

Executive Committee Meeting
October 30, 2014

Meeting Materials:

Meeting Agenda

Meeting Minutes

Hydrology Update



**Middle Rio Grande Endangered Species
Collaborative Program
EXECUTIVE COMMITTEE
MEETING AGENDA
Thursday, October 30, 2014
9:00am – 12:00pm**

Location: Bureau of Reclamation, 555 Broadway NE, Suite 100, Albuquerque, NM 87102

- 1. INTRODUCTIONS AND REVIEW OF PROPOSED AGENDA*** *10 minutes*
- 2. *DECISION* – APPROVAL OF September 18, 2014 EC MEETING SUMMARY*** *10 minutes*
- 3. AGENCY FISCAL AND POLICY PLANNING UPDATES** *45 minutes*
 - A. US Army Corps of Engineers** (*K. Shafer*)
 - B. Bureau of Reclamation** (*M. Hamman*)
 - C. US Fish and Wildlife Service** (*M. Shaughnessy*)
 - D. Non-Federal update** (*TBD*)
 - E. Collaborative Program Projects** (*CC Co-Chairs*)
 - i. Update regarding CC quorum**
 - ii. List of future potential presentations*
- BREAK** *15 minutes*
- 4. *DECISION* – 2013 ANNUAL REPORT*** *15 minutes*
- 5. FY15 WORK PLAN*** *30 minutes*
- 6. OTHER ACTIVITIES** *15 minutes*
 - A. Hydrology Forecast** (*BOR/USACE*)
 - B. Species Update** (*USFWS*)
- 7. MEETING SUMMARY**
- 8. PUBLIC COMMENT**
- 9. ANNOUNCEMENTS**
- 10. *DECISION* - NEXT SCHEDULED EC MEETING: January 22, 2015 @ Reclamation.**

**denotes read ahead*

Members

ABCWUA
ISC
NMDA
Sandia Pueblo
UNM

APA
Isleta Pueblo
NMGF
Santa Ana Pueblo
USACE

CABQ
NMAGO
MRGCD
Santo Domingo Tribe
USFWS
Reclamation

**Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
October 30th, 2014 – 9:00am to 11:30am**

**Bureau of Reclamation
555 Broadway NE, Suite 100
Albuquerque, NM, 87102**

Decisions

- The September 18th, 2014 EC meeting summary was approved for finalization with the following 2 corrections:
 - On page 2, under the Bureau of Reclamation Update last bullet, “suite” will be corrected to “suit;” and
 - On page 6, under the Hydrology Update first bullet, “converted” will be corrected to “diverted.”

Actions

- Ali Saenz will email EC signatories with the request for updated CC designations/appointments for 2015.
- EC signatories will update their CC designations/appointments for 2015. If there is no specific designee, please submit that information as well.
- Ali Saenz will email the Program Comment form to EC members with a request for edits to the FY2013 Program Annual Report. Comments and revisions are due to Ali no later than Friday, November 28th.

Requests/Recommendations

- It was requested that the Program Management Subcommittee reconvene soon to address the path of the Program and RIP for this year. Requested discussions included: (1) establishment of the priorities and path for the RIP; (2) hiring of the Executive Director and Science Coordinator; and (3) planned accomplishments for the science agenda, oversight process for adaptive management, monitoring design to evaluate the “joint agency” projects; (4) potential issues with RIP in the Program’s title/name; etc. Hopefully, the signatories will be looking to sign the RIP documents within the first half of 2015.
 - The Program Management Subcommittee members included: (1) Steve Farris, NMAGO; (2) Janet Jarrett, APA; (3) Subhas Shah, MRGCD; (4) Rolf Schmidt-Petersen, ISC (to replace Estevan Lopez); (5) Mike Hamman, Reclamation; (6) Wally Murphy/Janet Bair, FWS; (7) Julie Alcon, COE.
- It was requested that the CC add RIP Action Plan Elements (why each is important, what each is intended to accomplish, etc.) to the list of potential EC presentations.
- It was requested that the FY2013 Program Annual Report be revised to include more non-federal activities and contributions. Agencies are requested to provide the specific information by submitting edits and revisions on the Program’s Comment Form, no later than Friday, November 28th.

Next Meeting: January 15th, 2015 from 9:00am to 1:00pm Location to be Determined;

- The EC reserves the right to convene in November or December 2014 should the EC deem it necessary; however, no meeting is currently scheduled until January 15th, 2015.
- Tentative agenda items include: (1) Report Out on the Amendments to the Draft BA – Reclamation and partners; (2) ABCWUA Water Treatment Presentation; (3) Approval of the FY2013 Program Annual Report; (4) Status of CC designation letters and update on establishment of quorum;

Upcoming Dates and Deadlines:

- November 5th – CC meeting from 9:00am to 11:00am at Reclamation
- November 15th – Joint HRW/ScW meeting 10:00am at ISC;
- ~~November 20th – EC meeting; cancelled~~
- December 3rd – CC meeting from 9:00am to 11:00am at Reclamation

Meeting Summary

Introductions and agenda approval: Rick Billings brought the meeting to order and introductions were made. A quorum was confirmed and the agenda was approved with no changes.

Approval of the September 18th, 2014 EC Meeting Summary:

- The September 18th, 2014 EC meeting summary was approved for finalization with the following 2 corrections:
 - On page 2, under the Bureau of Reclamation Update last bullet, “suite” will be corrected to “suit;” and
 - On page 6, under the Hydrology Update first bullet, “converted” will be corrected to “diverted.”

Agency Fiscal and Policy Planning Updates:**Litigation Update:**

- In a litigation update it was shared that WildEarth Guardians has filed an amended complaint against Reclamation alleging that - in regards to the bypass storage/release at Heron and El Vado - it did not consult to the fullest extent of its authority and that it should have used that authority to maximize diversions to the fullest benefit of the species. In response to the initial complaint, the Middle Rio Grande Conservancy District (MRGCD or District) subsequently filed a motion to intervene; however, the court has not yet ruled on this motion. It is anticipated that the motion will be allowed.
 - Last Friday, the Corps filed a motion to dismiss the complaint. This is now in the record
- *U.S. Army Corps of Engineers (USACE or the Corps):*
 - The ribbon cutting for the San Acacia Levee Project was a successful event last week. Construction is expected to begin in December.
 - As previously reported, the Corps is expecting to remain in Continuing Resolution (CR) through December 11th. There are funds to continue work up to that point; and the intent is to have work plan packages “ready to go” for the remainder of the year. However, how the budgets play out is still unknown.
- *Bureau of Reclamation (Reclamation):*
 - As reported, Reclamation also remains under CR through the middle of December. Reclamation is working closely with the Coordination Committee (CC) on the Program’s operational budget for FY2015.
 - Reclamation remains extremely focused on the completing the final revision of the Biological Assessment (BA). Under the current schedule, the BA will be submitted to the Service in early March 2015. The intent is to report all the proposed changes to the BA to the Executive Committee (EC) at the January 2015 meeting.
 - In light of the current schedule, it is recommended that the Program Management Subcommittee reconvene soon to address the path of the Program and RIP for this year.

Requested discussions included: (1) establishment of the priorities and path for the RIP; (2) hiring of the Executive Director and Science Coordinator; and (3) planned accomplishments for the science agenda, oversight process for adaptive management, monitoring design to evaluate the “joint agency” projects; (4) potential issues with RIP in the Program’s title/name; etc. Hopefully, the signatories will be looking to sign the RIP documents within the first half of 2015.

- *Fish and Wildlife Service (Service):*
 - As reported, the Service remains in the same budgetary situation as the other federal agencies and will operate under CR through the middle of December.
 - The Service continues to work with Reclamation staff to provide technical support on the BA. The agency is “standing ready” to work on the Biological Opinion (BO) once the final BA document has been received. The BA/BO is the Service’s highest priority and all available staff will be working diligently to get the BO issued to Reclamation.
- *Non-Federal Updates:*
 - *Middle Rio Grande Conservancy District (MRGCD or District):*
 - Along with ISC, the Corps, Reclamation, congressional representatives, the District participated in the San Acacia Levee Project ground breaking ceremony. The 3rd phase of the project is being developed and will hopefully be ready for next year.
 - The District hired a contractor to investigate the condition of the Corrales Siphon. The siphon was emptied and probed with a camera to determine the internal conditions. The initial indications are that the siphon is actually fairly clean.
 - *NM Interstate Stream Commission (ISC):*
 - As mentioned, ISC participated in the San Acacia Levee Project ground breaking ceremony. ISC is optimistic that the levee project will help the Program “goals” through redefining “safe channel capacity” during high flows. By getting the ~6 miles of levee in place, there is opportunity for Reclamation and the Corps to look at the safe channel capacity and the ability to hold higher flows for more extended periods.
 - ISC remains engaged with Reclamation and the District on the concerted BA effort.
 - Efforts are underway to expand the Los Lunas Silvery Minnow Refugium’s rearing potential and to identify habitat restoration projects in the San Acacia reach.
 - *Pueblo of Sandia (Sandia):*
 - The Pueblo of Sandia recently submitted written testimony related to the Senate Committee on Indian Affairs as part of their Oversight Hearing on Irrigation Projects in Indian County, highlighting the Corrales Siphon and the need for a comprehensive look at the incising problem.
 - Sandia presented an overview of the Corrales Siphon issues at the last Habitat Restoration Work Group meeting. It may be the last structure of its kind and has historical significance (built in 1933) that will have to be considered in finding solutions.
 - *City of Albuquerque (COA):*
 - The City of Albuquerque was honored by the Service as 1 of 2 cities across the country selected in 2014 to be designated an Urban Migratory Bird Treaty City. The award comes with a substantial federal financial support for migratory bird

education, hazard reduction, citizen science, conservation actions, and habitat improvement strategies. The City currently intends to redistribute the funds to non-profit organizations to accomplish the “on-the ground work” including development of events, programs, literature, etc.

- *Collaborative Program Projects:*
 - *Coordination Committee (CC):*
 - A lack of quorum has recently prevented the CC from conducting regular business and making consensus recommendations. At their September 18th meeting, the EC directed the CC to (1) provide the EC with recommended options/alternatives to address the quorum concerns; and (2) to develop FY15 work plan recommendations for the EC to approve at the October 30th meeting.
 - The CC reviewed their charter language regarding quorum. As written, the charter states: “A quorum shall constitute 50% of all *designated* Coordination Committee members *at that time*.” [emphasis added]
 - Considering that the CC is an “interim” committee through the transition to a RIP, the CC is recommending EC signatories update their CC designation so that the revised CC quorum can be determined.
 - Some EC members expressed disagreement with the CC approach and clarified that the direction from the September 18th EC meeting was that all decision items were to be elevated back to the EC for official decisions/approval. The concerns are that (1) not every agency can provide a regular CC member which means that “smaller” agencies are being “left out” of the process; and (2) if there are not enough representatives (i.e., too few people) at the table, there is a smaller body making the decisions.
 - In response, it was shared that the CC is working within the current bylaws and responsibilities and is not suggesting any changes – only updated designations. Some CC members complimented the dedication of the group but clarified that if representatives do not attend then it could be considered a “waste of time and resources.” The concern is the effectiveness of the group.
 - Other EC members pointed out that this is a “call for activity” and it was cautioned that business cannot be held up because an “ideal mathematical formal” cannot be reached. The CC always reports to the EC on their work, even on the delegated decision items. There remains opportunity for EC members to express concern or address issues through the existing structure.
 - At the conclusion of the discussion, it was requested that EC signatories update their CC designations/appointments for 2015. If there is no specific designee, please submit that information as well. The status of the designations and CC quorum expectations will be discussed at the January 2015 EC meeting.
 - *Concerns about the Collaborative Program’s Recovery Implementation Program (RIP) Title*
 - Some EC members raised concerns about the potential issues with changing the Program’s title to include Recovery Implementation Program. A “RIP” has regulatory and compliance requirements as well as general implications that may not be the most appropriate for this situation. The terminology doesn’t necessarily fit with the limited jurisdictions. There is also the concern of loss of funding through a name change.

- One member suggested an alternate title of a “Habitat Restoration Improvement Initiative” since the health of the river is the goal for all the activities and is significant for all the species.
- The Program Document subcommittee had discussions on the potential title including the concerns about loss of funding.
- *List of Future EC Presentations:*
 - The CC has been developing a list of potential presentations for EC meetings. This is one suggested way to keep everyone informed and updated on the works and accomplishments and is intended to highlight the collaboration/involvement and document the successes.
 - The Albuquerque-Bernalillo County Water Utility Authority (ABCWUA) will be presenting on the water treatment plant at the January 2015 meeting.
 - It was requested that the CC add RIP Action Plan Elements be added to the list of potential EC presentations (why each is important, what each is intended to accomplish, etc.).
 - Any additional feedback or suggestions should be given to a CC representative.

2013 Annual Report

- The Program’s 2013 Annual Report has been recommended for approval by the CC.
- Several EC non-federal members would like to expand on the non-federal contributions in the report before finalizing. There is a lot of other work going on in terms of cost share that is not represented in the 2013 annual report. This means that the 2013 report is not “the full picture.”
 - Several areas of concern discussed included:
 - Table 3.4 is listed in the Table of Contents but is missing from the actual report;
 - The sections on the Recovery Plan (pages 4 and 5) seems to be contradictory in terms of “advisory” but “determined by the Service”; and
 - The population monitoring sections read like everything has been resolved with the Catch Per Unit Effort (CPUE) and there is no mention of the reasons behind the continuing workshop effort.
- In response to the request to include additional non-federal contributions in the 2013 report, it was shared that the original intent was to initiate the format changes to the 2014 report since the 2013 report was nearly completed.

FY2015 Work Plan

- The CC has been discussing the FY2015 Work Plan and has reached consensus agreement on the current draft that is being presenting to the EC for review and approval.
 - The current “target budget” is ~\$3 million for FY2015. Many of the line items are continuing projects and BO requirements.
 - The CC has been discussing the estimated cost for the 3rd Party Management line item and had recommending halving the total estimate since 3rd Party Management will not be in place for the full year. The intent was to potentially free additional funds for other projects in FY2015. However, given the budget and contracting process, Reclamation’s contracting specialists have recommended fully funding the line item and then adjusting as needed during the year. It will be easier (and more prudent) to have the full amount allotted in the FY2015 budget.
 - In response to a question on the historical amounts versus estimated amounts, it was shared that in most cases the cost estimates remain the same or have gone down in subsequent years. However, there are a few instances where the estimates have increased. This is in response to the actual cost increasing or additional tasks added in subsequent years. However, these are all just estimates that will be negotiated with the contractor during the contracting process.

- The executives were updated that the Science and Habitat Restoration work groups are meeting to identify potential priority projects should additional funding be available. They will continue to develop the scopes of work.
 - One suggest project revisits the RGSM Life History objectives to focus concepts on what can be done to understand more for the upcoming spawning year and how to get additional information going into the Recovery Implementation Program (RIP).
 - It was shared that no habitat alternation or restoration work has been funded by the Program in 3 years and there is no habitat restoration currently in the FY2015 budget. This is mostly due to the budgetary realities of compliance.
 - The BA updates to be reported at the January meeting will include the collective agency actions that can be taken in the next 5-year period that would be in combination with the limited Reclamation funding to the Program. It will take the combination of other agency resources to accomplish the work that needs to be done.

Other Activities:

- *Hydrology Update:*
 - Signatories were commended on the water management efforts last year that resulted in operating the system - as much as possible - in a way that the in-river conditions were maximized for all species. This was only possible with the help of Mother Nature that provided a closer to “normal” monsoon here and in Colorado. Everyone rallied to make the situation work. There were ~20 miles of drying that resulted in salvage operations in late July and late August but were quickly rewetted. Unfortunately, Mother Nature’s input cannot be counted on with any security.
 - Even with maximum effort, the San Juan/Chama project is at a 10% shortage – this is the first year a shortage has ever been experienced. In other words, all the water currently held in Heron Reservoir is all from this year and there is 10% shortage. Next year will be entirely dependent on snow melt runoff which may not be realized until late spring/early summer. The shortage will remain unless there is significant runoff between now and the end of December.
 - It is not an ideal situation and there are concerns for the fisheries and wildlife, but the San Juan/Chama project was designed to empty periodically under certain hydrologic conditions.
 - Total supplemental water released for the minnow to date in 2014 is 24,171 ac-ft - which is below the running average in the low 30,000 ac-ft range. The remaining supplemental water is 13,687 ac-ft with potential for an additional 5,900 ac-ft. for possible lease. The 2015 San Juan/Chama leases will be contingent upon the spring runoff volume, but Reclamation is optimistic that there will be some water available for next year.
 - Discussions on potential exchanges with Elephant Butte have been initiated but any proposals will have to be taken to the Engineer Advisors. If an exchange cannot be realized, than the 17,204 ac-ft in Prior & Paramount (P&P) will have to be released in December as it was stored under Article 7.
 - If an exchange is agreed to, at least a part of the water could be maintained in El Vado or transferred.
- *Species Update:*
 - *Rio Grande Silvery Minnow:* The population monitoring data from the October census is not available yet. However, the NM Fish and Wildlife Conservation Office has been monitoring 6 sites in the Isleta Reach. Based on their catches over time at these sites, the indication is that the minnow density has declined this fall to 0.1 minnow per 100m²

(compared to the July population data of ~0.45 minnow/100m²). More detailed information will be available with the population monitoring reports.

- *Augmentation Efforts:* Approximately 86,000 minnow were stocked in the Angostura Reach on October 9th. An additional 15,000 and 150,000 minnow will be stocked in San Acacia and Isleta Reaches in November. The fish are being tagged now.
- *Southwestern Willow Flycatcher:* There are no updates to report since the previous summary.
- *Yellow-Billed Cuckoo:* The cuckoo was listed as a threatened species on October 3rd, 2014.
- *New Mexico Meadow Jumping Mouse:* There are no updates on the jumping mouse at this time.

Other Activities

- No additional activities were reported on.

Announcements

- Brent Rhees has been reappointed as the FY2015 federal EC co-chair.
- The Fish and Wildlife Biologist position previously held by Lori Robertson has just been opened to all qualified candidates. Please visit the USA Jobs website (www.usajobs.gov) to download the job information and apply online. This position should be open to November 12th.
- The New Mexico Water Resources Research Institute is hosting their 59th Annual NM Water Conference in Santa Fe on November 18-19, 2014. (<http://wrri.nmsu.edu/>)

Meeting Summary: Brent Rhees provided a brief meeting summary:

- The EC approved today's meeting agenda with no changes. A quorum was present.
- The September 18th, 2014 meeting summary was approved for finalization with 2 corrections.
- Agency updates were provided.
- EC signatories will update their CC designations/appointments for 2015.
- The Program Management Subcommittee will reconvene and address:
 - (1) establishment of the priorities and path for the RIP;
 - (2) hiring of the Executive Director and Science Coordinator;
 - (3) planned accomplishments for the science agenda, oversight process for adaptive management, monitoring design to evaluate the "joint agency" projects;
 - (4) potential issues with RIP in the Program's title/name;
- Signatories will submit edits/additions (including new narratives on non-federal contributions) to the 2013 Annual Report to Ali Saenz no later than November 28th, 2014.
- Agenda items for the January meeting include:
 - (1) Report Out on the Amendments to the Draft BA – Reclamation and partners;
 - (2) ABCWUA Water Treatment Presentation;
 - (3) Approval of the FY2013 Program Annual Report;
 - (4) Status of CC designation letters and update on establishment of quorum;

Public Comment

- There was no public comment.

Next Meeting: **January 15th, 2015 from 9:00am to 1:00pm Location to be Determined;**

- The EC reserves the right to convene in November or December 2014 should the EC deem it necessary; however, no meeting is currently scheduled until January 15th, 2015.
- Tentative agenda items include: (1) Report Out on the Amendments to the Draft BA – Reclamation and partners; (2) ABCWUA Water Treatment Presentation; (3) Approval of the

FY2013 Program Annual Report; (4) Status of CC designation letters and update on establishment of quorum;

- Potential Future Agenda Items: (1) Discussion on chartering (if/when) of MAT;

Executive Committee Meeting Attendees October 30th, 2014

Attendees:

<i>Representative</i>	<i>Organization</i>	<i>Seat</i>
Rick Billings (A)	Albuquerque/Bernalillo County Water Utility Authority	Non-federal co-chair
Brent Rhees	Bureau of Reclamation	Federal co-chair
Rolf Schmidt-Petersen (A)	NM Interstate Stream Commission	NMISC
Kris Schafer (A)	U.S. Army Corps of Engineers	Corps
Mike Hamman (P)	Bureau of Reclamation	Reclamation
Matt Schmader (P)	City of Albuquerque	COA
Subhas Shah (P)	Middle Rio Grande Conservancy District	MRGCD
Janet Bair (A)	U.S. Fish and Wildlife Service	FWS
Janet Jarratt (P)	Assessment Payers Association of the MRGCD	APA
Matthew Wunder (P)	NM Department of Game and Fish	NMDGF
Steve Farris (P)	NM Attorney General's Office	NMAGO
Ryan Ward (P) (via phone)	NM Department of Agriculture	NMDA
Mark Stone (P)	University of NM	UNM
Frank Chaves (P)	Pueblo of Sandia	Sandia

Others

Ali Saenz	Bureau of Reclamation
Jim Wilber	Bureau of Reclamation
Josh Mann	Solicitor's Office
Beth Pitrolo	U.S. Army Corps of Engineers
William DeRagon	U.S. Army Corps of Engineers
Susan Bittick (A)	U.S. Army Corps of Engineers
Joel Lusk	U.S. Fish and Wildlife Service
Wally Murphy	U.S. Fish and Wildlife Service
David Campbell	U.S. Fish and Wildlife Service
Stewart Jacks	U.S. Fish and Wildlife Service
Chris Shaw	NM Interstate Stream Commission
Grace Haggerty	NM Interstate Stream Commission
Brooke Wyman	MRGCD
Maria O'Brien	for ABCWUA
Kyle Harwood	BBD/City of Santa Fe
Rick Carpenter	BBD/City of Santa Fe
Sarah Cobb	Udall's Office
Alex Bazan	U.S. Rep Lujan Grisham
Marta Wood	Alliant Environmental (note taker)

MRGCP EC MEETING 10-30-14

1. Heron Summary

Content = 72,321 ac-ft (10/23)

Azotea tunnel: 5-10 cfs

Total SJC inflow year-to-date: 61,879 a.f.

Currently releasing 25 cfs

Current MRGCD storage: 652 ac-ft

2. El Vado Summary

A. Total storage (all contractors and natural) in El Vado as of 10/23:
20,913 ac-ft.

B. Native in El Vado
0 ac-ft.

C. P&P: 17,204 ac-ft, MRGCD EDWA: 0 ac-ft USBR EDWA: 2,627 ac-ft

D. MRGCD's SJ-C storage in El Vado
0 ac-ft

E. All other SJ-C contractors:
1,082 ac-ft

Current release is 75 cfs RG Inflow is 40-60 cfs

3. Storage in Abiquiu

Content = 128,190 ac-ft (10/23)

MRGCD's SJ-C storage = 0 ac-ft

Total water released for minnow to date in 2014: **24,171 ac-ft**

Remaining amount of 2014 Supplemental Water: **13,687 ac-ft** with another 5,900 ac-ft for possible lease. 2015 SJ-C leases will be contingent upon the spring runoff volumes

NM Precipitation 98% of Normal

January - September 2014 Precipitation

Totals (plotted) and Percent of Normal (contours)

