

Fiscal Planning Committee Meeting
November 19, 2021

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Fiscal Planning Committee Meeting
November 19, 2021

See the following meeting material on the page below:

Agenda



Middle Rio Grande Endangered Species Collaborative Program

Est. 2000

Fiscal Planning Committee (FPC) November 19, 2021 9:00 – 12:00

Location: Zoom Meeting

<https://west-inc.zoom.us/j/8983593120?pwd=bU54V3NGeG93bXVISlJFcElzcE9wZz09>

Call-In: +1-669-900-6833

Meeting ID: 898-359-3120; Passcode: 1251

Meeting Objectives:

- Discuss cost-share reporting needs to inform future development of the Science and Adaptive Management Information System (SAMIS)
- Identify signatory reporting other than cost-share needs that can be addressed using SAMIS
- Discuss alternative reporting options to use until further SAMIS development
- Appoint new FPC Co-Chairs

9:00 – 9:10	Welcome, Introductions, and Agenda Review	<i>Grace Haggerty, Non-Federal Co-chair; Debra Hill, Federal Co-chair</i>
	✓ Decision: Approve November 19, 2021 meeting agenda	
9:10 – 9:15	April 21, 2021 Meeting Review	<i>Program Support Team (PST)</i>
	• Action items review	
	Read Ahead:	
	<input type="checkbox"/> Draft April 21, 2021 Meeting Minutes	
	✓ Decision: Approve April 21, 2021 meeting minutes	
9:15 – 9:25	Summary of October Executive Committee (EC) Meeting	<i>Debbie Lee, PST FPC Co-Chairs</i>
	• EC direction to FPC	
9:25 – 10:15	Non-Federal Cost-Share Reporting Needs	<i>Facilitated Discussion</i>
	Read Aheads:	
	<input type="checkbox"/> U.S. Bureau of Reclamation MRGESCP Cost Share Letter to the EC	
	<input type="checkbox"/> Proposal for Signatory Contributions_EC Approved	
	<input type="checkbox"/> 2009 Omnibus Appropriations Act – Relevant Sections (for reference)	
10:15 – 10:25	Break	

10:25 – 11:00	Other Signatory Reporting Needs <ul style="list-style-type: none"> • Discussion of individual signatory reporting needs other than cost-share • Areas of commonality • How the SAMIS could help meet those needs 	<i>Facilitated Discussion</i>
11:00 – 11:30	Options for Collecting and Reporting Signatory Contributions and Cost-Share <ul style="list-style-type: none"> • Develop specific requests for future SAMIS development • Develop options to collect cost-share information in the meantime ➤ Action Item: PST presents development requests to the SAMIS development team ➤ Action Item: PST implements alternative options to collecting cost-share 	<i>Facilitated Discussion</i>
11:30 – 11:45	FPC Administrative Business <ul style="list-style-type: none"> • Co-Chairs Terms • Planned quarterly habitat restoration coordination meetings and role of FPC ✓ Decision: Selection of FPC Non-Federal and Federal Co-Chairs ➤ Action Item: PST will inform the EC co-chairs of any changes to FPC officers 	<i>FPC Co-Chairs Debbie Lee, PST</i>
11:45 – 11:50	Announcements	
11:50 – 12:00	Meeting Summary and Action Items	<i>FPC Co-Chairs</i>
12:00	Adjourn	

[Link to full Meeting Materials List](#)

Fiscal Planning Committee Meeting
November 19, 2021

See the following meeting material on the page below:

Minutes



Middle Rio Grande Endangered Species Collaborative Program

Est. 2000

Fiscal Planning Committee (FPC) Meeting Minutes

November 19, 2021; 9:00 AM-12:00 PM
Location: Zoom Meeting

Decisions:

- ✓ Approval of the November 19, 2021 FPC meeting agenda
- ✓ Approval of the April 21, 2021 FPC meeting minutes
- ✓ Approval of Grace Haggerty (New Mexico Interstate Stream Commission [NMISC]) and Debra Hill (U.S. Fish & Wildlife Service) continuing to serve as the Non-Federal Co-Chair and Federal Co-Chair, respectively, of the FPC through June 2022

Action Items:

WHO	ACTION ITEM	BY WHEN
Program Support Team (PST)	Inform the Executive Committee (EC) Co-Chairs of the decision on the FPC Co-Chairs	11/26/2021
FPC	Review the 2021 Signatory Activity Input Form in consideration of additional reporting needs and options for collecting signatory contributions and cost share, and send edits to the PST	12/3/2021
PST	Present development requests for adding cost share and agreement tracking to the Science and Adaptive Management Information System (SAMIS) development team	12/7/2021
All signatories	Fill out the 2021 Signatory Activity Input Form to enter activities into the SAMIS	12/17/2021
U.S. Bureau of Reclamation (Reclamation)	Send the revised cost share memo to the Program Support Team for distribution to the MRGESCP	12/31/2021

Next Meeting: February or March 2022

Meeting Minutes

Welcome, Introductions, and Agenda Review

The Non-Federal Co-Chair, Grace H., opened the meeting, led introductions and reviewed the November 19, 2021 meeting agenda.

- ✓ **Decision:** The FPC approved the November 19, 2021 FPC meeting agenda

April 21, 2021 Meeting Review

Debbie Lee, Program Manager on the PST, reviewed minutes and action items from the April 21, 2021 meeting. Summary points are below:

- The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) shared the technical memo on the Southside Wastewater Reclamation Plant Outfall Realignment Evaluation Project. Signatories are invited to contact ABCWUA with any funding or partnership opportunities. ABCWUA is applying for capital outlay funds again this session to get funds for the project.
 - NMISC put in a Water Trust Board proposal for \$2 million for general Endangered Species Act habitat restoration (HR) work in the Albuquerque and Isleta reaches. If awarded, NMISC will provide some cost share for the ABCWUA project. The decision will be made in early 2022.
- Debbie L. and Ashleigh Morris, Office of the Solicitor, U.S. Department of the Interior, discussed the potential for pooling funds or collecting dues for the Middle Rio Grande Endangered Species Collaborative Program (MRGESCP). It was determined to be illegal to collect money from signatories in this way. Ashleigh M. can provide additional information if needed.
- The PST drafted a template for letters of support but found it to be too general. Heavy writing is needed to tailor every letter of support to its desired purpose.
- The PST drafted a proposal for moving from cost share to signatory contributions, which was discussed at the July EC meeting.

- ✓ **Decision:** The FPC approved the April 21, 2021 FPC meeting minutes

Summary of October EC Meeting

Debbie L. gave an update from the EC meeting on October 27, 2021. Summary points are below:

- The draft memo on cost share from Reclamation was discussed at the meeting. The EC tasked the FPC with determining reporting needs and proposing how to meet them using the SAMIS.
- A draft Biennial Schedule was proposed to the EC, which assigns tasks to the FPC, including a funding check every two years for activities integral to MRGESCP operations (e.g., the Program Portal).

Reclamation's Cost Share Memo

During the EC summary, the FPC began an in-depth discussion on Reclamation's cost share memo. Summary points are below:

- RE: Reclamation's interpretation of the Appropriations Act
 - Ashleigh M. discussed Reclamation's interpretation of the Appropriations Act, and how that interpretation affected its decision on cost share. The 2009 Appropriations Act (Act) sets forth requirements for Reclamation. The Act gives Reclamation the discretion to enter into agreements in terms of the 2003 Biological Opinion (BO) or

MRGESCP Long-Term Plan (LTP). For these agreements, cost share is required. The 2016 BO is not considered subsequent to the 2003 BO, and related agreements are not subject to cost share. Any agreements Reclamation enters into in furtherance of the MRGESCP LTP should be subject to cost share (25% non-federal match). Thus, collecting cost share is required for the MRGESCP.

- Reclamation reviewed 2021 projects, and all were directly required by the 2016 BO. No 2021 projects are subject to cost share. Reclamation will enter all project information into the SAMIS, and mark them as required by the BO.
 - Reclamation will revise the cost share memo based on discussion and distribute it to the MRGESCP.
- RE: Projects related to the 2016 BO and MRGESCP LTP
 - If Reclamation's agreement with a non-Federal partner is primarily under the 2016 BO, or to meet a 2016 BO obligation, there is no cost share. All current projects are primarily under the 2016 BO.
 - FPC members asked for an example of a project that is primarily under the MRGESCP LTP.
 - Previously, the EC approved projects that were to be funded by Reclamation, including a Rio Grande silvery minnow temperature degree-days study and HR site revegetation analysis, neither of which was not completed. These projects would have been subject to cost share.
 - If there is a future project not required by a 2016 BO obligation, and Reclamation enters a partnership (75% Federal, 25% non-Federal) to complete it, that project would be subject to cost share.
 - The MRGESCP may want to come up with hypothetical projects that would have a cost share requirement (e.g., the Program Portal).
- RE: MRGESCP reporting needs
 - Needs seem to be two-fold: 1) demonstrating transparency in developing the LTP and 2) Reclamation accounting for the 2016 BO. Starting from those needs, the SAMIS can be refined to produce relevant reports.
- RE: Unintended consequences of the cost share decision
 - Non-Federal members of the FPC are concerned about possible unintended consequences of the cost share decision and are waiting to review Reclamation's revised cost share memo.
 - The non-Federal members of the FPC will meet to discuss the revised memo, if necessary.
- RE: Projects outside the BO
 - The MRGESCP is larger than one agency or BO. Science should be informed by agencies and BOs but not limited by them.
 - Reclamation is committed to entering all activities in the SAMIS, whether or not they are BO-related or subject to cost share. All signatories should be entering their projects as well, so the SAMIS can function as intended.
- RE: Improvements to SAMIS tracking capabilities
 - The SAMIS needs a way to track whether a project is under agreements with multiple signatories, and whether a project is a part of cost share. The PST will discuss these tracking improvements with the SAMIS development team.
- RE: First year of cost share with the SAMIS
 - The FPC co-chairs discussed not tracking whether cost share is being met during the first year of SAMIS operations. The first year will inform protocol for the second year, when cost share will begin to be tracked.

- RE: 2021 Signatory Activity Input Form
 - The 2021 Signatory Activity Input Form was sent out to the MRGESCP. Information provided will be entered into the SAMIS by the PST. This will help test the process for inputting project information into the SAMIS.
 - The FPC will review the 2021 Signatory Activity Input Form and send edits to the PST.
- RE: Additional SAMIS improvements
 - The FPC is invited to suggest any other SAMIS improvements. It may be easier to suggest improvements after MRGESCP members go through SAMIS trainings.
 - Improvements could be simple, like adding a new selection in a category already being tracked. Adding a new tracking option will need more work on the back end.
- **Action Item:** Reclamation will send the revised cost share memo to the Program Support Team for distribution to the MRGESCP
- **Action Item:** The PST will present development requests for adding cost share and agreement tracking to the SAMIS development team
- **Action Item:** All signatories will fill out the 2021 Signatory Activity Input Form to enter activities into the SAMIS
- **Action Item:** The FPC will review the 2021 Signatory Activity Input Form in consideration of additional reporting needs and options for collecting signatory contributions and cost share, and send edits to the PST

Options for Collecting and Reporting Signatory Contributions and Cost Share

Debbie L. opened further discussion on collecting and reporting signatory contributions and cost share. Summary points are below:

- Until the SAMIS is revised and ready for input by MRGESCP members, the PST will use a Signatory Activity Input Form to collect project information. Any changes to the 2021 form should be made as soon as possible, as it was already sent to the MRGESCP.
- There is no specific question on cost share, but that information can be provided in notes.
- Cost resolution is given differently across signatories. For example, signatories have previously calculated cost by fiscal year, by calendar year, and by dividing the total project cost by the number of months. Cost resolution needs to be standardized, so the information is useful.
 - The PST is open to suggestions for the resolution of cost information collected to be more meaningful.
 - Information related to the cost amount over a given timeframe (e.g., start and end dates) will be collected, which may help standardize cost.
- There is no requirement for cost share to be reported to Reclamation annually. Cost share is calculated on a programmatic basis instead of a project-by-project basis. MRGESCP may opt to not report cost share annually.
- The FPC will continue to consider how to improve cost resolution. Cost information is important for signatory reports.

FPC Administrative Business

Debbie L. opened discussion on FPC administrative issues. Summary points are below:

- Grace H. and Debra H. will continue to serve as Non-Federal Co-Chair and Federal Co-Chair, respectively, of the FPC through June 2022.
 - Anne Marken, Middle Rio Grande Conservancy District (MRGCD), and Lynette Giesen, Reclamation, are willing to step in if needed.

- Anyone interested in becoming more active in the FPC is welcome to join the group and nominate themselves for a co-chair position.
- The MRGESCP is conducting quarterly HR Coordination meetings, during which attendees can discuss needs for HR coordination, funding, and/or partnerships. The FPC is tasked with following up on these meetings to help secure any HR needs.
- The FPC should not be limited to only issues involving money. The group could take on coordinating all resources for projects (e.g., money, land access, partnerships, information, and letters of support).
- The FPC does not convene the HR Coordination meetings. On the Biennial Schedule, FPC meetings are held immediately following HR Coordination meetings to help coordinate resources needed.
- The FPC can also present opportunities to the MRGESCP rather than just address needs.
 - 2022 is not looking like a good water year, so the MRGESCP should be looking for out-of-the-box ideas to help.
 - The next meeting may be a good time for the FPC to start coordinating resources for 2022.
- ✓ **Decision:** Approval of Grace Haggerty and Debra Hill continuing to serve as the Non-Federal Co-Chair and Federal Co-Chair, respectively, of the FPC through June 2022
- **Action Item:** The PST will inform the EC Co-Chairs of the decision on the FPC Co-Chairs

Announcements

- A new WaterSMART grant option for engaging in HR projects became available in 2021. The opportunity should be tracked for MRGESCP signatories in 2022.
 - The FPC should be tracking and taking action on a list of funding opportunities.
- Mike Hamman stepped down as the Chief Engineer at the MRGCD.
- The NMISC State Engineer is retiring at the end of December 2021.

Closing Items:

- The next meeting will be in February or March 2022.

Meeting Participants

Participant	Organization
Anne Marken	Middle Rio Grande Conservancy District
Ashleigh Morris	Office of the Solicitor, U.S. Department of the Interior
Bill Grantham	New Mexico Office of the Attorney General, Assistant Attorney General
Brittney Erdmann	Middle Rio Grande Conservancy District
Catherine Murphy	Program Support Team
Debbie Lee	Program Support Team
Debra Hill, Federal Co-Chair	U.S. Fish and Wildlife Service
Grace Haggerty, Non-Federal Co-Chair	New Mexico Interstate Stream Commission
Kyle Harwood	Buckman Direct Diversion
Lynette Giesen	U.S. Bureau of Reclamation
Mark Kelly	Albuquerque Bernalillo County Water Utility Authority
Michelle Tuineau	Program Support Team
Sarah Anderson	Program Support Team

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Fiscal Planning Committee Meeting
November 19, 2021

See the following meeting material on the page below:

Reclamation Memo on Non-Federal Cost Share [read-ahead]



United States Department of the Interior



BUREAU OF RECLAMATION
Albuquerque Area Office
555 Broadway NE, Suite 100
Albuquerque, NM 87102-2352

IN REPLY REFER TO:

ALB-121
2.2.1.06

VIA ELECTRONIC MAIL ONLY

Executive Committee
Middle Rio Grande Endangered Species Collaborative Program
C/O Debbie Lee MRGESCP Program Manager Western EcoSystems Technology, Inc.
901 Lambertson PL NE, South Suite
Albuquerque, NM 87107
dlee@west-inc.com

Subject: Middle Rio Grande Endangered Species Collaborative Program (Program) non-federal cost share under 2009 Omnibus Appropriations Act

Dear Executive Committee:

The Bureau of Reclamation seeks to clarify its view of the non-federal cost share language set forth in the federal 2009 Omnibus Appropriations Act (Act) in order to provide the Middle Rio Grande Endangered Species Collaborative Program Executive Committee (Executive Committee) a better understanding of the funding obligations of non-federal Program signatories moving forward in support of the Program's new approach for reframing cost-share to signatory contributions.

Background:

The Act was passed in 2009 as part of a federal appropriations package, and, as set forth below in subsection (c), requires a non-federal cost share when Reclamation (acting through the Secretary of the Interior), in collaboration with the Executive Committee, exercises its discretion to "enter into any grants, contracts, cooperative agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion or any related subsequent biological opinion or in furtherance of the objectives set forth in the collaborative program long-term plan."

In addition, subsection (e)(1) of the Act requires that, when Reclamation enters into such funding agreements, "the non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis."

Issue:

At the July 28, 2021, Executive Committee Meeting, a proposal for reframing cost-share to signatory contributions was approved. The Program will compile information on signatory contributions, including voluntarily provided costs related to activities that contribute to Program operations or work towards achieving its guiding principles (i.e., mission, goals, and objectives).

To that end, Reclamation provides the following clarification for the first non-federal cost-share requirement under subsection (c) of the Act. It is important to understand the history of the two

biological opinions at issue. The 2016 Biological Opinion differs significantly from the 2003 Biological Opinion, both in its approach to water management and species protection and in its approach to the Program's Executive Committee, such that Reclamation views the 2016 Biological Opinion as a new replacement biological opinion and not a "related, subsequent biological opinion" to the 2003 Biological Opinion, as contemplated by the Act.

Additionally, the 2016 Biological Opinion specifically identifies discrete water management responsibilities of four primary entities, federal and non-federal: Reclamation, the U.S. Bureau of Indian Affairs, the Middle Rio Grande Conservancy District, and the State of New Mexico, with specific conservation measures identified for each. And, while the 2016 Biological Opinion recognizes the important contributions of the Program in concerning the development of science and other implementing activities, the 2016 Biological Opinion is no longer tied to the Program Executive Committee for collaboration and compliance in the same way that the 2003 Biological Opinion was structured.

In regard to the second cost-share funding requirement under subsection (c) of the Act, requiring a 25 percent non-federal cost share for Reclamation-funded activities undertaken in furtherance of the objectives of the Collaborative Program long-term plan, this will be determined by Reclamation on a programmatic—and not project-by-project—basis. Subsection (e)(2) of the Act states, "The Non-Federal share ... may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee." In summary, Reclamation interprets the 2009 Omnibus Appropriations Act as continuing to require a 25 percent non-federal cost share for Reclamation-funded agreements in furtherance of the objectives of the Collaborative Program Long-Term Plan and consistent with the Program's recently approved approach for reframing cost-share to signatory contributions, but not for Reclamation-funded agreements for activities solely undertaken in compliance with the 2016 Biological Opinion.

Therefore, in keeping with the proposal to re-frame signatory cost-share contributions approved by the Executive Committee, Reclamation will continue to request non-federal entities report their Program activities on an annual basis, as part of all signatories' reporting that contributes to Program activities. Non-federal entities shall report this information in the Program's Science and Adaptive Management Information System (SAMIS). These activities include, but are not necessarily limited to, Program activities, such as active participation in Collaborative Program committees, groups, workshops, and scientific activities such as studies, monitoring, data collection, habitat restoration, research, etc. The activities reported into the SAMIS would comply not only with the Collaborative Program long-term plan, but also in keeping with the 25-percent non-federal cost share requirement set forth in subsections (c) and (e)(2) of the Act. *See* Act, subsection (e)(2).

If you have any questions or comments, please contact Lynette Giesen at (505) 462-3544 or email lgiesen@usbr.gov. For Text Telephone Relay Service access, call the Federal Relay System Text Telephone (TTY) number at (800) 877-8330.

Sincerely,

Jennifer Faler, P.E.
Area Manager

[Link to full Meeting Materials List](#)

Fiscal Planning Committee Meeting
November 19, 2021

See the following meeting material on the page below:

Proposal for Signatory Contributions [read-ahead]

Middle Rio Grande Endangered Species Collaborative Program (MRGESCP)
Proposal for Reframing Cost-Share to Signatory Contributions

The Fiscal Planning Committee (FPC) was tasked with presenting a proposal to the Executive Committee on how to change non-federal cost-share. The FPC proposes compiling information on **signatory contributions**, including voluntarily provided costs related to activities that contribute to MRGESCP operations or work towards achieving its guiding principles (i.e., mission, goals, and objectives). No mandatory in-kind or cash contributions are required by the Collaborative Program. These fall into administrative and scientific categories:

- Administrative:
 - The contracts, grants, and agreements entered into by a signatory that support MRGESCP operations
 - Active participation by signatory representatives in MRGESCP committees, ad hoc groups, workshops, or in developing MRGESCP work products
- Scientific:
 - The findings and results from studies, monitoring, data collection, habitat restoration, literature reviews, research, and experiments that contribute to the MRGESCP's understanding of the listed species and their habitats

Signatory contributions are tracked using the Adaptive Management Relational Database (AMRDB). Findings, data, and final reports are provided to the MRGESCP for inclusion in science and adaptive management tools, such as the AMRDB and conceptual ecological models. A yearly report of each signatory's contributions can be provided from the AMRDB.

Scientific signatory contributions are collected, synthesized, and incorporated into the MRGESCP's activities, and are used to inform recommendations on future science activities (via the Long-Term Plan) and management alternatives.

Signatory contributions fall into the following categories:

- *Program Management and Administration* – Non-research support of the MRGESCP's guiding principles through administrative assistance and aid in funding, planning, coordination, and staffing of MRGESCP activities. Examples include the Program and Science Support contract, the Program Portal, and public outreach initiatives.
- *Species Management and Recovery* – Non-research activities with influence on or relevance to recovery of one or more listed species within the Middle Rio Grande (MRG). Examples include rescue operations, support of captive propagation facilities, and control of invasive species.
- *Population Monitoring and Modeling* – Descriptive empirical and/or mathematical investigations of population data for one or more listed species within the MRG. Examples include estimation of population size and trends over time, estimation of vital rates, and population viability forecasts.
- *Habitat Assessments and Modeling* – Descriptive empirical and/or mathematical investigations of physical environmental features at various spatial scales (e.g., site, reach, landscape) with influence on one or more listed species or the ecosystem of the MRG. Examples include hydrology and hydraulic modeling, mapping and geographic information systems, geomorphic studies, water quality studies, and climate change studies.
- *Field and Laboratory Experiments* – Any study designed to test a hypothesis about a listed species or other biotic response to a manipulation in a field or laboratory setting. Examples include habitat manipulations of flows or vegetation, before-after control-impact restoration designs, and laboratory studies of physiological responses.

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Fiscal Planning Committee Meeting
November 19, 2021

See the following meeting material on the page below:

2009 Omnibus Appropriations Act – Relevant Sections [read-ahead]

SEC. 106. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

“(a) Hereafter, the Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by subsection (b) or any related subsequent biological opinion, and the collaborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.”.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 206. (a) Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) is repealed.

(b) The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish and maintain an Executive Committee of the Middle Rio Grande Endangered Species Collaborative Program (referred to in this section as the “Executive Committee”) consistent with the bylaws of the Middle Rio Grande Endangered Species Collaborative Program adopted on October 2, 2006.

(c) Hereafter, in compliance with applicable Federal and State laws, the Secretary (acting through the Commissioner of Reclamation), in collaboration with the Executive Committee, may enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by section 121(b) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) or any related subsequent biological opinion or in furtherance of the objectives set forth in the collaborative program long-term plan.

(d)(1) The acquisition of water under subsection (c) and any administrative costs associated with carrying out subsection (c) shall be at full Federal expense.

(2) Not more than 15 percent of amounts appropriated to carry out subsection (c) shall be made available for the payment of administrative expenses associated with carrying out that subsection.

(e)(1) The non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis.

(2) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee.

(f) Nothing in this section modifies or expands the discretion of the Secretary with respect to operating reservoir facilities under the jurisdiction of the Secretary in the Rio Grande Valley, New Mexico.