

# SJRIP Funds Management FY 2008 Final Report

Principal: Mark McKinstry  
U.S. Bureau of Reclamation  
Salt Lake City, UT  
(801) 524-3835  
May 12, 2009

## Project History

In 2001 Public Law 106-392 (and amended with 107-375 [2002] and 109-183 [2006]) authorized appropriations for capital and base funding in support of the Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs. These two RIPs were established by law to recover endangered fish in the upper Colorado and San Juan River Basins while providing coverage for continued water development. Reclamation entered into a cooperative agreement for the SJRIP in 1992, recently extended to 2023, with Reclamation's responsibilities outlined therein. Base funding for the SJRIP was limited to \$2.0 mil/yr adjusted for inflation using the CPI starting in 2003. All funding must go towards accomplishing the objectives of the Recovery Implementation Programs. All types of funding instruments are authorized including contracts, grants, cooperative agreements, and interagency agreements. The annual RIP funding expires in 2011 unless reauthorized by Congress; however, power revenues may continue to be used to fund O&M of capital projects and monitoring activities for the fish until 2023.

Program activities for the SJRIP in FY 2008 included monitoring and research, fish propagation, operation and maintenance of capital facilities constructed using federal and state monies, non-native fish control, habitat restoration and improvement, and program management.

Program Management funds support Reclamation staff involved in program management. Funds are used for the administration of funding agreements, including issuing requisitions for program supplies, and the preparation and oversight of work conducted under interagency agreements, cooperative agreements, contracts, and grants. The funds are also used for formation and participation in the technical and peer-review committees not covered under Reclamation's commitment to fund participation on the Biology Committee, implementation of committee assignments not specifically identified in a scope of work, and reporting. Management support for Capital Fund projects, including technical oversight, budgeting, preparation of bids and funding agreements is covered in a separate scope of work. Participation in Hydrology and Biology Committee meetings and business is paid for separately by Reclamation with funds unrelated to the SJRIP.

## Objectives

The objectives of the "SJRIP Funds Management SOW " are:

**1) Manage and administer funding for Recovery Program projects related to the Biology Committee activities.** Funding Recovery Program projects requires establishment or modification of approximately 50-60 Reclamation funding agreements or contracts each year. Each financial agreement requires multiple steps and activities, including: submission of requests for Federal assistance for Recovery Program-approved projects; working with Recovery Program's office on funding issues; reviewing and approving (if warranted) project budgets; requesting obligations to cover funding agreement or contract awards; awarding agreements or contract funding to recipients; maintaining agreement and contract filing system including agreement instruments, invoices, and accruals; reviewing and tracking budgets; participating in audits; reviewing and approving invoices; performing

periodic site visits to monitor project performance and progress; filing advanced procurement reports; organizing and participating on TPECs; drafting requests for proposals (RFPs); evaluating proposals and awarding contracts; performing agreement closeouts; answering agreement inquiries from auditors, assistance recipients, and the Recovery Program; recording project performance and status of deliverables; and filing recipient performance reports.

## **Deliverables/Due Dates**

Requests from the Recovery Program for funding are processed as they are received. Generally, most continued-funding requests (i.e., modifications to existing agreements) are completed by November for the current fiscal year. This date can vary depending on several factors: if a new agreement is required; if a Continuing Resolution is in place, which hampers our ability to obligate the entire allocation; and if the work is being proposed as a sole-source agreement or contract. Other deadlines for committee activities are set by the Recovery Program participants during the development of the annual work plan. An annual report on program management activities is submitted at the annual meeting each year.

## **Key Findings**

In FY2008 25 projects received continued funding. A total of 28 separate agreements and other financial assistance awards were made in FY2008 along with 16 contracts in support of SJRIP activities. Administrative management costs for Reclamation totaled \$146,500 or 5.9% of the total budget. The budget for FY2008 was approved by September 07, 2007 and all modifications were completed and mailed to contractors by November 15, 2007, with the exception of a modification to the habitat monitoring and fish-habitat use contract which was modified in March 2008.

Program revenues included \$2,339,000 in funding from Basin Fund Power Revenues and \$120,899 from the USFWS (Table 1). Total revenues available to the SJRIP in 2008 were \$2,459,899.

Program expenditures totaled \$2,436,564.00 leaving \$23,335.00 unobligated. The expenditures for FY 2008 are shown in Table 2.

During FY2006 a Solicitors Opinion was sought concerning two items 1) the feasibility of transferring annual funding for the program to the National fish and Wildlife Foundation (NFWF), and 2) the legality of using sole-source agreements and contracts for funding projects covered by the 1992 Cooperative Agreement and the subsequent legislation (P.L. 106-392). Subsequent findings from the Department of Interior Solicitor indicated that: 1) The annual funding could not be transferred to NFWF since the legislation intended for “funds that are *appropriated* to DOI agencies, rather than accruing directly to the Implementation Program, would be administered by methods normally used for agency appropriations.” Funds “accruing directly to the Implementation Program” could go to NFWF; and 2) Reclamation does have the authority to enter into sole-source contracts and agreements with participants in the SJRIP since the “2000 ACT [P.L. 106-392] appears principally to provide a source of funding and specific authorization for the *continuation* of the pre-existing 1992 Cooperative Agreement.” The “1992 Cooperative Agreement was created under the authority of the Endangered Species Act, 16 U.S.C 1531 et seq., under which the Secretary of Interior is directed to cooperate to the maximum extent practicable with States in carrying out the Program...” Furthermore the solicitor found that “...Congress appears to have created a financial assistance arrangement that created a mandatory financial assistance situation, which does not require that Reclamation compete the financial assistance awards.”

Since Reclamation has the authority to enter into sole-source agreements with Program participants, including Indian Tribes, the Navajo Nation submitted a proposal requesting that pre-approved contractors suitable to the

Navajo Nation be considered as agents of the tribe and be considered for limited competition or sole-source contracts and agreements. This proposal was modified in FY 2007 by incorporating language into any RFPs for work on Navajo Nation Lands that proposers to any RFP issued by Reclamation must supply proof of rights and permissions granted by the Navajo Nation for work done on Nation lands. In FY 2007 a contract was successfully awarded under this new system and future contracts will be handled in a similar manner.

**Table 1. Available Funding for FY 2008**

<b>Source</b>	<b>Contractor</b>	<b>FY07 Budget</b>
<b>Reclamation Power Revenues</b>		\$2,339,000
<b>USFWS Region 2 Deobligations</b>		\$120,899
		\$0
<b>Total</b>		<b>\$2,459,899</b>

## Table 2. Expenditures for FY 2008

Project Title	Contractor	Agreement #	FY08 Power Revenues Budget	Comments
<b>Monitoring</b>				
<b>Sub-Adult/Adult Large Bodied Fish Comm. Monitoring</b>	FWS, GJ. UTDWR			
	USFWS, GJ	05-AA-40-2289	\$99,194.00	
	UTDWR	05-FG-40-2347	\$4,566.00	
	USFWS, ALBQ	05-AA-40-2335	\$11,537.00	
		<b>Subtotal</b>	<b>\$115,297.00</b>	
<b>YOY/Small Bodied Fish Monitoring</b>	NMDGF			
	NMG&FD	05-FG-40-2299	\$94,043.00	
		<b>Subtotal</b>	<b>\$94,043.00</b>	
<b>Larval Colorado Pikeminnow Survey</b>	NMG&FD			
	NMG&FD		\$72,290.00	
		<b>Subtotal</b>	<b>\$72,290.00</b>	
<b>Larval Razorback Sucker Survey</b>	NMG&FD			
	NMG&FD		\$65,632.00	
		<b>Subtotal</b>	<b>\$65,632.00</b>	
<b>Specimen Curation/Identification</b>	UNM			
	UNM	05-FG-40-2411	\$24,942.00	
		<b>Subtotal</b>	<b>\$24,942.00</b>	
<b>Geomorphology, Habitat Mapping, Water Temperature Monitoring</b>	Keller-Bliesner; USBOR			
	Keller-Bliesner	07-SP-40-8185	\$105,512.00	
	USBOR, TSC			
Helicopter flights videography	Denver		\$16,000.00	
		<b>Subtotal</b>	<b>\$121,512.00</b>	

**Update and Maintenance of  
GIS Database**

USFWS, Albq

USFWS, Albq

\$37,7355.00

**Subtotal****\$37,735.00****Total****\$531,451.00****Research****Fish-Habitat Use Evaluation**

Keller-Bliesner;

BioWest; ERI

07-SP-40-8185

\$150,719.00

**Subtotal**

\$150,719.00

**Total****\$150,719.00****Peer Review****Peer Review**USBOR with  
various  
contractors

Mel Warren

06-AA-40-2483

\$10,000.00

Steve Ross

06-PG-40-0145

\$15,000.00

Ron Ryel

06-PG-40-0146

\$10,000.00

John Pitlick

06-PG-40-0147

\$5,000.00

**Total****\$40,000.00****Workshops****Fish Population Workshop**USFWS, Albq;  
Kevin Bestgen;  
Gary WhiteWorkshop fees  
Mark-Recapture, Survival  
analysis

USFWS, Albq

05-AA-40-2334

\$30,000.00

Kevin Bestgen

08-PG-40-0122

\$18,000.00

Gary White

08-PG-40-0121

\$10,000

**Total****\$58,000.00****Recovery****Nonnative Species Control in  
the Upper San Juan River**USFWS, Albq;  
USFWS, GJ;  
UTDWR;  
NMG&FD

USFWS, Albq

05-AA-40-2337

\$157,640.00

USFWS, GJ

05-AA-40-2352

\$78,614.00

UTDWR

05-FG-40-2462

\$24,825.00

NMG&amp;FD

05-AA-40-2298

\$53,090.00

**Subtotal****\$314,169.00**

<b>Nonnative Species Control in the Lower San Juan River</b>	USFWS, Albq; USFWS, GJ; UTDWR; NMG&FD			
	UTDWR	05-FG-40-2340	\$135,262.00	
	USFWS, GJ	05-AA-40-2351	\$16,505.00	
	USFWS, Albq	05-AA-40-2336	\$16,487.00	
	NMG&FD	05-FG-40-2300	\$5,710.00	
			<b>Subtotal</b>	<b>\$173,964.00</b>
<b>Purchase of PIT Tags and Readers</b>				
	USBOR			
	BioMark	06-CP-40-8126	\$45,000.00	
			<b>Total</b>	<b>\$45,000.00</b>
<b>Colorado Pikeminnow Augmentation</b>				
	USFWS, GJ; USFWS, Dexter			
Stocking Colorado pikeminnow	USFWS, GJ	05-AA-40-2287	\$23,566.00	
Rearing Colorado pikeminnow fingerlings	USFWS, Dexter	05-AA-40-2380	\$88,433.00	
			<b>Subtotal</b>	<b>\$111,999.00</b>
<b>Razorback Sucker Augmentation</b>				
	USFWS, Dexter/Uvalde; USFWS, Albq; Navajo Nation			
Larval production	USFWS, Dexter	04-AA-40-2250	\$60,904.00	
Rearing 300mm fish	USFWS, Uvalde	06-AA-40-2514	\$106,120.00	
Rearing 300mm fish	Navajo Nation	07-FC-40-2624	\$64,666.00	
Rearing 300mm fish	USFWS, Albq	08-AA-40-2728	\$81,562.00	
			<b>Subtotal</b>	<b>\$313,252.00</b>
<b>Operation of PNM Fish Passage Structure and NAPI Pond Management</b>				
	Navajo GF; PNM			
	Navajo Nation	04-FC-40-2055	\$56,918.00	
Maintenance Contract	PNM	07-PG-40-0117	\$25,000.00	
			<b>Subtotal</b>	<b>\$81,918.00</b>
<b>Total</b>				<b>\$1,040,302.00</b>

## Hydrology Committee

**Maintenance and Operation of  
the San Juan River Basin  
Hydrology Model, San Juan  
River Basin Recovery  
Implementation Program -  
Hydrology Committee**

USBOR		
USBOR		\$82,625.00
USGS Guaging		\$6,700.00
<b>Total</b>		<b>\$89,325.00</b>

## Program Management

**Management of Program  
Activities**

	Program Coordination	USFWS, Albq	05-AA-40-2334	\$330,967.00	Amount includes \$120,899 from USFWS
	Outreach	USFWS, R6 Debbie Felker	05-AA-40-2379	\$17,600.00	Money added to UCRIP's agreement.
	LRP Revision	SWCA	07-PE-40-0109	\$0.0	Ongoing not funded
	Program Base Funding Management	USBOR		\$146,500.00	
	<b>Total</b>			<b>\$495,067.00</b>	

## Additional Purchases

Outboard motor	Navajo Nation	Simplified Acquisition	\$5,000.00
Electrofischer	Smith-Root	Simplified Acquisition	\$15,900
Nets	Duraframe	Credit Card	\$1,800
River Equipment	Cascade Outfitters	Simplified Acquisition	\$2,300
Coolers	YETI	Simplified Acquisition	\$1,700
River Equipment	Clavey	Simplified Acquisition	\$2,200
River Equipment	Clavey	Simplified Acquisition	\$2,400
Miscellaneous Equipment for EF Rafts	Bonner supply, GJ	Credit Card	\$400.00
	<b>Total</b>		<b>\$31,700.00</b>

## SUMMARY

Monitoring	\$531,451.00	
Peer Review	\$40,000	
Research	\$150,719.00	
Workshops	\$58,000	
Recovery	\$1,040,302.00	
Hydrology Committee	\$89,325.00	
Program Management	\$495,067.00	
Additional Purchases	\$31,700	
<b>Total Obligated Budget</b>	<b>\$2,436,564.00</b>	
<b>Program Budget from Power Revenues, USFWS, and Deobligations</b>	<b>\$2,459,899.00</b>	
<b>Difference in Revenues and Obligations</b>	<b>\$23,335.00</b>	