

Approved, May 15, 2009



SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM

Coordination Committee Meeting
February 26, 2009
Sky Ute Casino and Resort, Ignacio, Colorado

Meeting Summary

Coordination Committee Members:

Jim Brooks, Acting Committee Chair
Catherine Condon
Dan Israel
Herb Becker
Steve Lynch
Al Pfister
Tom Pitts
Stanley Pollack
Randy Seaholm
Brent Uilenberg
John Whipple
Adrian Oglesby
Absent
Michael Howe, Alternate
Andrea LeFevre, Alternate

Representing:

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

Hydrology & Biology Committee Members and Alternates:

Bill Miller, BC Chair
Mark McKinstry, BC Member
Steve Harris, HC Member
Bruce Whitehead, HC Member

Jicarilla Apache Nation
Bureau of Reclamation
Southwestern Water Conservation District
Southwestern Water Conservation District

Program Management:

David Campbell, Program Coordinator
Sharon Whitmore, Asst. Program Coordinator
Scott Durst, Program Biologist

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

Interested Parties:

Pat Page
Marian Wimsatt
Maria O'Brien

Representing:

U.S. Bureau of Reclamation
BHP Billiton
BHP Billiton

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Randy Kirkpatrick
Warren Vigil
Max Vigil
Omar Bradley
Andrea Novak
Oscar Simpson
Paul Sheppard
Greg McReynolds
Ross Tuckwiller
Don and Jane Schreiber
Larry Johnson
Bubba Smith

San Juan Water Commission
Jicarilla Nation
Jicarilla Nation Water Commission
U.S. Bureau of Indian Affairs
San Juan Quality Waters Coalition
San Juan Quality Waters Coalition
Five Rivers Trout Unlimited
Trout Unlimited
Theodore Roosevelt Conservation Partnership
Devils Spring Ranch
SJR Guide Association
SJR Foundation

The group thanked Cathy Condon and the Southern Ute Indian Tribe for hosting the meeting.

The November 7, 2008, Conference Call Summary was approved with edits from Condon.

Program Office Report

SJRB Hydrology Model - Katrina Grantz provided a one-page update on SJRB model progress (attached). She requested that the Hydrology Model Subgroup meet soon to discuss model development. The Program Office will work with Grantz to set-up a conference call for sometime in April.

Integration Report RFP – The Program Office and the BC are moving toward annual integration instead of every five years, which has not been a very productive approach. An objective of the upcoming BC monitoring workshops in April is to develop a comprehensive monitoring plan that includes a process for annual review and integration of data being collected. An RFP for integration of 2003 through 2008 data will go out sometime after the BC workshops.

Long Range Plan – The LRP is being reviewed and revised as part of the annual process. Comments from the Water Development Steering Committee and BC are being incorporated. The LRP will be distributed at the annual meeting for further review and, as a living document, will be revised, as appropriate. Whitmore is working on a checklist of annual tasks that would clearly describe the Program's annual cycle. She handed out a draft and asked for input.

NFWF Account – The most recent Statement of Account Activity, October 1, 2008, to January 31, 2009, was provided. It reflects Colorado's 2008 contribution of \$456,000.

Biology Committee Update - Miller reported the BC has had two meetings. During a January conference call, they started discussions on monitoring workshops. At their February 18-19 meeting, the Principle Investigators gave presentations on their 2008 results. The group discussed if the current monitoring is answering important questions (e.g., is recruitment occurring). Kevin Bestgen is evaluating the utility of existing recapture data to determine how the data can be used for assessing survival, populations, recruitment, etc. His results will include recommendations on how better to formulate fish-population monitoring projects. He will be presenting his results at the workshops in April. The BC will hold two workshops to assess the Program's current fish and habitat monitoring program. The first one is scheduled for April 7-8 and will focus on the razorback sucker and habitat monitoring; the second one on April 28-29 will focus on Colorado pikeminnow and habitat. June 29-30 was also set aside for a third workshop, if needed. Both workshops will be facilitated and will be similar in format. Each Principle Investigator will present on their current monitoring goals, objectives, methods, results, etc. In addition to BC members and Program peer reviewers, the workshops will include several outside species/habitat experts (e.g., Rich Valdez, Gordon Mueller, Kevin Bestgen, Wayne Hubert, Scott McBain, and Bill Trush). A primary goal of the workshops will be development of a comprehensive monitoring plan. The workshops will be open to anyone and will be held in Albuquerque at the USFWS Ecological Services Office. The date for the BC's fall meeting was set for November 4-5, 2009.

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Seaholm asked about the outside expertise. Miller said they were concerned about bringing in outside experts who were totally unfamiliar with the Program because of the learning curve. They decided to bring in experts not involved in the Program but still somewhat familiar with SJR resources. Israel asked how helpful the Program's peer reviewers have been in affecting change. Miller said they have been very helpful in getting the group to view things from a broader perspective and have influenced thinking on a number of issues including stocking numbers and non-native fish removal.

Capital Projects Update - Uilenberg provided a spreadsheet of capital expenditures for 1995 to 2008 and an indexing table. For the purposes of tracking expenditures that count against the authorized funds, he highlighted FY2001-2008 on the expenditures spreadsheet. Total expenditures for both Programs are ~\$95 million, unindexed. While this is within the authorized amounts, the Upper Colorado River Program is quickly approaching their authorized ceiling. Total expenditures through 2008 for SJRRIP, \$7,711, 338.24, is well under the unindexed ceiling of ~\$18 million. He said both Programs are running up against the 2011 deadline for the authorization unless it is successfully extended to 2023. The indexing table compares actual expenditures to legislation formula expenditures for the SJRRIP (i.e., 78.75% for CRSP/Hydropower, 15.24% for NM, and 6.01% for CO). It shows CRSP/Hydropower funds are overspent and the NM and CO funds are under spent; however, CO and NM have more money in the NFWF account than needed to cover their portions. As long as the ~\$3 million for the Hogback weir is covered in FY2009, the SJRRIP account can be brought into balance with the legislation by the end of the year. To do this, NM would be invoiced for \$424,385 and CO for \$58,000 by the end of FY09. Whipple mentioned the invoice NM recently received for Hogback design work and that NM should already be close. Uilenberg said the account is in very good shape.

Uilenberg reported that the Hogback fish weir design is complete, the contract for O&M has gone through the solicitor, and is being reviewing by the Service. After that is done, it will go out to the partners, the Navajo Nation, and the San Juan Dine Water Users. The 25-year term contract has been two years in the making. It looks very much like the earlier version but the language regarding ownership has been tightened up so it has a clear ownership track. He is hopeful the contract can be executed soon. The Navajo Engineering and Construction Authority have indicated an interest in constructing the project so it will probably be done through a 638 contract with the Navajo Nation. They want to award a contract by late this summer so construction can begin after the 2009 irrigation season.

Pitts asked about accounting for expenditures beyond the \$18 million, i.e., the \$5 million increase for SJRRIP and 7 million for rockslide. Uilenberg recommends keeping the accounting for the rockslide separate from the rest.

Lower San Juan River Fish Barrier/Passage – McKinstry reiterated that the CC asked Reclamation to look into the feasibility of constructing a lower river fish barrier to prevent the abundant non-native fish in the reservoir from moving upstream if the waterfall inundates. An earlier Reclamation report estimated a 20-30% chance of inundation in the next 30 years. He said Bob Norman's very rough estimate for such a project is \$10-\$20 million. He also said the BC does not support creating a barrier anywhere on the river because it will result in habitat fragmentation and cost is not factor in their opposition. McKinstry said there are other options such as a floating, temporary weir that would passively capture non-natives. A presentation on this system will be given at the annual meeting.

Miller said the BC is more concerned with fish going over the waterfall although they do not seem to be stacking up below waterfall. He said non-native fish will always be in the reservoir and we should be looking at ways to detect fish movement. McKinstry said a test was done in February of a floating antennae design but it only detected six fish in about 10 miles of river. A different design may be more effective. They also looked at sites in the lower river above the waterfall where a stationary flat plate antenna could be installed. The representative from Biomark thought an antenna could be installed in that location but because of the high sediment load he suggested installing an empty frame first. The estimated cost for the frame test is ~\$10,000 whereas a full

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Biomark antenna system with 120 feet of antenna, a multiplexer, a solar power system, and an uplink would cost ~\$100,000. Campbell said there are less expensive designs such as the system Howard Schaller presented.

It was decided that all information related to this issue needs to be consolidated into a comprehensive report so that a rationale approach for dealing with waterfall inundation can be determined. This report needs to include a risk assessment of the impacts of waterfall inundation and the implications of a non-native fish invasion on the native fish community and on recovery of the listed species. It should also include implications of fish emigration and habitat fragmentation, consideration of management options, and provide recommendations (e.g., barrier, non-native fish removal, temporary weirs). McKinstry said he would re-send Reclamation's analysis on the probability of the reservoir filling. The Program Office will work with the BC to develop a study plan for the comprehensive report.

Desert Rock Energy Project – Campbell reported that the Service is in the process of reviewing all data and information for the biological opinion (BO). They are looking at potential activities/conservation measures related to the recovery of the razorback sucker and Colorado pikeminnow that could be fund-targeted to Program to provide Program coverage (e.g., habitat improvement, non-native fish removal, contaminants). He emphasized that it is in the preliminary stages so he does not know the magnitude or level of effort that would be required or possible. Recovery actions would be targeted to mitigate for impacts from the project (e.g., water quality, habitat improvement, augmentation) and funds for implementation would go into a SJR NFWF account under a separate line item. After all analyses are done and discussions have occurred between the BIA, the Federal Action Agency, and the project proponents, the Service would come to the CC with a recommendation following the Program's Sec. 7 principles. Pitts asked about the timeframe. Campbell estimates a draft BO will be done in April but said discussions regarding potential conservation measures could take a long time.

Whipple asked why the funds would be kept separate in the SJR NFWF account and that they should be part of NM's cost-share contribution. Campbell said it is a BIA and Navajo Nation project not a State of NM project and that it would not be coming through the Program, it would be coming through an RPA. Whipple said it is like the PNM fish passage project (i.e., NM contributed cost share dollars to the project) and if they are implementing capital projects, then it should be part of NM's contribution. Campbell said it is not the same because the money would cover recovery actions in the LRP (e.g., augmentation, nonnative fish removal, habitat improvement, water quality) not capital improvement projects. Desert Rock is outside the Program.

Desert Rock consultation does not involve depletions. O'Brien explained that water usage for the project includes: 1) expansion of 600 af for the coalmine, 2) 4,500 af of ground water pumping from an aquifer, and 3) 450 af for Navajo communities. The depletions are covered under BHP Billiton's 2838 permit (39,000 af in the baseline) and BIA determined there is no impact to the San Juan River from the 4,500 af of ground water pumping. Campbell said the federal action is the Secretary of Interior signing the lease agreement and the issuance of an EPA clean air permit. He said the Action Area extends into Colorado due to emissions effects.

The group discussed putting this issue on the May meeting agenda for action by the CC. Campbell said it would be premature as the conservation measures will not be developed yet. They discussed reviewing the draft BO. Campbell said it is up to the BIA if they share the draft BO with others outside the project. He emphasized that the Service will come to CC with the conservation measures prior to finalization of the BO.

✓Seaholm moved to request BIA to provide a copy of the draft BO to the CC for review; Condon seconded; motion approved.

Navajo Gallup BO – Campbell reported the final biological opinion should be signed this week. Whipple asked if the Service is requesting comments. Campbell said any comments should be provided to Reclamation. He said it

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states in the BO that RPMs will be accomplished working through Reclamation and the Program's Section 7 Principles.

Navajo Reservoir Operations and Hydrologic Conditions Update – Page said his focus for this report would be on current conditions. He will give a full report on 2008 conditions and operations at the annual meeting in May. As of 5 days ago, Navajo Reservoir elevation was at 6,052.74 feet (~95% of average) and 1.2 MAF (a little under 75% full). Releases have been at 500 cfs since October and will remain there until the spring peak release. Inflows are at 300 cfs and he expects it to go up. Snowpack is at 111% of average. The most recent forecast (mid February), puts the most probable inflow at 885,000 af (114% of average). Unless something changes considerably, a maximum spring peak release of 21 days @ 5,000 cfs will be made with a one-month ramp up. With this release scenario, the reservoir will be at 6,065 feet by the end of year. Page reported they had a good turnout for the January 27 operations meeting (~40-45 people). He said it appears the public is becoming educated about the flow recommendations. The next operations meeting will be April 28, 1-3 p.m., at Farmington Civic Center. He said it is an important one and encouraged everyone to attend. Brad Dodd will give a report at the annual meeting in May on the results of the gate inspections last year and the outlook for future inspections. Campbell asked if this report would include recommendations on what is needed to eliminate/minimize release limitations. Page explained that capital funds could be used to make structural modifications, if possible, to eliminate the need to shut down releases for inspections. Page said he will make sure Dodd addresses this in his presentation.

✓Pfister moved to get recommendations/options from Reclamation on capital improvements related to Navajo Reservoir to reduce/remove down time and limitations during peak releases; seconded by Pollack. Seaholm moved to strike, “capital improvements related to Navajo Reservoir;” Pitts seconded. The motion with the modification was approved. Navajo Operations report and inspection report will be given at the May 14 meeting.

Recommendations for SJR Operations and Administration for 2009-2012 – Campbell explained that Whipple requested a BC review of a memo they generated in 2003 that provided recommendations on a maintenance flow regime that would not jeopardize the listed species in the event there was a shortage. Whipple requested a review process to determine if the 2003 recommendations are relevant to current river habitat conditions.

✓Pitts moved to have the BC review the 2003 recommended flow regime in the event of a shortage and provide a response to the Service with copy to the CC. The Service will review and provide final findings to the parties of the shortage sharing agreement. Seaholm seconded and the motion was approved. The BC will forward their response to the Service by the end of March or no later than April 6.

Status of Efforts to Increase Annual Funding and Extend Authorizing Legislation — Pitts reported on the two funding-related efforts in progress, 1) extending annual funding, timeframe, and dollar amount, and 2) fixing the authorizing legislation to avoid a reduction in annual funding in 2011. A bill was introduced last year that extended the date of the authorization from 2011 to 2023 and provided an additional \$12 million for the SJRRIP for O&M of existing capital projects and a fix for the rockslide. Eventually, the annual funding part was removed from the bill to give it a better chance of getting passed in 2008. The capital-funding bill (minus the annual funding part) allots \$15 million for the Upper Program and \$5 million for the SJRRIP to maintain capital improvements and \$7 million to fix the rockslide on the SJR. It was passed by the Senate in January as part of an omnibus bill. The omnibus bill is sitting in the House right now and Pitts said they are hoping for a quick passage. Due to its size, there are a lot of issues. Fortunately, the leadership of the House has agreed not to disaggregate it and consider it en masse which should expedite passage.

Pitts reiterated that if Congress takes no action, the current level of annual power revenue funds available to the Programs would decline by about 40% in 2011. Past 2011, the annual funding (i.e., 4 million for the Upper Program and \$2 million for the SJRRIP), can only be used for maintenance and monitoring. He reported that after numerous machinations, they have a new bill that only changes one date extending the current funding arrangement from 2011 to 2023. Randy Kirkpatrick, who is also actively involved in moving these bills forward,

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gave a brief update on the current congressional scene. They are working on getting co-sponsors and expect a hearing in May, June, or July. Pitts said he thinks they are in good shape with this bill so if the omnibus bill with the capital-funding gets passed and they can get the annual funding authorization extended to 2023, funding for both Programs will be secure. He said he would send out the legislation to the CC and prepare a briefing paper for the CO and NM delegations. He asked that people promote the Program and the legislation if they have the opportunity,

Whipple responded to a question about the effectiveness of the November letter from the San Juan River Water Commission to NM Governor Richardson urging NM to support their funding allocation for the Program. He said there were three appropriations, two have been spent out and the third one is enough to cover the rest of NM's cost share obligation. Because of the State's budget situation, the governor is looking at unused appropriations including the one for the SJRRIP. He said he does not know the status of the appropriations or the status of the invoice for Hogback design although it has been sent over to the Water Trust Board.

Annual DC Trip Update – Pitts reported there would be 9-10 participants for the annual DC trip and they currently have about 36 meetings scheduled. The trip will be March 3-10. Oglesby said he will be in DC two weeks later and can reinforce the message.

Sedimentation Issues in Quality Trout Fishery – Andreas Novak and Oscar Simpson provided a packet of information and presented their concerns regarding habitat degradation issues in the quality waters section. The packet information included:

- Feb. 29, 2009 memo to the CC re San Juan Quality Waters Trout Fishery - Flow & Sedimentation Impacts
- June 7, 1995, Executive Order 12962
- EPA comments to Reclamation on FEIS
- Comments from Truchas Chapter of Trout Unlimited on DEIS
- 2003 Report by Nick Ashcroft titled, *Economic Impacts of the Fishing Guides and Outfitters Industry along the SJR*.

They have observed degradation of the quality trout fishery due to Navajo Dam operations and sedimentation. They request a comprehensive study of habitat loss due to sedimentation and its affect on the trophy fishery. They believe tributary sediment could be alleviated with a minimum dam release of 750 cfs. Seaholm asked about their specific flow numbers and said it appears that dam releases as guided by the flow recommendations would achieve some of their objectives for moving sediment. Whipple said flows during the summer are typically higher than 750 cfs. Simpson said the 750 cfs is just an observation and he will not know exactly what is needed until after the comprehensive study is conducted. He thinks the current timing of releases is wrong for the trout fishery. The NMDGF stocks 80,000 fingerlings annually and plans to stock 180,000 this year. NMDGF has also done some other work to improve the fishery but there is still a lot of sediment coming in. Novak said an outcome of the study would be short-term and long-term solutions. Since 90% of the land is BLM, they should be at the table. Whipple asked if they had talked to BLM; Brooks asked about a response from BLM. Simpson said they have had some ongoing dialogue with them. They mentioned a private donor recently bought land along 20 miles of river in the area and they are hopeful it will be donated to NMDGF. They also mentioned a representative from the oil and gas industry has agreed to come out and look at the situation. It was pointed out that Reclamation has been very responsive in working with the fishermen and guides. They said they are also planning to go to DC to talk to Bingaman and Udall.

Simpson asked that everyone come together to decide how best to proceed. He said Executive Order 12962 says the Federal Government is supposed to work with the States, Tribes, and citizens to improve fisheries. Novak added that the EIS included recommendations to do further studies but none have been done. Brooks said the trout fishery has not been ignored by the Program and that the Program funded a series of studies to document impacts to the fishery. Miller described some of the work that has been done and pointed out there is 20 years of aerial photography that can be used. He said Bliesner and LaMarra's habitat mapping work originally started in

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that stretch. It was recognized that BLM, the oil & gas industry, Reclamation, and NMDGF need to be at table. Novak asked for support in helping to maintain the quality trout fishery.

Brooks thanked them for attending. He said their request was timely. The Program is currently in the process of reviewing all information for revising the flow recommendations and this information will be considered in revisions. He said they will also make sure the Program's BLM representatives are in the loop.

Next Meeting(s)

- BC Meeting – May 13
- SJRRIP Annual Meeting – May 14
- CC Meeting – May 15 – Potential Agenda Items:
 - 2010 AWP and Budget
 - LRP
 - BC Flow regime/shortage review
 - Desert Rock
 - Update on Hydrology Model
 - Navajo Reservoir Inspection Report
 - Congressional Activities Update

San Juan Hydrology Model Update

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- **Tech Transfer**
 - from Dave King to Katrina Grantz is ~90% complete
 - Dave King's retirement date has been postponed, but Katrina Grantz has assumed full responsibility of model maintenance and development.
 - Communication with King continues as questions arise
 - Keeping Ryan Christianson (BOR, Durango office) in the loop so that eventually he can also run and maintain the model.

- **Annual Data Update**
 - Ryan Christianson is currently working on annual data update in a tech transfer exercise with Dave King. Ryan will be the primary lead on the annual data update and will coordinate with Grantz.
 - This data update is a lengthy, detailed process, but helps keep model up to date for future consultations and also dovetails with annual model maintenance (making sure everything still runs as expected with new data).

- **StateMod to RiverWare Conversion**
 - Natural flow computations will remain in StateMod, but the StateMod baseline model will be ported into the existing RiverWare model.
 - Started scoping the technical requirements for this conversion
 - Have met with developers of RiverWare regarding several water rights functionalities that exist in StateMod and do not exist in RiverWare (e.g., return flows on the same timestep for water rights and soil moisture)
 - Currently trying to determine the sensitivity of the model to these functionalities (i.e., how much does each affect the flows in the river below Navajo?)
 - Grantz would like some guidance regarding how closely the RiverWare model should match the StateMod model

- **Hydrologic Baseline Workgroup**
 - Met in Albuquerque 10/17/08, laid the foundation for how to approach developing/revising the hydrologic baseline
 - Grantz would like to propose a conference call with the workgroup in late March to discuss how to proceed with model development (i.e., what functionalities currently in StateMod need to be implemented in the RiverWare model)