Executive Committee Meeting

February 19, 2015

Meeting Materials:

Meeting Agenda

Meeting Minutes

Middle Rio Grande Endangered Species Collaborative Program
EXECUTIVE COMMITTEE
MEETING AGENDA
Thursday, February 19, 2015
9:00am – 11:00am

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

1. **INTRODUCTIONS AND REVIEW OF PROPOSED AGENDA*** *10 minutes*

2. ***DECISION –*** **APPROVAL January 15, 2015 EC MEETING SUMMARY*** *10 minutes*

3. **AGENCY FISCAL AND POLICY PLANNING UPDATES** *20 minutes*
   - **A. US Army Corps of Engineers*** *(K. Shafer)*
   - **B. Bureau of Reclamation** *(J. Faler)*
   - **C. US Fish and Wildlife Service** *(M. Shaughnessy)*
   - **D. Non-Federal update** *(TBD)*
   - **E. Collaborative Program Projects** *(R. Billings)*

4. ***UPDATE*** **- FISH POPULATION MONITORING WORKSHOP** *(R. Billings)* *10 minutes*

5. **MAT UPDATE** *(G. Haggerty)* *10 minutes*

BREAK *10 minutes*

6. **OTHER ACTIVITIES** *20 minutes*
   - **A. Hydrology Forecast** *(BOR/USACE)*
   - **B. Species Update** *(USFWS)*

7. ***DISCUSSION –*** **EC APRIL 2, 2015 AGENDA ITEMS** *30 minutes*

8. **MEETING SUMMARY**

9. **PUBLIC COMMENT**

10. **ANNOUNCEMENT**

11. ***DECISION -*** **NEXT SCHEDULED EC MEETING: April 2, 2015 9am – 4 pm (with closed session) @ Reclamation.**

denotes read ahead

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Members

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

Middle Rio Grande Endangered Species Collaborative Program
Executive Committee Meeting
February 19th, 2015 – 9:00am to 11:30pm

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

Decisions

- The January 15th, 2015 EC meeting summary was approved for finalization with a clarification in the Litigation Update at the top of page 3, "*In the settlement…"* will be changed to "*In a separate settlement…"*
- With a quorum present, the EC decided the April 2nd meeting would be an Open Meeting as there were no legal or personnel discussions requiring closed session. The EC does reserve the right to call Closed Session(s) during the April 2nd workshop should the need arise.

Actions

- All agencies were asked to submit a listing of projects and funding to the CC in time for the March 4th CC meeting.
- The CC will use agency project and funding lists to develop a read ahead for the April 2nd EC meeting.
- Potential and suggested April 2nd EC agenda items are to be submitted to Ali Saenz as soon as possible.

Requests/Recommendations

- It was suggested the ISC's Habitat Restoration Phase II at the Sevilleta be added to the list of EC presentations once the planning and grants are completed.
- It was requested that the "hydrology history" research done by ISC be made available.
- It was requested that a cumulative list of all the Biological Opinions – including criteria, what they have in common, where are they different, how they interact, etc. – be developed and provided by the Service. Clarify how all the BOs may affect or connect with each other and the RIP.

Announcements

- The Institute of American Indian Arts is hosting the second Joe Sando Symposium on March 5 and 6, 2015, at the Nativo Lodge in Albuquerque. Registration is $50.

Next Meeting: April 2nd, 2015 from 9:00am to 4:00pm at Reclamation;

- Tentative agenda items identified at the 01/15 EC meeting, 02/04 CC meeting, 02/19 EC meeting include:
    - Legislature Updates;
    - Litigation Updates;
    - Updates on water/forecasts;
    - BA/BO Full Presentation Update (Reclamation); to include:
        - Status Update – where we are exactly; where we need to get as a Program;
        - How the BO and RIP "fit" together – and how this might be different than outlined in the RIP documents;
        - Discuss what we are trying to achieve versus what is perceived;
        - How "things" evolved over time.
    - Clarify and Confirm the legal definition of a RIP and what this means to the Service and other agencies.
    - Revisit the "3 Key Issues" (see EC 07/12/12 read ahead for 07/20/12 EC Meeting)

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        - Scope of Coverage
        - RIP Management
        - ESA Compliance Metrics
    - EC Self-Evaluation period (potential for closed-session)
    - Direction for the Program; including:
        - Develop/confirm FY15 Program Priorities;
        - What are the work group and committee roles? Guidance and Assignments?
        - "Restructuring?"
        - What are the expectations?
        - How to "move forward" when the baseline boundaries are not known (BO) and the concerns about the sufficient progress metrics.
        - how to accomplish moving forward with: (1) soon-to-be lack of any Program staff/assistance and (2) limited agency resources (staff, budget, time)
    - Complete the Program Management Subcommittee Tasks and Assignments
    - Update the RIP Program Documents (Action Plan, Cooperative Agreement, Program Document, etc.) that have been "sitting" and haven't been taken to the next step.
    - How to get the RIP "up and running"
    - Schedule next EC meeting: late April to accommodate MAT recommendations?
    - Others to be submitted by EC members

Upcoming Dates and Deadlines:

- February 23rd - Engineer Advisers to the Rio Grande Compact Commission
- March 4th – CC meeting, 9:00am to 11:00am at Reclamation
- March 17th – ScW meeting, 10:00am to 12:00pm at Reclamation
- March 17th – HRW meeting, 12:30pm to 3:30pm at Reclamation
- March 18th – MAT meeting, 9:00am to 11:00am, Location to be Determined
- March 23rd – 24th – Rio Grande Compact Commission meeting, in Austin, TX
- ~~March 19th – EC meeting~~ CANCELLED
- April 2nd – EC workshop from 9:00am to 4:00pm at Reclamation
- May 1st – 4th – River Rally, at the Tamaya Resort

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 January 15th, 2015 EC Meeting Summary:

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Agency Fiscal and Policy Planning Updates:

- *U.S. Army Corps of Engineers (USACE or the Corps)*:
    - An update and quarterly report on the Database Management System (DBMS) was provided as a read ahead. The Corps is working with D. B. Stephens (the database contractor) and Reclamation to determine how to transition/continue all the database management support currently done by the Program Assistant. One solution offered is to create a step in the website uploading process that would enable users to request an upload that would be verified by D.B. Stephens or the CC. This change would enable everyone to be more responsible for their own uploads and not rely on a single person.

- The Habitat Restoration Work Group (HRW) and Science Work Group (ScW) had project presentations at their February meetings: tamarisk beetle update (which covered beyond the scope of the funded work); Middle Rio Grande Conservancy District (District or MRGCD) presented the final reports on the monitoring of drain outfalls; the U.S. Geological Survey (USGS) presented on the *Fish Use of River Mesohabitats at Different Flows in the Big Bend Reach of the Rio Grande, Texas, 2010-11 and in the Middle Rio Grande, New Mexico, 2011-12.* The USGS report should be available soon.
- The Corps continues to operate on a monthly basis as the annual budget is not yet available. This means that existing contracts can be continued but no new work can be awarded.
- A Sources Sought for the Adaptive Management Phase II received several qualified small- business responses. Optimistically, this contact will be in place by the end of June.
- In a quick update on the tamarisk beetle, it was shared that the beetle is invading from both ends of the state: coming down from the north and up from the south. It is presumed to be the northern species that is adapting and invading the Rio Grande. The Tamarisk Coalition is recommending that some of the tamarisk shrub be left in place to provide needed vegetation for the flycatcher. There is some possibility of the beetle being a food source for birds.

- *Bureau of Reclamation (Reclamation*):
  - Reclamation is exploring options and opportunities to continue program assistance support. The delay in initiating the 3rd Party Management has created this "gap" in transitions.
  - Reclamation has received its budget and is currently awarding contracts.
  - Reclamation staff continues to focus on the Biological Assessment (BA) – providing more clarity in the text; providing the positive "side to the story" that needs to be included such as the "revamping" of the river maintenance program and guiding philosophies to better the ecosystem; etc.

- *Fish and Wildlife Service (Service):*
  - The Service has also received its budget for the year.
  - The Service is beginning to explore how many "listing packages" can be started.
  - Several positions remain vacant but are being filled by Acting/Interim rotations.

- *Non-Federal Updates:*
  - *Middle Rio Grande Conservancy District (District or MRGCD):*
    - The District is preparing for March 1 diversions. No issues with start-up are anticipated.
    - However, the District has less than 1,000 ac-ft of water in storage – this is about 1-days' worth. This has not happened since the 1970s and means that the District will be totally dependent on natural provisions this year. If there is spring moisture and early summer water, then the season may turn out better; but current outlooks are dismal.
  - *NM Interstate Stream Commission (ISC):*
    - The 60-day legislative session is in progress.
    - Provisional data for NM indicates that we are still in an Accrued Credit status in the Compact – it is actually right at 0 (zero). It is better than being in debit but is no position to negotiate.
    - Article 7 is in effect - meaning storage in upstream reservoirs is prohibited unless there are Credit Water exchanges.
    - ISC is continuing on habitat restoration projects in the Middle Rio Grande (MRG) through the Water Trust Board Grant and Capital Project appropriations.

Commencement of Phase II of the Rio Rancho project is anticipated this fall or winter. Collaboration with Reclamation and the Service has started for the Sevilleta Habitat Restoration project.

- *Albuquerque Bernalillo County Water Utility Authority (ABCWUA)*
  - ABCWUA continues with on-the-ground projects as well. The most recent being a joint effort with the City of Albuquerque (COA) Open Space to plant ~2,000 trees.
- *Pueblo of Sandia (Sandia)*
  - Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) improvements are underway – to clean the drainage that comes in through the outfall before it reaches the river.

- *Litigation Update:*
  - As reported last month, all San Juan/Chama claims have been dismissed. This did result in the need to revise the remaining claims (omit any and all references to the San Juan/Chama). MRGCD has filed a Motion to Dismiss portions of the remaining claims. And the federal government filed a motion supporting Reclamation's position in the BA and ensuing dismissal. Only final actions can be sued and this is not a final action. The Corps filed a Motion to Dismiss all the claims against them. WildEarth Guardians has an extension until March 6 to file their responses.
  - Depending on the judge, it will be late spring/early summer before getting to the merits of the case(s).

- *Coordination Committee (CC) Updates:*
  - At their February 4th meeting, the CC identified concerns and suggestions for EC consideration at the April 2 meeting:
    - Lack of Program Direction;
    - Soon-to-be lack of any Program staff or assistance;
    - Transition to a RIP and Related Timeframes "on hold" indefinitely;
    - Limited Agency Resources (staff, budget, time).
    - What should the CC and EC be doing at this time?
    - How does EC want to use the groups during this transition time?
  - A closed session was called and contractors were asked to step out of the meeting. Please contact an EC member for details on the budget and projects discussion.

Fish Population Monitoring Workshop Update

- The Scope of Work for the Fish Population Monitoring (CPUE) workshop is almost complete. A list of experts has been compiled.
- The Population Monitoring and CPUE survey taken by the EC was used to develop the workshop questions and topics.
- While a lot of progress has been made, the earliest the workshop will be held is late summer.

Minnow Action Team (MAT) Update

- In the first meeting of 2015, the MAT convened and discussed how to best meet the needs of the species with poor water expectations this year. The 2014 MAT Report will be available soon.
- The early season predictions are bleak and there is not a lot of opportunity to store. The situation is different from last year because this time last year there was more carry-over water. It is hoped that as the year progresses, more options will develop (more snow fall, moisture, etc.).
- The group started discussions on potential recommendations given the hydrologic outlook and minnow needs. The group intends to meet again next month, after the March 1 forecast is available.

- Right now, MAT is looking at worst case scenarios. The early emphasis is on egg collection and engineering some storing opportunities. Given the early predictions, it will be challenging to maintain the river this summer.
- It was shared that ISC has been doing "hydrology history" research - looking back in the records for the Rio Grande. The last time the system had 4 consecutive drought years was back in the 1950s drought but some large summer spikes were experienced. This will be the 5th drought year unless storms and weather and monsoons are realized. The 1950s to 1970s actually saw drying of the Albuquerque Reach – there was no water in the river. We haven't experienced that again due to the exemplary management in the middle valley. These efforts are making a difference when compared to the last similar event.

Other Activities:

- *Hydrology Update*:
    - The Azotea tunnel is currently flowing at 20-40 cfs; flow out of the tunnel this yearly in the year is "bad news" and is indicative of snow melt (reduction in snow pack).
        - The San Juan River Basin snowpack is at 53% of average and the Upper Rio Grande snowpack is at 55% of average. However, these percentages have actually declined since the projection due to snow melt at lower elevations.
    - MRGCD has 993 ac-ft in Heron and 159 ac-ft in El Vado.
    - There is 22,000 ac-ft of available supplemental water.
    - If weather predictions are correct, more storms/moisture is expected next week.
- *Species Update*:
    - *Rio Grande Silvery Minnow:* ASIR submitted the 2014 Population Monitoring Annual Report. As of December 2014, they reported an estimated density of 1.5 minnow per 100 m^2. This is up from last year's average density of 0.4 minnow per 100 m^2 but they are mostly stocked individuals.
    - The Service's Conservation Office collected 0.08 minnow per 100 m^2 at 6 sites on tribal lands in Angostura and Isleta. However, the minnow population density remains very low even after augmentation of approximately 263,000 hatchery minnows last fall.
    - Last year 6 minnow were collected in Big Bend; minnow hadn't been detected in Big Bend for the past several years.

Discussion: EC April 2nd Workshop Agenda Items

- The EC workshop will start with regular business at 9:00am and then move into more focused discussions. Reese Fullerton is the scheduled facilitator.
    - The EC then discussed whether or not to have the April 2nd meeting be a Closed Session. Concerns were raised that unless there is specific legal or personnel issues, meetings should be open. This is especially important in the interest of transparency. With no objections voiced, the EC decided April 2nd would be an Open Meeting. The EC does reserve the right to call Closed Session(s) during the April 2nd workshop should the need arise.
- In a "round table" discussion, signatories offered their perspectives, opinions, and suggested agenda topics for the April 2nd workshop. The suggested agenda items and subsequent discussions are listed below (in no particular order or ranking):
    - *Clarify and Confirm the legal definition of a RIP and what this means to the Service and other agencies*.
        - There is concern that not everyone may have a clear understanding of the legal definition of the Recovery Implementation Program (RIP), and what the Biological Assessment (BA) and Biological Opinion (BO) entail – how they interrelate with each other and the Conservation Measures in terms of "actions" versus "absence of action" and the offsetting of that action.

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- The business of the EC is separate from the consultation. The EC has leadership responsibilities to ourselves and to the groups that report to us. However, these have not been separated out very well. The workshop agenda needs to be clear about what we are trying to accomplish. These 2 things should be "distanced" in order to do a good job at both.

- *BA/BO Full Presentation Update* – (1) Status Update – where we are exactly; where we need to get as a Program; (2) How the BO and RIP "fit" together – and how this might be different than outlined in the RIP documents; (3) discuss what we are trying to achieve versus what is perceived; (4) how "things" evolved over time.
  - The intention was to transition to a RIP ~5 years ago. The RIP is seen as important and the best way to address all the issues and goals. But how will the RIP work within the limitations (water, money, staff)? It is going to take real commitment and action by everyone in the Program to get back on track.

- *EC direction for the Program - guidance and assignments*:
  - What are the work group and committee roles? What are the expectations?
    - The technical groups deserve to have a clear understanding of their future.
  - Focused discussion on "restructuring" of subcommittee/working groups – what will they look like?; consider that the work groups are the "best working part" of the Program so why try to dismantle those?

- *Complete the Program Management Subcommittee Tasks and Assignments*
  - There were several assignments given to the Program Management Subcommittee. But that group has stalled and tasks remain incomplete.
  - If it will take more than an intensive afternoon to accomplish the Program Management Subcommittee tasks, then develop next and future steps with schedules for completion.

- *Update the RIP Program Documents (Action Plan, Cooperative Agreement, Program Document, etc.)* that have been "sitting" and haven't been taken to the next step.
  - Some of this might be tied to the outcome of the BO, but they are not mutually dependent on the BO. The BO will be what it will be so why delay getting the documents completed and ready to sign?

- *Discuss how to "move forward" when the baseline boundaries are not known (BO) and the concerns about the sufficient progress metrics.*
  - There is concern regarding how the Program – as is or as a RIP – is going to operate without clear understanding of the metrics that are going to be measured. The "baseline" boundaries are not defined so how can we set up the Program (or RIP) and the associated projects when we don't know what we have to do?
  - Additionally, there are a lot of individual BOs – we don't know the "cumulative" list with criteria, what they have in common, where they are different, etc.
    - In response to this concern, it was shared that Reclamation does not envision the RIP as the "environmental compliance check box." The RIP will meet as determined to think about recovering the species first and foremost - not compliance with the BO. The group of agencies meets to accomplish the same goal(s) - using the actions and conservation measures. But the RIP is not there yet. It needs to be "up and running" with determination of what recovery means and then let the compliance pieces play out as they will.
    - It was also clarified that of all the different BOs on the river, the vast majority are project specific documents: one time documents with set

timeframe actions and take is gone with completion. When the terms and conditions are satisfied, the BO is no longer in effect. There are very few programmatic BOs on the river: (1) Buckman Direct Diversion (BDD), (2) ABCWUA's water diversion, (3) the Corps BO, and soon to be (4) Reclamation's BO.

- It will be up to Reclamation and partners to determine if the RIP will or won't be included in the consultation process. The Service's standpoint remains that the RIP has to be focused on recovery actions in the MRG. A self-sustaining minnow population in the MRG is the main goal and objective to work toward. The minnow species cannot be recovered without 2 additional self-sustaining populations elsewhere. But the focus here is satisfying the recovery objectives in the geographic area of authority/control. It won't be a "range wide" effort. A RIP is not necessarily needed to complete the consultation process. Using Reclamation's BA and conservation measures, the Service will determine if it is a jeopardy situation (if so, will then determine the RPAs).
- Instead of waiting for the RIP to recovery the species, the Program needs to continue to do more for the species. For example, Reclamation has been working on the hydrologic objectives, conservation pool, habitat projects revamped, etc. We are a collaborative program – there is no reason we can't use the current structure to accomplish "good things." We need to figure out what is preventing us and "chart the course."

- *How to get the RIP "up and running?"*
  - Clearly, there are a lot of key areas with uncertainty and unanswered questions. But that doesn't mean we are "stuck." Momentum has been lost with everything taking so long. But all the "pieces" are in "play" and hopefully, more things will be completed by the end of summer. The Population Monitoring (CPUE) workshop will inform the measurable criteria.
  - The EC should consider the CC identified concerns and use the April workshop to: define/reconfirm the path forward; determine what can be done simultaneously with the BA/BO process; and get the RIP documents moving again.
  - What will it take to get the 3rd Party Management (and Science Panel) established and functional? The mechanics of the transition need to be revisited and "reenergized" as the first step to getting "back on track."

- *Revisit the "3 Key Issues"* (see EC 07/12/12 read ahead for 07/20/12 EC Meeting)
  - (a) Scope of Coverage
  - (b) RIP Management
  - (c) ESA Compliance Metrics
    - Over the years, there had been a lot of discussions about the absolute "must haves" and things seem to have "morphed" since those discussions. The perspective of the RIP as the sole conservation measure for a BO is different today.

- *Move forward with the RIP in advance of the BO? Or post-BO*?
  - This discussion needs to include thoughts/opinions/guidance from the Service on whether or not the RIP should develop before or after the BO or if there is no preference.
  - If the RIP is delayed until after the BO, things may be more "defined" for the Program.

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- *EC Self-Evaluation period (potential for closed-session)*
  - In order to move forward and regain momentum, it was suggested the EC consider taking time to "self-evaluate the EC performance" – with candid and honest discussions about what is working, what is not working, what needs to be changed and how, etc.
- *Schedule next EC meeting: late April to accommodate MAT recommendations?*

Meeting Summary: Reese Fullerton concluded the April agenda discussions by reminding signatories that this Program has experienced "loss of momentum" in the past and revitalization is possible. The purpose of the April 2nd workshop is to work – not sit back passively. The EC needs to provide guidance, directions, and outline the work to be accomplished. It is really important that everyone attends this meeting with the intention of engaging – planning to walk away with clarity, guidance, paths forward, etc.

Public Comment

- There was no public comment.

Announcements

- The Institute of American Indian Arts is hosting the second Joe Sando Symposium on March 5 and 6, 2015, at the Nativo Lodge in Albuquerque. Registration is $50.

Next Meeting: April 2nd, 2015 from 9:00am to 4:00pm at Reclamation;

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    - how to accomplish moving forward with: (1) soon-to-be lack of any Program staff/assistance and (2) limited agency resources (staff, budget, time)
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- Update the RIP Program Documents (Action Plan, Cooperative Agreement, Program Document, etc.) that have been "sitting" and haven't been taken to the next step.
- How to get the RIP "up and running"
- Schedule next EC meeting: late April to accommodate MAT recommendations?
- Others to be submitted by EC members

- Next Regularly Scheduled EC meeting: (1) The population monitoring and CPUE EC survey will be issued as report; (2) MAT 2014 report available next meeting; (3) Updated MAT spring/summer recommendations;

Executive Committee Meeting Attendees
February 19th, 2015

Attendees:

Representative	*Organization*	*Seat*
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
Jennifer Faler (P)	Bureau of Reclamation	Reclamation
David Gensler (P)	Middle Rio Grande Conservancy District	MRGCD
Wally Murphy (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
Ryan Ward (P) (via phone)	NM Department of Agriculture	NMDA
Matt Schmader (P)	City of Albuquerque	COA
Alan Hatch (P)	Pueblo of Santa Ana	Santa Ana
Frank Chaves (P)	Pueblo of Sandia	Sandia

Others	
Ali Saenz	Bureau of Reclamation
Jim Wilber (A)	Bureau of Reclamation
Ken Rice	Bureau of Reclamation
Rhea Graham	Bureau of Reclamation
Josh Mann	Solicitor's Office
Susan Bittick (A)	U.S. Army Corps of Engineers
Kim Rowe	U.S. Fish and Wildlife Service
Dave Campbell	U.S. Fish and Wildlife Service
Stewart Jacks	U.S. Fish and Wildlife Service
Monica Kimbrough	U.S. Fish and Wildlife Service
Grace Haggerty (A)	NM Interstate Stream Commission
Brooke Wyman (A)	Middle Rio Grande Conservancy District
Rick Carpenter	BBD/City of Santa Fe
Alex Bazan	U.S. Representative Lujan Grisham's Office
Reese Fullerton	GenQuest (facilitator)
Marta Wood	Alliant Environmental (note taker)

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