

Executive Committee Meeting

June 21, 2012

Meeting Materials:

Meeting Agenda

Meeting Minutes

Draft Middle Rio Grande Collaborative Recovery Implementation Program Document
[presentation]



**Middle Rio Grande Endangered Species
 Collaborative Program
 EXECUTIVE COMMITTEE
 MEETING AGENDA
 Thursday, June 21, 2012
 9:00 am – 4:00 pm**

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

1. **INTRODUCTIONS AND REVIEW OF PROPOSED AGENDA*** 5 minutes
2. **DECISION – APPROVAL OF MAY 15 EC MEETING SUMMARY*** 10 minutes
3. **DECISION – APPROVAL OF MAY 29 EC MEETING SUMMARY*** 10 minutes
4. **DECISION – APPROVAL OF DRAFT INTERIM EXTERNAL PEER REVIEW PROCESS* (Y. McKenna)** 15 minutes
5. **CONSULTATION UPDATE** 15 minutes
 - A. **Reclamation (M. Hamman/J. Wilber)**
 - B. **USACE (LTC Williams/K. Schafer)**
6. **PROGRAM DOCUMENT FOCUS GROUP PRESENTATION** 60 minutes

(H. Brinegar/Y. McKenna)

 - A. **Revised Document***
 - B. **Comments due July 6**
- BREAK** 15 minutes
7. **RIP ACTION PLAN FOCUS GROUP PRESENTATION** 60 minutes

(R. Schmidt-Peterson/J. Bair)

 - A. **Revised Action Plan***
 - B. **Comments due July 9**
- LUNCH** 45 minutes

12:15 pm – 1:00 pm
8. **DECISION – APPROVAL OF CPUE METRICS AND METHODOLOGIES WORKSHOP (R. Billings/Service/USACE/ISC/MRGCD)** 45 minutes
 - A. **Goals and Objectives***
 - B. **Draft Agenda***
 - C. **Scope***
 - D. **When? Who?**
9. **SUFFICIENT PROGRESS EVALUATION** 45 minutes
 - A. **Program Document Perspective (D. Freeman)**
 - B. **Action Plan/Process Perspective* (P. Redmond)**

Members

ABCWUA
 ISC
 NMDA
 Sandia Pueblo
 UNM

APA
 Isleta Pueblo
 NMGF
 Santa Ana Pueblo
 USACE

CABQ
 NMAGO
 MRGCD
 Santo Domingo Tribe
 USFWS
 Reclamation

10. ADDITIONAL TOPICS CRITICAL TO DISCUSS PRIOR TO JULY 20 EC DECISION MEETING

11. MEETING SUMMARY (*R. Fullerton*)

12. PUBLIC COMMENT

13. NEXT SCHEDULED EC MEETING – FRIDAY, JULY 20, 2012 @ RECLAMATION from 9:00 am – 4:00 pm; *DECISIONS FOR JULY 20* - RIP MANAGEMENT? ENDORSE RIP AND RELATED DOCUMENTS AS THE ESA COVERAGE VEHICLE?

* *Denotes read ahead material provided for this topic*

Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
Thursday, June 21st, 2012
9:00 am – 3:00 pm

Actions

- ✓ The RIP Action Plan and Program Document presentations and handouts will be emailed to Yvette McKenna for posting to the EC read ahead document module on the Program's website.
- Comments on the Draft Program Document are to be submitted on the comment template to Yvette McKenna by July 6th.
- Comments on the Draft RIP Action Plan and Patrick Redmond's Formulation of Sufficient Progress Metrics document are to be submitted on the comment template to Grace Haggerty by July 9th.
- Yvette McKenna and Janet Jarratt will review and edit the groundwater depletions discussion on page 3 of the May 29th, 2012 EC meeting summary. The revised summary will be provided back to EC members as a read ahead for approval at the July EC meeting.
- The NM Interstate Stream Commission (ISC) and the U.S. Fish and Wildlife Service (Service) will provide comments on the draft June 14-15 meeting summary between Reclamation, ISC, and Service to Mike Hamman by early next week (week of June 25). After final review, the summary will be provided to the EC.
- The Program Document focus group and the RIP Action Plan focus group will update "open issues" papers and provide as read aheads for the July EC meeting.
- Mike Hamman will draft a written description of the Water Management Plan/Agreements for distribution to the EC.
- The EC co-chairs will work with the Program Manager on the decision items for the July EC meeting agenda.

Decisions

- With quorum present and no objections, the EC approved the May 15th, 2012 Meeting Summary for finalization with a correction of "conversation" to "conservation" measure on page 5, 3rd bullet and a correction of "incite" to "insight" on page 12, 2nd bullet from top.

Suggestions/Recommendations

- It was suggested that the RIP Action Plan document Preface and Introduction (Section 1) be made consistent with the language in the Program Document or have the sections removed altogether.
- The table in P. Redmond's *Formulation of Sufficient Progress Metrics* document should have a title explaining it is a hypothetical example of possible metrics.

Notifications

- It was cautioned that the decision to have 1 or 2 BOs will likely result in either the Corps having to make major revisions to their BA or the Service having to produce 2 BOs. Either option is going to have a timing impact on the proposed schedules.
- It was cautioned that the longer the Draft BO is delayed, the shorter the review period will be.

Upcoming Dates and Deadlines:

- June 30th – Dr. Miller's RAMAS PVA functional model due
- July 6th - comments on the Draft Program Document due
- July 9th - comments on the Draft RIP Action Plan and P. Redmond's Formulation of Sufficient Progress Metrics document due

- July 20th – EC meeting scheduled
- July 23rd and 24th – PVA meeting scheduled
- July 31st – Reclamation’s intended submittal date for a BA with MRGCD actions included
- July 31st – Service requested date for any new information to be considered in the Draft BO. Information may be submitted up to August 15th. Beyond that date, the Service cannot ensure that information will be considered because the analysis will be well underway.
- Mid-August – Reclamation’s intended submittal date for a supplemental document to the BA that contains the State’s actions
- Mid-August – training on RAMAS PVA model
- August 28th – rescheduled EC meeting (to be confirmed at July EC meeting)
- September – CPUE Workshop
- September 30th – Dr. Miller’s RAMAS PVA report and documentation due
- October – assumed first Draft BO should be available; unless timelines are adjusted in which case the first Draft BO might not be available until later

Next Meeting: July 20th, 2012 from 9:00 AM to 4:00 PM at Bureau of Reclamation

- Tentative agenda items include: (1) Decision: RIP management; (2) Decision: Endorse RIP and Related Documents as the ESA coverage vehicle; (3) Decision: Draft Interim External Peer Review Process; (4) approval of May 29th revised EC meeting summary; (5) review of “open issues” papers – decision items?
- Future agenda items: (1) Discussion/decision regarding 10(j) Reintroduction Biologist position;

Meeting Summary

Introductions and Review of Proposed Agenda: Brent Rhees brought the meeting to order and introductions were made. The agenda was reviewed and approved with: (1) an addition of a non-federal caucus between Items #3 *Approval of May 29th EC Meeting Summary* and Item #4 *Approval of Draft Interim External Peer Review Process*; (2) Item #4 *Approval of Draft Interim External Peer Review Process* will now be an update instead of a decision item; (3) Item #8 *Approval of CPUE Metrics and Methodologies Workshop* will now be an update instead of a decision item; (4) an addition of a Species Update to follow Item #9 *Sufficient Progress Evaluation (new Item #10)*; and (5) an addition of a brief work group update to follow the Species Update (new Item #11).

Approval of May 15th and May 29th, 2012 Meeting Summaries:

- *May 15th, 2012:*
 - With quorum present and no objections, the EC approved the May 15th, 2012 Meeting Summary for finalization with a correction of “conversation” to “conservation” measure on page 5, 3rd bullet and a correction of “incite” to “insight” on page 12, 2nd bullet from top.
- *May 29th, 2012:*
 - Concern was expressed that the groundwater depletions discussion on page 3 does not accurately reflect the intended points. The meaning and explanations are not clear nor are the discussions on the litigation, accountability, and responsibilities.
 - Yvette McKenna and Janet Jarratt will review and edit the groundwater depletions discussion on page 3 of the May 29th, 2012 EC meeting summary. The revised

summary will be provided back to EC members as a read ahead for approval at the July EC meeting.

Non-Federal Caucus 9:25am to 10:30am

- Upon return, Estèvan López and Mike Hamman provided updates on the meetings last week between the State, Reclamation, and the Service focused on including State actions in the Draft BA.
 - There has been really good and productive exchange of ideas and thoughts on how to address the 3 critical issues (i.e., scope of coverage, interim metrics for sufficient progress, Program management). There have also been robust conversations focused on the State's proposed actions and coverage for all the individual components that were expressed in the May 31st letter.
 - Reclamation agreed that the State did bring all the "right rocks" to the table for discussion and refining. Now, both agencies will continue working on supplementing the Draft Biological Assessment (BA) with accurate descriptions of the State's proposed actions, effects, and conservation efforts. Strong commitment from all 3 agencies (Reclamation, ISC, and the Service) was made in terms of staff and resources to meet the deadlines.
 - Reclamation will be finishing the Draft BA that includes Reclamation's and MRGCD's proposed actions. Reclamation staff is working diligently to have it completed by July 2nd so that they can then initiate work with the State on a supplemental document to the Draft BA.
 - During these meetings, the 3 agencies also had good conversations on the interim metrics and sufficient progress.
 - The current Catch Per Unit Effort (CPUE) procedures and data collection processes will continue for now and will be utilized to inform the Recovery Implementation Program (RIP) components and actions associated with the Action Plan. Part of the RIP Action Plan will include a 2-year period to develop a process for reviewing and revising the monitoring metrics and to explore how to better use the historic data.
 - In fact, one of the Sufficient Progress metrics could be progress on that front - not to exceed a 2-year timeframe.
 - There have been several conversations on the RIP management options, including discussions from both sides on the impediments and advantages with moving forward with a 3rd party lead. In order to inform potential "re-structuring" of the Program going forward, there needs to be more discussions on EC expectations, scope of work, and management organization/roles.
 - An interim structure might be necessary since it will take time to transition to a new management entity (regardless of which option is selected); this will need to be discussed as well.
 - In summary, the State's actions and broad coverage proposal has been fairly well addressed although there are details that still need to be negotiated. Reclamation hopes to include a coverage process in the BA with details on how a new entity or new action can be covered under the umbrella of the RIP (ex. process for applying, Program analysis of the potential effects on the system, identification of conservation measures, etc.). There have also been discussions about the potential for including an expanded action area for coverage.
 - These meetings are being documented so there is a written record; however, the meeting notes are not yet ready for distribution. The intent is to have the full draft notes distributed within a few weeks.

Update on Draft Interim External Peer Review Process

- A draft peer review process was provided as a read ahead. Comments from the Corps and ISC have been received but were not yet incorporated due to time constraints. The decision item on the peer review process document will occur at the July meeting.

Consultation Update

- *Reclamation:* The Reclamation Draft BA with MRGCD proposed actions will be routed for internal review on July 2nd and submitted to the Service on July 31st. Starting July 3rd, Reclamation staff will focus on the negotiations with the State for developing the supplemental document with State proposed actions. This supplemental document will be submitted to the Service for consideration by mid-August. *For additional details, please refer to discussions above pertaining to the meetings between Reclamation, the State, and the Service.*
- *USACE:* Official consultation has not been initiated at this time. A Memorandum of Understanding (MOU) has been prepared by the Corps' regional headquarters – reinforcing the 4 points on the table in terms of how to shape the BA/BO (Biological Opinion) discussions. Everything is being elevated to Washington, D.C. but a lot of work remains to be done.

Program Document Focus Group Presentation

- Hilary Brinegar opened the Program Document Focus Group presentation by thanking all the dedicated individuals who have contributed at multiple meetings. They have worked hard and a lot of work has been accomplished. The Program Document is not yet done, but it is as comprehensive as possible at this point in time.
 - *Program Document Development:* The Program Document focus group has been meeting since November 2011. The document has been presented to the EC twice before – at different stages of development. Attendees were reminded that there are ongoing discussions regarding “open issues” – these sections will be populated as decisions and agreements are made.
 - *Purpose Statement:* The by-laws will be revisited in the future so that the language in the Program Document will be consistent.
 - *Goals:* Minor changes to the text language are captured in red text.
 - *History of Program:* The history of the Program section is a good “read” intended to inform on the evolution and timeline of the Program's major milestones.
 - *Program Scope:* Even though the Middle Rio Grande (MRG) RIP area is defined as the NM-CO state line to the headwaters of Elephant Butte Reservoir, this does not preclude the EC from approving the funding of activities outside the Program area or adding additional species pursuant to the Governance Procedures.
 - *RIP Organizational Structure:* This section will contain the roles and responsibilities of each anticipated group of staff members and will be populated as the EC makes decisions. The EC membership application process was updated based on the EC direction provided at previous meetings.
 - *RIP Governance Procedures:* This section will describe the general governance procedures, and some of this section is pending EC decisions.
 - Open Issues include:
 - What percent of present EC members constitutes a quorum?

- Should certain decision items require the affirmative vote of the regulatory and funding agencies?
- *Implementation of the RIP:* New material in this section includes a brief description of how the Long-term Plan (LTP), Action Plan, and Annual work plan(s) will work together. Feedback on this chapter and input (description of the Action Plan elements) is desired from the Action Plan focus group.
 - The LTP is based on the recovery plan framework of the two species; it will incorporate adaptive management; and will include goals, actions and tasks per activity category. However, the LTP narrative needs to be revised and completed for this consultation. Also for consideration, the planning horizon of the LTP is proposed by the Action Plan focus group as 15 years but that doesn't reflect the timeframe for species recovery.
- *Action Plan:* The RIP Action Plan will use the LTP as a resource for identifying specific activities and tasks to be implemented. Thus, the RIP will implement activities identified in an Annual Work Plan that tiers from the RIP Action Plan. Those documents will draw from the LTP, which is based on the framework of the species recovery plans. These linkages are designed to assure that the RIP provides meaningful benefits to the species.
- *Principles for ESA Compliance:* This section will continue to be revised based on agreements and decisions.
 - *Regulatory certainty under the RIP:* "The signatories to the Cooperative Agreement intend that the RIP provide regulatory certainty under the ESA for the actions referenced in Section III.C of this Program Document (covered actions). ESA compliance will be afforded through the [contemplated] programmatic BO which relies on implementation of the RIP Action Plan."
 - *Sufficient Progress Determination:* Sufficient progress is an annual determination based on factors addressing threats and status of the species and habitat, to be identified in [contemplated] BO; and not intended to vary.
 - Detailed criteria for these factors (metrics) will be identified for the sufficient progress determination.
 - The Service is responsible for evaluating progress of the RIP.
 - ...a weakness or deficiency that is temporary or is limited to a single or few metrics would not necessarily result in a lack of overall progress toward recovery (page 17).
 - *Status of the Species:* The demographic metrics are under discussion.
 - *Annual RIP Reports:* Annual RIP Reports will be developed by the Executive Director, approved by the EC, and then considered by the Service in the sufficient progress evaluation.
 - *Reliance on RIP for ESA Compliance:* "Compliance with the [contemplated] Biological Opinion will convey ESA coverage for actions", including the conservation measure(s).
 - It is the intention that RIP implementation, once consulted upon, will:
 - Avoid jeopardy, avoid adverse modification of critical habitat, contribute to species conservation and recovery; and

- Serve as a means for minimizing effects of covered actions, as identified in the BO.
 - The RIP is voluntary therefore there are withdrawal procedures.
- *Adaptive Management (AM)*: The role of the AM approach is to guide learning about critical scientific questions and uncertainties and to be used as a tool for improved decision-making. Part of the AM approach includes proposed bi-annual meetings between the science team and management.
 - Next steps for AM include implementation of the Corps project which is building on the Adaptive Management Plan Version 1 and then development of a formal AM Plan for the RIP (activity to be identified in RIP Action Plan).
- *Data and Peer Review*: This chapter includes policies, procedures, and guidelines for the data and peer review. Use of the best available scientific information is imperative for decision making.
 - The Scientific Code of Conduct is intended for all RIP participants.
 - Regarding the peer reviews, both the external and internal processes will need to be endorsed/adopted by the EC. An interim external peer review process is currently being developed.
- *Program Modification*: Amendments to the RIP Program Document can be made pursuant to the governance and decision making protocols. However, these changes will not change the Cooperative Agreement. Currently, the language in the Program Document requires unanimous decisions to change the RIP requirements.
- *RIP Budget Guiding Principles*: This section includes 2 tables: (1) a table of the historical funding levels including federal (Reclamation and Corps) and non-federal contributions; and (2) a table of proposed Reclamation Collaborative Program categories and percentiles (which are not targets, but starting points for budget development).
 - Table 3 is blank because it will include the proposed RIP budget categories, which currently are:
 - Program administration and outreach - admin to include Executive Director, Science Coordinator, staff, website, public outreach, contracting support, facilitation, note taking, and annual report preparation
 - Adaptive management assessments
 - Species management, surveys, monitoring, augmentation, captive propagation & genetic integrity
 - Flow protection, management, augmentation, and monitoring
 - Habitat construction and monitoring
 - Independent science panel and peer review
- *Appendices (in no particular order)*: The purpose of these appendices is so that anyone new coming to the Program will be able to understand what the RIP is about and how it functions.
 - Initial RIP Action Plan (to reference Draft LTP)
 - Draft MRG Section 7 Consultation Guidelines (Service document)
 - Scientific Code of Conduct for the Middle Rio Grande Endangered Species Collaborative Program
 - Draft Interim External Peer Review Process
 - RIP External Peer Review Process [place holder]

- RIP Internal Review Procedures [place holder]
- Adaptive Management Plan Version 1 (AMP-1)
- Draft Cooperative Agreement
- Governance Protocols (RIP By-laws [place holder]; RIP Implementation Team Charters [place holder])
- New MOA [place holder, if needed for funding]
- Federal Authorizations
- *Frequently Asked Questions:*
 - How does the Program Document relate to the By-laws?
 - What are Water Management Agreements?
 - How do these documents fit together? (Recovery Plans, LTP, Action Plan, Annual Plan, Program Document, others)
- *Next Steps:*
 - Comments on the draft Program Document are due to Yvette McKenna by July 6th; please use the comment template.
 - The revised Program Document will be posted in July;
 - There is a decision item in July for EC endorsement of the Program Document for including in the ESA Section 7 Consultation.
- In response to a question on whether or not the Water Management Agreements (WMA) should be referenced in the RIP Program Document, Mike Hamman provided attendees with clarification and explanation of the intended Water Management Agreement(s) or Plan(s).
 - There is a need to fully define both current and future water management tools that will be available to the Program to meet goals. In other words, it is important to: (1) fully describe and understand the tools available now; (2) define who would manage and contribute those tools; and (3) identify a suite of potential options that would/could be done to expand the toolbox in the future (ex. storage, tweaks to authorities, flexibilities, etc.).
 - The WMAs could be agency to agency or Reclamation could develop a “water management plan” that contributing agencies sign.
 - The details need to be “hammered” out between the agencies that have influence in the development of future tools.
 - A “River Advisory Team” has been proposed. This interdisciplinary team will focus on the biology, habitat, water resources management issues, availability of supply and storage opportunities, predicted hydrology, etc. in an attempt to make planning recommendations for a given year and to inform water managers what needs to be/could be done based on the desired outcomes for that year.
 - Reclamation will be the lead on the WMA development. The intent is to have the details worked out between August and September in order to inform the Service’s work on the Draft BO. It would be ideal to have the 6 main water management agencies and the Service involved and participating in the development process as Reclamation “puts the meat on the bones.”
 - The concept of the agreements could be defined and described in the Program Document.

- Concern was expressed that the intent is to be moving away from flow targets but the proposed River Advisory Team might be giving a subliminal message of flow targets. How will AM feed into the River Advisory Team?
 - In response, it was shared that because it will be a broad interdisciplinary team, there will be scientific reviews of given recommendations and/or action(s). The intent is that hypotheses can be tested within the framework of existing management and existing tools while simultaneously trying to find ways to expand the tools. One way this process will be “looped” into the AM context is by working post-experiment to analyze the data and adjust as necessarily over the subsequent months (or next cycle). It is recognized that a feedback loop will be critical to the success.
 - It was cautioned that the development of these pieces (WMAs, River Advisory Team, etc.) shouldn’t be so focused on the beginning stages that the process isn’t defined enough or in place for moving forward. Otherwise, people will not “sign on” because there isn’t enough detail to be comfortable. If everything is not clearly defined in terms of real world feedback, there will be a lack of confidence resulting in lack of “buy in.”
- In response to a question on agency perspective feedback on the Program Document (and comments on placeholder sections with the purpose of getting movement for topics still pending), it was responded that it would probably not be appropriate for individual agencies to comment on the policy-decision placeholders which is the purview of the EC.

Update on the CPUE Metric and Methodologies Workshop

- Originally, the proposed organization of the workshop was to follow similar formats used in other recovery programs. Day 1 would consist of presentations with discussions and dialogue occurring on Day 2. The expert panel was to be “non-active.” However, through recent planning discussions, the format has been modified to have the expert panel more involved. The workshop has been expanded to 3 days with an additional potential ½ day for preparation or EC presentation. There will be “homework” provided in advance in order to avoid spending time listening to presentations. It is assumed that the workshop will not occur until September.
 - If the workshop materials are developed in time, they will be provided as a read ahead for the EC at the July meeting.
 - The planning team is currently considering about 10 to 15 experts and will be gathering the homework to supply to participants in advance.
 - The results of the workshop will inform the Action Plan. And it is hoped that at least some steps and process for the future will be outlined including initiating a new monitoring program, development of metrics, additional workshops, etc.

RIP Action Plan Focus Group Presentation

- Rolf Schmidt-Petersen opened the RIP Action Plan Focus Group presentation by thanking all group members who have been working so hard over the last months.
- Comments on the Draft RIP Action Plan and Patrick Redmond’s Formulation of Sufficient Progress Metrics document are to be submitted on the comment template to Grace Haggerty by July 9th.

- The Action Plan focus group has the same questions that the Program Document focus group has pertaining to how all the pieces will fit together.
- *Revised Action Plan:*
 - *Status of the Process:* Regarding the development of this document, the group has reached agreement on the Elements and Actions but not on every associated Task. There are a lot of discussions and ideas, but consensus has not yet been achieved. This is partly because of all the ongoing “open issues.” Other sections (ex. costs) will be drafted once there is agreement on the tasks.
 - *Action Plan Outline:* This is one of 3 documents that this team is currently working on: (1) the draft LTP (is being refined within this group simultaneously); (2) development of the Annual Plan (is the yearly plan built from the “rolling” 5-year Action Plan); and of course (3) the development of the RIP Action Plan itself.
 - *Elements versus Actions:* Basically, an “element” is the big picture statement of what we are trying to achieve (ex. spawning and survival of larval fish); the “action” is what we are doing to achieve the element (ex. create habitat). The subsequent “tasks” are the specific steps to achieving the action.
 - The Elements are the yearly priorities. We will have to deal with the yearly hydrograph and how to do the best work we can. These priorities will be used to develop the annual work plans.
 - Minnow Elements
 - *Element 1 – Spawning and Survival of Larvae*
 - The strategy is to focus on the types of things that can be done to create the habitat necessary to support the minnow at the early life stages. The actions are focused activities.
 - There is a Water Ops team for daily water ops management – that process is expected to continue but there is a need for a “river advisory team” to evaluate and determine the optimal hydrologic conditions that could be produced in a given year and to recommend certain types of water operations to the managers based on the predictive hydrology.
 - *Element 2 – Post-Spawning*
 - “Post-spawning” is being defined as the remainder of the year; feedback is welcomed if this period should be broken up differently.
 - “Implement” does not just mean “put out an RFP to see what we get.” Instead, it should be a very specific statement of what we want done. This work might benefit from being implemented internally to the Program.
 - *Element 3 – Conservation and Hatchery Programs*
 - *Element 4 – Research, Monitoring, and Adaptive Management*
 - How do we evaluate success? How should hypothesis-based testing be set up or designed in order to make sure we are making a difference?
 - During the presentation, it was recommended that a specific task could be for additional workshop(s).
 - *Element 5 – Additional Wild Self-Sustaining Populations*

- In order to recover the species, we have to do more than what is currently being done. Recovery will take additional populations and that can be supported by the Program through the actions identified.
- Flycatcher Elements
 - *Element 1 – Territory Establishment and Nesting Success*
 - *Element 2 – Flycatcher Research, Monitoring and Adaptive Management*
 - The broader flycatcher program extends into Texas. While the NM portion is decent, there are certain actions that are “missing” – such as construction of habitat in such a way to encourage the birds to settle there and monitoring programs that are hypothesis driven.
 - The focus group is encouraging and engaging the flycatcher experts to assist in identifying and filling out the task level.
 - *Element 3 - Populations Outside the Program boundaries (within New Mexico)*
- RIP Management Elements
 - *Element 1 – RIP Management*

Appreciations

- The EC recognized the contributions of Brian Gleadle (NMDGF) and LTC Jason Williams (USACE) for their participation on the EC. The EC co-chairs signed a letter of appreciation for each. LTC Williams was also thanked for his service to and sacrifice for the country; he was presented with a 36 pack of Mt. Dew.

Sufficient Progress Evaluation

- *Program Document Perspective*
 - Please refer to the one-page handout that was provided.
 - If the RIP is making Sufficient Progress, this ensures continued ESA compliance for covered actions.
 - The RIP itself – the EC – will prepare an annual progress report to the Service as the source document for the Service to consider in the Sufficient Progress determination. The Program Document contemplates that the Service, as a member of the EC, is going to identify things that it thinks the RIP ought to be doing and the Action Plan can be updated as necessary in order to continue to make the necessary progress.
 - If there is a problem with Sufficient Progress, the Service will come to the EC to work through it in an attempt to “self-correct.” If the issue remains, then the Service could make a determination that Sufficient Progress has not been maintained. This is not, however, an automatic trigger to reinitiation.
 - The understanding is that the 2013 BO is going to identify factors/considerations that are relevant to the status of the species and the reduction of threats. The BO is a long-living document. Those general factors are not going to be in “lots and lots” of details – since they will change over time. As was discussed this morning, the Sufficient Progress metrics are both task related (dealing with implementation of activities under the Action Plan) and species related (measuring the status of the species). Those metrics can be adjusted over time based on the science, AM, etc. The metrics are how the Service assesses Sufficient Progress.

- The issue is really about the interim period. There needs to be a path forward on the interim period while the metrics are developed and agreed upon.
- At this point in time, it is still “up in the air” as to what the 2013 BO will identify. The content of the 2013 BO is still being developed. Most of the supporting and pertinent documents are still under development.
- *Action Plan/Process Perspective*
 - Patrick Redmond provided a draft handout of the *Formulation of Sufficient Progress Metrics* document. This document could become the actual Action Plan section on developing Sufficient Progress metrics since it was drafted in the context of the Action Plan group; however, it wasn’t included in this draft of the Action Plan because the group had not reached consensus agreement for this version. This document is fairly comprehensive in terms of describing the process for the initial development of Sufficient Progress metrics and the later refinement of metrics over time. It is completely consistent with the principles presented from the Program Document perspective.
 - Comments on the Formulation of Sufficient Progress Metrics document are to be submitted on the comment template to Grace Haggerty by July 9th.
 - *Implementation Metrics versus Species Response Metrics*: During the first 2 to 3 years of the RIP, the implementation metrics should play the primary role in sufficient progress determination as the Program transitions and becomes established.
 - In the initial drafts of the Action Plan, the metrics for each Element were originally identified; that could be revisited.
 - We need to refine monitoring protocols and develop demographic metrics based on the completion of the process and implementation of AM over the next couple of years.
 - The “matrix” embodies the distinction between implementation and species metrics. It also distinguishes between the metrics which could trigger reinitiation versus those that could serve as progress report/feedback mechanisms - the difference between “aspirations” instead of “regulatory requirements.”
 - It will be the EC that approves the metrics. The responsibility for updating the metrics is expected to be a task of the science coordinator; however, all revisions will be approved by the EC.
 - The use of demographic metrics remains a big issue and will be addressed at the CPUE workshop and thereafter as needed.
 - This is a volatile species and there can be big variability in the population from year to year. The CPUE will be measured and monitored while the Program continues working toward agreement on how it should be utilized. We won’t be graded by it until there is agreement on how to be graded by it (ex. a “bumper” year will not mean an A+ and neither will a bad year be an F-).
 - The goal is that within 2 years there will be consensus agreement on how to use the demographic metrics and specifically CPUE.
 - In the interim, the metrics are likely to be: (1) achieving the steps toward reaching resolution on the use of demographic metrics; and (2) engineering projects (or the “bricks and mortar” projects or actions) – such as acres of habitat restoration or studies on water quality.
 - **Question:** In the interim, are activities going to be enough?

- **Response:** CPUE will be used to decide if those are the correct activities to be doing. Making progress toward agreements on whether or not CPUE is the appropriate tool to monitor the population is likely to be an interim metric. For example, the workshop could be one of the elements to show accomplishment toward consensus agreement on CPUE.
- Concern was expressed that the whole reason that the population monitoring is being revisited is that we don't know if it is being used appropriately or if it is even accurate enough to inform us that we are making a difference and what activities are deemed working and/or necessary. Until that is resolved, how can the CPUE be used in the first couple of years as a judgment on whether or not the first activities of the RIP are working or not? That is where the question (and concern) is at – whether the monitoring is robust enough to make those determinations.
 - The use of the PVA models to evaluate the statistical significance of these various measures and metrics are also discussed in the Action Plan.

Species Update

- The river has started to dry – the current estimate is about 3 miles each day. Salvage crews are on the river and salvaging minnows from the dry stretches. So far, they have salvaged from Bosque del Apache north to San Antonio. The estimate is that 800 adult minnow have been caught (please remember these are ballpark estimates). There have been about 100 mortalities. About 60% to 70% of the 800 minnow have been hatchery fish. It is assumed that 60% to 70% of the 100 mortalities would be hatchery fish as well.
- In response to a question on the efficacy of the salvage operations and fish survival, it was shared that there have been studies done and techniques refined over the years. But basically it is expected that a high number of the 800 rescued fish would survive. There are protocols already listed out so the crews know exactly what they are to be doing.
 - For the recent salvaged fish down south, they will probably be moved to a wetted area in San Marcial. This area is wet because of the south boundary pump. As the salvage operations move north, the fish will be placed in upstream wetted areas.

PVA Workgroup Update

- The PVA met early last week in direct response to the EC directive. Both modelers and Rich Valdez were in attendance. The group is still wrestling with the hydrologic input for the models. The group was recently informed of the possibility of getting 150-year Global Circulation Model (GCM) sequences representing the proposed action that have been run through URGWOM. However, the PVA will need the same runs for the no action scenario as well. There has also been some “debugging” on URGWOM which can now do 50-year runs within 2 to 3 hours instead of a week. While there are some possible options for longer time series, it is unknown the timeframe or potential cost.
 - Highlights from the last PVA meeting include:
 - (1) *Consensus data set:* the PVA work group reached consensus that the current datasets are sound/validated and they approved them for use in the PVA models for this iteration. This represents 3 years' worth of work

in collecting and validating the data available. The work group will continue to develop and refine a process/procedure to make sure subsequent data is the appropriate data and is approved for use as well.

- (2) *Dr. Goodman's report on recovery criteria:* Dr. Goodman presented his report on the recovery criteria. He started this work over a year ago for his own purposes for the development of the PVA model. He was able to demonstrate that the CPUE data is best statistically represented by a negative binomial distribution; this allows us to fit regressions to the data and offers a way to “estimate” or “fill in” and track the data. Also, Dr. Goodman explained the relevance of this in terms of addressing the Service's questions regarding the PVA models ability to inform the metrics. (In fact, Dr. Goodman expressed the opinion that use of the PVA models is probably the only way.) This analysis could also shed light on the Sufficient Progress for the RIP.
- (3) *Dr. Goodman's recovery criteria report commentary:* Dr. Goodman's report provides an important commentary on the current recovery criteria. Basically, Dr. Goodman found that the monitoring-based criteria are too subject to variation and too volatile. According to his findings, no matter how many fish are in the river, the recovery criteria simply cannot be met. He walked the PVA work group through his analysis using the 2005 “boom” population and water. Assuming that the population would remain at 37.3 fish per 100 m² and there would be “unlimited” water, there is only 1 in 5 million chance of meeting the 5 fish per 100m² requirement at all 20 sites for one year. This probability becomes zero chance of meeting the 5 fish per 100m² at all 20 sites for 5 years in a row.
 - On a more positive note, Dr. Goodman also pointed out that there is something that is keeping the minnow from going extinct.
 - It is now possible to get true population status from the existing CPUE data. Dr. Goodman's opinion was that the CPUE data could be very useful as long as it is used appropriately – which means it has to be approached through a different process than has been done before.
- (4) *“Strawman” model runs:*
 - Dr. Miller presented on some initial “strawman” model runs of the RAMAS model. The RAMAS model is driven by the total May/June discharge volume at the Albuquerque Gage. He reminded everyone that the RAMAS model currently only uses 2 ages classes and density dependence is not accounted for. To create a 50-year hydrology sequence he had to use 5 10-year sequences that were provided from Reclamation's draft BA model runs. He pointed out one fundamental problem with “stringing” the sequences together - the 10% sequences occurs 20% of the time and the 90% sequence occurs 80% of the time. There is no statistical difference between the no action and proposed action.
 - Dr. Goodman presented the Window's interface version of his FORTRAN model. He demonstrated a number of model runs using 18 years of historic hydrology. The primary outputs

include (but are not limited to): (1) population size - in a variety of different terms (including predicted CPUE); (2) passage time to identified threshold – in other words, how long it takes the population to reach a user-specified condition; and (3) mountains and mountains of diagnostics; etc.

- In his example, Dr. Goodman first ran 1,000 iterations; then 10,000 iterations; and finally he showed the work group that it takes about 5 minutes to run 5 million iterations.
- The models do exist and are functional but they are dependent on good inputs – primarily hydrology – to be appropriate.
- (5) *Service's Questions*: Most of the Service's questions were addressed by the work group in May; however, the group agreed that the remaining questions would best be answered face-to-face with the Service. It was suggested that this could be facilitated at the July PVA meeting or at the fall PVA training workshops.
 - The PVA work group will next undertake an internal validation of Dr. Goodman's report on the recovery criteria. Members will be checking and reviewing the mathematics involved.
- (6) *Next Meeting*: July 23rd and 24th, both all day meetings tentatively at Reclamation.
- In response to a question on the timeframe by which the PVA work could be fed into the consultation process, it was responded that the work group believes they are on a good track to being able to provide information by mid-August. However, it was cautioned that the biggest stumbling block is that there is no process for getting the hydrologic models "meshed" with the PVA models. The PHVA group and the water folks are perfectly comfortable with the current water analysis. But the PVA modelers see it differently – they are very averse to having preordained sequences to run through the PVA models. In order to compare the action and no action scenarios there needs to be a statistical difference in order to look at the changes. The PVA models exist and can be used but for the time being there is continued discomfort with how to incorporate the hydrology and therefore discomfort in the model outputs as a response.
- In response to a question on Dr. Goodman's conclusion that the recovery criteria are unattainable and whether or not the use of CPUE was statistically inappropriate, it was clarified that the use of CPUE data is quite appropriate, but it has to be done differently than in the past. Regarding the conclusion that the specific elements in the recovery criteria are unattainable, Dr. Goodman demonstrated that no matter how many fish are in river it is extremely highly unlikely that the 5 fish per 100m² criteria can ever be met.
 - While this has been suggested before by other scientists, there are still even other scientists who disagree. Dr. Goodman is refuting the science that was used to develop the recovery plan. We need to know if his is a valid analysis with valid outcomes. And there needs to be a process in place in order to seek resolution if necessary.
 - It was explained that the PVA work group is going to be validating and working through the report internally in order to support or disagree with the findings. As to the process, the workshop could be another venue for discussion/validation since the focus is on the CPUE.

CC/PM update

- The Coordination Committee and Program Management update was provided as a read ahead. Highlights include:
 - Dana Price (USACE) has volunteered to fill a science co-chair position.
 - The PIO and PMT will be participating in several upcoming environmental fairs.
 - As documents are posted to the website, Ali Saenz is making a list of what is posted when and where so that there is an associated “document trail.”
 - Work groups are adjusting their meeting schedules for the summer months. Science and Habitat Restoration meet next month (July) and will then probably move to an every-other month schedule until there is more direction/guidance.

Additional Topics Critical to Discuss Prior to July 20th EC Decision Meeting

- It was explained that the purpose of this agenda item was to get EC input on any information, draft/read ahead documents, other discussions, etc. that would facilitate decisions on the critical issues.
 - Attendees were cautioned that while the focus groups are making progress on the Program documents and there will have been another “round” of review completed, they are not going to be in a final stage before the July meeting. And while there are ongoing discussions on the metrics and progress is being made, the metrics won’t be in place by July either. The hope is that all these components have been (or will be) developed enough that the framework is in place and understood and that the process for “filling in the holes” is also in place and understood. It is hoped that this will not be a “stumbling block” to decisions on the critical issues.
 - Some members expressed that even though there was clarification provided on the intended WMAs, there is still not enough detail for comfort. The WMAs may be very important in the interim stages during the transition period and before AM is “going strong.” It was requested that descriptions and details of the WMAs be provided in writing.
 - It was cautioned that at some point in the near future, the documents have to contain enough detail on the conservation measures (to offset the actions) in order to inform the drafting of the BO. Without the details, the documents are still “weak.”
 - It is assumed that the turn-around on the Draft BO could be done fairly quickly as long as it is built on Program documents that are completed and solid. However, it was cautioned that the longer the Draft BO is delayed, the shorter the review period will be.
 - The EC’s expectations and the interim metrics need to be wrestled with now instead of during the Draft BO review period.
 - In terms of resources (and what will get done first), there may have to be a phased approach. For example, Reclamation will finish the work on the State’s contributions before being able to focus on the details for the Program documents.

August Meeting

- The EC tentatively rescheduled the August meeting to August 28th to accommodate members’ schedules.

Meeting Summary

- In summary, Reese Fullerton (facilitator) quickly reiterated the highlights from today’s meeting. The 3 critical issues are: (1) broad coverage; (2) interim measures and metrics; and (3) RIP management. Good progress has been made on 2 of these issues and a process for the third is being discussed and put in place.

- The review and feedback on the RIP Action Plan and Program document will be used to complete these documents as much as possible within the next month.
- A written framework for the Water Management Plans/Agreements will be provided.
- The PVA work group would like to meet face to face with the Service to continue addressing the Service's PVA questions.
- The intent is for the EC to come to some resolution on those 3 critical factors as soon as possible. Not only are they linked to each other, but they link to Reclamation's BA which is moving forward with the RIP as the conservation measure.
- Reese shared that he sees the EC in a "trust building" period. The progress and resolutions that have been reached within the last month really indicate that everyone wants to work together for the greater good.

Public Comment: There was no public comment. However, it was pointed out that the decisions that are made here have real impact and can affect peoples' livelihoods in a real way.

Next Meeting: July 20th, 2012 from 9:00 AM to 4:00 PM at Bureau of Reclamation

- Tentative agenda items include: (1) Decision: RIP management; (2) Decision: Endorse RIP and Related Documents as the ESA coverage vehicle; (3) Decision: Draft Interim External Peer Review Process; (4) approval of May 29th revised EC meeting summary; (5) review of "open issues" papers – decision items?
- Future agenda items: (1) Discussion/decision regarding 10(j) Reintroduction Biologist position;

**Executive Committee Meeting Attendees
June 21st, 2012, 9:00 am to 3:00 pm**

Attendees:

<i>Representative</i>	<i>Organization</i>	<i>Seat</i>
Brent Rhees	U.S. Bureau of Reclamation	Federal co-chair
Estévan López (P)	NM Interstate Stream Commission	ISC, Non-federal co-chair
Michelle Shaughnessy (P)	U.S. Fish and Wildlife Service	Service
Steve Farris (P)	NM Attorney General's Office	NMAGO
Subhas Shah (P)	Middle Rio Grande Conservancy District	MRGCD
Matt Schmader (P)	City of Albuquerque	COA
Mike Hamman (P)	U.S. Bureau of Reclamation	BOR
Janet Jarratt (P)	Assessment Payers of the MRGCD	APA of the MRGCD
Hilary Brinegar (P)	NM Department of Agriculture	NMDA
Rick Billings (A)	Albuquerque/Bernalillo County Water Utility Authority	ABCWUA
LTC Jason Williams (P)	U.S. Army Corps of Engineers	USACE
Ken Cunningham (A)	NM Department of Game and Fish	NMDGF
Frank Chaves (P)	Pueblo of Sandia	Sandia
Eveli Abeyta (P)	Santo Domingo Tribe	Santo Domingo

Others

Yvette McKenna – PM	U.S. Bureau of Reclamation
Jim Wilber (A)	U.S. Bureau of Reclamation
Jennifer Faler	U.S. Bureau of Reclamation
Ann Moore (A)	NM Attorney General's Office
Liz Holmes	NM Department of Agriculture
Rolf Schmidt-Petersen (A)	NM Interstate Stream Commission

Christopher Shaw	NM Interstate Stream Commission
Grace Haggerty	NM Interstate Stream Commission
Liz Zeiler	NM Interstate Stream Commission
Beth Pitrolo	U.S. Army Corps of Engineers
Deb Freeman	for NM Interstate Stream Commission
Kris Schafer (A)	U.S. Army Corps of Engineers
Michelle Mann	U.S. Army Corps of Engineers
William DeRagon	U.S. Army Corps of Engineers
Bernadette Armijo	U.S. Army Corps of Engineers
Kyle Harwood	Buckman/BBD Board
Jonathan Garcia (A)	Santo Domingo Tribe
Janet Bair (A)	U.S. Fish and Wildlife Service
Wally Murphy	U.S. Fish and Wildlife Service
Lori Robertson	U.S. Fish and Wildlife Service
Stacey Kopitsch	U.S. Fish and Wildlife Service
Mike Oetker	U.S. Fish and Wildlife Service
Kate Norman	U.S. Fish and Wildlife Service
Brooke Wyman	MRGCD
David Gensler (A)	MRGCD
Adrian Oglesby	MRGCD
Patrick Redmond	for MRGCD
Patricia Dominguez	Senator Bingaman's Office
Janet Wolfe	D.B. Stephens & Associates
Reese Fullerton	GenQuest (Facilitator)
Marta Wood	Tetra Tech (Note Taker)

DRAFT Middle Rio Grande Collaborative Recovery Implementation Program Document

Presented to the
Executive Committee
June 21, 2012



Presentation Topics

Chapters of the Program Document:

- Statement of Purpose and Goals
- History of Program
- Program Scope
- RIP Organizational Structure and Governance Procedures
- Implementation of the RIP
- Principles for ESA Compliance
- Adaptive Management
- Data and Peer Review
- Program Modification
- RIP Budget Guiding Principles

Appendices

FAQs

Next Steps

Discussion, Q&A

Have a question during the presentation?



Ask away!

Program Document Development

- ▶ Focus group meetings since November 2011.
- ▶ Program Document presented to EC in January and March 2012.
- ▶ Major changes since?
 - EC feedback has been incorporated and document has been refined
 - Ongoing discussions regarding “open issues”
 - Scope of coverage for non-federal actions
 - Interim metrics for sufficient progress (and process)
 - Program management and organizational structure

Program Document Development

- Placeholders (in blue text) still appear within the document for open issues
- Most will be addressed during the consultation, other pending EC decisions are identified

Language – points

- ▶ ESA compliance vs. coverage
- ▶ Action vs. activity
- ▶ RIP participant vs. EC member vs. Cooperative Agreement signatory
- ▶ Program Manager => Executive Director
- ▶ RIP as “the” conservation measure
- ▶ “[contemplated] BO” used throughout the document.

Statement of Purpose

Purpose

The general purpose of the RIP is:

“To protect and improve the status of species listed pursuant to the ESA within the Middle Rio Grande (MRG) by implementing certain recovery activities to benefit those species and their associated habitats, with special emphasis on the Rio Grande silvery minnow (*Hybognathus amarus*; silvery minnow) and the Southwestern Willow Flycatcher (*Empidonax traillii extimus*; flycatcher);”

Statement of Purpose

“and, simultaneously,

To protect existing and future water uses while complying with applicable state and federal laws, rules and regulations, and to serve as the ESA coverage vehicle for water uses and management actions in the MRG Program area.”

Goals

The goals of the RIP are to:

1. Alleviate jeopardy to the listed species in the MRG Program area
 - ▶ Avoid actions that preclude survival or recovery of the listed species
 - ▶ Continually identify the critical scientific questions and uncertainties that will be addressed through adaptive management (AM) in support of a hydrologically and biologically sustainable MRG water operations Biological Opinion (BO)

2. Conserve and contribute to the recovery of the listed species **within the constraints of the RIP**

- ▶ Stabilize existing populations through ongoing and future management activities
- ▶ Support the development of self-sustaining populations

3. Protect existing and future water uses

- ▶ Provide a mechanism for ESA compliance for identified federal actions and ongoing non-federal water related actions that do not create additional net depletions to the MRG
- ▶ Provide a process for streamlined Section 7 consultation for future water uses needing compliance with the ESA

4. **Be transparent** to stakeholders, the public, and other interested parties

History of Program

- ▶ Species Listings, Critical Habitat Designations, and Resulting Actions
- ▶ History of the Collaborative Program (CP), MRG Water Management ESA Section 7 Consultations, and Related Legislation
- ▶ RIP Documents for establishment of RIP

Program Scope

- ▶ MRG RIP Area:
NM–CO state line to the headwaters of Elephant Butte Reservoir
- ▶ “Note that this definition does not preclude the Program from funding activities outside of this geographic area pursuant to the RIP Governance Procedures.” (pg 7)

Program Scope

- ▶ Listed Species and Critical Habitat

“The RIP is currently scoped to address two species listed under the ESA: the silvery minnow and flycatcher. The Executive Committee may decide to include other listed species or candidate species at any time in the future.” (pg 8)

Program Scope

▶ Covered Actions

- As proposed by Reclamation, the Corps, and non-federal entities (MRGCD and State of NM)
- Reclamation's final BA will inform on additional non-federal covered actions

▶ RIP Activities

- Intended to minimize effects of actions
- LTP categories, Action Plan elements

RIP Organizational Structure

- ▶ Describes roles and responsibilities of each anticipated group or staff member associated with the RIP, including federal agencies.
 - EC, RIP Participants, RIP Advisory Committee(s), Executive Director and Staff, Science Coordinator, Implementation Teams, Independent Science Panel
 - Placeholders here pending input from Action Plan focus group and EC decisions

RIP Organizational Structure

- ▶ EC criteria: (same as By-laws)
 1. Representation of a sizable constituency, for example through public outreach or membership;
 2. Contribution to the non-federal cost share, reported annually including in-kind services;
 3. Ownership of an interest affected by the Program, such as land, water, or other property rights;
 4. Jurisdictional or regulatory responsibility, including sovereignty; and
 5. Commitment to participation.

RIP Organizational Structure

- ▶ EC membership application summary:
 - Musts:
 - Membership opening on EC (20 member limit)
 - Submit a letter of interest
 - Sign the Cooperative Agreement
 - The EC may consider the five criteria, but applicant need not meet all five
 - Meeting criteria does not guarantee acceptance
 - The “musts” and five criteria apply to any re-applicant/former EC member if re-applying following a cessation of membership

RIP Governance Procedures

- ▶ Describes general governance procedures
- ▶ Approach is generally consistent with By-laws
- ▶ **Open issues** regarding decision-making:
 - What percent of present EC members constitutes a quorum?
 - “Should certain decision items require the affirmative vote of the regulatory and funding agencies?”

RIP Governance Procedures

This is important~

“The action agencies reserve the right to ensure appropriate use of Federal funds consistent with applicable laws and regulations. The other EC members reserve the right to ensure appropriate use of their respective funding contributions consistent with applicable laws, regulations, and authorities.”

(pg 15)

Implementation of the RIP

Describes the relationship between these documents:

- ▶ LTP
- ▶ RIP Action Plan
- ▶ Annual Work Plan
- ▶ Needs feedback on chapter and input (description of elements) from Action Plan focus group

Implementation of the RIP

LTP:

- ▶ “The Long–Term Plan (LTP) is a background guidance document that provides an inventory describing beneficial activities that may be implemented by the RIP to meet its purposes and goals.” (pg 15)
 - Based on the framework of the two species recovery plans.
 - Will incorporate adaptive management.
 - Will include goals, actions and tasks per activity category.

Implementation of the RIP

LTP:

- ▶ Need to confirm the following planning horizons:
 - LTP narrative to be revised and completed for this consultation.
 - Detailed activity development will be completed pursuant to an initial task under the Action Plan.
 - LTP timeframe is proposed as 15 years.

Implementation of the RIP

RIP Action Plan:

- ▶ Will use the LTP as a resource for identifying specific activities and tasks to be implemented
- ▶ 5-year timeframe, ongoing
- ▶ Annual updates will be approved by EC
- ▶ Updates will incorporate adaptive management, Service input, and other RIP evaluations as needed
- ▶ Will be used to develop annual work plan

Implementation of the RIP

“Thus, the RIP will implement activities identified in an Annual Work Plan that tiers from the RIP Action Plan. Those documents will draw from the LTP, which is based on the framework of the species recovery plans.” (pg 16)

Implementation of the RIP

“These linkages are designed to assure that the RIP provides meaningful benefits to the species and continues to serve as the ESA compliance vehicle under the 2013 biological opinion.” (pg 16)

Principles for ESA Compliance

Regulatory certainty under the RIP:

“The Signatories to the Cooperative Agreement intend that the RIP provide regulatory certainty under the ESA for the actions referenced in Section III.C of this Program Document (covered actions). ESA compliance will be afforded through the [contemplated] programmatic BO which relies on implementation of the RIP Action Plan.”

(pg 16)

Principles for ESA Compliance

This is important~

“Nothing herein shall limit the Service in fulfilling its independent statutory obligations under the ESA. Nor shall anything herein change the legal standards under Section 7 of the ESA applicable to the covered actions.” (pg 17)

Principles for ESA Compliance

Sufficient Progress Determination

- ▶ The Service is responsible for evaluating progress of the RIP
- ▶ Sufficient progress is an annual determination based on factors addressing threats and status of the species and habitat, to be identified in [contemplated] BO; not intended to vary
- ▶ Detailed criteria for these factors (metrics) will be identified for the sufficient progress determination

Principles for ESA Compliance

Sufficient Progress Determination

“If there are circumstances that undermine the RIP’s ability to implement priority activities on schedule, it may not be possible to fully meet all factors and metrics considered. A weakness or deficiency that is temporary or is limited to a single or few metrics would not necessarily result in a lack of overall progress toward recovery.” (pg 17)

Principles for ESA Compliance

Sufficient Progress Determination

- ▶ Status of Species
 - Demographic metric(s) under discussion

Principles for ESA Compliance

- ▶ Annual RIP Reports
 - Developed by the Executive Director
 - Approved by the EC
 - Considered by Service in sufficient progress evaluation

Principles for ESA Compliance

Reliance on RIP for ESA Compliance

- “Compliance with the [contemplated] Biological Opinion will convey ESA coverage for actions”, including the conservation measure, identified in the Proposed Actions put forth in separate biological assessments by the Corps and Reclamation.” (pg 20)

Principles for ESA Compliance

Reliance on RIP for ESA Compliance

- It is the intention that RIP implementation, once consulted upon, will:
 - Avoid jeopardy, avoid adverse modification of critical habitat, contribute to species conservation and recovery
 - Serve as a means for minimizing effects of covered actions, as identified in the BO
- The RIP is voluntary
- Withdrawal of RIP signatories/participants

Principles for ESA Compliance

ESA Compliance Protocols for Individual Activities

- ▶ Section 7 consultation documentation procedures
 - Actions may rely on the RIP for ESA compliance provided they were addressed in the effects analysis, the RIP is found to minimize effects of actions (in BO), and proponent signs Cooperative Agreement
- ▶ MRG Section 7 Guidelines (Appendix, pg 10) for new actions not within the effects analysis

Adaptive Management

- ▶ Role of adaptive management
 - Approach for learning about critical scientific questions and uncertainties
 - Tool for improved decision-making
- ▶ Coordination meetings between science and management (proposed bi-annual, TBD)
- ▶ RIP self-evaluation (proposed, TBD)

Adaptive Management

- ▶ Next steps in refining AM
 - Corps project, building on AMP-1
 - Will identify priority hypotheses and specific management actions for EC consideration
 - With methods for testing hypotheses and monitoring for results
 - Develop formal AM Plan for the RIP (activity to be identified in RIP Action Plan)

Data and Peer Review

- ▶ ‘Best available scientific information’
 - Imperative for decision-making
- ▶ Scientific Code of Conduct
 - For all RIP participants
- ▶ All contracted activities shall require data submission to the RIP
- ▶ Need to develop data management policies and procedures

Data and Peer Review

- ▶ Peer reviews:
 - External and internal review processes to be adopted by the EC
 - Interim process currently under development
 - EC comment period was May 22 – June 13
 - Comments under review by focus group
 - Needed for genetics peer review
 - Decision in July? August?

Program Modification

- ▶ Amendments to the RIP Program Document
 - Made pursuant to governance and decision-making protocols
 - Won't change the Cooperative Agreement
- ▶ Unanimous decisions:
 - Changes to RIP requirements, recognizing that the Program may not impair water rights
 - Changes to Chapter VI, Principles for ESA Compliance/Regulatory Certainty
 - Others TBD

RIP Budget Guiding Principles

Table 1. Historical funding levels – total CP

Table 2. Reclamation's CP categories and percents

- Not targets, but starting point for budget development

Historical Budget Categories	Percent of Total Budget				Average
	2008	2009	2010	2011	
Program Management, Assessment and Outreach	16%	13%	13%	11%	14%
Activities Supporting Development of a new BA/BiOp*	0%	11%	7%	8%	6%
Captive Propagation	8%	15%	16%	10%	20%
Habitat Improvement (Construction, Planning and Fish Passage)	22%	12%	14%	13%	21%
Other Monitoring and Research and Rescue/Salvage	16%	12%	6%	11%	16%
Program Technical Support	0%	0%	2%	2%	2%
Water Operations and Management	37%	35%	41%	45%	40%
Water Quality	1%	2%	1%	0%	2%

RIP Budget Guiding Principles

Proposed RIP budget categories (Table 3)

- Program administration and outreach
 - Admin to include Executive Director, Science Coordinator, staff, website, public outreach, contracting support, facilitation, note taking, annual report preparation
- Adaptive management assessments
- Species management, surveys, monitoring, augmentation, captive propagation & genetic integrity
- Flow protection, management, augmentation, and monitoring
- Habitat construction and monitoring
- Independent science panel and peer review

Appendices (in no particular order)

- ▶ Initial RIP Action Plan (to reference Draft LTP)
- ▶ Draft MRG Section 7 Consultation Guidelines (Service document)
- ▶ Scientific Code of Conduct for the Middle Rio Grande Endangered Species Collaborative Program
- ▶ Draft Interim External Peer Review Process
- ▶ RIP External Peer Review Process [place holder]
- ▶ RIP Internal Review Procedures [place holder]

Appendices, Con't

- ▶ Adaptive Management Plan Version 1 (AMP-1)
- ▶ Draft Cooperative Agreement
- ▶ Governance Protocols (RIP By-laws [place holder]; RIP Implementation Team Charters [place holder])
- ▶ New MOA [place holder, if needed for funding]
- ▶ Federal Authorizations

FAQ's

- ▶ How does the Program Document relate to the By-laws?
- ▶ What are Water Management Agreements?
- ▶ How do these documents fit together?
(Recovery Plans, LTP, Action Plan, Annual Plan, Program Document, others)

NEXT STEPS

- ▶ Comments due **July 6**.
- ▶ Focus group will revise based on feedback.
- ▶ EC decisions and the consultation will inform the placeholders (in blue).
- ▶ Revised draft will be posted as a read-ahead on July 12.
- ▶ July 20 EC meeting:
Decision on whether to endorse the Program Document for inclusion in the ESA Section 7 consultation.

Discussion

- ▶ Questions?
- ▶ Observations?
- ▶ Suggestions?
- ▶ Requests?
- ▶ Demands?