



**MIDDLE RIO GRANDE ENDANGERED SPECIES  
COLLABORATIVE PROGRAM**

**BY-LAWS**

**Adopted by the Executive Committee on July 28, 2021  
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## Contents

Article 1. NAME AND PURPOSE.....	4
1.1. Authority.....	4
1.2. Definitions.....	4
1.3. Effective Date .....	5
1.4. Amendment.....	6
Article 2. CONFLICT OF INTEREST .....	6
Article 3. PROGRAM MEMBERSHIP .....	6
3.1. Membership .....	6
3.2. Addition of Signatories .....	6
3.3. Resignation, Removal, and Reinstatement of Signatories .....	7
Article 4.0. TRIBAL INTERESTS AND PARTICIPATION .....	8
4.1. Trust Responsibilities.....	8
4.2. Pueblo and Tribal Involvement.....	8
Article 5. ORGANIZATION .....	9
5.1. Executive Committee.....	9
5.2. Science and Adaptive Management Committee .....	9
5.3. Fiscal Planning Committee .....	9
5.4. Ad Hoc Groups .....	10
5.5. Program Support Team .....	10
Article 6. EXECUTIVE COMMITTEE .....	10
6.1. Designees and Alternates .....	10
6.2. Responsibilities .....	10
6.3. Officers .....	11
6.3.1. Selection of Federal and Non-federal Co-chairs.....	11
6.3.2. Co-Chair Terms.....	11
6.3.3. Removal of Federal and Non-federal Co-chairs .....	11
6.3.4. Resignation of Co-chairs.....	11
6.3.5. Replacement of Co-chairs .....	12
6.3.6. Responsibilities of Co-chairs .....	12
6.4. Decision-Making Procedures .....	12
6.4.1. Resolution of Concerns .....	13
6.5. Meetings.....	13
6.5.1. Notice of Meetings.....	13
6.5.2. Special Meetings .....	14
6.5.3. Emergency Meetings.....	14
6.5.4. Cancellation of Meetings .....	14
6.5.5. Closed Sessions.....	14
6.6. Establishment of Administrative Ad Hoc Groups .....	14
6.7. Annual Collaborative Program Evaluation .....	14
6.8. External Outreach and Engagement.....	15
Article 7. SCIENCE AND ADAPTIVE MANAGEMENT COMMITTEE.....	15
7.1. Membership .....	15
7.1.1. Application Process.....	16

7.1.2.	Membership Terms .....	16
7.1.3.	Membership Vacancies .....	16
7.2.	Responsibilities .....	16
7.3.	Meetings.....	17
7.4.	Establishment of Science and Technical Ad Hoc Groups .....	18
7.5.	Evaluation of the Science and Adaptive Management Committee .....	18
Article 8.	FISCAL PLANNING COMMITTEE.....	18
8.1.	Membership .....	18
8.2.	Responsibilities .....	18
8.3.	Meetings.....	19
8.4.	Evaluation of the Fiscal Planning Committee.....	19
Article 9.	AD HOC GROUPS.....	19
9.1.	Establishment of Ad Hoc Groups .....	19
9.2.	Membership .....	20
9.3.	Ad Hoc Group Support .....	20
9.4.	Meetings.....	20
9.5.	Work Products .....	21
9.6.	Review of Ad Hoc Groups.....	21
9.7.	Disbanding Ad Hoc Groups.....	21
Article 10.	PROGRAM SUPPORT TEAM.....	21
10.1.	Roles .....	21
10.1.1.	Program Coordination Lead.....	21
10.1.2.	Science Coordination Lead .....	22
10.2.	Responsibilities .....	22
10.2.1.	General Duties.....	22
10.2.2.	Support of Collaborative Program Committees .....	22
10.2.3.	Support of Ad Hoc Groups .....	22
10.3.	Evaluation of the Program Support Team.....	22
Appendix A:	Initial Signatories .....	23
Appendix B:	Current Signatories .....	24

## Article 1. NAME AND PURPOSE

The Middle Rio Grande Endangered Species Collaborative Program (Collaborative Program) is a collaborative effort consisting of federal, state, and local governmental entities, Indian Tribes and Pueblos, and non-governmental organizations. The Collaborative Program area includes the headwaters of the Rio Chama watershed and the Rio Grande, including tributaries, from the New Mexico-Colorado state line downstream to the elevation of the spillway crest of the Elephant Butte Reservoir at 4450 feet above mean sea level, excluding the land area reserved for the full pool of the Elephant Butte Reservoir. Indian Pueblo and Tribal lands and resources within the Collaborative Program area will not be included in the Collaborative Program without the express written consent of the affected Indian Pueblo or Tribe.

The Collaborative Program provides a collaborative forum to support scientific analysis and implementation of adaptive management to the benefit and recovery of the listed species pursuant to the Endangered Species Act within the Collaborative Program Area, and to protect existing and future water uses while complying with applicable state, federal and tribal laws, rules and regulations.

The Collaborative Program shall not support any action that may impair state water rights, or federal reserved water rights, of individuals and entities; federal or other water rights of Indian nations and Indian individuals, or Indian trust assets; San Juan-Chama Project contractual rights; and the State of New Mexico's ability to comply with Rio Grande Compact delivery obligations.

### 1.1. Authority

Under section 4(f)(2) of the Endangered Species Act, 16 U.S.C. § 1536(f)(2), the Secretary of the Interior is directed to develop and implement plans for the conservation of endangered species. The Secretary of the Interior may enlist the services of public and private agencies, individuals and institutions in developing and implementing such recovery plans. Advice from such agencies, individuals, and institutions, such as that offered by Signatories, is not subject to the Federal Advisory Committee Act, 5 U.S.C. app. 2. The Collaborative Program is consistent with section 4(f)(2). The Collaborative Program does not create an agency, board, commission, or any other entity of state government, nor does the Memorandum of Agreement, fully defined in Section 1.1., create a state advisory committee subject to Section 9-1-9 NMSA 1978.

### 1.2. Definitions

- a) **Administrative Ad Hoc Group** – A small group formed by the Executive Committee to carry out discrete tasks related to fulfilling Collaborative Program operations and administrative functions.
- b) **Collaborative Program** – Middle Rio Grande Endangered Species Collaborative Program.
- c) **Executive Committee** – The Collaborative Program's governing body.
- d) **Executive Committee member** – Representative designated by a Signatory to serve on the Executive Committee on behalf of the Signatory.
- e) **Fiscal Planning Committee** – A group of signatory representatives that work to build a diverse partnership and financial support system for Collaborative Program activities in the Long-Term Plan.

- f) **Guiding principles** – The mission, goals, and science objectives of the Collaborative Program, as adopted by the Executive Committee.
- g) **Listed species** –The current threatened, endangered, or candidate species within the Collaborative Program Area as listed by the U.S. Fish and Wildlife Service, determined to be Collaborative Program priorities by the Executive Committee.
- h) **Long-Term Plan** – An evolving communication and planning tool that serves to orient the Collaborative Program’s long-term scientific efforts under the Science and Adaptive Management Plan, and structured to present the Collaborative Program’s focus and priorities within a given period, provide an administrative timeline for operations under the Science and Adaptive Management Plan, aid Signatories with their administrative out-year planning efforts, and give coverage for Signatory authorities under which they participate in the Collaborative Program.
- i) **Memorandum of Agreement** – The MOA of May 15, 2008, which established the Program as a collaborative effort consisting of federal, state, and local government entities, Indian tribes and Pueblos, and non-governmental organizations; and any subsequent MOA entered for that purpose. (Note: the 2008 MOA superseded an April 2002 Memorandum of Understanding).
- j) **Originating Committee** – The committee for an ad hoc group which develops the ad hoc group’s charge, directs the ad hoc group’s activities, and to which the ad hoc group reports to. The Executive Committee is the originating committee for Administrative Ad Hoc Groups. The Science and Adaptive Management Committee is the originating committee for Science and Technical Ad Hoc Groups.
- k) **Program Portal** – The Collaborative Program website, which includes an event calendar, document repository, and datasets.
- l) **Program Support Team** – The dedicated support staff for the Collaborative Program, including a program coordination lead and a science coordination lead.
- m) **Quorum** – Two-thirds (2/3) of the total number of the Executive Committee membership.
- n) **Science and Adaptive Management Committee** – A group of subject matter experts appointed by the Executive Committee and tasked with coordinating the implementation of Collaborative Program scientific initiatives as outlined in the Science and Adaptive Management Plan.
- o) **Science and Adaptive Management Plan** – A living document that defines the Collaborative Program’s role and associated processes in providing science-based recommendations for management of the listed species and their habitat in the Middle Rio Grande.
- p) **Science and Technical Ad Hoc Group** – A small group formed by the Science and Adaptive Management Committee to carry out discrete tasks necessary for implementing the Science and Adaptive Management Plan and Long-Term Plan.
- q) **Signatory(ies)** – Party(ies) to the Memorandum of Agreement or their designated representative.
- r) **Supermajority** – Seventy-five percent (75%) of the quorum of Executive Committee members present at the time of the vote.
- s) **Unanimous Consent** – Agreement to a decision with no dissent from a quorum of Executive Committee Members present at the time of the decision.

### 1.3 Effective Date

These By-Laws shall be effective when adopted by unanimous consent of the Executive Committee.

## 1.4. Amendment

Modifications to the By-Laws may be made only by unanimous consent of the Executive Committee. Once modified, the amended version shall supersede any previous version of the By-Laws.

## Article 2. CONFLICT OF INTEREST

Each Signatory shall follow the appropriate and applicable federal, state, municipal, and tribal rules, regulations, and laws governing conflict of interest.

## Article 3. PROGRAM MEMBERSHIP

### 3.1. Membership

The Collaborative Program membership consists of Signatories to the Memorandum of Agreement. A list of current members shall be maintained by the program coordination lead and made publicly available.

In addressing requests to become a Signatory, the Executive Committee shall seek to maintain a broad and representative membership that includes:

- a) Federal agencies;
- b) Middle Rio Grande Pueblos (Sandia, Isleta, San Felipe, Cochiti, Santa Ana, and Kewa);
- c) State of New Mexico agencies;
- d) irrigation districts, including the Middle Rio Grande Conservancy District;
- e) municipalities;
- f) agricultural communities;
- g) universities; and
- h) environmental groups.

Members are expected to regularly, actively, and professionally participate in the Collaborative Program, including attending Executive Committee meetings, providing representatives to relevant committees and ad hoc groups, and remaining up-to-date on Collaborative Program activities and initiatives.

### 3.2. Addition of Signatories

Any organization that operates within the Collaborative Program area and that has a demonstrated interest in the success of the Collaborative Program may apply to become a Signatory.

To qualify for consideration, the applicant organization must submit a letter of interest to the Executive Committee co-chairs supporting the goals and success of the Collaborative Program and expressing its intent to sign the Memorandum of Agreement if the application is accepted.

Applications shall be submitted to the co-chairs through the program coordination lead and will be considered in the date-order they are received. The co-chairs shall acknowledge receipt to the applicant within 30 days of the application being received. The application will be announced to the Executive Committee at its next scheduled meeting. The co-chairs, with assistance from the program coordination lead, will do a preliminary review of the application, and may request more information or clarification before the application goes before the Executive Committee for deliberation.

Within 90 days of receipt of the application, or of a response from the applicant to a request for additional information or clarification, the application will be forwarded to the Executive Committee for consideration at its next meeting. All discussions and decisions regarding acceptance of applications received by the Executive Committee will be in a closed Executive Committee meeting session. The Executive Committee may request additional information of the applicant before the final decision is made. Acceptance of an application requires unanimous consent by the Executive Committee. The co-chairs will notify the applicant in writing of the Executive Committee's decision within one week following the Executive Committee action on the application.

The Executive Committee's consideration of each application may include, but is not limited to, the following criteria:

- a) commitment to participation;
- b) jurisdictional or regulatory responsibility, including sovereignty;
- c) signatory contributions to the Collaborative Program, reported annually, including administrative contributions and scientific contributions, as applicable;
- d) ability to contribute to the scientific understanding of the listed species and their habitats;
- e) a demonstrated interest in contributing to the recovery of listed species within the Collaborative Program area;
- f) ownership of an interest affected by the Collaborative Program, such as land, water, or other property rights;
- g) whether the organization maintains a physical presence in the Collaborative Program area;
- h) the number of individuals residing in the Collaborative Program area who are members of the organization; and/or
- i) whether the organization provides a unique interest or perspective to the Executive Committee.

The Executive Committee has sole discretion in accepting an applicant for membership. The Executive Committee has the responsibility to maintain balanced interests and a practicable committee size, and to ensure that members further the Collaborative Program's purpose.

Applicants who are not accepted may reapply for membership one calendar year after the date of the letter notifying them of the rejection of their application.

### 3.3. Resignation, Removal, and Reinstatement of Signatories

A Signatory may resign from the Collaborative Program at any time upon written notice to the Executive Committee co-chairs through the program coordination lead. A Signatory that has resigned by this process may request reinstatement of membership by submitting a written

request to the co-chairs, and is not required to submit a new application for membership under the terms of Section 3.2. The co-chairs will announce such a past Signatory organization's intent to reengage with Collaborative Program at the next Executive Committee meeting. Reinstatement of a past Signatory to the Collaborative Program must be agreed to by unanimous consent of the Executive Committee.

If a Signatory is not represented at two consecutive Executive Committee meetings, the co-chairs and the program coordination lead shall provide written notice to that Signatory or its designee that its membership in the Collaborative Program will be terminated unless that Signatory is represented at the next Executive Committee meeting. The Executive Committee will consider members who are unresponsive to attendance-related inquiries as having terminated their membership and such members will not be counted toward a quorum. Signatories whose membership is terminated as a result of non-attendance may reapply for reinstatement in the Collaborative Program per the process laid out in Section 3.2, Addition of Signatories.

## Article 4.0. TRIBAL INTERESTS AND PARTICIPATION

### 4.1. Trust Responsibilities

The Executive Committee recognizes that the federal government and federal agencies have trust responsibilities to Pueblo and Tribal governments pursuant to applicable federal law. *See e.g.* Executive Memorandum of April 29, 1994; Executive Order #13084 issued May 14, 1998 and superseded by Executive Order No. 13175 issued November 6, 2000; Secretarial Order #3206, dated June 5, 1997 and Secretarial Order #3215, dated April 28, 2000; Secretarial Order #3175, dated November 8, 1993, now incorporated in 512DM2; Reclamation's August 31, 1994 ITA Policy; and Corps' Policy Guidance Letter No. 57, Indian Sovereignty and Government-to-Government Relations with Indian Tribes. The federal participants will conduct government-to-government consultations with Tribes and Pueblos potentially affected by the Collaborative Program.

### 4.2. Pueblo and Tribal Involvement

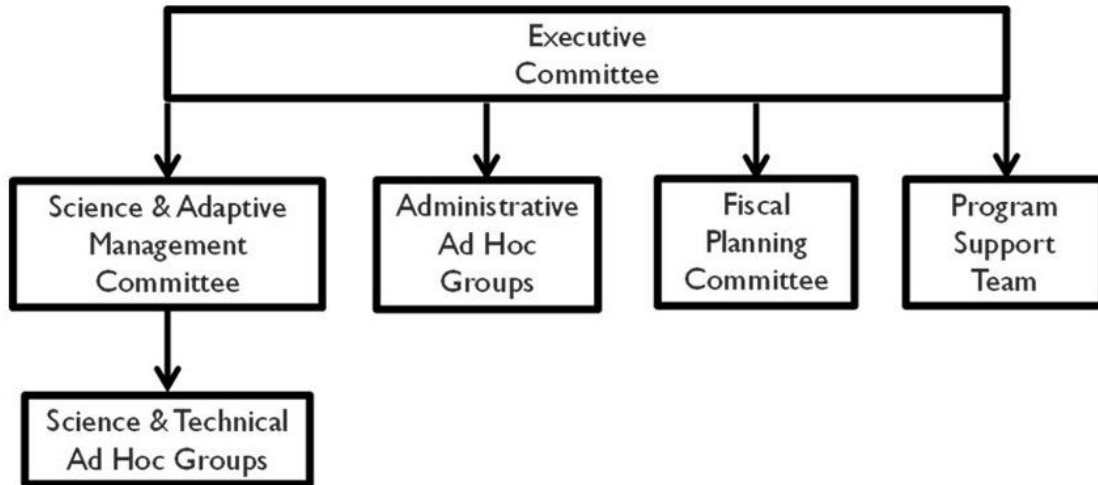
The Executive Committee recognizes that Indian Pueblos and Tribes are sovereign entities and encourages them to become a Signatory. Whether or not any or all of the Tribes and Pueblos become directly involved, the Executive Committee will seek to engage and establish working partnerships with Pueblos and Tribes in implementing the Collaborative Program.

The Signatories recognize that the Indian Pueblos and Tribes may elect to not sign the MOA, and rather, conduct their sovereign affairs privately, which may include activities that contribute to the goals and objectives of the Collaborative Program. Nothing in the MOA shall obligate any non-Signatory Indian Pueblo or Tribe to participate in, contribute to, or otherwise adopt elements of the MOA. The Federal government continues to have a trust responsibility to all potentially affected Indian Pueblos and Tribes, whether or not an Indian Pueblo or Tribe signs the MOA.



## Article 5. ORGANIZATION

The Collaborative Program includes the Executive Committee, the Science and Adaptive Management Committee, the Fiscal Planning Committee, ad hoc groups, and the Program Support Team.



### 5.1. Executive Committee

The Executive Committee is the governing body of the Collaborative Program consisting of one representative from each of the Signatories. The Executive Committee provides a policy perspective, approves recommendations for science activities and management alternatives, and is responsible for formally providing decisions on all issues, unless specifically delegated to another Collaborative Program committee, an Administrative Ad Hoc Group, or the Program Support Team. The Executive Committee can charter standing committees, charge Administrative Ad Hoc Groups for specific tasks, or terminate existing committees or Administrative Ad Hoc Groups. For details on Executive Committee Operations, see Article 6.0.

### 5.2. Science and Adaptive Management Committee

The Science and Adaptive Management Committee is responsible for overseeing the Collaborative Program's scientific and information management activities, and is comprised of subject matter experts appointed by the Executive Committee. The Science and Adaptive Management Committee will be responsible for coordinating the implementation and updates of the Science and Adaptive Management Plan, sharing scientific findings, and supporting the scientific peer review process. The Science and Adaptive Management Committee will provide recommendations to the Executive Committee for action to coordinate the implementation of the Science and Adaptive Management Plan. For details on Science and Adaptive Management Committee operations, see Article 7.0.

### 5.3. Fiscal Planning Committee

The Fiscal Planning Committee is a group of Signatory representatives selected by the Executive Committee and tasked with identifying funding streams for Collaborative Program-recommended activities. The Fiscal Planning Committee reports directly to the Executive Committee and coordinates on Signatory funding capabilities (i.e. authorities, budget restraints, interests) to support priority Collaborative Program-recommended work, and will coordinate with the Science

and Adaptive Management Committee to identify other potential resources, such as partnerships, to support Collaborative Program-related project implementation. If gaps in available funding for activities and projects recommended as priority in the Long-Term Plan are identified, those gaps will be reported back to the Executive Committee.

The Fiscal Planning Committee will also engage in building a diverse financial support system for Collaborative Program-recommended activities outlined in the Long-Term Plan. The Fiscal Planning Committee will meet as needed to coordinate for various funding-related timelines and deadlines, and will help coordinate the supporting information for those Signatories that can appropriately seek additional funding. The Signatories that participate in the Fiscal Planning Committee, will meet to identify and pursue additional funding sources (i.e. seeking grants, requesting appropriations) and partnership opportunities in support of funding Collaborative Program-recommended activities. For details on Fiscal Planning Committee operations, see Article 8.

#### 5.4. Ad Hoc Groups

Only the Executive Committee and Science and Adaptive Management Committee are authorized to form ad hoc groups. An ad hoc group is given a charge from its originating committee detailing out a specific written scope of work, defined products, and deadlines. Members of an ad hoc group may consist of Signatory representatives, contractors, and other parties who have expertise related to the assignment given to the ad hoc group. Ad hoc groups are intended to be limited in scope and duration with reporting requirements set by the originating committee.

The Executive Committee forms Administrative Ad Hoc Groups when additional assistance or expertise is beneficial to carrying out Collaborative Program operations and administration. The Science and Adaptive Management Committee forms Science and Technical Ad Hoc Groups to carry out tasks in support of the Science and Adaptive Management Plan. For details on ad hoc group formation and operations, see Article 9.0.

#### 5.5. Program Support Team

The Program Support Team is comprised of a program coordination lead, science coordination lead, technical support staff, and administrative staff. The Program Support Team provides management and technical support to the Executive Committee and other Collaborative Program committees and ad hoc groups. The Program Support Team may be a third-party contractor. For details on the Program Support Team roles and responsibilities, see Article 10.0.

## Article 6. EXECUTIVE COMMITTEE

### 6.1. Designees and Alternates

Each Signatory shall designate, by written notice to the program coordination lead, one representative to serve on the Executive Committee. Each Signatory, by written notice to the program coordination lead, may appoint one or more alternates to act as its representative in the absence of its regular Executive Committee representative. The program coordination lead shall keep an updated list of all representatives and alternates.

### 6.2. Responsibilities

The Executive Committee provides Collaborative Program direction, policies, and activities, and ensures that the Collaborative Program uses the best available science and utilizes an adaptive management framework. Specific responsibilities of the Executive Committee include, but are not limited to:

- a) **Program Planning** – Sets Collaborative Program policies and priorities. Supports the development and implementation of a Long-Term Plan.
- b) **Governance** – Reviews and votes on Collaborative Program Signatory applications. Updates By-Laws. Establishes, oversees, and terminates committees and Administrative Ad Hoc Groups as necessary. Manages and oversees the Program Support Team in order to fulfill the Collaborative Program’s goals, objectives, and operations.
- c) **Fiscal Responsibilities** – Reviews budget information from Signatories annually. Develops multi-year recommendations for Collaborative Program activities, as identified in the Long-Term Plan. Coordinates with the Fiscal Planning Committee on funding requests.
- d) **Communications** – Ensures that a Collaborative Program Annual Report is produced and distributed. Gives final approval on Collaborative Program recommendations on management alternatives, and communicates those recommendations to the appropriate entities. Engages with others in the community, including commissions, non-Signatory agencies, Pueblos and tribes, legislative bodies, and interest groups, to communicate the goals, objectives, and actions of the Collaborative Program and address the concerns and requests of these entities.

### 6.3. Officers

The Executive Committee officers shall include the Federal Co-chair and Non-federal Co-chair, collectively referred to as the co-chairs.

#### 6.3.1. Selection of Federal and Non-federal Co-chairs

The Secretary of the Interior appoints the Federal Co-chair.

The non-federal members of the Executive Committee shall elect the Non-federal Co-chair.

#### 6.3.2. Co-Chair Terms

Co-chair terms shall last at least one year.

#### 6.3.3. Removal of Federal and Non-federal Co-chairs

The Executive Committee may recommend the Secretary of the Interior remove the Federal Co-chair through a supermajority vote of no confidence.

The Non-federal Co-chair shall be removed through a supermajority vote of no confidence by the non-federal members of the Executive Committee.

#### 6.3.4. Resignation of Co-chairs

Federal and Non-federal Co-chairs must provide notice of resignation to the Executive Committee at least thirty (30) days before resigning.

#### 6.3.5. Replacement of Co-chairs

Upon the resignation or removal of the Federal Co-chair, the Secretary of the Interior will appoint a new Federal Co-chair in a timely manner and notify the Executive Committee of that selection. The selected individual will immediately assume the responsibilities of the Federal Co-chair. The new Federal Co-chair shall be announced at the next Executive Committee meeting.

Upon the resignation or removal of the Non-federal Co-chair, the non-federal members of the Executive Committee shall elect a new Non-federal Co-chair. The selected individual will immediately assume the responsibilities of the Non-federal Co-chair. The new Non-federal Co-chair shall be announced at the next Executive Committee meeting.

#### 6.3.6. Responsibilities of Co-chairs

The Federal Co-chair shall be a non-voting member of the Executive Committee. The Non-federal Co-chair shall be a voting member of the Executive Committee in his or her role as a Signatory representative. Either co-chair may chair meetings independently in the absence of the other co-chair.

The duties of the Federal and Non-federal Co-chairs shall include:

- convening the Executive Committee
- developing Executive Committee meeting agendas
- communicating to their respective Executive Committee members
- representing the Collaborative Program

Each co-chair shall interact with the Program Support Team to assure that assignments from the Executive Committee are completed and to develop Executive Committee meeting agendas.

### 6.4. Decision-Making Procedures

The Executive Committee seeks to have unanimous consent in reaching decisions. The Executive Committee may make decisions at meetings if a quorum is present. A quorum is not necessary for approval of meeting agendas, meeting minutes, future meeting dates, or action requests for Executive Committee members or the Program Support Team. No decisions requiring a quorum will be made without announcement at least seven (7) calendar days prior to the meeting date.

If unanimous consent is not reached on a decision item, the topic will be tabled and referred to an Administrative Ad Hoc Group that is representative of the spectrum of opinions, with members named by the Executive Committee co-chairs. This group will examine the issue and report recommendations for resolution at the next Executive Committee meeting. No decision items will be tabled more than once. If the Executive Committee does not reach unanimous consent on a tabled item following the recommendations of the Administrative Ad Hoc Group, the decision item may be approved by a supermajority vote (75% of the Signatories present at the meeting). If the item passes by a super majority vote, the members opposing the decision may submit a report to the Executive Committee co-chairs to be added to the official minutes of the meeting.

The Executive Committee recognizes that decision items must not violate applicable federal, state, tribal, or local laws.

#### 6.4.1. Resolution of Concerns

If any Executive Committee member has concerns about Collaborative Program-related issues, they may submit a timely written request for resolution to the Executive Committee co-chairs. The written request must identify the issue of concern and offer a recommended resolution. The co-chairs will present the concerns to the Executive Committee no later than at the next meeting. The Executive Committee will review the written request, determine an appropriate resolution, and respond in a timely manner.

### 6.5. Meetings

The Executive Committee will hold meetings as necessary to conduct its business. At a minimum, the Executive Committee shall meet once each annual quarter and as called by the co-chairs. Executive Committee meetings shall be open to an audience of non-committee members. Only Executive Committee members or designated alternates may participate in meeting deliberations. Prior to the meeting, the Executive Committee may invite ad hoc group leads and/or outside experts to participate on specific agenda items, as needed. At each meeting, time will be included on the agenda for public comment. Non-members that wish to provide comment will have up to three (3) minutes to speak during this time, unless included on the agenda or at the specific request of the Executive Committee. Non-members may submit written comments to the program coordination lead prior to Executive Committee meetings. The co-chairs will ensure adequate opportunity for public comments and input at meetings.

#### 6.5.1. Notice of Meetings

The program coordination lead shall give advance notice of Executive Committee meetings to Executive Committee members, additional interested parties, and the public. Notice will include draft and draft-final agendas with dates, times, locations, and decisions to be made that have been approved by the Executive Committee co-chairs. Prior to the meeting, any Executive Committee member may contact the co-chairs and make a timely request that an agenda item be included or altered. Draft agendas will be accompanied by supporting materials associated with meeting items as read-aheads, with the exception of materials under nondisclosure or confidentiality agreements, materials pertaining to closed portions of meetings, or materials declared confidential by the law.

The program coordination lead will distribute meeting materials to Executive Committee members at least seven (7) calendar days prior to the Executive Committee meeting through email. The meeting materials will be available to the public on the Program Portal.

### 6.5.2. Special Meetings

A special meeting may be called outside of the regular Executive Committee meeting schedule by the co-chairs or by an Executive Committee decision. Special meetings will adhere to the requirements set forth in Section 6.4.1.

### 6.5.3. Emergency Meetings

Emergency meetings may be called by request of both co-chairs. Executive Committee members shall receive forty-eight (48) hours' notice of an emergency meeting by email. Read-aheads will be distributed to Executive Committee members as soon as possible but no later than twenty-four (24) hours prior to the emergency meeting. Decisions made during an emergency meeting will follow the same decision-making procedures of a regular meeting, with the exception that decisions may not be tabled, decisions may be decided by a super majority vote, and the notice period is shortened to at least 48 hours.

### 6.5.4. Cancellation of Meetings

An email notice of cancellation or postponement will be provided as early as possible and shall include the reason(s) for cancellation or postponement and a tentative date and/or time for rescheduling.

### 6.5.5. Closed Sessions

The Executive Committee may hold a closed session to address sensitive issues related to contracts, membership, personnel, or legal matters. The decision to hold a closed session is reached by unanimous consent of the Executive Committee. The purpose of a closed session shall be noted in the Executive Committee meeting minutes. Only the Executive Committee member or designated alternate shall attend a closed session.

## 6.6. Establishment of Administrative Ad Hoc Groups

The Executive Committee may establish Administrative Ad Hoc Groups to carry out tasks related to Collaborative Program operations and administration, such as developing or updating foundational documents, or developing recommendations for decision items per Section 6.4. Administrative Ad Hoc Groups will operate according to the protocols laid out in Article 8.

## 6.7. Annual Collaborative Program Evaluation

The Executive Committee annually (or more frequently at their discretion) evaluates Collaborative Program activities and committees/groups using guiding principles consistent with the Science and Adaptive Management Plan. Guiding principles include the Collaborative Program's mission, goals, and science objectives. By performing regular evaluations, decision-makers, including the Executive Committee members, Congressional and State representatives, and others, can be assured that the Collaborative Program actions are accomplishing the mission and benefitting the listed species. The Executive Committee assigns evaluation-related tasks to Administrative Ad Hoc Groups and the Program Support Team as appropriate. Collaborative Program activities and committees/groups are assessed based on how they

address the up-to-date guiding criteria. Outcomes of the annual Executive Committee evaluation may include the following:

- Modifications to the composition of committees/groups
- Sunsetting groups
- Updates or clarifications to committee charters or group charges
- Adjustments of timelines and deadlines
- Amendments and updates to the S&AM Plan, Long-Term Plan, and/or by-laws
- Re-scoping work plans as necessary

## 6.8. External Outreach and Engagement

The Executive Committee will consider the interests of the general public in implementing the Collaborative Program. The Executive Committee will determine the direction and messaging to parties external to the Collaborative Program, including legislatures, agency heads, media, and the general public.

The Executive Committee is responsible for communicating recommendations for scientific activities and science-based best management alternatives to the appropriate entities. Recommended scientific activities are identified in the Long-Term Plan and organized based on management-relevant categories and priority planning objectives agreed upon by the Collaborative Program.

The Executive Committee makes recommendations on best management alternatives based on the current scientific understanding of species responses to conditions in the ecosystem. The Collaborative Program uses adaptive management to evaluate and adjusts its recommendations as understanding evolves with new scientific findings. The Executive Committee also encourages managers to bring questions to the Collaborative Program for consideration.

## Article 7. SCIENCE AND ADAPTIVE MANAGEMENT COMMITTEE

The Science and Adaptive Management Committee is a non-decision-making body and makes recommendations to the Executive Committee. It will coordinate the implementation of Collaborative Program-related science initiatives and Signatory efforts by defining and delegating tasks to Science and Technical Ad Hoc Groups; compiling results from scientific studies, modeling, and monitoring efforts; and translating scientific findings into recommendations for best management practices in the Middle Rio Grande.

### 7.1. Membership

The Science and Adaptive Management Committee shall consist of eight-to-ten (8-10) subject matter expert members appointed by the Executive Committee. These positions will include:

- Four (4) specified subject matter experts with the following areas of expertise:
  1. Aquatic ecology
  2. Terrestrial ecology
  3. Ecosystem function
  4. Hydrology
- Four-to-six (4-6) flexible subject matter experts selected based on science-related needs, as determined by the Executive Committee. The Science and Adaptive Management Committee



may provide input on which areas of expertise would benefit the group, but the final decision will be made by the Executive Committee.

An individual may not hold more than one position on the Science and Adaptive Management Committee at one time.

One (1) Executive Committee member shall serve in an *ex-officio* advisory capacity to the Science and Adaptive Management Committee. This position will not count towards the eight-to-ten (8-10)-count membership, and will not participate as a subject matter expert.

The Science and Adaptive Management Committee will be chaired by the science coordination lead and supported by the Program Support Team (Article 10). Neither the science coordination lead nor members of the Program Support Team will count towards the eight-to-ten (8-10)-count membership.

#### 7.1.1. Application Process

The Executive Committee, in coordination with the science coordination lead and program coordination lead, will oversee and administer the application process. Interested individuals shall submit a formal application to the science coordination lead. Individuals may apply for more than one Science and Adaptive Management Committee position and must submit one application per position. Applications will be accepted from experts both internal and external to the Collaborative Program.

The Executive Committee will review, or delegate review of, submitted applications and each Executive Committee representative will cast one vote per Science and Adaptive Management Committee position no later than the last Executive Committee meeting of the calendar year. The Executive Committee will nominate Executive Committee members for the *ex-officio* position and vote to fill the position. The Executive Committee has final decision-making authority on Science and Adaptive Management Committee membership.

#### 7.1.2. Membership Terms

Science and Adaptive Management Committee members shall be appointed by the Executive Committee for staggered two (2)-year terms. Sitting Science and Adaptive Management Committee members may apply for one (1)-year term limit extensions. Individuals may serve on the Science and Adaptive Management Committee for no more than four (4) consecutive years, except as authorized by the Executive Committee.

#### 7.1.3. Membership Vacancies

If a vacancy on the Science and Adaptive Management Committee occurs mid-term, it will remain open unless the Executive Committee, in coordination with the Science and Adaptive Management Committee, determines a need to fill the position. Upon a determination, the Executive Committee may appoint an individual for the remainder of the term.

### 7.2. Responsibilities

Science and Adaptive Management Committee responsibilities include:

- Coordinating with the science coordination lead and other Program Support Team staff to ensure the completion of Collaborative Program-related science initiatives



- Convening and coordinating Science and Technical Ad Hoc Groups to complete tasks in support of the Science and Adaptive Management Plan
- Reviewing results from Collaborative Program-related studies, models, and monitoring activities and translating findings into management recommendations
- Working with the Fiscal Planning Committee to support Executive Committee-recommended activities (e.g., research, restoration, modeling)
- Reporting to the Executive Committee the progress of Science and Adaptive Management Plan implementation, including a summary of updates to Collaborative Program science objectives and strategies, and modifications to conceptual ecological models, with associated scientific justifications
- Providing updates at each Executive Committee meeting, which includes:
  - Discussing proposed work and the status of in-progress work products
  - Informing the Executive Committee of the formation of Science and Technical Ad Hoc Groups with assigned tasks and deadlines
  - Informing the Executive Committee of the disbanding of Science and Technical Ad Hoc Groups
  - Proposing implementation schedules for Collaborative Program science and adaptive management initiatives for Executive Committee approval
  - Suggesting amendments to the Science and Adaptive Management Plan
  - Documenting the range of Science and Adaptive Management Committee opinions with associated scientific justifications for Executive Committee review and consideration of next steps
  - Providing evidence-based recommendations for scientific research and management alternatives
  - Recommending research questions for independent peer review, as needed

### 7.3. Meetings

The Science and Adaptive Management Committee will hold meetings as necessary to conduct its business. At a minimum, the Science and Adaptive Management Committee shall meet once each annual quarter, and may meet more frequently, as needed. Meetings will be facilitated by the science coordination lead. Formal agendas will be drafted for review and approval at each meeting. The Program Support Team will announce Science and Adaptive Management Committee meetings on the Program Portal event calendar and will include draft agendas and read-aheads for download. Meeting agendas and read-aheads will be made available to Science and Adaptive Management Committee members no later than seven (7) calendar days in advance of the meeting date, with the exception of materials under nondisclosure or confidentiality agreements, materials pertaining to closed portions of meetings, or materials declared confidential by the law.

Science and Adaptive Management Committee meetings shall be open to an audience of non-committee members. Only Science and Adaptive Management Committee members may participate in meeting deliberations. Prior to the meeting, the Science and Adaptive Management Committee may invite ad hoc group leads and/or outside experts to participate on specific agenda items, as needed. At each meeting, time will be included on the agenda for non-member comment. Non-members that wish to provide comment will have up to three (3) minutes to speak during this time, unless included on the agenda or at the specific request of the Science and Adaptive Management Committee. Non-members may submit written comments to the science coordination lead prior to Science and Adaptive Management Committee meetings.

#### 7.4. Establishment of Science and Technical Ad Hoc Groups

The Science and Adaptive Management Committee may establish Science and Technical Ad Hoc Groups to carry out tasks necessary for implementing the Science and Adaptive Management Plan and Long-Term Plan. Science and Technical Ad Hoc Groups will operate according to Article 9.0.

#### 7.5. Evaluation of the Science and Adaptive Management Committee

As part of the annual Collaborative Program evaluation, the Executive Committee will evaluate the performance of the Science and Adaptive Management Committee with respect to its assigned duties and responsibilities, membership, and progress as described in Section 6.2.1.

### Article 8. FISCAL PLANNING COMMITTEE

The Fiscal Planning Committee is created for the purpose of building a diverse financial support system for priority Collaborative Program activities set forth in the Long-Term Plan. The Fiscal Planning Committee shall report to the Executive Committee on securing funding and other resources for priority Collaborative Program-recommended activities set forth in the Long-Term Plan, as well as on any remaining funding needs or other resource gaps and recommended opportunities to fill those gaps. The Fiscal Planning Committee shall communicate with the Science and Adaptive Management Committee on the implementation of science activities set forth in the Long-Term Plan.

#### 8.1. Membership

The Fiscal Planning Committee is comprised of Collaborative Program Signatory representatives. Representatives may vary to adequately achieve the objectives set for each meeting.

The Fiscal Planning Committee will select a federal co-chair and non-federal co-chair to serve as committee leaders for one (1)-year terms, with no more than two (2) consecutive one (1)-year terms.

The Program Support Team shall support the Fiscal Planning Committee and serve as the designated point of contact for the committee.

#### 8.2. Responsibilities

Fiscal Planning Committee responsibilities include:

- Coordinating on Signatory funding capabilities (i.e., authorities, budget restraints, interests, deadlines) to support priority Collaborative Program activities
- Identifying and pursuing additional funding sources (i.e., grants, appropriations) in support of funding Collaborative Program-related activities, including coordinating messaging for these efforts
- Identifying other potential resources (i.e., partnerships, grants) to support Collaborative Program-related project implementation
- Coordinating with other Collaborative Program committees and groups to achieve the Fiscal Planning Committee's purpose
- Reporting and communicating requests to the Executive Committee on the pursuit of external funding and other resources to support Collaborative Program activities

- Coordinating on implementation of Signatory activities of interest to the Collaborative Program within the purpose of the Fiscal Planning Committee, and at the invitation of the implementing Signatory
- Communicating with the Science and Adaptive Management Committee on updates regarding the implementation of science activities set forth in the Long-Term Plan

Individual Signatories reserve the right to ensure appropriate use of their respective commitments consistent with applicable laws and regulations. The Fiscal Planning Committee and the Executive Committee may make recommendations on how individual Signatories allocate their respective funding, but the ultimate decision lies with the individual Signatories.

### 8.3. Meetings

The Fiscal Planning Committee will hold meetings as necessary to conduct its business. At a minimum, the Fiscal Planning Committee shall meet twice per year to accomplish activities in the Science and Adaptive Management Plan’s annual administrative schedule, with additional meetings as needed to correspond with funding opportunities and timelines related to fulfilling its role.

Meetings will be facilitated by a member of the Program Support Team. Formal agendas will be drafted for review and approval at each meeting. The Program Support Team will announce Fiscal Planning Committee meetings on the Program Portal event calendar, including draft agendas. Read-aheads will be provided via public download or email as appropriate. Meeting agendas and read-aheads will be made available to Fiscal Planning Committee members no later than seven (7) calendar days in advance of the meeting date.

Fiscal Planning Committee meetings shall be open to an audience of non-committee members. Only Fiscal Planning Committee members may participate in meeting deliberations.

The Program Support Team shall record minutes of all Fiscal Planning Committee meetings. Finalized agendas, read-aheads, and minutes will be stored on the Program Portal.

### 8.4. Evaluation of the Fiscal Planning Committee

As part of the annual Collaborative Program evaluation, the Executive Committee will evaluate the performance of the Fiscal Planning with respect to its assigned duties and responsibilities, as described in Section 6.2.1.

## Article 9. AD HOC GROUPS

### 9.1. Establishment of Ad Hoc Groups

The Executive Committee has exclusive authority to establish Administrative Ad Hoc Groups to carry out tasks related to carrying out Collaborative Program operations and administrative functions. The Science and Adaptive Management Committee has exclusive authority to establish Science and Technical Ad Hoc Groups to carry out tasks necessary for implementing the Science and Adaptive Management Plan and Long-Term Plan.

The originating committee shall complete a written charge for each ad hoc group it wishes to establish. Ad hoc group charges shall clearly define:

- a) task(s) assigned

- b) qualifications for ad hoc group membership
- c) nominees for ad hoc group membership
- d) nominee for ad hoc group lead
- e) any attendance requirements or guidelines to achieve sufficient participation
- f) deliverable(s)
- g) schedule, including anticipated sunset date

An ad hoc group is not a standing group and shall disband once its charge is complete, or at the discretion of its originating committee.

## 9.2. Membership

Membership on ad hoc groups will vary depending on the subject matter and may include:

- a) Signatories;
- b) professionals with expertise in the subject matter;
- c) contractors;
- d) a member of the Program Support Team; or
- e) other parties with particular experience or expertise in the subject matter addressed by the ad hoc group.

Membership is voluntary, and subject to approval by the originating committee. Members are expected to regularly, actively, and professionally participate in their assigned groups.

In establishing an Administrative Ad Hoc Group, the Executive Committee will designate a leader that is responsible for ensuring the ad hoc group completes its task pursuant to its charge as assigned by the Executive Committee. The leader of an Administrative Ad Hoc Group may be a member of the Program Support Team.

In establishing a Science and Technical Ad Hoc Group, the Science and Adaptive Management Committee will designate a leader that is responsible for ensuring the ad hoc group completes its task pursuant to its charge as assigned by the Science and Adaptive Management Committee. The leader of a Science and Technical Ad Hoc Group may be a member of the Program Support Team. Science and Adaptive Management Committee members may sit on a Science and Technical Ad Hoc Group as technical experts, but may not serve as the ad hoc group leader.

## 9.3. Ad Hoc Group Support

The program coordination lead will work with the Executive Committee, and the science coordination lead will work with the Science and Adaptive Management Committee, to determine ad hoc group staffing needs, including a leader and the level of support from the Program Support Team. It is the responsibility of the ad hoc group leader to ensure work products are completed as assigned in the charge.

## 9.4. Meetings

An ad hoc group will meet as often as needed to complete the work within the schedule defined in its charge. It is the responsibility of the ad hoc group leader to ensure meetings are held with sufficient participation to complete its charge. A quorum is not needed for meetings unless specified in the charge.

## 9.5. Work Products

All final ad hoc group work products are subject to review and approval by the originating committee. The ad hoc group leader makes recommendations on dissemination of ad hoc group work products, and the originating committee determines next steps for all ad hoc group work products.

## 9.6. Review of Ad Hoc Groups

The Executive Committee shall receive progress updates from the program coordination lead or the ad hoc group leader regarding active Administrative Ad Hoc Groups at each meeting. The Science and Adaptive Management Committee shall receive progress updates from the science coordination lead or the ad hoc group leader regarding active Science and Technical Ad Hoc Groups at each meeting.

The originating committee may, as necessary, revise an ad hoc group's charge, schedule, or membership, or decide to sunset the ad hoc group early.

## 9.7. Disbanding Ad Hoc Groups

An ad hoc group shall be disbanded upon the completion of its charge or at the discretion of its originating committee. If the originating committee determines the need for additional work that is not included in the original charge, a new ad hoc group charge shall be developed as described in Section 9.1.

# Article 10. PROGRAM SUPPORT TEAM

The Program Support Team provides administrative, management, and technical support for the Collaborative Program working to accomplish its goals and objectives through implementation of the Long-Term Plan and Science and Adaptive Management Plan. The role of the Program Support Team may be carried out by a third party contractor or by employees of one or more Signatories. The Program Support Team provides support to the Executive Committee, Science and Adaptive Management Committee, and Fiscal Planning Committee, and may provide support to ad hoc groups at the request of originating committees.

## 10.1. Roles

The Program Support Team consists of a program coordination lead, science coordination lead, and other support staff, as needed. These roles and respective responsibilities may be changed upon direction of the Executive Committee, subject to any applicable contracting requirements and regulations.

### 10.1.1. Program Coordination Lead

The program coordination lead serves as the Program Support Team's main point of contact for the Collaborative Program's Executive Committee, Fiscal Planning Committee, and Administrative Ad Hoc Groups, and ensures the completion of necessary tasks. The program coordination lead will provide a report at each Executive Committee meeting on Collaborative Program activities, accomplishments, and recommendations on next steps for Executive Committee consideration. Annually, the program coordination lead will direct the Collaborative Program evaluation on behalf of the Executive Committee and in coordination with the Executive Committee co-chairs.

Additionally, the program coordination lead coordinates and facilitates Fiscal Planning Committee meetings.

#### 10.1.2. Science Coordination Lead

The science coordination lead serves as the Program Support Team's main point of contact for the Collaborative Program's Science and Adaptive Management Committee and its Science and Technical Ad Hoc Groups. The science coordination lead is responsible for chairing the Science and Adaptive Management Committee; providing scientific oversight and guidance to ensure sound scientific principles are employed; and leading, coordinating, and facilitating Independent Science Panels. The science coordination lead will work with the program coordination lead to ensure the Collaborative Program's science activities align with the Collaborative Program's guiding principles and direction of the Executive Committee, to coordinate the planning of science activities with the Fiscal Planning Committee, and evaluate the Collaborative Program's science program annually.

### 10.2. Responsibilities

#### 10.2.1. General Duties

The duties of the Program Support Team include:

- a) Regularly communicating with Collaborative Program Signatories and other participants on initiatives, activities, and upcoming meeting topics;
- b) Ensuring the completion of tasks assigned from Collaborative Program meetings;
- c) Planning support for the Collaborative Program, including helping with the development, updates, and implementation of the Long-Term Plan, Science and Adaptive Management Plan, and work plans;
- d) Maintaining and updating the science and adaptive management tools;
- e) Maintaining the Collaborative Program's records; and
- f) Completing tasks to carry out Collaborative Program operations and guiding principles.

#### 10.2.2. Support of Collaborative Program Committees

The Program Support Team will provide general administrative support to Collaborative Program committees, including transmitting committee communications, distributing agendas and meeting materials, developing and distributing meeting minutes, and organizing meetings.

#### 10.2.3 Support of Ad Hoc Groups

The Program Support Team may provide support for ad hoc groups at the request of originating committees.

### 10.3. Evaluation of the Program Support Team

As part of the annual Collaborative Program evaluation, the Executive Committee will evaluate the performance of the Program Support Team with respect to its assigned duties and responsibilities, as described in Section 6.2.1.

## Appendix A: Initial Signatories

### Initial Signatories to the 2002 Memorandum of Understanding:

- Alliance for Rio Grande Heritage
- City of Albuquerque
- Middle Rio Grande Conservancy District
- N.M. Department of Agriculture
- N.M. Department of Game and Fish
- N.M. Environment Department
- N.M. Interstate Stream Commission
- N.M. Office of the Attorney General
- N.M. Office of the Governor
- National Association of Industrial and Office Properties, New Mexico
- New Mexico State University
- Pueblo of Isleta
- Rio Grande Restoration
- U.S. Army Corps of Engineers
- U.S. Bureau of Indian Affairs
- U.S. Bureau of Reclamation
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- University of New Mexico

### Initial Signatories to the 2008 Memorandum of Agreement:

- Albuquerque-Bernalillo County Water Utility Authority
- Assessment Payers Association of the Middle Rio Grande Conservancy District
- City of Albuquerque
- Middle Rio Grande Conservancy District
- N.M. Department of Agriculture
- N.M. Department of Game and Fish
- N.M. Interstate Stream Commission
- N.M. Office of the Attorney General
- Pueblo of Isleta
- Pueblo of Santa Ana
- Pueblo of Santo Domingo/Kewa
- U.S. Army Corps of Engineers
- U.S. Bureau of Reclamation
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- University of New Mexico



## Appendix B: Current Signatories

Last updated July 28, 2021.

Current Signatories to the Middle Rio Grande Endangered Species Collaborative Program:

- Albuquerque-Bernalillo County Water Utility Authority
- Audubon New Mexico
- Bosque Ecosystem Monitoring Program
- Buckman Direction Diversion
- City of Albuquerque
- Middle Rio Grande Conservancy District
- N.M. Department of Game and Fish
- N.M. Interstate Stream Commission
- N.M. Office of the Attorney General
- Pueblo of Isleta
- Pueblo of Sandia
- Pueblo of Santa Ana
- U.S. Army Corps of Engineers
- U.S. Bureau of Reclamation
- U.S. Fish and Wildlife Service
- University of New Mexico