Executive Committee Meeting

December 8, 2011

Meeting Materials:

Meeting Agenda

Meeting Minutes

Coordination Committee and Program Manager Update

12-01-2011

Middle Rio Grande Endangered Species Collaborative Program
EXECUTIVE COMMITTEE
MEETING AGENDA
Thursday, December 8, 2011
9:00 am – 12:30 pm

LOCATION: NM Interstate Stream Commission, 5550 San Antonio Dr. NE, Albuquerque, NM

1. **INTRODUCTIONS AND REVIEW OF PROPOSED AGENDA*** *5 minutes*

2. **APPROVAL OF NOVEMBER 3-4 MEETING SUMMARY AND ACTION ITEMS*** *10 minutes*

3. **UPDATE ON FY2012 FUNDING FORECAST** *(B. Rhees)* *10 minutes*

4. **UPDATE ON FY2012 WORK PLAN* AS RECOMMENDED BY THE COORDINATION COMMITTEE** *(CC co-chairs)* *15 minutes*
   - **A. *DECISION* – Continuation of 10(j) Biologist IA with Service***

5. **REQUEST FOR FY2011 COST SHARE REPORTS** *(Y. McKenna)* *10 minutes*
   - **A. Template***
   - **B. Total Program Cost Share Reported to Date***

6. **UPDATE FROM EXECUTIVE COMMITTEE RIP FOCUS GROUPS** *30 minutes*
   - **A. Program Document** *(L. Robertson/Y. McKenna)*
   - **B. *DECISION* – Proposed Changes to Program By-Laws***
   - **C. Action Plan Development** *(R. Schmidt/J. Bair)*

BREAK *15 minutes*

7. **DISCUSS REVISED DRAFT LONG TERM PLAN*** *(Y. McKenna)* *20 minutes*
   - **A. Text**
   - **B. Future Activities**
   - **C. Target Date for Program Review Comments**

8. **DISCUSS DRAFT COOPERATIVE/RECOVERY AGREEMENTS** *(Service)* *20 minutes*
   - **A. Name of the Program**

9. **UPDATE ON RECLAMATION DRAFT BIOLOGICAL ASSESSMENT** *(L. Towne/J. Wilber)* *15 minutes*

10. **HYDROLOGY UPDATE** *(M. Hamman)* *10 minutes*

11. **USACE UPDATE** *10 minutes*

12. **USFWS and BIOLOGY UPDATE*** *(L. Robertson)* *10 minutes*

Members

ABCWUA	**APA**	**CABQ**
ISC	**Isleta Pueblo**	**NMAGO**
NMDA	**NMGF**	**MRGCD**
Sandia Pueblo	**Santa Ana Pueblo**	**Santo Domingo Tribe**
UNM	**USACE**	**USFWS**
		Reclamation

DRAFT

13. COORDINATION COMMITTEE/PROGRAM MANAGER REPORT* *20 minutes*

(B. Wyman, Y. McKenna)

- **A. Update on 10th Anniversary Technical Sessions/Open House**
- **B. Update on Joint Workgroup Appreciation Meeting***
- **C. Update on PMT support changes**
- **D. Workgroup Updates**
- **E. Update on EPA MS4 Watershed Based Permit Pilot**

14. OTHER BUSINESS/ANNOUNCEMENTS

15. PUBLIC COMMENT

16. NEXT SCHEDULED EC MEETING – JANUARY 19, 2012 @ RECLAMATION from 9:00 am to 1:00 pm

Denotes read ahead material provided for this topic

Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
December 8th, 2011
ISC

Decisions:

- The November 3rd and 4th, 2011 meeting summary was approved for finalization with no changes.

Actions:

- ✓ Mark Brennan will provide a written update on the November 19th reintroduction technical team meeting complete with membership roster to Yvette McKenna for distribution to the EC. – *complete; posted to the website*
- ✓ Ali Saenz will make the draft LTP text available as a Word document. – *complete; posted to the website*
- ✓ Ali Saenz will create a new module on the Program's website with the draft Cooperative Agreement and a comment submittal template. – *complete; posted to the website*
- ✓ Yvette McKenna will post the EPA MS4 Watershed Based Permit Pilot webinar presentation from December 6th, 2011 to the EC read aheads on the Program's website. – *complete; posted to the website*
- All non-federal signatories were asked to submit their FY11 cost share reports to the Program Manager by the January 19th, 2012 EC meeting.

Requests/Recommendations:

- With general agreement, the EC supported the Program Manager's request to temporarily park continued Long-term Plan (LTP) development for a short-term while the EC focus groups continue development of the Recovery Implementation Program (RIP) Action Plan (AP) and Program Document (PD).
- Any comments or agency edits to the draft LTP should be submitted to the Program Manager using the comment template. *Please note that continued development of the LTP has been temporarily parked for the short-term as the RIP Action Plan and Program Document are populated.*
- The draft Cooperative Agreement example provided by the Service contains provisions that address the entities' assurances but the Service's provisions and assurances were not included in this draft. At the appropriate time in the future, when the Service has been able to evaluate the RIP, it was requested their assurances be addressed in the Cooperative Agreement.
- With a cautionary reminder of the Service's timeline for the new BO, there was general EC agreement to temporarily park the draft Cooperative Agreement discussion and development for a short-term.
- It was recommended that each EC representative forward the draft Cooperative Agreement to their agency lawyer(s) in order to prepare appropriate questions and/or concerns for discussion in the near future.
- It was recommended that the Program website be set up with a module to collect initial comments and edits to the draft Cooperative Agreement. The purpose is to start collecting comments so that the process is not so arduous once the discussions take place and so the Service can be aware of the initial responses.

Announcements:

- The Program Management Team (PMT) is losing Terina Perez who took a promotion within Reclamation. The PMT is now very short-handed but will be reassigning tasks to attempt to continue supporting all the work groups.

- Jericho Lewis was promoted to a new supervisory position; he will remain in the Albuquerque Area Office and will continue to assist with Program contacts but he is training new contracting staff.

Next EC Meeting: January 19th, 2011 from 9:00am to 1:00pm at Service NMES Field Office

- Tentative Agenda items include: (1) review of draft Program Document; (2) Reclamation's Proposed Adaptive Management projects/activities; (3) tentative decision item – Continuation of 10(j) Biologist IA with the Service;
- February 2012 tentative agenda items: (1) review of draft RIP Action Plan;
- Future Agenda Items: EPA Watershed-Based MS4 Pilot Project web presentation (webinar) at some future meeting;

MEETING SUMMARY

Introductions and Review of Proposed Agenda: Brent Rhees opened the meeting and introductions were made. The agenda was reviewed and approved with no changes.

Approval of the November 3rd and 4th, 2011 Meeting Summary and Action Items: The November 3rd and 4th, 2011 meeting summary was approved for finalization with no changes. The action items will be reviewed and discussed in more detail during today's meeting.

Update on FY2012 Funding Forecast: The federal government is still operating under Continuing Resolution (CR). CR will be continued for several more weeks at least; and there is a possibility of CR for the entire year. This would mean that government agencies would have to operate at a previous year baseline (assumed to be FY11) and there would be rules on the rate of spending. There could also be some omnibus spending bill. If a budget gets approved, there is the possibility of reduced funds.

- The U.S. Army Corps of Engineers (Corps) operates slightly differently as they get funding in "dribbles" so there isn't money that can be counted on in the same way.
- The Coordination Committee (CC) has recommended an FY2012 work plan based on the assumed budget of $3.6 million (FY11 level of funding). If a budget is approved and funds are reduced, the CC will have to revisit the recommended FY12 work plan and adjust the funded activities as appropriate.

Update on FY2012 Work Plan as Recommended by the Coordination Committee: The CC approved an FY12 work plan based on last year's funding of $3.6 million. Work groups have been given direction to begin working on the scopes of work (which are due December 16th). The spreadsheet is generally organized with activities arranged by category: 2003 Biological Opinion (BO) requirements, BO support activities, Program requirements, and other activities that are needed or would be nice to accomplish. As previously mentioned, if actual funding is less than $3.6 million, the CC will have to revisit the work plan and adjust funded activities accordingly.

- *Continuation of 10(j) Biologist IA with the Service:* The CC did not reach consensus on the continued support for the section 10(j) biologist position at an estimated cost of $185,000 for 2 years. Concerns cited included the fact that the EC originally only approved a 2-year position so the decision to approve funding the remaining 2 option years rests with the executives.
    - Mark Brennan then presented briefly on the accomplished work from the last 1.5 years and what he would be working on in the future. The main focus of the position is to support and explore efforts to establish a 3rd silvery minnow population.

- A new population is not classified as a section 10(j) population if there is any contact or interaction with the legally protected population – that would be considered an augmentation. A section 10(j) effort also cannot occur within designated critical habitat. For the silvery minnow, the entire legally protected population is within the designated critical habitat of the Middle Rio Grande (MRG), below Cochiti Dam to Elephant Butte Reservoir. Thus, a release within the Cochiti Reach would be an augmentation. The next section 10(j) effort will also have to be outside of the current population in the MRG, as it was for the Big Bend effort.
- As agreed to by the MRGESCP and the Service in mid-2010, the section 10(j) biologist focused on investigating the feasibility of releasing silvery minnows within the Cochiti Reach to augment and stabilize the existing MRG population. Analyzing background information and communicating with the 3 pueblos (San Felipe, Santo Domingo, and Cochiti) within this reach was the focus of last year's work. Further analysis will require habitat information which will require involvement from each Pueblo and their permission to collect or use this information. At this time, the section 10(j) biologist is waiting for responses from each Pueblo before continuing with this investigation and analysis.
- There has been a significant information gathering effort to determine viable conditions in potential reintroduction locations for the next section 10(j) reintroduction effort. To date, there are 3 reaches with the highest potential at this early point in the analysis (based upon previous ranking criteria from 2003 and some new information). Currently, the 3 most promising reaches, not in any ranked order, are: the Pecos River from Red Bluff Reservoir to Independence Creek, above the confluence with the Rio Grande in TX (yellow line on map); the Rio Grande below Amistad Reservoir to Falcon Reservoir in TX (red line on map); and the Pecos River from Sumner Dam down to Brantley Reservoir in NM (green line on map);
    - There are other reaches still available for potential 10(j) efforts, but they are not showing high potential from the initial review and interpretation of information available: the Rio Grande above Cochiti Lake to around Velarde in NM; the Rio Grande below Cabrillo Dam to above Presidio TX, in NM and TX; and the Rio Grande below Falcon Dam to Gulf of Mexico in TX.
- Mark shared that he is also developing a matrix decision tool that will highlight any information gaps and facilitate a thorough assessment of reintroduction options. However, if there are any significant gaps in the matrix that cannot be filled with existing information provided by recognized scientific experts and resource managers, then the Service may have to use expert opinion to inform the decision.
    - Once the assessment has been completed, it is assumed that one reach will be an obvious choice but that does not necessarily mean that all potential obstacles in the reach could be easily overcome (ex. salinity, the Plains minnow, etc.). There is no guarantee that the reach identified by the matrix will be selected to move forward with the 10(j) effort. For example, there may be salinity issues or golden algae problems that just can't be fixed; or there might be a chance that the Plains minnow and silvery minnow might hybridize.
    - However, one positive note is that the 10(j) rules allow for experiments and placement of fish in certain locations knowing it may or may not be successful. There is some flexibility in the

process. The intent of this review and analysis of current information is to minime the chances of failure by making informed decisions but the Service does not need maximum certainty.

- In a brief review of a potential reintroduction timeline, it was shared that the Service would like to make a reintroduction location determination by March 2012. Based on the previous effort for the Big Bend section 10(j) effort, it is safe to assume that it will take 2 years to then write the Environmental Assessment (EA) and proposed rule for reintroduction. Ideally, a draft EA might be completed by September 2012 and then the public scoping meetings can be initiated. The Service would like to propose the draft to the regional office in early 2013. It will be revised based on the feedback and then the notification of availability can be posted by mid-summer 2013. The hope is to finalize the draft by October 2013. Only then can the actual reintroduction work begin, including a specific reintroduction plan for that effort.

- At this time, Reclamation is exploring a timeline extension (no additional funds) to the 10(j) biologist position through May 2012.
- In response to a question on the cost break-down for the $185,000, it was shared that the rule making process is essentially Mark's time for the next 2 years. The actual implementation will be separate; projects or studies based on the reintroduction plan would have to be budgeted on case by case basis.
  - Some members expressed concern that there will be "large chunks of change" that the Program would have to fund down the line. Part of the concern is that the Program will be the sole funder for a reintroduction effort especially for any activities outside the Program boundaries.
    - In response, it was shared that there are other funding partners that could be identified once the reintroduction location has been determined. In similar situations, individual agencies have also provided additional funding support (ex. Reclamation is funding monitoring in Big Bend). The Service shared that overall species recovery is a primary goal and it is recognized that the responsibility and funds associated should and would extend beyond the Program boundaries. To that end, the Service is very interested in finding other partners.
  - Some members also expressed concern about Program obligations and responsibilities under a RIP (ex. as a RIP, is the Program obligated to pay for the reintroduction and if a remediation has to happen first, is the Program is responsible?).
  - Some members expressed concern that the Cochiti Reach was classified as critical habitat so the determination of habitat conditions should have already been done. Isn't it a duplication of work for Mark to be doing this again? The response to this question was that the Cochiti Reach, and the entire MRG, were determined to contain the four primary constituent elements (PCEs) required for minnow overall, and were hydrologically connected. However, to assess if the Cochiti Reach specifically contained sufficient habitat that conformed to all of these PCEs, required some review of the available information and consultation with the Pueblos to assess technical feasibility of augmentation and interest from all three affected Pueblos in having this augmentation done on Tribal lands.
  - Other members expressed the opinion that since reintroduction work is necessary to establish other populations in order to move toward recovery it benefits the Program in the long-term and should not really be a disconnect. Funding some initial reintroduction activities to get the process started

supports the ultimate recovery goals of a RIP and is in the interest of the Program.

- *Highlights on Additional Activities:* In review of the CC recommended FY12 work plan spreadsheet, it was pointed out that the Adaptive Management (AM) activity was re-titled from *AM Version 1 to AM Version 2* to *AM Development* to better reflect that the Program has a complete AM plan. The CC recognizes this is a critical activity to continue but there is the need for additional information and better understanding of the next steps before a scope can be written. The cost estimate of $150,000 is a place holder until the next steps can be defined.

Request for FY2011 Cost Share Reports: Although only 2 entities (NMDGF and Santa Ana) have provided cost share reports for FY11, the total cost share still exceeds 25% (by about $50,000). Please note that there is still no cost share information for the City of Albuquerque, Sandia, and APA. *(Please note that APA did apparently submit cost share estimates for previous years but still needs to provide recent cost share information).* Some of the pueblos have been applying the value of land restored through restoration projects and the dollar value of drain water returns to their cost share.

- Attendees briefly discussed cost share contributions beside staff time (ex. maintenance activities on restored sites, equipment costs, vehicle costs, hired contractors, etc.). Other non-Program activities that contribute to recovery could be counted toward cost share on a case by case basis as long as money is not "counted" twice. As the fiscal agent, Reclamation would have to analyze these individually. The Program Manager suggested that agencies first focus on the staff time and technical contributions; if an entity has enough detail, non-Program project information can be submitted to Reclamation for consideration.
- The goal is to have all FY11 cost share reports submitted to the Program Manager by the January 19th, 2012 EC meeting.

Update from Executive Committee RIP Focus Groups:

- *Program Document (PD) Focus Group:* Hilary Brinegar distributed a hard-copy of the draft Table of Contents (TOC) that the PD focus group developed. Content guidance was provided from the November 2011 EC meeting and Platte River Program documentation. The focus group added a couple of additional people in order to make sure that the action agencies were represented. At their December 2nd meeting, participants provided assignments and deadlines to populate the sections. A fully populated draft will be provided in preparation for the January 19th, 2012 meeting. The EC will probably be asked for additional guidance on specific sections. Please note that the section titles and organization will probably be rearranged for efficiency and effectiveness.
  - Any feedback or comments on the draft TOC can be provided to Yvette McKenna within the next week.
  - There are a lot of linkages between the PD and the RIP Action Plan (AP) so both focus groups are committed to regular communication.

- *RIP Action Plan Development:* Rolf Schmidt-Petersen reported on the progress of the RIP AP focus group. Group members are currently completing background reading and preparation work. The group will be putting together a list of policy questions for EC guidance. The AP focus group will address the list of specific questions that were identified at the November 2011 EC meeting and envisions 4 end products: (1) initial version of the RIP AP; (2) description of how subsequent versions of the AP are developed, refined, and/or updated; (3) description of how success is measured and

activities are adapted in response to needs; and (4) annual sufficient progress methodology (roles, responsibilities).

- At their last meeting, members were given assignments to complete before their December 15th meeting. Once the draft outlines have been developed, members will be assigned to populate the sections. The AP focus group will attempt to have a fleshed out set of products by the January 19th EC meeting.
- As previously mentioned, the AP focus group will be regularly communicating with the PD focus group to make sure semantics and terminologies are consistent in both documents
- In a brief discussion, it was clarified that the Service considers how the species is doing overall and that the requested actions or projects that the Program proposes to be measured by (in terms of sufficient progress) need to "mesh" with the overall species status.
  - It was pointed out that there are terminology and semantics (ex. "criteria", "metric", "factors", etc.) that need to be clarified and clearly understood by all parties.
- It was clarified that the Service has dual roles. The Program itself, as a body of cooperators, will come up with actions to undertake from year to year. The Service is and will continue to be an active partner in that collaboration. But the Service has the responsibility of measuring sufficient progress and ensuring that the federal agencies stay in compliance with Section 7. The EC will need to make sure the Program actions are meshing with the Service's measurements.
  - In response, it was pointed out that the Service's "judgment factors" need to be clearly defined so the Program knows exactly what is expected. (In other words, what are the factors the Service will be looking at for determining sufficient progress?) Those "factors" need to be captured in the RIP AP.

Discuss Revised Draft Long-term Plan: At the November 2011 EC meeting, it was requested that the draft Long-term Plan (LTP) document be provided to the EC sooner instead of later. The CC, work groups, CC, and PMT were acknowledged and thanked for all the hard work invested in getting the draft LTP document populated.

- The Program Manager then highlighted several areas of interest within the document text:
  - (1) The actual text is only 24 pages in length.
  - (2) While "RIP" is included in the acronym list, it has not been defined.
  - (3) Program milestones are listed in a table on Page 2.
  - (4) The CC and PMT are still building a bibliography and reference section that will be completed at a later date.
  - (5) In LTP Section 3.1, on page 4, there is a description of the LTP evolution. This LTP is actually a brand new document that has been updated/revised by internal Program groups from Tom Pitts' original re-do of the 2006 LTP.
  - (6) Please note that even though there are cost estimates included in the draft LTP, it is not to be used as a funding guidance document.
  - (7) There is no requirement or obligatory language in the draft LTP that states that the Program is obligated to completing any or all of the identified activities.
  - (8) In LTP Section 7.0 LTP Categories and Types of Activities, on page 16, the second paragraph addresses the decisions for future activities and implementation thereof.
  - (9) In LTP Section 7.4 Population Management, on page 19, there is no commitment level obligated in the LTP but it has been assumed that the effort would be similar to the Big Bend support effort including provisions for no

habitat restoration or long-term monitoring outside the Program boundaries. If directed, the "cut off" of effort as modeled by the Big Bend effort could be included.

- *Future Activities:* The future activities have been organized by work group. These potential activities are recognized as things/actions that have to happen or would be beneficial but no funding source has been identified or committed. The Corps' future summaries are attached at the end. The tables and documents are links so any changes to the activity summary will automatically populate in the other documents. The 10(j) biology position description is included in the future activities for additional details on the work that would be completed with the $185,000.

- *Template for Future Activities:* A template has been provided so that any entity that has activities for cost share contributions can be included; this is one way to include those related activities into the LTP. The LTP is a living document and activities can be included at any time.
  - It was commented that there are several sections (especially in the beginning) of the LTP that address Program goals, history, and ESA compliance. It may be more appropriate, when the time comes, to otherwise address these in the main body of the RIP document instead of duplicated in the LTP as well. It was acknowledged that all the key documents are being constructed simultaneously and this was the first to be developed. It is assumed that the LTP cannot be completed until the other documents are further along.
  - With general agreement, the EC supported the Program Manager's request to temporarily park continued LTP development for a short-term while the EC focus groups continue development of the RIP AP and PD; then the LTP can be finished with consistent language and omissions of any overlapped sections.
  - There was general request among some of the EC members to have the future activities organized by LTP numbering instead of by work group.

Discuss Draft Cooperative/Recovery Agreements: At the November 2011 EC meeting, the Service was asked to prepare new examples of their recommended set of agreements. Based on the progress at the last EC meeting, the Service is recommending a single cooperative agreement - no recovery agreements would be necessary if the RIP is front-loaded. Using the basic format from the other Recovery Implementation Programs, the Service drafted an example of what the single cooperative agreement could look like. There are sections, such as the tribal law section, that are blank at this time.

- The first paragraph includes the signatories or all the entities that are agreeing to the RIP.
- The next section should be a background section directly followed by the Statement of Purpose and Agreement. The Statement of Purpose and Agreement is the meat of the agreement (what the RIP is, what it does, and what it is committing to).
  - The purpose is to establish the RIP by signing and agreeing to execute this cooperative agreement and agreeing to adopt the RIP PD document which specifies the process.
  - The concept(s) that were originally in the recovery agreements have been included in the cooperative agreement under the paragraph that specifies: *The signatories to this Cooperative Agreement agree to not take any action which may prevent implementation of the RIP. To the extent that implementing the RIP requires active cooperation by signatories, those signatories agree to take reasonable actions needed to implement the RIP. No signatory would be required to take any action that would violate its decrees or its statutory*

authorizations, or any applicable limits on its legal authority. No signatory would be precluded from undertaking good faith negotiations over specifics applicable to implementation of the RIP.

- The history of the concept of "not taking any actions to interfere…" developed because in other programs, some parties wanted to sue the program at the same time as having ESA compliance under it. This is what historically drove the inclusion of this language.
- Some members expressed concern with this language. How it should be worded will probably have to be guided by lawyers. Part of the concern is the difference between "…not take any action to interfere" and "…fail to take action". How can signatories agree to something that is constantly changing?
- It was pointed out that under Section III C of the draft example cooperative agreement, any signatory can withdraw at any time with written notice. Please bear in mind that this would have an impact on the RIP.
- Section III F of the draft example cooperative agreement specifies that changes to the RIP have to be done through changes to the other Program documents and not the cooperative agreement. This agreement, once signed, would not have to be modified.

- The key issue is that if the RIP is front loaded then the Service does not need separate recovery agreements with individual agencies. But if the RIP has to be mandated through an RPA element, then this approach would have to be reconsidered.
  - It was pointed out by some members that recovery agreements tend to include assurances from the signing entities as well as the Service. In the draft example cooperative agreement, the entity provisions have been included but not the Service agreements. In response, it was shared that those cannot be defined in this agreement at this point in time since the Service can't yet analyze the proposed actions and effects. This "gap" will need to be closed at the appropriate time.
  - Because there were some organizations/signatories that were not present today and because the RIP AP and PD were still being developed, some members suggested the revision/editing and completing of the draft cooperative agreement be temporarily put on-hold for a short term even though it was recognized that the agreement is needed in order to get to a new BO. Delaying for a short-term could allow for more time to disperse the draft example cooperative agreement and begin to determine who is willing to join or not.

Update on Reclamation Draft Biological Assessment: Based on the comments received on the August draft Biological Assessment (BA) and the decisions from the November 2011 EC meeting (moving forward as a RIP and developing the RIP AP and PD), Reclamation is looking to include the Program into the consultation process. The lack of commitment specified in the draft LTP was a concern, but the RIP AP should address the commitment issues. Reclamation will be looking to bring the RIP into the BA upfront in the next submittal to the Service. Please note that this does impact the schedule and timeframe. The final submittal to the Service, in order to be front-loaded, can't occur until the RIP AP and PD are more populated and "firmed up." These documents are really important to bringing the Program into the BA. Reclamation expects to bring in those documents as conservation measures in the BA.

- The comments received are currently being addressed and include those related to the hydrologic modeling and biology.
- The River Maintenance Program will be included in this consultation.

- Any actions that need ESA coverage need to be described to the extent possible. The RIP is then the conservation measure for offsetting those actions. The offsetting measures are the commitments in the BA. To this end, there might still need to be individual agreements between Reclamation and other entities to secure those commitments.

Hydrology Update: *Please refer to the hydrology update for details.* San Juan/Chama storage in Heron Reservoir is just over 98,000 ac-ft. It has finally reached temperatures too cold to continue operating the diversions. End of year releases are being made for various entities (ex. MRGCD). There is other 2011 water that will remain in storage through April 30th or September 30th due to the yearly provisions for releases. El Vado is in decent shape for this time of year considering this year's releases. There is still native water in storage in El Vado. MRGCD's San Juan/Chama supply is in decent shape at 67,355 ac-ft; an additional 12,000 ac-ft will be added by the end of the year. Snow pack estimates were provided at the bottom of page 1 of the handout. Fall moisture is really important for runoff and impacts how much snow melt actually gets to the river versus being absorbed into the ground. The snow pack is cautiously good for this year. The second page of the handout provided a set of maps to show general trends during typical La Niña times. There are typically dryer potentials in the southwest. The models indicate the patterns will continue into May 2012. The white of the maps indicates the area of "equal chance" that it could go either way (wet or dry). Currently, the 2010 La Niña patterns are being followed. Considering this is the second La Niña year in a row, the situation doesn't look as bad as could be expected.

USACE Update: As previously mentioned, the Continuing Resolution affects the Corps funding differently. At this time, the Corps has done all it can do under their emergency authorities for the Santa Clara and Cochiti burn areas. Once the reports are done, the Corps cannot do any implementation or construction at this time.

USFWS and Biology Update: A graphic showing the original stocking locations in Big Bend compared to locations of captured (found) minnow during monitoring efforts was provided as a hand out. This shows the positive dispersal.

Coordination Committee (CC) /Program Manager Report:

- *CC Update:* The CC met twice in October; one of the days was an all-day working meeting focused on LTP text and future activities. At the November 9th meeting, the CC discussed the FY2012 work plan funding spreadsheet. Please note that lack of a quorum at any meeting means that the CC has to carry over decisions until the next meeting.

- *10th Anniversary Technical Sessions/Open House:* The PMT and PIO hosted a Program 10th Anniversary Open House at the Rio Grande Nature Center with technical sessions (presentations) on Friday, October 21st and public activities on Saturday, October 22nd. Mike Hamman, Kris Shaffer, and Rolf Schmidt-Petersen were the EC members who attended. Contractors were thanked for their presentations because it was not within their contractual obligation to participate. *(As a side note, if the Open House/Technical Sessions are going to be regular Program events, contractor participation should probably be considered for future contracts.)* For the Technical Sessions, 45 people attended one or more presentations; and 250 people passed through the public event. Volunteers, work group members, and the PMT were thanked for their support and donations.

- *Joint Work Group Appreciation Meeting:* The PMT hosted a work group appreciation brunch on November 15th where 26 out of 60 work group members were recognized with certificates for their dedication and contributions to the Program. The attendees voiced

concerns with communications, suggested more coordinated cross-events and additional work group recognition, and improving work group integration, etc.

- *PMT Support Changes:* Terina Perez has taken a promotion within Reclamation so the PMT is losing a member and will be adjusting to try to cover and continue supporting all the work groups. Jericho Lewis was promoted to a new supervisory position; he will remain in the Albuquerque Area Office and will continue to assist with Program contacts but he is training new contracting staff.

- *Work Group Updates: Please read the provided handout for details.* The next Population Viability Analysis (PVA) meeting is scheduled for December 12th and 13th. The Population Habitat Viability Analysis (PHVA) work group just emailed their response letter (to the PVA request letter). EC members were made aware that there may be some upcoming changes with co-chairs and Reclamation representatives.

- *EPA MS4 Watershed Based Permit Pilot:* Yvette McKenna, Program Manager, participated in the EPA MS4 Watershed webinar on December 6th. The webinar presentation will be posted to the EC read aheads on the Program's website. They have a similar collaborative effort with 20 stakeholders that is facilitated and has wrestled with difficult discussions. They are finally reaching the point of agreement on how to divide the cost of the new storm water permitting. MRGCD was originally listed as a potential permittee but at the webinar it was shared that the tentative rule by the EPA does not include them. Yvette will continue to stay informed and attend meetings when possible.

Other Business/Announcements:

- With regard to continuing the 10(j) biologist position, some EC members asked for more background work to identify the specific issues and concerns (that were raised at the CC) and provide more clarity on the situation to the EC at the January 19th, 2012 meeting. A potential call for a decision could be delayed until the February or March 2012 meetings if necessary.
  - In response to a question about Reclamation's extension of the position through May 2012, it was explained that Reclamation's agreement timeline ends which has to be addressed between now and when the EC meets again. The extension would not incur any more costs to the Program but the Program could deobligate those funds if the EC so chooses.
    - The Program is bearing the cost of the position but the whole notion of obligation to recover the species is inherently governmental and also affects areas well beyond the confines of the Program. Some members expressed the desire to see the biologist position have a Program focus. As part of that shift, some members expressed wanting to see the Service have more direct contributions.
      - In response, EC members were asked to keep in mind the flexibility that can be approved for the MRG if the Program works with the Service to contribute to overall recovery, even outside the Program boundaries.

- There is an interim designee new State Engineer, Scott Verhines. He is a native New Mexican who currently lives in Albuquerque. He's in the process of divesting his previous commitments. He will presumably be appointed during the next legislative session.

Public Comment: There was no public comment.

Executive Committee Meeting Attendees
December 8th, 2011, 9:00 am to 1:00 pm

Attendees:

Representative	*Organization*	*Seat*
Estévan López (P)	NM Interstate Stream Commission	ISC, Non-federal co-chair
Rolf Schmidt-Peterson (A)	NM Interstate Stream Commission	ISC
Janet Bair (A)	U.S. Fish and Wildlife Service	USFWS
Steve Farris (P)	NM Attorney General's Office	NMAGO
Ann Moore (A)	NM Attorney General's Office	NMAGO
Subhas Shah (P)	Middle Rio Grande Conservancy District	MRGCD
Matt Schmader (P)	City of Albuquerque	COA
LTC. Jason Williams (P)	U.S. Army Corps of Engineers	USACE
Rick Billings (A)	Albuquerque/Bernalillo County Water Utility Authority	ABCWUA
Brent Rhees (P)	U.S. Bureau of Reclamation	BOR, Federal co-chair
Mike Hamman (P)	U.S. Bureau of Reclamation	BOR
Brian Gleadle (A)	NM Department of Game and Fish	NMDGF
Janet Jarret (P)	Assessment Payers of the MRGCD	APA of the MRGCD
Frank Chaves (P)	Pueblo of Sandia	Sandia
Hilary Brinegar (P)	NM Department of Agriculture	NMDA

Others

Yvette McKenna – PM	U.S. Bureau of Reclamation
Terina Perez	U.S. Bureau of Reclamation
Jim Wilber	U.S. Bureau of Reclamation
Jennifer Faler	U.S. Bureau of Reclamation
Ali Saenz	U.S. Bureau of Reclamation
Christopher Shaw	NM Interstate Stream Commission
Grace Haggerty	NM Interstate Stream Commission
Peter Wilkinson	NM Interstate Stream Commission
Deb Freeman	NM Interstate Stream Commission
Kris Shaffer	U.S. Army Corps of Engineers
Susan Bittick	U.S. Army Corps of Engineers
Lori Robertson	U.S. Fish and Wildlife Service
Jennifer Bachus	U.S. Fish and Wildlife Service
Stacey Kopitsch	U.S. Fish and Wildlife Service
Mark Brennan	U.S. Fish and Wildlife Service
Wally Murphy	U.S. Fish and Wildlife Service
Sarah Cobb	Senator Udall's Office
Nat Cobb	Guest/public
Patrick Redmond	LRPA/MRGCD
Marta Wood	Tetra Tech

Coordination Committee and Program Manager Update
Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
December 8, 2011

Coordination Committee

The CC met on October 5 where they continued to discuss the FY12 work plan (funding spreadsheet). Due to lack of quorum, no decisions were made; all decision items were tabled until the next meeting. Comments/edits on the draft Long Term Plan (LTP) text were due to Yvette McKenna (with cc to Ali Saenz) by COB October 14 in order to be incorporated for review at the October 26 CC meeting. Comments were received from New Mexico Department of Agriculture (NMDA), U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service (Service) and the Bureau of Reclamation (BOR). There was a request to have project Contracting Officer's Technical Representatives (COTRs) attend workgroup meetings regularly (once a quarter, twice a year, etc.) to provide regular project updates and facilitate compliance with the deliverable review (draft reports) process. It was announced that tamarisk (salt cedar) leaf beetle has apparently been found down south near Mesilla Dam in Doña Ana County.

The CC met on October 26 for an all day working meeting to review the incorporated changes to the narrative of the revised draft LTP and review draft future activities in the context of the revised draft LTP. As Susan Bittick's term was over, and with a quorum present and no objections, Jim Wilber was elected as the new CC federal co-chair. All Program agencies were asked to capture their FY11 cost share contributions (and any back years that haven't already been reported). The CC requested that the continuation of the 10(j) biologist interagency agreement (IA) with the Service be discussed at the Executive Committee (EC) level at their next regular meeting.

Jim Wilber, Brooke Wyman, and Yvette McKenna were tasked with re-organizing the FY12 funding spreadsheet to better reflect required activities [Biological Opinion (BO) requirements and those needed for new Biological Assessment (BA)/BO development] versus BO supportive and workgroup recommended activities. The updated "walk-down" FY12 work plan was distributed to CC members on November 7.

On November 9, the CC met for a short meeting/conference call to discuss the revised draft FY12 work plan spreadsheet. The CC recommended that the Habitat Restoration (HR) workgroup complete scopes of work (SOWs) for the *Design and Environmental Compliance Support for HR Projects* and *Habitat Restoration Implementation* projects by the December 16, 2011 acquisition deadline. These HR projects can be competed while not having the funding awarded until a later date if approved. No other recommendations were made on the FY12 work plan.

The CC met on November 17 for a focused meeting on the FY12 work plan and came to consensus agreement on activities to recommend for funding at last year's $3.6M level. The CC also decided that the Population Viability Analysis (PVA) SOW for the *Continue PVA Modeling* project should be submitted tentatively by June 2012. Based on discussion and changes made to the FY12 funding spreadsheet and with the caveat that the 10(j) position funding will be elevated to the EC, the CC approved the FY12 work plan for $3.65M. It was recommended that the Science workgroup (ScW), as the lead workgroup, draft the first scope on the *RGSM Life History* project, and as a courtesy the PVA ad hoc workgroup will be asked for specific data elements that they need. The ScW will consider the PVA input in the project designs and descriptions. At this meeting, the CC also provided a list of projects that need scopes developed to the technical workgroups.

Program Management Team

Ali Saenz incorporated all of the LTP comments into a revised draft and responded to reviewers on actions taken. Ali and Yvette McKenna utilized the discussions at the October 26 meeting and completed action items to provide a revised draft of the LTP text and the future activities summaries to the EC today.

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The PMT and the Public Information and Outreach (PIO) Workgroup coordinated the technical sessions and the open house for the **10-year Collaborative Program Anniversary** on October 21 and 22 at the Rio Grande Nature Center (RGNC). We had good attendance at the technical sessions with EC representatives Kris Schafer, Rolf Peterson-Schmidt and Mike Hamman and approximately 40 attendees throughout the day. We also express our heartfelt gratitude to our presenters Megan Osborne, Steve Platania, Joel Lusk, Gina DelloRusso, Rick Billings, Kenny Calhoun, and Nathan Myers, and the RGNC for hosting our event again. The Open House on Saturday, October 22 was also a great success with the implementation of a "punch pass" that kids and adults could take to the various displays and activities and return for prizes. We thank Mary Carlson, Reclamation, and Ronnie Anderson and Susan Bittick, USACE, for their coordination efforts; Julie Maas with the NM Interstate Stream Commission (NMISC) for coordination, giveaways, the photo op display, calligraphy and button making; Tom Buckley and other Service volunteers for the minnow tank, fish display and giveaways; Anders Lundahl, NMISC, for guiding nature hikes; Ross Morgan with the NM Department of Game and Fish (NMDGF) for their fish print activity and giveaways; Joe Alderete and his grandson for demonstrating Reclamation's river trailer; Marta Wood for her intricate origami earrings and her sister, Beth, for awesome face painting; SWCA for the donation of the signed and sought after field guides and raptor books; Otto the Otter for making a surprise appearance; and the talented PMT members for their help with organizing (Ali), face painting (Stacey), coloring (Michelle and Monika), and nature hikes (Terina). It was a beautiful day that EC members, LTC Jason Williams and his daughter, and Jennifer Faler and many of us enjoyed with our friends and family. Much appreciation goes out to the PIO workgroup and other volunteers. Anyone who would like to participate in these future efforts is welcome to join.

The PMT also hosted a **Joint Workgroup Appreciation Meeting on November 15** supported by contributions from EC representatives. Workgroup members were treated to homemade brunch items and given a chance to voice their concerns and make recommendations. There are almost 60 workgroup members and approximately 26 were recognized by their PMT Liaison for contributions to their workgroups and the Program in categories such as: AMBASSADORSHIP; LEADERSHIP; MOST COLLABORATIVE; INNOVATION AND CREATIVITY; MOST INSPIRATIONAL; ROLE OF MANY; TEAM PLAYER; CUSTOMER SERVICE; MOST POSITIVE; MOST CONSISTENT MEETING ATTENDANCE; AND OVER AND BEYOND. Susan Bittick, as the USACE Program Manager, and the PMT members were also recognized for their unfailing support of the workgroups and the Program, and Jericho Lewis and Diana Herrera were thanked for overseeing transparent budget and acquisition processes. Our dutiful note takers were also thanked for their dedication and support. Many helpful suggestions were made in the areas of communication at all levels, timing of coordinated events, workgroup member recognition, and improving workgroup integration, Program participation and organization. A full report with recommendations will be provided to the CC and the EC in the very near future.

The PMT will be losing a member as Terina Perez has been selected to serve as the Supervisor for the Resources Group in the Major Projects Division at Reclamation. Congratulations, Terina! PMT liaison support for workgroups is as follows: Monika (Mann) Sanchez for the Database Monitoring System (DBMS) ad hoc workgroup and the HRW; Stacey Kopitsch for the ScW, PVA/Biology and Monitoring Plan Team (MPT) ad hoc workgroups; alternate PMT support for the Species Water Management (SWM) Workgroup, the Population Habitat Viability Assessment (PHVA)/Hydrology and the San Acacia Reach (SAR) ad hoc workgroups; and Ali Saenz for the PIO Workgroup. Michelle Mann, USACE, is transitioning into a PMT liaison role as Monika will be starting a new job as a USACE Project Manager in April 2012. The PMT will also begin working on the FY2010 and FY2011 annual report. This report will include information on U.S. Army Corps of Engineers (USACE) funds and activities, and contracting officer's technical representatives (COTRs). PMT members are reviewing their ad hoc workgroup charters, current work plans, and schedules to best determine whether objectives have been met and the timeframe for completion.

Jericho Lewis has been selected as the new Contract Supervisor for the Contracts South Team based at the Albuquerque Area office (AAO). He will continue to assist with Albuquerque Area Office (AAO) and Collaborative Program obligations while training new staff members, taking on additional responsibilities and

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contract oversight on major projects. Diana Herrera continues to work on: Program cost share updates, expenditure reports, water leasing obligations, and FY2012, FY2013, and FY2014 Program budgets. Chip Martin, Edward McCorkindale, and Lisa Freitas, GenQuest, and Christine Sanchez and Marta Wood, Tetra Tech, continue to assist the Program in meeting support and summaries.

Habitat Restoration Workgroup

The HRW met on October 18 where HRW FY12 priority 1, 2, and 3 projects were discussed. HRW discussed the relationship between HRW and PVA in regards to the PVA models being able to inform HRW on habitat site selections and evaluations. The DBMS data templates were reviewed and discussed by HRW. There was an update on Rick's HR presentation for the Open House. There was also a Program update about the Open House, the Joint Workgroup Meeting which was a success, and where communication issues and ways forward were discussed, as well as FY11 contracts, and FY12 scope development. Attendees also reviewed the mesohabitat project and project maps discussing existing projects, project updates, flycatcher territory, and potential future activities.

The HRW met on November 15 where Ander's participation in the Program was acknowledged. Rick updated about his HR presentation at the October 21 Technical Sessions that was very informative, and that the whole Open House was a success with 200-300 public visitors on Saturday, October 22, and 40-50 participants in the technical sessions on Friday, October 21. The Pueblo of Sandia gave a presentation on the Riverine Project. There was a discussion on PVA meeting with HRW including understanding tasks, making assignments to draft and develop initial questions to present to PVA, and FY12 scopes were assigned for completion. The HRW discussed the CC recommendation for complete SOWs for the *Design and Environmental Compliance Support for HR Projects* and *Habitat Restoration Implementation* projects that are due by December 16.

The HRW will meet on December 13th where a review and approval of 2011 Accomplishments and the 2012 Work Plan will occur. A discussion on the frequency of future HRW meetings will be had with the potential restructuring, Program document and Recovery Implementation Program (RIP) action plan being developed. Chi Bui will have a presentation on climate change, and the November 15 Joint Workgroup meeting will also be discussed. COTR interaction with regard to communication with workgroups will also be visited if the PMT document has been completed. The next HRW meeting is currently scheduled for January 17, 2011 at the NMISC.

Science Workgroup

The ScW last held a regularly scheduled meeting on October 13 at the NMISC's Los Lunas Refugium. The workgroup discussed the CC's directive to draft a plan for the synthesis of all silvery minnow data, which was a priority recommendation in the San Acacia Diversion Dam fish passage peer review report. The ScW prioritized a list of data categories, with the synthesis of water quality data as the first. The actual synthesis work will be a contracted effort and the workgroup is currently developing a SOW for this work. The workgroup also discussed possible activities related to the salt cedar beetle presence in the Middle Rio Grande. The workgroup recommends that the Program convene flycatcher biologists to discuss priority areas to target restoration work in response to the presence of the beetle. The next regularly scheduled ScW meeting will be held on December 6 at the NMISC.

Monitoring Plan Team ad hoc Workgroup

The MPT last held a regular meeting on July 19. During the fall of this year, members of the MPT conducted vegetation monitoring as part of the 2011 low intensity effectiveness monitoring effort. A final SOW has been developed for the high-intensity portion of the effectiveness monitoring program, with a focus on habitat food availability. It is anticipated that a contract will be awarded this fiscal year. The MPT is also working on finalizing the 2010 effectiveness monitoring report and will soon begin work on the 2011 report.

Species Water Management Workgroup

The workgroup is in the process of revising the 2012 draft SOW for the Groundwater/Surface water Interaction Project. The next regularly scheduled SWM meeting will be December 7 at Reclamation, to include a presentation on **t**he vulnerability of species to climate change in the southwest: terrestrial species of the Middle Rio Grande. Other agenda items will include a discussion on the Groundwater/Surface water Interaction Project SOW, workgroup accomplishments for 2011, the 2012 Annual Work Plan, and Workgroup Charter review.

San Acacia Reach ad hoc Workgroup

Gina DelloRusso (co-chair) presented at the Program's Open House/Technical Sessions in October. The presentation expanded on the workshop presentation from the June roundtable, and included an overview of the SAR and some of the unique features and issues specific to the reach, workgroup background/history and objectives, as well as an explanation of the 6 resource management issues that were identified and targeted for white papers. The remainder of the talk focused on the floodplain encroachment potential issues and the work that the work group has accomplished.

In November, the workgroup reviewed the Draft Floodplain Land Use White Paper and assigned action items to continue review of the draft white paper in order to have all sections completed by early January. USACE has sent shape files to Gina, and Gina and Robyn are going to be groundtruthing features to assure they are correctly identified in the flood routing model. This work should be done by the end of December.

The next SAR meeting is scheduled for December 6 at Reclamation (may be via conference call) from 12:30 to 3:30 pm, where tentative agenda items are to include a review of the USACE floodplain product, continued Floodplain Land Use white paper review, 2011 workgroup accomplishments, and a discussion regarding the workgroup's continuance.

Population Viability Analysis (PVA)/Biology ad hoc Workgroup

The PVA workgroup last met on September 29 and 30. Topics of discussion included an inventory of missing data sets, an overview of the 2010 hydrologic year and water operations, predictions for next year's hydrologic conditions, and potential studies given the poor hydrologic conditions predicted for next year. A presentation on the upcoming MRG habitat mapping project funded by USACE and carried out by the USGS was given, which is a project similar to the habitat mapping that was done in Big Bend. A presentation on river drying in the MRG from 1996 – 2011 was also given. Other topics of discussion included reaching consensus on data sets for the PVA models and a step-wise process to do so. The RAMAS-based modeling contract has been awarded to Dr. Phil Miller with the Conservation Breeding Specialist Group (CBSG). The next PVA meeting is scheduled for December 12 and 13.

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

The PHVA workgroup will schedule their next meeting as needed via email. The workgroup sent the response letter to the PVA's August 2011 data request on December 7 so that PVA members may review it prior to their December 12 meeting. Amy Louise, USACE, has replaced Stephen Kissock as the Federal co-chair. The workgroup plans to schedule a joint meeting with PVA to discuss the response letter after PVA has had an opportunity to review and discuss it.

Database Management System ad hoc Workgroup

The DBMS met on October 11 where feedback was given on the Initial Pilot Training which occurred on September 21 and 27. The DBMS survey period was open until October 28. DBMS updates, progress, issues, and next steps were discussed including a contract modification to acquire and incorporate missing data (flycatcher data) and a new task order for the database administrator position.

The DBMS workgroup also met on November 14 where a review and discussion of all surveys and comments occurred to determine a plan for addressing problems. Feedback revealed DBMS is off to a good start with positive feedback and some helpful suggestions. DBMS updates, progress, and issues were discussed including

the importance of keeping the system updated and the necessity of regular training sessions. The DBMS workgroup meeting schedule was reviewed to determine how often the workgroup needs to meet. There will not be a DBMS meeting in December. The next DBMS meeting is currently scheduled for January 9, 2012 at USACE where meeting frequency and other DBMS updates will be discussed.

Public Information and Outreach Workgroup

The PIO workgroup helped organize and coordinate the Program's 10th Anniversary and Open House in October. More than 250 people came through the RGNC. Punch cards were used to encourage participants to visit each booth/activity. Anyone who received a punch from all stations was eligible to receive a free prize. About 70 punch cards were completed and returned. Some activities included minnow origami, photo display opportunity, handouts and coloring sheets, tanks with minnows, the rolling river trailer, calligraphy and button making, face painting, and Reclamation's Otto the Otter came. The goal was to provide educational information and resources on the Program by using activities to draw people in. PIO members think that participating in the public outreach events – such as the Open House – is probably the most fun anyone in the Program can have so everyone is encouraged to volunteer! The PIO has a good traveling display and will set up at any agency event that's appropriate. Members of the PIO workgroup attended the Joint Workgroup Brunch in November.

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