



School of Law  
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February 24, 2004

Mr. Jack Garner  
Area Manager  
Bureau of Reclamation  
555 Broadway Ave., Suite 100  
Albuquerque New Mexico 87102

Re: Discussion of long-term resolutions for water supply for the silvery minnow

Dear Mr. Garner:

This letter concerns the Bureau of Reclamation's plan to reconvene the group that had been meeting at the behest of Governor Richardson regarding potential long-term solutions for water supply for the silvery minnow. The group will be meeting to review the efforts made last year and to continue to explore ideas.

On behalf of the Utton Transboundary Resources Center, I offer the following for consideration:

It may be helpful to have a neutral party assist in the management of these discussions rather than have BOR staff be both actively involved in the discussions and responsible for the process. The Utton Center is ready and able to assist in the management of the negotiations as follows:

- Schedule meetings and be sure that notice to parties is provided and that meeting logistics are handled.
- Help the parties to develop a negotiating schedule – what do they wish to address and in what order.
- Keep the parties on track during the sessions – give people an opportunity to express their views, but keep the meetings moving.
- Prepare summaries of the meetings and circulate them to the parties for review (this assumes the parties decide to discontinue the confidential nature of the negotiations).

- Be sure that participants follow through on tasks related to the negotiations.
- Be prepared to suggest that professional facilitation services or other strategies be used when necessary to move past a particularly tough place where people are stuck

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- Be able to report progress and status to interested officials, policy-makers and relevant boards and committees.
- At the conclusion, prepare a report on the process, the issues resolved, and any issues that were not resolvable through this process.

The Utton Center would assign Susan Kelly to this task since she has a long history of working with the parties through the ESA Collaborative Program. We are committed to providing these services at no charge until the negotiations conclude or July, 2005, whichever is later.

We realize there are basic process questions to be addressed at the outset, and we wanted to let you know of our willingness to assist if the parties feel it would be helpful. Please feel free to share this letter with the parties.

Please contact me at any time to discuss this matter at (505) 277-3253 or [oleary@law.unm.edu](mailto:oleary@law.unm.edu).

Sincerely,

Marilyn O'Leary  
Director, Utton Center

cc: Mr. Estevan Lopez, Interstate Stream Commission  
Mr. Bill Hume, Director of Policy and Issues, Office of the Governor  
Ms. Hilary Tompkins, Deputy Counselor, Office of the Governor  
Mr. Steve Farris, Office of the New Mexico Attorney General  
Ms. Jennifer Gimbel, Office of Policy, Bureau of Reclamation

