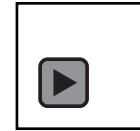


Status of Middle Rio Grande Water Operations and River Maintenance Consultation

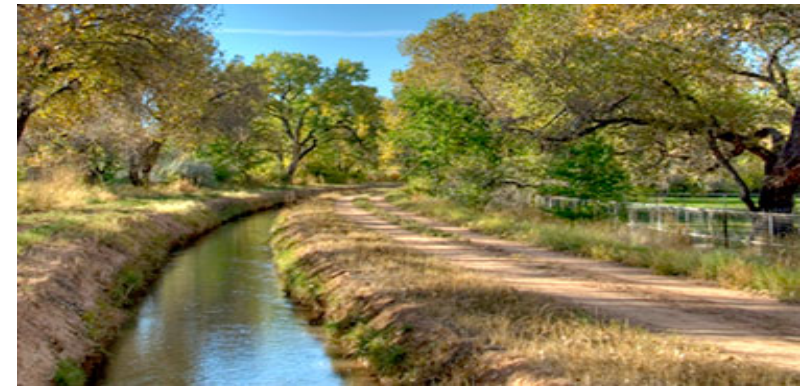
MRGESCP Executive Committee Meeting

April 2, 2015



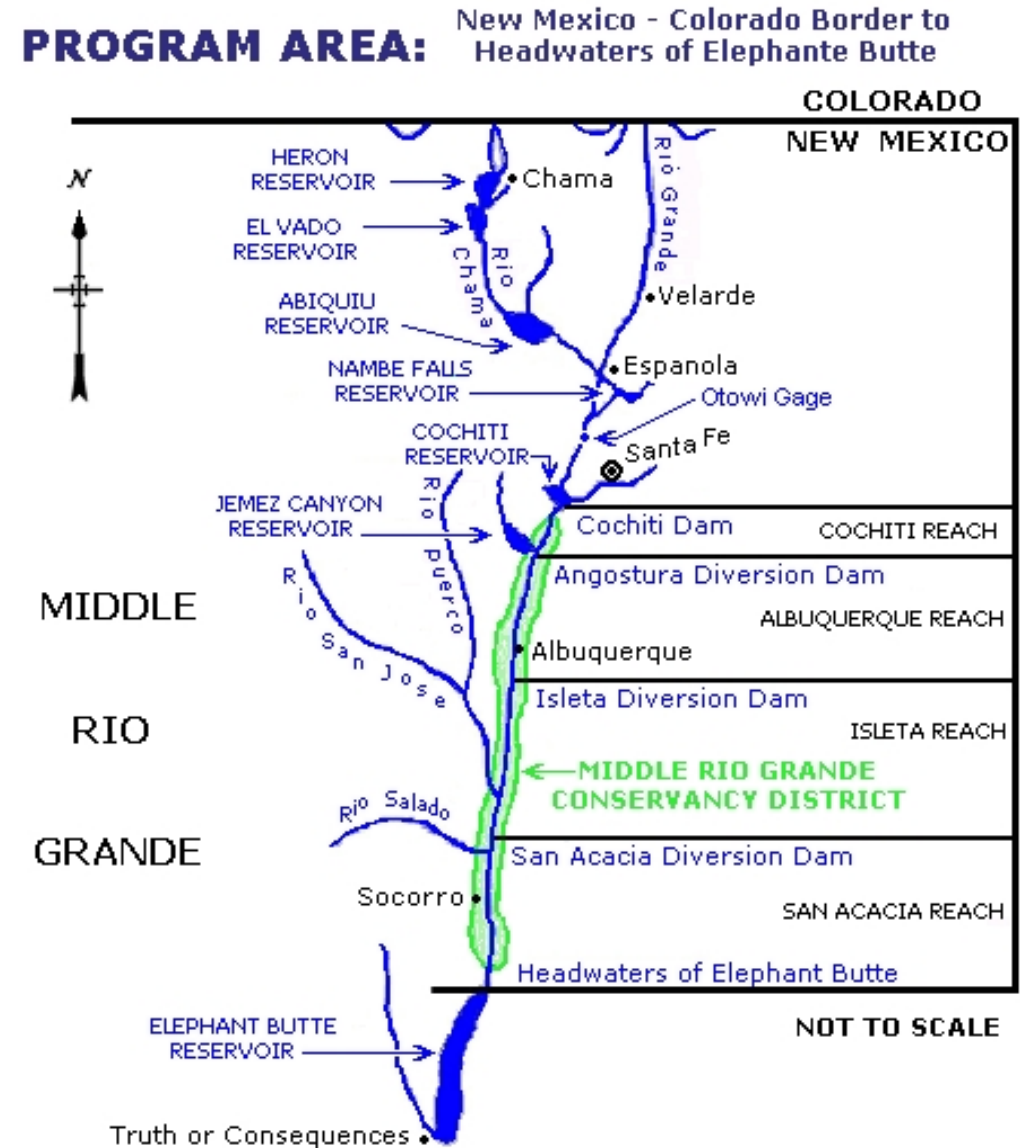
Background

- **2003 Biological Opinion**
 - Expired in 2013 although coverage provided to those in formal consultation.
 - Provides broad ESA coverage for MRG water operations..
 - Consultation is in process for a new BO.
- **Consultation Timeline**
 - 2012 and 2013 - Biological Assessments/amendments submitted to the FWS; re-initiation of formal consultation Feb 2013
 - June 2014 – The Corps withdrew from the consultation
 - *July 2014 – WEG filed a complaint against the Corps and Reclamation*
 - *August 2014 – WEG filed NOIs to NM and MRGCD*
 - *September 2014 – DOJ filed motion to dismiss*
 - *December 2014 – Claims against SJ-C Projects dropped by WEG*
 - *January 2015 – DOJ / MRGCD filed revised motions to dismiss*
 - May/June 2015 – Draft / Final BA to FWS



Rio Grande Basin above Elephant Butte Reservoir

Consultation covers the same area as the Collaborative Program



Listed Species

Six listed species under the Endangered Species Act (ESA)

1. Rio Grande silvery minnow – endangered - 1994
2. Southwestern willow flycatcher – endangered - 1995
3. Yellow-billed cuckoo, western – threatened - 2014
4. New Mexican meadow jumping mouse – endangered – 2014
5. Pecos sunflower – threatened - 1999
6. Interior least tern – endangered – 1985



BA Contents

- Biological Assessment includes proposed actions of Reclamation, MRGCD, and State of NM.
- BA proposes water management and maintenance actions that may affect listed species or critical habitat with each action category analyzed for effects separately.
- BA also proposes beneficial measures to offset adverse effects and support species conservation.
- 2015 update to BA includes mouse and cuckoo.

Reclamation's Proposed Action and Effects

Heron Releases of Imported San Juan-Chama (SJ-C) Water

- Beneficial effect.
- Helps maintain flows and habitat for all life stages of the Rio Grande silvery minnow.

El Vado Reservoir Operations: Store and release SJ-C, MRGCD and Prior & Paramount Water

- Likely to adversely affect silvery minnow eggs and larvae, minor impact on spawning and recruitment.

River Maintenance

- Short term adverse effects, long term beneficial for all life stages of the Rio Grande silvery minnow.

Drain Maintenance

- Adverse effects from drying, offsets from pumping.



MRGCD's Proposed Actions and Effects

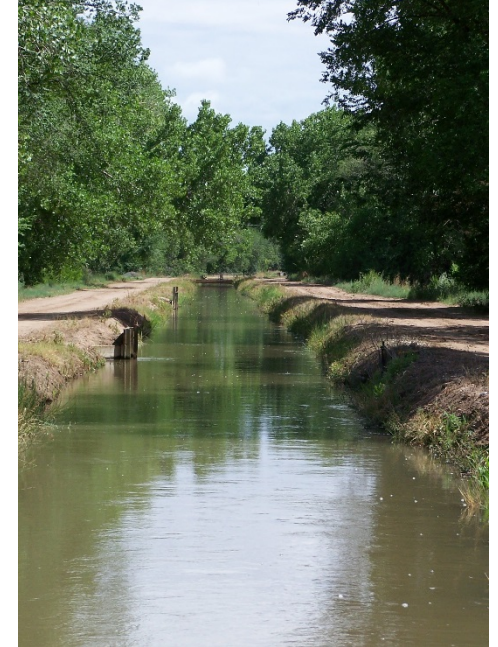
El Vado Reservoir Operations

- Requests for storage during peak spring runoff (when Article VII not in effect or when relinquishment credit is available) can have minor impact on hydrograph in some years: likely to adversely affect.
- Requests for release of stored water during low flow periods is beneficial and results in increased flows: not likely to adversely affect.

Operation of Four Diversions: likely to adversely affect

- During high flow periods, effect depends on level of spring peak discharges.
- During low flow periods, effect is primarily below Isleta.
- During P&P operations, effect on flows is in Albuquerque reach, since natural flow would not reach Isleta.

Operation of Drains and Wasteways: not likely to adversely affect.



State Proposed Actions and Analysis

Allocation of Relinquishment Credit, and Storage and Release of Relinquished Water (primarily El Vado)

- Beneficial effect.
- Helps maintain flows and habitat for larvae, juveniles, and adult Rio Grande silvery minnow.

Administration of Surface Water and Groundwater Supplies

- URG - no effect.
- MRG - up to 7 cfs reduction after 10 years at low flow periods may reduce habitat availability for fish.

Administration of Domestic, Municipal, Livestock, Temporary Uses

- URG - no effect.
- MRG - up to 3.5 cfs reduction after 10 years may have a small affect on fish and habitat.

River Maintenance – included with Reclamation



Proposed Measures for Reclamation

- Continue SJ-C water leasing and pursue an additional leasing options.
- Fund monitoring, adaptive management and other recurring Collaborative Program activities in the RIP at \$3-4 million per year for the first 5 years.
- Implement a River Integrated Operations (RIO) adaptive management effort including the following:
 - Supplemental San Juan Chama water will be used for the highest need.
 - Coordinate to develop conservation pools in upstream reservoirs.
 - Modify reservoir operations to increase operational flexibility.
 - Adjust timing of storage during spring peak within current authorizations.
 - Pursue exchanges of SJC water from downstream to upstream to aid in addressing impacts during spawning period.
- Implement from \$1–5 million of habitat restoration per year.

Proposed Measures for Reclamation

- Lower Reach Plan
 - Complete diversion dam modernization studies at Isleta and San Acacia to address sediment transport and fish passage issues.
 - Implement recommendations of these studies and other pilot studies as practicable.
 - Conduct sediment management planning.
 - Infrastructure improvements (north boundary pump station, LFCC improvements, drains, etc.)
 - Implement various habitat improvement projects currently in planning.



Proposed RIP Measures for MRGCD

Enhanced Water Operations

- Adjust timing of storage: e.g. storing early to minimize effect on peak spring flows
- Utilize diversion structures in certain circumstances to assist with providing spawning conditions
- River Ops coordination for efficiency and effectiveness in movement and use for multiple users
- Operations efficiencies: management to closely match diversion to actual agricultural demand, minimizing effects on spring and summer flows



Proposed Measures for MRGCD

Conservation Measures

- Use MRGCD diversions and conveyance system to deliver Supplemental Water to specific habitat areas in river, minimizing naturally occurring losses to Supplemental Water
- Exchange Supplemental Water for RG water, allowing use of Supplemental Water for environmental purposes
- Use MRGCD diversions and conveyance system to manage river recession during low flow periods
- Use of MRGCD drains and wasteways to deliver Supplemental Water to RG for environmental purposes
- Provide funding for PVA / Biostatistician
- Assist with construction of habitat areas
- Provide water quality monitoring at key river and habitat areas

State of New Mexico Potential BA and RIP Measures

- Allocate relinquishment credit
- Work to more flexibly operate reservoir system
- Pilot projects for fish passage at diversion dams
- Create habitat for more efficient use of water
- Implement Strategic Water Reserve
- Raise Rio Grande silvery minnow
- Manage adaptively to balance water needs
- Support RIP and Minnow Action Team
- Incorporate Adaptive Management



The Las Lunas refugium is one of several sites where biologists raise silvery minnows in captivity for introduction into the wild.

Updated Timeline

May/June 2015: Reclamation submits revised BA to the Service for the consultation between Service, Reclamation, MRGCD, and State.

Fall 2015: Service expected to issue a draft Biological Opinion.

Winter 2015: Final Biological Opinion in place.

March 2016: RIP phase-in expected to be implemented.



Recovery Implementation Program Implementation

MRGESCP Executive Committee Meeting

April 2, 2015



Goals of the RIP [from Program Document – endorsed by EC July 2013]:

1. Conserve and contribute to recovery of the proposed and listed species.
 - Support the development of self-sustaining populations through implementation of the RIP Action Plan and Annual Work Plan.
 - Continually identify the critical scientific and management questions and uncertainties that will be addressed through adaptive management.
 - Assist in avoiding jeopardy to the species and adverse modification of designated critical habitat within the Program area.
2. Protect existing and future water uses.
 - Provide a mechanism for ESA compliance for actions that are the subject of Reclamation's Biological Assessment
 - Provide a process for streamlined Section 7 consultation for future water uses needing compliance with the ESA.
 - Obtain hydrologically sustainable solutions for the species.

Non-Federal Participant Conditions for the RIP (“3 Key Issues”)

- *Broad ESA coverage process* – RIP to serve as the Conservation Measure for the new MRG Water Operations and River Maintenance BO.
- *Third Party Management* – Third Party to manage the RIP and report directly to the Executive Committee.
- *ESA Compliance metrics* – RIP to adopt the criteria by which species status and reduction of threats are assessed for purposes of FWS sufficient progress review (Population Monitoring Workshop to inform this.)

Proposed Refined Approach

- The Goals for the RIP remain the same.
- Three Key Issues –
 1. ESA Coverage: RIP would be transitioned in over a 5-year period.
 - RIP will be formally established by signing of RIP Cooperative Agreement following issuance of BO acceptable to Participants.
 - RIP implementation schedule will contain milestones and timeframes for transition period.
 - Program Documents will be revised to reflect RIP transition schedule.
 - Up to 5-year transition period for RIP to be implemented such that it can serve as primary conservation measure for entities in need of ESA compliance.

Proposed Refined Approach Continued

2. Program Management Services:

- Reclamation will hire a Contractor for Program and Science Support (PaSS) who will be responsible for selecting the Executive Director in consultation with the EC.
- The Executive Director will select the Science Coordinator and an Administrative Assistant with EC approval.
- The Executive Director and staff will manage the RIP Transition.

3. ESA Compliance Metrics:

- Will be developed during the RIP Transition period.
- Recommend FWS sufficient progress reviews commence upon implementation of RIP at end of transition period.

Proposed RIP Transition Steps

- Put RIP organizational structure and governance protocols in place.
- Form Adaptive Management Committee (with project-specific Implementation Teams, as needed, under it).
- Complete monitoring plans for species, as relevant to RIP.
- Update Action Plan/Annual Work Plan, to include BO RPA and RPMs, as appropriate, and other commitments by EC signatories.
- Implement Action Plan elements through Annual Work Plan.
- Develop sufficient progress metrics.
- Prepare RIP Annual Progress Report(s) and related documentation.

Functional RIP at Milestone Checkpoint (within 5 years) = ESA compliance vehicle, subject to subsequent periodic determinations of sufficient progress.

Discussion...

