

Summary Notes from Meeting of Arizona Game and Fish Department, U.S. Bureau of Reclamation, and U.S. Fish and Wildlife Service Regarding CAP Funds Transfer Policy and Technical Teams

Meeting Date: March 21, 2002

Notes Revised: April 9, 2002

Revised Notes Compiled by Terry B. Johnson, AGFD

Action Items:

1. The Tech Team (plus Johnson, Gatz, and Messing) will meet on April 29 (beginning at 1000 h, USBR Phoenix Project Area Office), to re-draft the guidance document(s).
2. Rob Clarkson will (within the next week) provide electronic copy of the draft guidance document(s) for AGFD and USFWS participants in the Tech Team meeting. [Note: Clarkson provided the electronic copy on March 25]
3. The Policy and Tech teams will meet jointly in May-June to finalize the guidance document(s). Clarkson will coordinate a date agreeable to all parties, and will make arrangements for a meeting room. [Note: meeting subsequently set for June 20]

Today's Meeting

Attendees: AGFD – Bruce Taubert, Terry Johnson, Rebecca Davidson, Linda Allison
USBR – Bruce Ellis, Henry Messing, Rob Clarkson
USFWS – Tom Gatz (for Dave Harlow), Paul Barrett, Paul Marsh.
[NMDGF representatives were unable to attend]

Initial discussions surrounded USBR's draft CAP guidance document, specific to AGFD concerns regarding State perspective and roles of the Technical and Policy teams. USBR stated that implementation of the Biological Opinion's reasonable and prudent alternatives is a Federal program. Taubert made it clear that the States (AGFD and NMDGF) are not just consultants; they are partners - and we all need a fully cooperative relationship in making these decisions. Ellis and Gatz agreed. It was emphasized that the two teams will strive to reach consensus agreement on every issue (including all Federal and State members). However, because the CAP Fund Transfer Program is the result of a Federal commitment between USBR and USFWS, Ellis stated that the Federal participants must retain veto power. To do otherwise might leave either USBR or USFWS vulnerable to legal challenges. This issue will be further explored at the June 20 meeting.

AGFD wants to refine the long-term vision of the CAP Funds Transfer Program guidance document. Everyone agreed (after lengthy discussion) to have a document describing this long-term vision, with an attachment that is updated (as necessary) at least every 5 years. The Policy Team and the Technical Team will jointly refine the guidance documents as needed (see below for schedule of meeting times and strategy). The content and format of the long-term guidance documents will be further discussed in the June 20 meeting.

A general discussion ensued on the duties of the Policy and Technical Teams. Both the Policy and Technical Teams will have the opportunity to review and revise the long-term guidance document and the five-year plans. Within the framework of these documents, the Technical Team will solicit ideas from the academic and agency community for projects and develop a preliminary list for the Policy Team to review. The Policy Team will then make suggestions, additions, or deletions (see schedule of annual events listed below). The Policy Team will also have the opportunity to screen or provide sidebars to projects based on social, logistical, funding, or other issues, as well as any other unforeseeable circumstances.

Also discussed was the issue of the funding required to see projects thru to completion. All parties agreed that projects would be evaluated (under the guidelines developed in the above-mentioned documents) to determine the need for regulatory compliance (e.g. NEPA, ESA). Not only would the up-front process (e.g. planning) be considered, but also short- and long-term monitoring, depending on the project. These funding issues will be considered up-front, and will be strategized to help ensure that projects are set up to succeed. It was also agreed that funding of AGFD internal compliance processes (e.g. EA Checklist, landowner coordination, 12-Step.) will be considered on a case-by-case basis. Such funds may also be made available to other qualified contractors who have compliance requirements (CADFG, NMDGF, BLM, USFS, etc.). The Policy Team will decide on these funding issues, in consultation with the Tech Team before or during project scoping. For some projects, NEPA and ESA compliance might be covered entirely by USBR and USFWS. In other cases, where USBR and USFWS will not be covering regulatory compliance, it will be made clear, up-front, who will be responsible for this and how it will be funded. In short, the CAP Funds Transfer program may fund, where necessary, and as decided by the Policy Team on a case-by-case basis, any activities, including administration, planning, and/or State or Federal regulatory compliance, that are necessary to accomplish the approved objectives.

Timing of meetings and project approval and implementation was also discussed. These issues are especially important to USBR Fiscal Year obligations, and the timing of when projects will be solicited and funded.

The Tech Team will meet on April 29, beginning at 1000 h (USBR Phoenix Project Area Office), to re-draft the guidance document (s). To front-load that work session, Rob Clarkson has provided an electronic copy of the draft guidance document(s) for AGFD, NMDGF, and USFWS participants in the Tech Team meeting (Johnson and Bettaso; Propst, Gatz and Barrett). Each agency (AGFD, USBR, USFWS, NMDGF) representative will come to the meeting prepared with the issues they would like to see resolved, with suggested re-wording and/or other solutions in reference to the long-term vision of the CAP Funds Transfer Program.

On June 20, the Policy and Tech teams will again meet jointly to finalize the guidance document. From there, the following process will occur on an annual basis (with the "25-year vision guidance document" in place):

- January/February: Joint meeting of Policy and Tech teams. The Tech Team will provide summaries and updates of previous year's projects, including summaries of successes and failures/obstacles. USBR and USFWS will compile the final written report based on their contracting deliverables. If needed, the Policy Team will give guidance on the continuing projects (within the context of existing contract language), and for recommended projects for the current year. Every 5 years, the guidance document will be reviewed and updated through these meetings, as necessary.
- February-May: Tech Team solicits project ideas and prepares a preliminary list.
- June: Joint meeting of Policy and Tech teams to refine projects list (all members within the team to provide input).
- ??: Project selection (based on need, merit and fiscal responsibility, vendor qualifications and availability, and within the context of the long and short term documents).
- July: Tech Team refines Statements of Work (SOWs), develops checklists/flow charts to track projects for the life of each project.
- October – December: USBR transfers money to USFWS.
- January/February: Cycle begins again. USFWS/USBR can issue POs, RFPs, IGAs, etc. any time during the year, so updates would be reported at the Jan/Feb joint meeting for all projects, no matter how far along they are (i.e. even if a project has been approved but not started, or has almost been completed).

Regarding the projects lists – all parties agreed that each project description will be re-worded to account for any regulatory (compliance) processes, when needed, and who will be responsible for the State and/or Federal NEPA and/or ESA compliance and how compliance efforts will be funded. Any reference to the States' Section 6 funding (or other funding) being used for a project will reflect "contingent upon availability."

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In regard to Gila topminnow and desert pupfish projects proposed by the CAP Funds Transfer Program, it was restated that AGFD is the lead, within its statewide program, for all non-Tribal topminnow/pupfish management (including stocking and monitoring). Other entities (e.g. private, academic, or federal) interested in taking on “volunteer” monitoring roles in this program must be approved by and coordinated through AGFD, and must comply with AGFD procedures intended to ensure that efforts are not redundant, and that data will be reliable, consistent, and timely.

It was further clarified that CAP funds may be made available to AGFD for topminnow and pupfish management (e.g. stocking and monitoring), including planning- and compliance-related activities, on a case-by-case basis.

Continuing efforts will be made by USBR and USFWS to coordinate with AGFD and NMDGF as early as possible on project planning, especially where internal agency processes might be applicable. In any case, open communication is necessary to ensure that every one and every agency is always on the same page.

Finally, it was clarified (and will be reworded in the vision document) that one phase of a project will not occur until the previous phase of that project has been completed. For example (barrier construction), site improvements and aquatic habitat renovation would not occur until the feasibility of a barrier has been verified and design has been completed.

The last items of business were discussions of all currently-proposed projects included in the projects list (detailed notes kept by USBR), and composition of the Tech Team (members are Barrett, Clarkson, Bettaso, and Propst; Marsh is an advisor to, not a member of, the Tech Team).

The meeting concluded at 1230 h.

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cc: All Meeting Participants, Dave Harlow, Rob Bettaso, and Dave Propst

CAP Project Implementation Process

