

Final Meeting Notes

LCR MSCP STEERING COMMITTEE

Tuesday, April 5, 2005

9 a.m. to 12:30 p.m.

Southern Nevada Water Authority

1900 East Flamingo, Las Vegas – Colorado River Room

Attending

Jerry Zimmerman
Chris Harris
Lorri Gray
Laura Vecerina
Glenn Gould
Bill Grossi
Lesley Fitzpatrick
Patti Aaron
Kim Kirkland
Kent Turner
Doug Miller
Gregg Houtz
Tom Hine
Bill Werner

Charles Paradzick
Joe Vanderhorst
Laura Simonek
Paul Selzer
Larry Purcell
Michel Remington
Vicki Dee Bradshaw
George Caan
Phillip Lehr
Janet Monaco
Zane Marshall
Anthony Miller
Sara Price

Bill Davis
Jack Stonehocker
Jon Sjöberg
Kerry Christensen
Gary Hansen
Bill Lamb
Curtis Williams
Robert Lynch
Beth Miller

Rob Thomson
John Jostes

1. Administrative Matters

- a. Chair Jerry Zimmerman led the introductions. Those attending are listed above. He then provided an overview of the morning's agenda topics and expected outcomes.
- b. The draft meeting notes for the January 27, 2005 Steering Committee Conference call were revised to respond to comments offered by Bill Werner and Chris Harris. **They were approved as revised by a consensus of the Steering Committee.**
- c. No public comment was offered.

2. Reports on and Summaries of Outstanding Matters

Archives and Contracts

Jerry Zimmerman indicated to the Steering Committee that efforts were under way to archive all of the relevant information related to the MSCP planning process. Both Rob Thomson of SAIC and John Jostes of the Facilitation Team indicated that the administrative record was near finalization and ready for submittal to the Federal partners. Rob also noted that he was in the process of pulling together a report to summarize the procedures followed for the development of Chapter 4 of the Conservation Plan so that future MSCP participants would understand the methodologies and assumptions underlying the analysis. Chris Harris raised the issue of what should be done with the Sun SPARC Station computer. Both he and Rob Thomson noted that the information generated by that equipment had been fully migrated to a PC platform and that the equipment was no longer useful to the Program. After some discussion, Chris Harris indicated that he would draft a resolution for the future Steering

Committee to authorize disposal or donation of the Sun SPARC Station equipment. **There was a consensus of the Steering Committee to move forward on the close-out process to conclude this phase of the MSCP process.**

Budget and Dispersal of Surplus Funds

Phil Lehr distributed an excel spreadsheet indicating the Funds Remaining for the program as of April 1, 2005. He explained the remaining funds available to complete the current program and suggested that it would be likely that SAIC/Jones and Stokes would need an additional \$30,000 – 50,000 to close out the program and address out of scope requests. He noted that the Facilitation Team still had unused funds within their account and would not likely need to expend their entire contract amount to complete their responsibilities. On a motion made by Tom Hine and seconded by Jon Sjöberg, **the Steering Committee reached a consensus to authorize up to an additional \$50,000 to SAIC/Jones & Stokes to close out the contract and complete unanticipated tasks.**

In a related matter, Joe Vanderhorst indicated that Metropolitan Water District had expended approximately \$25,000 to SAIC/Jones & Stokes to initiate the CESA compliance process and requested that it be reimbursed this amount by the Steering Committee. Tom Hine voiced concern with the request and suggested that the request was to satisfy state requirements rather than MSCP requirements, and therefore should not be paid out of MSCP funds. No resolution of the differing perspectives was reached during the meeting and the matter was tabled until the next Steering Committee meeting. Joe Vanderhorst indicated he would follow up with a specific request to the Steering Committee for approval at the next meeting.

3. Reports and Information Items

Process to Establish the “Implementation” Steering Committee

Laura Vecerina distributed draft letters to permittees asking each of the participant groups of the new Steering Committee to identify who future MSCP participants and voting representatives would be. She noted that with the upcoming meeting of the new Steering Committee, the Bureau of Reclamation would need to know who would be participating and therefore need notification and distribution of meeting materials. Lorri Gray noted that the new Steering Committee could have seven participant groups with many members per group and a maximum of 35 “chairs”. Laura Simonek suggested that an application for membership be provided with the letter rather than sending the full set of Bylaws. During the group discussion, Lorri Gray encouraged participants to offer suggestions of which additional non-federal agencies or organizations (particularly conservation representatives) might be invited to participate within the various participant groups.

Bob Lynch indicated that he had serious concerns with the fact that the new Steering Committee was intended to be an unincorporated association. He expressed concern over the potential liability that could be created for the Steering Committee members. He suggested that there should be additional discussion on the business form that the Steering Committee should assume. Bob Lynch also indicated that there should be additional discussion over whether an ECRIT designation could be applied to the “Implementation Steering Committee”.

Doug Miller indicated that because of the numbers of interested agencies, districts and associations within Arizona who wished to participate, that preparing for an April 28th Steering Committee meeting date would be problematic; he requested that the meeting be held at a later date to allow internal coordination among Arizona participants.

Draft Bylaws

Paul Selzer distributed and briefly reviewed the second draft of the proposed Bylaws for the new Steering Committee to those present. He indicated that a conference call needed to be set up to discuss refinements prior to the coming Steering Committee meeting. He indicated that he would provide electronic copies to representatives from each of the states. The Steering Committee agreed to send written comments to Paul so that it could be determined if a conference call would be necessary. Laura Vecerina noted that there was a need to introduce some form of provisional bylaws to the new Steering Committee so that it could appoint a Chair and Vice Chair and commence doing business. Sara Price provided clarification and noted that there was only a need to propose bylaws to the new Steering Committee in order for it to initiate its business.

Program Manager Selection Process

Lorri Gray noted that the process of selecting a Program Manager for the next phase of work was ongoing and that a report would be made at the first meeting of the new Steering Committee.

FY 2004 Bureau of Reclamation Credit Request

Lorri Gray distributed bound documents recording the Bureau's efforts during 2004 for which it is seeking financial credit for the MSCP. She requested that a FY04 Technical Workgroup be established to review the request and make a recommendation to the Steering Committee. While there was some discussion of establishing a standing committee to consider funding requests over the life of the Implementation Steering Committee, it was determined that such a course of action would be better left to the new Steering Committee. **With a consensus of those present, the Steering Committee established an Ad Hoc Credit Request Subcommittee consisting of Bill Werner, Leslie Fitzpatrick, Chris Harris, Terry Murphy or Glen Gould, Phil Lehr or Bill Davis, Michael Remington and Chuck Paradzick.** The group determined that it would schedule a meeting prior to the next Steering Committee meeting to collect and consider comments on the FY 2004 Credit Request.

Update on Federal Legislation

Greg Houtz made a brief presentation to the Steering Committee regarding his efforts to work with congressional representatives from each of the three states regarding legislation to supplement the implementation of the MSCP. He distributed a discussion draft of proposed Senate legislation for review and comment by the various state participants, noting that his intent was to initiate a discussion rather than for MSCP participants to take action as the Steering Committee. He indicated he would like comments back no later than April 20th. The current schedule anticipates having draft legislation to introduce in mid-May 2005, with congressional staff indicating that it could go to hearing within a November 2005 time frame. He volunteered to organize a conference call among state participants to discuss lobbying efforts. Jerry Zimmerman indicated he would schedule a conference call or meeting of the California caucus prior to April 20 so as to provide their initial perspectives to Greg and others. Lorri Gray indicated that the Bureau has gone on record as having the full authority to fund and implement the MSCP.

Discussion of Potential Conservation Efforts at Planet Ranch

Lorri provided an overview of Planet Ranch and the relationship between providing water to the ranch versus resources and water available for the Refuge to maintain their habitat efforts.

Because Planet Ranch is owned by the City of Scottsdale, she offered to establish a technical work group to work with the Bureau to identify resources and determine a course of action for negotiations with the City over this potential conservation area. After some discussion, it was determined that it was premature to establish a working group. Lorri Gray indicated that she would coordinate with the appropriate individuals on the Steering Committee and report back at a later date.

4. Steering Committee Meeting Schedule and Future Tasks

The first meeting of the Implementation Steering Committee was rescheduled from April 28th to May 13th at 9:00 AM at the Southern Nevada Water Authority in the Colorado River Room. It was suggested that rather than holding one or possibly two meetings per year, that the new Steering Committee plan to meet monthly for the first three months of its existence in order to move through organizational and program planning issues at the outset. No specific meeting dates were established after the May 13th date because it was felt that such date setting would more appropriately fall within the purview of the new participants. However, in the interests of expediting the process, Lorri Gray asked that known participants send to her their recurring black-out dates and unavailable dates for May June and July so that a list of preferred dates could be developed prior to the meeting. She distributed a list of potential meeting topics for the first three meetings of the new group and requested feedback and suggestions.

5. Recognition of the Extraordinary Service of the Chair and Vice Chair

Chris Harris and Laura Vecerina took the opportunity to present Jerry Zimmerman and George Caan with embroidered shirts to convey the appreciation of the full Steering Committee to Jerry and George for their outstanding and extraordinary leadership and commitment to the MSCP partners over the life of the Steering Committee.

6. Motion to Conclude the Work of the Steering Committee

Laura Vecerina introduced a draft resolution to provide for a transition from the existing Steering Committee to the Implementation Steering Committee. George Caan raised the issue of whether a transition subcommittee was needed to bridge the business of the existing Steering Committee with that of the new Implementation Steering Committee. John Jostes noted that the points of contact for the federal partners and state partners were regularly scheduling conference calls to address these issues and might serve the same function as that suggested by George Caan. **On a motion made by George Caan and seconded by Tom Hine, the Steering Committee adopted the following resolution by consensus:**

***WHEREAS**, the original Lower Colorado River Multi-Species Conservation Program (LCR MSCP) participants have concluded their business under the June 26, 1996 LCR-MSCP Program Agreement and have taken the appropriate action to discharge its Steering Committee in favor of this Implementation-based Steering Committee as prescribed and defined by Section 7.3 of the Funding and Management Agreement adopted on April 4, 2005; and, and referenced above; and,*

***WHEREAS**, there are residual transition tasks and unfinished business that are appropriate for the Implementation Steering Committee to assume in carrying out its responsibilities and day-to-day business,*

WHEREAS, the acceptance of such responsibilities are consistent with the role of the Implementation Steering Committee as prescribed and defined by Section 7.3.11 of the adopted Funding and Management Agreement,

THEREFORE BE IT RESOLVED, that the LCR MSCP Implementation Steering Committee participants accept the transition tasks and responsibilities of the original Steering Committee and together with the Program Manager agree to complete such tasks and responsibilities in a timely manner.

7. Action Items and Adjourn

John Jostes reiterated the action items and decisions of the meeting (noted above in bold). Having concluded its work on the Lower Colorado River Multi-Species Conservation Plan, the Steering Committee adjourned its final meeting and transferred its authority to the new Implementation Steering Committee to carry out all actions required to complete any unfinished business and initiate implementation of the Program.

The meeting was adjourned at 12:15 pm.

The first meeting of the Implementation Steering Committee is scheduled for May 13, 2005 at the Southern Nevada Water Authority in Las Vegas.