



**San Juan River Basin
Recovery Implementation Program
Coordination Committee
Minutes for
February 23, 2005**

Coordination Committee Members

Joy Nicholopoulos, Chairman

Brent Uilenberg
Henry Maddux
Dan Israel
Susan Jordan
Tom Pitts
John Whipple
Randy Seaholm
M. Catherine Condon
Stanley Pollack
Ernest Teller

Hydrology & Biology Committee Members:

Pat Page, Hydrology Committee
Chuck McAda, Biology Committee

Others Present:

Billy Bahe
Bill Miller
Paul Holden
Steve Harris
Maria O'Brien
Robert E. Oxford
Bernadette Tsosie
Ron Bliesner

David Campbell

Joann Perea-Richmann

Mark McKinstry

Representing:

U.S. Fish and Wildlife Service, New Mexico
Ecological Services Field Office
U.S. Bureau of Reclamation
U.S. Fish and Wildlife Service, Utah
Ute Mountain Ute Tribe
Jicarilla Apache Nation
Water Development Interests
State of New Mexico
Colorado Water Conservation Board
Southern Ute Indian Tribe
Navajo Nation
U.S. Bureau of Indian Affairs

Representing:

U.S. Bureau of Reclamation
U.S. Fish and Wildlife Service, Region 6,
Colorado

Representing:

U.S. Bureau of Indian Affairs, NIIP
Miller Ecological Consultants, Inc.
Jicarilla Apache Nation
Water Development
BHP – Billiton
Outside community member
Navajo Nation DWR-WMB
Keller Bliesner Engineering, Bureau of Indian
Affairs
U.S. Fish and Wildlife Service, New Mexico
Ecological Services Field Office
U.S. Fish and Wildlife Service, New Mexico
Ecological Services Field Office
U.S. Bureau of Reclamation

WELCOME AND INTRODUCTIONS

REVIEW OF AGENDA

Agenda accepted without changes.

REVIEW AND APPROVAL SEPTEMBER 10, 2004 MEETING MINUTES

The committee reviewed and made comments. These will be revised and then posted on the web page. Flow recommendations paragraph – Addendum which Randy Seaholm provided to the committee was added to September 10, 2004 minutes.

INTRODUCTION OF NEW SAN JUAN RIVER IMPLEMENTATION PROGRAM (SJRIP) COORDINATOR

David Campbell has a Masters degree in Science from Vermont, Ecology/Biology, worked in the Nature Conservancy for seven years in Tennessee as the Director of Conservation program. Most current position was the Endangered Species Compliance supervisor for Snohomish County in the State of Washington.

SJRIP FY06 APPROPRIATIONS

Representatives of the Upper Colorado River and San Juan River Recovery Implementation Programs will travel to Washington DC March 9-15 2005 to meet with and brief Congressional staff regarding the FY06 Budget for the recovery programs, and to solicit support from the Congressional delegations of Colorado, Wyoming, Utah and New Mexico for the appropriations. The past year's delegations support was excellent, with 13 of 14 members of the House from the four states signing letters of support, as well as all of the Senators who are not on the Appropriations Committee, with exception of the two Senators from Wyoming.

For FY06, the Reclamation Capital budget request is \$1.3 million for the Upper Basin Program and \$600,000 for the San Juan Program. For USFWS Program support, the requested appropriation for the Upper Basin is about \$691,000 and \$211,000 for the SJRIP. Tom Pitts asked coordination committee members to write letters to their congressional delegations in support of these appropriations.

EXTENSION OF SAN JUAN RIP PROGRAM

Tom Pitts and representatives of the Upper Basin program met in Washington in early February with the Congressional delegations of the four states, as well as committees that will be handling the request in the House and Senate. There appears to be excellent support in the delegations for these amendments to the existing authorizing legislation.

Tom Pitts reported that there will be a request made to Congress by some of the non-federal participants in the program to authorize an additional \$15 million to finish out construction for the Upper Colorado River recovery program. Extend the authorization period for construction from 2008 to 2010 for both the Upper Basin and San Juan Programs.

Some of the members of the coordination committee asked why more money was not being requested for SJRIP. Brent Uilenberg said there appears to be more than adequate funds available for completion of all construction projects for the SJRIP including contingency funds. Funds are available for fish passages at APS and Fruitland, if needed. Fish screens for certain projects are in the budget.

Brent Uilenberg pointed out that there are contingencies in habitat restoration and the propagation capital budgets totaling \$5.4 million that likely will not be needed for those projects, and could be used for additional construction projects if needed. Brent Uilenberg stated that with the contingences, there is no basis for requesting an increase in the authorization ceiling for the San Juan program at this time. Tom Pitts said that if such needs occur, the non-federal Program partners can go back to Congress with specific needs and ask for an increase in the authorization, as it is being done in the Upper Basin.

A memo was sent out to the Coordination Committee (CC) describing the changes of Federal Authorizing Legislation for the SJRIP and Upper Basin Programs. Where \$62M for Upper Basin and \$18M for SJRIP, in January the BoR notified the Upper Basin that they would need an additional \$12.5M to finish out construction for six remaining projects. The upper basin is asking for an extension from 2008 to 2010. This would allow a lower budget of about \$5M a year which is what it's been historically. Requesting that congress obtain legislation to authorize an additional \$15M and extended the upper basin program two years, an additional \$11M of non-federal in-kind cost shares to be added and recognized at the legislation. Request for the SJRIP will be to add two years authorization period for project construction taking it into 2010.

Some members of the CC asked why more money was not being requested for the SJRIP. And in the event unexpected projects or flow recommendation requests came in what happens then? The CC agreed that in the event a project comes up unexpectedly this needs to be addressed with the CC immediately.

NAVAJO DAM BIOLOGICAL OPINION STATUS

Joy Nicholopoulos announced that the DRAFT Biological Opinion (BO) is with the BoR in Region 6. Brent Uilenberg will let FWS know when the BO can be sent to the CC.

BIOLOGY COMMITTEE (BC) UPDATE

PNM passage

- Chuck McAda reported that thousands of native fish have passed through the PNM fish passage. In 2004, seven razorback suckers passed through, as opposed to four in 2003. In 2004, five Colorado pikeminnow have gone through the passage vs. nine in 2003.
- Chuck McAda reported that a large sandbar upstream of the passage had developed and at present is being hand shoveled out. Brent Uilenberg said Reclamation will identify options, and determine needs for the FY06 Program Budget.
- Stocking program: 280,000 young-of-year pikeminnow were stocked, as opposed to 300,000 that were targeted. A total of 1,200 age two Colorado pikeminnow from the MUMMA hatchery in Colorado were stocked into the San Juan.
- Razorback sucker stocking, including 3,000 14 inch fish, was short of the goal. There is a need to increase production at the ponds.
- Colorado pikeminnow and razorback sucker catch rates have increased substantially over the last year.

- Both species are reproducing; larval the Colorado pikeminnow and razorback sucker are being caught.

Non-native fish control: River wide analyses documented a reduction in size of the catfish throughout the system, indicating the success of the non-native control program.

Entrainment at Hogback: 140 Colorado pikeminnow were found in Hogback channel including 129 that were stocked last fall and 11 others. This indicates the need for a screen at Hogback.

Other canals need to be sampled. A question was raised regarding whether or not the statement of work needs to be revised to expand the effort. This project was funded with FY04 funds. Reclamation agreed that any changes in scopes work need to be brought back to the Coordination Committee.

Fish passage studies at Fruitland and APS: This study was funded with FY04 funds and was a late start due to contracting problems. Evaluation indicates that Fruitland probably does not need fish passage. APS is a barrier for a short period of time. If a passage is needed at APS, it will be a much smaller structure than the one at PNM.

Habitat analysis: Ron Bliesner reported that there will be a change in approach to geomorphology work. Complex reaches will be highlighted in future. Studies will be shifted to two detailed reaches one half to three quarters miles long each to look at the mechanism for habitat formation.

Integration report: The funding issues have been resolved and the funds are now available to complete the effort. A draft report is expected in mid March for review by the Biology Committee.

Razorback sucker pond issues: Construction is needed to remedy problems at the razorback sucker ponds. Biology Committee supports construction of the ponds. Ron Bliesner submitted a scope of work entitled "Razorback sucker rearing pond rehabilitation and upgrade" February 17, 2005 that included four tasks at a cost of \$132,700. Brent Uilenberg reported that it was appropriate to use the capital funds for this project. The Coordination Committee approved the scope of work.

Ponds statement of work: The Biology Committee had submitted a proposal for FY05 to construct additional ponds using capital funds. Reclamation changed the proposal to purchase fish, rather than ponds, from Dexter at a cost of \$73,000 using annual funds. This has caused a short fall in the proposed budget for FY05. Brent Uilenberg explained that Dexter had been provided some capital funds for construction of ponds. However, in the proposal, the costs for production were listed at \$72,600 per year, and this was identified in the proposal from Dexter as O&M costs, which are not eligible for capital funding.

It was suggested that this be worked out such that Dexter will receive two payments next year, rather than to cut projects from the budget this year. The Biology Committee

members said that if is going to be a cut in funds, Hydrology Committee activities need to be cut also. The Coordination Committee agreed that if any cuts are needed, then the budget should be brought back to the Coordination Committee.

FY06 preliminary budget

Chuck McAda provided a preliminary list of projects for FY06 that total approximately \$1.7 million. None of these are new starts. Regarding finalizing the budget, the Coordination Committee requested it be done earlier than September. The Coordination Committee needs to see the budget prior to the September meeting.

Tom Pitts said that Service needs to be funding the Program Coordinator. He and other interests will try to get that money written into the budget for FY06. However, even if it is not written in, USFWS should fund the Program Coordinator office at 100 percent.

Joy Nicholopolous has requested for 25 percent of the cost of supporting the SJRIP Program management staff for FY06 from the regional office. No answer has been received to date.

For the May 13, 2005 meeting, the Coordination Committee hoped to see the plan for the request for proposal and budget process for FY06, and to approve RFPs for competitive bidding. The possibility of a two year budget process was discussed.

Regarding razorback sucker augmentation Chuck McAda said we would not see fish from Dexter until 2006. He suggested pushing the start date for the augmentation plan to 2006 and would allow for eight years of stocking. The Coordination Committee approved this revised start date.

Indexing of base funds: Chuck McAda noted that the Biology Committee has adopted a 5% cost increase per year in statements for work, which exceeds the cost of living increases authorized by Congress, and the Consumer price index. The Coordination Committee said cost estimates need to be realistic each year.

HYDROLOGY COMMITTEE (HC) UPDATES

Pat Page reported on the Hydrology Committee activities as follows:

- Modeling workshop was held earlier in February, with 75 people in attendance.
- The Hydrology Committee has determined that the San Juan basin is not in an “extreme dry condition”.
 - Recommendations are being developed regarding the small depletion account.
 - Recommendations are also being developed on how to handle the Red Mesa and Stevens Creek projects with respect to inclusion in the baseline and the model.
- Navajo operations: Reservoir storage has increased 150,000 acre feet since September, which accounts for a 15 foot rise in reservoir elevation. The February forecast is for 150% of normal runoff for the period of April through July.
- Flow recommendations: In 2005, Reclamation is anticipating a four week ramp up to

5,000 CFS, 5000 CFS flows for 21 days, and a two week ramp down. The ramp up will start at the end of April.

- Shortage sharing agreement: nine out of ten major operators have signed the shortage sharing agreement at this time.
- Comments: Cathy Condon said that there is a need for peer review regarding Hydrology Committee issues. Pat Page said that this has been discussed in the past. Steve Harris (audience) said the Hydrology Committee is the peer review group.
- Flow recommendations: Steve Harris said that there would be 3 to 4 alternatives explored using the models and that adequate funding for model operation is needed for 06.
- Change in flow recommendations: Pat Page reported that the apparent change will be to increase larger flows and decrease the mid range flows, i.e. back off the 5,000 cfs flow for an 8,000 cfs flow at more frequent occurrences and drop the lower flows. Joy Nicolopoupous asked if there is more money needed in '06 for flow testing. Pat Page responded that that may be the case.

UPDATE ON PROGRAM DOCUMENT

David Campbell reported that the program document is about one third done and there is no projected date for completing it. He will provide a revised document back to the committees for review.

LONG RANGE PLAN UPDATE

Tom Pitts and Brent Uilenberg reported that they had handed the plan update off to Dave Campbell.

FISH AND WILDLIFE FOUNDATION CAPITAL FUND UPDATE

Randy Seaholm said that National Fish and Wildlife Foundation funding is holding about \$150,000 for Colorado and about \$350,000 for New Mexico and this was drawing interest, but the money needs to be spent. Brent Uilenberg said that it could be used to reimburse BIA for Hogback.

John Whipple needs an accounting for the costs already incurred. New Mexico has a sunset on expenditures. New Mexico also has a four year service contract that expires in June 2005 with the National Fish and Wildlife Foundation. The parties are working on a new contract.

Brent Uilenberg, John Whipple and Randy Seaholm will work on getting these issues straightened out. Regarding Hogback Brent Uilenberg said that there is no O&M agreement. He needs an agreement in order to transfer funds.

Ron Bliesner says that some O&M problems with Hogback need fixing soon.

BUREAU OF RECLAMATION (BOR) NEW CONTRACTING PROCEDURE CONCERNS

Dan Israel reported that 638 contract procedures will not work for this program. The 638 program allows sole source contracting on projects that are primarily for tribal benefit. The recovery program benefits many other parties.

Regarding BR procurement requirements and contracting procedures Mark McKinstry reported that ongoing agreements can proceed without competition. Reclamation is looking at the program contracts to determine which ones need to be done competitively. He said that the program needs to tell Reclamation contracting which projects likely qualify for sole source. Everything else needs to be competed.

David Campbell and Mark McKinstry will have recommendations for consideration at the May 13 2005 Coordination Committee Meeting.

HYDROLOGY MODEL RESULTS DURING SECTION 7 CONSULTS AND RELATIONSHIP/ROLE OF THE SAN JUAN RIP SECTION 7 AGREEMENT

Randy Seaholm said there is a lot of confusion about the Section 7 Consultation process. Concerns that a second system of water right priorities will be established as a result of when projects go through Section 7 consultation. There is fear that if any project violates the flow recommendations, it will receive a jeopardy opinion with no reasonable and prudent alternatives i.e., will not qualify for ESA compliance. This is not in accordance with the Section 7 Principles approved by the Coordination Committee.

Joy Nicholopoulos explained that FWS accepted the Section 7 consultation principles. The flow recommendations are not sacrosanct. They will change. Joy Nicholopoulos will put out a memo to the program very clearly stating this, and will give the Coordination Committee a draft to review.

Henry Maddox said that CO, UT and NM field offices had a meeting just before the model workshop. They did a lot of education. They will be looking at where impacting the flows e.g., if they are impacting a base flow, then look to an RPA to mitigate a base flow impact.

Joy Nicholopoulos agreed, and added if a project in consultation is missing the flow recommendations one day maybe nothing is needed i.e. maybe it is not jeopardy – you would then not need RPAs/RPMS but the Program could serve as RPAs/RPMs, which could be things done in past, currently undertaken, or things the program needs to prioritize for the future.

Tom Pitts said in the Upper Basin there is a formal sufficient progress review, but we don't do that here.

General consensus was that we should do it, and that Integration Report will provide a basis for it. A draft report will be ready at our next meeting. CC will need to approve, but won't likely have a final draft ready for us in May.

ACTION ITEMS

1. Henry Maddox will provide information to David in order to compose a letter to amend the BO to return \$50,000 to the FWS, Colorado Region 6.
2. Tom will send out letters to the CC which will be distributed to the delegation representative in Washington.
3. David and Mark will put together a list of projects which will be ending in the years to come and provide it at the next CC meeting.
4. Joy will compose and send a letter to SJRIP detailing the consultation process according to the Principles Document.
5. Pat will provide a copy of the definition of Extreme Conditions to the CC after changes have been completed.
6. Brent and Randy will coordinate a conference call with Rebecca Kramer to see which projects can be paid out of National Fish and Wildlife Foundation trust fund.
7. David will work on updating the Long Range Plan/7 Year Plan and Program Document.
8. The CC would like both the BC and HC to get SOW in sooner. It was suggested that the BC and HC get together to filter out budget costs and prioritization.

Next meeting – May 13, 2005, 8:30 am – 3 pm, in Durango, CO at the Durango Arts Center, 820 East 2nd Ave.

Meeting Adjourned at 2 pm