

Executive Committee Meeting  
*July 20, 2012*

Meeting Materials:

Meeting Agenda

Meeting Minutes

Species Update

Proposal for Catch-Per-Unit-Effort Metrics and Methodologies Workshop [presentation]



**Middle Rio Grande Endangered Species  
Collaborative Program  
EXECUTIVE COMMITTEE  
MEETING AGENDA  
Friday, July 20, 2012  
9:00 am – 4:00 pm**

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

- |  |                                |
|--|--------------------------------|
| <b>1. INTRODUCTIONS AND REVIEW OF PROPOSED AGENDA*</b>   | <i>5 minutes</i>               |
| <b>2. <i>DECISION</i> – APPROVAL OF MAY 29 EC MEETING SUMMARY*</b>   | <i>10 minutes</i>              |
| <b>3. <i>DECISION</i> – APPROVAL OF JUNE 21 EC MEETING SUMMARY*</b>  | <i>10 minutes</i>              |
| <b>4. <i>DECISION</i> – APPROVAL OF DRAFT INTERIM EXTERNAL PEER REVIEW PROCESS* (B. Rhees/CC Co-Chairs)</b>                    | <i>15 minutes</i>              |
| <b>5. RIP MANAGEMENT (S. Farris-lead/M. Hamman/K. Schafer/M. Shaughnessy/<br/>E. López/S. Shah/R. Billings/All EC members)</b> | <i>45 minutes</i>              |
| <b>A. Interim Plan</b>   |                                |
| <b>B. EC Role</b>  |                                |
| <br><b><i>BREAK</i></b>  | <br><i>15 minutes</i>          |
| <b>6. <i>DECISION</i> – APPROVE RIP MANAGEMENT INTERIM PLAN</b>  | <i>15 minutes</i>              |
| <b>7. PROGRAM DOCUMENT FOCUS GROUP (D. Freeman/H. Brinegar/<br/>J. Faler)</b>  | <i>60 minutes</i>              |
| <b>A. Open Issues*</b>   |                                |
| <b>B. Revised Document*</b>  |                                |
| <br><b><i>LUNCH</i></b>  | <br><i>12:00 pm – 12:30 pm</i> |
| <b>8. RIP ACTION PLAN FOCUS GROUP (R. Schmidt-Peterson)</b>  | <i>60 minutes</i>              |
| <b>A. Open Issues*</b>   |                                |
| <b>B. Revised Action Plan*</b>   |                                |
| <b>C. Progress on Water Management Plans (M. Hamman)</b>   |                                |
| <b>9. SUFFICIENT PROGRESS EVALUATION (P. Redmond)</b>  | <i>30 minutes</i>              |
| <b>A. Sufficient Progress Metrics*</b>   |                                |
| <b>10. SPECIES UPDATES (L. Robertson)</b>  | <i>15 minutes</i>              |

\* *Denotes read ahead material provided for this topic*

**Members**

ABCWUA  
ISC  
NMDA  
Sandia Pueblo  
UNM

APA  
Isleta Pueblo  
NMGF  
Santa Ana Pueblo  
USACE

CABQ  
NMAGO  
MRGCD  
Santo Domingo Tribe  
USFWS  
Reclamation

11. **DECISION – APPROVAL OF CPUE METRICS AND METHODOLOGIES** 30 minutes  
**WORKSHOP** (*R. Billings/Service/USACE/ISC/MRGCD*)
- A. **Goals and Objectives\***
  - B. **Draft Agenda\***
  - C. **Scope\***
  - D. **When? Who?**

12. **DECISION - ENDORSE RIP AND RELATED DOCUMENTS AS THE ESA COVERAGE VEHICLE**

13. **MEETING SUMMARY** (*R. Fullerton*)

14. **PUBLIC COMMENT**

15. **DECISION - NEXT SCHEDULED EC MEETING – Confirm Tuesday, August 28 from 9:00 am – 1:00 pm; alternate dates?**

**Upcoming Dates and Deadlines:**

- July 23<sup>rd</sup> and 24<sup>th</sup> – PVA meeting scheduled
- July 31<sup>st</sup>– Reclamation’s intended submittal date for a BA with MRGCD actions included
- July 31<sup>st</sup> – Service requested date for any new information to be considered in the Draft BO. Information may be submitted up to August 15<sup>th</sup>. 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 28<sup>th</sup> – rescheduled EC meeting (to be confirmed at July EC meeting)
- August 28<sup>th</sup> – DBMS training session (afternoon)
- August 29<sup>th</sup> – DBMS training session (morning)
- September 6<sup>th</sup> – DBMS training session (morning)
- September/1<sup>st</sup> half of October – CPUE Workshop
- September 30<sup>th</sup> – Dr. Miller’s RAMAS PVA report and documentation due
- Service intends to issue draft BO to action agencies on November 16, 2012 if sufficient information is received by August 15<sup>th</sup>.

**Middle Rio Grande Endangered Species Collaborative Program**  
**Executive Committee Meeting**  
**Friday, July 20<sup>th</sup>, 2012**  
**9:00 am – 3:00 pm**

**Actions**

- Hilary Brinegar will provide the Continuing RIP Management Interim Plan Development subcommittee (lead by Steve Farris) with copies of (1) the previously developed organizational structure options/diagrams and (2) the sections in the Program Document that contain language recognizing that agencies are subject to legal authorities and regulations.
- Corps representatives will confirm whether the title *Middle Rio Grande Recovery Implementation Collaborative Program* is an acceptable name and will not impact authorizations. **Middle Rio Grande Collaborative Recovery Implementation Program**
- Comments on the Draft RIP Action Plan document will still be accepted until August 3<sup>rd</sup>, 2012.
- Matt Schmader volunteered to join the RIP Action Plan focus group to assist with populating the details of the Actions and Tasks.
- Comments on the Draft Water Management Plan Principles and General Outline informational document are to be provided to Mike Hamman on or before August 10th.
- Patrick Redmond will incorporate the Sufficient Progress Measures document into the RIP Action Plan with the assistance of the Action Plan focus group.
- Lori Robertson will distribute the most current Population Monitoring report to EC members for clarification on which sites had minnow present and which did not.

**Decisions**

- The June 21<sup>st</sup>, 2012 EC meeting summary was approved for finalization with the following edits to the Corps' Consultation Update on page 4: *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 the consultation is conducted*. Everything is being elevated to Washington, D.C. but a lot of work remains to be done.
- The EC approved the May 29<sup>th</sup>, 2012 meeting summary for finalization with the incorporation of the following additions to the depletions discussion on page 3, second hollow bullet:
  - There was concern about responsibility for groundwater depletion impacts to surface water. More specifically, without depletions analysis how is conjunctive use dealt with in a basin acknowledged to be over-appropriated? Does the new BA/BO rely on litigation by right's holders or others to determine groundwater depletions effects?
- With a quorum present, the EC unanimously approved Continuing RIP 3<sup>rd</sup> Party Management Interim Plan development; however, it was noted that some members were only voting in support of 3<sup>rd</sup> party management because they felt it was in the best interest of the collective to be in agreement in order to move forward and not because they believe that 3<sup>rd</sup> party management is the best option. Additionally, the EC delegated a subcommittee to address the questions and concerns that were raised and develop an interim plan.
- With a quorum present, the EC agreed to the new name *Middle Rio Grande Recovery Implementation Collaborative Program*, with a compliance confirmation from the Corps that this title is acceptable and will not impact authorizations.
- With a quorum present and no objections, the EC approved the CPUE workshop to proceed as proposed, with the inclusion of the following amendments:

- On page 2, in the Primary Goals section: ...“The EC of the Collaborative Program has expressed the need to reliably measure the effects of Middle Rio Grande water management actions and conservation measures on the RGSM, and the Service seeks to determine the best population demographic parameter(s) for gauging species recovery and for measuring sufficient progress for the RIP.”
- Include clarification or recognition that there may be a need for subsequent workshops and/or additional work (especially related to the recovery criteria).
- With a quorum present and no objections, the EC endorsed (1) the RIP as the ESA conservation measure for purposes of ESA coverage and (2) the continued development of draft related documents; it was noted that the timelines and milestones need to be identified. Note: the Corps agreed with the concept and supported the decision but the question remains as to whether or not their participation in the RIP would be incorporated into the proposed action in their BA.
- With a quorum present and no objections, the EC approved the interim peer review process. Attached to the approval is the agreement to begin the genetics peer review through this process with the caution that if a review is started with the interim process it will be completed through that process even if a more permanent process gets developed in the meantime.

### Delegations

- EC representatives from the Corps, Reclamation, APA, ISC, MRGCD, NMAGO and the Service will comprise an executive subcommittee tasked with developing a draft RIP management interim plan. Steve Farris will be the subcommittee lead.
  - The purpose of this *Continuing RIP Management Interim Plan Development subcommittee* is to develop a detailed interim 3<sup>rd</sup> party management plan for EC review and approval. The subcommittee should address the following (if/as appropriate):
    - Job description, duties, and responsibilities of the Executive Director;
    - Qualifications of the Executive Director;
    - Scale and scope of the Executive Director and Science Coordinator positions;
    - Detail the Science Coordinator hiring process including the EC’s role;
    - Detail the Science Coordinator reporting process (directly to EC? Through Executive Director?);
    - Recommend Executive Director support staff structure – administrative assistant? assistant Executive Director?
    - Identify and clarify when an affirmative EC vote will be needed and implemented (ex. 5-year action plan approval, annual work plan approvals, etc.);
    - Detail the recognition that the federal agencies have responsibilities and requirements that they cannot and will not violate;
    - Detail tentative time lines and milestones for RIP management implementation; and
    - Address any additional to-be-determined items identified in the 05. *Final 3 issues 7-12-12 read ahead.*
  - The initial draft 3<sup>rd</sup> party management interim plan is to be provided to the EC for discussion and feedback at the August 23<sup>rd</sup> meeting with an intended approval scheduled for the September meeting.

### Suggestions/Recommendations

- It was suggested that the EC consider the development of a permanent peer review process a priority and take the appropriate steps to begin the development.

- It was recommended that the By-laws be modified - not in terms of changing the voting procedure but including specifics on when an affirmative vote would be needed and called for.
- EC members were encouraged to review the list of upcoming and important dates in order to make sure that representatives from all entities are attending the appropriate events/meetings.

### Requests

- It was requested that the Program Document Focus Group provide the EC's Continuing RIP Management Interim Plan Development subcommittee with (1) copies of the previously developed organizational structure options/diagrams and (2) the sections in the Program Document that contain language recognizing that agencies are subject to legal authorities and regulations.

### Upcoming Dates and Deadlines:

- July 23<sup>rd</sup> and 24<sup>th</sup> – PVA meeting scheduled
- July 31<sup>st</sup> – Reclamation's intended submittal date for a BA with MRGCD actions included
- July 31<sup>st</sup> – Service requested date for any new information to be considered in the Draft BO. Information may be submitted up to August 15<sup>th</sup>. Beyond that date, the Service cannot ensure that information will be considered because the analysis will be well underway.
- August 1<sup>st</sup> - Continuing RIP 3<sup>rd</sup> Party Management Interim Plan Development subcommittee meeting from 1:00pm to 4:00pm at MRGCD; Steve Farris is the lead.
- August 3<sup>rd</sup> – comments on the Draft RIP Action Plan are due
- August 10<sup>th</sup> – comments on the Draft Water Management Plan Principles and General Outline informational document are due
- Mid-August – Reclamation's intended submittal date for a supplemental document to the BA that contains the State's actions
- Mid-August (to be determined) – training on RAMAS PVA model
- August 23<sup>rd</sup> – rescheduled EC meeting from 9:00am to 1:00pm at Reclamation
- August 28<sup>th</sup> – DBMS training session (afternoon)
- August 29<sup>th</sup> – DBMS training session (morning)
- September 6<sup>th</sup> – DBMS training session (afternoon)
- September 10<sup>th</sup> – comments on flycatcher critical habitat are due
- mid-September – tentative completion of RIP Action Plan and Program Document
- September 30<sup>th</sup> – Dr. Miller's RAMAS PVA report and documentation due
- October (to be determined) – CPUE Workshop
- November 16, 2012 – Service intends to issue a Draft BO to action agencies by this date if sufficient information is received by August 15<sup>th</sup>

### Next Meeting: August 23<sup>rd</sup>, 2012 from 9:00 AM to 1:00 PM at Bureau of Reclamation

- Tentative agenda items include: (1) subcommittee draft outline on RIP 3<sup>rd</sup> party Management Interim plan; (2) update on CPUE workshop preparation and planning; (3) confirmation from Corps on whether or not the title *Middle Rio Grande Recovery Implementation Collaborative Program* is acceptable;
- September agenda items: (1) approval of 3<sup>rd</sup> party management interim plan developed by the subcommittee; (2) Action Plan approval (if completed)?; (3) Program Document approval (if completed)?;
- Future agenda items: (1) Discussion/decision regarding 10(j) Reintroduction Biologist position;

## Meeting Summary

**Introductions and Review of Proposed Agenda:** Brent Rhees opened the meeting and introductions were made. LTC Antoinette Gant was welcomed as the new Corps EC representative. The agenda was reviewed and approved with the following changes: (1) Item #4 *Draft Peer Review Process* was postponed until after Item #12 *Endorse RIP and Related Documents as the ESA Coverage Vehicle* in order to keep all the RIP discussion items together; and (2) Item #6 *Approve RIP Management Interim Plan* will be retitled to *Approve Continuing RIP Management Interim Plan Development* in order to accurately reflect that the interim plan does not exist yet.

### Approval of May 29<sup>th</sup> and June 21<sup>st</sup>, 2012 Meeting Summaries:

- *May 29<sup>th</sup>, 2012:*
  - Approval of the May 29<sup>th</sup>, 2012 meeting summary was deferred until after lunch to allow time for the development of clarification language.
  
- *June 21<sup>st</sup>, 2012:*
  - The June 21<sup>st</sup>, 2012 EC meeting summary was approved for finalization with the following edits to the Corps' Consultation Update on page 4: *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 the consultation is conducted*. Everything is being elevated to Washington, D.C. but a lot of work remains to be done.

### RIP Management Proposal

- For months, the EC has been discussing options for RIP management. There are 3 potential management scenarios: (1) federal lead; (2) non-federal lead; or (3) 3<sup>rd</sup> party lead. The Service, Reclamation, Interstate Stream Commission (ISC), and the NM Attorney General's Office (N MAGO) have been meeting often to address the status of the 3 key issues that presented major impasses to moving forward: (1) scope of coverage; (2) RIP management; and (3) Endangered Species Act (ESA) compliance metrics. Since discussion at a June 29<sup>th</sup> meeting, these agencies have agreed to propose to EC to move forward with the necessary steps to implement a 3<sup>rd</sup> party management for the RIP.
  - Important points to consider:
    - It is recommended that the Executive Director position be filled before the first day of RIP implementation. It is estimated that a 6 month transition period with Reclamation staff will be need before the RIP can be successfully implemented.
    - In order to keep management and administrative costs as low as possible, it is recommended that existing office space be used to house the management team. The "housing" agency could then provide IT support, desks, etc. as part of that agency's contribution to the RIP. This helps to keep the cost out of the Program budget.
      - However, it was pointed out that a small increase in cost is expected in the beginning - to get everything in place and running and then time to phase out the existing support structure. However, it is hoped that as the RIP goes forward the costs eventually decrease.
    - Envisioned positions include: (1) an Executive Director (who is hired and fired by EC); (2) a Science Coordinator; and (3) a small team of support staff possibly including an administrative assistant and/or Assistant Executive

Director. However, it was noted that to be successful, the Executive Director needs to be involved in the selection of the support staff.

- The management team will be funded through a grant to a non-profit or non-government organization (as is done in the Platte program). Under current laws and regulations, there is a 5 year cap and required annual reviews. While 5 years is recognized as not enough, it does provide sufficient time in the initial years to determine the need for and pursue additional legislation.
- It is acknowledged that the federal agencies are required to comply with their laws and regulations; they will not violate those legal requirements. However, the intent is that a federal agency would come to the EC for discussions to work out any issues before the “nuclear meltdown” occurs.
- Steps to begin implementing a 3<sup>rd</sup> party management include:
  - Preparation of a procurement package (to be done by Reclamation) for EC approval. There have been discussions with NM Community Foundation to function as the hiring agency and to deal with the “business” of the positions (benefits, cutting checks, etc.). The standard cost is 10% but they might consider a sliding scale.
    - In the discussion, there was agreement that the procurement will comply with the strictest codes and regulations.
    - This independent management agency will actually hire the Executive Director based on the selection of the EC. It will be a private employee. The EC will not deal with the benefits or salary issues (cutting of checks), etc. The intent, however, is that the EC will be very involved in the selection of key individuals.
  - Define the duties, responsibilities, and qualifications for the Executive Director and Science Coordinator.
    - It is recommended that the EC establish a subcommittee to work out the details of the transition (including the chain-of-reporting) and develop the interim plan.
    - If the EC is unable to find a qualified Executive Director or the associated costs turn out to be too high, then the federal agencies would provide back-up Program management until the EC establishes a clear path forward to securing RIP management.
  - In concluding the proposal, it was shared that there is a legal imperative of March 2013: the 2003 Biological Opinion (BO) will expire. There is a legal reason that is driving the time frames. There is a lot that will have to be done and the Program has to go forward. It is proposed that a 3<sup>rd</sup> party management is the best option to facilitate moving forward at this time.
- *Discussion and Questions*
  - Some members expressed concern that the “what” needs to be determined before the “who.” These members suggested actually beginning the transition to the RIP itself before re-staffing. In an example, it was shared that if an owner was restructuring a business, they would look first to products or placement before looking at changing staff. Otherwise, more uncertainties are being laid on top of existing uncertainties. Additional concerns included the introduction of even more “middle men” since there has to be a “hiring” management agency. In the end, the federal agencies still have their regulations to follow. It was cautioned against “launching” when the basic business transitions haven’t been completed yet. Also expressed was a frustration



that there had previously been different models to choose from but now it seems that the 3<sup>rd</sup> party is the only option left available.

- In response, other members shared that if Reclamation and the Service are both ok with a 3<sup>rd</sup> party lead, then they have less concern with that approach. The cost issues and responsibility for costs have also been semi-addressed.
  - The Habitat Restoration (HR) and Science (ScW) work groups have expressed concerns with the potential loss of expertise and institutional knowledge with the transition. The work group members expressed the desire to be involved in order to make sure that the technical expertise is included in the transition as a way to keep science at the forefront of what we are doing and trying to accomplish.
  - It was shared that there is a shift to recovery (through establishment of the RIP) and with that shift needs to be a philosophical “shift” in thinking as well – this is how the Program can be made more efficient, more effective, and how goals will be achieved. In order to make that philosophical change there needs to be a change in the Program management. It is acknowledged that there will be trials and “bumps” and modifications will be needed over time.
  - Another response was that the organizational structure is different than from the 3<sup>rd</sup> party management. The 3<sup>rd</sup> party management addresses the issues of: (1) the Program Manager not really being held accountable to the EC because of their employment through an agency; and (2) the 3<sup>rd</sup> party option is the only thing that hasn’t been tried in the past and it is hoped that this will be a way to get the accountability to the EC. The 3<sup>rd</sup> party management option is the vehicle by which the EC takes ownership of the success or failure of the Program.
  - In the spirit of collaboration, federal and state agencies have been meeting to work through the 3 critical issues with the intent of reaching agreements so that the collective feels confident going forward.
  - It was also responded that if a 3<sup>rd</sup> party management fails, the EC can change to another option at that time. If something is not working, the EC has the discretion to shift gears and try something else. The EC can make that decision in real time. Regardless of the choice today, there will be a lot of work needed to fill in blanks and determine the details. It is up to the EC to make sure it works and if not, then adjust accordingly.
  - It was also pointed out that if the EC agrees to pursue a 3<sup>rd</sup> party management today, then the details will be worked out next (write the job description, advertisement, etc.). The hiring won’t be taking place tomorrow.
- Another member voiced the concern that a 3<sup>rd</sup> party knows that they are getting paid to run the program but there could be the situation where tough decisions are “avoided” in the attempt to try to please everyone. If this individual is a good politician then they will “play” people. This could result in a lack of innovated or bold thinking because s/he will be too busy weighing the politics.
- It was acknowledged that it can be exceedingly difficult for an individual to work for a group. But the group themselves have to recognize that if there is division, it dilutes their utility. However, one perspective is that it would be preferable to have this individual looking around the room to gage *everyone* instead of taking all the cues off of 1 or 2 people. Hopefully this person will be able to understand the issues and perspectives and help the group reach consensus. They will need to be pragmatic.

- It will remain the EC's responsibility to make the decisions and develop the annual plans every year. The Executive Director will be responsible for implementing those decisions.
- Another opinion shared was that, based on past experience, it would be best to find an apolitical person who is an implementer, not a decision maker. This person would then provide the best information to the EC so that the EC can make the best decisions.

### **Approve Continuing RIP Management Interim Plan Development**

- Based on the previous discussion, a 3<sup>rd</sup> party RIP management has been proposed. Agreement with this proposal would mean the Program would move forward with the planning effort focused on setting up a 3<sup>rd</sup> party management. The cautions and questions raised will be addressed in this planning effort. An affirmative vote does not mean that the cautionary statements and concerns will be dismissed.
  - It was clarified that through the small group discussions (between the Service, Reclamation, ISC, and NMAGO) the Service and Reclamation have become more comfortable supporting a 3<sup>rd</sup> party management at this time. Reclamation will only be the transitional entity through the set-up process. The federal partners feel that it is in the best interest of the collective to put the "full weight" behind the option that keeps people at the table and allows us to move forward without further delay. However, if the "wheels come off" with a 3<sup>rd</sup> party management, then Reclamation and/or the Service could step in as a backup management.
  - Reclamation's contracting experts agree that Reclamation would be able to issue a cooperative agreement for a competed financial assistance under existing authorizations; however, if this is going to be a long-term decision, then it is strongly suggested that other authorizations are sought. The parties to the cooperative agreement would be: (1) Reclamation, as the funding agency; and (2) the funding recipient, who will be the successful bidder.
    - Under this process, Reclamation's COTR has to be the individual who secures the non-profit organization. However, the EC will have full involvement in the selection process of the positions - from the development the questions, participation in the interviews, and selection recommendation.
    - Concern was raised about potential impacts to the government-to-government relationships with the tribes and pueblos. It was responded that affirmative votes for action plans or tribal trust implications can be built into the decision making process so the government-to-government connection is still established. Other pueblo representatives expressed not having a significant concern about this issue - the obligations of the federal agencies for tribal consultation remain and will continue without interruption, regardless of what the EC does.
    - In response to a question on the species being included, it was responded that the minnow and flycatcher are the 2 species of consideration at this point in time. However, the EC will have the discretion to include others at any time. The Service's BO will just address the listed species and any adverse effects that may be expected.
- With a quorum present, the EC unanimously approved Continuing RIP 3<sup>rd</sup> Party Management Interim Plan development; however, it was noted that some members were only voting in support of 3<sup>rd</sup> party management because they felt it was in the best interest of the collective to be in agreement in order to move forward and not because

- they believe that 3<sup>rd</sup> party management is the best option. Additionally, the EC delegated a subcommittee to address the questions and concerns that were raised and develop an interim plan.
- In addition, the EC delegated the management interim planning to a subcommittee.
    - EC representatives from the Corps, Reclamation, APA, ISC, MRGCD, NMAGO and the Service will comprise an executive subcommittee tasked with developing a draft RIP management interim plan. Steve Farris will be the subcommittee lead.
      - The purpose of this *Continuing RIP Management Interim Plan Development subcommittee* is to develop a detailed interim 3<sup>rd</sup> party management plan for EC review and approval. The subcommittee should address the following (if/as appropriate):
        - Job description, duties, and responsibilities of the Executive Director;
        - Qualifications of the Executive Director;
        - Scale and scope of the Executive Director and Science Coordinator positions;
        - Detail the Science Coordinator hiring process including the EC's role;
        - Detail the Science Coordinator reporting process (directly to EC? Through Executive Director?);
        - Recommend Executive Director support staff structure – administrative assistant? assistant Executive Director?
        - Identify and clarify when an affirmative EC vote would be needed and implemented (ex. 5-year action plan approval, annual plan approvals, etc.);
        - Detail the recognition that the federal agencies have responsibilities and requirements that they cannot and will not violate;
        - Detail tentative time lines and milestones for RIP management implementation; and
        - Address any additional to-be-determined items identified in the *05. Final 3 issues 7-12-12 read ahead*.
      - The initial draft 3<sup>rd</sup> party management interim plan is to be provided to the EC for discussion and feedback at the August 23<sup>rd</sup> meeting with an intended approval scheduled for the September meeting.

### **RIP Program Document Focus Group**

- A more formal comment period was completed by the EC last month. Comments were received from several members. The revised Draft Program Document was provided as a read ahead. Remaining issues are noted in blue text. The first 5 blue texts were quickly reviewed during the meeting.
  - 1. *Confirmation on the RIP title (see cover page):*
    - The current suggestion is to name the RIP: the Middle Rio Grande Recovery Implementation Collaborative Program.
    - Due to current authorizations, the title has to be selected carefully. A certain congress authorized a certain thing and there is the need to make sure those authorizations remain. Retaining the word “collaborative” is hoped to cover that concern.
  - 2. *Organization structure (see Section IV on page 10):*

- The details of the organizational structure might be within the scope of the subcommittee to discuss and work through recommended details. Anything developed by the subcommittee and endorsed by the EC will be used to fill in the Program Document sections as appropriate.
- 3. *Governance Procedures (see Section IV on page 10):*
  - EC guidance is needed on what constitutes a quorum. Currently, the EC is operating with a quorum consisting of at least 50% representation. There were no changes to the composition of the EC (i.e., members were grandfathered in) so the Program Document focus group recommends keeping the same quorum requirements until a need to change arises.
    - However, the EC still needs to define when an affirmative vote would be required (ex. annual action plan updates/revisions and annual work plans) and how the bylaws would be modified.
- 4. *Long-Term Plan (LTP) (see Section V on page 14)*
  - The revisions and completion of the LTP won't be available in time for the consultation so the plan for completion needs to be included in the consultation package. Accomplishing the revisions to the LTP is one initial task identified in the RIP Action Plan.
    - One reason that the LTP will not be done in time for the consultation is that there are still issues and lack of consensus on some of the activities in the LTP.
    - The current draft Program Document describes the LTP and its role in moving forward. It also acknowledges that the LTP will be revised and updated but not in time. Please see Chapter 5 of the draft Program Document for the relationship between documents.
- 5. *Interim external peer review process*
  - The decisions and guidance from today's discussion (please refer to the last agenda item) will be incorporated as appropriate.
- *Future Discussions (not prioritized)*
  - Organizational structure – to be addressed by the subcommittee;
  - Adaptive Management (AM) – to be informed by the Corps' AM work; need to determine what body is in charge of implementing and making AM decisions;
  - Peer review – while the interim process is to be discussed later today, there needs to be an action plan to develop a more permanent process;

### **RIP Action Plan Focus Group**

- The EC provided an in depth discussion at their last meeting and the revised document was sent for review. There have been delays with the technical editors due to contracting issues. The RIP Action Plan focus group intends to resume meetings soon. Essentially, everything is moving along and the intention is to have the document completed by mid-September.
- Comments on the Draft RIP Action Plan document will still be accepted until August 3<sup>rd</sup>, 2012.
- The task of defining and populating the Tasks remains. Volunteers to help identify and “flesh out” the tasks are welcomed, especially agency experts.
- *Progress on Water Management Plans*
  - In response to a request from the last meeting, Mike Hamman developed an informational handout on the Water Management Plans (WMP). One component is that an interdisciplinary team will be created to use the vast array of information,

tools, and resources available to advise water managers on how to formulate the water operations for that upcoming season. The WMPs focus on the full suite of actions that will seek to improve in-river conditions for species based on sound science implemented through an AM process while utilizing available water supplies more effectively during high water years in order to meet desired conditions during anticipated drought years. Tools will be sorted into 1 of 3 categories of actions or areas of focus: (1) tools for minnow spawning and survival of larvae; (2) tools to provide suitable habitat for survival and recruitment during low-flow periods in summer, fall and winter; and (3) tools for enhancing coordination of water operations.

- Steps to accomplish the WMPs include: (1) identifying what actions/tools can be done today (i.e., things that are reasonably certain to occur); (2) identifying short-term future things (i.e., potential things we are aware of that might be implemented in the mid-term); and (3) identifying longer-term tools and/or changes to explore in the future. These identified “tools” will eventually feed into the activities identified within the RIP Action Plan.
- Signing the cooperative agreement indicates that an agency commits to doing the “reasonably certain to occur” activities.
  - It was suggested that the Guiding Principles #2 be rephrased to include “public.” *There will not be any “takings” of private or public property.*

#### **Approval of May 29<sup>th</sup> and June 21<sup>st</sup>, 2012 Meeting Summaries:**

- *May 29<sup>th</sup>, 2012:*
  - The issues of depletions, analysis, and responsibility for addressing any completions impacts on surface water flow have yet to be accurately captured in the notes. The following additions were suggested to append the existing language found on page 3, the second hollow bullet:
    - There was concern about responsibility for groundwater depletion impacts to surface water. More specifically, without depletions analysis how is conjunctive use dealt with in a basin acknowledged to be over-appropriated? Does the new BA/BO rely on litigation by rights-holders or others to determine groundwater depletions effects?
    - With no objections to this modification, the EC approved the May 29<sup>th</sup>, 2012 meeting summary for finalization with the incorporation of the suggested additions.

#### **Sufficient Progress Evaluation Update**

- At the last EC meeting, a document describing the process by which the metrics could be developed by the RIP was presented; the intention is to incorporate this document into the RIP Action Plan for the section describing the development of metrics. There were 3 tasks identified: (1) to sync this document with the work done in the Program Document; this has been completed; (2) accept and respond to comments; this task has been completed; and (3) to reflect in this document the progress of decisions/discussions between the Service, Reclamation, and ISC to reach understanding/agreement on how this process would work; this task has been completed.
- The 3<sup>rd</sup> of the key issues is the ESA compliance metrics. There has been general agreement on the following 3 points: (1) EC or RIP would adopt the metrics; (2) the metrics would address 2 separate measures for the RIP: (a) implementation of tasks under the RIP and (b) measurements of species response; and (3) CPUE data will continue to be collected and utilized to inform the RIP but not as a metric of ESA compliance for the initial 2-year period. During that time the RIP will determine how CPUE could be potentially/appropriately used.

## Species Updates

- *Minnow*
  - The Population Monitoring work is conducted by ASIR. The latest data from May indicates that minnow were detected at 12 of 20 sites. Overall CPUE is 1.1 fish per 100 m<sup>2</sup>.
    - It was pointed out that stocking hasn't occurred in the Angostura Reach since 2007 and the fish densities appear to remain a little depressed. The effects of stocking can be seen in the increased densities in Isleta and San Acacia from October to December.
  - As of July 6<sup>th</sup>, a total of 26.1 miles dried; however, approximately 9 more miles have dried since then. The majority of fish that the NM Fish and Wildlife Conservation Office (Fisheries) have observed are marked fish that were stocked in November. All the fish observed during salvage operations have been adults so there is no evidence of successful reproduction.
  - Mark Brennan (the 10j biologist) has completed the technical analysis on potential new populations.
- *Flycatcher*
  - The flycatcher data is collected by Reclamation and was provided by Vicky Ryan. Overall flycatcher numbers are down but the territories are up in the Escondida and Belen reaches.
  - Comments on the Critical Habitat Designation are due by September 10<sup>th</sup>. It was clarified that the open comment period had been re-issued because of some increased areas in Arizona that weren't included originally.
- *Candidate species*
  - There are 2 candidate species for New Mexico: the NM meadow jumping mouse and the yellow billed cuckoo.
- *Tamarisk Beetle*
  - The last recollection was that the beetle had been reported in Santa Ana and Mesilla Dam area.

## Approval of Draft CPUE Metrics and Methodologies Workshop

- Rick Billings presented the 1st Task of the proposed CPUE Metrics and Methodologies Workshop for EC review and approval to move forward.
- The primary goal of this proposed workshop is to evaluate and update the fish monitoring plan for the Middle Rio Grande. The focus will be on the identification and development of population demographic parameters (including review and evaluation of the current CPUE methods and metrics) that will best meet the needs of the RIP. It has been acknowledged that there needs to be reliable measures (population demographic parameters) to gauge the species recovery and for measuring sufficient progress for the RIP.
- The aim of this workshop is to review the CPUE and population approaches for minnow monitoring in a single workshop; however, some of the aspects of the recovery criteria might be introduced and then followed up with subsequent workshops. This workshop could be considered a first step and any issues/concerns/questions left unresolved will be addressed in subsequent meetings or discussions or workshops.
- Please see Appendix A of the Proposal for details on the day by day format including a recommended EC member introduction session.
- The proposed approach includes:
  - Contracting with external scientists to participate in the workshop. Outside expert perspectives are important to consider, especially if other methodologies

or metrics need to be examined. The exact role of the external scientists have not been detailed or agreed to at this time. A list of potential experts is in development and will be provided to EC members as soon as possible.

- The targeted date for the workshop is mid- to late October. The delay is partially due to: (1) the organization and preparation; (2) time to identify and select the external experts; (3) time needed to pull all the “homework” materials together so that no time during the actual workshop has to be spent on the background/history; and (4) securing funding.
- The current “thinking” on how the workshop will actually attempt to answer the questions includes presentations from the Service and ASIR followed by discussion on other methods and how those are used elsewhere. Then Dr. Goodman and Rich Valdez could report on the issues that have been identified with the CPUE.
- It would be ideal to have technical experts from all stakeholders actively participating in the workshop. Also, any agency with multiple offices of expertise (such as the Service) are encouraged to provide representation from each office.

### **Endorse RIP and Related Documents as the ESA Coverage Vehicle**

- Concerns were expressed that the key documents (Action Plan, Program Document, WMPs, etc.) are not done. In response, the EC reworded this decision item to be: *Endorse: (1) the RIP as the ESA conservation measure for purposes of ESA coverage and (2) the continued development of draft related documents.*
  - After a concern was voiced that “coverage vehicle” is a jargon term used loosely, it was responded that the Program Document defines what the term is intended to mean.
  - Some members questioned if the level of exposure and actions for coverage would be specified in the cooperative agreement. For example, UNM is a signatory but has no coverage needs and therefore no real exposure concerns. It was responded that the proposed actions need to be included in the BA(s). The Cooperative Agreement tiers back to the supporting documents and commitments and assignments and WMPs, etc.; when an entity signs the Cooperative Agreement they are committing to the specific language in the Cooperative Agreement.
  - In response to a question about the RIP being an “insurance pool”, it was shared that the only litigation that would occur would be against the action agencies. The Program itself can’t be sued but the specific action agencies can.

### **Approval of Interim Peer Review Process**

- Since the last version was provided, the Program Document focus group addressed internal comments, CC feedback, as well as agency comments. This document is intended to meet the immediate needs for the current Program. There are some elements regarding existing structure (such as Program Manager, CC, etc.) that may or may not continue into the future.
- This decision item is for EC approval of the interim process in order for the Program to be able to move forward on peer review.
  - While there are steps for EC involvement throughout the process, there were 2 items that were highlighted: (1) it is suggested that anyone in the Program can recommend something go to peer review – including members from the EC, CC, individuals, PMT, etc.; all recommendations come to the EC for approval or not; and (2) in the next steps, the summary report of the peer review will be provided to the EC for review and approval.

- This interim process will be captured in the Program Document but will eventually be replaced with a more permanent process once developed.

### Meeting Summary

- In summary, Reese Fullerton (facilitator) quickly reiterated the highlights from today's meeting:
  - The May 29<sup>th</sup>, 2012 meeting summary was approved for finalization with the suggested amendments; the June 21<sup>st</sup>, 2012 meeting summary was approved for finalization with some minor changes.
  - After a lengthy discussion, the EC then approved by consensus the RIP 3<sup>rd</sup> party management structure for continued development - all the comments/concerns will be delegated to the subcommittee to incorporate/address in a draft planning document to be presented at the August meeting and for approval at the September meeting.
    - The subcommittee will consist of representatives from: the Corps, Reclamation, APA, ISC, MRGCD, NMAGO and the Service.
  - The Corps will confirm whether the title *Middle Rio Grande Recovery Implementation Collaborative Program* is an acceptable name and will not impact authorizations.
  - The bylaws will not be changed in terms of voting procedure but the need for affirmative vote will be clarified and specified.
  - The EC will have until August 10<sup>th</sup> to make comments on the Draft Action Plan.
  - The sufficient progress language will be incorporated into the Draft Action Plan document.
  - Comments on flycatcher critical habitat are due September 10<sup>th</sup>.
  - Lori Robertson will distribute the most current Population Monitoring report to EC members for clarification on which sites had minnow present and which did not.
  - The EC approved continued development of the CPUE metrics and methodologies workshop with suggested changes.
  - The EC endorsed the RIP 3<sup>rd</sup> management with some suggested language changes.
  - The EC approved the peer review interim process and agreed to proceed with the genetics peer review.
  - EC members were encouraged to review the upcoming events and meetings and to make sure that their appropriate representatives are attending.

**Public Comment:** There was no public comment.

### Next Meeting: August 23<sup>rd</sup>, 2012 from 9:00 AM to 1:00 PM at Bureau of Reclamation

- Tentative agenda items include: (1) subcommittee draft outline on RIP 3<sup>rd</sup> party Management Interim plan; (2) update on CPUE workshop preparation and planning; (3) confirmation from Corps on whether or not the title *Middle Rio Grande Recovery Implementation Collaborative Program* is acceptable;
- September agenda items: (1) approval of 3<sup>rd</sup> party management interim plan developed by the subcommittee; (2) Action Plan approval (if completed)?; (3) Program Document approval (if completed)?;
- Future agenda items: (1) Discussion/decision regarding 10(j) Reintroduction Biologist position;

**Executive Committee Meeting Attendees  
July 20<sup>th</sup>, 2012, 9:00 am to 3:00 pm**



Attendees:

<i>Representative</i>	<i>Organization</i>	<i>Seat</i>
Estévan López (P)	NM Interstate Stream Commission	ISC, Non- federal co-chair Federal co-chair
Brent Rhees	U.S. Bureau of Reclamation U.S.	Service NMAGO MRGCD
Michelle Shaughnessy (P)	Fish and Wildlife Service NM	COA BOR
Steve Farris (P)	Attorney General's Office	APA of the MRGCD NMDA
Subhas Shah (P)	Middle Rio Grande Conservancy District	ABCWUA
Matt Schmader (P)	City of Albuquerque	
Mike Hamman (P)	U.S. Bureau of Reclamation	USACE NMDGF Sandia
Janet Jarratt (P)	Assessment Payers of the MRGCD NM	Santo Domingo
Hilary Brinegar (P)	Department of Agriculture	Isleta
Rick Billings (A)	Albuquerque/Bernalillo County Water Utility Authority	Santa Ana
LTC Gant (P) Matt	U.S. Army Corps of Engineers	
Wunder (P) Frank	NM Department of Game and Fish	
Chaves (P) Eveli	Pueblo of Sandia	
Abeyta (P) Cody	Santo Domingo Tribe	
Walker (A)	Pueblo of Isleta Pueblo of	
Nathan Schroeder (A)	Santa Ana	
<i>Others</i>		
Ali Saenz	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 NM	
Grace Haggerty	Interstate Stream Commission U.S.	
Beth Pitrolo Deb	Army Corps of Engineers	
Freeman Kris	for NM Interstate Stream Commission	
Schafer (A) Susan	U.S. Army Corps of Engineers	
Bittick	U.S. Army Corps of Engineers U.S.	
Danielle Galloway	Army Corps of Engineers U.S.	
William DeRagon	Army Corps of Engineers U.S.	
Mick Porter	Army Corps of Engineers City of	
Rick Carpenter	Santa Fe/BBD	
Herman Quintana	Santo Domingo Tribe	
Ken Cunningham (A)	NM Department of Game and Fish	
Janet Bair (A)	U.S. Fish and Wildlife Service U.S.	
Lori Robertson	Fish and Wildlife Service U.S. Fish	
Stacey Kopitsch	and Wildlife Service U.S. Fish and	
Mike Oetker Jason	Wildlife Service U.S. Fish and	
Remshardt Brooke	Wildlife Service MRGCD	
Wyman David	MRGCD	
Gensler (A) Patrick	for MRGCD	
Redmond	UNM	
Melinda Harm Benson	Representative Heinrich's Office	
Matthew Zidovsky	COA	
Donna Griffin	Pueblo of Santa Ana	
Joe McGinn	GenQuest (Facilitator) Tetra	
Reese Fullerton	Tech (Note Taker)	
Marta Wood		

## Species update for EC meeting, July 20, 2012

### I. SILVERY MINNOW

#### Silvery Minnow Population Monitoring<sup>1</sup>

Overall, the density of silvery minnow in May is similar to last May. The effect of augmentation on silvery minnow densities and distribution can be seen in this table. Isleta and San Acacia reaches were stocked in November 2011; Angostura was not.

Sample Date	Presence at sites	CPUE (ind/100 m <sup>2</sup> ) All Reaches	Angostura	Isleta	San Acacia	% VIE marked
October 2011	8 of 20 sites	1.3	0.3	0.9	2.0	
December 2011	15 of 20 sites	4.1	0.3	5.1	5.6	
February 2012	14 of 20 sites	1.9	0	2.1	2.8	44%
April 2012	12 of 20 sites	0.7	0.4	0.6	1.0	na
May 2012	12 of 20 sites	1.1	0.1	0.6	2.0	na

#### 2012 River Drying and Silvery Minnow Salvage<sup>2</sup>

- Update thru July 6, 2012: A total of 26.1 unique miles were salvaged. 24.1 miles in the San Acacia Reach between Socorro and the south boundary of Bosque del Apache National Wildlife Refuge and 2.0 miles in the Isleta Reach near the Peralta wasteway.
- A total of 1,925 silvery minnow >30 mm were salvaged between June 16 and July 6, 2012 and released alive. In addition, 266 were identified as incidental take. Another 139 either died during transport, were too small or sick to salvage, or were found dead during secondary drying events.
- 62% of the silvery minnow have been VIE marked, indicating they were released from the hatcheries last fall.
- All silvery minnow observed have been adults.

#### Reintroduction biologist monthly work highlights

- Finalized analysis of technical parameters for remaining river reaches in RGSM historic range for possible section 10(j) NEP reintroduction and presented to R2 staff via webinar
- Presented results of reach analysis to Science Work Group in May
- Presented results of reach analysis to R2 ARD for Ecological Services
- Participated in RGSM Technical Team meeting for Big Bend reintroduction effort
- Participated in DBMS Work Group

<sup>1</sup> Conducted by American Southwest Ichthyological Researchers, LLC

<sup>2</sup> Conducted by the New Mexico Fish and Wildlife Conservation Office with assistance from City of Albuquerque, Corps of Engineers, and other volunteers

- Developing Safe Harbor Agreement for RGSM and other protected species on the Rhodes property

II. SOUTHWESTERN WILLOW FLYCATCHER

Flycatcher Surveys<sup>3</sup>

Overall, number of territories has decreased this year compared to last year. There were increases in the Belen and Escondida reaches and decreases in the Sevilleta, Bosque del Apache, Tiffany, and San Marcial areas.

	2012	2011
<b>Total</b>		
Migrants:	303	226
Unknowns:	11	0
Unpaired males:	91	114
Pairs:	42	52
Pairs with nests:	180	216
<b>Escondida reach</b>		
Unpaired males:	11	8
Pairs:	4	0
Pairs with nests:	4	0
<b>San Marcial reach</b>		
Total territories	234	311

Designation of Critical Habitat

The Service has proposed revised critical habitat, issued a draft economic analysis, issued a draft environment assessment, and is seeking public input. Comments on the proposal and related documents will be accepted through September 10, 2012, and can be submitted electronically via the Federal eRulemaking Portal at:

<http://www.regulations.gov>, or can be mailed or hand delivered to Public Comments Processing, Attn: FWS-R2-ES-2011-0053; Division of Policy and Directives Management; U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

III. OTHER SPECIES

Candidate species and Listing Status

<sup>3</sup> Conducted and results reported by U.S. Bureau of Reclamation

New Mexico meadow jumping mouse: Analysis is underway and target for listing determination is April 2013. If warranted, the rule would be for proposed listing with designated critical habitat. The New Mexico ES Field Office is the lead.

Yellow-billed cuckoo: Analysis is underway and target for listing determination is February 2013. If warranted, the rule would be for proposed listing with designated critical habitat. The Sacramento Field Office is the lead.

Yellow-billed cuckoo Surveys<sup>3</sup>

More detections this year than last year at this time: 181 compared with 108

# Proposal for a CPUE Metrics and Methodologies Workshop

Request to Executive Committee  
for Approval  
July 20, 2012



# May 2012 EC Directive

- **Organize a CPUE Metrics and Methodologies Workshop**
  - Provide process that allows for evaluation and revision of the MRG Fish Monitoring Program
  - Provide framework for the next steps after the CPUE workshop

# Monitoring at ABCWUA Dam Repair



# *Objectives*

- Evaluate the current RGSM monitoring program
- Discuss concerns & disagreements over CPUE, including precision and accuracy
- Compare RGSM population estimation with CPUE
- Discuss other methods for monitoring the RGSM
- Discuss use of RGSM CPUE & Population Estimation for recovery criteria, sufficient progress metrics, and parameter estimates for Population Viability Analysis



# Proposed Approach

- Task 1. Conduct a Workshop on Catch-per-Unit-Effort (CPUE) Methodology used by the Current Rio Grande Silvery Minnow (RGSM) Population Monitoring Program
- Task 2. Review Middle Rio Grande Fish Population Monitoring Plan
- Task 3. Update the Collaborative Program Middle Rio Grande Fish Monitoring Plan

# Monitoring Near Restoration Site



# Task 1. CPUE Workshop

- Contract with external scientists to participate in workshop
- Conduct a 3-day technical workshop
- Discuss CPUE & Population Estimation monitoring approaches
- Prepare and present CPUE Workshop Report

# Task 1 CPUE Workshop continued

- Appendix A provides details on workshop format
- Technical experts from signatory agencies
- Outside scientists for additional perspectives
- Interested observers may attend
- EC members will attend introduction session
- EC will approve final list of external scientists

# Task 1 CPUE Workshop continued

- CPUE Workshop Report will summarize presentations, discussion
- Recommendations on CPUE & Population Estimation monitoring
- Report to the EC

# Task 1. CPUE Workshop continued

- Schedule – October 2012?
- CPUE Workshop costs
  - Travel and salary for 2 or 3 external scientists
  - Facilitator
- Cost share by Program signatories
  - Venue for workshop TBD
  - Assistants to facilitator for breakout sessions
  - Notetaker(s)

Rio Grande silvery minnow collected September 30,  
2011 at ABCWUA fishway



# Channel catfish collected from ABCWUA fishway on April 7, 2011





# Questions?

- Workshop organizers:
- Rick Billings, ABCWUA
- Michael Porter, USACE
- Jim Brooks, FWS
- Jason Remshardt, FWS
- Grace Haggerty, NMISC
- Rich Valdez, SWCA/NMISC
- Dan Goodman, MSU/MRGCD

