

## SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM



**Coordination Committee Meeting**  
USFS Public Lands Center, Durango, Colorado

**July 16-17, 2009**

### Meeting Summary

#### **Coordination Committee Members:**

Jim Brooks, Chair  
Catherine Condon  
Joel Farrell  
Dan Israel  
Herb Becker  
Steve Lynch  
Tom Pitts  
Stanley Pollack  
Randy Seaholm  
Brent Uilenberg  
John Whipple  
Adrian Oglesby  
Absent

#### **Representing:**

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

#### **Hydrology & Biology Committee Members and Committee Alternates:**

Andrea LeFevre, CC Alternate  
Tom Ryan, CC Alternate  
Bill Miller, BC Chair  
Mark McKinstry, BC Member  
Bruce Whitehead, HC Alternate  
Paul Harms, HC Alternate

Jicarilla Apache Nation  
Bureau of Reclamation  
Southern Ute Indian Tribe  
Bureau of Reclamation  
Southwestern Water Conservation District  
NM Interstate Stream Commission

#### **Program Management:**

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

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

#### **Interested Parties:**

Warren Vigil  
Paul Montoia  
Steve Harris  
Randy Kirkpatrick  
Marian Wimsatt  
Jeff Peace

Jicarilla Apache Nation  
City of Farmington  
Southwestern Water Conservation District  
San Juan River Commission  
BHP Billiton  
APS Four Corners Power Plant

Jim Brooks opened the meeting and introduced Dr. Benjamin Tuggle, Regional Director, USFWS, Region 2.

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Tuggle said Region 2 is in the process of examining all of its collaborative programs. He said the San Juan River Recovery Implementation Program (SJR Program) is an example of a well functioning collaborative and he came to find out more about how it operates and to become a more integral part of it. He has met with his staff and Program partners and received numerous calls telling him how well the SJR Program is working. He said the Service may not have been as active in the past but is going to be more active in the future. Water issues are only going to become more important and we need to be in a position to leverage all of our resources. He feels strongly enough about this that he is hiring a water policy person in Region 2 to oversee all of the water-related programs such as the SJR Program and the Middle Rio Grande Collaborative Program. He believes it is beneficial to have good, fundamental discussions on how the SJR Program is functioning to keep it in good shape and make improvements.

Tuggle acknowledged the recent confusion and disagreement regarding the roles and responsibilities of the Service and Program Office and how the Program committees function. He gave his perspective on how he sees the Service operating within the collaborative as it relates to recovery on the SJR and how it will continue to work for the mutual benefit of the partners. He said there might be some fundamental disagreements on this but it is the Service's responsibility to insure the recovery standard continues in the SJR Program. He said the Service will continue to work collaboratively with all the partners who have contributed significantly but, at the end of the day, it is the Service's responsibility. He said the success of the SJR Program is exemplified by national recognition it has received for its functionality. The Service will continue to draw on the Program as a model example but the Program must continue to progress.

Tuggle said, unequivocally, the Coordination Committee (CC) is the Program's top authority for making decisions related to the Program Office, Biology Committee, and Hydrology Committee. It is the CC's responsibility to make sure actions implemented under the SJRRIP advance recovery of the species. If the Program is unable to perform, it could be suspended in order to address potential legal challenges. A fundamental reason why Tuggle came to the meeting was not to dictate how things are done, but to insure decisions are being made collectively and collaboratively and are advancing recovery on the SJR. The Service's primary concern is not how everyone collaborates, but that species recovery on the SJR is successful. A major priority for Tuggle is to insure the Service is active in addressing Service commitments.

Tuggle said the issue of conflict of interest was recently brought to his attention by his attorneys. There is a perception, whether real or perceived, that committee members receiving funding from the Program are also making decisions on how that funding will be allocated. His position on this is one of transparency. The CC is the responsible body who has to remove any perception of conflict of interest. If it is not resolved, it will be the Service or Reclamation that gets sued and he does not want recovery on the SJR to be driven by lawsuits. He is not as concerned with who does the work, as long as they are qualified but the process must be objective, clear, and transparent.

He concluded that the Service is committed to the collaborative Program to meet mutual goals and it will become more active. He urged anyone, individually or collectively, who has an issue or does not think something is working right, to bring it up to the CC. He said the Program Director can also be contacted at anytime. He opened up the floor for questions and discussion.

Israel emphasized the long-term and difficult nature of recovering species in the basin because of numerous constraints and that perfect management will not guarantee recovery. Tuggle said if fish are not recovered, water management and resource protection will get a lot more complicated. He believes

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recovery is possible and will continue to think this way. Israel said he supports the southwestern regional water policy position and emphasized the need for that person to have hydrology, geomorphology, and engineering expertise.

Pollack said the recent issue is a process question and it can be worked out. The role of the collaborative program serving as an RPA is more fundamental. If the Service has ultimate veto authority within the collaborative program, he questions why he is at the table. Tuggle said he does not view the Program as a Service program but when he says the Service is responsible, he means that if everything breaks down, the Service (and Reclamation) will be held accountable for recovery. The CC needs to insure the roles and responsibilities of the Program's participants are well defined. Pollack pointed out that if the Program fails, all of the partners fail. He said all partners share in the Program succeeding and may have different viewpoints on how it should work. Everyone's commitment to the Program should not be in question. Tuggle agreed that collaboration is critical for success of the SJR Program and recovery.

Israel asked Pitts, who has been involved in numerous collaborative water programs, to highlight management changes needed to meet the water user's comfort level. Pitts agrees with Tuggle that the CC is the decision-making entity and that roles and responsibilities need to be clear. He supports Service and Reclamation statements and is willing to be open-minded on process but wants to get over the debate stage. Pitts said the water users would like some assurances from the Service that the Program is achieving recovery and, if it not, the Service needs to say what should be done to insure the Program is achieving its goals. Tuggle said he believes a process where the Service puts together the annual work plan and budget (AWP), the technical committees review the science and make recommendations, and the CC approves AWP, will insure the Program is implementing the right activities. He said the Program could expand the level of scientific review by adding additional independent peer review from outside the Program. It would be a value-added process and add an extra level of scientific oversight.

Pitts asked about the relationship between recovery goals and Program goals. Tuggle said the recovery goals should be the basis/guide for what the Program does. The recovery plans are the Service's best guess at the time of what is needed for the species. He said the SJR Program is in a unique position to work on recovery goals in a collaborative manner as opposed to being lawsuit-driven like many other situations. He said the partners should protect this.

Becker said it seems as if the recommendations from the Program Office on data integration diminishes the role of the partners' biologists and the BC's role. He understands that some of the verbiage in the Program Document needs to be changed to address the conflict of interest perception, but questions if the Program Office's proposal furthers the goals of the Long Range Plan (LRP) and recovery of the fish. Tuggle supports technical committee involvement in reviewing all technical documents put forward by the Program Office. Campbell explained the controversy as the BC wanting to have approval authority over whether the Program Office did data integration in-house; it was not about the technical aspects of data integration. He said it was always understood that the BC would be closely involved in the content of data integration. Tuggle emphasized that the CC needs to insure the Program is being managed correctly to advance recovery. If the tribes are concerned they are being cut out of the process or think something is not working right, they need to bring it up to the CC.

Uilenberg said Reclamation is also not that concerned about who does the work as long as it gets done and is done well, using objective science. He pointed out that data integration was not getting done by the BC. The 1991-1997 Integration Report was not done until 2000 and the 1998-2002 report was not

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done until 2006. He said something was not working and he commended Campbell for putting forward a proposal to address the problem. Tuggle agreed that the lack of timeliness is a problem and the CC needs to fix it.

Pitts said there are contradictory opinions from the DOI solicitor and from the tribes. He asked how the CC should view them as they tackle the Program issues. Tuggle said it sounds as if the tribal representatives support a role of “technical review and recommendation” for the technical committees and a “review and approval” role for the CC. The recent DOI solicitor opinion requested by the Service is not a directive but a warning that something does not look right. This means the CC, as the deciding body, needs to address it. Pitts asked for Tuggle’s perspective on the roles of the Program Office and BC in regards to decision-making and in putting together the LRP and AWP. Tuggle said he wants the Service to be the one that puts the AWP together and the BC to review technical aspects. All viewpoints should be well described and provided to the CC.

Condon said her proposed revisions to the Program Document say the Program Office prepares the AWP, the BC reviews and recommends, and the CC reviews and approves. All input/comments, pros and cons, would be provided to the CC for consideration. She said hers and Campbell’s revisions are virtually the same except hers says the BC will recommend as well as review. Tuggle said he supports reviewing and recommending. Condon said all this was discussed several years ago and the intent was to make the technical committees reviewers and recommenders not approvers, but that it was not added during the last revision of the Program Document in 2006. Campbell emphasized the Program Document needs to clearly state that the technical committees will review the technical aspects of the AWP.

Seaholm asked about BC members participating on the BC as well as implementing projects. Tuggle said he is not concerned with who implements the projects as long as they are qualified and are not deciding on funding for projects they are doing. He said as long as the Program Office produces the documents, the technical committees review, and the CC makes the decisions, he is comfortable.

Oglesby said he thinks everyone is on the same page. He asked about the additional layer of scientific review. An advisory committee is needed to look at the big picture/overall recovery strategy as opposed to just having individual projects technically reviewed. Tuggle said he thinks the Program should establish this type of value-added group. It would be outside of the annual review process, be totally independent and objective, and address if the Program is effectively progressing toward recovery. He said to be careful in how it is set-up and be specific in what reviewers are asked to do. Seaholm asked if this science advisory group would be standing or intermittent. Tuggle said does not recommend establishing a standing peer review committee because peer review should never be standing.

Tuggle closed by saying all of the partners are in this together and will succeed or not succeed together. He said the process is not broken but it can be improved. If some course corrections are needed, the CC has the resources to have the discussion and move on. He sees two areas of importance for the CC and the Program, making certain the administrative processes are adequate to accomplish Program goals and are beyond reproach and to insure the Program’s scientific components are sound. He encouraged everyone to work together to move forward and, collectively, everyone will have served each other very well.

Brooks emphasized to the group that by the end of the day, the CC needed to insure it defines and provides clear direction to the BC to allow the 2010 AWP process to proceed.

**Peer Review/Objectivity** - Brooks said any new provisions need to prevent conflict from escalating again. The CC has the opportunity to fix/improve some Program provisions and he wants to fix them and move forward. From the meetings he had with CC members, he does not think the membership is far apart. He sat in on a portion of the BC workshops and thought they were intense and contentious at times, with everyone protecting their own projects. He said the BC is a very technically competent committee, but peer review needs to be broader to insure overall Program objectivity. The process needs to be driven by recovery goals and the LRP. He does not think the Program has objectivity at all levels and suggested to members during the meetings that one alternative was to develop another group to implement peer review at a broader level.

Campbell said during the workshops, the peer reviewers told him the BC members should not be the ones making the decisions on what needs to be done from a recovery standpoint. Because the BC members are the implementers and logically focus on their projects, they are not in a position to look at the bigger picture. The recovery science committee concept could include 3-6 senior scientists not associated with the Program and who have expertise in recovery management.

Israel said the problem with the current peer reviewers could be lack of focus. Campbell said they are too involved in the process. Condon agreed that the current peer reviewers are too involved and their role is not clear. She questioned why they attend the annual meetings for the public. Campbell said they come to meetings at the request of the BC. Miller supports disengagement of the peer reviewers. They have almost become ad hoc BC members. There was general agreement that some separation between the process and peer review is needed.

Pollack emphasized the need for balance between having outside experts for a fresh look and those with past perspective about the Program. Brooks said outside experts could be used who are familiar with Colorado River basin resources and/or who have some familiarity with the SJR Program, such as Dave Galat, Gordon Mueller, and Tom Chart. Campbell said this new group would first help by looking at the big picture, i.e., reviewing fundamental Program documents like the LRP and recovery goal. Seaholm said we need to be more strategic and surgical with peer review and the new peer review group should not be standing but should be deployed only when they are needed to address a specific task. Pitts pointed out the difference between peer review of the overall Program's ability to achieve recovery and technical peer review. He said the Upper Colorado River Program has a standing geomorphology review committee to consider specific questions but they do not convene often. They also formed a genetics review committee to specifically review their genetics plan. He questioned the value of having the current, general peer reviewers who primarily provide technical review of BC products.

Condon does not think two groups, one for higher-level review and one for lower-level review, are needed. She agrees with Tuggle that the Program should not have a standing committee and is in favor of a standing list of peer reviewers. Information needs should drive the use of peer reviewers. Oglesby said the first task of this new peer review process should be on the overall Program after which it should be focused on specific questions. McKinstry said an overall review would identify holes, help with timing of recovery actions, and specify what the Program should be concentrating on at this time.

**Action Item** - Campbell and McKinstry will re-write Peer Review Scope of Work based on the discussion for CC review.

**Biology Committee Report** – Miller reported that the BC had the last monitoring workshop at the end of June. They had good, independent meeting facilitation for all the workshops. The process is not totally done yet but is on track. They went through all monitoring protocols and recorded all comments and recommendations. The BC will have a conference call on July 20 to discuss the outcome of the workshops and develop future steps. Miller said he likes what he is hearing about peer review and will put it on the BC agenda. The BC meets on August 20 to focus on 2010 AWP priorities and identifying any changes based on the workshops. Documentation from the workshops and meetings will provide a good paper trail and transparency of BC decision-making on the AWP projects and protocols.

During the workshops, the BC determined the LRP and monitoring plan should be combined into one document. They recognized that the LRP provides the overall framework for Program and the monitoring plan is a subset. They foresee the protocols becoming an appendix to the LRP. The BC is planning for the annual review of the LRP as follows:

- August 20 – BC members assigned writing tasks to address protocol modifications
- November meeting – annual review of LRP
- Dec/Jan – Review drafts and decide on changes to protocols; peer review of completed protocols; work on new monitoring protocols for inclusion in LRP
- Jan/Feb – final protocols (around the time of the annual meeting)

Brooks asked about the disparity between the fish monitoring data and the habitat monitoring data, i.e. the difference in scale at which the data are collected. Miller said the BC did not get to data integration. Some data can be integrated but some are totally separate. He said it is a difficult task and an outside recovery group could be of help. Campbell said there was controversy over habitat monitoring a couple years ago. The CC agreed to fund a 3-year habitat pilot study after which a habitat workshop would be held to evaluate habitat monitoring needs and decide how to proceed with future habitat monitoring. The recent BC workshops were not an outside peer review of habitat monitoring. Rather, they were an internal review by the BC of all protocols, with the help of some outside peer reviewers. Campbell said a workshop with external review similar to the population model workshop would be an effective way to determine the Program's long-term habitat monitoring needs.

Israel asked Miller what the top four priorities for recovery. Miller said the top priority is getting more fish in system. Establishing viable populations has not occurred as fast as originally hoped and they need to determine if the problem is detection, spawning, recruitment, or something else. Israel asked if all current activities are linked to that priority. Miller said standardized monitoring focuses on tracking trends of the native fish community including the endangered fish. They are very good at tracking trends of native fish but do not catch many endangered fish compared to native fish. The BC is questioning if the focus should now be on detection of listed species. Campbell said the Program currently spends a large part of the budget on standardized monitoring and we may need to be doing something different. Israel asked if the data collected can measure the effectiveness of the hydrograph on fish and habitat. Miller said it is difficult to directly correlate flow to fish populations but inferences can be made, e.g., long, high winter releases appear to flush stocked fish out of the system.

**Direction to BC and Program Office on FY2010 AWP Process** - The following process for the FY2010 AWP and roles and responsibilities for the BC, Program Office, and CC and was agreed upon by unanimous vote:

- BC reviews technical parts of draft FY2010 AWP and provides recommendations with documentation of pros and cons to Program Office
- Program Office modifies the FY2010 AWP based on input

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- Program Office transmits final draft FY2010 AWP to CC with all documentation and explanation of input included/not included
- CC reviews and approves FY2010 AWP

Condon said she agrees with the process but it is not reflected in the current Program Document or captured in either her or Campbell's revisions. Her version has BC recommendations going directly to the CC. Campbell said recommendations going directly to the CC gives the appearance the BC is providing recommendations on approval of the AWP instead of just providing technical comments. He said BC comments coming to Program Office and the Program Office transmitting everything to CC is a cleaner process. Whipple said he does not believe this process is inconsistent with the Program Document and it can be followed for the 2010 AWP. Condon said it is consistent with the exception of the BC approving the AWP. Miller emphasized the need to clarify which parts of the AWP the BC reviews. He said the current Program Document is ambiguous in that it says the BC reviews the entire AWP. It needs to be specifically stated that the BC reviews technical, biological, and habitat parts of the AWP.

✓ Whipple moved, Becker second, and CC approved the above process for the 2010 AWP.

**Data Integration** - Brooks proposed the Data Integration SOW be treated the same as the other SOWs. That is, the Program Office develops the SOW and it goes through the review process along with the rest of the AWP. Campbell said the original draft AWP did not include a detailed SOW for data integration. The proposal was subsequently included in the Program Office draft SOW that described an approach. A stand-alone data integration SOW was provided to the CC in May after they requested it and it is on the website. He fully expects the BC to be very involved in working with the Program Office to determine content and methodology. Condon emphasized the concern was not with who did it but what goes into it. Miller said the BC's primary role should be in identifying what datasets should be used not in how it is integrated. Campbell said the BC will be important in identifying what questions the integration should address. Those questions will drive how it is done each year and what is in the SOW. The process will start at the beginning of the year with the technical committees identifying questions so the Program Office can develop a SOW. Seaholm emphasized the need to clearly describe the annual data integration process in the Program Document.

**TNC SOW/RERI Grant** – Campbell explained the Program set aside \$20,000 a year ago to start developing a planning approach for habitat restoration. This will be done in conjunction with the TNC's Conservation Action Plan (CAP) process for the SJR, a large-scale planning document that digitizes and identifies potential habitat improvement sites. The CAP will also identify areas at risk for catastrophic events on the SJR, a management action not being done that was identified in the draft sufficient progress report. After those sites are identified, threats can be minimized or eliminated by working with agencies, landowners, and others. In addition to contributing funds to the CAP process, some of the Program biologist's time was also included.

Oglesby said TNC has the \$20,000 to identify fish habitat restoration sites and to do the hazardous spill assessment and now has \$400,000 from the NMED RERI grant to do SJR habitat work. TNC secured enough private funding to finish the CAP with the fish habitat restoration and hazardous threats sites included so does not need the \$20,000 to complete the project but can use the \$20,000 to get it started since Program funds come faster than the private source. This frees up the \$20,000 for something else like administration of the \$400,000 RERI project. He said TNC typically does a CAP with a small technical team initially then reach out to a larger group of stakeholders. They will probably ask some Program participants to be on the smaller team and will eventually come to whole Program for input.

Oglesby said the RERI project was originally written with Reclamation and the Service doing a lot of work in-house but TNC does not have the money or staff to do that level of work. He will meet with McKinstry and Campbell to decide how to revise the project. He emphasized he is very interested in not losing the state RERI money because it provides cost share to leverage other funds, which could result in significant funds for doing habitat work on the SJR and for forming new partnerships for doing work with the Program. TNC, working with the Corps of Engineers and the Navajo Nation, has put in requests for Energy and Water appropriations under two different authorities, COE technical assistance to the Navajo Nation for their watershed planning restoration work and for doing construction habitat projects.

**Action Item** – Oglesby working with McKinstry and Campbell will revise the 2009 TNC SOW to reflect the changes.

**Program Document Modifications - Chapter 6** - Brooks emphasized the need to address Program Document ambiguities and asked how the group wanted to proceed with making modifications to Chapter 6. Seaholm said they should identify general concepts and see if there is agreement. Pitts agreed and said he did not want to get into a word-smithing exercise. The group agreed to discuss concepts and assign the Program Office and/or a subgroup with drafting revisions for CC review. The group decided on the following processes to be included in the revised Program Document:

Annual Workplan Process – 5- step process:

- Program Office develops draft AWP
- Technical committees review technical parts of AWP and provide recommendations (with documentation of pros and cons) to Program Office
- Program Office modifies AWP based on input
- Program Office transmits final draft AWP (with all documentation with explanation of input included/not included) to CC
- CC reviews and approves AWP

Long Range Plan Process will use same 5-step process as AWP:

- Input provided by technical committees
- Program Office will develop draft LRP
- Technical Committees review technical parts of LRP and provide recommendations (pros and cons) to Program Office
- Program Office modify LRP based on input (with explanation of input included/not included)
- CC reviews and approves

Annual Data Integration Process (part of AWP process):

- Technical committees identify questions
- Program Office develops SOW for inclusion in AWP
- Gets reviewed along with rest of AWP

Condon asked about the provision she included in her revision about technical committee members with proposed projects not being eligible to participate in the process. The group agreed that by putting the technical committees in a strictly review/recommend capacity and not as approvers, the provision is unnecessary and it should be taken out. Brooks suggested taking out voting in all technical committee processes. Paragraph #7 in Condon's version states technical committees can change or add a SOW in

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the final AWP with a 2/3 vote. The group agreed this overreaches their responsibilities and should be removed. Condon asked if all voting is removed, is a provision for dealing with emergency situations needed. Campbell said there has not been a problem dealing with emergency situations in the past. He said they are usually not technical in nature but are requests by the technical committee members for equipment, supplies, etc. Condon said if there is a technical aspect to emergency issues, it should go to the technical committees for review and comment. The group agreed there are no limitations on the technical committees providing input or making recommendations on any technical issues. If there is no voting, how will BC comments be provided if there is disagreement? The group agreed that the BC should attempt to consolidate comments and/or recommendations but individual BC members can comment without BC consensus. The Program Office will compile all comments and present to the CC. It was decided the BC will only vote on new members using 2/3 majority vote.

Condon asked about including a section on conflict of interest. Brooks questioned if it was necessary. Campbell said DOI has a policy and the Program should not try to create another one. Pitts agreed. Condon wants to insure this issue does not come up again. Seaholm said if this section is included, the Service and Reclamation need to run it by their procurement people. He wants to insure the conflict of interest issue is resolved. Brooks suggested that the new procedural changes make a conflict of interest statement unnecessary, if the changes satisfy the concerns of the Service and Reclamation. McKinstry said if the BC is taken out of the approval process, Reclamation is satisfied. The group agreed the conflict of interest statement was more a “feel good” paragraph but that it may have some value. It was deferred to the subgroup to consider.

**Action Item** - A drafting workgroup of Condon, Pitts, Oglesby, and Campbell was formed to revise the Program Document. Pitts requested the group start with a “clean” draft using all edits and input. Campbell will develop a new draft based on decisions and discussion during the meeting and send to the workgroup by August 3. A draft will be provided to the CC two weeks prior to the Sept. 10-11 meeting, by August 28. A workgroup conference call was scheduled for August 7 @ 8 a.m.

Miscellaneous guidance from the CC included removing use of “Director” in Program Document, defining “technical review,” insuring all text is consistent with intent, and possibly removing “Policy” in the title of the conflict of interest section and removing the first paragraph.

#### **Approval of May 15, 2009 Meeting Summary and May 28, 2009 Conference Call Summary**

- Oglesby moved to approve May 15 summary with a few changes; Pollack seconded; approved
- Oglesby moved to approve May 26 summary; Becker second; approved

**Desert Rock Draft BO** – Lynch said BIA will not approve releasing the draft BO to the CC. He said no explanation was given by his agency. Campbell said the project proponents and BIA have asked for a 60-day extension, which makes the final BO due Nov. 15. The BIA, EPA, Service, and project proponents will have meetings in August and September to discuss appropriate conservation measures for inclusion in the BO. The BIA appointed Desert Rock, Inc., BHP, and Sithe Global as co-applicants so they will be sitting at the table with the BIA. The final draft BO is schedule to go to the BIA Oct. 15.

**Congressional Activities Update** – Pitts reported on the status of the 2010 appropriations for Reclamation and the Service for the SJR Program and the Upper Colorado River Program and on the annual funding legislation to extend Program funding to 2023. He asked the Program partners for support letters and got great response and a good cross section of support. The letters were submitted

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to four subcommittees on the House and Senate side, two for the Service and two for Reclamation. It looks like the appropriations are on track and in good shape.

The annual funding legislation was introduced in the House by Representative Salazar. There is good bipartisan support for the bill with 12 co-sponsors. It will go to hearing in early September and Pitts will be asking for support letters before the hearing. Senator Bingaman introduced the legislation in the Senate on Tuesday and it has five co-sponsors. It is on a fast track and will be heard next Thursday with no federal witness because only one word changes. There is good support and he thinks it will be passed. After the legislation is place, it should be the last endeavor with Congress on authorizing legislation for a long time. The Program is in good shape with \$27 million authorized for capital projects. Pitts said he appreciates everyone getting their cards and letters in.

Condon asked about the Tribes not being recognized in the bill considering they are Program participants contributing significant cost-sharing contribution. Pitts said Tribal contributions are not in the authorizing legislation like the water user contribution because they do not count toward the non-federal cost share obligation.

**Capital Projects** – Uilenberg reported on two positive developments. PNM is willing to participate in the Hogback maintenance agreement and Navajo Engineering and Construction Authority (NECA) will construct Hogback weir wall. Reclamation is working on some modifications to the maintenance contract and will be meeting with all the partners again soon. They should be in a position to move forward with the project. He mentioned he was recently contacted by the Service in Colorado about grow-out ponds on leased lands near Grand Junction. The leases are expiring and they want to construct additional grow-out ponds on federal land. They have had some harvest difficulties and mixed success with some of the current ponds. He encouraged them to contact the Program to see about the possibility of teaming up for future fish stock. Campbell said he has not been contacted. Brooks said that with the three NAPI ponds on line, the Program's needs are currently being met. He said before the Program adds new sources of fish, the Program needs to assess its stocking needs. Pollack asked about the possibility of rehabilitating the 6-pack ponds at NAPI. Campbell said there are some issues with water delivery but all options are open.

**Service Update** - Campbell said the Service has been working internally on the sufficient progress report and it should be out in October. Pitts said the Upper Colorado River Program provides a draft for review before it is final. Campbell said the report will be sent out as a draft in October. The Service is working on some internal issues that need resolving internally before the report can be released. Pitts emphasized the importance of having a document from the Service that says the Program is in compliance with ESA. Campbell said Tuggle is very aware of this issue.

Brooks asked about the status of the FY2010 AWP. Campbell said it is out in draft form and on the website. The Program Office needs to check the SOWs, vet budgets, and incorporate any BC input received after their August 20 meeting. Whitmore said the BC does not anticipate significant changes to the SOWs for 2010 except for the habitat monitoring SOW. After the CC discussion, the Program Office will also be working on modifying the peer review, data integration, and TNC's SOW.

### **Next Meetings**

August 7 @ 8 a.m. - Drafting Workgroup conference call  
Sept. 10-11 @ 1 p.m. Farmington - CC meeting

- 2010 AWP
- Drafting Workgroup Program Document revision