

*August 30, 2018*

**Documents:**

Meeting Agenda

Meeting Minutes

Read-Aheads and Presentations

*Draft Taos Decisions*

*Proposed MRGESCP Space*

*MRGESCP Communication Principles*

*MRG BO Milestones (BO Issued December 2016)*

*Adaptive Management Program - Taos Process [presentation]*



# Middle Rio Grande Endangered Species Collaborative Program

*Est. 2000*

## **EXECUTIVE COMMITTEE MEETING** **August 30, 2018      9:00 AM – 3:00 PM**

**Location:** U.S. Bureau of Reclamation  
555 Broadway Blvd NE #100, Albuquerque, NM 87102

**Call-in Information:**  
**Phone:** 888-970-4194    **Passcode:** 17818

### **MEETING AGENDA**

8:45 – 9:00	<b>Arrival</b>	
9:00 – 9:10	<b>Welcome and Introductions</b> <ul style="list-style-type: none"><li>• Ground rules</li></ul>	<i>Co-Chairs</i>
9:10 – 9:30	<b>Program Manager Update</b> <ul style="list-style-type: none"><li>• Outcome of Adaptive Management Work Group meeting</li><li>• Review of Taos Retreat decisions</li></ul>	<i>Debbie Lee</i> <i>Dave Wegner</i>
9:30 – 10:00	<b>Lessons Learned from Other Programs</b> <ul style="list-style-type: none"><li>• Adaptive Management Options</li></ul>	<i>Dave Wegner</i>
10:00 - 12:00	<b>Role and Direction of the Collaborative Program</b>	<i>Debbie Lee</i> <i>(facilitator)</i>
12:00 – 1:00	<b>Lunch – On Own</b>	
1:00 – 1:45	<b>Where Do We Go From Here?</b> <ul style="list-style-type: none"><li>• Options for the EC to consider</li><li>• Next steps for the Collaborative Program</li><li>• What does commitment look like?</li></ul>	<i>Debbie Lee</i> <i>(facilitator)</i>
1:45 - 2:15	<b>Budget and Contracting</b> <ul style="list-style-type: none"><li>• Role for Program</li><li>• Process moving forward</li><li>• How to tie into Out-Year Budget and Long-term Plan</li></ul>	<i>Debbie Lee</i> <i>(facilitator)</i>
2:15 – 2:30	<b>September EC Meeting</b> <ul style="list-style-type: none"><li>➤ Decision: Next meeting September 12, 2018</li><li>• Proposed agenda items:<ul style="list-style-type: none"><li>○ SOW approvals</li><li>○ Meeting minutes approval</li><li>○ Annual report approval</li><li>○ Adaptive Management – approval of next 3 months' actions</li></ul></li></ul>	<i>Co-Chairs</i>

2:30 – 2:40	<b>Action Items and Next Steps with timeline</b> <ul style="list-style-type: none"> <li>➤ Move forward with developing an integrated Adaptive Management and Long Term plan</li> <li>➤ Direction to the AM Work Group and By-laws groups</li> <li>➤ Reaffirmation of Collaborative Principles, and Communication Principles agreed to at the Taos retreat</li> </ul>	<i>Co-Chairs</i>
2:40 – 2:50	<b>Announcements</b>	
2:50 – 3:00	<b>Public Comment</b>	
3:00	<b>Adjourn</b>	



# Middle Rio Grande Endangered Species Collaborative Program

Est. 2000

## Middle Rio Grande Endangered Species Collaborative Program (MRGESCP or Program)

### Executive Committee (EC) Meeting Minutes

August 30, 2018, 9:00 AM – 3:00 PM

Location: U.S. Bureau of Reclamation (Reclamation), 555 Broadway Blvd. NE

#### Action Items

WHO	NEW ACTION ITEMS	BY WHEN
Western Ecosystems Technology, Inc. (WEST)	Develop a draft accountability plan.	ASAP
WEST	Will compose a first draft of an interim Long-Term Plan (LTP), in consultation with U.S. Army Corp of Engineers (USACE) to ensure it complies with their authorities.	ASAP
WEST	Put together a strawman approach on how the Adaptive Management Work Group (AMWG) and can move forward – schedule and process. Review by the AMWG will occur first.	ASAP
WEST	Poll the EC on September dates for the next meeting.	ASAP
WEST	Find copies of codes of scientific conduct to illustrate the science process and how it is articulated in other programs, within the Department of the Interior (DOI), and U.S. Army Engineer Research and Development Center (ERDC). Incorporate those into a MRGESCP Science Process Document.	ASAP
Reclamation	Reclamation will send WEST the scope of work (SOW) for the Utah State University (USU) biometrician contract to disperse to the MRGESCP for informational purposes.	ASAP
MRGESCP	Will work to identify where the Program may have the opportunity for input in Middle Rio Grande (MRG) work.	Ongoing
WHO	ONGOING ACTION ITEMS	BY WHEN
All Signatories	Send WEST ongoing and 2019 Program-related project information, updates, and changes as they are awarded/revised/progressed/completed for inclusion in the project tracking sheet.	Ongoing
All Signatories	Provide WEST updates and other content for inclusion in the Program newsletter.	Ongoing

#### Next Meeting

- September 2018 - exact date, time, and location to be determined (TBD)
- Proposed agenda items:
  - Continue discussions from the August 30, 2018 EC meeting
  - Approval to Science/Habitat Restoration Work Group (ScW/HR) to move SOWs forward for individual signatory contracting

## **Announcements**

- Bosque Ecosystem Monitoring Program (BEMP) Fall Field Tour will be on Thursday, October 25, 2018.

## **Welcome and Introductions**

- Brent Esplin (Federal Co-Chair, Reclamation) and Janet Jarratt (Non-Federal Co-Chair, Assessment Payers Association of the Middle Rio Grande Conservancy District [APA]) reviewed the meeting ground rules handout.

## **Program Manager Update**

- Debbie Lee, WEST's Program Manager, stated that this meeting is occurring because the AMWG realized that there are outstanding issues to be addressed and resolved.
- It was noted that most of the issues being covered at this meeting were also discussed at the April 2017 EC Retreat, and that one outcome included a draft MRGESCP communication principles document (see read ahead).

## **Lessons Learned from Other Programs and Adaptive Management (AM) Options**

- Dave Wegner, WEST's Science Coordinator, explained that the AMWG hit a speed bump in the process of developing the AM Program/Plan, with questions that must be addressed at the EC level. He has reached out to other AM Programs in the country, many related to water issues, and noted that each program has faced these same issues. The EC and AMWG need to touch base to ensure movement in a unified direction before continuing the MRGESCP's AM Program planning.
- There is an opinion that not a lot of trust exists within the group, and that AM Programs nationwide must follow the following principles toward developing trust:
  - Managing effective communication
  - Defining and managing expectations
  - Commitment to process and program
- Dave Wegner's presentation covered several programs that reached this point in the process (see presentation for details):

○ Columbia River Basin Program	○ Chesapeake Bay Restoration
○ Delta Stewardship Council	○ Platte River
○ Glen Canyon Dam AM Program	○ Everglades
	○ Lower Colorado River Multi-Species Conservation Program
- David Gensler, Middle Rio Grande Conservancy District (MRGCD) EC Representative, was asked to give his perspective of the Glen Canyon Dam AM Program meeting that MRGCD attended in August 2018.
  - David had a strong sense that the same issues the MRGESCP has, also exist in the Glen Canyon Program. He remarked that Glen Canyon has a bigger program, more money, more people at the table, but has the same factions, structural problems, and issues with measurements of success. They have developed a degree of trust even though they do have disagreements. The trust among the group results in painful, but honest discussions (e.g. funding and high flow topics). There is acceptance of the information presented to their group, and he did not observe any knee-jerk reactions. They stick with the decisions made and are committed to seeing them through. He remarked that a notable difference between the MRGESCP and the Glen Canyon Program is that in the MRG, what is occurring is with non-federal water and non-federal land. He observed that Glen Canyon operates at

a slightly higher level than the MRGESCP, which is evident by who sits at the table. There is a nominating process for membership, with expired terms, and this gives them a sense of seriousness about their roles. They observe a process.

- Dave Wegner noted that the Glen Canyon Program is driven by a Congressional act and that is why they respect the process. It was noted that their program is a Federal Advisory Committee and operates according to the Federal Advisory Committee Act (FACA).
- *Question:* Is [the Glen Canyon Program operating as a FACA] good or bad?
  - *Discussion:* It has created an atmosphere of process and that process is adhered to, and it has raised the game there. Congress realized its potential to be a good, productive thing.
- *Question:* Is there the potential for litigation?
  - *Discussion:* The FACA was formed because of litigation and there has been some in the past, but there is no active litigation.
- *Question:* Do Biological Opinion's (BO's) require coordination in [the Glen Canyon Program]?
  - *Discussion:* The BO's are part of the process. It is done with an open dialogue and they discuss the process. Sometimes their Technical Work Group or the scientists get the work and then the managers make the decisions.
  - The Glen Canyon BO was a jeopardy opinion and then switched to non-jeopardy.
  - They have developed a process and a trust in that process - sometimes their discussions are messy, but sometimes they are a slam dunk. There was a resolution in Glen Canyon that failure is not an option, and they never seemed to "kick the can down the road" and delay conversations and decisions.
- Dave Wegner summarized by saying that following a process can work, and that because of the law, participation in the Glen Canyon Program has a strong commitment. The Glen Canyon Program serves as a forum for dialogue.
- Dave's presentation continued to cover four general categories of AM derived from WEST's talks with MRGESCP signatories (see presentation):
  - Adaptive Advisory: meets occasionally and opens up dialogue
  - AM Separated: two independent programs in operation (as follows), which have not worked well in other programs because of trust issues and wasted money
    - MRGESCP AM
    - 2016 MRG BO AM (River Integrated Operations [RIO])
  - AM Lite: Reclamation or 2016 MRG BO partners may not have the resources that the MRGESCP does (e.g. access to universities or other expertise) and so the MRGESCP is asked to undertake those tasks. This option may have a science forum each or every other year. Everyone goes to their own corners if litigation is suggested.
  - AM Integration: Trust is developed, everyone works together in an open process that fosters discussions, debates, and challenges.
- Dave's presentation posed the question: Is AM right for the MRGESCP?
  - The Program will need to step up and move forward. The MRGESCP has the pieces to make a commitment, communicate, and define AM – the signatories just have to do it.
- *Question:* How important is the statutory authority in this AM?
  - *Discussion:* It helps get people to the table faster and participate effectively when they have to address statutory authority. Legislation protects the process, but doesn't necessarily mean there will be good decisions. The MRGESCP becomes the guardian of the process.

- In the Platte River, the states decided to do a Memorandum of Understanding (MOU) to work together. Developing and implementing legislation was an outcome of the process of working together.
- Dave recommended that the MRGESCP start out by writing a letter of commitment/ agreement (much of which was done at the 2017 EC Retreat), and that signatories should sign it. Although it is not legally binding, it shows renewed intention for commitment. The level of commitment depends on where the group is comfortable starting.
- *Request:* Refresher on MRGESCP signatory authorizations for participation.
  - *Discussion:* Senator Domenici wrote legislation to provide a forum for dialogue and provide a safe-guard from litigation. As long as signatories abided by the terms and conditions of the 2003 MRG BO and participate fully in the MRGESCP, there is no litigation available under the Endangered Species Act (ESA). There have been several iterations of the legislation, with the 2009 version currently in effect.
  - USACE authorization allows technical and administrative assistance to the MRGESCP, but that is all that is left of their authorization. What their authorization includes is participation in meetings and spending federal dollars, with no cost-share requirement, on studies and planning and assistance at the request of the MRGESCP. USACE is no longer tied to litigation or protected by a BO.
  - Specific legislation mentions the limits of participation. The MRGESCP has to be careful how it operates to avoid violating the Federal Advisory Committee Act (FACA). The MRGESCP cannot operate in an “advisory” capacity because that word has legal connotations and Congress has not authorized it; whereas, the MRGESCP can appropriately act as a forum and exchange information.
  - The alternative to the MRGESCP is the judicial system, which has not always led to the most effective solutions. Collaboration is the better alternative to litigation.
  - Reclamation does not have specific authority through Congress for the MRGESCP. The three things that relate to direction from legislation are the following:
    - Formation of an EC
    - Membership
    - Having by-laws
- WEST explained to the EC that there was proposed legislation read at the April 2017 Retreat, but that the bill died in committee and the MRGESCP is not operating under that.
- An audience member commented that membership and by-laws relate to voting and impact how the EC will act and define its role. There is a funding issue with USACE authority in relation to the LTP and the AM Plan, and how the two plans relate. USACE must have a LTP to expend funds, and it cannot be titled ‘AM Plan’. It was mentioned that Senator Dominici envisioned a plan, and the MRGESCP needs to develop one.
- Reclamation will adhere to the 2006 by-laws. The legislation is a double-edged sword. It says that an EC must be established and bylaws followed, which is flexible, but also lacking in the detail that forces the group to come together and operate in a specific way.
- The MRGESCP began with the MOU, but that provides no ability for the federal partners to spend money. Currently, the 2009 legislation is what provides USACE authority to spend money at 100% federal expense under specific authority.
- U.S. Fish and Wildlife Service (USFWS) does not have specific authority or guidance to participate, but they do participate as part of their responsibilities under the ESA. The 2016 MRG BO is not tied to the MRGESCP, but the 2016 MRG BO partners are part of the MRGESCP.
- *Question:* Is there any legislation or authorities amongst the non-federal partners of which the MRGESCP should be aware?
  - *Discussion:* The state is not aware of any specific authority to participate or not.

- The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) has a policy and is directed by its board of directors to participate in the MRGESCP. They can provide funding if requested, and they understand the importance of the MRGESCP.
- MRGCD and the New Mexico Interstate Stream Commission (NMISC) are authorized, but have no specific authority to participate.

## **Role and Direction of the Collaborative Program**

- *Question:* Where does the MRGESCP go next?
  - *Discussion:* To show commitment, the group needs to discuss directives and authorities from individual organization's boards, policies, funding, and authorizations.
  - Discussions indicated that the MRGESCP has value in the form of a collaborative space to share data, study results, and projects.
- *Questions:* What added value can the MRGESCP bring to the federal agencies? What added value can the MRGESCP bring that no one group/organization can do alone? Is it still worth having an MRGESCP? Is there value in participating with the MRGESCP?
  - *Discussion:* The group is currently having the same conversation that occurred at the April 2017 EC Retreat. It was noted that the hiatus (FACA review period) after the April 2017 EC Retreat halted progressing past the discussions at the Retreat, and that the MRGESCP needs to re-energize and move forward.
  - Initially there was some progress after the Retreat with collaboration this past spring on fish salvage, egg collection, water operations, and more; however, the group continues to struggle with "why are we here?"
- *Questions:* What is the function and direction of the MRGESCP? What are the expectations of the MRGESCP and the collaborative space?
  - *Discussion:* We have to start with these questions or the group will continue to struggle with what each signatory is doing here.
  - It was noted that the 2016 MRG BO is only one element of all that is going on in the MRG. When the role of science and the AM approach are discussed, it applies to more than just the 2016 MRG BO, including the work other agencies/organizations are undertaking. The Program should think about how it applies to other work being done, whether it be science or management in the MRG.
- *Discussion:* Most signatories operate under varied compliance documents outside the Program. Some signatories see that the MRGESCP can have a future being in an advisory and support role in this context, but not with any decision-making authority. Regarding the 2016 MRG BO, the MRGESCP may have a future role, but 2016 MRG BO partners cannot wait on fulfilling their obligations, especially with the upcoming 5-year review, while the MRGESCP figures out its exact role and what it is moving toward. Defining the Program's role and boundaries would enable the group to figure out which AM approach could make sense.
- The agencies and other signatories have timelines that they must meet, and the Program would have to work at a pace that allows the agencies to meet those timelines. One EC member stated that work cannot stop on regulatory obligations to wait for the Program to catch up, and that the MRGESCP's AM process integration into individual agency work would have to be deliberate and methodical.
  - Deadlines and timelines are important for agencies to meet and a process would need to be set for the MRGESCP to be accountable to those.
  - Input given to agencies is timely, and the MRGESCP signatories need to agree to adhere to them, or not be upset when the deadline is missed and their late input is left out.



- EC members commented regarding other similar Programs being serious about reviewing items before meetings and being prepared with their input in a timely manner.
- Some non-federal EC members expressed that the MRGESCP does not know the possibilities for a future role, and sent a letter outlining concerns about moving forward with AM. One EC member indicated that if every signatory works in isolation, there are un-intended consequences that can lead to impacts, harm, and litigation. The Program needs to identify within what bounds it can work.
- Some EC members expressed confusion about the current progress and process of the RIO, and if the MRGESCP's AM Plan would operate in conjunction with the RIO. It was noted that they seem like two different processes, without clear definition of what the MRGESCP's role or process will look like.
- An audience member indicated that any signatory following the MRGESCP should not be surprised by the direction and timing of the RIO.
- One EC member stated that it would be beneficial for the MRGESCP to answer questions about its role and define its function moving forward so that Reclamation and the MRGESCP can work together on AM.
- *Question:* Since there is not a pot of MRGESCP money, what does AM Plan implementation look like?
  - *Discussion:* There is no more write-in funding to Reclamation for the MRGESCP. The By-laws Work group is addressing that by recommending that the non-federal signatories lobby for funding as they did in the past.
  - Through lobbying, it is possible for federal and state agencies to spend funds on behalf of the MRGESCP if they can be shown it's an economically feasible place to invest in.
- One EC member suggested that the signatories extend their flexibility and expand the community space shared with the MRGESCP. While every signatory could meet their obligations separately, it would be better to work together.
  - MRGCD and ABCWUA committed to having more input from the MRGESCP regarding endangered species and other management activities.
  - In response, some EC members recommended that expectations need to be defined and managed, and suggested that the culture of certain groups in the MRGESCP will be upset if their decisions are not implemented by the agencies.
- *Question:* Is expanding the community input space only in regard to the 2016 MRG BO partners, or all of the BO's in the MRG?
  - *Discussion:* One EC member stated that they do not see the Program's efforts as being tied to any one BO, but supports things that are happening in all of the MRG BO's.
  - Some EC members indicated that each BO affects all other BO's in the MRG; that they all affect the river, and AM needs to be looked at on a holistic level rather than related to an individual BO.
  - One EC member stated that no one wants to undermine BO's, but there is perceived flexibility and they believe Reclamation can lead by example and expand their community space/circle to allow more flexibility.
  - The EC was reminded that not every action each agency takes is related to a BO, and not every signatory is party to a BO on the MRG. What happens in one part of the river affects another part of the river.
- *Questions:* What is the ultimate goal of the AM Plan, and is it the same for all organizations involved in the MRGESCP?
  - *Discussion:* There was a mission statement agreed to at the June 2018 EC meeting.
  - There have been consistent goals throughout the MRGESCP's history including prevention of species extinction, promoting recovery of species, and allowing water uses.

- The AMWG has not come up with specific goals, but will be working on those at the EC's direction.
- The group discussed the various AM options presented and how the Program could work under those scenarios given authorities and current operating spaces.
  - Reclamation expressed the intention of moving from AM Lite toward AM Integrated if the Program will develop a plan and a process toward sound decision-making, good scientific process, and adherence to deadlines. Reclamation would like to see input and collaboration, and offered that the MRGESCP could practice AM Integrated with population monitoring.
  - Other EC members stated that they do not want to prove themselves capable with no possibility of the work to be integrated or used.
  - Several stated that although the conversation is about structure, it should be about addressing the group's culture. Several participants noted aspects of the Program culture, such as not meeting deadlines, not providing timely feedback, and not communicating well, which would not be conducive to a functioning adaptive management program.
  - One EC member noted that the MRGESCP cannot expect signatories that have regulatory obligations to wait on their commitments while the Program figures out a process and a structure.
  - An audience member expressed the opinion that ultimately this is an argument over who wins or controls the science, and that the agencies are typically the ones with power over science decisions.
  - In response, one signatory noted that agency biologists are perceived by some in the Program as not trusted to know what they are doing, and there are attempts by those in the Program to control other agencies' scientists.
- *Questions:* If the perceived value of the Program is to provide a space for partnership development, share project information, and create a forum for dialogue, what added value can be brought to the agencies to participate in the MRGESCP? Likewise, what is the value the MRGESCP can bring that no single agency can do working alone?
  - *Discussion:* The Program has discussed its structure and what that is going to look like in the future; however, to move the Program forward, the culture of the MRGESCP and how its signatories participate must change. Many signatories have repeatedly noted that the Program has issues meeting deadlines, communicating effectively, and with repeatedly discussing the same issues without resolution.
  - One EC member suggested that the MRGESCP indicates that they want to give latitude to the agencies to do their jobs, but that the Program also shows a lack of trust in the agency scientists and continuously want to control and argue with what the scientists are doing.
- Update on the Wild Earth Guardians litigation: USACE put together a reassessment document looking at all 14 operations and found there was no need currently for consultation. The court agreed with the USACE on their assessment, and found that USACE does not have discretion over the majority of the reassessed actions, and therefore did not require consultation. Wild Earth Guardians has 60 days from August 14th to appeal.

### **Where Do We Go from Here?**

- WEST provided a summary of the morning conversation: The group needs to talk about science and science process, and the group needs to talk about culture.
- *Discussion:* It was noted that the conversation about AM is really a conversation about controlling the science, and that science should not be controlled. One EC member stated that science should be left to the scientists, but that there is mistrust associated with some of the MRGESCP's scientists.

- *Question:* Each agency has the final say with their decisions and obligations; how does that fit with a collective science program?
  - *Discussion:* WEST noted that since the agencies have to use the best available science, then the science program must rise to meet the standards of the agencies.
  - One EC member suggested the Minnow Action Team (MAT) as an example of people committed to a good process in which recommendations are implemented, and that other science topic recommendations could work the same way if the culture was changed to the standards of the MAT.
  - One EC member noted that science in the MRGESCP is argued by various Program groups and that is not how science should work. Legitimate concerns can be raised, but personal beliefs with no associated peer-reviewed data should not drive science. The Lower Colorado Program and other programs have an annual meeting that everyone presents their work, and the MRGESCP used to do this also. This practice helps prevent duplication and lets everyone know what is going on.
    - The previously suggested MRGESCP Science Symposium is on hold until the Program moves forward with the current conversations and issues.
  - An EC member noted that 34 permitted studies were ongoing in 2017, and that they are tracked because there is a limit on cumulative take for a single species, and that take limits are a boundary to work within. WEST had also prepared a document listing publications related to the MRG, both from the Program and its signatories, and outside it. There are a vast number of studies ongoing and taking a holistic look at what is out there would be useful to help move forward.
- *Question:* What determines the best available science?
  - *Discussion:* Some EC and audience members suggested that the gold standard is peer-reviewed publications that provide a forum for discourse.
  - An EC member raised the concern that review of the science has not been equitable and that some is subjected to high degrees of scrutiny and others are not subjected to much or any peer review. It was suggested that if the Program can all agree on what good science is, then everyone can accept good science even if they do not like the outcome. The new process should not include allowing for someone that does not like the result of a peer-reviewed study to do their own study to get the results they want.
- WEST noted that an agreed upon process is needed to move forward. The MRGESCP needs a good standard for review and should develop a science process and plan by reviewing various program's and agencies scientific codes of conduct. It was suggested that the science process and plan be developed by WEST in conjunction with the AMWG for Program review.
- ✓ WEST will find copies of codes of scientific conduct to illustrate the science process and how it is articulated in other programs, within the DOI, and ERDC, and incorporate those into a MRGESCP Science Process Document.
- *Question:* How are MRGESCP signatories going to hold each other accountable?
  - *Discussion:* The Program would follow an agreed upon process. If the MRGESCP is not collaborating to give timely feedback, then the signatories with regulatory obligations will move forward to meet their deadlines without the Program, and the Program would live with the results. It would mean a commitment for signatories to be invested in giving timely input.
  - An EC member raised the concern that the MRGESCP needs to know the deadlines to be met.

- Reclamation provided a handout outlining the 2016 MRG BO timeline, with deadlines, and offered to identify where opportunities exist for the Program to provide input with respect to the timeline. Sufficient notice will be given to the MRGESCP for comment, and the Program will commit to providing timely feedback.
- WEST reiterated that a culture change is needed in the Program and that communication and accountability are at the forefront of the issues that continue to arise.
- ✓ WEST will develop a draft accountability plan.
- ✓ The MRGESCP will work to identify where the Program may have the opportunity for input in MRG work.

### **Signatory Regulatory Obligations and Budgets and Contracting**

- WEST proposed that since development of the MRGESCP's LTP is stalled resulting from the issues raised at the AMWG, an interim LTP will be developed that enables USACE to expend funds until a full LTP is developed in conjunction with the AMWG at the EC's direction.
- ✓ WEST will compose a first draft of an interim LTP, in consultation with USACE to ensure it complies with their authorities.
- *Questions:* Given individual funding agencies legal obligations, what level of input does the MRGESCP have on contracts/studies being done? Also, what level of input does the Program want to have?
  - *Discussion:* One audience member indicated that the signatory entities with the most money will control what science is done because they can fund it. It was suggested that the funding inequity be discussed. There is no source of MRGESCP-specific funding, so individual agencies are funding projects/studies.
  - WEST suggested that the science priorities be determined independent of the funding situations to address the issue. Currently, there is no Program pot of money, but it is foreseen that legislators would welcome the opportunity to engage with the MRGESCP when a clear path forward has been identified.
- An EC member suggested that it would be healthier in the long term for the Program to have multiple funding sources without earmarks and other funding being given to only one entity.
- An EC member suggested that the intent of the non-federal letter to the federal signatories was to make sure that the questions were clearly identified in how the non-federal signatories can have input on the science. It was suggested that there is contention around the Hydrobiological Objective (HBO).
- An EC member responded that the EC membership was not to be arbiters of science, and that the EC is not a panel of scientists. The group needs to be careful about turning the EC into something it is not intended to be without serious changes. If there will be high-level vetting of science at the EC, then the scientists need to be involved.
- *Question:* What is the procedure for transferring running of the RIO process to the MRGESCP?
  - *Discussion:* A new or changed BO since Reclamation and the 2016 MRG BO partners are responsible for managing the obligations, including the RIO, in their BO.
- *Question:* Can there be a process by which MRGESCP signatories inform the RIO process?
  - *Discussion:* It would be more about participating than informing. Reclamation can transfer the management of RIO to the Program, but not the responsibility for it.
  - Perhaps the transfer of RIO management to the MRGESCP could be a specific test case to determine Program contribution.

- *Question:* What is occurring with the Utah State University (USU) contract, and is there opportunity for MRGESCP input?
  - *Discussion:* USU will be analyzing the HBO to refine and improve it, which is a specific requirement under the 2016 MRG BO. There are provisions in the USU agreement to brief and accept comments from the MRGESCP on draft findings.
- *Question:* Would it be better to have USU tell the EC what they are doing beforehand so they can get more context?
  - *Discussion:* Reclamation is already moving forward with an agreement and the contractor will be gathering HBO data for analysis.
  - A draft report is scheduled for November with a possible presentation in January.
- ✓ Reclamation will send WEST the SOW for the USU biometrician contract to send on to the EC for informational purposes.

### **Meeting Conclusion**

- WEST summarized that the MRGESCP needs better communication and a culture change. The EC talked about how to move to AM Integrated, with some suggesting AM Lite as a stepping stone and others wanting to go directly to AM Integrated. There needs to be some caveats and expectation management in the ongoing conversation around this topic. The AMWG could be tasked with developing what that process and product looks like.
- An EC member noted that not all 2016 MRG BO actions fall under the umbrella of the MRGESCP or AM.
- The EC members decided to meet again to continue the discussion in September 2018.
- ✓ WEST will send a Doodle Poll to schedule the September 2018 EC meeting.

### **Announcements**

- The BEMP Fall Field Tour is scheduled for Thursday, October 25, 2018

## MEETING PARTICIPANTS

\* = EC member or alternate

**Rick Billings \***

Albuquerque Bernalillo County Water Utility  
Authority

**George MacDonnell \***

U.S. Army Corps of Engineers

**Dave Campbell \***

U.S. Fish and Wildlife Service

**Rick Carpenter**

City of Santa Fe

**Kim Eichhorst \***

Bosque Ecosystem Monitoring Program

**Brent Esplin \***

U.S. Bureau of Reclamation  
Federal Co-Chair

**David Gensler \***

Middle Rio Grande Conservancy District

**Lynette Giesen**

U.S. Army Corps of Engineers

**Bill Grantham \***

N.M. Office of the Attorney General

**Kyle Harwood**

Egolf+ Ferlic+Harwood (EFH)

**Alan Hatch \***

Pueblo of Santa Ana

**Katie Higgins \***

Bosque Ecosystem Monitoring Program

**Janet Jarratt \***

Assessment Payers Association of the MRGCD  
Non-Federal Co-Chair

**Page Pegram \***

N.M. Interstate Stream Commission

**Anne Marken**

Middle Rio Grande Conservancy District

**Susan Millsap \***

U.S. Fish and Wildlife Service

**Beth Pitrolo**

U.S. Army Corps of Engineers

**Chris Shaw**

N.M. Interstate Stream Commission

**Jim Wilber \***

U.S. Bureau of Reclamation

**Chuck Hayes \***

N.M. Department of Game and Fish

**Cody Walker**

Pueblo of Isleta

**Matthew Peterson**

City of Albuquerque Open Space

**PROGRAM MANAGEMENT TEAM**

Western Ecosystems Technology, Inc.

**Debbie Lee**

Program Manager

**Dave Wegner**

Science Coordinator

**Julie Dickey**

Assistant Program Manager

**Ashley Tanner**

Deputy Science Coordinator

**SIGNATORIES NOT PRESENT**

Pueblo of Sandia

## TAOS DECISIONS (DRAFT)

1. Near Term:
  - Collaborative Program to continue to operate under 2012 Bylaws until such time as those are updated. This includes CC.
2. Bylaws. EC formed a Bylaws Subgroup to evaluate and prepare proposed updates to Bylaws. This effort will consider the content of the 2006 Bylaws and the 2012 Bylaw edits. Recommendations brought back to June EC meeting.
3. Short-term Priorities. Direct the Program Manager, with coordination with the Army Corps and AMT, to prioritize the AM recommendations for short-term implementation. This will include evaluating any overlap with scopes already vetted by Science/HR and the CC. Recommendations brought back to June EC meeting.
4. Budget. EC directed Program Manager to develop an out-year budget process that links to the timing of EC decision-making on budget recommendations (to facilitate timely input to federal agency budgetary process).
  - a. This includes a commitment by EC members to provide, in a timely manner, their respective budget information to Program Manager for development of the Collaborative Program budget.
  - b. Each agency (federal agencies, ISC and MRGCD) to provide a short description and timeline to Program Manager of their respective budget cycle.
  - c. There is a good faith effort on the part of the parties to implement consensus recommendations, while recognizing that consensus recommendations from EC on Collaborative Program budget requests do not guarantee that recommendations will, in fact, be funded because each EC member retains discretion in implementing its statutory authorities and based on availability of funding.
  - d. Develop an out-year budget to conform to the process developed and approved by the EC.
5. Adaptive Management Plan. EC directed Program Manager to proceed with development of an Adaptive Management Plan for consideration, refinement and approval by EC.

### Yet-to-be-determined:

- How the AMP will coalesce with the LTP (is it part of or does it become the LTP).
- The extent to which the BO actions (versus the monitor of those) are to be included in the LTP, if at all.



6. Cost-Share Flexibility. EC directed a legal group to evaluate whether flexibility exists under current authorities to recognize that the non-fed cost share is built into the new BO, including an examination of potential unintended consequences of adjusting this cost-share component.
7. Signatories have agreed to continue in the MRGESCP.

Proposal:

The Collaborative Program will focus on where it can contribute to the resiliency of the Middle Rio Grande now and in the future. Specifically,

- (1) Collaborating around monitoring efforts, both for population trends, and to determine the effectiveness of management activities to inform adaptive management; and
- (2) Collaborative science to identify and fill in data/information gaps for the natural systems.
- (3) Collaboration on water management
- (4) Coordination on project implementation. *Collaboration at the proponent's discretion.*

The Collaborative Program has to operate within legal and socio-economic realities.

## **Middle Rio Grande Endangered Species Collaborative Program Communication Principles**

Clear, transparent, and complete communication is key to building trust and good relationships. At the April 26-27, 2017 retreat, the Executive Committee agreed to the following principles for incorporation into the MRGESCP's Communication Plan:

- Clearly defined roles and responsibilities, for clarity on who has authority to make decisions or represent a signatory at a Program meeting
- Schedules and deadlines should be communicated as far in advance as practical to the appropriate individuals. Those in turn should communicate information within their own organizations.
- Signatory representatives are responsible for keeping the others in their respective organizations informed and up-to-date on relevant information, requests, and action items.
- An organization should, as much as possible, present a unified message on an issue. If there is disagreement, it should be made clear which viewpoints are individual opinions.
- Agreements that are made in meetings should be communicated within Program signatory organizations and to appropriate members of the public.
- Information and data that is used to inform decisions should be accessible to all parties in a transparent manner.
- Raise any issues with the Program Manager and/or Science Coordinator as soon as possible.
- The Program Manager and/or Science Coordinator should be copied on relevant communication.
- Provide opportunities for public comment and outreach.

**MRG BO milestones  
(BO issued Dec 2016)**

<b>Project/Activity</b>	<b>Timeframe after BO</b>	<b>Milestone</b>	<b>Status</b>
Lower Reach Plan	18 months	June 2018	Complete
BdA North Boundary Infrastructure	3 years	Dec 2019	In progress
Low Flow Conveyance Channel Improvements			
Evaluation of alternatives	2 years	Dec 2018	In progress
Implementation of chosen alternative(s)	7 years	Dec 2023	
SADD Pilot Studies for Fish Passage		Spring 2017	In progress
SADD Pilot Project for Fish Passage to test effectiveness		Planning 2016-2017 Construction 2017-2018	In progress
SADD Long Term Fish Passage	5 years	Dec 2021	In progress
Isleta Fish Passage	6 years	Dec 2022	In progress
Angostura Fish Passage	10 years	Dec 2026	
RM 60 Habitat Restoration	4-6 years	Dec 2022	In progress
BDA River Realignment		Begin construction 2021/2022	In progress
Adaptive Management Five Year Reviews	Every 5 years	Dec 2021	In progress
Native Water Leasing		Begin in 2017	In progress
Incidental Take for minnow		Measured via Oct CPUE	Determined after Oct
Incidental Take for flycatcher and cuckoo		Assessed annually	Determined after Jan
Annual Report to the Service		April 1st	In progress

# ADAPTIVE MANAGEMENT WORK GROUP – JULY 18, 2018

## Issue that arose: Roles and Separation of Adaptive Management

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### Assessing the situation:

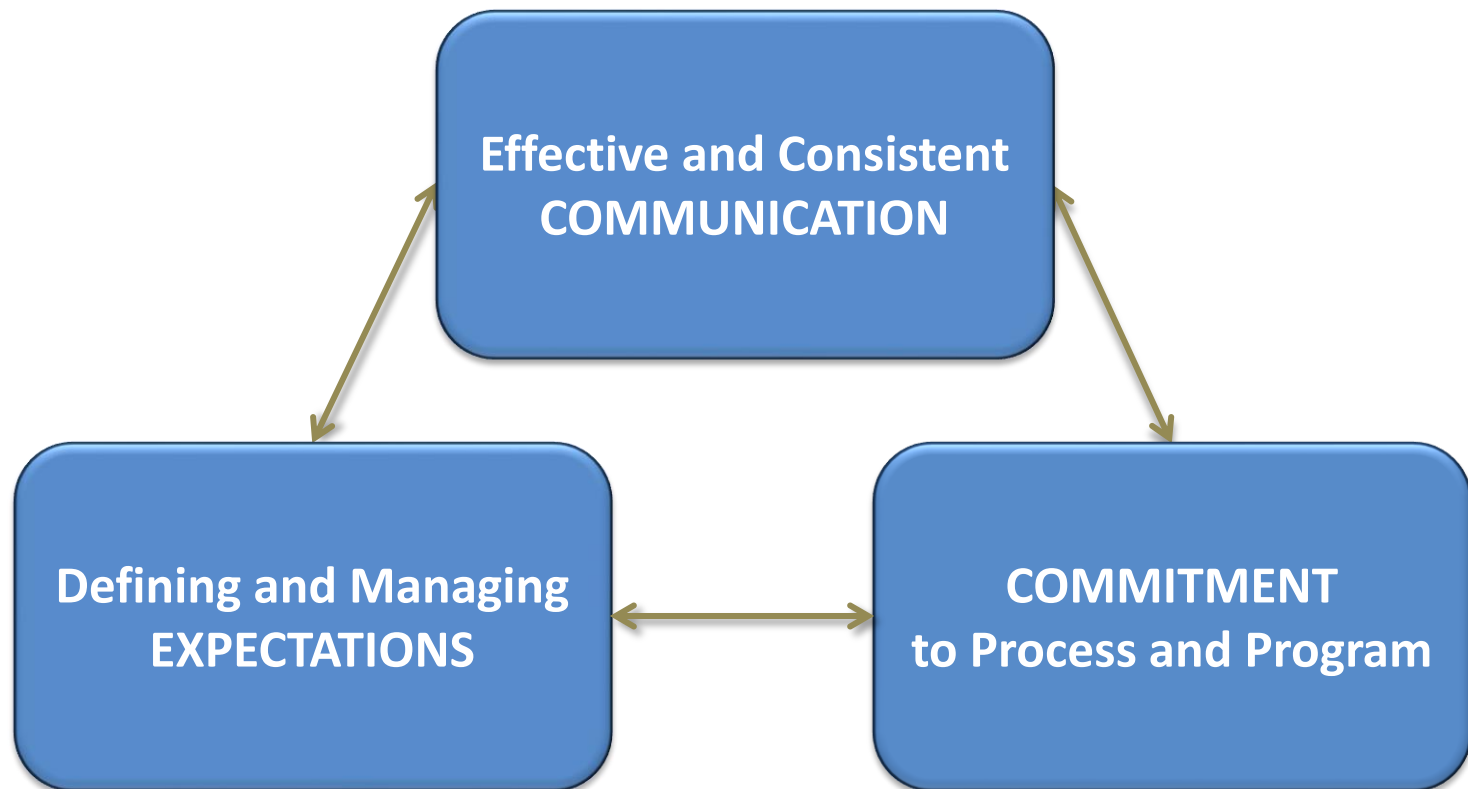
- ❑ Call for EC direction; expectation and commitment
- ❑ Survey other AM programs
- ❑ Check in with MRGESCP stakeholders

# TAOS – PRINCIPLES OF THE COLLABORATIVE PROGRAM

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- ❑ Communications
- ❑ Applied science in support of adaptive management
- ❑ Adaptive management

# **Adaptive Management is a Process Dependent upon Continual Maintenance of Three Activities:**



# Columbia River Basin Program

## 1980 - Ongoing

Decision Makers	Biological Opinion (BO)	Authorities	Dispute Resolution
<b>Federal Caucus (10 agencies)</b>  <b>Federal Columbia River Power System (FCRPS) BO</b>  <b>Regional Implementation and Oversight Group</b>	1990 listings  2008 BO  2010 Supplemental BO  2014 Supplemental FCRPS BO  Action agencies fund research and data management – ESA more likely to acquire \$\$  National Marine Fisheries Service (NMFS) and U.S. Fish & Wildlife Service (USFWS) work collaboratively with stakeholders	Northwest Power Act and Northwest Power and Conservation Council (1980)  Columbia River Compact  Columbia River Treaty  Pacific Salmon Treaty  Boundary Water Treaty and International Joint Commission (IJC)	Multiple levels with programmatic agreements and settlements providing structure  Technical management  Science management with periodic National Academy of Science (NAS) reviews  Operations management  Courts  Bylaws and agreements and constant refinement  Facilitation



**Delta Stewardship Council (CALFED Bay-Delta Program) –  
California WaterFix Project and Eco Restore (Bay/Delta Conservation Plan)  
1980's - Ongoing**

Decision Makers	Biological Opinion (BO)	Authorities	Dispute Resolution
<p><b>California Bay-Delta Authority 24 members: six each representing state and federal agencies, seven public members, one member from the Bay-Delta Public Advisory Committee and four non-voting ex-officio members.</b></p> <p><b>State Boards for Water Quality and Quantity</b></p>	<p>U.S. Fish &amp; Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and California</p> <p>2017 USFWS – 16 species – non jeopardy with conservation measures</p> <p>2017 – NMFS – 5 species with conservation measures</p> <p>Multiple BOs since 1992</p>	<p>The California Bay-Delta Act of 2003 established the Authority as CALFED's governance structure and charged it with providing accountability, ensuring balanced implementation, tracking and assessing Program progress, ensuring the use of sound science to guide decision-making, encouraging public involvement and outreach, and coordinating and integrating related government programs.</p>	<p>Multiple levels</p> <p>Bay-Delta Public Advisory Committee is a 30-member body comprised of Delta stakeholders and is a Federal Advisory Committee Act-sanctioned group.</p> <p>Independent Science Board(s)</p> <p>Courts</p> <p>Facilitation</p>

# Glen Canyon Dam Adaptive Management Program

## 1982 - Ongoing

Decision Makers	Biological Opinion (BO)	Authorities	Dispute Resolution
<b>Glen Canyon Adaptive Management Work Group (GCAMWG) – federal advisory Committee</b>	<p>1978 Final BO</p> <p>1990 HBC Recovery Plan</p> <p>1996 BO on Flood</p> <p>2008 BO</p> <p>2009 Supplemental BO</p> <p>2011 Final BO on High Flow Experiment and Non-Native Fish Control</p> <p>2016 BO for the Glen Canyon Dam Long-Term Experimental and Operational Plan</p>	<p>Grand Canyon Protection Act 1996 P.L. 102-575</p>	<p>GCAMWG with operating procedures</p> <p>U.S. Geological Survey (USGS) Science Center</p> <p>Technical Work Group</p> <p>Facilitation</p>

# Chesapeake Bay Restoration

## Initiated Comprehensive Assessments in 1983 - Ongoing

Decision Makers	Biological Opinion	Authorities	Dispute Resolution
<b>Executive Committee</b>  <b>Principals' Staff Committee</b>  <b>Management Board</b>	Primarily water quality, Total Maximum Daily Load (TMDL) regulatory framework  Watershed agreement	Multiple agreements since 1983  Executive Order 13508 - 2009	Multiple levels  Management  Science  Bylaws  State input on water quality standards  Facilitation

## Platte River 1990 - Ongoing

Decision Makers	Biological Opinion (BO)	Authorities	Dispute Resolution
<b>Governance Committee</b>	Yes	2008 - Section 515 of the Consolidated Natural Resource Act (PL 110-229)	<p>Governance Committee acts as arbiter following very detailed operating procedures established by the participants during negotiations.</p> <p>Money is controlled by funding agencies (Reclamation, Wyoming, and Colorado), each of which can veto expenditures or 2 or more of the other participants can veto expenditures.</p>

**Everglades, Florida**  
**Large-Scale Restoration of Hydrology, Ecology, Agriculture and Water Quality**  
**First Comprehensive Planning Initiated in 1990's**



	Decision Makers	Biological Opinion	Authorities	Dispute Resolution
<b>Everglades Restoration</b>  <b>Comprehensive Everglades Restoration Plan (CERP)</b>  <b>South Florida Ecosystem Restoration Task Force</b>	Monitoring and Assessment Plan to be used to assess CERP effectiveness	No  Everglades ecosystem focus	Water Resources Development Act (WRDA) 1996  Subsequent WRDA's to authorize specific projects  Comprehensive Everglades Restoration Plan (2000)  50/50 Cost share agreement  National Academy of Sciences Committee on Independent Scientific Review	Multiple levels  Bylaws  South Florida Ecosystem Restoration Task Force – Science Coordination Group  Facilitation

# Lower Colorado River Multi-Species Conservation Program (MSCP)

## 1996 - Ongoing

Decision Makers	Biological Opinion (BO)	Authorities	Dispute Resolution
<b>Steering Committee of 57 entities</b>  <b>Funding and Management Agreement</b>  <b>Annual Chair and Vice-Chair with 7 partner groups</b>	2005 BO –Overall program plus Habitat Conservation Plan (HCP)  2001 Surplus Criteria BO  2005 Memorandum of Understanding (MOU) with California for Fish and Game and California Endangered Species Act (CESA) permits	<ul style="list-style-type: none"> <li>• HCP</li> <li>• Biological Assessment</li> <li>• Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR)</li> <li>• Record of Decision</li> <li>• Funding and management agreement</li> <li>• Implementing agreement</li> <li>• BO</li> <li>• Section 10 Permit</li> </ul> <p>Other related documents:</p> <ul style="list-style-type: none"> <li>• California Department of Fish and Game (CDFG) Permit</li> </ul>	Governance Bylaws  Facilitation and ongoing dialogue

# Options for the MRGESCP Adaptive Management Program:

-  **ADAPTIVE ADVISORY** – Periodic coordination meetings, some talk, some dialogue.
  
-  **ADAPTIVE MANAGEMENT SEPARATED** – Two separate programs with some dialogue over proposed actions. Two independent efforts.
  - Agencies keep BO in-house
  - Structured outreach to the stakeholders through the work groups under the AM program umbrella

# Options for the MRGESCP Adaptive Management Program (cont.):



**ADAPTIVE MANAGEMENT LITE** – Selected issues from the BO brought over (those issues that BOR and FWS do not want to do directly) with some collaboration.

- Some sharing of data
- Annual science focus to allow for exchange of knowledge.
- Limited cover from litigation



**ADAPTIVE MANAGEMENT INTEGRATED** – Agencies share needs for BO before decision and implementation.

- Share data, open dialogue
- Integrated into the Long Term and AM Plan through the work groups
- Agencies retain control over ultimate decision-making and budget
- Gain from support/cover of the stakeholders



# Is Adaptive Management the Right Approach for the MRGESCP?

- Are there multiple, conflicting, and incommensurate objectives?
- Is the environment characterized by high levels of uncertainty?
- Are there varying levels of data quality and availability?
- Are there competing models and approaches?
- Is there a goal of improved
  - ...understanding?
  - ...predictive accuracy?
  - ...iterative performance assessment?

If we say “Yes” to these questions, then an adaptive management approach is worth evaluating, designing, and implementing.