

**DRAFT MINUTES FROM THE JANUARY 22, 2003 MEETING OF THE CAP FUNDS  
TRANSFER PROGRAM'S POLICY COMMITTEE**

**Action Items**

1. Spangle and Ellis will discuss the future of the ITM (Independent Technical Monitor) position and the results of the discussion will be summarized for the States to close the loop with them.
2. Taubert will ask Shroufe (AGFD Director) to discuss with Bell (NMDGF Director) the linkage between state Recovery Plans and federal Recovery Plans and how the linkage might work differently if NMDGF had a MOA with the Service similar to that of AGFD.
3. Taubert will coordinate with Larry Riley and others to get Clarkson information about the potential needs to acquire and produce appropriate lineages of Apache and Gila trout.
4. Barrett and Clarkson will "color-coordinate" their respective tables and spreadsheets so that each color represents the same information on each table.
5. Barrett and Clarkson (with assistance from others as needed) will clarify and define all of the budgetary terms relating to the program (obligated, allocated, available, etc.).
6. Bettaso will resubmit the spikedace/loach minnow project proposal to the Program committees and resend his proposal to evaluate the cost-benefits of barriers and renovations (since apparently not all members of the committee received the original email).
7. Barrett will include the total amount of unspent, un-obligated money on the spreadsheets (the money that was part of approved projects but has not yet been contracted).
8. The Technical Committee will add a repatriation evaluation project to the FY04 list.
9. Bettaso will provide Reclamation and USFWS with information about AGFD's quarterly anglers' roundtable meeting (potential for education about barriers).
10. Clarkson will update the five-year plan, based on this meeting's discussion, and will send out a revised version for approval.
11. Barrett will incorporate all of the comments into the draft annual report, including the hard copy comments given by Taubert at the end of the meeting.
12. The next Technical Committee meeting will be held on February 20, 2003, at AGFD at 0900. The results of that meeting will be summarized in minutes and distributed to Policy Committee members.
13. The next Policy Committee meeting will be held on June 11, 2003, at USFWS at 0900.

**Meeting Minutes**

Attendees: AGFD – Bruce Taubert, Rob Bettaso, Jeremy Voeltz (scribe); USBR – Bruce Ellis, Henry Messing, Rob Clarkson; USFWS – Steve Spangle (part of the morning session), Paul Barrett, Tom Gatz (morning session); NMDGF – Chuck Hayes.

The meeting began at 0905 h.

Meeting agenda was modified since Spangle would not be able to attend the entire meeting. Initial discussion revolved around the ITM position. Barrett provided background on the position

and how Dr. Marsh at Arizona State University (ASU) held the position for four years under an Intergovernmental Personnel Agreement (IPA). Because this is the longest term that an IPA can hold, U.S. Bureau of Reclamation (Reclamation) retained Marsh's services through a contract that is expiring in May. Barrett suggested that there is still a need for an ITM and the main qualifications are a person who is (1) technically competent and (2) has good interpersonal skills.

Barrett shifted the discussion and asked if there was any truth to the rumors that NMDGF might withdraw from the Policy/Technical committees. Hayes agreed that it has been difficult to finalize agreements, but there is no reason to believe that NMDGF will withdraw and that they are still dedicated to native fish management in New Mexico. Clarkson asked if there was any news on the hold-ups with the New Mexico agreements. Hayes said that the logjams are as big, if not bigger now.

### Five Year Strategic Plan

The group discussed the recently drafted Five Year Strategic Plan that lays out specific goals and objectives to be accomplished during the next five years of the program. Hayes asked whether the term "recovery plan" was specific to federal plans or if state recovery plans were included (New Mexico develops state recovery plans). Barrett asked if the state recovery plans were linked to federal recovery plans and if the process was similar to AGFD co-signing federal recovery plans under the new Memorandum of Agreement between AGFD and USFWS. Hayes said that so far, New Mexico has not completed a state recovery plan for a species that already had a federal recovery plan. Barrett suggested that it would be more efficient to write the state requirements into the federal recovery plans rather than writing two plans. Taubert said that he would ask Shroufe (AGFD Director) to discuss these issues with Bell (NMDGF Director).

Discussions of the five-year plan identified several changes to be made to the document. The following changes were recommended and agreed upon:

- *Recovery Need 1*: add "and project planning" after "research needs."
- *Recovery Need 1*: add a Goal/Strategy #12: "Evaluate effectiveness of existing strategies (barriers, piscicides, etc.)."
- *Recovery Need 1*: add an Objective #12: "Execute an agreement to evaluate the efficacy of barrier/renovation as a tool for native fish management."
- *Recovery Need 2, Goal/Strategy 1*: add "identify or" before "develop."
- *Recovery Need 2, Goal/Strategy 4, 5, 6, 7, 8, and 9*: replace "stream" with another term such as "water" to include bodies of water other than streams (tanks, ponds, springs, etc.).
- *Recovery Need 2, Objective 1*: Include "and other rare lineages" after "Gila topminnow", and include "(including mixed lineages)" after "all major genetic stocks."
- *Recovery Need 3, Goal/Strategy 1*: Include "Plan" at the beginning of the sentence.

- *Recovery Need 3, Objective 1*: Move “initiate environmental compliance activities for construction” to the beginning of the sentence.

Additional discussions about the five-year plan continued. Taubert asked if anyone had seen the deliverables or a draft of the Minckley and Marsh book (“Chronicles of a Vanishing Fish Biota”)? No one present at the meeting had seen it. Ellis asked if we were going to see the draft before giving \$30,000 of funding to offset printing costs, and also if the agreement allowed the group to see the print ready copy. Clarkson did not think so, and explained that the agreement was to pay for figures and publication costs. Taubert thought the group should be cautious in funding this, since there could be some potential conflicts with what may be contained in the book.

Discussion shifted towards identification and development of hatchery (or other types of facilities) so that native fish propagation and grow-out can become more widespread. Barrett said that the main issue is when to bring the rare lineages (Verde spikedace, Eagle Creek loach minnow, etc.) into captivity and where are we going to put them. Also, Barrett wanted clarification to make sure that the contracts to hold, grow, and propagate native fish would be open to the private sector. Taubert suggested clarifying the *Goal/Strategy* and *Objectives* dealing with native fish production facilities in the five-year plan to make it clear that the private sector could be involved. Bettaso mentioned that there was precedence with private growers and cited the example of the Gila River Indian Tribe leasing lands to a private aquaculturist to grow bonytail chub. Bettaso also recommended that as part of any contracts for native fish propagation efforts that we should consider involving private growers within the commercial aquarium pet trade as they clearly have more technical experience than state/federal hatcheries with the propagation and production of small-bodied fishes.

Taubert questioned the timing and/or sequence of certain projects suggesting that in several cases we seemed to have put the cart ahead of the horse. Examples include the separate projects for the barrier feasibility, design, and construction projects. The group discussed this issue at length and it was determined that the projects should be in the correct order, and that design of projects for construction should not be funded until environmental compliance has been completed. In certain cases where there is a specific timeframe that needs to be met (e.g. Fossil Creek), it is okay to fund several steps of the project in the same fiscal year.

Taubert wondered if we should add Apache and Gila trouts to the “acquire and maintain” lists, especially since the situation for Apache trout production on the White Mountain Apache Reservation may become unstable following delisting. Additionally, Bettaso stated that a greatly expanded production effort for Gila trout would expedite achieving recovery goals and added that we currently are without a source of Spruce Creek fish for Arizona reintroductions until the extant wild populations of that lineage increase in number. Taubert will coordinate with Larry

Riley to get information to Clarkson about the need to acquire and maintain Apache and Gila trout stocks.

The group shifted towards discussion of the draft letter to solicit project ideas. Initially, the group discussed the most efficient way to solicit project ideas, ranging from a wide distribution, postings on AFS/DFC websites, Co-op Units, and Universities to stimulate a broad range of input and proposals. Bettaso requested that the private sector be included at a greater level, using the example of the private sector's extensive knowledge in small-bodied fish production. Ellis and Clarkson suggested including the guidance document and five-year plan with the solicitation letter to provide guidance for what kinds of project ideas would be considered for funding. Taubert agreed, but thought the five-year plan should reflect which projects have already been funded in order to avoid receiving redundant proposals. Clarkson was also concerned about being inundated with project proposals. Taubert suggested using a standardized form for solicitation, but Barrett said that the Paperwork Reduction Act would make this problematic. Taubert suggested including more guidance in the letter for how to submit the proposal including maximum word counts.

Barrett suggested that there should be a due date for when project ideas will no longer be considered for funding in the following fiscal year. This will save the Committees the unnecessary workload of having to review ideas and develop projects at the last minute. Bettaso suggested using a timeline similar to the Heritage Grant process. Ellis agreed that sending out the letter once a year with a specific due date was the best idea. Barrett asked if there would be budget concerns next fiscal year if they decided to fund all of the projects. Clarkson said that there would not be a problem due to the amount of unspent carry-over money.

The group took a lunch break from 1135-1235.

Ellis suggested discussing and updating the process flow chart as a means of addressing the letter of solicitation issues. Barrett suggested soliciting for ideas in June with a deadline in October. The Technical Committee would then have a few months to flesh out ideas for initial presentation to the Policy Committee during the January meeting. Messing thought that the January meeting was mainly to provide updates on the status of projects. Clarkson felt that the initial project list should be presented in January and then, based on comments from the Policy Committee, updated and represented at the June meeting. Taubert suggested that the Policy Committee should direct where the emphasis should be for project priority. Ellis asked if that meant sending out a different letter every year. Taubert stated that the Policy Committee should decide the broad emphasis on projects and the Technical Committee should solicit ideas based on the broad emphasis. If the letter was sent out after this meeting, the ideas should be brought back in June. Barrett was not sure if that would be enough time.

Taubert reiterated that sending out the five-year plan to develop project ideas is not worth it, since many of the five-year goal and objectives already had identified (and in some cases, funded) projects. For example, why should we be soliciting for ideas on piscicide techniques when the La Crosse project is not yet completed? Another example is barrier planning and construction. Why go forward with funding barrier construction projects when the planning and compliance for the barrier is not completed?

Ellis suggested going over the project list and that maybe the answer will work itself out. Clarkson passed out a color-coded table with the status of all CAP Fund Transfer Program projects. Taubert suggested that in the future, the color codes would be consistent between the tables that Clarkson handed out and the spreadsheet that Barrett was maintaining. Taubert suggested that there needs to be a mechanism in the letter to prevent soliciting for ideas that already have ongoing projects. Taubert asked about the deleted projects and if any need to be revisited. Clarkson stated that some of the deleted projects received other funding; some were merged into other tasks and so may need to be revisited in the future, but probably not at this time. Taubert asked specifically about Task 3-31 (Redrock Ranch Acquisition). Barrett did not have all of the background on this task, but it related to a biological opinion (BO) for the Coronado National Forest, and the potential to acquire property along Redrock Canyon (a natural Gila topminnow site). Taubert asked if some of this money could be used for different projects. Clarkson said that it could be since it was never specifically allocated for that purpose. Taubert noted that some of the terminology was inconsistent with conventional usage and suggested clarifying and re-defining all of the terms relating to funding (available, allocated, obligated, etc.). Ellis explained that projects are tentatively identified with a dollar amount, and that money is transferred from Reclamation to USFWS, but until it is actually given out through a contract or other means, it can be spent on something else.

Taubert asked that AGFD be included in Task 3-32 (Blue River easement) as AGFD may have funding to contribute to this project. Taubert asked if there were S.O.W.'s written up for Tasks 3-37 through 3-42 (native fish stockings). Barrett said that those S.O.W.'s have not yet been completed. Taubert asked about Task 3-47 (loach minnow into Hot Springs Canyon). Clarkson said that it would require compliance work and that Aravaipa loach minnow would be used.

Taubert asked why Task 3-14 (loach minnow/spikedace reestablishment) was deleted. Clarkson said that the original S.O.W. was for AGFD to complete the 12-step for loach minnow and spikedace. Bettaso said that the estimated funding for the project was insufficient to fund an FTE that would be essential to tackling the project. Bettaso stated that AGFD sent in a proposal for spikedace and loach minnow recovery efforts that was rejected by the Technical Committee. Clarkson said that the proposal was rejected because the cost estimate was excessive. Taubert said that if there is something that needs to get done, but the mechanism was not there to get it done, we have to find a way to get that mechanism in place. The group agreed that Bettaso

should resubmit the loach minnow and spikedace proposal for review by the Technical Committee.

Barrett briefly discussed the mechanism for letting out contracts and whether they could be sole-sourced or competitive. Barrett emphasized that if AGFD/NMDGF were not sole-sourced for a project, but still wanted to be a competitor, it was important to step-back from the process so they could still compete. Taubert stated that AGFD is not interested in doing work that the private sector can do better. However, moving, killing, or stocking fish were elements of projects for which AGFD has authority and would therefore need to be involved even if that only meant permitting other agencies to do the work.

Taubert asked why the Bureau of Land Management (BLM) was not willing to implement Task 4-4 (Kingfisher Pond nonnative removal). Clarkson said that BLM determined that the ponds were within the floodplain and would constantly be reinvaded. Taubert asked about the status of Task 4-2 (Down Under Tank nonnative fish removal). Barrett said that it was also part of the Coronado National Forest BO, although the U.S. Forest Service (USFS) did not think they had the authority to complete. Taubert asked when Task 4-7 (piscicide development) would be completed. Clarkson said by summer. Taubert asked why there was not a vendor for Task 4-13 (stock tank easements). Clarkson explained that AGFD, The Nature Conservancy, and others had been approached about undertaking this project, but all had turned it down. Taubert felt that AGFD would be a good vendor for this project. Barrett was hoping for at least one easement to set an example for adjacent landowners. The Technical Committee will attempt to identify additional potential vendors at their next meeting and report back to the Policy Committee with the options.

Taubert asked about the status of Task 4-23 (Boyce-Thompson renovation). He felt that the nonnative fish contamination issue might be because the water source was not just wells. Bettaso mentioned that crayfish are a problem as well as they can move overland and may find ways to access the arboretum pond from other nearby water bodies. AGFD is beginning a research project at Boyce-Thompson dealing with crayfish suppression. Taubert asked about Task 4-28 (transgenic fish feasibility). Clarkson said that they hope to find out if genetic manipulation may be a legitimate way to control nonnatives in the future. There is a potential vendor from Minnesota who may take on the project.

Taubert wanted to make sure that nonlisted species such as desert and Sonora suckers and speckled dace were included into Task 3-38 (repatriations to Arizona trout streams). Taubert asked why Task 4-26 (piscicide susceptibility) was deleted. Barrett and Clarkson responded that it was incorporated into Task 4-7 (piscicide development). At the end of the discussion on the project lists, Taubert reiterated the need to clearly define the definitions and availability of funding for the project.

Barrett led the discussion about the draft annual report and appendix, in which most attendees found that the budget information not clearly stated in the text. Barrett agreed, and stated that the numbers were taken from the spreadsheet.

The group took a break from 1355-1405.

Taubert requested clarification of the Fossil Creek project on page six of the annual report. The current verbiage implies that everything that is in the planning stages will be completed. The verbiage should be changed to reflect the need for completion and evaluation of environmental compliance, which will determine whether the future of that stream entails management using barriers and renovations.

Clarkson handed out the Technical Committee's initial draft of FY04 projects. Project #6 (GIS database) needs to be removed for the time being because there is still debate about the cost estimate of this project. Taubert asked if money would be limited for the FY04 projects and Clarkson said there is carry forward money available if the amount went over the dedicated \$250,000 for each fund. Taubert requested that the project spreadsheet should include the total amount of non-obligated funding, meaning funding that has been transferred but has not yet been designated to a specific contract.

Taubert asked why the contracts with multiple years are not obligated. Clarkson said that the program is only funding one year at a time. For example, when the ongoing year 1 of the larval fish key is finished, it will change from "ongoing" to "completed", and year 2 of the larval fish key will change from "pending" to "ongoing."

Taubert stated that the FY04 project list needs to include an evaluation of the fish stockings that will occur in FY03. All agreed, and an evaluation needs to be added to the Task 3 for FY04.

Taubert led a discussion about environmental compliance and how all of the projects that need compliance need to address that upfront. Specifically, compliance needs to occur before barrier design and construction. Ellis agreed, although Clarkson felt that in most cases the design needs to occur before the compliance. Regardless, all agreed that compliance must be addressed early in all of these projects. Clarkson also informed the group that he thinks the CAP BO funds Reclamation to do compliance for the barriers specified in the BO. Clarkson also clarified that the potential O'Donnell, Redfield, and Hot Springs barriers are to replace the mainstem San Pedro barrier that was identified in the BO. Ellis suggested replacing the text with "O'Donnell Canyon fish barrier feasibility evaluation/compliance" to address the need for compliance prior to design and construction of the barrier. He suggested altering the language in all related projects.

Taubert suggested that Reclamation and USFWS could attend the quarterly Fish Focus group meetings (aka: Angler Roundtable meetings) that are facilitated by AGFD. This could help to educate the angler groups about the purpose of barriers and may increase public support of this management tool. Bettaso will notify Reclamation and USFWS regarding the specifics of the quarterly meeting.

Clarkson added that the USFS will do the compliance for the Romero/Paige renovations and that the Fossil Creek stock tank renovation is part of the larger Fossil Creek compliance. Other potential projects that may be added to the FY04 list include Fossil Creek habitat study, Bear/Sabino renovations, and Stillman Lake native fish establishment. Taubert asked about the Turkey Creek repatriation project and what would need to be done. Bettaso briefly described the different mechanisms that AGFD can use to stock listed and unlisted native fish. Unfortunately, some agencies seem to require full NEPA compliance when stocking unlisted fish, although the group will continue to pursue categorical exclusions in these cases. Taubert stated that the biggest hurdles are still with the land management agency and the lessee (permittee). Taubert emphasized that the FY02-FY04 projects should give us the ability to do more topminnow/pupfish stockings.

Barrett asked about the group's current feeling on the solicitation letter and if the letter was even needed to get ideas. Taubert asked where the original ideas came from. Clarkson remembered that the USFWS had a meeting prior to the CAP BO where they came up with about 60 ideas, although they were mainly research. The rest of the ideas have been primarily from the old Desert Fishes Recovery Team meetings, or from word-of-mouth solicitations.

Taubert suggested hiring an external group to evaluate the program, and that this may accomplish the same purpose as the solicitation letter. After a lengthy discussion, the group agreed to add an FY04 project that would execute an agreement to evaluate the program. Taubert suggested that the main goal should be for someone from the outside (like the National Science Foundation) to look at the past, present, and future structure of this program and to determine if our actions are going to get us to where we want to go. Barrett suggested that the Technical Committee should still accept ideas, but should set a date as to when the projects are no longer considered for the next FY. Bettaso also recommended that the Technical Committee evaluate all of the proposals and ideas at a single meeting and with enough lead-time so that all members can adequately prepare. This will avoid the current ad hoc method of evaluating projects as they come in which cannot be managed with existing non-CAP Fund Transfer Program workloads. Barrett agreed and added that in this way all projects are rated against each other at the same time (e.g., a project evaluated today may look great, but when compared at the same time with 10 other projects may not look so good).

Taubert finalized the discussion by asking for agreement that the decision is to not send out the letter this year, prepare a S.O.W. for an external program evaluation and review, and change the

verbiage of the FY04 projects (with regard to compliance, etc.). These decisions were agreed to by all. Clarkson stated that the final FY04 project list would be presented at the June Policy Committee meeting. Taubert also requested that a project for evaluating the efficacy of barriers and renovations should be added to the FY04 project list and discussed at the June meeting. Ellis asked if AGFD would be the vendor for that project. Bettaso said it could be AGFD or anyone else. Barrett suggested that maybe someone other than AGFD should complete it, since it could be perceived as being biased if AGFD did the work. Bettaso observed that various biases, preconceptions, and preferences have existed throughout the history of the Fund Transfer Program and that having a non-AGFD implementer for the cost-benefit assessment could also be inherently biased.

Ellis led the brief discussion of the guidance document. The group revisited the wording for funding regulatory compliance actions and agreed that the revised wording was adequate. Messing suggested deleting any reference to the former Desert Fishes Recovery Team. All agreed that after that minor change was made, the guidance document could be referred to as final.

At the end of the meeting, Clarkson agreed to update and revise the five-year plan based on today's discussions and send it out to the group for approval. Taubert also gave Barrett hard copy comments on the draft annual report, which Barrett will address and incorporate as necessary. The groups decided that the next Technical Committee meeting would be held on February 20, 2003 at AGFD at 0900. The next Policy Committee meeting will be held on June 11, 2003 at USFWS Phoenix Office at 0900.

The meeting concluded at 1530 h.