

**To:** Policy and Technical Committee Members

**From:** Robert H. Bettaso and Jeremy B. Voeltz  
Nongame and Endangered Wildlife Program

**Subject:** Final Minutes from June 20, 2002 Meeting of CAP Funds Transfer Committees  
(Policy and Technical)

**Date:** October 11, 2002

**Action Items:**

1. Comments on the draft minutes due to Rob Bettaso by October 11, 2002. Completed.
2. Clarkson will incorporate all comments and discussion related to the Fund Transfer Guidance Document, draft a new document, and provide an electronic copy to the Policy and Tech Committees for final approval.
3. Barrett will make minor changes to the process flow chart and submit to Clarkson for inclusion in the Fund Transfer Guidance Document.

**June 20, 2002 Policy Committee Meeting**

**Attendees:** AGFD – Bruce Taubert, Rob Bettaso, Jeremy Voeltz (scribe); USBR – Bruce Ellis, Henry Messing, Rob Clarkson; USFWS – Dave Harlow, Paul Barrett; NMDGF – Chuck Hayes, Dave Propst; Independent Technical Monitor – Paul Marsh.

As an FYI, Taubert provided copies of AGFD’s wildlife strategic plan, “Wildlife 2006,” to all attendees.

Initial goal was to finalize the CAP Fund Transfer Guidance Document (Document). All attendees had previously received copies of the Document with “strikethrough” edits made by AGFD. Because of technical trouble, the Document could not be projected onto a screen and therefore real-time changes could not be made in front of the attendees. Clarkson agreed to re-write the Document after this meeting and then submit the redrafted Document to the Committees for final approval.

There was disagreement between AGFD and USBR as to whether nonnative fishes are the biggest threat to native fish recovery or just one of many threats. After discussions, the Committees agreed to word the sentence: “The Biological Opinion identifies the spread and establishment of nonnative aquatic organisms as a serious long-term threat to the status and recovery of native aquatic species, following a long history of habitat loss and degradation.”

AGFD requested clarification in the Document with regard to the roles of AGFD and NMDGF as “consultants” in the fund transfer process. After discussions, the Committees agreed to word the sentence: “A process has been established where the Policy Committee meets annually to review project proposals and consensus among the four parties is a goal. However, if consensus is not reached, the Service and Reclamation make the final decisions because this is a federally-funded program.”

The Committees discussed the “Program Goals” section of the Document and modifications were made. The Committees agreed that the long-term goal of this program should be to “recover” native fishes of the Gila River basin. However, there was disagreement over the definition of “recovery.” Taubert questioned whose definition of “recovery” should be used in the Document. Clarkson stated that there is a big difference between “biological recovery” and “Endangered Species Act (ESA) recovery.” Taubert believes that “recovery” occurs when criteria in the species’ Recovery Plans are met. It was agreed to remove the term and definition of “biological recovery” and to add a quote from the Biological Opinion (B.O.) establishing the long-term goal of the program.

Propst stated that this program should not only concentrate on recovery of listed species, but also conservation of nonlisted species. All agreed, but there were concerns that the B.O. doesn’t spell out that monies can be used for conservation of nonlisted species. Clarkson said that the 2001 B.O. specifically broadens the scope to include additional Gila Basin fishes (other than the four species covered in the B.O.), including other listed or candidate species in the Gila Basin. Barrett stated that additional fishes will likely be listed in the future and this program should be able to fund projects for those fishes as well. All agreed, although Propst was concerned that it may not be legal to use program monies for species not listed in the B.O. Harlow stated that the 2001 B.O. allows funds to be spent on nonlisted species but that there needs to be a nexus to species covered in the B.O. Propst provided some examples where a nexus could be reached between nonlisted and listed species (two examples being San Juan River pikeminnow recovery and the linkage of longfin dace conservation to spikedace recovery [hypothetical], etc.). All agreed, however, Taubert stated that it certainly shouldn’t be our objective to spend money on nonlisted species in-lieu of listed species and that clearly we will be working with listed species first. Ellis suggested that the following statement be added after the program goal quote from the B.O.: “however, in order to accomplish this goal, conservation of all native fishes is important.”

The Committees moved on to discussions about the “Program Priorities and Funding Criteria” section of the Document. Clarkson was concerned that AGFD’s proposed changes make the Document more nebulous. Taubert stated that AGFD’s goal is to make the program less restrictive for funding opportunities. Taubert was also concerned with the perception that this program’s only goal was to remove nonnatives. If that were to be the only goal of the program, and it was not achieved, the program would be a failure. Taubert stressed that we need to take on actions that benefit natives, regardless of where they may fit into the two RPAs. Marsh stated the

idea that nonnative/native fish can be managed in the same habitats are not supported by case studies and that something needs to be done. Taubert contended that there are things that can be done other than nonnative removal. Barrett reminded the Committees that half of the money for this program is geared toward native fish recovery in lieu of threat removal and that half is geared toward management against nonnative species. Through long discussion it was decided that the program priorities should be simplified, less specific, and in bullet format. Barrett suggested having Committee members send Clarkson examples of generic priorities for inclusion in the document, however Taubert suggested that the Committees agree on the bullets during the meeting. The Committees agreed upon the following priorities and courses of action:

- 1) Prevent extinction and stabilize populations in the wild:
  - Construct barriers to protect existing populations
  - Control nonnative aquatic species above barriers
  - Maintain refugia populations
  - Other actions to remove immediate threats that may prevent extinction in the wild
  
- 2) Replicate rare populations
  - Secure streams for replication of rare populations
  - Where necessary, construct barriers and renovate streams
  - Captive production including propagation techniques
  - Other actions to insure that rare populations are replicated

Ellis stressed that the bullets under each of these priorities are not ranked, but just overall criteria (for example, this means that maintaining refugia populations is not a lesser priority than constructing barriers). Taubert suggested that project proposals should be further prioritized based on number of species affected, on-the-ground benefit, etc. Hayes suggested that the criteria should also include state-listed fish above non-listed fish (AGFD's "Wildlife of Special Concern in Arizona" and NMDGF's "Threatened and endangered fishes of New Mexico"). Barrett asked for clarification of the state-listed species lists. Taubert gave an update on AGFD's list and Hayes explained that in New Mexico, species listed as endangered by NMDGF are fully protected, while threatened listed state species are not. Propst mentioned that adding state-listed species as eligible for funding would help New Mexico solicit ideas and complete projects.

The Committees agreed that the highest priority for projects should be:

- 1) The four species in the B.O.
- 2) Multiple species (including listed, candidate, and state-listed species)
- 3) Immediate on-the-ground benefits
- 4) Other activities pertaining to research or management

Taubert recommended deleting the specific examples on page 3 and 4 of the document and replacing those paragraphs with the 4 points above. Clarkson agreed and no other Committee member objected.

Taubert requested that the Document clarify that this program will fund NEPA/ESA compliance work and post-project monitoring or evaluation on a case-by-case basis. Propst stated that post-project monitoring should be written into the project proposal. Marsh suggested that post-project monitoring and evaluation can be funded; however, long-term monitoring should not be funded under this program.

The group took a 10-minute break.

The Committees moved on to discussions about the "Project Selection Process" section of the Document. Harlow recommended removing "third party independent technical monitor under agreement with either Reclamation or the Service" so that the sentence reads: "Primary administration of the CAP fund transfer program is by Reclamation and the Service." All agreed.

Ellis suggested that the sentences describing the roles of AGFD and NMDGF (from the 1<sup>st</sup> page) would fit in better under this section. All agreed.

Hayes questioned the need to include "socially and economically sound" with regard to project selection. Taubert disagreed until Propst suggested that including the term "economically sound" might open the door for groups needing to conduct an economic EIS for these projects. Ellis suggested changing "socially and economically sound" to "implementable." All agreed.

Barrett stated that there still needed to be a decision made with regard to how the 5-year plan fits into the Document. Ellis felt that it was adequately addressed under the "Description of the Program" section and recommended that point #1 be deleted. All agreed.

Taubert was concerned that the process for developing project ideas (point #2) was too general and the Technical Committee needs to develop a formal process for soliciting and receiving project ideas. Propst and Ellis recommended moving the idea from point #2 into the introduction to this section since the specific process for generating project ideas is addressed in point #3. All agreed.

Propst suggested that the project solicitation letter should include what types of projects may be funded. All agreed and Ellis suggested that the letter should be sent out with a copy of the Guidance Document; the 5-year plan; and a listing of previously scoped, implemented, and/or completed projects from earlier years. Harlow suggested that the letter should also include that project ideas may also go out as a RFP so project solicitors are aware that their idea may get funded but the contract may not be awarded to them. All agreed.

Ellis and Clarkson didn't agree with AGFD's suggestion to delete "prioritize" from point #4. Taubert agreed that the Technical Committee should prioritize the projects but felt it was redundant to say, "discuss, prioritize, and recommend..." It was agreed to delete "prioritize."

Taubert requested rewording point #5 to so that it's clear that it's not a joint Technical-Policy Committee meeting but rather a Policy Committee meeting attended by the Technical Committee. Ellis suggested rewording the sentence to read: "The proposed project list is presented by the Technical Committee during the Policy Committee meeting held in June." All agreed.

All agreed with AGFD's suggested changes for points #6 and #7. Clarkson recommended adding "and/or Reclamation" to point #9 since the Service and/or Reclamation may be involved in preparing detailed statements of work. Clarkson also recommended adding "and/or Reclamation" to point #10 since there may be times where Reclamation directly distributes funds for a project. All agreed.

Ellis suggested deleting point #11 since it should be the Contracting Officer's responsibility, rather than the Technical Committee, to ensure project completion. All agreed. All members agreed that point #12 should read "Draft final products on projects are received by the Service and/or Reclamation and are passed to Technical and Policy Committee members for their review."

This concluded discussions and changes to the Fund Transfer Document. Barrett will modify the flow chart and submit to Clarkson. Clarkson will redraft the Document and distribute to all parties for final approval.

The Committees moved into discussion of the project list. Bettaso wanted clarification of small contracts (< \$5,000) as to whether they would be discussed since they apparently didn't make the project list. Clarkson and Marsh confirmed that projects of less than \$5,000 were not on the proposed 2003 list that was on the agenda for today's discussion.

Taubert suggested going through each project and discussing briefly.

Facilities needs to house and propagate rare Gila Basin native fishes

No objections.

Stock loach minnow and spikedace into Hot Springs Canyon

Taubert asked why barrier construction wouldn't occur before fish stocking. Clarkson felt that at this time, nonnatives were not a problem in Hot Springs Canyon. Taubert wanted clarification that the stocking wouldn't be contingent on future barrier construction. Clarkson agreed. Taubert didn't think that \$5,000 would be enough to complete this project. Clarkson stated that this amount was just an estimate and that the figure could be changed based on input from the committee members.

Stock spikedace into San Francisco River

Propst discussed the project to stock spikedace into suitable habitat in the upper San Francisco River in New Mexico. He felt there was suitable habitat but water diversion would be a significant problem; Clarkson recommended deleting this project for the time being. All agreed.

Acquire Verde River spikedace and Eagle Creek spikedace and loach minnow for propagation

No objections.

Identify Fishless and Native Only Streams

No objections.

Propagation Techniques for Chubs

Taubert wanted to know if competition for this project would be open for the private industry. Barrett said it would be open to the best-suited facility. Among the many entities that have been identified are private sector, university, tribal, state, and federal.

Stock Gila chub into Blue River

Taubert questioned why this project didn't include spikedace and loach minnow as well as Gila chub. All agreed that the project should include all three species, as appropriate.

Genetic differentiation among Gila River basin chub populations

Taubert questioned why this project was appropriate. Propst stated that the taxonomic confusion for the three species of chubs (roundtail, headwater, Gila) in the Gila River basin, mainly New Mexico, needs to be addressed so we know which species is located and where. Barrett announced that the Service is proceeding with Candidate status for both the roundtail and headwater chubs.

Redrock Canyon fish barrier construction

Taubert asked if the barrier construction was contingent on being able to stock fish after the barrier was complete. Clarkson said that the purpose for this barrier is to prevent upstream movement of nonnatives. Ellis added that this project is justified to protect the current population in Redrock Canyon, and future projects may be done later to stock fish.

Tonto Creek fish barrier feasibility study

No objections.

Development of GIS database for Gila River basin native fishes (Steve Platania's project)

Barrett asked how this project differed from ASU's recent GIS database. Propst answered that ASU's didn't include New Mexico fishes. Taubert wanted to know a cost estimate for meshing ASU's and Platania's data. Propst didn't think that the cost would be very high after Platania's project was completed.

O'Donnell Creek fish barrier feasibility

Clarkson suggested putting this project off until next year.

General suggestions for additional projects

Taubert requested that Clarkson look into getting helicopter support (one day) for Gila topminnow stockings at 3-7 sites in the Aravaipa drainage. Clarkson agreed.

Taubert is concerned that there is not an adequate source for desert pupfish and that the lack of available fish is a bottleneck in recovery efforts. Marsh stated that Mexico's pupfish population is still doing well. Taubert cited examples of how difficult it has been for AGFD to obtain permits to move animals out of Mexico. Barrett will contact C. Minckley and work on getting more fish from Mexico for the Arizona refugia populations along the lower Colorado River so

that, where appropriate, pupfish stockings (augmentations, reintroductions, etc.) can be expanded.

Taubert questioned why the project proposal for a “white paper” on barrier/renovation efficacy wasn’t added to the list. This topic led to a lengthy discussion on whether or not the results of this project would be worthwhile. Propst felt that the tone during previous discussions on this issue between the Technical Committee members was that barrier/renovation wasn’t an appropriate tool for native fish recovery. Barrett clarified that the goal of such a white paper would be to help with the overall recovery of native fish and allow us to make better decisions on the tools we use and how we apply them. Propst was worried that the information in the white paper would be used incorrectly and provide ammunition for anti-barrier/renovation entities. Taubert explained that with more information we could make better decisions; Propst contended that on this issue silence might be a virtue. The topic was tabled until an actual statement of work (SOW) is drafted and presented to the group at their next meeting.

Ellis had a question regarding how funds are transferred for multiple year projects (e.g. \$200,000 for a three-year project). Clarkson said that it hasn’t been an issue since there’s always been plenty of unspent money from previous years. Taubert thinks it makes the most sense to allocate funds each year (e.g. \$70,000 for the 1<sup>st</sup> year, \$70,000 for the 2<sup>nd</sup> year, etc.). Propst thought that the SOW for each project should specify how much money should be allocated for each year. Clarkson mentioned that would be difficult since the SOWs are only estimates until the RFPs go out.

Taubert asked what happens if old projects that were approved were never completed. Is the project taken off the books, the money de-obligated and then reallocated? Clarkson said it’s been done several times, although there’s some confusion as to how the whole accounting process works. Specifically, what happens to the money after Reclamation gives it to the Service, and the Service never obligates it to the vendor? It was agreed that the accounting part of the program is best left with the accounting offices at the Service and Reclamation. As a result of this discussion Taubert requested that at the group’s next meeting all the proposals that fall into the category of previous year(s) projects with unresolved status be revisited by the group. Basically, everything from previous years may need to be briefly discussed so that we have a historically complete picture of all projects (scoped but never contracted, contracted but never completed, completed, etc.) so that we can improve upon the program’s overall effectiveness.

Barrett asked about the status of ASU’s topminnow genetics work. Clarkson said that they have enough money for now and that won’t be an issue until next year.

Clarkson asked for the Committee’s approval for a \$7,000 contract to purchase renovation equipment (sprayers and buckets) and \$50,000 for antimycin and the detoxification agent. There was no objection, although Taubert suggested that it could be done out of petty cash. Clarkson



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stated that the petty cash amount was \$5,000. Propst asked if the Program could fund a project relating to the upcoming re-licensing of antimycin. Barrett thought that the Service's D.C. office would handle that issue, although Taubert recommended writing up a SOW for that project anyway.

At this time, Taubert requested that the agency representatives meet alone and Marsh and Voeltz departed the meeting.

Approximately 30 minutes later, the meeting concluded at 1300 h.

RHB:JBV:jv

cc: All Meeting Participants