

Executive Committee Meeting
November 18, 2010

Meeting Materials:

Meeting Agenda

Meeting Minutes

Coordination Committee and Program Manager Update



**Middle Rio Grande Endangered Species
Collaborative Program
EXECUTIVE COMMITTEE
MEETING AGENDA
November 18, 2010
9:00 am – 1:00 pm**

LOCATION: Bureau of Reclamation, 555 Broadway Blvd NE, Albuquerque, NM

- 1. INTRODUCTIONS AND REVIEW OF PROPOSED AGENDA** *5 minutes*
- 2. APPROVAL OF OCTOBER 21, 2010 MEETING SUMMARY*** *10 minutes*
- 3. ITEMS FOR EXECUTIVE COMMITTEE FOLLOW-UP**
 - A. Announcements** *20 minutes*
 - 1. Service Training on ESA, APA and Analytical Framework for Consultations**
Program-wide training scheduled for December 15, 2010
Propose condensed Executive version in early 2011
 - 2. Service Seeks Proposals from States for FY11 Endangered Species Grants**
Proposals due on January 18, 2010 if EC wants to pursue
 - B. Adaptive Management Plan Development EC Interviews*** *10 minutes*
Review questions and attend scheduled interview
 - C. Program Cost Share Request*** *10 minutes*
Submit non-federal cost share information by December 15, 2010
- 4. ITEMS FOR EXECUTIVE COMMITTEE INFORMATION**
 - A. FY2010 Program Budget*** *10 minutes*
Used to calculate total Program cost share
 - B. Fish Passage Meeting Summary*** *10 minutes*
- 5. COORDINATION COMMITTEE/PROGRAM MANAGER REPORT** *30 minutes*
- 6. USACE COCHITI DEVIATION AFTER ACTION REPORT** *30 minutes*
- 7. USFWS UPDATE** *20 minutes*
- 8. BA/BO ESA CONSULTATION TEAM UPDATE** *15 minutes*
- 9. OTHER BUSINESS** *10 minutes*
- 10. PUBLIC COMMENT** *10 minutes*
- 11. NEXT SCHEDULED EC MEETING – December 16, 2010 (propose cancelling)**
- 12. CLOSED SESSION**

**Denotes read ahead material provided for this topic*

Members

ABCWUA
ISC
NMDA
Sandia Pueblo
UNM

APA CABQ
Isleta Pueblo
NMGF
Santa Ana Pueblo
USACE

NMAGO
MRGCD
Santo Domingo Tribe
USFWS
Reclamation

Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
November 18th, 2010, 9:00 am to 1:00 pm
Bureau of Reclamation, Albuquerque Area Office
555 Broadway Blvd. NE
Albuquerque, NM 87102

Decisions

- With quorum present, the EC approved the October 21st, 2010 meeting summary for finalization with no changes.

Recommendations

- Some members recommended that non-Program projects and activities be officially submitted for case-by-case determination on what portions, if any, could be considered for cost share contributions.

Requests

- It was requested that non-federal agencies use the revised cost share template to provide FY09 and FY10 cost share contributions to Yvette McKenna by December 15th, 2010. Any other previous year's cost share that has not been reported can be submitted at any time.
- The EC requested that the CC review the Program's contracting process (especially for end-of-year funding that becomes available on short notice) and provide a step-by-step outline; the CC will identify any issues or concerns and provide recommended solutions for addressing issues in future years.
- The EC requested that the CC discuss the USGS groundwater monitoring activities, reporting issues, and discuss what portion of the work is still needed/appropriate.
- The PM requested that MRGCD, Reclamation, and ABCWUA give an "after action" report to the EC on the October 2010 change in operations.

Actions

- Reclamation (lead: Lisa Croft) will follow up on the amount of the Adaptive Management Plan Development contract that will be subject to cost share.
- MRGCD and APA will arrange for "swapping" Adaptive Management Development interviews date/times with other agencies.
- Yvette McKenna will follow up with Isleta (Cody Walker) on the Council funded (non-government funds) habitat restoration and what portion(s) of that restoration could be considered cost share; Yvette will report the findings back to the EC.
- Yvette McKenna and Matt Schmader will continue the (1) programmatic versus project by project cost share and (2) potential over-matching discussions.
- Grace Haggerty will provide the previous non-federal list of recommended cost share activities document to Yvette McKenna.
- Lisa Croft will attempt to provide a Reclamation federal co-chair to the Habitat Restoration work group.
- Jim Wilber will review the ISC proposed consultation actions "subset" for feedback on recommended areas to focus on; the recommendations will be distributed within the next couple of weeks.

- Matt Schmader and Rick Billings will follow up on the potential Bernalillo County exclusion from Critical Habitat and potential HCP.
- ✓ NMDGF will provide an electronic copy of their strategic plan to Yvette McKenna for distribution. – *complete; Barbara Coulter, NMDGF emailed the internet link to their Comprehensive Wildlife Conservation Strategy for New Mexico to Yvette McKenna. The link was distributed to EC members via email on 11/19/10. The link is:*
http://www.wildlife.state.nm.us/conservation/comp_wildlife_cons_strategy/index.htm

Next EC Meeting: January 20th, 2011 tentatively from 9:00am to 3:00pm at Reclamation.

NOTE: THE DECEMBER EC MEETING HAS BEEN CANCELLED.

- Tentative January Agenda Items: (1) condensed ESA training for members who cannot attend the December 15th training; (2) Jason Remshardt's presentation on stocking; (3) follow up on cost share information; (4) discussions on formal Service letters of consultation position
- Future Agenda Items: (1) the possibility of Bernalillo County as an HCP; after action analysis of MRGCD, Reclamation, and ABCWUA October 2010 change in operations.

November 18th, 2010 Meeting Summary

- **Introductions and Agenda Approval:** Estevan Lopez called the meeting to order and introductions were made around the room. It was explained that a new agenda was distributed late yesterday afternoon; the agenda was changed to correct the “EC action” section which was mislabeled as the items did not need policy action by the executives. Descriptive language has been added to each agenda item for information and clarification. The agenda was approved with two changes in order: (1) the FWS Update (Item #7) and BA/BO Consultation (Item #8) were moved to end of agenda, to follow Other Business; and (2) the Coordination Committee/Program Manager Report (Item #5) will follow USACE Cochiti Deviation After Action Report (Item #6) to accommodate the USACE presenter’s schedule.
- **Approval of October 21st, 2010 EC Summary:**
 - Concern was raised that the SWM forbearance project references remained in the meeting summary. It was clarified that the action was to correct the language in the Program Manager’s report. It was then also shared that at their last meeting the SWM work group had since decided to not pursue the forbearance project at this time.
 - The October 21st, 2010 EC meeting summary was approved for finalization with no changes.
- **Items for Executive Committee Follow Up**
 - A. **Announcements**
 1. ***Service Training on ESA, APA and Analytical Framework for Consultations***
 - The consultation team suggested that a presentation on ESA, administrative process, and analytical framework for consultation be made available to any interested Program members. A tentative date of December 15th 2010 from 8:00am to 12:00pm has been scheduled for the entire Program membership. EC Primary and Alternate members are encouraged to attend. However, Jennifer Bachus has offered to provide a condensed version to any executives who might not be able to attend the general presentation. The agenda and training materials will be reviewed prior to the distribution of the Program-wide announcement. Appreciation was expressed to the Service for offering this presentation/training.
 - It was commented that the 4 hours should be focused on the ESA and analytical framework for consultation, not the APA (administrative procedures act) which is agency specific.
 - The condensed executive version is proposed for early in 2011.
 2. ***Service Seeks Proposals from States for FY11 Endangered Species Grants***
 - The Service announced FY11 grant opportunities for endangered species activities. It was explained that Section 6 of the ESA allows the Service to work with states on endangered species issues through Memorandums Of Understanding (MOUs). The Service currently has an existing MOU with the NM Department of Game and Fish (NMDGF). All grant proposals must therefore come through NMDGF and thus must be in alignment with NMDGF’s priorities and goals. This is a yearly award process and the deadline is usually the middle of January each year. FY11 proposals are due on January 18th, 2011 should the EC wish to pursue any activities through NMDGF.

- There are several types of possible grants:
 - Conservation Grants are with the Conservation Division. There is approximately \$11 million available nationally for Conservation Grants.
 - Habitat Conservation Planning Assistant Grants – there are none of these grants currently in the state. These grants do have to be associated with an HCP. There is approximately \$10 million available nationally for HCP Assistant Grants.
 - The Habitat Restoration (HR) work group has not considered conservation projects before, but it would be a complicated process of going through Section 10 for the HCP and the associated NEPA. In addition, the project would have to be in the NMDGF Strategic Plan and in their priorities.
 - Recovery Land Acquisition Grants – this type of grant does require a 25% match. There is approximately \$15 million available nationally for Land Acquisition Grants.
- NMDGF shared that they are currently contemplating a handful of potential projects however none of those are within the Middle Rio Grande (MRG).
- The EC discussed HCPs in relationship to the Critical Habitat designation. The Critical Habitat will be re-designated with the final rules due in July 2012. One opinion was that Bernalillo County was excluded from the last Critical Habitat designation because the Albuquerque-Bernalillo County Water Utility Authority (ABCWUA) and the City of Albuquerque (COA) were able to show sufficient criteria for an HCP. However, representation from the Service commented that there is no formal HCP executed with Bernalillo County.

B. Adaptive Management Plan Development EC Interviews

- The Adaptive Management Plan Development (AMPD) contractors have provided the list of questions they will be using to guide the scheduled EC interviews. The questions are being provided to the executives for information and feedback. It is important to have the agency's EC representative attend the interview but up to 3 additional staff members can be included.
- Should an EC representative be unable to participate in-person during the scheduled days, attempts will be made to conduct the interview via phone or email.
- The initial impression is that the interview questions appear to be in alignment with what the contractor has already discussed and explained. Some of the questions might be "tough" but they are important to developing the next piece of the adaptive management plan. Executives had no specific feedback on the interview questions at this time; but any feedback will be provided to Yvette McKenna after there has been the chance to review the questions in more detail.
 - All the AMPD Workshop materials are posted on the Program website.
 - It was shared that the AMPD schedule is still being revised. The completion date is still in discussion, but the proposed completion is September 2011. Other changes include a request to extend 2-day visits to 4 days in order to allow sufficient time. Once the negotiations have

been completed, the Program will have a very specific and very clear plan. These changes prompted some EC members to ask what the final AMPD contract amount was and what the expected additional costs might be.

- The CC recommended an AMPD FY10 budget place holder of \$50,000 to get the process started. However, end-of-year funds became available in September. Reclamation was able to put an additional \$349,000 toward the AMPD contract bringing the total contracted amount to \$399,000. The bid amounts that were received were all much higher than \$50,000 - \$399,000 is not unreasonable. By comparison, the Platt Adaptive Management development cost in the millions.
- To date, the schedule changes are not expected to increase Program cost as it is “adjusting” and “swapping” of time; the contract amount should cover all tasks through September 2011.
- Some members expressed concern that they thought adaptive management was to be more “on-the-ground” and how to “fine-tune” Program activities as necessary to be efficient and responsive to needs. But a quick review of the interview questions indicates that the adaptive management plan might be more focused on how to “adaptively manage” EC operations or “how to manage how we all get along.” The opinion was that the best use of the funding is to attempt to get to the on-the-ground operational “nuts and bolts.”
- Some members expressed concern that the AMPD workshop notes don’t reflect the existing concerns and issues that were brought up at that time and that the Program is paying for a psychologist as part of the AMPD contracting team. In response, it was shared that the contract team is experienced and has been very successful.
- Another concern raised was that Program activities are subject to cost share and the Program only agreed to fund \$50,000 toward AMPD. The additional \$349,000 was not properly vetted through the Program process and if it is subject to cost share then it raises the expected non-federal contribution from \$12,500 to \$99,750. Concern was also raised about the lack of robust discussions on the funding, cost shares, expectations, etc. and the lack of “transparency.” In response, it was shared that the value of the work was much higher than the Program originally agreed and was able to fund. Also, end-of-year funds must be swiftly appropriated or returned to the Region. As the fiscal steward and in an attempt to be responsible and keep the money in the basin, Reclamation had to get it obligated quickly. Reclamation looked for open, valid contracts that had general EC support. An adaptive management plan is needed for the BiOp and it needs to be scientifically sound and legally defensible. The additional funds (from supplemental water) were not at the discretion of the Program. If Reclamation decides that the additional \$349,000 is not subject to cost share, then there might not be an issue.

C. Program Cost Share Request

- A revised cost share template is available for agencies to provide FY09 and FY10 cost share contributions to Yvette McKenna by December 15th, 2010. Any other previous year’s cost share that has not been reported can be submitted at any time.

- Current tabulations indicate the contribution is within \$2 or \$3 million of the targeted cost share.
- The EC briefly discussed the possible case of an “over match” and the assumption that it would carry over to future years. There was also brief discussion about “programmatic” cost share instead of “project by project” cost share. Executives then discussed what counts towards cost share (staff time, acreage, funding, etc.). The Program is encouraging outside activities that contribute to recovery so those should be counted. It was requested that a listing of all actions that constitutes cost share be compiled and made available.
- **USACE Cochiti Deviation After Action Report:** Dennis Garcia, from the USACE Reservoir Control Branch, presented an After Action Report for the 2010 Cochiti Deviation. Please refer to the actual presentation posted on the Program website for specific details. In 2007, the Engineer Advisors to the Rio Grande Compact requested USACE deviate from normal operations in order to provide recruitment flows. The action resulted in a very successful spawn and recruitment. Then in 2009, the Albuquerque District requested and received approval for a temporary 3-year deviation with 2-year extension option with the intended purpose of temporarily detaining and releasing spring runoff flows for fish recruitment and overbank flows through the MRG. Approval was granted by the South Pacific Division, the Pueblo de Cochiti, and the Rio Grande Compact Commission. FY10 is year 2 of the 3 year approved period. The 2010 spring run off was peculiar and the expected volume and duration was not realized. The peak of 5,100 cfs occurred on May 22nd and lasted 2 ½ days; extensive overbanking was achieved. The deviation was possible this year because Reclamation was able to provide the water to offset the depletions (538 ac-ft). There were no major problems reported stemming from release of flows for the overbanking action. One area that was identified as needing improvement was the refining of the coordination/notification efforts with stakeholders in the basin. To address that, a single point of contact will be assigned this duty (to answer questions, provide updates, etc.) for the next deviation action. Other issues that were identified included keeping the boat ramp open, tracking potential weather changes (warm or cold snaps, light rain on snow causing a larger volume of runoff to occur in April, which lowered the peak in May), and Article VII restrictions.
 - A question was posed regarding any plans for mitigation should flows cause damage. It was explained that although the deviation releases are artificial management, the deviation flows are not significantly different from what could be seen naturally. While there is always the possibility for issues, USACE will be on the ground monitoring. There will be improved communications and notifications for the next deviation and the USACE intends to work closely with other agencies. Any decisions to lower flows would have to be made on a case-by-case basis.

USACE was thanked for following the Program process for this activity by informing the CC and the EC in preparation for the deviation. The PM requested that MRGCD, Reclamation, and ABCWUA give a similar “after action” report to the EC on the October 2010 change in operations.

- **Items for EC Information:**

- A. **FY2010 Program Budget:** Earlier in today’s meeting, it was shared that an increase of \$1.5 million resulted after distribution of Reclamation’s supplemental water funds. This additional funding went towards habitat restoration projects and the adaptive management plan contract. Please refer to details of this discussion under the *Adaptive Management Plan Development EC Interview* section of these notes.

- B. Fish Passage Meeting Summary:** It was shared that the Fish Passage Meeting Summary has been reviewed by the COTR (Kathy Dickinson) and the attendees, and that CC recommended the summary be provided to EC for information.
- **Coordination Committee/Program Manager's Reports:** The CC has been discussing the San Acacia Diversion Dam (SADD) fish passage activities and adaptive management activities. The CC has expressed interest in being provided both fish passage and adaptive management meeting summaries for informational purposes. The CC would also like to review and approve products from the fish passage and adaptive management projects. The EC is encouraged to read the fish passage and adaptive management meeting summaries for informational purposes. There is still no consensus on the fish passage studies yet. The CC has continued reviewing the draft FY11 activities spreadsheet for planning projects. The next working CC meeting is scheduled for December 8 from 9:00 am - 4:00 pm and will include discussions on the LTP, proposed FY11 activities, the adaptive management schedule, and development of scopes of work (SOWs). The new target date for the draft LTP is March 2011.
 - The PMT liaisons continue working with the work groups to prioritize future activities and they helped populate the new planning spreadsheet with details. Diana Herrera completed the FY10 final budget numbers and developed the Program budget cost share numbers. Jericho Lewis and Yvette McKenna met with GenQuest to arrange support for the LTP and annual reports.
 - The Habitat Restoration (HR) work group is still looking for a federal co-chair. Lisa Croft offered to attempt to provide a Reclamation federal co-chair for HR.
 - The next Science (ScW) work group will be a joint meeting with HR and the Monitoring Plan Team (MPT) for discussions on the high intensity monitoring.
 - The Species Water Management (SWM) work group completed their future activity summaries. There continues to be issue with deliverables from the USGS. Reclamation has already met with the USGS on this issue twice before. The current USGS agreement expires in March but Reclamation's contracting office expects to put out a commercial solicitation for options that would allow the work to continue while also having more control on the deliverables.
 - The San Acacia Reach (SAR) work group held a field trip to Socorro on November 4th. Members of the Public Information and Outreach (PIO) work group also attended. Terina Perez will be replacing Amy Louise as the SAR PMT liaison starting in December.
 - The next Population Habitat Viability Analysis (PHVA) work group meeting is scheduled for December 8th from 9:00am to 2:00pm at Reclamation.
 - The Database Management System (DBMS) work group will meet on December 13th. The next milestone is data standardization. They have been communicating with the PMT for guidance when any issues or questions arise.
 - The PIO work group will be staffing a booth at the Festival of the Cranes at the Bosque del Apache this week.
 - **Other Business:** Hilary Brinegar reported that she was able to follow up with the USDA regarding the tamarisk beetle. They expressed interest in staying in touch with the Program on what is being done regarding the beetle. If the Program would like to pursue preventative actions to limit the spread of the beetle, there are several existing resource opportunities (ex.

Wildlife Habitat Incentive Program (WHIP)). Debra Hill (FWS) will present on the beetle early next year.

- **Public Comment:** There was no public comment.
- **USFWS Update:** For the minnow, Lori Robertson reported updates on the river drying, salvage efforts, incidental take, population monitoring, captive propagation, stocking and augmentation, reintroduction work updates, and saltcedar leaf beetle updates.
 - The river reconnected on October 29th; salvage ended that week. Final numbers of dry river and incidental take should be available in December.
 - There is no new population monitoring information to report since the October data is not available at this time but is expected early in December. Attendees were reminded that the September data showed a 10-fold decrease in minnow numbers compared to a year ago so it would be logical to expect the October numbers to be low as well.
 - Approximately 500,000 silvery minnow were stocked in Big Bend in October; there were no minnow collected during the monitoring prior to the release. However, minnows were found in the 3 previous sampling events. It is hoped that the silvery minnow monitoring efforts will be expanded next summer to include the entire possible extent of habitat that may be occupied by silvery minnow.
 - This week, approximately 132,000 silvery minnow were released in the MRG at numerous sites in the Isleta and San Acacia reaches: 23,000 minnow were from the BioPark, 7,000 minnow were from the Los Lunas refugium, and 102,000 were from Dexter. Jason Remshardt will be presenting the details of the current augmentation plan and results of the last 3 years of stocking at a future EC meeting.
 - In an update on the reintroduction work, it was reported that Mark Brennan continues outreach to previous and minnow reintroduction planning team members to invite them to participate in Cochiti reach and future 10(j) reintroduction planning. He also attended a Cochiti Lake Ecological Resources Team meeting in October. He will remain engaged with this team as they work on lake and dam management resource issues. Mark also met with USACE fisheries biologists and hydrologists to review past activities and water management in Cochiti Reach. He will continue to work with the Corps as appropriate on Cochiti reach information. Mark assisted Dexter staff in surgically tagging silvery minnow for the November augmentation release. As part of his development in preparing Safe Harbor Agreements (SHA), Mark met with private landowners north of the Bosque del Apache to discuss possible SHA on their land. This SHA is planned to include provisions for silvery minnow, flycatcher, and Pecos sunflower. Mark also assisted with the third release of silvery minnow in the Big Bend reintroduction area in October.
 - There is nothing new to report on the Population Viability Analysis (PVA) work group. Their next scheduled meeting is early December.
 - Darrell Ahlers' (Reclamation) flycatcher survey data was shared. The overall territory numbers were very similar to last year. In 2009, there were a total of 376 documented territories and 357 territories were documented in 2010. There has been a slight decrease in the San Marcial/Elephant Butte Reach - down from 319 territories in 2009 to 298 in 2010. However, there was an increase in

territory numbers within the Bosque del Apache from 20 in 2009 to 33 in 2010. Unfortunately, there was a significant decrease in nest success experienced by flycatchers within the San Marcial/Elephant Butte Reservoir. Nest success was down to 37% which is the lowest ever recorded by Reclamation. Predation was responsible for over 50% of nest failures. It has been postulated that the territories have been in existence there for a while making them very susceptible to predators.

- In an update on the Critical Habitat designation, it was shared that the proposed rule is due out by July 31st, 2011 and the final determination on the proposed rule is due July 31st, 2012. The proposed critical habitat will be based on biology and all areas with the Primary Constituent Elements will be included. The final rule will consider exclusions – such as Safe Harbors, HCPs, or management plans that are providing habitat protections. It is most likely that any habitat with the existence of PCE be included in the proposed designation.
- **BA/BO Consultation Update:** Discussions on the non-federal agency actions continue between the federal and non-federal agencies. Action agency feedback on the most recent iteration is requested by December 17th (an email reminder will be sent). To date, most of the comments have been about including more details about the actions. In order to help address the request for more details, the “subset” list that has already been generated for ISC will be reviewed for recommendations on areas to focus.
- **FWS Handout:** The Service provided a draft “talking points” handout that clarified the Service’s position on several aspects of the reinitiation. The official letters will be sent to Reclamation and the Corps next week. It was explained that this was the Service’s way of sharing information and being transparent. It is hoped that this approach will increase the success of this consultation. There are 6 specific areas or points that were clarified in the handout. Briefly, the 6 points were:
 - *Role of the Service:* The Service’s position is that its role is to provide technical assistance as the ESA experts in advance of the consultation. The Service will review the BA for sufficiency and adequacy. It is not their role to devise water management strategies.
 - *2003 BiOp as a Foundation:* During the consultation, the Service will be comparing the BA to the 2003 BiOp as the starting point. Any proposed changes to the 2003 BiOp must have sound scientific basis. It was clarified that when the Service receives an adequate BA, they will then prepare the BiOp. That BA could propose actions that are different from the 2003 BiOp but any departures have to be biologically and scientifically substantiated in order for the new BiOp to be legally defensible.
 - *Front Loaded vs. Non Front-Loaded Approaches:* Reclamation and the Corps should submit one front-loaded BA that includes all actions (Reclamation, Corps, and non-federal) and all activities that provide benefits to the species. Federal agencies have a responsibility to avoid jeopardy and adverse modification of critical habitat and to assist in recovery of endangered species. The Service considers this type of approach, including conservation activities, to be consistent with that responsibility (ESA 7(a)(2)). The Service disagrees with the proposed approach of submitting 2 separate BAs that contain little or no conservation benefit for the list species.

- *Two Rounds of Consultation:* The Service disagrees with the approach of submitting 2 BAs and issuing 2 BOs. The reasons behind this position include: (1) this approach doesn't meet the federal agency obligations under ESA; (2) it is a far departure from the 2003 BiOp; and (3) results in needless staffing and fiscal burden for all federal agencies. If the Service receives an inadequate BA, they will be unable to prepare a BiOp.
- *One Biological Opinion vs. Two Biological Opinions:* The Service will only prepare one BiOp.
- *Non-Federal Coverage and Contributions:* The Service strongly recommends that the action agencies work with all parties up front to find all activities that alleviate jeopardy and/or destruction or adverse modification of habitat. In order to provide ESA coverage for non-federal parties through the new BiOp, those parties' actions need to be included in the Proposed Action with the appropriate responsible Federal Agency identified for providing that coverage. Inclusion in a Reasonable and Prudent Alternative (RPA) is not sufficient to confer ESA coverage to a non-federal party.
- Several members asked questions and expressed concerns regarding the Service's position on the aforementioned points. The following bullets capture the highlights and clarifications that were part of the discussion.
 - Concern was expressed regarding the effect these positions will have on the current timeline/schedule especially considering that the PVA isn't currently on the same timeline to be used in the BA. It was explained that the action agencies can submit a BA whenever one is concluded; it is up to the action agencies and the Program to determine what gets included in the BA that is submitted. These positions do not necessarily change the end point of the final BiOp, but may impact when the initial BA is submitted. Very conceptually and very generally, the presentation of this information could put more of the time consuming work (of putting together an entire package together) up front.
 - It was clarified that the Service has clear authority in determining what is considered sufficient once the BA is submitted. However, the Service cannot tell the agencies what to do. The Service cannot prejudge what will and won't be considered sufficient. If the submitted BA lacks sufficient scientific support for deviations from the 2003 BiOp then the Service will reject it.
 - Concern was expressed that these positions could put the Program on a very different course from the work that has been done (and resources already invested) over the last several years. Disappointment in the timing of this information was also expressed. The current path was agreed to by the Program – with Service representation present - at the August 2009 Taos Retreat. The EC – also with Service representation present - has been discussing non-front loaded BAs for many months. In response, it was shared that the Service has to maintain objectivity. The Service has been and will continue to be involved and voice input but at the same time Service representatives have to maintain some space in order to maintain the objectivity necessary to have a fair evaluation of the BA – and thus a defensible BiOp.

- It was clarified that the Service favors a front-loaded BA partly because the litigation-driven 2003 BiOp was front-loaded. There is an environmental baseline with water management plus other beneficial activities since 2003 – the accumulation of implementing the 2003 opinion is the baseline.
- Concern was raised that using the 2003 BiOp as the baseline assumes the opinion can always be met, but every model scenario over last 5 years indicates that the 2003 BiOp is not sustainable. In response, it was shared that there is a jeopardy “line” that can’t be crossed. It is complicated, but how to maintain the minnow numbers above jeopardy in those “bad” years has to be figured out.
- Concern was raised that jeopardy is based on the 2003 BiOp and the flow regimes were litigation driven. In response, it was shared that the 2003 BiOp sets up the framework of conservations based on recruitment flows and sustainability flows. The baseline is the “snapshot” in time for “today” and what is going on in the river is the implementation of the 2003 BiOp.
- The opinion was shared that the positions expressed are so significantly different from the previously agreed to path that this negatively impacts the trust within the Program and is very destructive. Another opinion shared was that the information was being provided before the BAs were submitted and from a technical standpoint, a single BA and BiOp makes sense.
- In response to the Service’s positions on the consultation, the next steps will be the internal action agency discussions and then “federal family” discussions with the Service before there can be the continued EC discussions. Concern was expressed that the non-federal agencies have sufficient opportunity to be included on discussions and have input.
- **Next Meeting: January 20th, 2010 tentatively from 9:00am to 3:00pm at Reclamation**
 - In order to allow the action agencies sufficient time to hold internal discussions on the Service’s position paper and have enough to report to the EC for discussions, the December meeting was cancelled.
- **Facilitator’s Meeting Recap:** In a meeting recap, Reese Fullerton summarized some key points of today’s meeting. There was only one decision – the EC approved the October 2010 meeting summary for finalization with no changes. The December 15th Service Training on ESA, APA and Analytical Framework for Consultations is open for all and EC members are encouraged to attend. There is an action request for NMDGF to provide an electronic copy of their strategic plan for agencies to review and consider for the state grants. Action items include: Reclamation looking into cost share for the AMPD; the CC will review and outline the Program process for contract increases; agency cost share reports for FY09 and FY10 are due December 15th – questions can be directed to Yvette McKenna; Yvette McKenna will look into cost share criteria and will post the list; Reclamation will try to assign a HR work group co-chair; December 17th is the deadline for next feedback loop on the consultation. The December meeting has been cancelled, and the January meeting will be a full day.
- **Potential future agenda items:**

- January 2011: (1) condensed ESA training for members who cannot attend the December 15th training; (2) Jason Remshardt's presentation on stocking; (3) follow up on cost share information; (4) discussions on formal Service letters of consultation position
- February/March/April 2011: (1) salt cedar beetle presentations postponed until February or March 2011; (2) After Action report for MRGCD, Reclamation, and ABCWUA October 2010 change in water operations for March or April 2011
- **Closed Session:** There was no need for a closed session today so the meeting adjourned.

**Executive Committee (EC) Meeting Attendees
November 18th, 2010, 9:00 am to 1:00 pm**

Attendees:*Representative*

Brent Rhees (P)

Estevan López (P)

Lisa Croft (P)

Susan Bittick (A)

Bob Jenks (P)

Subhas Shah (P)

Janet Jarratt (P)

Rick Billings (A)

Wally Murphy (A)

Matt Schmader

Steve Farris (P)

Hilary Brinegar (P)

Organization

Dept. of the Interior

NM Interstate Stream Commission

Bureau of Reclamation

U.S. Army Corps of Engineers

NM Department of Game and Fish

MRGCD

Assessment Payers Association

Of the MRGCD

ABCWUA

U.S. Fish and Wildlife Service

City of Albuquerque

NMAGO

NM Department of Agriculture

Seat

Federal co-chair, non-voting

ISC

Bureau of Reclamation

USACE

NMDGF

MRGCD

APA

ABCWUA

USFWS

COA

NMAGO

NMDA

Others

Yvette McKenna – PM

Jim Wilber

Terina Perez

Mary Carlson

LeAnn Summer

William DeRagon

Dennis Garcia

Lori Robertson

Stacey Kopitsch

Definia Montano

Janet Bair

Debra Hill

Christopher Shaw

Grace Haggerty

Amy Louise

Rolf Schmidt-Petersen

Brooke Wyman

Ann Moore

Brian Gleadle

Patricia Dominguez

Matt Zidovsky

Sarah Cobb

John Fleck

Reese Fullerton

Jenae Maestas

Marta Wood

Bureau of Reclamation

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U.S. Army Corps of Engineers

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U.S. Fish and Wildlife Service

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NM Interstate Stream Commission

NM Interstate Stream Commission

NM Interstate Stream Commission

NM Interstate Stream Commission

MRGCD

NMAGO

NMDGF

Senator Bingaman's Office

Congressman Heinrich's Office

Senator Udall's Office

Albuquerque Journal

SPO

GenQuest

Tetra Tech

**Coordination Committee and Program Manager Update
Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
November 18, 2010**

Announcements

Fish and Wildlife Service ESA, APA, and Analytical Framework for Consultations Training

On October 22, Jennifer Bachus provided training to the Consultation Team on the Endangered Species Act (ESA), the Administrative Procedures Act (APA), and an Analytical Framework for consultations. The training was well-received and the Service offered to provide similar training to a broader group of Collaborative Program participants and agency biologists. It was recommended by the Consultation Team that the Service also provide a condensed version to the Executives. At the November 10 Coordination Committee (CC) meeting, it was decided that the **Service will provide Program-wide training on December 15, from 8:00 am - 12:00 pm at the Bureau of Reclamation**. A future condensed presentation could be made at an Executive Committee (EC) meeting if desired by the Executives and based on feedback provided after the December 15 session.

Fish and Wildlife Service Seeks Proposals from States for FY 2011 Endangered Species Grants

The Service is seeking proposals from states and U.S. territories interested in obtaining federal financial assistance to acquire land or conduct planning efforts for endangered species conservation. For fiscal year (FY) 2011, the President's budget request for the Cooperative Endangered Species Conservation Fund includes approximately \$85 million in grant funding for conservation planning activities and habitat acquisition benefitting federally protected species. **Proposals must be submitted to the appropriate Service regional offices by January 18, 2011.** To learn more about these grants, visit the Endangered Species Program online at: <http://www.fws.gov/endangered/grants/index.html>.

Coordination Committee

The CC held a meeting on October 27 and approved an activity for *Ongoing Program Database Management System (DBMS) Administration*. The CC also discussed the San Acacia Diversion Dam (SADD) fish passage activities timeline and adaptive management. The CC is interested in having information from the meeting summaries and reviewing and approving products from the fish passage and adaptive management projects. The CC recommends that the CC and EC read the Fish Passage and Adaptive Management meeting summaries for informational purposes and that the meeting summaries be approved by the project Contracting Officer Technical Representatives (COTRs) and posted after meeting attendees' edits have been incorporated.

At the November 10 meeting, the CC continued reviewing the draft FY11 activities spreadsheet for planning projects: required by the 2003 Biological Opinion (BO) or the Program (criteria 1); needed for the new Biological Assessment (BA)/BO development (criteria 2); or recommended by workgroups as actions that support the BO and/or Recovery (criteria 3). The CC is working on clarifying the FY11 activities spreadsheet for planning projects. The federal government is in continuing resolution until December 2010 and cannot exceed FY10 first quarter spending amounts.

The next working CC meeting is scheduled for December 8 from 9:00 am - 4:00 pm and will include discussions on the LTP, proposed FY11 activities, the adaptive management schedule, and development of scopes of work (SOWs).

San Acacia Fish Passage Peer Review

On October 27, the CC reviewed future activity summaries for the SADD fish passage project and a draft timeline for activities. The CC will continue discussions at the all day working meeting on December 8 and will elevate those activities which cannot be agreed upon to the EC level for consideration and guidance.

Revised Long Term Plan Development

The EC provided a new target date of March 2011 for the Program review of the complete draft Long Term Plan (LTP). The EC recognized that certain LTP sections are not yet populated. In the case of the Water Management future activities, the EC recognized these types of activities would have to be filled in at the Executive level.

Adaptive Management Planning

The adaptive management contractors will conduct individual interviews with EC members during the week of November 29 and the interview questions have been provided for your information. As stated before, this will be a long-term effort requiring a multi-disciplinary team of Program members, and EC participation is key to the success of the process.

Program Management Team

The PMT continues to meet frequently to follow up on action items from the CC and the EC, and to discuss and implement improvements to the Program.

The PMT liaisons [Monika Mann for the Database Management System (DBMS) ad hoc workgroup and the Habitat Restoration (HR) workgroup, Amy Louise for the San Acacia Reach (SAR) ad hoc workgroup and the Species Water Management (SWM) workgroup, Stacey Kopitsch for the Science Workgroup (ScW) and Population Viability Analysis (PVA)/Biology ad hoc workgroup, and Terina Perez for the Population Habitat Viability Assessment (PHVA)/Hydrology and the Monitoring Plan Team (MPT) ad hoc workgroups] coordinated the prioritization of future activities which could be implemented in FY11 with their respective workgroups. The proposed projects were input into a revised planning spreadsheet in accordance with their criteria, the LTP Section, and their workgroup priority. This information along with the future activity summaries was presented to the CC on November 8 for discussion. The CC requested a list of prioritized future activities so that the CC can review and approve which activity SOWs should be developed for funding consideration in FY11.

Diana Herrera revised the Program cost share template and has been inputting new cost share submittals into the Program total cost share spreadsheet. She continues to work on: water leasing obligations; and FY2012 and FY2013 Program budgets.

Jericho Lewis and Yvette McKenna met with GenQuest staff to discuss future Program support work related to the LTP future activity summaries, the 2008 and 2009 Annual Report, the 2010 Annual Report, and meeting support and note taking. GenQuest continues to compile the past activities summaries from 2000-2010 with the assistance of Kathy Dickinson and Marta Wood. This information will also be used to draft the Program Annual Reports for 2008-2009 and 2010. The Program has contracted additional administrative and technical support and Jenae Maestas, Edward McCorkindale, Lisa Freitas, and Amy Lahti, GenQuest, and Rachelle Schluep, Christine Sanchez and Marta Wood, Tetra Tech, continue to assist the Program in the revised LTP development, meeting support and summaries, and other critical areas.

Habitat Restoration Workgroup

The HRW met on November 16 where development of the HR SOWs in relation to CC recommendations and drafting the FY10 Accomplishments and FY11 Annual Plan was discussed. There were several presentations given in the meeting including: the *2009 Interstate Stream Commission (ISC) Habitat Restoration Monitoring Report Synopsis*; the *Sandia Pueblo Monitoring Plan*; and the *City of Albuquerque (CABQ) Open Space HR Phase II Project*. Other topics discussed included HR activities that may focus on Southwestern willow flycatcher (SWFL) habitat and activities focusing on both SWFL and Rio Grande silvery minnow (RGSM) habitat. The workgroup went over the FY11 activities approved by CC and focused on next step items such as discussing scope details.

The next HRW meeting will be held on December 14 at ISC as a combined meeting with the ScW and MPT workgroups, where collaboration on monitoring and addressing general questions between workgroups will be discussed. Topics such as the San Acacia Evapotranspiration (ET) Tower Transition and the Entrapment Alleviation Project status will be presented on during the regularly scheduled January HRW meeting.

Monitoring Plan Team ad hoc Workgroup

A report on the Spring and Fall 2010 MPT monitoring results is due to be completed by the end of December. A draft report is scheduled to be available to the ScW by November 30, and a joint workgroup meeting between the ScW, HRW and MPT workgroups is scheduled for December 14. The MPT will be seeking input on developing a SOW that will include elements of the high intensity and/or system-wide monitoring for FY11.

Science Workgroup

The ScW held a regular meeting on November 16. At this meeting, the FY11 budget summary for the project “Evaluate water quality in the MRG in relation to the RGSM” was discussed and it will be revised as requested by the CC. Also discussed at the meeting were the workgroup’s 2010 accomplishments and 2011 work plan. The next regularly scheduled ScW meeting is a joint meeting with the MPT and HR workgroups on December 14 at the ISC, during which a discussion will take place on the high intensity monitoring portion of the Effectiveness Monitoring Plan (EMP).

Species Water Management Workgroup

The SWM workgroup met on November 3 and discussed potential LTP future activities: *Lateral Delivery Requirement Analysis* (formerly *MRGCD Threshold Analysis*); *Investigate potential impacts of human population growth on water management*; *Irrigated Farm Soil Monitoring*; *USGS Groundwater/Surface Water-Transects*; *Investigate potential impacts of Climate Change on water management*; and *Use urban wastewater outfall and rural irrigation delivery and tail waters for habitat restoration to expand habitat, favor native over exotic plants and reduce fire potential*. After an in-depth discussion of *Lateral Delivery Requirement Analysis*, it was determined not to pursue this activity as the Strategic Water Reserve is already in place to potentially provide water for the species, and it can’t be dictated who leases, sells or forbears water rights. SWM would like to elevate *Investigate potential impacts of human population growth on water management* to CC for further discussion. SWM is concerned about USGS’s Program deliverables because SWM is still waiting on two reports that were supposed to be submitted months ago. USGS is under contract through March 2011. A request for proposal (RFP) will be advertised as soon as possible for *Groundwater/Surface Water Transects*. *Irrigated Farm Soil Monitoring* and *Use urban wastewater outfall and rural irrigation delivery and tail waters for habitat restoration to expand habitat, favor native over exotic plants and reduce fire potential* activity summaries have been updated and will be submitted to CC for final review in December. Reclamation is funding *Investigate potential impacts of Climate Change on water management* as part of the new West-Wide Risk Assessment Program. A report is expected to be available in 2 to 3 years and Warren Sharp is the local contact for this effort. Therefore, this activity will no longer be a potential LTP activity summary for SWM.

Ed Kandl will be the Reclamation representative for SWM. The next meeting is scheduled for December 1 at Bureau of Indian Affairs (BIA) from 10:00 am – 12:00 pm.

San Acacia Reach ad hoc Workgroup

The SAR workgroup met on November 4 from 9:00 am to 3:30 pm at Bosque del Apache National Wildlife Refuge (BDANWR) Visitor Center for a brief workgroup meeting followed by a field tour. Members of the PMT and PIO were in attendance for the field tour. Action items and Program updates were given followed by the field tour. The sites visited were: the Bosque del Apache Wildlife Refuge Tour Loop for a brief history of the refuge; the ET Transition Towers Project that has been funded through the Collaborative Program (a distant glimpse of the tower located on treated land with a brief project description, vegetation response, channel formation, and an adventurous hike to the river); the Channel Widening Project for a brief discussion of the project and visual of the widened and relocated river; wetlands for a description and brief discussion of why they are considered a key habitat; River Mile 83 for a view of the project site and description; and Rhodes' Property for a description of this 350-acre privately owned property where salt cedar has been removed, flycatcher habitat restored, and Pecos sunflower has been established.

Due to her workload at ISC, Amy Louise, will no longer be the PMT liaison for SAR; Terina Perez will be the new PMT liaison for the workgroup in December. The next meeting is scheduled for December 2 at Reclamation from 12:30 – 3:30 pm. The workgroup will return to the regular schedule of the 4th Thursday of every month in the New Year.

Population Viability Analysis (PVA)/Biology ad hoc Workgroup

The next PVA ad hoc workgroup meeting is scheduled for a full day on December 6 and a half day on December 7. Currently, both modelers are working on finalizing the data that they will use and be able to parameterize for their model. They will present their results at the December meeting. A workshop will be scheduled in March of 2011 to view PVA model output from both models using a pre-ESA water management scenario.

Population Habitat Viability Assessment (PHVA)/Hydrology ad hoc Workgroup

The next PHVA meeting is scheduled for December 8 from 9:00 am – 2:00 pm at Reclamation, where discussions are to include scheduling the PHVA/Hydrology refresher and a presentation of the operations model runs from the URGWOM technical team.

Database Management System ad hoc Workgroup

The DBMS workgroup met on November 8 to discuss finishing up the Needs Assessment efforts as well as following up on various action items. General clarification has been raised up to the PMT on a few topics such as how to follow through with signatories in the sharing of data and incorporation of sensitive information in the database. The next milestone for the workgroup will be the Data Standardization.

The next DBMS meeting is December 13 from 1:00 - 2:30 pm where action items and next steps from the last meeting will be discussed.

Public Information and Outreach Workgroup

The PIO coordinated volunteers to staff a booth at the November 19-21, Festival of the Cranes at BDANWR. A Program booth here will help to increase Program outreach in the San Acacia Reach.

The next regularly scheduled PIO meeting will be on December 9 at Reclamation from 9:00 – 11:00 am.