

Approved Sept 7, 2007



## **SAN JUAN RIVER RECOVERY IMPLEMENTATION PROGRAM**

### **Inherently Governmental Work Group Meeting**

San Juan Water Commission  
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**Wednesday May 16, 2007  
8:30 – 3:00**

#### ***Attendance:***

Coordination Committee: Cathy Condon, Southern Ute Tribe; Brenna Clanni, Navajo Nation; Jim Brooks, Fish and Wildlife Service (for Brian Millsap); Tom Pitts, Water Development Steering Committee, Tom Blickensderfer, State of Colorado, via conference phone.

Others: Dave Campbell, SJRIP Program Director; Maria O'Brien, BHP; Tim Jones, PNM; Steve Harris, Southwestern Water Conservation District.

#### **SUMMARY**

Cathy Condon, Workgroup Chair, opened the meeting by stating that the Tribes perspective is that they need water development to move forward and therefore need the Program to move forward. The tribe would like to move away from defining inherently governmental and focus on defining a process for the program that is consistent with the solicitor's opinions and maintains maximum flexibility for the SJRIP in deciding how projects are implemented. SJRIP projects should be addressed on a case-by-case basis; however it may be useful to develop some criteria to determine what should be subject to competition.

Tom Pitts would like to define how this process would work and what criteria would be used.

As the discussion progressed, it was acknowledged that "research" could go out to bid. Jim Brooks said that some research may or may not go out. For example, if research would require using endangered fish from Dexter, it may be more appropriate to have Dexter conduct the research, rather than contract it out.

Dave Campbell's draft "list of current projects" was referenced in the discussion. In the draft "list of current projects," projects involving Program management and fish handling were generally

agreed upon as being handled without an RFP. It was also noted that habitat mapping had been agreed previously to be subject to RFP. Dave said that is in the process of being contracted out.

***Program Work occurring on the Navajo Nation:*** The Navajo Nation has concerns about controlling access to their land. Brenna Clanni said that as a participating agency, the Navajo Nation is taking on a lot of responsibilities with respect to the Program, and has not totally fleshed out the issue regarding the contracting and sole sourcing either as a participant in the Program or in its role as an sovereign Nation.

Additional discussions are needed internally within the Navajo Nation regarding the effect of contracting or sole sourcing projects that occur on Navajo Nation on the Program and these discussions have not been completed. If the committee has any concerns or thoughts, she would like to take those back to the council.

Dave Campbell said that the RFP for the Geomorphology and Habitat Modeling requires that contractors submitting proposals have the Navajo Nation's permission to do work on Navajo Nation lands. Jim Brooks pointed out that all parties engaged in Program actions, including state and federal agencies, are required to obtain appropriate permits and land owner permission, whether they are from the Navajo Nation, federal agencies, or state agencies.

It was suggested that requiring these permits is part of the solution, i.e., through the permitting process, the Navajo Nation can regulate who works on its lands.

The second option is for the Navajo Nation to receive the grant as a participating agency and then do its own contracting. Brenna Clanni pointed out that sometimes it is a long process under Navajo procedures and might result in delays in Program activities.

## **Work Group Recommendations**

The committee reviewed 2007 Program activities and activities included in the current Long Range Plan and developed a list of recommended activities that would not be contracted out and those that normally would be contracted out unless there is justification for not using the RFP process. The list is provided below:

### Projects that will not be competed:

1. Program Management
  - a. Peer review
  - b. Outreach
  - c. Database development and operation by USFWS
  - d. Program data management
2. Capital Project Management
3. Base Funds Management
4. Work that requires handling, capture, rearing/stocking endangered or managed fishes
  - a. Rearing/stocking endangered fish
  - b. Nonnative species removal
  - c. Monitoring of fish populations

## 5. O&M related to Program facilities

### Categories of projects that will be competed (unless justification for sole sourcing):

1. Research projects
2. Program evaluations (data oriented)
3. Evaluations and analysis of past data
4. Program Assessments (program oriented)
5. Modeling

Dave Campbell pointed out that the database operation had been pulled in-house by FWS, after failure by UNM to maintain the database. It said it will take a substantial amount of work to put the database in order, but the data is there.

There was some discussion on the SJRIP hydrology model and its applications. These issues need to be brought up at the Coordination Committee. It was agreed that the hydrology modeling could be contracted out, however, Reclamation would have to remain responsible for overseeing the model, per various biological opinions and the Program document. It was agreed that new modeling efforts could be contracted out. An example of a new modeling activity that would be subject to RFP is addition of the sediment transport model to the habitat model, if that is found to be appropriate.

Dave Campbell said development of methodologies for moving the Program forward could also be contracted out. This would include things like procedures for developing population estimates, i.e., how to do it, how much effort, methods, etc. Conducting workshops would be included in RFPs for this type of work.

The Program evaluation report and Program assessment were included as types of projects that could be competed through an RFP.

Peer review of the Program may need to be augmented with additional peer reviewers outside the original list of three that work with the Biology Committee. This is a responsibility of the Program Coordinator, and may or may not be subject to RFP, depending on needs and circumstances.

The recommendation will go to the Coordination Committee for consideration in the June 26 meeting in Farmington.

The Purpose of this work session is to discuss and develop criteria and a process for selecting projects for sole sourcing procedures as related to San Juan River Basin Endangered Fish Recovery Program (SJRRIP) projects funded by power revenues through the U.S. Bureau of Reclamation.