

San Juan River Basin Recovery Implementation Program  
Coordination Committee  
30 June 1994

The meeting of the Coordination Committee of the San Juan River Basin Recovery Implementation Program (Program) was called to order at approximately 10:15 a.m. on 30 June 1994 in Albuquerque, New Mexico. Dr. John Rogers, Regional Director, Region 2, Fish and Wildlife Service chaired the meeting.

The roster of all attendees who signed in is attached. The following representatives of the signatories to the Program's Cooperative Agreement were present:

<u>Name</u>	<u>Representing</u>
John G. Rogers	Fish and Wildlife Service, Region 2
Jim Lutey	Fish and Wildlife Service, Region 6
Rick Gold	Bureau of Reclamation
Leo R. Soukup	Bureau of Indian Affairs
Joel Farrell	Bureau of Land Management
Peter Evans	State of Colorado
David Vackar	State of New Mexico
Les Taylor	Jicarilla Apache Tribe
Scott McElroy	Southern Ute Indian Tribe
Dan Israel	Ute Mountain Ute Indian Tribe

Dr. Rogers opened the meeting with a review of the dual purposes of the Program and an endorsement of the commitment of Committee members to the accomplishment of those purposes and the goals set forth in the Program document.

The minutes of the 19 October 1993 meeting were reviewed and approved.

Participation in the Program by several entities was discussed. No representative of the State of Utah was present. Dr. Rogers questioned Mr. Stanley Pollack, representing the Navajo Nation, if the Nation would participate in the Program. Mr. Pollack replied that there has been no decision to date concerning that participation. Representatives of the Conservationists were present and were asked if they would participate in the Program. Ms. Amaryllis Hewett restated the position of the Conservationists, unchanged from the position statement provided on 15 June 1994, that they could not agree with the dual purposes of the Program, citing an inherent contradiction of proceeding with development without information gained from the ongoing research program. Mr. Jim Decker, in support of Ms. Hewett, stated that the Program was driven by a desire for the Animas-La Plata Project and not to recover the fish.

Mr. Vackar expressed his concern that entities be permitted to join at a later date, should positions be reversed and parties elect to participate. The 4 May 1994 letter from Mr. Ted Stewart, Utah Department of Natural Resources to Mr. David Vackar was distributed to the Coordination Committee. Mr. Vackar informed the committee that the State of New Mexico had not officially responded but was not ready to accede to a request for water to be provided to Utah from either New Mexico or Colorado as a prerequisite for participation on the part of the State of Utah.

Mr. McElroy asked if Utah was participating in the research when not a signatory to the Program's Cooperative Agreement. James Brooks, Program Coordinator, replied that the situation of Utah's research while not a participant had been discussed by the Biology Committee, but that he would be reluctant to say that this Program would be unwilling to fund valid research by any entity, regardless of participation.

Mr. Evans related a conversation with Mr. Barry Saunders of the Utah Department of Natural Resources - his impression of Utah's quid pro quo is different than what is stated in the letter. As the bottom line, Utah needs something to participate in the Program. Mr. Evans further stated that, until the 7-year research program is completed, we won't know if further depletions are possible or how big they would be. Utah is looking for assurance that the Program would serve as the reasonable and prudent alternative to clear section 7 requirements. Mr. Evans stated that continued discussions with Utah are useful. Colorado has no position on Utah's participation as a non-signatory.

Mr. Taylor stated his support for continued discussion, but what would happen if they (Utah) pulled out of the research program? Mr. Brooks replied that the research would still be accomplished, possibly by other investigators.

Mr. Taylor asked if the research could still be done if Utah did not issue permits for the work. Mr. Brooks iterated that the research would still be conducted, although he did not believe that Utah would use the permitting process in that manner.

Dr. Rogers then opened the discussion of representation by the Water Development Community by requesting that Messrs. Vackar and Evans provide a summary of their facilitation of the Water Development Interests' selection of a representative. (Since their volunteering to facilitate this process, both Mr. Vackar and Mr. Evans had been supplied all letters of nomination and petitions received by the Fish and Wildlife Service concerning potential representatives.) Four names had been supplied: Mr. Tom Pitts, Mr. Orion Utton, Mr. Tsosie Lewis, and Mr. Jack Scott.

Mr. Vackar stated that, based on his contacts, the real point of contention concerning an individual to represent the interests was in New Mexico, not Colorado. There was a lack of clarification on who would be considered a water development entity and no unanimous consensus. However, the majority of those entities he contacted favored the selection of Mr. Tom Pitts.

Mr. Evans also stated that Colorado interests support representation by Mr. Pitts.

Ms. Hewett objected, and requested to be informed of the administrative process by which the selection was completed. Mr. Michael Black stated that in Colorado, he had heard nothing of the selection, and had read nothing of it in the media.

Mr. Evans stated that he contacted all principal water users, and that Mr. Pitts was willing to meet with all users and go to Durango and New Mexico on a regular basis to discuss issues.

Mr. Vackar explained that his understanding of the process was that there was never to be

a vote taken. He contacted recognized water development entities. Water development interests transcended state boundaries. Mr. Jack Scott had received no support from the City of Aztec. Ms. Hewett stated that the Mayor of Aztec had not allowed the City Council to review his letter of support for Mr. Pitts.

Mr. Israel stated that this was a complex business, there is not a lot of knowledge about it. One of the things Mr. Pitts brings to the table is experience in these areas.

Mr. Utton: You did not look at my qualifications, how do you know that I'm not qualified? The selection would have been completed at the February meeting in Farmington, but your interests saw that they would be outvoted so they left. Mr. Pitts is hired by the Southwest Water Conservation District. He will bring to this Committee what the District wants him to.

Mr. Black asked if public meetings were held in Colorado to select a representative, and, if so, where. He stated his belief that this was done behind closed doors. Mr. Tom McCulloch stated that Mr. Pitts was working for the Tribes and, therefore, had a conflict of interest from the start. Mr. Pitts later stated that he had never worked for any tribe in the San Juan Basin and does not have a conflict of interest.

Dr. Rogers then stated that the Committee members would be asked to comment on the process and the selection. He also requested Committee members to provide those comments to the Fish and Wildlife Service in writing following the meeting.

Mr. McElroy: The process New Mexico and Colorado had gone through was more than adequate in the selection. The Committee will get from Mr. Pitts the view of water development interests which needs to be a part of this process. The Conservationists slot can be filled by people other than Mr. Pitts. Let's get this issue behind us. Conservationists are missing an opportunity to participate.

Mr. Taylor: Each of us sitting here may have some problem with the RIP. The Program document states clearly that Water Development Interests shall select their representative. It is clear that they have done so.

Mr. Vackar: It is not a matter of qualifications, but an assessment of the majority of support.

Ms. Hewett: We sent in petitions with hundreds of names.

Mr. Vackar: The City of Farmington public officials, in their support of Mr. Pitts, also represent many people.

Mr. Scott: I would like to see a copy of the Administrative Record on this decision. The decision on selection should be postponed to allow for more participation in the decision. A lot of individuals are not represented by an organized entity.

Mr. Black: This process has not been open. If Mr. Pitts is so controversial, why don't you go back and find a representative not so controversial?

Mr. Evans: In Colorado, there is a State agency responsible for water development and to organize interests into water conservation districts. It was the advice of the Colorado Water Conservation board to contact those Districts, and when asked for recommendations from each Administrative Director of the Districts, it was unanimous for Mr. Pitts.

Dr. Rogers continued a poll of the Committee, and, when unanimous approval was provided by hand vote, iterated his request for follow up written concurrence by each Committee member. Mr. Pitts was then seated as representative for the Water Development Interests on the Coordination Committee.

The Committee then turned to the topic of the Long Range Implementation Plan. The plan, drafted by the Biology Committee, was meant only for review at this stage by the Coordination Committee prior to public release. However, because some copies of the draft had been circulated, it was then distributed to the full mailing list in order to provide equal opportunity by interested parties to review.

Mr. Brooks and Dr. David Propst, Biology Committee Chairman, led the initial discussion of the background and purpose of the plan. Members of the Biology Committee were present, together with other researchers, in order to answer questions by the Coordination Committee. The following summary was presented:

#### CHRONOLOGY OF THE LONG RANGE IMPLEMENTATION PLAN

- Animas-La Plata Biological Opinion 1991
- Navajo Indian Irrigation Project Biological Opinion 1991
- Development of San Juan River Recovery implementation Program 1991-1992
- Cooperative Agreement signed October 1992
- Initial Coordination Committee meeting June 1993
- Bureau of Land Management Biological Opinion 1993
- Biology Committee directed to develop Long Range Plan June 1993
- First Draft Completed January 1994
- Biology Committee Review and Revision February and March 1994
- Second Draft Completed April 1994
- Biology Committee Review and Revision 25-26 April 1994
- Third Draft Reviewed and Revised May 1994

- Fourth Draft Reviewed and Revised 1-2 June 1994
- Fifth Draft Finalized by Biology Committee 10 June 1994
- Fifth Draft Submitted to Coordination Committee 15 June 1994

#### PURPOSE OF THE LONG RANGE IMPLEMENTATION PLAN

- ▶ Guide and document recovery steps
- ▶ Provide process for achievement of recovery goals
- ▶ Provide a timeframe for recovery (15 years)

#### MILESTONES

- \* Management decision points
- \* Not in and of themselves sufficient progress
- \* Can be used to determine sufficient progress
  - ⊙ actions implemented to benefit listed fish or their habitats
  - ⊙ such actions must constitute progress and will be considered by the Fish and Wildlife Service in determining if progress is sufficient to offset impacts of future federal actions.

#### INTEGRATION WITH OTHER RECOVERY PROGRAMS

- \* Upper Basin Recovery Implementation Program addresses only flow and considers only listed species
- \* San Juan River Recovery Implementation Program includes flow and non-flow related impacts and takes a community approach

#### RECOMMENDATIONS OF STANFORD REPORT ON AN ECOSYSTEM APPROACH

- \* Implement seasonal flows that re-establish seasonality
- \* Provide common understanding of water availability
- \* Improve standardized monitoring program - add a community ecology perspective
- \* Diversify the research program to resolve critical uncertainties
- \* Implement a peer review process
- \* Implement adaptive management

#### RATIONALE OF COMMUNITY-BASED RECOVERY IN THE SAN JUAN RIVER BASIN

There is a large array of biotic and abiotic factors that mediate the functioning of the aquatic ecosystem of the San Juan

- ▶ The relative importance of these factors may change temporally and spatially
- ▶ Human activities have variously impacted the system
  - flow modification

- contaminants
  - habitat modification
  - non-native fishes
- ▶ Relative impact of any specific activity is different for different species
- ▶ Endangered species co-evolved with other natives and their well-being is directly linked to the health of native fish community and factors which affect the entire community.
- ▶ Recovery of endangered species can only be accomplished within the context of providing for native fish community. Recovery must recognize inter-relationships and inter-dependencies.

**To be successful, the San Juan River Long Range Plan framework must be proactive.**

- ▶ Identify basic research/information needs
  - what are the biological, physical, and chemical attributes of the system?
  - what abiotic and biotic limiting factors exist?
  - what are the inter-relationships and inter-dependencies?
  - what are the management alternatives?
- ▶ Identify applied research needs
  - initiate management options/alternatives
  - evaluate management options
  - monitor biotic and abiotic resources
- ▶ Plan must be adaptive
  - incorporate new information
  - identify additional research needs
  - implement new strategies
- ▶ Identify and characterize specifics of recovery goals and objectives
  - use data and information obtained within the Program
  - use information and data from Upper Basin Program
- ▶ Conserve and improve status of all native fishes of the San Juan River
  - flannelmouth sucker and roundtail chub are notice of review species
- ▶ Acquire information to provide timely evaluation of various water development options and alternatives

Following the summary of the Long Range Plan, Dr. Rogers opened the discussion to the Committee. It was agreed that the Committee would direct its comments at this meeting to the process outlined in the Plan, that detailed review and written comments would be provided to the Biology Committee at a later date.

Mr. Israel: Conceptually, how much of what you are doing are you doing for the first time or how much are you applying established theories to this.

Mr. Brooks: Sampling methodologies are standard, accepted methodologies, but are adapted to the physical and biological conditions found in the San Juan River. In some important respects, the San Juan is different from other rivers in the Upper Basin; secondary channels characteristic of the San Juan are not present in the Upper Basin. We are avoiding repetition. The San Juan is a different river but a lot of the work is similar. The same fish may occur in drastically different environments.

Mr. McElroy: The process outlined by the Biology Committee may not be right. Perhaps a joint working committee between the Biology and Coordination Committee should be formed. I have 5 major issues:

Native fish community: There are conflicting messages in the document. One issue is the need to study the native fish community in order to recover the listed species, the second issue is language that commits participants to treat native fish community the same as listed fish. This goes beyond the commitment of the signatories. How much energy are we going to spend on native fish? We don't have an unlimited amount of time and resources to study everything. This is more than can be accomplished.

Feasibility of Recovery: There is an assumption of viability of Colorado squawfish without augmentation.

Meaning of Milestones: Not sure what milestones mean and how Coordination Committee gets involved in management issues.

Proactive Measures: The Plan needs to identify such measures that can be taken before all research is completed.

Outside review of plan:Independent peer review is needed.

Mr. Evans: I am also concerned with the milestone concept. Several references to compare historic to current conditions to recover these species. Why? and is it possible?

Mr. Brooks: Based on historic information, you can get more reasonable estimates of project-induced impacts.

Dr. Propst: Comparison of data requires an idea of where we started and gives the best basis for identification of goals for recovery.

Mr. Evans: That satisfies my concern. The annual evaluation of research results doesn't appear as a decision point.

Mr. Brooks: We will include a section in the yearly progress report to integrate results.

Mr. Israel: As a layman, it seems to me that this is a mix of research and management. I want to ratchet up management and ratchet down research.

Dr. Propst: We have to strike a balance between doing good research and identifying viable management options to be recommended to the Coordination Committee.

Mr. Vackar: Too many people see this plan as an end to itself. It is a process. It should be flexible, open and responsive. We have to look at the entire community, endangered species don't exist in a vacuum.

I would like to see budget, funding needs for priority action items.

Concerning sufficient progress, we want to be able to make recommendations to the Service.

Specific comments regarding clarification of wording: Page 11, 5 progress points - inconsistent and out of context. Numbers 2 and 3, especially 3, should be subsets of 4.

Mr. Bliesner: Milestones are all lined up at 1997/1998. Are there any opportunities for management options before that date?

Mr. Pitts: There is a need for adaptive management and information transfer. We need to go from reporting data to drawing preliminary conclusions for adaptive management. The first 7 years of the program are driven to answering questions for Animas-La Plata. The Plan needs to address this. Needs outside peer review. Wants the Plan to address annual planning. Concerning the native fish community, information can be gained from native fish but the emphasis should be on endangered fish. Concerned about the preservation of genetic material of Colorado squawfish. Low numbers make measuring population response difficult. The Long Range Plan should be updated annually.

Mr. Soukup: My concerns have already been covered.

Mr. Gold: The focus is on man-caused impacts. What about natural impacts? Natural contaminant levels? There is a big step between the philosophy of adapting management as we go and a program. Special programs establish lives of their own.

Mr. McElroy: I understand the linkage between native fishes and the endangered species. But I am concerned that when we make commitments about enhancing native fishes above and beyond the point it benefits native fish. The statement on Page 6 is strictly about native fish community. I was under the impression that the native fish community was fine. You have to demonstrate the benefit to endangered fish. If it benefits endangered fish and meets legal obligations.

Mr. Pfeifer: If you need it in the narrative, we can certainly do that. We can show that everything for natives benefits endangered fishes. If there are problems in emphasis in the research concerning native and endangered fishes, the annual research plans are submitted annually for approval. It can be considered at that time and during that review process. The Upper Basin's narrow approach, not including native species, has been noted as limiting the success.

Mr. Taylor: It is a matter of perception. I am much more comfortable now with the native community approach after talking to the biologists.

Mr. Vackar: This may just need clarification of language in the Plan. Perhaps we can have a show of hands to support the community approach as the foundation for the Long Range Plan.

Mr. Taylor: Yes, to the degree that I understand it.

Mr. Evans: I knew that they were inter-related, it was not clear that they were inter-dependent. The Plan should articulate those inter-dependencies. It should also be noted that the states have the responsibility for unlisted fish.

Mr. Pitts: I abstain until discussing this with the Water Development Community. There is a lot of misunderstanding about the concept.

Mr. Gold: The Plan should also look at non-natives when looking at inter-dependencies. The concept of studying the community makes sense. Where you get into trouble is management actions taken solely for natives or others.

Mr. Farrell: The Bureau of Land Management supports the ecosystem approach.

Mr. Israel: The role of non-native fish is troublesome.

Mr. Brooks: Non-native fish are one of several foci of the research and management actions ongoing and proposed. The recommendations for the native community will include actions pertaining to non-natives.

Dr. Rogers: Now, as to the process to further review and comment. After this meeting, the Coordination Committee members have 30 days to provide written comments (30 July 1994). The Biology Committee will then have 2 weeks to address those comments and redraft the Plan. The formal draft will be provided to the Coordination Committee for review with another 30-day comment period. The final draft document should be provided to the Coordination Committee in early September.

Mr. McElroy: There should be give and take between the Coordination and Biology Committees during this process.

Mr. Israel: It looks like it will be mostly wordsmithing to clarify certain paragraphs.

Mr. Pollack: Will there be a working group?

Mr. McElroy: We can go with the process as we have just outlined it to get to the next draft. It is important that these documents be treated as predecisional and confidential.

Ms. Hewett: We disagree.

Dr. Rogers: After the draft has been accepted by the Coordination Committee it will be publicly reviewed.

Mr. Vackar: Somewhere in the Long Range Plan the Coordination Committee should review research and plan to see if the Program is making progress. As we move along, components of this Committee and others will be asking the Fish and Wildlife Service if there is sufficient progress.

Mr. Evans: If a consultation results in a biological opinion where a reasonable and prudent alternative is not available, the Committee would like a chance to participate and to assist.

Dr. Rogers: It is the responsibility of the Fish and Wildlife Service to determine if sufficient progress has been made to allow the Program to serve as a reasonable and prudent alternative. But yearly assessment of meeting milestones will certainly be a subject for discussion and input by the Committee.

Mr. Young: A yearly assessment also allows new data or opportunities to be evaluated and acted upon.

Mr. Pfeifer: We would welcome ideas provided by the Committee. If you have management recommendations. That is the premise of adaptive management.

Dr. Bailey: Research and management under adaptive management are not separate.

In response to questions and concerns raised by some Committee members in letters of comment during the process of critical habitat designation for the Colorado squawfish and razorback sucker in the San Juan River, Henry Maddux, Fish and Wildlife Service biologist and leader of the team that formulated the rule was present and provided to the Committee a summary of the process. Dr. David Brookshire, University of New Mexico, the economist who prepared the economic analysis of the designation was also present, as was Mr. Michael McKee, the modeler for the economic analysis. The Committee had no questions concerning the economic analysis.

Mr. Pitts: Does the RIP need to be modified to reference critical habitat?

Ms. Fowler-Propst: No, the Program was written from the start to address habitat for the native and endangered fish.

An update of consultations and minor depletions was provided to the Committee. Formal consultation on the Navajo Indian Irrigation Project, Animas La-Plata, and the Bureau of Land Management Oil and Gas Leasing Program have all been reinitiated to address the designation of critical habitat. The initial planning descriptions of the Navajo Gallup Pipeline was also presented to the Committee.

Mr. Pitts: When will we discuss the 1995 budget and work plan?

Dr. Rogers: That will be handled at the fall meeting, scheduled for 3 November 1994.

Ms. Hewett: We would like to be provided by Mr. Vackar the definition used to distinguish between water users and water developers. We would also like to know who will pay Mr. Pitts to represent our interests.

Mr. Pitts: The only one who has paid me to date is the Southwest Water Conservation District. It is my understanding that water interests in Colorado and New Mexico will be organizing to provide for broader participation.

The meeting was adjourned at 3:00 p.m.

Attachment

NAME	ORGANIZATION	ADDRESS/TELEPHONE
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David Vacker	State of New Mexico	State Capitol 505-827-30
Joel Farrell	BLM	1235 La Plata Hwy Farmington NM 87401 505-599-6
Sec. McElroy	S. Ute Indian Tribe	1007 Pearl St. Suite 220 Boulder Co. 80301
Dan Israel	Ute Mt Ute Park Tribe	7507 1st St. Fort Collins, AZ 85151
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Les Taylor	Jicarilla Apache Tribe	500 Margaretta NW Ste. 1050 Alb. nm 87102 505-243-4
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