

Memorandum

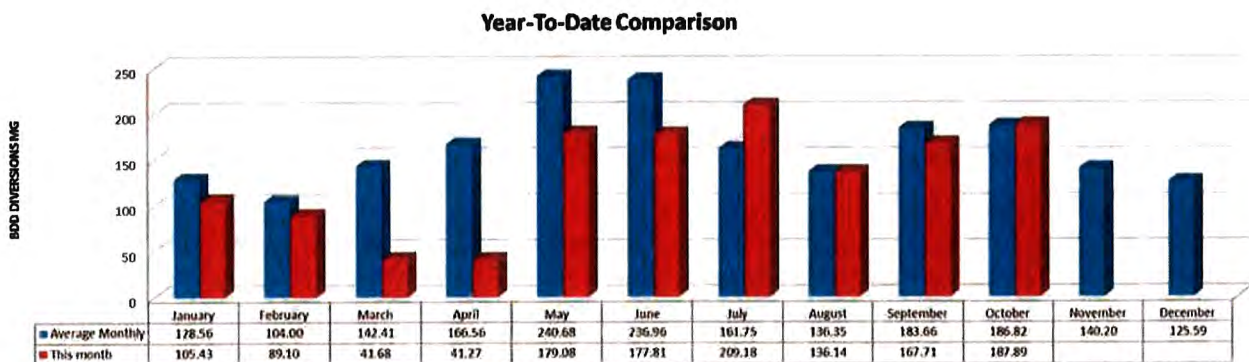


Buckman Direct Diversion

Date: November 7, 2019
To: Buckman Direct Diversion Board
From: Randy Sugrue, BDD Operations Superintendent *RS*
Subject: Update on BDD Operations for the Month of October 2019

ITEM:

1. This memorandum is to update the Buckman Direct Diversion Board (BDDDB) on BDD operations during the month of October 2019. The BDD diversions and deliveries have averaged, in Million Gallons Per Day (MGD) as follows:
 - a. Raw water diversions: 6.348 MGD.
 - b. Drinking water deliveries through Booster Station 4A/5A: 5.489 MGD.
 - c. Raw water delivery to Las Campanas at BS2A: 0.572 MGD.
 - d. Onsite treated and non-treated water storage: 0.287 MGD Average.
2. The BDD is providing approximately 63.9% percent of the water supply to the City and County for the month.
3. Drought Summary.
4. The BDD year-to-date diversions are depicted below:



Drought/Monsoon, and Storage

NOAA has recently updated ENSO (El Nino/La Niña) status to:

The El Niño of 2019 is over, and neutral conditions have returned to the tropical Pacific. Trade winds did relax in mid-September, allowing a deep wave of warm water to spread eastward beneath the surface. Still, of the three possible outcomes—El Niño, La Niña, or neutral—forecasters give neutral the highest odds (85% chance) of lasting through fall.

Runoff into Heron, Abiquiu, and El Vado reservoirs has more-or-less ceased and reservoir levels have dropped some but should begin to level out soon with the end of the irrigation season and beginning of low demand season. Abiquiu Reservoir is out of “flood ops,” which means that not only native water but also SJCP flows can be called for from the reservoir. Local Upper Santa Fe River reservoir storage volume is relatively high for this time of year (38%) but the CRWTP is pulling significant amounts of water from the reservoirs as the watershed heads into Fall. The City has received normal delivery from BoR of full firm-yield of San Juan-Chama Project (SJCP) water thus far in 2019 and is projected to be 100% of full firm yield by the year end. Rio Grande Compact Article VII storage restrictions are not in effect (restrictions on storage were lifted in early May). This means the City is allowed to impound “native” runoff into Nichols and McClure Reservoirs above the pre-Compact pool of 1,061 acre-feet (AF); however, Elephant Butte Reservoir is nearing its “trigger” volume (400,000 acre-feet), below which Article VII conditions may resume (in the near future). Updates to this condition will be made as needed.

Most current City of Santa Fe SJCP Reservoir Storage:

Heron:

5,180 AF.

El Vado:

188 AF.

Abiquiu:

11,165 AF. SJCP carry-over from previous years plus 2018 deliveries. No time limit to vacate due to storage agreement with ABCWUA

TOTAL:

16,464 AF

Buckman Direct Diversion Monthly SJC and Native Diversions
Oct-19 In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	327.677	56.671	0.000	271.007	271.007	0.000	2.483
FEB	278.357	71.266	0.000	207.090	207.090	0.000	1.908
MAR	134.335	88.610	0.000	45.725	45.725	0.000	3.498
APR	126.924	114.750	0.000	12.175	12.175	0.000	0.110
MAY	550.285	550.285	0.000	0.000	0.000	0.000	0.000
JUN	546.222	546.222	0.000	0.000	0.000	0.000	0.000
JUL	649.014	23.285	0.000	625.729	519.383	106.345	2.907
AUG	422.340	17.075	0.000	405.265	318.606	86.659	1.912
SEP	518.606	169.956	0.000	348.650	261.901	86.749	1.564
OCT	595.825	19.000	0.000	576.825	541.388	35.437	1.299
NOV	0.000	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	4,149.584	1,657.120	0.000	2,492.464	2,177.274	315.190	15.680

In Million Gallons

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	18.460	0.000	87.342	87.342	0.000	105.802
FEB	23.214	0.000	66.739	66.739	0.000	89.953
MAR	28.863	0.000	13.735	13.735	0.000	42.598
APR	37.378	0.000	3.924	3.924	0.000	41.302
MAY	179.246	0.000	0.000	0.000	0.000	179.246
JUN	177.923	0.000	0.000	0.000	0.000	177.923
JUL	7.585	0.000	201.598	167.635	34.262	209.183
AUG	5.562	0.000	130.586	102.846	27.974	136.148
SEP	55.360	0.000	112.401	84.384	28.017	167.762
OCT	6.189	0.000	187.889	176.347	11.542	194.078
NOV	0.000	0.000	0.000	0.000	0.000	0.000
DEC	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL	539.778	0.000	804.216	702.954	101.795	1,343.995

Memorandum cont.

Buckman Direct Diversion Monthly SJC and Native Diversions

Dec-18

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	383.578	77.954	0.000	305.624	305.624	0.000	2.708
FEB	343.467	75.227	0.000	268.240	268.240	0.000	2.415
MAR	363.780	267.512	0.000	96.268	96.268	0.000	4.036
APR	662.407	569.253	0.000	93.154	93.154	0.000	3.898
MAY	941.240	209.538	0.000	731.702	615.366	116.336	8.171
JUN	912.903	30.894	0.000	882.009	740.070	141.939	8.707
JUL	905.897	0.000	0.000	905.897	816.188	89.709	4.255
AUG	678.383	1.466	0.000	676.917	676.917	0.000	6.087
SEP	694.411	0.000	0.000	694.411	694.411	0.000	6.404
OCT	608.789	0.000	0.000	608.789	599.228	9.560	5.805
NOV	404.616	82.390	0.000	322.226	316.641	5.585	3.196
DEC	369.186	2.966	0.000	366.220	366.220	0.000	3.392
TOTAL	7,268.656	1,317.200	0.000	5,951.456	5,588.327	363.129	59.073

In Acre-Feet

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	77.954	0.000	302.916	302.916	0.000	380.870
FEB	75.227	0.000	265.825	265.825	0.000	341.052
MAR	267.512	0.000	92.231	92.231	0.000	359.744
APR	569.253	0.000	89.256	89.256	0.000	658.509
MAY	209.538	0.000	723.531	608.494	115.037	933.069
JUN	30.894	0.000	873.302	732.764	140.538	904.196
JUL	0.000	0.000	900.737	811.539	89.198	900.737
AUG	1.466	0.000	670.830	670.830	0.000	672.295
SEP	0.000	0.000	688.007	688.007	0.000	688.007
OCT	0.000	0.000	602.984	593.515	9.469	602.984
NOV	82.390	0.000	319.030	313.500	5.530	401.420
DEC	2.966	0.000	362.829	362.829	0.000	365.794
TOTAL	1,317.200	0.000	5,891.477	5,531.706	359.772	7,208.677

Memorandum cont.

Dec-17

In Acre-Feet

Month	Total SJC + Native Rights	SP-4842 RG Native COUNTY	SD-03418 RG Native LAS CAMPANAS	SJC Call Total	SP-2847-E SJC Call CITY	SP-2847-N-A SJC Call LAS CAMPANAS	All Partners Conveyance Losses
JAN	395.248	84.736	0.000	310.512	310.512	0.000	2.717
FEB	383.179	26.107	3.426	353.646	353.646	0.000	3.087
MAR	547.849	17.804	11.643	518.402	518.402	0.000	4.564
APR	592.385	381.170	0.000	211.216	211.216	0.000	1.821
MAY	488.240	478.925	0.000	9.315	9.315	0.000	0.072
JUN	616.871	12.970	0.000	603.900	477.780	126.121	5.517
JUL	626.113	23.719	0.000	602.394	484.406	117.988	5.429
AUG	557.303	17.073	0.000	540.230	540.230	0.000	4.871
SEP	637.339	230.584	0.000	406.755	395.200	11.555	3.873
OCT	444.333	127.611	0.000	316.723	316.723	0.000	2.938
NOV	356.536	107.143	0.000	249.394	203.128	46.266	1.658
DEC	360.218	73.071	0.000	287.147	287.147	0.000	2.321
TOTAL	6,005.614	1,580.910	15.069	4,409.635	4,107.705	301.930	38.868

In Acre-Feet

Month	Native COUNTY	Native Las Campanas	SJC TOTAL	SJC CITY	SJC Las Campanas	All Partners Diversions
JAN	84.736	0.000	307.795	307.795	0.000	392.531
FEB	26.107	3.426	350.559	350.559	0.000	380.091
MAR	17.804	11.643	513.838	513.838	0.000	543.285
APR	381.170	0.000	209.395	209.395	0.000	590.565
MAY	478.925	0.000	9.243	9.243	0.000	488.168
JUN	12.970	0.000	598.383	473.415	124.969	611.354
JUL	23.719	0.000	596.965	480.040	116.925	620.684
AUG	17.073	0.000	535.359	535.359	0.000	552.431
SEP	230.584	0.000	402.883	391.437	11.445	633.466
OCT	127.611	0.000	313.785	313.785	0.000	441.396
NOV	107.143	0.000	247.736	201.777	45.958	354.878
DEC	73.071	0.000	284.826	284.826	0.000	357.898
TOTAL	1,580.910	15.069	4,370.767	4,071.470	299.297	5,966.747



October 21, 2019

Attention: Ms. Lauren Kaspareck
Oceans, Wetlands, and Communities Division
Office of Water
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Buckman Direct Diversion Board Comments on EPA Proposed Rule: Updating Regulation on Water Quality Certification Docket ID No. EPA-HQ-OW-2019-0405

Dear Administrator Wheeler:

The Buckman Direct Diversion Board (the “BDD Board”) is a joint water supply project of the City of Santa Fe and Santa Fe County, New Mexico. The BDD Project diverts its share of U.S. Bureau of Reclamation San Juan-Chama Project water and native pre-1907 New Mexico water rights from the Rio Grande River and treats it to drinking water standards for delivery to Santa Fe regional water customers. Physically, the BDD Project is located on the Rio Grande River and is downstream of the cities of Espanola and Los Alamos, as well as the portion of Los Alamos National Laboratory that is in the Los Alamos/Pueblo canyon watershed. Due to its location on the Rio Grande the BDD Project has unique concerns regarding state certification of Section 401 Permits, including the certification of NPDES permits and other permits falling under Section 401 of the Clean Water Act. As a foundational matter New Mexico is one of three states that does not have primacy under Sections 402 and 404 of the Clean Water Act and relies on EPA permitting of point source discharges, combined with state certification of those permits to protect its surface water quality designations.

The BDD Board opposes the EPA Proposed Rule: Updating Regulation on Water Quality Certification (hereinafter the “Proposed Rule”) and submits the following comments in opposition.

The Proposed Rule Violates Principles of Cooperative Federalism and Empowers Federal Agencies over States:

The BDD Board is opposed to the Proposed Rule because it upsets the fundamental concept of cooperative federalism that underlies the existing process of Water Quality Certification. States, like New Mexico, without Clean Water Act permitting authority rely on Section 401 Certification to maintain and protect water quality with their borders by applying state water quality standards to federal permits. The Proposed Rule strips states of the ability to protect jurisdictional waters within their borders by 1) limiting the “reasonable time” in which a state may consider and process a request for certification¹; 2) limiting the elements that a state

¹ EPA, “Updating Regulations on Water Quality Certification,” Federal Register, p. 41110.





may consider and require of an applicant by imposing a one-size-fits-all seven point criteria for all requests for state certification²; and 3) allowing the federal agency the authority to treat a state denial of certification as a “failure to act” which gives the federal agency or applicant a veto over the state decision³. Combined, these three proposed revisions to the rule take the power to regulate its own surface water from the states, and place that power in the hands of the applicant and the federal agency seeking the certification. This significantly undercuts the states’ authority to protect their water resources and water quality standards. Importantly, the BDD Board relies on the existing New Mexico water quality standards to protect its source water, and works extensively with the New Mexico Environment Department to enforce these standards through its certification of federal discharge permits. Undercutting the ability of the State of New Mexico to regulate discharges into the BDD Project source water undermines its ability to protect its drinking water project, and undermines the purpose, intent, and plain language of Section 401 of the Clean Water Act.

The Proposed Rule Limits State Authority to Condition Permits to Comply with State Laws:

Under the existing state certification regime, as it has existed for years, states may impose conditions on a permit so that the project will comply with “any other appropriate requirement of State law.”⁴ The Proposed Rule will limit the application of state law “to include those provisions of state or tribal law that are EPA-approved CWA regulatory programs that control discharges, including provisions that are more stringent than federal law.”⁵ This interpretation of Section 401(d) of the Clean Water Act is absurd and unsupported. Such an interpretation will entirely remove a state’s ability to condition a permit based on state law where the state, like New Mexico, does not have Section 402 or Section 404 primacy under the Clean Water Act. The Proposed Rule will essentially remove and make meaningless the statutory language allowing the application of “any other appropriate requirement of State Law,” because New Mexico does not have approved CWA regulatory programs that control discharges. The Proposed Rule violates the clear text of the CWA because it unreasonably and unnecessarily limits the states’ ability to impose conditions on permits that impact water quality within its borders that are based exclusively on appropriate requirements of State Law.

In addition, the Proposed Rule seeks to restrict the requirement of certification exclusively to potential discharge from a project, rather than addressing water quality impacts from the construction or operation of that project whether or not the violation is directly caused by a “discharge” in the narrow sense.⁶ Again, the Proposed Rule runs counter to the plain language and purpose of the Clean Water Act and by regulating discharges as opposed to activities and would similarly limit New Mexico’s ability to condition permits for activities that may have a negative impact on the state’s water quality.

New Mexico citizens rely on the state’s limited surface water resources for many uses, including the BDD Project’s use of surface water that it diverts from Rio Grande River. The state’s ability to protect its

² EPA, “Updating Regulations on Water Quality Certification,” Federal Register, p. 44101.

³ EPA, “Updating Regulations on Water Quality Certification,” Federal Register, p. 44110.

⁴ 33 U.S.C. 1341(a), (d).

⁵ EPA, “Updating Regulations on Water Quality Certification,” Federal Register, p. 44095.

⁶ EPA, “Updating Regulations on Water Quality Certification,” Federal Register, p. 44096.





surface water quality standards through certification and conditioning permits is integral to the protection of the BDD Project's source water. The Proposed Rule's limits on the state's ability protect its surface water resources through the state certification of permits under Section 401 of the Clean Water Act puts New Mexico surface water, and the users of that water at risk.

As a final matter, the BDD Board joins the comments of the many parties that object on the basis that the EPA has not provided sufficient time for impacted parties to consider and comment on the Proposed Rule and the over 130 items for which the EPA has sought public comment.

Sincerely,

Anna Hamilton, PhD
BDD Board Chairperson, Buckman Direct Diversion Board
Board of County Commissioners, District 4





October 30, 2019

Michelle Lujan Grisham
Governor
State of New Mexico
490 Old Santa Fe Trail Room 400
Santa Fe, NM 87501

Re: *Nuclear Watch New Mexico v. United State Department of Energy, et al.*, No.

1:16-CV-00433-JCH-SCY

Dear Governor Lujan Grisham:

As you are aware, the Buckman Direct Diversion (BDD) is a joint water supply project of the City of Santa Fe and Santa Fe County. The BDD diverts its share of San Juan-Chama Project water and native pre-1907 New Mexico water rights from the Rio Grande and treats the water to drinking water standards for delivery to the Santa Fe regional water customers.

Physically, the BDD Project is located at the end of Buckman Road on the Rio Grande below Otowi gage and is downstream of portions of Los Alamos National Laboratory (LANL). Due to this location, the BDD has unique concerns regarding the water quality of the Rio Grande, runoff coming from the Pajarito Plateau, and the regulation of hazardous and mixed wastes on LANL property that may contribute to contaminated run-off. Moreover, BDD is the largest water diverter immediately downstream from LANL. The BDD is therefore very concerned with the New Mexico Environment Department's (NMED) ability to regulate and monitor the cleanup activities at LANL.

This letter sets forth the BDD Board's support of the Plaintiff's position in the litigation between Nuclear Watch New Mexico (NWNM), the U.S. Department of Energy (DOE), Los Alamos National Security, LLC (LANS), and the NMED, as referenced above. BDD supports NWNM's position in this litigation because the BDD Board agrees that the 2016 Order on Consent, which replaced the 2005 Consent Order between NMED and the DOE, does not sufficiently protect the BDD Project and other Rio Grande water users from potential impacts of contaminated LANL runoff. It is evident to BDD that the 2016 Order on Consent represents a retreat from the LANL cleanup and mitigation of hazardous and mixed wastes that was required by the 2005 Consent Order and under the LANL permittees Hazardous Waste Facility Permit issued under the New Mexico Hazardous Waste Act.

The factual basis of the NWNM litigation suggests possible long-term threats to the BDD intake water quality posed by the past and current hazardous and mixed waste disposal practices by the DOE and its contractors at LANL. Effective oversight and regulation of LANL's cleanup of waste sites, particularly by NMED, is crucial to understanding and mitigating these threats, operating and maintaining an effective Early Notification System (ENS), and fostering public confidence in the safety of BDD's drinking water. Under the 2016 Order on Consent, NMED is simply unable to compel DOE to take any actions concerning hazardous waste cleanup at LANL that it does not want to do. NMED therefore cannot effectively perform its statutory oversight and regulatory responsibilities with respect to LANL legacy wastes. BDD and its customers have thus lost critical protection of their water supply to which they are entitled.

The BDD Board recognizes that





DOE compliance with the 2005 Consent Order was not perfect, with DOE failing to meet many deadlines and requesting numerous extensions to deadlines. Rather than enforcing the existing Order, the Martinez administration capitulated to DOE and LANL's interests by waiving all ongoing violations of the 2005 Consent Order and indefinitely postponing cleanup of areas that were deemed critical under the 2005 Consent Order. In addition, the Martinez administration agreed to include in the 2016 Order on Consent a provision by which DOE can avoid any cleanup activities if sufficient funds are not appropriated for that purpose. This is simply unacceptable to the BDD.

It is the position of the BDD Board that the abandonment of the 2005 Consent Order in favor of the 2016 Order on Consent was a grave error, the BDD Board to lose confidence in the regulatory and oversight ability of NMED. We therefore respectfully request that you direct the NMED to: 1) change its position in the above referenced litigation to one of general support, or in the alternative, withdraw from the litigation in which it previously intervened on DOE's behalf, and 2) take the necessary action to return to a posture with LANL that requires cleanup of hazardous and mixed wastes in critical LANL areas on an enforceable timeline, without the DOE contingency for cleanup funding.

The BDD Board appreciates your stated positions with respect to protection of human health and the environment, and we stand ready to help you and the NMED in any way we can to provide background information and more detailed suggestions for implementing our request.

Respectfully,

Anna Hamilton
BDD Board Chairperson Buckman Direct
Diversion Board





October 30, 2019

James Kenney Secretary
New Mexico Environment Department Harold Runnels
Building
1190 Saint Francis Drive, PO Box 5469 Santa Fe, NM
87502-5469

Re: *Nuclear Watch New Mexico v. United State Department of Energy, et al.*, No.

1:16-CV-00433-JCH-SCY

Dear Secretary Kenney:

As you are aware, the Buckman Direct Diversion (BDD) is a joint water supply project of the City of Santa Fe and Santa Fe County. The BDD diverts its share of San Juan-Chama Project water and native pre-1907 New Mexico water rights from the Rio Grande and treats the water to drinking water standards for delivery to the Santa Fe regional water customers.

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Respectfully,

Anna Hamilton
BDD Board Chairperson Buckman Direct
Diversion Board





October 30, 2019

Angelica Rubio
Chair
Radioactive and Hazardous Waste Materials Committee
State of New Mexico Legislature
325 Don Gaspar Ave
Santa Fe, NM 87501

Re: *Nuclear Watch New Mexico v. United State Department of Energy, et al.*, No.

1:16-CV-00433-JCH-SCY

Dear Chair Rubio and members of the Committee:

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The BDD Board recognizes that DOE compliance with the 2005 Consent Order was not perfect, with DOE failing to meet many deadlines and requesting numerous extensions to deadlines. Rather than enforcing the existing Order, the Martinez administration capitulated to DOE and LANL's interests by waiving all ongoing violations of the 2005 Consent Order and indefinitely postponing cleanup of areas that were deemed critical under the 2005 Consent Order. In addition, the Martinez administration agreed to include in the 2016 Order on Consent a provision by which DOE can avoid any cleanup activities if sufficient funds are not appropriated for that purpose. This is simply unacceptable to the BDD.

It is the position of the BDD Board that the abandonment of the 2005 Consent Order in favor of the 2016 Order on Consent was a grave error, the BDD Board to lose confidence in the regulatory and oversight ability of NMED. We therefore respectfully request that you direct the NMED to: 1) change its position in the above referenced litigation to one of general support, or in the alternative, withdraw from the litigation in which it previously intervened on DOE's behalf, and 2) take the necessary action to return to a posture with LANL that requires cleanup of hazardous and mixed wastes in critical LANL areas on an enforceable timeline, without the DOE contingency for cleanup funding.

The BDD Board appreciates your stated positions with respect to protection of human health and the environment, and we stand ready to help you and the NMED in any way we can to provide background information and more detailed suggestions for implementing our request.

Respectfully,

Anna Hamilton
BDD Board Chairperson Buckman Direct
Diversion Board



Memorandum



Buckman Direct Diversion

Date: October 30, 2019

To: BDD Board

From: Kyle S. Harwood, BDDB Counsel

Subject: BDD Request for Membership in MRGESCP Executive Committee

Item and Issue: The BDD Board has been attending as a non-voting member, meetings of the Middle Rio Grande Endangered Species Collaborative Program (MRGESCP) Executive Committee since 2011 consistent with the Conservation Recommendations contained in the BDD Project Biological Opinion (NEPA compliance).

Background and Summary:

The MRGESCP began in 2003 as a result of protracted litigation over the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. The MRGESCP convenes the stakeholders in the Middle Rio Grande, including all major water users, pueblos, state agencies, federal agencies, and environmental groups. Rick Carpenter and Kyle Harwood have been attending the meetings of the MRGESCP since 2011 on behalf of the BDD Board.

Action Requested:

BDD Project staff and counsel recommend that the Board send a letter to the Executive Committee requesting a process to become a Collaborative Program signatory and member of the Executive Committee. Please see the attached draft letter to the Non-federal Co-chair of the MRGESCP John Stomp (COO of ABCWUA), requesting a voting membership position on the MRGESCP Executive Committee with signatory authority.

The request contemplated herein will not result in any change in the budget for this work as staff already attend these meetings. Some modest additional cost will be involved for the drafting and negotiation of the request to become a voting member of MRGESCP.

The request to MRGESCP is set forth in the letter attached to this memo as Exhibit A. Also attached for your reference are the bylaws at Exhibit B; and the two most recent MRGESCP Newsletters at Exhibit C.





Date TK

John Stomp, PE, COO of ABCWUA, Non-fed Co-Chair
Middle Rio Grande Endangered Species Collaborative Program (MRGESCP)
via email

Cc: Rolf Schmidt-Petersen, ISC Director
Debbie Lee, WEST, MRGESCP
via email

Re: Request for Membership and Signatory Status of the Buckman Direct Diversion

Dear Mr. Stomp:

The Buckman Direct Diversion (BDD) is seeking membership and signatory status on the Middle Rio Grande Collaborative Program's Executive Committee. The BDD Board has been participating in the MRGESCP since 2011 as a non-voting member and has a vested interest in the success of the Program.

The BDD is a joint water supply project of the City of Santa Fe and Santa Fe County. The BDD diverts its share of San Juan-Chama Project water and native pre-1907 New Mexico water rights from the Rio Grande and treats it to drinking water standards for delivery to the Santa Fe regional water customers.

Physically, the BDD is located in Santa Fe County at the end of Buckman Road on the Rio Grande below the Otowi gage. During the construction of the BDD, the project received certain federal permitting, which required that the project conduct various environmental reviews including securing a Biological Opinion (BO) for the BDD Project from the U.S. Fish and Wildlife Service, and an Environmental Impact Study for which the U.S. Forest Service was the lead agency. The Record of Decision and BO for the Project set forth the conclusion that by diverting native surface water from the Rio Grande; the BDD may have a minimal adverse impact on endangered species in the Middle Rio Grande including the Rio Grande Silvery Minnow. The BO recommends that the BDD Board support the efforts of the MRGESCP as a conservation activity for the benefit of the Silvery Minnow (see BDD Project BO at 45).

The BDD has coordinated with, and supported the MRGESCP, as recommended in the BO as a means to promote the recovery of the Silvery Minnow, and to protect its operations. BDD Board requests the opportunity to participate in a more official manner as a full member with signatory status of the Executive Committee.

The BDD proposes to appoint Rick Carpenter as its voting representative on the Executive Committee. Mr. Carpenter is the interim BDDD Facility Manager of the BDD and has been involved in regional water planning efforts including the MRGESCP for many years. Mr. Carpenter has extensive knowledge of BDD Project operations and water management and policy concerns related to the endangered species issues in the Middle Rio Grande.

We appreciate your consideration of this request to formalize the BDD's ongoing relationship with the MRGESCP and request that you grant the BDD membership in the Executive Committee with signatory authority. Please let us know if you require any additional information to consider this request.





Sincerely,

Anna Hamilton
BDD Board Chairperson
Buckman Direct Diversion Board



identifying opportunities to modify diversion schedules at the Buckman Diversion and/or divert SJC water instead of native water to minimize reduction of silvery minnow habitat from March through October. Written documentation of this strategy must be submitted to the Service prior to operation of the BDD.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed action. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the ESA directs federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or designated critical habitat, to help implement recovery plans, or to develop information. The Service recommends the following conservation activities:

1. Encourage conservation of water to benefit the silvery minnow.
2. Support the efforts of the Middle Rio Grande Endangered Species Act Collaborative Program.

RE-INITIATION NOTICE

This concludes formal consultation on the action(s) described in the January 7, 2007 biological assessment. As provided in 50 CFR § 402.16, re-initiation of formal consultation is required where discretionary federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) The amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this biological opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or designated critical habitat not considered in this draft biological opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending re-initiation.



BY-LAWS

MIDDLE RIO GRANDE ENDANGERED SPECIES

COLLABORATIVE PROGRAM

Adopted by the Executive Committee on October 2, 2006

Amended by the Executive Committee on July 17, 2008

Amended by the Executive Committee on January 15, 2009

Amended by the Executive Committee on Sept 17, 2009

Amended by the Executive Committee on April 13, 2012

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1.0 PURPOSE

The Middle Rio Grande Endangered Species Collaborative Program (Program) is established by this Memorandum of Agreement (MOA) as a collaborative effort consisting of federal, state, and local governmental entities, Indian Tribes and Pueblos, and non-governmental organizations.

The intent of Program participants is two-fold: first, to prevent extinction, preserve reproductive integrity, improve habitat, support scientific analysis, and promote recovery of the listed species within the Program area in a manner that benefits the ecological integrity, where feasible, of the Middle Rio Grande riverine and riparian ecosystem; and, second, to exercise creative and flexible options so that existing water uses continue and future water development proceeds in compliance with applicable federal and state laws. To achieve these ends, the Program may not impair state water rights or federal reserved water rights of individuals and entities; federal or other water rights of Indian nations and Indian individuals, or Indian trust assets; San Juan- Chama Project contractual rights; and the State of New Mexico's ability to comply with Rio Grande Compact delivery obligations.

1.1 Authority

Under section 4(f)(2) of the Endangered Species Act (ESA), 16 U.S.C. § 1536(f)(2), the Secretary of the Interior is directed to develop and implement plans for the conservation of endangered species. The Secretary of the Interior may enlist the services of public and private agencies, individuals and institutions in developing and implementing such recovery plans. Advice from such agencies, individuals, and institutions, such as that offered by signatories, is not subject to the Federal Advisory Committee Act, 5 U.S.C. app. 2. The Program is consistent with section 4(f) (2). The Program does not create an agency, board, commission, or any other entity of state government, nor does the MOA create a state advisory committee subject to Section 9-1-9 NMSA 1978.

1.2 Definitions

- a) **Corps** - U.S. Army Corps of Engineers.
- b) **ESA** - Endangered Species Act, 16 U.S.C. §§ 1531 to 1544.
- c) **Executive Committee** - The Program's governing body.
- d) **Flycatcher** - southwestern willow flycatcher (*Empidonax traillii extimus*).
- e) **Listed species** –the flycatcher and silvery minnow.
- f) **Long Term Plan (LTP)** - The Program's long-term plan, an evolving work plan and budget that provides a description of the Program activities that will be conducted over the following ten years of the Program.
- g) **Memorandum of Agreement (MOA)** –This agreement among the parties sets forth the responsibilities of the signatories in achieving the Program's goals and objectives collaboratively.
- h) **NEPA** - National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq.
- i) **Program** - Middle Rio Grande Endangered Species Collaborative Program.

- j) **Program activities** - The coordinated series of actions implemented by the Program to contribute to the recovery of the listed species.
- k) **Program area** - The headwaters of the Rio Chama watershed and the Rio Grande, including tributaries, from the New Mexico-Colorado state line downstream to the elevation of the spillway crest of the Elephant Butte Reservoir at 4450 feet above mean sea level, excluding the land area reserved for the full pool of the Elephant Butte Reservoir. Indian Pueblo and Tribal lands and resources within the Program area will not be included in the Program without their express written consent of the affected Indian Pueblo or Tribe.
- l) **Reclamation** - Bureau of Reclamation m)
Service - U.S. Fish and Wildlife Service
- n) **Signatory(ies)** - Signer(s) of the Memorandum of Agreement
- o) **Silvery minnow** - Rio Grande silvery minnow (*Hybognathus amarus*)

1.3 Effective Date

These by-laws shall be effective when adopted by vote of the Executive Committee.

1.4 Amendment

Modifications to the by-laws may be made only by vote of the Executive Committee.

2.0 PROGRAM MEMBERSHIP

2.1 Initial Signatories

The following entities are invited to sign the MOA:

- a) U.S. Bureau of Reclamation;
- b) U.S. Fish and Wildlife Service;
- c) U.S. Army Corps of Engineers;
- d) State of New Mexico Interstate Stream Commission;
- e) State of New Mexico Department of Game and Fish;
- f) New Mexico Attorney General;
- g) Pueblo of Santo Domingo;
- h) Pueblo of Sandia;
- i) Pueblo of Isleta;
- j) Pueblo of Santa Ana;
- k) Middle Rio Grande Conservancy District;

- l) Albuquerque-Bernalillo County Water Utility Authority;
- m) City of Albuquerque, New Mexico;
- n) an organization that represents a significant portion of the environmental community;
- and
- o) an organization that represents a significant portion of the farming community.

2.2 Addition of Signatories

Any organization having a demonstrated interest in the success of the Program may apply to become a signatory. To qualify for consideration, the applicant organization must submit a letter of interest to the Executive Committee co-chairs supporting the goals and success of the Program and expressing its intent to sign the MOA if the application is accepted. While the number of signatories is unlimited, the number of signatories on the Executive Committee shall not exceed twenty (20). Any signatory not listed in section 2.1 (a) through (m) may apply to the Executive Committee for membership on the Executive Committee as outlined in section 5.1.

The Executive Committee may consider among other things the following criteria in determining whether to accept an application, provided that an applicant need not meet all criteria, and further provided that meeting the criteria does not guarantee an applicant's acceptance as a signatory. These criteria include:

- a) Entity shall agree to sign the RIP Cooperative Agreement;
- b) contribution to the non-federal cost share, reported annually including in-kind services;
- c) ownership of an interest affected by the Program, such as land, water, or other property rights;
- d) jurisdictional or regulatory responsibility, including sovereignty;
- and
- e) commitment to participation.

Acceptance of an application requires consensus by the Executive Committee. Within one week following Executive Committee action on an application, the co-chairs will notify the applicant in writing of the Executive Committee's decision.

2.3 Resignation and Reinstatement of Signatories

A signatory may resign from the Program at any time upon written notice to the co-chairs. Signatories may request reinstatement subject to the same approval process and requirements described in these by-laws.

3.0 TRIBAL INTERESTS AND PARTICIPATION

3.1 Trust Responsibilities

The Executive Committee recognizes that the federal government and federal agencies have trust responsibilities to Pueblo and Tribal governments pursuant to applicable federal law. *See e.g.* Executive Memorandum of April 29, 1994; Executive Order #13084 issued May 14, 1998 and superseded by Executive Order No. 13175 issued November 6, 2000; Secretarial Order #3206, dated June 5, 1997 and Secretarial Order #3215, dated April 28, 2000; Secretarial Order #3175, dated November 8, 1993, now incorporated in 512DM2; Reclamation's August 31, 1994 ITA Policy; and COE Policy Guidance Letter No. 57, Indian Sovereignty and Government-to- Government Relations with Indian Tribes. The federal participants will conduct government-to- government consultations with Tribes and Pueblos potentially affected by the Program.

3.2 Pueblo and tribal involvement

The Executive Committee recognizes that Indian Pueblos and Tribes are sovereign entities and encourages them to become members of the Executive Committee by signing the MOA. Whether or not any or all of the Tribes and Pueblos become directly involved, the Executive Committee will seek to engage and establish working partnerships with Pueblos and Tribes in implementing the Program.

The signatories recognize that the Indian Pueblos and Tribes may elect to not sign the MOA, and rather, conduct their sovereign affairs privately, which may include activities that contribute to the interim goals of the Program and expend funding under the MOA. Nothing in the MOA shall obligate any non-signatory Indian Pueblo or Tribe to participate in, contribute to, or otherwise adopt elements of the MOA. The Federal government continues to have a trust responsibility to all potentially affected Indian Pueblos and Tribes, whether or not an Indian Pueblo or Tribe signs the MOA.

4.0 ORGANIZATION

The organizational structure of the Program consists of four groups: the Executive Committee; the Coordination Committee; work groups; and the Program Management Team. General descriptions of the organizational responsibilities are provided in this section. More specific descriptions are provided in subsequent sections.

Executive Committee

The Executive Committee is the governing body of the Program. The Executive Committee provides policy, budget approval and decision-making on all issues, unless specifically delegated to the Program Management Team, Coordination Committee or work groups.

Coordination Committee

The Executive Committee will establish a Coordination Committee that meets on a regular basis to identify concerns associated with Program activities, work to resolve those concerns, and develop consensus recommendations to the Executive Committee. The Coordination Committee reviews Program activities and consults with the Executive Committee representatives to keep their respective members informed on the Program. Coordination Committee assures that their respective EC members are apprised of Program.

Work Groups

The Executive Committee may establish work groups as needed to provide assistance

and expertise to address specific Program tasks. Members of a work group may consist of professionals, signatories, contractors, and other parties who have expertise related to the assignment given to the work group.

Program Management Team

The Program Management Team (PMT) consists of a Program Manager and management staff employed by Reclamation, Department of the Interior and Corps staff, administrative and clerical staff (federal employees or contractors), and Signatory representatives. The PMT provides management and technical support to the Executive Committee, Coordination Committee and work groups.

5.0 EXECUTIVE COMMITTEE

5.1 Membership

The Executive Committee will be made up of the signatories listed in Section 2.1. The total membership of the Executive Committee shall not exceed twenty (20). If there are 20 members already on the Executive Committee, the signatory(ies) must wait until vacancies occur before becoming a member of the Executive Committee. Vacancies will be filled based in the date- order on which signatories applied to the Executive Committee for membership.

Each member of the Executive Committee shall designate, by written notice to the Program Manager, one representative who is authorized to vote and otherwise act on its behalf on matters before the Executive Committee. Each member may appoint one or more alternates to act as its voting representative in the absence of its regular representative on the Executive Committee.

5.1.1 Addition of Executive Committee Members

Any signatory not listed in section 2.1 (a) – (m) may apply to the Executive Committee for membership on the Executive Committee. Acceptance of an application requires consensus by the Executive Committee. The Executive Committee shall make decisions regarding acceptance of applications received in a closed session. Applications shall be submitted to the co-chairs through the Program Manager and will be considered in the date-order they are received. Criteria for selection are listed in section 2.2 (a) – (e). The Executive Committee will make a decision on the application within 90 days of receiving the application. The co-chairs will notify the applicant in writing of the Executive Committee's decision within one week following the Executive Committee action on the application.

5.1.2 Additional Executive Committee Members not on the list of Initial Signatories

Additional Executive Committee members now include:

- o) The Assessment Payers Association of the MRGCD, an organization that represents a significant portion of the farming community;
- p) New Mexico Dept. of Agriculture;

5.2 Responsibilities

The primary responsibility of the Executive Committee is to direct and coordinate the Program. Specific responsibilities of the Executive Committee include but are not limited to:

- a) setting Program priorities;
- b) providing direction, assigning tasks to, and overseeing the work of the PMT, Coordination Committee, and work groups;
- c) ensuring development and implementation of the LTP to achieve the purposes of the Program;
- d) coordinating Program activities with other Federal and non-federal activities in the Program area to achieve the greatest effect and limit unnecessary duplication of other efforts;
- e) authorizing work groups;
- f) developing multi-year budget recommendations to the Corps, Reclamation, Service, other Federal agencies and non-federal entities;
- g) reviewing and approving annual reports and work plans, budgets, and policy or position papers on behalf of the Program;
- h) establishing operating procedures for the Program;
- i) representing the Program to executive agencies, legislative bodies and other third parties;
- j) monitoring progress in achieving Program goals;
- k) ensuring implementation of a quality assurance/quality control program;
- l) coordinating requests for funding and resources to Congress, the New Mexico state legislature, and other sources;
- m) ensuring sound financial management of Program resources and timely reporting of the financial status of the Program;
- n) ensuring coordination among participants in carrying out Program actions and policies;
- o) providing periodic reports to Congress, the New Mexico state legislature, interest groups and the public regarding the Program; and
- p) conducting other activities necessary or advisable to achieving the goals of the Program.

5.3 Voting Procedures

The Executive Committee is empowered to make decisions at any meeting at which a quorum is present. A quorum shall constitute 50% of all Executive Committee members at that time.

If two members request, decision items may be tabled until the next meeting. No agenda item may be tabled for more than one meeting without the unanimous consent of the Executive Committee.

The Executive Committee shall seek consensus in reaching decisions. If consensus cannot be reached, the decision will be tabled until the following meeting at which a quorum is present. In lieu of consensus, the decision may be approved by a super majority (75%). If a non-consensus decision is made, the minority may submit a report to the co-chairs of the Executive Committee to be included with official minutes of the Executive Committee. The Executive Committee may, in limited circumstances, allow for votes to be taken via e-mail.

It is recognized that the federal, state, tribal and other governmental agencies cannot achieve consensus, vote on issues, or be bound by Executive Committee decisions that would violate their obligations under applicable federal, state, tribal or local laws.

5.3.1 Resolution of Concerns

Any signatory having a concern with issues related to the Program may submit a written request for resolution to the Executive Committee in a timely manner, identifying the issue of concern with a recommended resolution. The Executive Committee will determine appropriate resolution of the dispute in a timely manner.

5.4 Meetings

The Executive Committee will hold meetings as necessary to conduct its business. Executive Committee meetings will be open to the public and public comments will be welcome and encouraged. The co-chairs will ensure adequate opportunities for public comments and input at meetings. At a minimum, the Executive Committee shall meet twice per year and at such other times as called by a co-chair. If a signatory is not represented at two consecutive Executive Committee meetings the co-chairs shall provide written notice to that signatory that its membership on the Executive Committee is suspended and will be terminated unless that signatory is represented at the next Executive Committee meeting.

5.4.1 Notice of Meetings

The Program Manager shall provide adequate notice to interested parties and the public of meeting times and places, which will include draft and final agendas that the co-chairs have approved with date, time, location, and decisions to be made. Any member may request of the co-chairs that an item be included or changed on an agenda. Modifications to the agenda may be made at meetings, subject to approval of the Executive Committee. Final agendas should be accompanied by a packet of supporting materials relevant to items on the agenda, except materials submitted to the Executive Committee pursuant to a nondisclosure or confidentiality agreement, pertaining to the closed portion of the meeting or declared confidential by law. Packets will be distributed at least one week prior to a scheduled Executive Committee meeting to Executive Committee members.

5.4.2 Special and Emergency Meetings

Either co-chair, at his or her discretion, may call special and emergency meetings with one week's notice. The Program Manager shall publish notice of such meetings as soon as they are scheduled and prepare packets.

5.4.3 Cancellation of Meetings

The Program Manager shall publish notice of cancellation or postponement as early as possible, and the notice shall explain the reasons for postponement or cancellation.

5.4.4 Closed Sessions

The Executive Committee may hold closed sessions to address sensitive issues related to contract, membership, personnel or legal matters. The purpose of the closed session shall be noted in the minutes of the Executive Committee. Only the Executive Committee member and their designated representative shall attend a closed session.

5.5 Officers

The officers of the Executive Committee shall include a Federal co-chair and a non-federal co-chair.

5.5.1 Election of Federal and Non-federal Co-chairs

At the first meeting of the Executive Committee following the effective date of the MOA, and at its first meeting following the beginning of the fiscal year thereafter, the Secretary of the Interior will designate the Federal co-chair.

The non-federal members of the Executive Committee shall elect from among the non-federal Signatories a non-federal co-chair. The non-federal co-chair shall be elected from the non-federal members of the Executive Committee on approval by $\frac{3}{4}$ of the non-federal members of the Executive Committee.

5.5.2 Removal of Federal and Non-federal Co-Chairs

The Secretary of the Interior shall replace the Federal co-chair on a vote of no confidence by $\frac{3}{4}$ of the members of the Executive Committee.

The non-federal co-chair shall be removed on a vote of no-confidence by $\frac{3}{4}$ of the non-federal members of the Executive Committee.

5.5.3 Resignation of Co-Chairs

Federal and non-federal co-chairs must provide a letter of resignation to the members of the Executive Committee at least 30 days before they resign. Additionally, the Federal co-chair shall provide a copy to the Secretary of Interior.

5.5.4 Replacement of Co-Chairs

Upon resignation or no-confidence removal of the Federal co-chair the Secretary of the Interior shall select a new Federal co-chair, as soon as possible, and notify the Executive Committee of that selection. That individual will immediately assume the responsibilities of the Federal co- chair.

Upon the resignation or removal as a result of a no-confidence vote of a non-federal co-chair the non-federal Executive Committee members shall elect a new co-chair in accordance with 5.5.1 at the next Executive Committee meeting.

5.5.5 Terms of Co-Chairs

The term of the non-federal co-chair shall be one year.

5.5.6 Responsibilities of Officers

The Federal co-chair shall be a non-voting member of the Executive Committee, shall convene the Executive Committee, shall develop meeting agendas, and shall schedule votes and other decision-making processes in consultation with the non-federal co-chair.

The non-federal co-chair shall be a voting member of the Executive Committee, and shall develop meeting agendas jointly with the Federal co-chair. Either co-chair may chair meetings in the absence of the other co-chair.

Each co-chair shall interact with the PMT, as necessary, to assure that assignments from the Executive Committee are completed and to determine action items and agendas necessary for the Executive Committee meetings.

5.6 Public involvement

The Executive Committee will consider the interests of all stakeholders and the general public in implementing the Program. Public involvement and comment is invited and encouraged. The Executive Committee will ensure that there are adequate formal and informal opportunities for public comment on Program activities.

Work product, reports, meeting summaries, and other program materials will be available to the public via the list serve, website, and/or other appropriate means.

6.0 COORDINATION COMMITTEE

6.1 Membership

Each member of the Executive Committee will appoint one member to the Coordination Committee. Each member may also appoint one or more alternate members.

6.2 Officers

The Coordination Committee will elect a chair and a vice-chair, each serving for a term of one year with no more than one consecutive term. Any member of the Coordination Committee may serve as chair. The chair or vice-chair will report on committee activities at each

Executive Committee meeting.

6.3 Meetings

The meeting requirements for the Executive Committee will apply to the Coordination Committee, including public notice of meetings. The Coordination Committee will meet approximately every four to six weeks.

6.4 Responsibilities

The Coordination Committee responsibilities include:

- a) carrying out the directives of the Executive Committee;
- b) reviewing and providing comments and recommendations on formation of work groups, the LTP, annual reports, work plans, budgets, operating procedures, congressional reports, work group deliverables, and other documents prior to submittal to the Executive Committee by the PMT;
- c) working to achieve consensus recommendations for the Executive Committee on unresolved issues; and
- d) consulting regularly with their Executive Committee representatives on issues of concern to ensure that recommendations reflect the viewpoints of organizations participating in the Executive Committee and Executive Committee members and assuring that Executive Committee members are informed on matters coming before the Executive Committee.

7.0 WORK GROUPS

7.1 Establishment of Work Groups

The Executive Committee may establish work groups and designate members of work groups on its own initiative or on the recommendation of the Coordination Committee when additional assistance or expertise is beneficial to accomplishing the goals of the Program. Work groups will operate with specific schedules, objectives, and scopes of work established by the Executive Committee.

The Program Manager will assign Program staff to support each work group so that the objectives and work products are clearly identified, work group schedules are met, and necessary administrative support is provided. Upon formation of the work group, a group leader will also be designated to work with the assigned staff to establish a schedule and identify deliverables.

7.2 Membership

Membership on work groups will vary depending on the subject matter and may include:

- a) Signatories and/or their representatives;
- b) professionals with expertise in the subject matter who may or may not be involved in the Program;
- c) contractors as deemed appropriate by the Executive Committee; or
- d) other parties, including members of the public, with experience in the subject matter addressed by the work group.

7.3 Meetings

Work groups will meet as needed. The PMT will post work group meeting schedules, locations, and agendas on the Program website. All meetings will be open to the public. The work group leader will keep meeting summaries, which shall accurately reflect actions of the work group and shall be made available on the website within one week after the meeting.

7.4 Work Products

All final work group work products are subject to approval by the Executive Committee, and upon approval, the PMT will make them available to the public.

7.5 Annual Review of Work Groups

The Program Manager, with input from the PMT, will review the accomplishments of each work group annually with respect to its mission, schedule, participation by members, and objectives, and make recommendations to the Executive Committee regarding continuation or termination of the work group, changes in mission, schedule, or membership.

8.0 PROGRAM MANAGEMENT TEAM

The Program requires management and administration support to accomplish its goals and objectives. The Program Management Team (PMT) consists of a Program Manager and management staff employed by Reclamation, Department of the Interior and Corps staff, administrative and clerical staff (federal employees or contractors), and Signatory representatives. The PMT provides management and technical support to the Executive Committee, Coordination Committee and work groups.

8.1 Staffing

The Program Management Team (PMT) includes a Program Manager and staff. The Program Manager is an employee of Reclamation. Reclamation is responsible for selecting a Program Manager; however, Reclamation may solicit input from the Executive Committee during the recruitment process. Reclamation provides administrative staff to support the Program Manager and other support staff to administer the Program, including contract administration.

As directed by the Secretary of the Interior, any agency of the Department of the Interior will provide staff for the PMT as necessary. Additionally, each member of the Executive Committee may provide a representative on a voluntary basis, full time or part-time, to work

as staff for the PMT. All PMT members shall work under the direction of the Program Manager. The PMT shall be comprised of qualified individuals to carry out the duties in these by-laws.

The Corps' Program staff responsibilities will include ensuring coordination of Corps activities (studies, surveys, assessments, planning, design, NEPA compliance, construction, funding) with Program activities and may include contract administration and other activities mutually agreed upon by Reclamation and the Corps to support the Program.

8.2 Evaluation of the Program Management Team

On an annual basis, the Executive Committee will evaluate the performance of the PMT with respect to its assigned duties and responsibilities.

8.3 Roles and Responsibilities

The following are the general roles and responsibilities of the PMT.

8.3.1 Program Manager

The Program Manager will provide direction to staff for PMT activities and will report regularly on Program activities and accomplishments to the Executive Committee. The Program Manager is responsible for determining the most expeditious and reasonable manner to carry out assignments as directed by the Executive Committee, whether through a work group, assignment to the PMT or outsourcing. The Program Manager is a part of the PMT.

8.3.2 General Duties

The duties of the PMT include:

- a) providing administrative support for all Program operations;
- b) drafting a Long-Term Plan and annual revisions;
- c) drafting annual revisions, annual work plans, budget requests, and activity and fiscal reports consistent with the Long-Term Plan;
- d) providing information to the public concerning activities of the Program and undertaking community outreach;
- e) collaborating with other efforts relating to the protection and recovery of the listed species carried out under other Federal and non-federal programs, including:
 - (1) silvery minnow and flycatcher recovery teams under the direction of the Service;
 - (2) other ecosystem recovery programs under the Service and Corps;
 - (3) river maintenance and water operations under the direction of Reclamation;
 - and
 - (4) other related programs;
- f) administering project proposal processes;

- g) tracking contracts, grants, and cooperative agreements;
- h) ensuring that all activities undertaken by the Program comply with applicable laws and regulations; and
- i) undertaking such other duties as are assigned by the Executive Committee and necessary to carry out the Program.

8.3.3 Support of Executive Committee

The PMT shall provide general administrative support, as the Executive Committee requests, to include transmittals of Executive Committee communications, recordkeeping, liaison with entities, and meeting organization.

Before each Executive Committee meeting the Program Manager will prepare and post on the web site a packet of supporting materials. At each Executive Committee meeting, the Program Manager will provide a brief report to the Executive Committee on the status of the Program activities and milestone accomplishments. After an Executive Committee meeting, the Program Manager will distribute a draft meeting summary to Executive Committee members for review. The draft and final meeting summaries will be made available to the public via an established Program distribution network.

8.3.4 Support of Coordination Committee

The PMT will provide support for meetings of the Coordination Committee, including distribution of agendas and meeting materials, and development and distribution of meeting summaries.

The Program Manager will provide Program documents subject to Executive Committee approval to the Coordination Committee for review and discussion, and will assist the Coordination Committee in developing recommendations to the Executive Committee.



MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM

Newsletter— June 2019

In This Issue

- Project Updates
 - 2016 MRG Biological Opinion Implementation Update
- Listed Species Updates
 - RGSM
 - SWFL
 - YBCU
 - NMMJM
- Administrative Updates
- Hydrology Update
- Program Participant Spotlight
- Habitat Restoration Project Compilation Effort Update
- Upcoming Dates and Deadlines



Photo: City of Albuquerque Open Space sponsored Discovery Hike at the Candelaria Nature Preserve

Photo credit: WEST staff



Photo: Bosque del Apache National Wildlife Refuge

Photo credit: WEST staff

PROJECT UPDATES

Implementation of the Final Biological and Conference Opinion of Bureau of Reclamation, Bureau of Indian Affairs, and Non-Federal Water Management and Maintenance Activities of the Middle Rio Grande (MRG), New Mexico

Update provided by Brian Hobbs, U.S. Bureau of Reclamation

The U.S. Bureau of Reclamation (Reclamation), U.S. Bureau of Indian Affairs, Middle Rio Grande Conservancy District, and New Mexico Interstate Stream Commission (NMISC) are continuing to implement requirements under the 2016 Biological Opinion (BO). Following is a status update of some ongoing and completed projects.

Progress toward fish passage at San Acacia and Isleta diversion dams continues. Fish movement using PIT-tagged Rio Grande silvery minnow (RGSM) is currently being studied by NMISC for the pilot project at San Acacia Diversion Dam (SADD). Reclamation has PIT-tagged fish for a movement study in the Isleta and San Acacia reaches that has also begun. Initial tag returns for both projects have been very encouraging. For the long-term fish passage project at SADD, alternatives are being evaluated.

Reclamation completed construction of the Rhodes Property Bank Line Habitat Project (RM 94) in early March 2019. This project was a partnership between private, non-profit and federal partners, and helps meet habitat construction requirements in the San Acacia reach under the 2016 BO. The goal of the project is to provide shallow, low-velocity habitat for the RGSM during low flow conditions, and therefore the project begins to inundate at 300 cfs. Monitoring will begin this spring.

Vegetation removal at Bosque del Apache National Wildlife Refuge (NWR) for the pilot realignment project is on hold as a result of the high water in the area. The next phase will be excavation, but compliance is still needed before that activity can begin. Excavation may begin in 2019.

Finally, a Lower Reach Project Programmatic Planning effort is underway. This effort is led by Reclamation and aims to take a holistic look at the Lower Reach Plan projects (Pueblo of Isleta's southern boundary to Elephant Butte Reservoir) that affect deliveries to Elephant Butte. A list of projects is currently being formed. There will be more to come on this in 2019.

LISTED SPECIES UPDATES

Rio Grande Silvery Minnow

Update provided by Jennifer Bachus, U.S. Bureau of Reclamation

The RGSM Population Monitoring Program uses standardized seining techniques to catch RGSM along the MRG during seven months of each year. April sampling includes an additional 10 sites, for a total of 30 sites (10 per reach), in line with peer review recommendations. Preliminary data from the April 2019 Population Monitoring Program

monitoring reported detections of both Age-1 and Age-2+ fish, with an overall density of 0.10 RGSM per 100m² for the 20 standard sites, and 0.11 RGSM per 100m² for the 30 sites. RGSM were present at 9 of the 30 sampling sites. The prior density in October 2018 was 0.09 RGSM per 100m² (using mixture model estimates of density ($E_{(x)}$)).



Yellow-billed Cuckoo & Southwestern Willow Flycatcher

Update provided by Vicky Ryan, U.S. Fish and Wildlife Service

The survey season started on May 15 for the Southwestern willow flycatcher (SWFL) and June 15 for the yellow-billed cuckoo (YBCU). As such, there are no updated population numbers yet available. The area from Isleta to SADD, which has been historically surveyed, will not be included in the survey area of any agency in 2019. This will delay projects in that

area until fall 2019. Completing survey efforts on time is crucial, as one year must pass from the survey date prior to any kind of action that may impact the species and/or the habitat occupied by the species.



SWFL; Photo credit: NPS

(Listed Species Updates continued on page 4)

LISTED SPECIES UPDATE

(Listed Species Updates continued from page 3)

New Mexico Meadow Jumping Mouse

**Update provided by
Jeff Sanchez, U.S.
Fish & Wildlife
Service**



Bosque del Apache NWR has drafted a 5-year New Mexico Meadow Jumping Mouse (mouse) Plan, which should be finalized this year. Over

the winter, Bosque del Apache placed three new water control structures adjacent to occupied mouse habitat to increase available feeding opportunities. These sites, along with currently occupied mouse habitats, are currently receiving water flows to establish the appropriate plant community prior to the mouse's emergence from hibernation. Annual monitoring efforts will continue throughout the mouse's active period.

PROGRAM UPDATE

Administrative Updates

**Update provide by Julie Dickey, Western
EcoSystems Technology, Inc.**

MRGESCP FY19 Non-Federal Cost Share Reporting

A FY19 Cost Share template will be emailed to non-Federal signatories on Tuesday, June 30th. As year-end budgets conclude, please fill out the FY19 Cost Share template with your final expenditures, and send it to jdickey@west-inc.com. For those non-Federal signatories contributing through in-kind match, the template will be updated with all FY19 (October 1, 2018—September 30, 2019) meeting dates and time, and emailed

out on Tuesday, October 1st. FY19 cost share reporting is due by **Tuesday, October 22, 2019**.

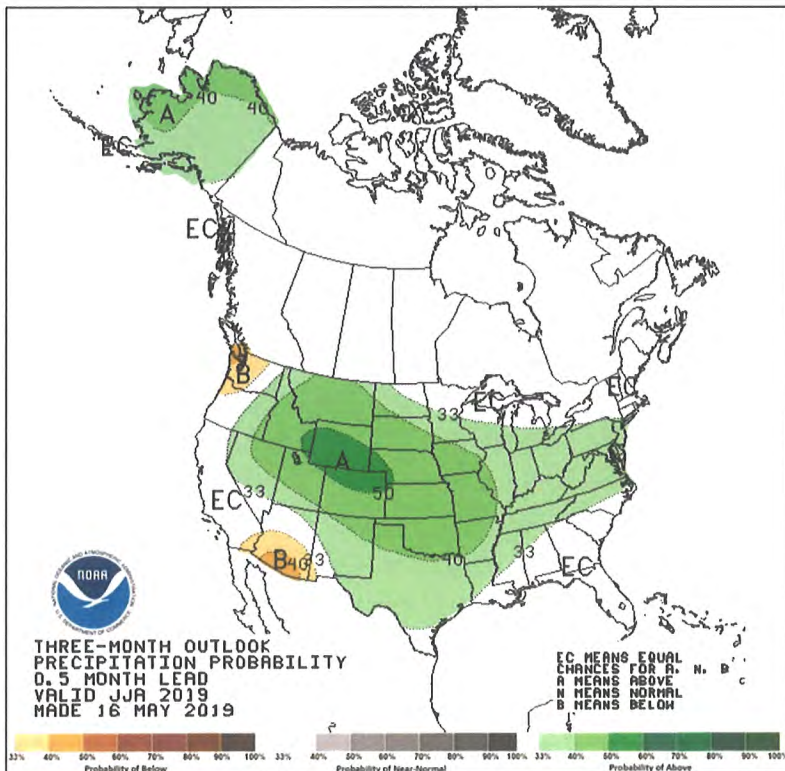
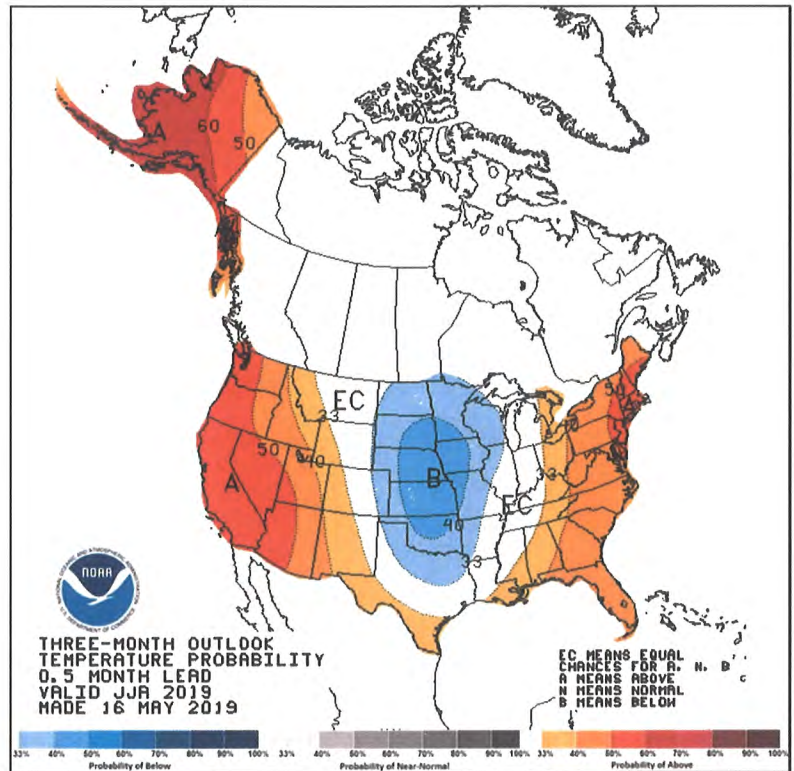
MRGESCP FY18 Annual Report

The FY18 Annual Report is out for Program review, and all comments and suggested edits are due to WEST by **Wednesday, July 17th**. Please return the comment form to jdickey@west-inc.com.

HYDROLOGY UPDATES

The 3-month temperature and precipitation outlooks are available at <https://www.cpc.ncep.noaa.gov/>.

Other time intervals are available as well, including weekly and monthly.



(Hydrology Update continued on page 6)

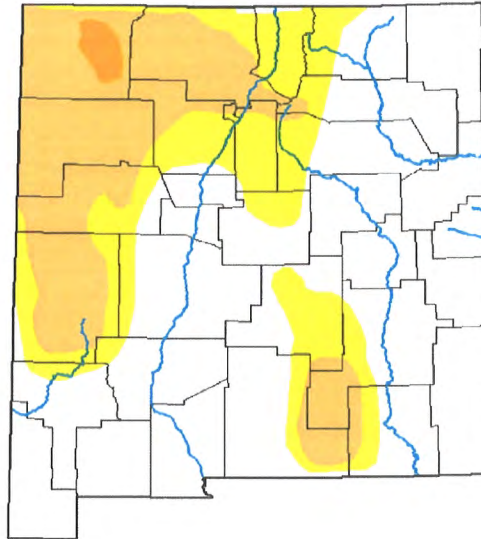
HYDROLOGY UPDATE CONTINUED

(Hydrology Update continued from page 5)

U.S. Drought Monitor New Mexico

May 14, 2019
(Released Thursday, May. 16, 2019)
Valid 8 a.m. EDT

U.S. Drought Monitor
information is available at:
[https://droughtmonitor.unl.edu/
CurrentMap/
StateDroughtMonitor.aspx?NM](https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?NM)



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

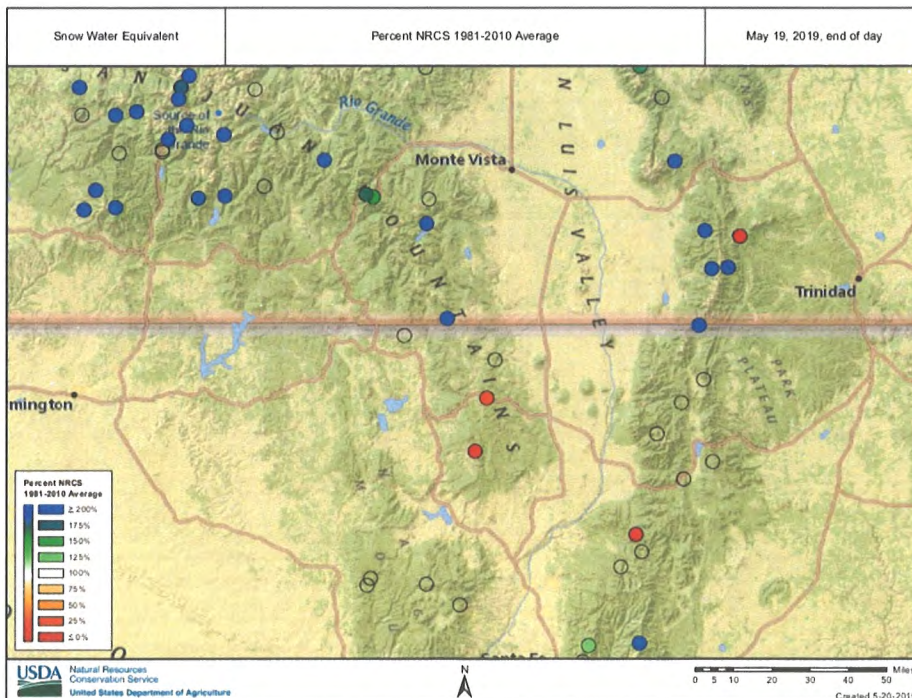
The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:

Curtis Riganti
National Drought Mitigation Center



droughtmonitor.unl.edu



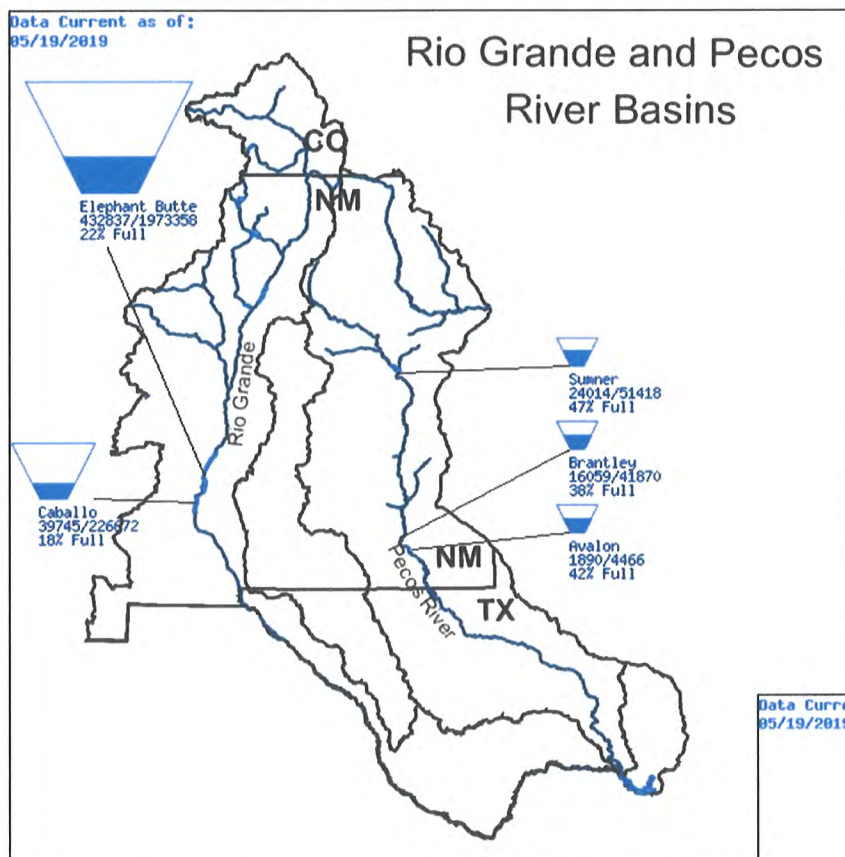
Snow Telemetry (SNOTEL) data, including Snow Water Equivalent data, are available at: [https://
www.wcc.nrcs.usda.gov/
snow/snow_map.html](https://www.wcc.nrcs.usda.gov/snow/snow_map.html).

This figure shows snow water equivalent data for May 19, 2019 as a percentage of the 1981-2010 average of snow water equivalent data. Many locations are well above average, with 2-3 feet of snow remaining at several locations near the headwaters of the Rio Grande.

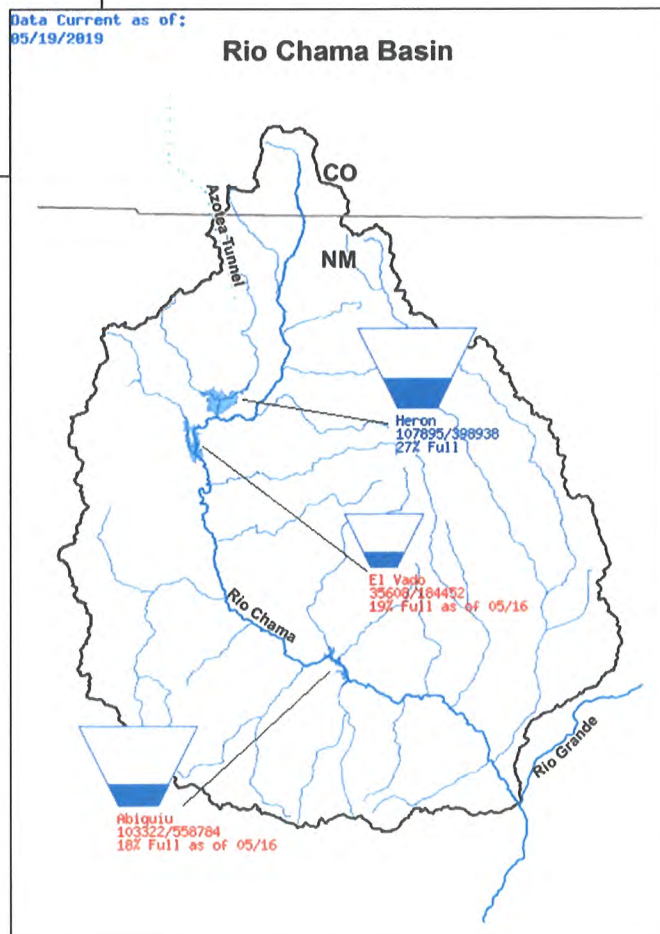
(Hydrology Update continued on page 7)

HYDROLOGY UPDATE CONTINUED

(Hydrology Update continued from page 6)



Basin "Bucket" diagrams are available at:
<https://www.usbr.gov/uc/water/basin/>



PROGRAM PARTICIPANT SPOTLIGHT



Alex Levine

Bosque Ecosystem Monitoring Program (BEMP)

I grew up in south Florida, constantly on the lookout for new herps to catch and new birds to observe. Though the venues changed over the intervening years, my passions did not. After spending several years in California's Bay Area as a working musician, I relocated to Asheville, North Carolina and reconnected with my enduring love of nature. I returned to college and received a BS in environmental science while researching the elusive Eastern Hellbender, aka the lasagna lizard aka the

snot otter. Sadly, I did not personally coin those nicknames. Once I had determined that my academic brain was still functional, I decided to further my education at Florida International University in Miami where I studied the shifting ranges of overwintering avifauna in south Florida using community science data. While pursuing my Master's degree in biology, I worked as a fellow at Fairchild Tropical Botanic Garden's education department. There I discovered a passion for environmental education and curriculum design, creating and implementing programs focused on south Florida ecology that reached thousands of K-12 students in the state.

I discovered the Bosque Ecosystem Monitoring Program (BEMP) shortly before graduating and as soon as I visited Albuquerque and met their amazing team, I knew I had found my new home. As BEMP's Education Coordinator, I manage our inspiring scientist-educators, create classroom and place-based educational curriculum, and try to find new ways to facilitate BEMP's mission to inspire, educate, foster stewardship, and inform management decisions through environmental monitoring, outreach, and community science. I also construct UNM's

(Program Participant Spotlight continued on page 8)

PROGRAM PARTICIPANT SPOTLIGHT

(Program Participant Spotlight continued from page 7)

BEMP course and joined the MRGESCP because of my enduring passions for ecology, conservation, and the fascinating wildlife of the Southwest.

When I am not busy BEMPing, I am usually out herping, birding, and exploring with my husband and two dogs. I would consider myself a “foodie” if that term wasn’t already

used by far too many terrible television hosts, and I am slowly developing an appreciation for New Mexican green chile.



PROJECT UPDATE

Habitat Restoration Project Compilation Effort Update

Update provided by Chad McKenna, GeoSystems Analysis.

GeoSystems Analysis (GSA) is currently updating, refining, and expanding a habitat restoration site geo-database under contract with the NMISC. This tool strives to represent all (as feasible) habitat restoration sites constructed by the federal and state agencies, municipalities, tribes, non-profits, and others since endangered species focused restoration efforts began in about 2000. During March and April, GSA staff met with several Program signatory representatives to obtain new data, revise existing data, and

discuss the goals for the geo-database utility to ensure the database can answer specific questions that are important for various agencies, streamline database queries, and create potential geographical information system (GIS) displays. Through this process, GSA, in partnership with the agencies, has developed a comprehensive set of key database fields that will be included in the database. A workshop is planned prior to the June 30 contract deadline to review the geo-database and discuss final improvement ideas. Once complete, the geo-database will be served in a GIS utility integrated with the new Program Portal.

UPCOMING DATES

Program Meetings:

Executive Committee

June 5, 2019
U.S. Bureau of Reclamation

Program Deadlines:

MRGESCP Review of FY18 Annual Report

July 17, 2019

Non-Federal Cost-Share Reporting Due

October 22, 2019

Signatory-Sponsored Events:

National Trails Day

June 1, 2019, 8:30 AM -1:00 PM
Elena Gallegos Picnic Area
See <https://www.cabq.gov/parksandrecreation/open-space/events/national-trails-day-2> for more information.
Registration is required.

Habitat Restoration Field Trip


June 11, 2019
Coordinated by Grace Haggerty & Chad McKenna.
Please contact Chad (chad@gsanalysis.com) for more information and details.

Burque Bee City Pollination Celebration

June 15, 2019, 4:00 PM-8:00 PM
Open Space Visitor Center

City of Albuquerque Open Space 35th Anniversary Celebration

November 2, 2019 12:00 PM - 4:00 PM
Open Space Visitor Center



THE INFORMATION IN THIS NEWSLETTER
SHOULD NOT BE ATTRIBUTED
TO THE MRGESCP OR ITS EXECUTIVE COMMITTEE,
BUT TO THE ORGANIZATION FROM WHICH
IT WAS SUBMITTED

FOR COMMENTS AND INQUIRIES CONTACT:
WEST, Inc. | (505) 362-1251 | jdickey@west-inc.com

Photo: Scenic view of the Middle Rio Grande; Photo credit: U.S. Bureau of Reclamation



MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM

Newsletter— September 2019

In This Issue

- 2016 Middle Rio Grande Biological Opinion Implementation Update
- Listed Species Updates
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- Hydrology Update
- Middle Rio Grande Habitat Restoration Field Trips
- Program Participant Spotlight
- 2019 Middle Rio Grande Aerial Surveys
- Upcoming Dates and Deadlines
- Administrative Updates

SAVE THE DATE

2019 MRGSCP SCIENCE SYMPOSIUM

December 3-4, 2019

USGS New Mexico Water Science Center

Abstract submissions are open!

For more information and to register, please visit
<https://mrgescpscience Symposium.wordpress.com/>

Registration is FREE but space is limited.
Register early to reserve your spot!



MRGSCP participants on a tour of Sevilleta National Wildlife Refuge and La Joya Wildlife Management Area with Cathy Granillo, Refuge Manager. See the Field Trips write-up on pages 8-9 for more information. (Photo credit: WEST Staff)

PROJECT UPDATES

Implementation of the Final Biological and Conference Opinion of Bureau of Reclamation, Bureau of Indian Affairs, and Non-Federal Water Management and Maintenance Activities of the Middle Rio Grande, New Mexico (2016 BO)

Update provided by Brian Hobbs, U.S. Bureau of Reclamation

The U.S. Bureau of Reclamation (Reclamation), the U.S. Bureau of Indian Affairs, the Middle Rio Grande Conservancy District (MRGCD), and the New Mexico Interstate Stream Commission (NMISC) are continuing to implement requirements under the 2016 BO. Following is an update on the status of some ongoing and completed projects:

Progress toward fish passage at the San Acacia Diversion Dam (SADD) and the Isleta Diversion Dam continues. NMISC and Reclamation are carrying out fish movement studies using PIT tagged Rio Grande silvery minnow (RGSM). Reclamation plans to PIT tag 10,000 more RGSM this October for release above and below SADD. Antennas will be placed above SADD and Utah State University researchers will be floating the river to get tag returns. Initial tag returns for both projects have been encouraging. For the long-term fish passage project at SADD, alternatives are being evaluated.

In spring 2019, Reclamation and NMISC began using a standardized monitoring protocol at eight habitat restoration (HR) sites below SADD. The two agencies will work towards using and refining this protocol so that comparisons can be made between HR sites throughout the Middle Rio Grande (MRG).

A sediment plug formed in the river on Bosque del Apache National Wildlife Refuge (NWR) at the same location as in 2008 and 2017. Reclamation received the 404 permit for the pilot realignment project and is mobilizing to open the inlet and outlet of the realignment so that MRGCD and NMISC will be able to get water around the plug rather than excavating a pilot channel through the plug. A plug has also formed in the Delta Channel of Elephant Butte Reservoir. NMISC is expected to begin work on this plug in September.

Reclamation, in partnership with NMISC and MRGCD, is initiating a planning effort to allow for efficient implementation of projects and actions within the San Acacia Reach. The objective of the effort is to understand the potential impacts of foreseeable facility operation and maintenance actions, river maintenance projects, and habitat management efforts in the San Acacia Reach on water delivery to Elephant Butte Reservoir. There are seven planned phases and the effort is currently in Phase 1: Formulation of the Planning Process.

LISTED SPECIES UPDATES

Rio Grande Silvery Minnow

Update provided by Eric Gonzales, U.S. Bureau of Reclamation

The RGSM Population Monitoring Program uses standardized seining techniques to catch RGSM along the MRG during seven months per year (Dudley et al. 2019). July sampling was conducted at the 20 standard monitoring sites. Five sites were located in the Angostura Reach, six sites were located in the Isleta

Reach, and nine sites were located in the San Acacia Reach. Preliminary data from the Population Monitoring Program during July 2019 monitoring reported detections of Age - 0, Age-1, and Age-2+ fish, with an overall density of 10.48 RGSM per 100m² for the 20 standard sites. RGSM were present at 18 of the 20 standard sites. The prior density in June 2019 was 4.31 RGSM per 100m².



Yellow-billed Cuckoo & Southwestern Willow Flycatcher

Update provided by Vicky Ryan, U.S. Fish and Wildlife Service

(There is currently no update at this time. The following is from the June issue of the EC newsletter)

The survey season started on May 15 for the Southwestern willow flycatcher (SWFL) and June 15 for the yellow-billed cuckoo (YBCU). As such, there are no updated population numbers yet available. The area from Isleta to SADD, which has been historically surveyed,



SWFL; Photo credit: NPS

will not be included in the survey area of any agency in 2019. This will delay projects in that area until fall 2019. Completing survey efforts on time is crucial, as one year must pass from the survey date prior to any kind of action that may impact the species and/or the habitat occupied by the species.

(Listed Species Updates continued on page 4)

LISTED SPECIES UPDATE

(Listed Species Updates continued from page 3)

New Mexico Meadow Jumping Mouse

Update provided by Jeff Sanchez, U.S. Fish & Wildlife Service



NMMJM (Photo credit: Jennifer Frey)

Bosque del Apache NWR has experienced above normal water within the Riverside Canal during 2019. These water levels in the Canal were due to above normal water availability occurring throughout the MRG Valley, which was a result of above normal available snow pack in the northern mountains. These elevated water levels have allowed Bosque del Apache NWR to support quality New Mexico Meadow Jumping Mouse (NMMJM) feeding and day nesting habitat during 2019. The refuge was able to both maintain and expand suitable habitat for the NMMJM this

year. Bosque del Apache NWR is home to the last known remaining MRG population.

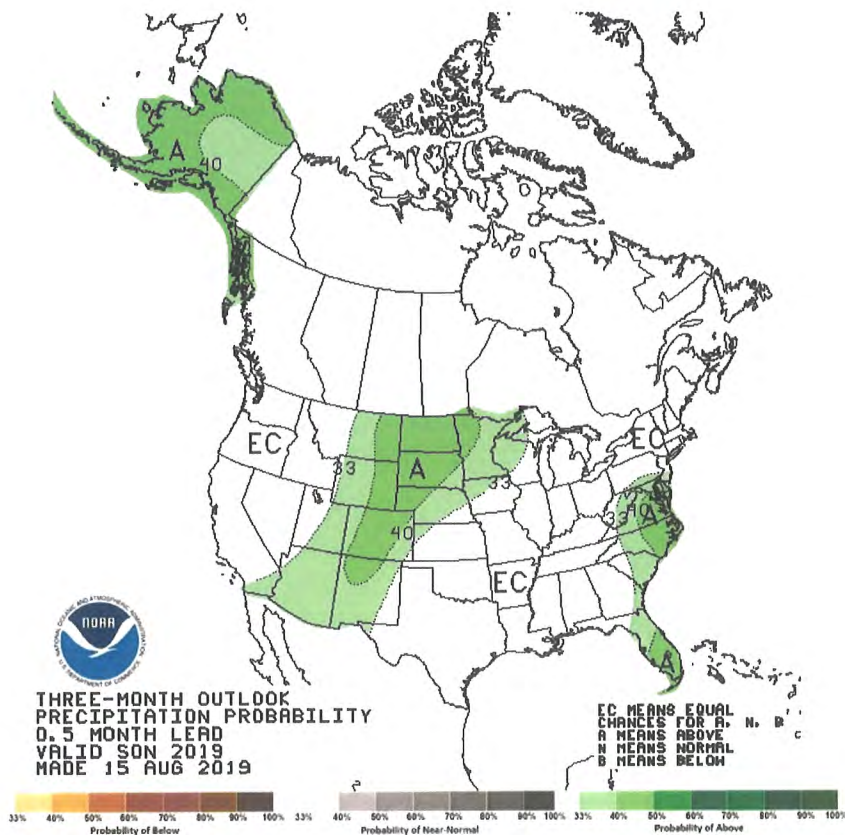
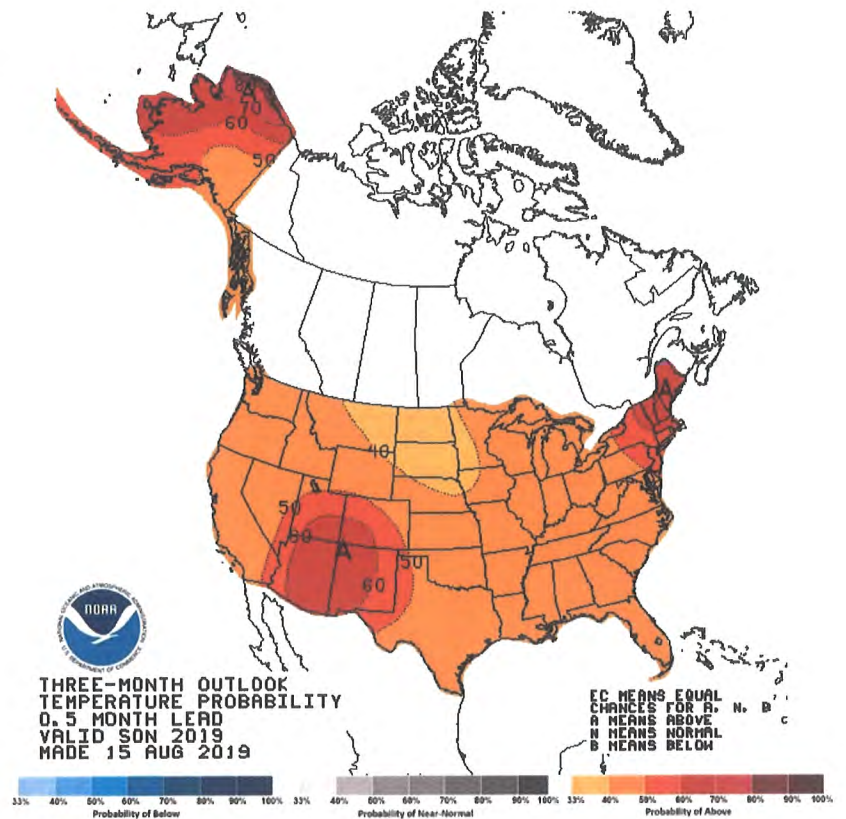
Camera trapping efforts within the known NMMJM localities and areas where they have historically occurred will continue until mid-October. So far, during this year's NMMJM active period, six observations have been confirmed using this method. Additional photos still need to be checked for NMMJM observations. Due to increased NMMJM habitat this year, it is assumed that the mouse may be more difficult to detect as the remaining animals are spread across a larger area. Most observations this year occurred in close proximity to NMMJM locations documented since 2016. One observation occurred adjacent to a newly-created NMMJM habitat, in an area where this species had not been detected in years past. This location was approximately 0.3 miles south from habitat known to be occupied by NMMJM.

The refuge is finalizing the NMMJM 5 year plan and is conducting habitat creation and habitat restoration efforts focused specifically on the mouse.

2019 LATE SUMMER HYDROLOGY UPDATE

The 3-month temperature and precipitation outlooks are available at <https://www.cpc.ncep.noaa.gov/>.

Other time intervals are available as well, including weekly and monthly.

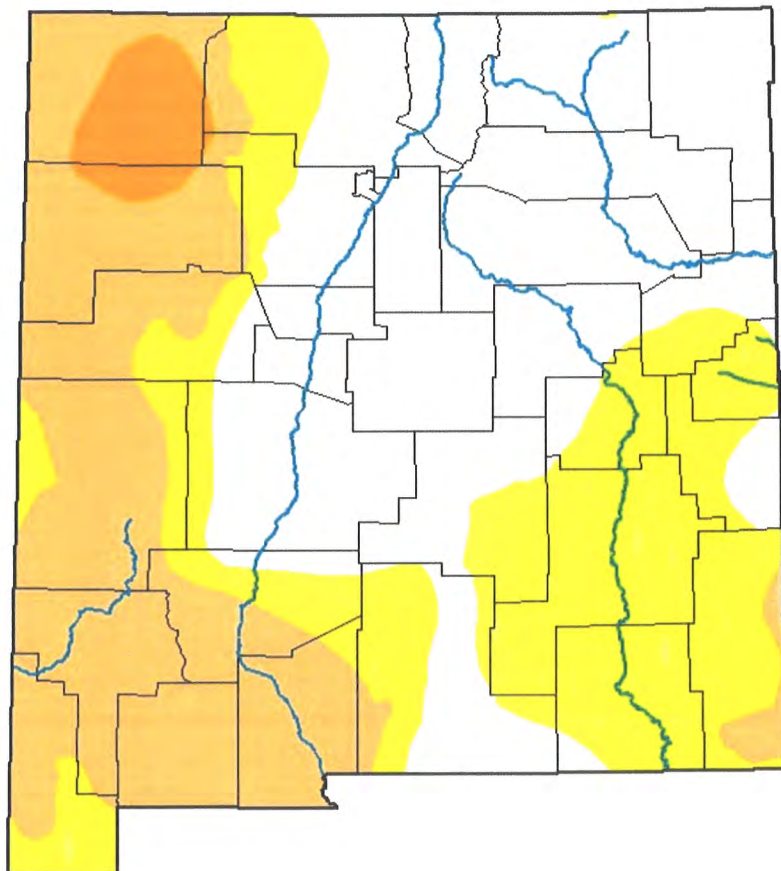


(Hydrology Update continued on page 6)

HYDROLOGY UPDATE (CONTINUED)

(Hydrology Update continued from page 5)

U.S. Drought Monitor New Mexico



September 3, 2019

(Released Thursday, Sep. 5, 2019)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	42.78	57.22	29.82	2.90	0.00	0.00
Last Week 08-27-2019	40.09	59.91	28.49	2.90	0.00	0.00
3 Months Ago 06-04-2019	65.20	34.80	18.85	0.00	0.00	0.00
Start of Calendar Year 01-01-2019	37.99	62.01	44.71	35.03	19.67	14.17
Start of Water Year 09-25-2018	0.40	99.60	93.27	59.56	31.84	15.53
One Year Ago 09-04-2018	0.81	99.19	93.96	60.10	34.07	14.54

Intensity:

None	D2 Severe Drought
D0 Abnormally Dry	D3 Extreme Drought
D1 Moderate Drought	D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:

David Miskus
NOAA/NWS/NCEP/CPC



droughtmonitor.unl.edu

U.S. Drought Monitor information is available at: <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?NM>

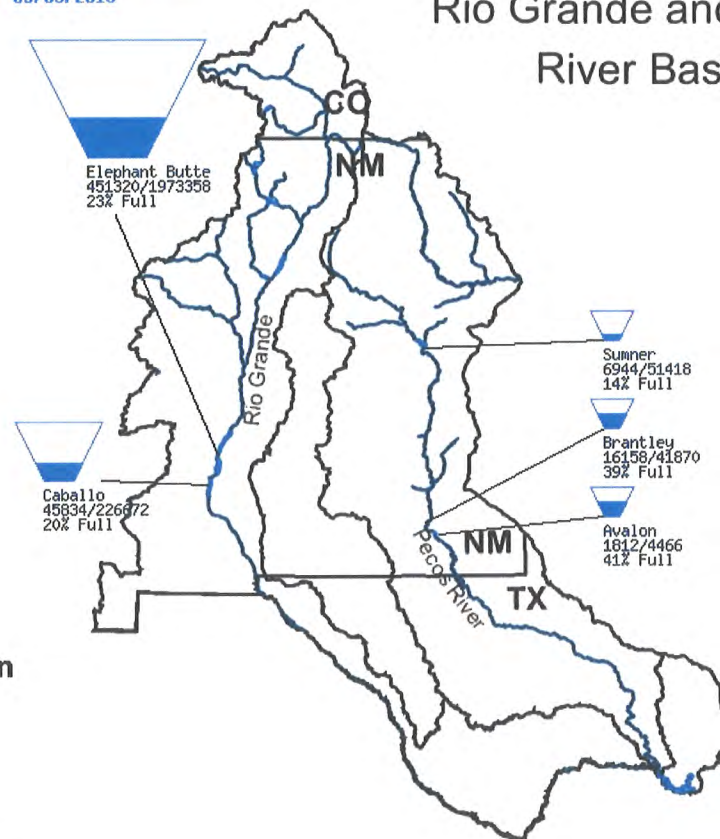
(Hydrology Update continued on page 7)

HYDROLOGY UPDATE (CONTINUED)

(Hydrology Update continued from page 6)

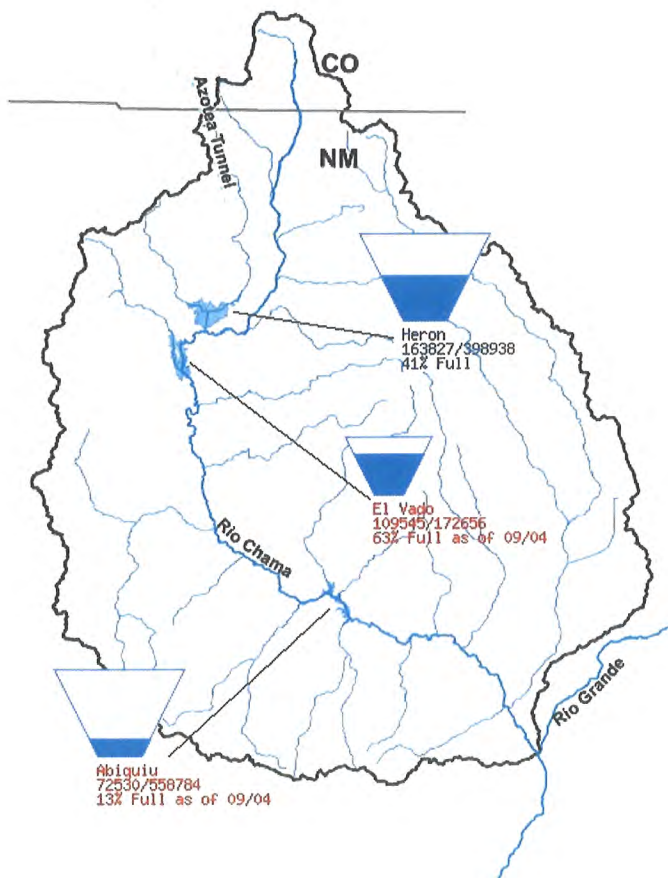
Data Current as of:
09/05/2019

Rio Grande and Pecos River Basins



Data Current as of:
09/05/2019

Rio Chama Basin



Basin "Bucket" diagrams are available at:
<https://www.usbr.gov/uc/water/basin/>

FIELD TRIPS

Middle Rio Grande Habitat Restoration Field Trips

Update provide by Grace Haggerty, New Mexico Interstate Stream Commission

The NMISC led several field trips during the high spring runoff in 2019. These field visits were intended to familiarize Collaborative Program participants with recent restoration projects and new research on RGSM and floodplain habitats. The NMISC's contractors Geosystems Analysis Inc. (GSA) and SWCA Environmental Inc. (SWCA) assisted with organization and presentations.

On May 29th, participants floated the Rio Grande from the Bernalillo 550 Bridge to the Alameda Bridge, with flows hovering around 3,500 cubic feet per second (Figure 1). A collection of rafts and inflatable kayaks navigated this 'wild and scenic' (note: not yet designated!) section of the Rio Grande with stops along the way to observe habitat restoration projects in Bernalillo, Rio Rancho, Corrales, and Albuquerque. Since 2006, over 500 acres have been mechanically reconfigured along the margins of the river between Angostura and Isleta diversion dams to create backwaters, high flow channels, embayments, and benches that provide off-channel habitat during spring runoff.

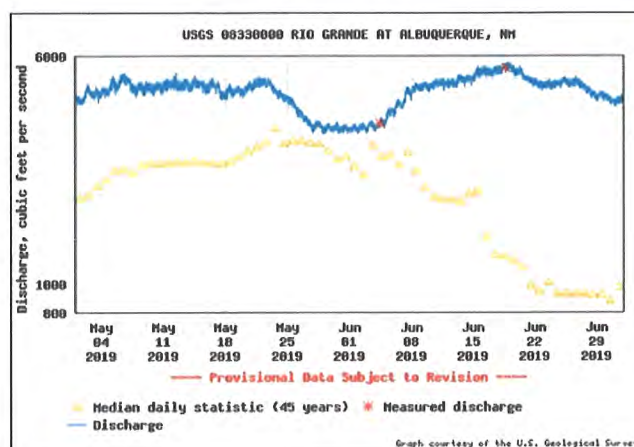


Figure 1. May 28th field trip occurred during a dip in spring runoff. Peak flow occurred in mid-June.

Stephen Zipper, SWCA, described the results of SWCA's research investigating spawning and larval habitat use at the habitat restoration projects. Steve is removing tiny otoliths (earbones) from larval RGSM and counting their daily rings to determine when the fish hatched. Larval fish were collected at project sites in 2016, 2017 and 2019 and then later identified in the laboratory.

Chad McKenna, GSA, discussed both challenges and successes of vegetation efforts at restoration projects. While coyote willow plantings and natural recruitment both appear to be quite successful, the greatest challenge and concern identified by Chad is the rapid establishment of non-native plants, especially the fairly recent introduction of ravenna grass. This grass has now spread

(Continued on page 9)

FIELD TRIPS (CONTINUED)

(Field Trips Continued from page 7)



Stephen Zipper (biologist, SWCA) describes floodplain and RGSM studies in the MRG.

into the San Acacia reach and forms dense clumps that anchor sediment in place and crowds out native plants, like coyote willow. More studies are being conducted to understand the physical drivers that affect willow growth attributes. It was interesting and disturbing to note that a number of ornamental tree species are becoming established on channel margins just downstream of the North Diversion Channel.

On June 11, the NMISC and GSA led a field trip to five recently completed habitat restoration projects in the Isleta and San Acacia reaches, including at the USFWS Sevilleta NWR. Cathy Granillo, Refuge Manager, described work accomplished via collaboration between the Refuge, NMISC,

and Reclamation over the past several years. Gina Dello Russo and other Save our Bosque Task Force staff and volunteers met up with the field trip and discussed that organization's involvement with restoration efforts in the Socorro area. For the San Acacia projects, a difficult challenge is creating SWFL and YBCU habitat in areas where there is open grazing by livestock. Also, the Isleta and San Acacia reaches have a much more active sediment load during high flows and therefore, significant sand deposition can occur within the restoration projects.

Thanks to the Collaborative Program signatories and WEST staff for their help and engagement!



Final stop: The US Army Corps of Engineer's boat ramp at the Alameda Bridge

PROGRAM PARTICIPANT SPOTLIGHT



Paul Tashijan

Audubon New Mexico

I join the Collaborative Program with a passion for the conservation of the MRG and an enthusiasm for finding common ground. I have worked within the MRG as a hydrologist for almost 3 decades on projects that have ranged from the coordination of the Bosque Hydrology Group, investigation of RGSM habitat and the quantification of Bosque del Apache NWR water use. Formerly with the U.S. Fish and Wildlife Service, I am now with Audubon New Mexico as Director of Audubon New Mexico's Freshwater Conservation

Program where our focus is on habitat restoration, environmental water leasing, outreach and education. Other Audubon staff working within the MRG include Amy Erickson, Jonathan Hayes, Katie Weeks and Desiree Loggins.

I am an avid canoer, fly fisherman, and photographer. I spent most weekends this spring and summer canoeing the MRG and it was wonderful to see this kind of water. I am the father of two teenagers, a high school junior and a college freshman, and husband to a gal named Sue. Our north valley home near the Nature Center also includes 2 dogs, 2 cats, an Arizona King snake named Sammy, numerous fish and a backyard that is frequented by all the great birds from Bullock's Orioles to Sandhill Cranes. We bought a zoo.

The MRG means many things to me. At once a place of beautiful multi-structured cottonwood forests and active floodplains as well as a place of jetty jacks lines and Russian Olive river banks; a place where unlikely partnerships between farmers and conservationists occurs; and a place where devoted agency staff work behind the scenes to ensure that the river flows. The MRG also

(Program Participant Spotlight continued on page 11)

PROGRAM PARTICIPANT SPOTLIGHT

(Program Participant Spotlight continued from page 10)

has a rich history of folks who have given their careers to pragmatic problem solving. Many of us old timers recall Cliff Crawford and the Bosque Initiative. Cliff brought inspiration and respect to our meetings and one was always more willing to take off the bowling shirt in his presence. It's in this spirit that Audubon engages in the Program.



PROJECT UPDATE

2019 Middle Rio Grande Aerial Surveys

Update provided by John Peterson, Geospatial Unit Leader, U.S. Army Corps of Engineers Albuquerque District

Like many areas in the arid southwest, the MRG Valley, from Cochiti Lake through Albuquerque, downstream to Elephant Butte Lake, has seen drought for approximately a decade. This has impacted environmentally sensitive species, agriculture, and water delivery to compact partners downstream. Fortunately the winter of 2018-2019 saw above average snow packs in the upper Rio Grande watershed resulting in higher than average runoff levels through this reach. This year's forecasted high runoff has provided an

opportunity, led by the U.S. Army Corps of Engineers, to enlist multi-agency participation toward the objective of monitoring and documenting the effects of high flow runoff on levee integrity, inundation and overbanking extents, and fish spawning, habitat. This data has the potential to be used by the Program's partners and stakeholders for a myriad of follow up studies and analyses. Some proposed projects include:

- RGSM spawning and rearing habitat in different reaches
- Validating hydraulic models

(Project Update Continued on page 12)

PROJECT UPDATE

(Project Update Continued from page 11)

- Identifying sites with favorable flooding/soil moisture conditions for the SWFL and YBCU
- Acreage of inundated habitat contributed by previously constructed habitat restoration projects
- Supporting future HR project site selection and design
- Assessing levee integrity and identifying sites for future levee improvement due to prolonged ponding, and extensive regional floodplain inundation

Bosque Farms Spoil Bank
Levees at Low Flow



2019 Bosque Farms
Levees at High Flow: Natural Color



2019 Bosque Farms
Levees at High Flow: Color Infrared
Highlights Inundation Against Levees



Bosque Farms Spoil Bank
Levees at Low Flow



2019 Bosque Farms
Levees at High Flow: Natural Color



2019 Bosque Farms
Levees at High Flow: Color Infrared
(Highlights Inundation Against Spoil Bank Levees)



Images provided by: U.S. Army Corps of Engineers Albuquerque District

UPCOMING DATES

PROGRAM MEETINGS:

Executive Committee

September 16, 2019

Adaptive Management Work Group

September 26, 2019

Population Monitoring Work Group

November 6, 2019

2019 Science Symposium

December 3-4, 2019

PROGRAM DEADLINES:

Non-Federal Cost-Share Reporting Due

October 22, 2019

SIGNATORY-SPONSORED EVENTS:

City of Albuquerque Open Space 35th Anniversary Celebration

November 2, 2019 12:00 PM - 4:00 PM
Open Space Visitor Center

PROGRAM UPDATE

Administrative Updates

Update provide by Julie Dickey, Program Support Team

MRGESCP FY19 Non-Federal Cost Share Reporting

A Fiscal Year 2019 (FY19) Cost Share template will be emailed out on Tuesday, October 1st. **FY19 cost share reporting is due by Tuesday, October 22, 2019.**

MRGESCP FY19 Annual Report

Let's get a jump start on the FY19 Annual Report! Please begin sending your FY19 annual report write-ups to the Program Support Team at jdickey@west-inc.com.

THE INFORMATION IN THIS NEWSLETTER
SHOULD NOT BE ATTRIBUTED
TO THE MRGESCP OR ITS EXECUTIVE COMMITTEE,
BUT TO THE ORGANIZATION FROM WHICH
IT WAS SUBMITTED

FOR COMMENTS AND INQUIRIES CONTACT:
Program Support Team | (505) 362-1251 | jdickey@west-inc.com

Photo: Scenic view of the Middle Rio Grande; Photo credit: U.S. Bureau of Reclamation



October 30, 2019

The Honorable Michelle Lujan Grisham Governor
State of New Mexico
490 Old Santa Fe Trail Room 400
Santa Fe, NM 87501

Re: Petition by Amigos Bravos for Determination that Storm Water Discharges in Los Alamos County Contribute to Water Quality Standards Violations and Require a Clean Water Act Permit

Dear Governor Lujan Grisham:

The Buckman Direct Diversion (BDD) Board expresses its appreciation for your administration's recent change in position on the requirement of a Municipal Separate Storm Sewer System (MS4) permit for Los Alamos County as shown in the letter from NMED Secretary Kenney to Ken McQueen, EPA Region 6 Administrator.

As you know, the BDD relies on surface water from the Rio Grande for its source of supply and treats that water to drinking water standards for delivery to the Santa Fe regional water customers. Physically, the BDD Project is located at the end of Buckman Road on the Rio Grande below Otowi gage and is downstream of much of Los Alamos County.

Due to its location, the BDD has unique concerns regarding the water quality of the Rio Grande and its tributaries, including those from the Pajarito Plateau in Los Alamos County. We are particularly concerned about the potential contribution of contaminants from urban stormwater runoff from Los Alamos County that may reach the Rio Grande.

The BDD supports the Amigos Bravos petition for MS4 permitting for Los Alamos County and appreciates that NMED has changed its position on this matter to show state-level leadership in the regulation of stormwater and its commitment to working to improve surface water quality in the State of New Mexico.

We encourage NMED to also explore other options for advocating for a determination from the EPA and issuance of the permit, including taking formal action in the recently-commenced litigation between Amigos Bravos and the EPA, under caption of *Amigos Bravos v. United States Environmental Protection Agency, et al.*, Case No. 1:19-CV-00852-SCY-JHR.

Again, we appreciate the recent change in position of NMED and its support in seeking to protect the surface water of the Rio Grande and its tributaries from contaminants in the stormwater runoff from Los Alamos County. We look forward to working with the State as a partner in protecting the water quality of the Rio Grande that is so critical for the operation of the BDD, as we continue to deliver reliable and safe drinking water to our customers.





Sincerely,

Anna Hamilton
BDD Board Chairperson Buckman Direct
Diversion Board





October 30, 2019

James Kenney Secretary
New Mexico Environment Department Harold Runnels
Building
1190 Saint Francis Drive, PO Box 5469 Santa Fe, NM
87502-5469

Re: Petition by Amigos Bravos for Determination that Storm Water Discharges in Los Alamos County Contribute to Water Quality Standards Violations and Require a Clean Water Act Permit

Dear Secretary Kenney:

The Buckman Direct Diversion (BDD) Board expresses its appreciation for your recent letter to Ken McQueen, USEPA Region 6 Administrator, expressing the New Mexico Environment Department's support for the proposed MS4 designation for Los Alamos County. As you know the BDD relies on surface water from the Rio Grande for its source of supply, treating it to drinking water standards for delivery to the Santa Fe regional water customers. Physically, the BDD Project is located at the end of Buckman Road on the Rio Grande below Otowi gage, and is downstream of much of Los Alamos County. Due to its location, the BDD has unique concerns regarding the water quality of the Rio Grande, runoff coming from the Pajarito Plateau in Los Alamos County, and the potential contribution of contaminants from urban stormwater runoff from Los Alamos County that may reach the Rio Grande.

The BDD Board supports the Amigos Bravos petition for MS4 permitting for Los Alamos County, and applauds NMED for its leadership by changing its position with respect to the regulation of stormwater at Los Alamos, and for showing its commitment to working to improve surface water quality in the State of New Mexico.

We encourage NMED to also explore other options for advocating for a determination from the EPA and issuance of the permit, including taking formal action in the recently-commenced litigation between Amigos Bravos and the EPA, under caption of *Amigos Bravos v. United States Environmental Protection Agency, et al.*, Case No. 1:19-CV-00852-SCY-JHR.

Again, we appreciate the change in position of NMED on this important issue, and look forward to working with NMED as a partner in protecting the water quality of the Rio Grande.

Sincerely,

Anna Hamilton
BDD Board Chairperson Buckman Direct
Diversion Board

