that need to come together to implement the Colorado River Drought Contingency Plan (Plan). Federal legislation is needed because the Plan would modify the “Law of the River” (i.e. 1922 Colorado River Compact [Compact]). The Upper Colorado River Commission and Upper Basin states gave approval for the Upper Basin part of the Plan in December 2018, subject to a few conditions, at the Colorado River Water User Association meeting in Las Vegas. In the Lower Basin, the State of Arizona was working to sign off on the Lower Basin part of the Plan but Arizona Legislative approval was needed before the State could do so. This was difficult to obtain as the Plan includes a potentially significant reduction in Arizona’s draw from Lake Mead. Just to implement the Arizona part of the Plan, about 16 documents need to be signed. The State of Arizona got the needed Legislative approval on 31 January 2019, but more time will be needed for them to complete the documents.

In part because the inter-Arizona documents hadn’t been completed, Brenda Berman, the Commissioner of Reclamation, indicated the Plan is not done and that she would publish a request for input in the U.S. Federal Register. That notice will be directed towards the states’ governors.

The Plan in the Lower Basin is to reduce use from Lake Mead; while, the Upper Basin part is more a process document. The Upper Basin is working on tools to maintain the water delivery component of compliance with the 1922 Compact. The concerns are that 1) if the Upper Basin does not deliver the required amount to Lee’s Ferry, reductions in post-1922 upstream use would become mandatory and 2) if Lake Powell drops below a certain elevation the ability to continue to create electricity (and funding for Upper Basin Programs) could be at risk. The Upper Basin portion of the Plan includes the Drought Response Operations Agreement with changes to operations of Colorado River Storage Project (CRSP) initial reservoirs (Aspinall Unit, Flaming Gorge Reservoir, and Navajo Reservoir) and Lake Powell occurring within the individual Records of Decision. For Navajo Reservoir, it would include working

within the Flow Recommendations. As pertains to the SJRIP, when Reclamation's 24-month study indicates water from Navajo Reservoir may be needed, monthly planning meetings would begin amongst Reclamation and the States two years before any extra water would be requested. However, Navajo Reservoir is not as likely as other reservoirs to have extra water over the amount used to meet the Flow Recommendations. If there is extra water, it should be relatively easy to convey it in a manner that also benefits fish. The Demand Management Storage Agreement, which requires federal legislation, is another part of the Upper Basin effort and would seek to create a separate pool of water in the CRSP Initial Units through voluntary compensated fallowing and has a longer planning period than the 2 years.

14. Upcoming BC habitat workshop –PO

The idea for this workshop came from the CC's discussion of the Phase III habitat development project and the resulting discussion during the BC's last meeting about whether to re-recommend the project to the CC. The outcome of the workshop could be development of a habitat restoration plan, which could be used as a reference when considering future habitat related projects. The topic of a habitat workshop is on the BC's February agenda and will include a discussion on workshop objectives and what key topics should be addressed. It is possible a workshop could be scheduled for May prior to the annual meeting. If the BC chooses to include a discussion of Phase III in the habitat workshop, it may be useful to consider how many of those structures or facilities would be needed to make a difference in recovery and consideration of long-term feasibility. Thus far, capital funds have been easily approved for minimization of take with diversion structures and no capital funds have been dedicated to habitat creation or manipulation. Once the BC concludes its February meeting, a small CC group should be organized to review the points the BC would like to include in a habitat workshop (a summary of those points will also be sent out to the CC after the BC concludes its February meeting). It would be helpful for CC members to attend the habitat workshop.

15. Schedule meetings – PO

A. BC Meeting – Feb. 19-21, 2019 (Durango, CO)

There are contingencies for a government shutdown and the meeting will proceed as scheduled.

B. SJRRIP Annual Meetings in Farmington, NM (BC-1st day; Annual Meeting-2nd day; CC-3rd day) May 14-16, 2019

Space was reserved at the San Juan College. A block of rooms will be reserved (likely for the Marriott) and information will be sent out once contracts are signed.

C. The 40th Colorado River Basin Researcher's Meeting will be held Jan 14-15, 2020 (Durango, CO)

The meeting will be organized by the SJRIP PO.

16. Last minute agenda item: SJRIP PO vacant positions

The support position has been vacant for some time. Interviews were conducted prior to the partial government shutdown and the name of the chosen candidate was submitted to hiring officials. Many people applied for the Coordinator position and the hiring committee (Millsap, Campbell, Davis, Pitts, and Hall) is half-way through interviews. A recommendation will be submitted to hiring officials shortly after interviews are concluded and filling the position is a high priority for the Regional Director.

Action Items Developed During Meeting

1. The Service will review the Program Document to seek a resolution as to whether a project review and approval process is required for activities that are not part of the allocation of SJRIP capital or base funds.
2. The PO will develop a quick reference of BC and CC responsibilities/processes with specific examples.
3. Davis will draft a memo summarizing the CC's approval of the BC's request to review SOW budgets during the AWP process.

4. The PO will summarize the main points of the BC's discussion on planning a habitat workshop and share that with the CC. The CC (3-4 members) will coordinate with the PO and provide input on what they would like to see from such a workshop. Some CC representatives will attend that workshop.
5. The PO will revise the 2019 AWP and update the online version.