



SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM

Coordination Committee Meeting August 14, 2008 Farmington Civic Center

Meeting Summary

Coordination Committee Members:

Jim Brooks, Acting Committee Chair
Catherine Condon
Joe Farrell
Dan Israel
Herb Becker
Steve Lynch
Al Pfister
Tom Pitts
Stanley Pollack
Brent Uilenberg
John Whipple
Adrian Oglesby
Absent

Program Management:

David Campbell, Program Coordinator
Sharon Whitmore, Asst. Program Coordinator

Interested Parties:

Michael Howe, CC Alternate
Mark McKinstry, BC Member
Andrea LeFevre
Judy Manwell
Randy Kirkpatrick
Gil Arviso
Carl Woolfolk

Representing:

U.S. Fish and Wildlife Service, Reg. 2
Southern Ute Indian Tribe
Bureau of Land Management
Ute Mountain Ute Tribe
Jicarilla Apache Nation
U.S. Bureau of Indian Affairs
U.S. Fish and Wildlife Service, Reg. 6
Water Development Interests
Navajo Nation
U.S. Bureau of Reclamation
State of New Mexico
Conservation Interests
State of Colorado

U.S. Fish and Wildlife Service, Reg. 2
U.S. Fish and Wildlife Service, Reg. 2

Representing:

U.S. Bureau of Indian Affairs - NIIP
Bureau of Reclamation
Jicarilla Apache Nation
Jicarilla Apache Nation
San Juan Water Commission
Navajo Nation Water Rights Commission
APS, Four Corners

Approval of Meeting Summaries – Whitmore said all comments received had been incorporated into the May 9, 2008, Meeting Summary and the June 23, 2008, Conference Call Summary. Both summaries were approved with two minor edits to the May 9 summary.

Long Range Plan Update – Whitmore reported that Rich Valdez, in a July 29 email, said he was close to incorporating comments into a new draft LRP or identifying the ones that may need more discussion. She said that after the Program Office receives a new draft, she will provide the CC with an update and proposed schedule for completion.

Capital Projects Update – Uilenberg reported that the status of capital projects has not changed a lot since his last report at the June 23 meeting. He reiterated that they were concentrating on securing a long-term contract for O&M and on NEPA compliance for the Hogback fish screen. He said he still anticipates a contract being awarded for that project in late FY2009, construction occurring in winter 2009 and 2010, and the project being completed in spring of 2010. He said they are still working on annual indexing for inflation. Pitts asked if it would be beneficial to add language to clarify indexing in the legislation. Uilenberg said he did not think that was necessary and that he would not want to risk delaying the legislation.

Hydrology Model/Hydrologic Baseline – Campbell recommended a process for developing the hydrologic baseline, revising the hydrology model, and developing revised flow recommendations. He said the process would involve the following four steps:

- 1) establish a hydrologic baseline, October 2008 to March 2009;
- 2) complete revisions to the Generation 3 Model, December 2008 to December 2009;
- 3) integrate biological data and use that information to determine and support proposed revisions to the flow recommendations, 2009 to 2010; and,
- 4) develop revised flow recommendations, incorporate into Generation 3, and develop new operating rules for Navajo Dam, 2010 to 2011.

Pollack asked if this would trigger a need to re-consult or to go through the NEPA process. Campbell said that the EIS and consultation allowed for future modifications of the flow recommendations without having to redo the NEPA or reconsult.

The question was raised regarding a programmatic consultation for an additional 50,000 af depletion. Pitts said he thought the Service was opposed to doing a programmatic biological opinion and mentioned their request for consultation on an additional 50,000 af. Campbell clarified that the Service is not opposed to doing one but recognizes the tremendous time commitment to do this. He said the Service does not have the resources to do this kind of consultation and thinks they would require the Program to fund staff to do the work. Pfister pointed out there was also some question about what the proposed action was in regards to the additional 50,000 af. Campbell added that addressing an additional 50,000 af of depletions might be more of a planning exercise than a consultation issue.

Campbell explained that Step 1 would involve a small workgroup of Service representatives and Katrina Grantz, Reclamation, working with several Program water and biology representatives. The first meeting of this workgroup would be during the week of October 14-17 at the Program Office in Albuquerque. Pollack said Ron Bliesner and Bill Miller should be involved because of their past involvement and institutional knowledge. Campbell indicated he had already contacted them and anticipates their involvement in the process as technical support staff. Condon asked who would attend the first meeting in October. Campbell said Program Service representatives, Grantz, Miller, Bliesner, Seaholm, Pitts, and Whipple. She asked about the water user's involvement. Campbell responded that the Service needs their input because many of the conflicts are related to state water issues and the task is specifically

related to State depletions and the hydrology model. He said the meeting is not closed to other Program participants but emphasized he would prefer to keep the workgroup small for efficiency.

Step 2 will involve building/converting the Colorado portion of the hydrology model in a RiverWare format. Campbell explained that this revision is necessary because with StateMod in the model, its uses by the Program are limited. He said Grantz, working with Service Program representatives and other technical support staff, expects to complete Step 2 by the end of calendar year 2009. This would allow for its use in revising flow recommendations by July 2010, at the earliest. He said an approximate cost for this task is estimated at a little over \$200,000. Whipple pointed out that there are other San Juan River sections in the model that need to be fixed in addition to those listed in Campbell's presentation (i.e., Animas-La Plata section, La Plata compact, Colorado, upstream of Navajo, Animas and Florida, McElmo). Campbell said his list is just a preliminary outline of how the task will be accomplished and that other issues can be identified and added as the process proceeds.

Step 3 involves the integration of the Program's biological data and information and is estimated to cost ~\$100,000 per year for two years, 2009 and 2010. Campbell said the Integration Report will look at all information the Program has developed to date, identify strengths and weaknesses, assess the status of species, evaluate the effectiveness of the recovery activities and the monitoring program, and provide recommendations. He recommended this task be competitively bid through the RFP process.

Step 4 entails using the integrated data and recommendations from Step 3 to develop revised flow recommendations, incorporating them into Gen3, and doing model runs of future scenarios. Campbell said this would be the best time to explore options for a programmatic consultation on additional water development in the Basin, if appropriate. This last step also includes developing new operating rules for Navajo Dam. Campbell recommended that this task also be done through an RFP process. Pollack asked if changing the operating rules would require the need to go through the NEPA process. Campbell said there is enough flexibility within the existing NEPA document to accommodate change as long as the outcome is not something entirely different. He said it is based on adaptive management so change is expected.

Condon asked about how best to accomplish the data integration piece, either using the RFP process or staying within the Program. Campbell said using a RFP would allow anyone to submit proposals whereas sole sourcing or the IDIQ contract would limit it to only those who have obtained permission to work on Navajo Nation lands. Since this project is not tied to working on Nation lands an RFP would be more appropriate. He thinks it is beneficial to have inside and outside perspectives. Condon pointed out that going outside the Program has not necessarily been a successful approach and gave the LRP as an example. Becker asked about the IDIQ contract. Campbell said the IDIQ will include a stipulation that all contractors must have prior permission to work on Navajo lands, which will limit those eligible to current Program representatives. He said the Integration Report is a technical review of Program data and information and will not require fieldwork. Pfister emphasized the importance of the RFP in specifying selection criteria and costs so an appropriate contractor is obtained. Campbell said that the last step, developing new Navajo Dam operating rules based on revised flow recommendations, is a separate process as specified in the EIS and is primarily Reclamation's responsibility.

The CC directed the Program Office to proceed with the process as outlined. The Program Office with McKinstry will draft a RFP for the Integration Report for CC review.

FY2009 Annual Work Plan/Budget – Brooks said a quorum was present so the CC could vote to approve the budget, if appropriate. Pitts asked for confirmation that 2009 was the second and last year for the *Fish-Habitat Relationship Surveys* and that the Integration Report will be done before any

decisions are made on how to proceed with projects such as this. Campbell provided confirmation and said the BC also plans to hold two workshops in February/March 2009 to evaluate the Program's long-term monitoring plan (i.e., the projects under Element #5). Outside experts will be brought in to assist the BC in doing a comprehensive review of the monitoring program. They will assess the frequency, scope, and scale of the data being collected; the current sampling methodology's ability to answer important recovery questions; the appropriateness of the questions being asked; and, the cost effectiveness of the monitoring program. The outcome will be recommendations to the Program on what modifications should be made. The BC plans to hold these workshops prior to data integration so the results can be included in that process.

Pitts asked about the \$5,000 allocated for *Long Term Channel Monitoring, Habitat Mapping*. McKinstry said the BC determined full channel mapping was only needed every five years; however, the digital photos that are taken every year and used by multiple projects need to be geo-rectified annually. Pitts said it should be moved to Element #5.

Pitts asked about the \$136,639 listed for the Service's contribution to *Program Management*. Campbell said it should be \$165,000 but he will check and make sure the correct number is included in the budget. He explained that the original agreement called for the Service to contribute a total of \$200,000, \$150,000 from Region 2 and \$50,000 from Region 6. Brooks pointed out that the amount of time he contributes is not included in the total.

Pitts asked if the \$25,000 for *PNM O&M* will be enough. Campbell said he checked with PNM and they said \$25,000 would be adequate to cover their expenses in 2009. McKinstry added that their contract is still good, they are paid by the invoice, and that they seemed pleased with the amount allotted. Campbell reported that the siltation problem at the fish passage, which has resulted in several shutdowns, is being resolved. A nationwide permit will be issued for sediment removal activities at the passage and the Service and the Corps of Engineers are working to resolve issues with the Video Canyon project, which is located immediately across the river and is suspected of exacerbating the siltation problem.

Campbell said the item, *Feasibility/Pre-planning for Improving Flow Effectiveness using Mechanical Manipulation*, is listed to go to RFP but he would like to incorporate it into a larger TNC project to leverage funds and increase the magnitude of the effort. He said he would like to contract directly to the TNC. He said a number of other projects could be done as part of this larger project including McKinstry's project to create and restore backwater habitat and secondary channels, if accepted NMDEQ, and a toxic spill threats assessment that the Service needs to do. He explained there is a lot of oil and gas development occurring along the San Juan River so the potential for toxic spills is increasing. Pitts asked what kind of oversight is in place on drilling. Campbell said the Service has a biologist working in the BLM office in Farmington but oversight is primarily a BLM responsibility. He emphasized their jurisdiction only includes federal minerals and federal land. Pfister said the Service in Colorado has developed conservation methods with the BLM to be implemented on pipeline ROWs. The CC said Campbell could contract directly with the TNC for this work but wants to see a Scope of Work that describes how the Program's \$20,000 will be used. Campbell will work with Oglesby and McKinstry to develop an SOW for CC review. They also said McKinstry can go forward with funding.

Pitts said Seaholm, who could not attend the meeting, conveyed to him that he concurs with the AWP/Budget. Pitts moved that the FY09 AWP/Budget be approved; Pollack seconded. Whitmore said the *Long Term Channel Monitoring, Habitat Mapping* item will be moved to Element #5 and the Service's contribution will be corrected. The FY09 AWP/Budget was unanimously approved.

Navajo Gallup Consultation – Campbell reported that the Service received revisions/amendments to the BA from Reclamation. He said the primary changes relate to the depletions guarantee language and the potential effects of climate change on future water availability. Sue Umshler, DOJ Solicitor, explained that the delta smelt ruling set a precedent for the Service to consider climate change in biological opinions. The ruling is not specific in how it should be considered except to say a mitigation strategy is required that has measurable goals, actions that can be measured, and an implementation schedule. She said that the San Juan River Program is in a good position to provide a mitigation strategy to address climate change for the Navajo-Gallup consultation. She said the only criteria the Service is using is that the mitigation actions must be certain to occur and be capable of being implemented. She said the other option is to put all the responsibility for addressing climate change on the last project.

Campbell said the Program could provide a mitigation strategy by incorporating the effects of climate change on future water availability into some of the upcoming activities. He said that developing the baseline, integrating data, revising the hydrology model, revising flow recommendations, and improving flow management using mechanical means could all serve as parts of a mitigation strategy. For example, mechanical manipulation may be needed to achieve the same habitat improvements if less water is available or could be used to remove encroaching vegetation to improve the effectiveness of flow management. He said the Service will follow the Program's Section 7 Principles, to propose modifications to the LRP so the Program can serve as the ESA compliance vehicle for the Navajo Gallup project.

Oglesby asked how the depletion guarantee would be affected if the flow recommendations increase and would it trigger re-initiation of consultation on all projects. Campbell said modeling showed 50,000 af of future water development affected the peak flows 1% of the time. He said modeling future water availability and providing ranges would illustrate the potential effects of climate change. He mentioned the Service expects to get a fair amount of funding in 2010 for climate change work. He said any modeling or other mitigation activities the Program did would be included in the Navajo-Gallup biological opinion as terms and conditions and reasonable and prudent measures. Pitts said the Program is doing a lot more than just augmenting flows to recover the fish and that the whole Program should be considered as mitigation. Umshler agreed and said all actions the Program undertakes to address threats to the species including decreased water supply would be considered.

Desert Rock was mentioned as a contributor to greenhouse gases and that Navajo Gallup is on the receiving end of those effects. Campbell gave a "heads up" that there has already been an inquiry about the Program providing mitigation for that project. He said no decisions have been made and the Service has not yet received a biological assessment on the project. The report Ron Bliesner did on climate change for Reclamation for the EIS was mentioned. The Program Office will send Bliesner's report to the CC.

SJRRIP Legislative Update – Randy Kirkpatrick and Tom Pitts reported. They explained the background behind the removal of the annual funding part from the legislation. Kirkpatrick said the water subcommittee was hesitant to introduce the bill in the House because of some controversial issues related to the process for dealing with decreased power revenues and CREDA. An ad hoc committee of non-federal representatives was formed and they reluctantly decided to strip the bill to only the construction parts to give it a better chance of being introduced this year. He said their rationale was that the construction part of the bill does not seem to be controversial and the current annual funding provisions do not expire until 2011 so there is some additional time to get that part passed. Even with the changes, Kirkpatrick estimates there is only a 40% chance that the stripped down version will be introduced. He said there is a possibility that it could become part of an omnibus bill. He said it will probably be more difficult to get the bill passed after 2008 because the majority of senior congressional

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representatives will be leaving office at the end of the year. Pitts said there will be another meeting of the non-federal subgroup on August 19 in Salt Lake City and August 23 in Denver. He said they will go through the same process again next year.

Funds Management/IDIQ Contract Update – McKinstry reported that the \$30,000 not used for workshops in FY08 was moved the Program Office and that the order for pit tags was submitted. He also replaced \$6,000 worth of equipment for Navajos that was stolen from one of the NAPI pond sites. He said he is on schedule to award the IDIQ (Indefinite Delivery/Indefinite Quantity) contract by the beginning of the year. There will be stipulations in the IDIQ that states it is for work on the San Juan River and on Navajo Nation lands. It will describe potential work skills/tasks that can be covered such as water temperature monitoring, geomorphology monitoring, habitat mapping, detailed reach monitoring, and fish-habitat relationship surveys. He said tasks like data integration could be included if the CC wanted to use the IDIQ for the Integration Report. He mentioned the first year of the Fish-Habitat Relationship Surveys was under a RFP but that the second year will be under the IDIQ. He explained that project was delayed by one year because of a delay in getting the funds out the first year. He said completing the second year of the project will provide a more robust data set.

Biology Committee Report – McKinstry reported that the BC will be identifying important fish/habitat questions that need to be answered in preparation for workshops they will hold in FY09 to evaluate the Program's monitoring program. He said he will be working with the Program Office to put together proposals for the workshops. Campbell added he will also be coordinating with Bob Muth to get information on population estimate work done by Kevin Bestgen and others from the Upper Colorado River Program. McKinstry said the BC will be selecting a new chairperson at their November meeting. He said one of the names mentioned for the position was Jason Davis. He said Davis would do a great job but a non-federal representative would provide better across-the-board coverage of Program representation. Condon said they are working on finding a non-federal representative who could serve in that capacity. Whitmore mentioned the BC was reviewing the revised recovery goals for the razorback sucker and Colorado pikeminnow and planned to provide consolidated comments to the Service by the September 5 deadline.

McKinstry reported on a recent trip he took with Utah Department of Wildlife Resources to sample for fish below the waterfall. He said it was on the descending limb of the hydrograph when Colorado pikeminnow would be moving upstream to spawn. He said they caught six fairly large razorback suckers, 5 with tags, and one 200 mm Colorado pikeminnow. He said there was a large number of non-native fish in the area that could move into the river if they had access. He said the waterfall is currently about 30 feet high. Uilenberg said there is no capital project planned to prevent these fish from getting into the San Juan River when the reservoir re-fills. He said there has been some opposition to this in the past but he thinks the Program should put a selective passage/barrier as low down in the system as possible. McKinstry said the problem with putting this type of thing in that location is not biological; it is technical. The area is remote and there are no obvious locations with access so it would be very expensive. Uilenberg said he will check into the possibly of constructing a barrier/fish passage in the lower end the river and report back.

Next Meeting – A conference call was scheduled for November 7 @ 9:30 a.m. – noon. Potential agenda items identified included:

Hydrologic Baseline/Model Revision Update
Navajo – Gallup
Mechanical Manipulation SOW
Science Symposium Nov. 18-21

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BC Meeting Nov. 5-6