RECLAMATION
Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation

NOTICE OF INTENT TO AWARD

This Funding Announcement is not a request for applications. This announcement is to provide public notice of the Bureau of Reclamation's intention to fund the following project activities without full and open competition.

ABSTRACT	
Funding Announcement	R13SS40008
Project Title	Small-Bodied Fishes Monitoring in the San Juan River SOW 20
Recipient	New Mexico Department of Game & Fish
Principal Investigator / Program Manager	Kirk Patten/Eliza Gilbert Conservation Services Division New Mexico Department of Game & Fish One Wildlife Way, P.O. Box 25112 Santa Fe, New Mexico 87504 505-476-8104 eliza.gilbert@state.nm.us kirk.patten@state.nm.us
Anticipated Federal Amount	$490,310.00
Cost Share	None
Total Anticipated Award Amount	$490,310.00
New Award or Continuation?	Continuation
Anticipated Period of Performance	March 2013- September 2017
Award Instrument	Cooperative Agreement
Statutory Authority	P.L. 106-392 Section 3(d)(1)(2)(f) Upper Colorado and San Juan River Basins Endangered fish Recovery Programs
CFDA # and Title	15.529 Upper Colorado and San Juan River Basins Endangered Fish Recovery Programs
Single Source Justification Criteria Cited	(1) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity; (2) Unique Qualifications – The applicant is uniquely qualified to

	perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;
Reclamation Point of Contact	Mark McKinstry, UC-735 801-524-3835

OVERVIEW

In 1991, the San Juan River Seven-Year Research Program was initiated. Subsequently, in 1992, the Research Program was placed under the auspices of the San Juan River Basin Recovery Implementation Program (SJRIP). The Research Program involved a variety of activities designed to characterize the status of the resident fish community (particularly the federally-protected Colorado pikeminnow *Ptychocheilus lucius* and razorback sucker *Xyrauchen texanus)*; to identify and quantify those factors (biotic and abiotic) that may be limiting protected fish species, as well as other native fish species; and to identify management and conservation activities that may contribute to recovery of protected species. Much of the research begun under the Seven-Year Research Program has been completed and a variety of management and conservation activities initiated.

The SJRIP drafted the Long Range Implementation Plan to guide and provide a means of evaluating progress towards achieving species recovery. It was designed to provide for "adaptive management" wherein research and particularly management or conservation activities were modified to reflect new information. To aid in the practice of adaptive management, the Long Range Plan identified monitoring of the San Juan River native and nonnative fish populations as a necessary components to "evaluate management actions and to document the [SJRIP's] progress toward achieving species recovery" (Element 4).

The monitoring protocols detailed herein were developed from methodologies used during the Seven-Year Research effort and subsequent modifications as developed and accepted by the SJRIP. These methods were based upon published literature, the professional experience of each researcher, peer discussions and review, and project evaluations.

The SJRIP Monitoring Plan and Protocols was initially implemented in 1999 based on protocols developed for specific life stages and abiotic factors (Propst et al. 2000). The monitoring protocols contained herein are the third revision to the Monitoring Plan and Protocols (2009 Monitoring Plan and Protocols Workshop). To aid in the evaluation of achievement of these SJRIP goals, the following Monitoring Plan and Protocols' goals were developed (see Recipient/Reclamation Involvement Below).

RECIPIENT INVOLVEMENT

1. Track the status and trends of San Juan River's fish community.
2. Track changes in abiotic parameters, including water quality, channel morphology, and habitat, important to the fish community.
3. Evaluate endangered fish species progress towards recovery.

4. Evaluate the effect of management actions, especially endangered fish stocking, non-native fish removal, and mimicry of the natural flow regime on the populations of native and non-native fishes in the San Juan River.

Meeting these goals will be accomplished by achieving the following objectives. Objectives are listed as they relate to each of the following SJRIP Monitoring Plan and Protocol goals.

1. Annually, during autumn, document occurrence and density of native and nonnative small-bodied fishes in San Juan River.
2. Document primary channel shoreline and near-shoreline, secondary channel, and backwater mesohabitat use by age-0 Colorado pikeminnow, razorback sucker, and roundtail chub, as well as other native and nonnative fishes.
3. Obtain data that will aid in the evaluation of the responses (e.g., reproduction, recruitment, and growth) of native and nonnative fishes to different flow regimes and other management actions (e.g., impediment modification).
4. Track trends in species populations (e.g., abundance, relative condition, and size structure).

RECLAMATION INVOLVEMENT

Substantial involvement on the part Reclamation is anticipated for the successful completion of the objectives to be funded by this award. In particular, Reclamation will be responsible for the following:

Reclamation employees will be assisting with the development of this project and will have approval over the various stages of the project. Reclamation employees also will be participating in the field work and assisting with analyzing the results of the work and integrating it into management decisions. Reclamation staff will be facilitating the use of equipment and staff in developing this project and some biologists may provide data, materials, and assistance to be used in the final product.

SINGLE-SOURCE JUSTIFICATION

DEPARTMENT OF THE INTERIOR SINGLE SOURCE POLICY REQUIREMENTS
Department of the Interior Policy (505 DM 2) requires a written justification which explains why competition is not practicable for each single-source award. The justification must address one or more of the following criteria as well as discussion of the program legislative history, unique capabilities of the proposed recipient, and cost-sharing contribution offered by the proposed recipient, as applicable.
In order for an assistance award to be made without competition, the award must satisfy one or more of the following criteria: (3) Unsolicited Proposal – The proposed award is the result of an unsolicited assistance application which represents a unique or innovative idea, method, or approach which

is not the subject of a current or planned contract or assistance award, but which is deemed advantageous to the program objectives;

(4) Continuation – The activity to be funded is necessary to the satisfactory completion of, or is a continuation of an activity presently being funded, and for which competition would have a significant adverse effect on the continuity or completion of the activity;

(5) Legislative intent – The language in the applicable authorizing legislation or legislative history clearly indicates Congress' intent to restrict the award to a particular recipient of purpose;

(6) Unique Qualifications – The applicant is uniquely qualified to perform the activity based upon a variety of demonstrable factors such as location, property ownership, voluntary support capacity, cost-sharing ability if applicable, technical expertise, or other such unique qualifications;

(7) Emergencies – Program/award where there is insufficient time available (due to a compelling and unusual urgency, or substantial danger to health or safety) for adequate competitive procedures to be followed.

Reclamation did not solicit full and open competition for this award based the following criteria:

(4) UNIQUE QUALIFICATIONS

Single Source Justification Description:

In 2007 the Department of Interior's (DOI) Office of the Solicitor issued a determination on the sole-source determination and funding of various activities conducted under the San Juan Recovery Implementation Program. Through that finding the Solicitor's Office determined, after review of all pertinent public laws, policies, and guidance, that the intent of P.L. 106-392 was to give authority and guaranteed funding to the establishment of the SJRIP and the Cooperative Agreement for the SJRIP that was created and signed by the participants in 1992. The finding of the Solicitor was that the financial award was mandatory since Congress specifically stated in P.L. 106-392 that it was *continuing* the implementation of the Cooperative Agreement established under the Endangered Fish Recovery Program. Thus, the 2000 P.L. 106-392 was established "principally to provide a source of funding and specific authorization for the *continuation* of the pre-existing 1992 Cooperative Agreement." Nor did the 2000 P.L. change the intended recipients of the 1992 CA. The finding of the Solicitor's Office was that Reclamation could continue providing funds to the participants and signatories to the Cooperative Agreement under sole-source agreements.

Furthermore, the State of New Mexico, as represented by their Game and Fish Department, has exclusive authority to manage and protect fish within the borders of New Mexico. They have the authority to assign permits and decide who will be allowed to conduct certain projects. This agency has determined that they will be the principal investigators for this project and will conduct the work as it relates to the fisheries resources of the State of New Mexico.

STATUTORY AUTHORITY

Authorizing Legislation. P.L. 106-392 authorizes Reclamation to fund activities of the Upper Colorado and San Juan River Basins Endangered fish Recovery Programs

The specific language is: Public Law 106-392 The purpose of this Act is to authorize and provide funding for the Bureau of Reclamation to continue the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins in order to accomplish the objectives of these programs within a currently established time schedule.

Section 3. (d)
Base Funding.--(1) Beginning in the first fiscal year commencing after the date of the enactment of this Act, the Secretary may utilize power revenues collected pursuant to the Colorado River Storage Project Act for the annual base funding contributions to the Recovery Implementation Programs by the Bureau of Reclamation. Such funding shall be treated as nonreimbursable and as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act.

(2) For the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin, the contributions to base funding referred to in paragraph (1) shall not exceed $4,000,000 per year. For the San Juan River Recovery Implementation Program, such contributions shall not exceed 2,000,000 per year. The Secretary shall adjust such amounts for inflation in fiscal years commencing after the enactment of this Act. The utilization of power revenues for annual base funding shall cease after the fiscal year 2011, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring.

(f) Additional Authority.--The Secretary may enter into agreements and contracts with Federal and non-Federal entities, acquire and transfer interests in land, water, and facilities, and accept or give grants in order to carry out the purposes of this Act.