

## **DRAFT MINUTES FROM AUGUST 21, 2003 MEETING OF THE CAP FUNDS TRANSFER PROGRAM'S TECHNICAL COMMITTEE**

### **Action Items**

1. Barrett will e-mail the CAP FTP PowerPoint presentation the Technical Committee for review.
2. Barrett will set dates for the informational meeting in Pinetop so that all FTP TC members will have the opportunity to attend.
3. Barrett will set up a meeting with Agreements staff in Albuquerque to discuss the process for RFPs, sole sourcing, and other mechanisms to release contracts.
4. Bettaso will draft a form letter to be used for rejection notification.
5. Barrett will contact Mueller to determine if he would be interested in this type of task, and what resources he would need to complete it.
6. Clarkson will write up the "blurb" for native fish restoration in the upper Salt River.

### **Today's Meeting**

Attendees: USBR – Rob Clarkson; USFWS –Paul Barrett; NMDGF – Dave Propst; AGFD – Rob Bettaso, Jeremy Voeltz (scribe)

The meeting began at 0900 h.

#### Introduction and Housekeeping

Clarkson handed out an updated version of the color-coded spreadsheet used to track the status of tasks. Bettaso went over the final agenda, sent out yesterday via e-mail.

#### Workshop Meetings

Barrett provided an update on the two informational meetings about the CAP Fund Transfer Program (FTP) that he conducted in Phoenix in Tucson. Another meeting has been requested to be held in Pinetop after October 1. A PowerPoint presentation was also developed, which Barrett will send to the Technical Committee (TC) for review.

Barrett mentioned that the two main questions asked at the workshops were: 1) does the FTP fund research, and 2) if someone submits a proposal will they get funded for it? All agreed that the FTP's primary goal is to fund on-the-ground actions, but some research has in the past, and will continue to be funded if the TC agrees that the research is necessary to meet the standards in the CAP Biological Opinion. Some participants at the information meetings expressed concern over why they would submit ideas if there was no guarantee that they received funding.

Barrett does not have all of the answers about how the contractual components of the FTP work. But the U.S. Fish and Wildlife Service (USFWS) contract person in Albuquerque has told Barrett that the USFWS can let agreements go to federal agencies (including Coop units) the easiest. State agencies and Universities can receive funds through cooperative agreements, as can private

companies with GSA contracts (such as SWCA). After that, the contracts have to be given through competitive bids in a request for proposal (RFP). An example is Task 3-45 that USFWS in Albuquerque was able to get the funds to the University of Arizona (UofA) Co-op Unit relatively quickly and easily.

Propst requested clarification on the purpose of the informational meetings, specifically whether they were to solicit ideas for proposals or to identify the process in which the FTP works. Barrett wanted the meetings to open up the process to people outside of the FTP, to clarify how the money was dispersed, to discuss what types of projects would be considered and what types of projects would not be considered, and to solicit additional ideas. Propst thought that the meetings may actually generate more confusion and that there should a clear, structured document that would outline all of those issues. All agreed that the guidance document should provide clarification as to what the FTP will consider for funding.

The group discussed the RFP process and other ways in which tasks can be implemented. Barrett explained that there has been some confusion about how the USFWS contracting people can release contracts. Propst felt that many of the tasks within the FTP are designed to be agency activities (barrier construction, fish stocking, etc.) and therefore should be sole sourced to the agencies. All agreed that the TC should decide which projects should be given to state and federal agencies, and which projects should be sole sourced. Barrett has been told that USFWS can sole source a project if it is under \$2,500; it can sole source with justification for projects \$2,500 – \$25,000; but project over \$25,000 need to go out as an RFP. Clarkson did not think that this was correct, and believes that because Reclamation can sole source any amount with justification (e.g. larval fish key) the same should be true for any federal agency including USFWS. Barrett will set up a meeting with Ray in Albuquerque to discuss the process for RFPs, sole sourcing, and other mechanisms to release contracts.

#### Status of New Mexico Cooperative Agreement

Propst felt that the Cooperative Agreement between USFWS and New Mexico Department of Game and Fish (NMDGF) is close to being signed, however because the Agreement was created over three years ago there may need to be some changes. Hayes and Propst will continue to move the process through the chain of command.

The TC all agreed that using FTP money for Propst to travel for TC meetings was a good use of money (only about \$800/year). If, and when, the Agreement between NMDGF and USFWS is completed, the TC may revisit this issue and see if NMDGF should pay for travel. Also, the TC will consider traveling to Albuquerque or Santa Fe, New Mexico for future meetings.

#### Procedures for Approaching Vendors

Barrett clarified that no member of the TC would approach a potential vendor without concurrence from the TC. The exception can be if a TC member approaches a potential vendor to see if there is interest from the vendor, without providing budgetary estimates, specifics about potential project, or implying a guarantee that the vendor would get the contract.

Clarkson asked if AGFD and NMDGF wanted to be involved in the “nuts and bolts” of administering agreements after the contracts are giving to vendors. Propst does not want to be involved. Bettaso would like to be involved as much as possible (i.e. not to the point of slowing down any efforts by Barrett and Clarkson).

Bettaso suggested that more frequent TC meetings would help alleviate any potential problems associated with how the TC conducts business. Specifically, if the TC is voting on a potential project, the TC meeting needs to be scheduled well in advance to assure that all TC members can vote.

Barrett reiterated that the TC strives for consensus, and that there has rarely been a need to vote. But when there is a vote, the federal agencies retain veto power. However, there may be cases where there is a split-vote (one state and one federal TC member votes one way, the other two vote the other way). Barrett suggested in this case that the project could be brought to the Policy Committee (PC) for final decision. Propst and Clarkson did not think that split-vote projects should be brought to the PC for final decisions. Clarkson felt in split-vote cases, there needs to be some give-and-take within the TC to achieve majority. In rare cases the TC may need to ask the PC for guidance. Propst also suggested that in the event the PC overrules the TC, that the PC provide justification (preferably written) as to the reason for the overrule.

All agreed that when there is a need vote (e.g. not a clear consensus), the TC will vote, strive to achieve majority, and recognize that the federal representatives (Barrett and Clarkson) have veto power.

#### Rejection Notification

All agreed that the CAP FTP should have a standard form letter that can be sent out when a proposal is not considered for funding. This will keep the process consistent and also provide a written record. Bettaso will draft the letter for review by the TC.

The group took a break from 1010-1020.

#### Discussion of the 8/6 PC Meeting

Based on the meeting of the PC committee on 8/6, an extension to Marsh’s agreement to serve as Independent Technical Monitor was not pursued.

### TC Meeting Schedule

The TC decided to set their meetings to occur:

- June (before the June PC meeting, to finalize “blurbs” to be funded the next fiscal year).
- September (to develop “blurbs” for the following fiscal year).
- December (to finalize project list to present to PC in January).

For example, during the September '03 meeting the TC will discuss projects that may be funded in FY05. In the December '03 meeting, the TC will finalize the project list to present at the January '04 PC meeting. During the June '04 TC meeting, the TC will take the recommendations from the January PC meeting and finalize the list of projects to be funded in FY05 (these final projects will be presented at the June '04 PC meeting).

### Comments on Specific Tasks

#### *Task 3-45 - Facilities needs to propagate and house fishes*

The money was transferred to the UofA Co-Op, however they have decided not to pursue this task. The group decided to send this task out as an RFP. When the proposal comes back in the TC will develop the detailed Scope of Work (SOW) including contract deliverables.

#### *Task 3-46 - Gila basin chub genetic differentiation*

Clarkson gave a summary of the various *Gila* taxonomy projects that have occurred over the years. Barrett would like to see Gila chub genetics completed first, due in part to the recent issue of the Sabino Canyon chub. However, an RFP would take at least six months. Clarkson felt that while both ASU and UofA would be suitable vendors for this project, ASU has the existing resources to complete this task, and they are currently working on chub genetics. Dowling will be sending Clarkson a description of the microsatellite work that ASU is proposing to do on chubs in the Gila River basin. The TC will review the description and see if it fits with the intent of this task, and determine if the program should go with ASU or go RFP.

#### *Task 3-49 – Fishless and native-only streams*

Bettaso wanted clarification that this task included not only a database development, but also fieldwork to verify “native only” and “fishless” streams. All agreed that this was a necessary component of the task. The group decided unanimously to send this task out as an RFP.

#### *Task 3-52 – GIS database for Gila basin native fishes*

Barrett asked if this task was put on hold. Clarkson thought it was deleted, but it could be revisited later. The group agreed to delete this task and revisit it if necessary at a later time.

*Task 4-52 – Effectiveness of fish barriers and renovations*

Barrett suggested that Gordon Mueller's group would be an appropriate vendor for this task. All agreed, however Propst was concerned about the massive agency workload that may be involved with this task. Clarkson suggested that maybe AGFD and NMDGF could receive separate funds to gather all of the information that would be necessary for the vendor to complete this task.

The group discussed various aspects of this task, including how many states should be included, how far back in time the vendor should look, etc. Bettaso felt that these issues would be fleshed out during the RFP process. In the meantime, Barrett will contact Mueller to determine if he would be interested in this type of task, and what resources he would need to complete it.

*Task 3-48 – Acquire rare spikedace/loach minnow populations*

Barrett asked the group what they thought about potential vendors for this project. Bettaso and Propst felt that it should go to the States, especially since it will involve coordination with federal, state, private, and potentially tribal land managers, and may involve transporting fish from the wild to captive facilities.

The group took a break from 1120-1130.

AGFD Five Statements of Work

*Task 3-42 – Repatriations to Blue River*

Bettaso asked if this task should wait until Reclamation finishes the NEPA/ESA for the Blue River barrier. Clarkson was not sure when the compliance would be completed so may it may be quicker and easier to just pursue compliance for the spikedace stocking.

*Tasks 3-37 (Gila topminnow stockings), 3-38 (Repatriations to AZ trout streams), 3-40 (Repatriations to Redrock Canyon), 3-41 (Repatriations to Arnett Creek)*

Clarkson wanted to make sure that the budgets were acceptable to AGFD before an agreement with FWS was signed. If any budget modifications are made, FWS (Barrett) and Reclamation (Clarkson) will need copies.

AGFD Research Branch Proposals

*Crayfish removal study*

Barrett and Clarkson felt that this project was fundable, however they both thought that the group should await completion of two current projects dealing with crayfish (Walters' study on Fossil Creek and Childs' literature review on crayfish control methods). The group agreed to get the deliverables from Child and Walters and then revisit this proposal. Barrett will contact Walters and Childs and get updates to the TC on when the two projects will be completed.

*Development of propagation techniques*

Barrett and Clarkson felt that this proposal was premature due to the pending native fish production facility assessment task., although all agreed that the TC may need to execute an emergency agreement to hold and propagate fishes if the rare lineages of spinedace and loach minnow are found.

As an FYI, Bettaso mentioned that Childs might be visiting some small-bodied fish production facilities in the southeastern U.S. that Bettaso formerly worked at, and that these facilities may have some valuable techniques that could be passed on to the benefit of our native species.

*Salt River native fish restoration*

The group agreed that this proposal should be considered because of its timing (post Rodeo-Chediski fire), although Barrett wanted to make sure that the TC could develop this task in time for the results to be meaningful. Bettaso will check with the AGFD Research Branch about their timelines for this project.

Clarkson had a couple of suggested changes (all agreed to the changes), including adding roundtail chub to the list of species, removal of the language about relocating nonnatives, and adding a “go, no go” component after the second year of the project (meaning, after two years there would need to be a decision whether or not to stock native fish and to continue the monitoring identified in the task). Clarkson will write up the “blurb” for review by the TC.

*Gila trout habitat requirements*

The group unanimously decided not to consider this proposal for several reasons:

- Plenty of work has already been completed on Gila trout habitat suitability.
- Gila trout, while an eligible species under the FTP, is not a high priority.
- The Gila trout recovery plan already lists streams in Arizona that need to be stocked, meaning habitat assessments have already been completed on many streams.

Another option would be to stock the streams in Arizona (contingent upon downlisting), and if these streams do not establish populations then there could be a stream enhancement feasibility project proposal submitted.

Miscellaneous

Clarkson asked about the status of the last antimycin order. Barrett said that most of it has been received and he will make sure that it is stored in a climate-controlled area.

Clarkson proposed and all agreed to delete Task 4-13 (Verde River fish barrier).

Clarkson requested copies of all of the signed agreements for his files. Barrett will get copies to Clarkson.

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Bettaso will ask Taubert to check to see if the Wildlife Management Institute would be interested in Task 3-55 (Fund Transfer Program Review).

Barrett will contact UofA to get a budget estimate on Task 3-59 (chub propagation).

All agreed to delete Task 4-49 (Bear Canyon renovation/Sabino Creek management) from the list of proposed FY04 projects as it was no longer needed due to the Aspen fire.

The meeting concluded at 1230 h.

RHB:jv

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