RECLAMATION

Managing Water in the West

Joint Biological Assessment

Bureau of Reclamation and Non-Federal Water Management and Maintenance Activities on the Middle Rio Grande, New Mexico

Part I – Water Management

Middle Rio Grande Project, New Mexico
Upper Colorado Region

U.S. Department of the Interior
Bureau of Reclamation

July 2012

Mission Statements

The U.S. Department of the Interior protects America's natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Middle Rio Grande Project, New Mexico
Upper Colorado Region

Submitted to the U.S. Fish and Wildlife Service

Rio Grande Silvery Minnow	**Southwestern Willow Flycatcher**
Pecos Sunflower	**Interior Least Tern**

U.S. Department of the Interior
Bureau of Reclamation

July 2012

Acronyms and Abbreviations

ABCWUA	Albuquerque Bernalillo County Water Utility Authority
ABQ SSWRP	Albuquerque South Side Water Reclamation Plant
AF	acre-feet
AFY	acre-feet per year
AM	adaptive management
AMAFCA	Albuquerque Metropolitan Arroyo Flood Control Authority
Annual Operating Plan	Middle Rio Grande Annual Operating Plan
BA	biological assessment
Basin	Rio Grande Basin
BDA	Bosque del Apache
BIA	Bureau of Indian Affairs
BiOp	biological opinion
Buckman Project	Buckman Direct Diversion Project
Bylaws	Collaborative Program's bylaws
CFR	Code of Federal Regulations
cfs	cubic feet per second
cm	centimeter
cm/sec	centimeter per second
Coalition	Coalition of the Six MRG Pueblos
Collaborative Program	Middle Rio Grande Endangered Species Collaborative Program
Compact	Rio Grande Compact
Corps	U.S. Army Corps of Engineers
CPUE	catch per unit effort
CWA	Conservation Water Agreement
Diversion Dams	Angostura, Isleta, and San Acacia Diversion Dams
DO	dissolved oxygen
EBID	Elephant Butte Irrigation District
EDWA	Emergency Drought Water Agreement

EPA	Environmental Protection Agency
EP#1	El Paso County Water Improvement District No. 1
ESA	Endangered Species Act.
FR	Federal Register
GIS	geographic information system
gpcd	gallons per capita per day
ha	hectare
Heron	Heron Dam and Reservoir
in.	inch
ISC	Interstate Stream Commission
JyS Plan	2003 Jemez y Sangre Regional Water Plan
km	kilometer
LFCC	Low Flow Conveyance Channel
LIDAR	Light Detection and Ranging
LJAA	La Joya Acequia Association
LTP	Long-Term Plan
m	meter
m^2	square meters
mi	mile
mg/L	milligrams per liter
mm	millimeter
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MRG	Middle Rio Grande
MRGAA	Middle Rio Grande Administrative Area
MRGCD	Middle Rio Grande Conservancy District
MRGESCP	Middle Rio Grande Endangered Species Collaborative Program
MRG Plan	Middle Rio Grande Regional Water Plan
MRG Project	Middle Rio Grande Project
NEPA	National Environmental Policy Act
NMDGF	New Mexico Department of Game and Fish

NMISC	New Mexico Interstate Stream Commission
NMOSE	New Mexico Office of the State Engineer
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NWR	National Wildlife Refuge
O&M	operation and maintenance
OM&B	operation, maintenance, and betterment
PCE	primary constituent elements
PDO	Pacific Decadal Oscillation
PHVA workgroup	Population and Habitat Viability Assessment/Hydrology workgroup
PIT	passive integrated transponder
Program	Reclamation's Supplemental Water Program
Project	Middle Rio Grande Project
Pueblos	Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta Pueblos (the Six MRG Pueblos)
PVA	Population Viability Analysis
RIP	Middle Rio Grande Recovery Implementation Program (Formal title to remain MRGESCP, but an alias containing "Recovery Implementation Program" will be developed by the Executive Committee)
RGSM	Rio Grande silvery minnow
RM	river mile
RPA	Reasonable and Prudent Alternative
RPM	reasonable and prudent measures
RR	Rio Rancho
Secretary	Secretary of the Interior
Service	U.S. Fish and Wildlife Service
SJC Project	San Juan Chama Project
Stat.	Statute
SS Plan	Soccoro-Sierra Regional Water Plan
SWFL	Southwestern willow flycatcher

TNC	The Nature Conservancy
URGWOM	Upper Rio Grande Water Operations Model
U.S.	United States
USGS	United States Geological Survey
WDFW	Washington Department of Fish and Wildlife
WWTP	waste water treatment plant
1928 Act	Act of March 13, 1928 (45 Statute 312)
1935 Act	Act of 1935, 49 Statute 887
1981 Agreement	Agreement: Procedures for the Storage and Release of Indian Water Entitlement of the Six Middle Rio Grande Pueblos, approved by the Secretary of the Interior, December 28, 1981
2003 BiOp	March 17, 2003, Biological Opinion
°C	degree Celsius
°F	degree Fahrenheit
>	greater than
<	less than
%	percent
§	section

Executive Summary

This biological assessment (BA) includes the Bureau of Reclamation's (Reclamation) and the Middle Rio Grande Conservancy District's (MRGCD) water management actions taken in the Middle Rio Grande (MRG) from Velarde to Elephant Butte Reservoir Pool and in the Rio Chama, as well as associated maintenance actions to maintain water delivery and protect infrastructure. These maintenance actions also include the cooperative actions of Reclamation and the Interstate Stream Commission. The BA includes, as the conservation measure, the offsetting actions taken by participants of the Middle Rio Grande Endangered Species Collaborative Program (Collaborative Program)/Recovery Implementation Program (RIP), known collectively as "Collaborative Program/RIP." The analysis for this BA is divided into two parts. The water management portion (Part I) is intended to cover specifically described actions that Reclamation and the MRGCD carry out. The maintenance portion (Part II) is designed to be a programmatic description of Reclamation's River Maintenance Program, as well as a description of specific maintenance actions on riverside drains in conjunction with the Interstate Stream Commission (ISC) and MRGCD maintenance actions on diversion structures and riverside delivery systems.

This BA also initiates the Endangered Species Act (ESA) Section 7 compliance process associated with the Collaborative Program/RIP. It is intended that compliance with the contemplated biological opinions (BiOp[s]) associated with this BA and an anticipated supplement describing the proposed actions for the State of New Mexico (ISC and the Office of the State Engineer) and other non-Federal, non-pueblo actions, in combination with the U.S. Army Corps of Engineer's BA, will convey ESA coverage for those actions, including the aforementioned Collaborative Program/RIP conservation measure.

Three species are fully considered in the BA analysis: Rio Grande silvery minnow, Southwestern willow flycatcher, and Pecos sunflower. Least tern are considered "vagrant" within the MRG, likely would not be affected by the actions, and are not analyzed in this BA. The approach to this consultation differs in several ways from the approach of the 2003 consultation, which resulted in the March 17, 2003, Biological Opinion (2003 BiOp). In the 2003 consultation, Reclamation and the U.S. Army Corps of Engineers (Corps) prepared a joint BA, which used a total river depletions-based analysis that looked only at the amount of water reaching the species and critical habitat. It did not examine each action taken, the effect of discrete actions, or the extent of discretion exercised by each entity.

For this BA, Reclamation set out more specifically to identify and describe each of its actions, the actions of non-Federal members of the Collaborative

Program/RIP, and the nature and extent of discretion attendant with each action. Reclamation parsed its discretionary actions related to the Middle Rio Grande Project (MRG Project) from the actions within MRGCD's authority. Reclamation determined that it does not have the discretion to operate the MRG Project diversion structures for several reasons, including that Reclamation does not and has never held any interest in the right to divert water for lands within the MRGCD.

The action area for this BA includes Heron Reservoir and Willow Creek downstream from Heron Dam, the Rio Chama downstream from the confluence with Willow Creek, and in the Rio Grande from Velarde, New Mexico, downstream to San Marcial above the full reservoir pool of Elephant Butte Reservoir. Reclamation and MRGCD have no actions that are considered in this analysis upstream of Velarde. Similarly the River Maintenance that occurs between Elephant Butte Dam and Caballo Reservoir was not included in the analysis. The scope of River Maintenance activities within this reach is not consistent with activities that occur within the Middle Rio Grande and occur under a different authority. Additionally, no endangered species currently are present in this reach.

This BA evaluates the effects of the following water management actions and conservation measures for both Reclamation and MRGCD:

1. Reclamation proposes the following water management actions:
    a. Operation of Heron Dam and Reservoir as part of the San Juan - Chama Project to deliver water to downstream users.
    b. Operation of El Vado Dam and Reservoir to store and release water, including response to requests by MRGCD.
2. MRGCD proposes the following water management actions:
    a. Operation of the MRG Project Diversion Dams to deliver water to meet the agricultural demand of lands with appurtenant water rights, including the lands of the Six MRG Pueblos.[1]
    b. Operation of irrigation drains and wasteways to return water to the river.
3. Reclamation and MRGCD propose the following maintenance activities:
    a. Reclamation proposes a programmatic strategy for River Maintenance activities that will provide efficient water delivery and protect infrastructure along the Middle Rio Grande.

[1] Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta Pueblos (the Six MRG Pueblos or Pueblos).

b. Reclamation proposes maintenance activities for the Low Flow Conveyance Channel and former State Drains in coordination with ISC.

c. MRGCD proposes maintenance activities for their diversion dams and riverside delivery systems.

4. The proposed conservation measure to offset any adverse impacts caused by the above actions is the Collaborative Program/RIP and the actions contained in the Action Plan, Long-Term Plan, and annual work plan. Specific conservation measures that have been developed and are offered by Reclamation and MRGCD and described in the BA are as follows:

   a. Reclamation's conservation measures:

      i. The Supplemental Water Program.

      ii. Adaptive management.

      iii. Environmental water operations.

   b. MRGCD's conservation measures:

      i. Commitment to provide resources necessary for ESA compliance
      ii. Enhanced coordination.
      iii. Changes in operation to support instream habitat and flow management.
      iv. Changes in operation to support spring peak flows.

The status of the silvery minnow and flycatcher has been variable in the last decade since the initiation of the 2003 BiOp. Silvery minnow abundance was at its lowest recorded levels in 2003 and highest in 2005. The silvery minnow abundance has decreased from 2005 levels in recent years. This is likely due to a series of low runoff years. Flycatcher abundance also increased due to the dense vegetation that established from several years of overbank inundation. Pecos sunflower are actively managed on the La Joya State Wildlife Area (SWA) and also were planted at a new location. The Pecos sunflower population appears to be stable to increasing within the MRG. The population variation for silvery minnow and flycatcher is mainly driven by high flow events, while the main portion of the Pecos sunflower population on La Joya SWA is influenced by management activities that provide water through the irrigation system. The RIP will use guidance from the Adaptive Management Plan Version 1 and adaptive management experience of this and other programs to develop a formal Adaptive Management Plan. The RIP will identify specific management activities, monitoring, and research that will be used to evaluate and improve management decisions and will identify the decisionmaking framework for flexible water management and nonflow-related activities that provide for meeting the RIP goals.

The overall effect of the Proposed Action will decrease the amount of water within the MRG during the irrigation season, which is likely to adversely affect all species. Maintenance activities all have short-term direct negative effects to species and their habitat, although long-term (indirect) effects are mixed and dependant on the actions. Conservation measures have been developed to attempt to mitigate these effects, especially by adding additional water to the river during low flow periods as well as the deviation program developed by the Corps to enhance high flow events. Other conservation actions will be more fully developed in the RIP.

The RIP is intended to identify and implement actions that assist in the recovery of the species and provide compliance with Sections 7 and 9 of the ESA for water development and water management activities in the MRG. For the purposes of the RIP and Section 7 consultations, it is assumed that:

1. The RIP will produce a list of actions that can be implemented to assist in the recovery of the species.
2. The funding will be available to implement these actions.
3. Participants will take appropriate steps to implement those actions.
4. Actions will be implemented in accordance with the developed schedule.

The U.S. Fish and Wildlife Service will determine if progress toward recovery has been sufficient for the Program to serve as a reasonable and prudent alternative or measure.

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1. Introduction

1.1 Biological Assessment Content and Scope

Section 7(a) (2) of the Endangered Species Act (ESA) requires Federal agencies to consult with the U.S. Fish and Wildlife Service (Service) over any discretionary actions that the agency authorizes, funds, or carries out, which may jeopardize a listed species or adversely modify its critical habitat. The Bureau of Reclamation (Reclamation), along with the other non-Federal members of the Middle Rio Grande Endangered Species Collaborative Program (Collaborative Program)/Recovery Implementation Program (RIP) (known collectively as "Collaborative Program/RIP"), are initiating a new consultation for those water management actions undertaken in and affecting the Middle Rio Grande (MRG) that may implicate ESA requirements.

This joint biological assessment (BA) analyzes water management effects on listed species in the project area: the Rio Grande silvery minnow (*Hybognathus amarus*; silvery minnow), the Southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher), the Pecos sunflower (*Helianthus paradoxus*, sunflower), and the interior least tern (*Sternula antillarum athalassos*, tern). The bald eagle (*Haliaeetus leucocephalus*) was removed from the Federal list of threatened and endangered species in August 2007 and is, therefore, not considered in this BA. There is no requirement to discuss de-listed species in an ESA consultation; however, activities conducted in the course of water management will be carried out in accordance with the Bald Eagle Protection Act and the Migratory Bird Treaty Act.

Reclamation and its non-Federal partners also are consulting on the programmatic aspects of maintenance activities as a separate component of this ESA, Section 7(a) (2), process.

The approach to this consultation differs in several ways from the approach of the 2003 consultation, which resulted in the March 17, 2003, Biological Opinion[2] (2003 BiOp). In the 2003 consultation, Reclamation and the U.S. Army Corps of Engineers (Corps) prepared a joint BA, which used a total river depletions-based analysis that looked only at the amount of water not reaching the species and critical habitat. It did not examine each action taken, the effect of discrete actions, or the extent of discretion exercised by each entity. As a result of this

[2] *2003 Biological and Conference Opinions on the Effects of Actions Associated with the Programmatic Biological Assessment of Bureau of Reclamation's Water and River Maintenance Operations ,U.S. Army Corps of Engineer's Flood Control Operation, and Related Non-Federal Actions in the Middle Rio Grande, New Mexico.*

undifferentiated view of depletions, incidental take coverage was extended to most Federal and non-Federal MRG activities without evaluating the individual impacts associated with those activities.

At the time of the previous MRG consultation, the scope of Federal discretionary authority was uncertain, pending a decision from the Tenth Circuit Court of Appeals in *Rio Grande Silvery Minnow* v. *Bureau of Reclamation*. The 2003 Biological Assessment proposed several measures that the Federal agencies (Reclamation and the Corps) could take to avoid jeopardy to the silvery minnow, depending on the court's determination. Then, in December 2003, Congress enacted a rider to the 2004 Energy and Water Development Appropriations Act, which placed San Juan Chama Project (SJC Project) water beyond Reclamation's discretionary reach. Additionally, in 2010, the Tenth Circuit Court ordered that all prior rulings of the district court regarding the litigation be vacated, which included all of the lower courts' holdings regarding the scope of Reclamation's discretionary authority (601 F.3d 1096). In its opinion, the Tenth Circuit Court stated that the 2003 consultation was based on the "effects of total river depletions on listed species, without identifying particular aspects of the overall actions as 'discretionary or nondiscretionary'" and further found this approach to be incorrect.

To comply with the opinion of the 10th Circuit Court and to more fully meet the requirements of Section 7(a) (2) of the Endangered Species Act, for this BA Reclamation set out to more specifically identify and describe each of its actions, the actions of non-Federal members of the Collaborative Program/RIP, and the nature and extent of discretion attendant with each action. Reclamation parsed its discretionary actions related to the Middle Rio Grande Project (MRG Project, Project) from the actions within the Middle Rio Grande Conservancy District's (MRGCD's) authority. Reclamation determined that it does not have the discretion to operate the MRG Project diversion structures for several reasons, including that Reclamation does not and has never held any interest in the right to divert water for lands within the MRGCD.

Additionally, this BA involves the commitment of all members of the Collaborative Program/RIP to carry out specific activities identified in the RIP Action Plan/Long-Term Plan as a conservation measure to help offset adverse effects of Federal and non-Federal actions. The conservation measure also will incorporate a RIP Program document, the adaptive management planning framework and the necessary agreements from each of the entities whose activities impact the MRG.

1.2 Projects Not Included in the Biological Assessment

Two projects, located along the Rio Grande to the north and south of the Middle Rio Grande Project, are outside of the action area and will not be considered in this BA. These are the San Luis Valley Project, which is located in Colorado and includes the Closed Basin Division and the Conejos Division, and the Rio Grande Project, which is located in southern New Mexico and west Texas.

The San Luis Valley Project, Closed Basin Division, located near Alamosa, Colorado, uses wells to salvage ground water from high water table conditions to assist Colorado in meeting its Rio Grande Compact (Compact) delivery requirements and the requirements of the 1906 Treaty between the United States and Mexico, to stabilize water levels in San Luis Lake and to provide mitigation water for the Alamosa Wildlife Refuge and the Blanca Wildlife Habitat Area. Flows delivered to the Rio Grande from the Closed Basin Division are part of the overall water supply available to Colorado, allowing Colorado to consume a like amount of water at a point upstream in the basin.

The San Luis Valley Project, Conejos Division, located in south-central Colorado, includes the Platoro Dam and Reservoir, which is operated for flood control and storage for irrigation, benefitting about 10,000 people on farms and six villages in the Conejos River area. The Conejos Division is a component of Colorado's Compact accounting and State line deliveries, and any changes in diversions simply would allow Colorado to minimize the accrual of debits or credits.

The Rio Grande Project, authorized by the United States Congress on February 25, 1905, extends from Elephant Butte Reservoir (New Mexico) to Ft. Quitman, Texas, and stores water for delivery to the Elephant Butte Irrigation District (EBID) in New Mexico, the El Paso County Water Improvement District No. 1 (EP#1) in Texas, and Mexico. Irrigation release rates and times are determined by Mexico, EP#1, and EBID and are calculated to meet daily irrigation demands. Reclamation manages water storage in Elephant Butte and Caballo Reservoirs in a manner that minimizes evaporation and maximizes the irrigation function of the Rio Grande Project. The total amount of water in storage in the Rio Grande Project is the result of inflows dictated by Compact guidelines for New Mexico and Colorado. The needs of irrigators and irrigation delivery orders are nondiscretionary. Reclamation cannot restrict or increase releases to affect Article VII restrictions on upstream States. The only discretionary measure in Reclamation's operational criteria not based upon irrigation delivery orders is when water is evacuated via a prerelease of storage water from Elephant Butte Reservoir to maintain space available for flood control purposes. Reclamation also has discretion to store SJC Project water in Elephant Butte Reservoir. Reclamation intends to reinitiate ESA Section 7 consultation specifically on Rio Grande Project operations in the near future.

The Temporary Channel into Elephant Butte Reservoir, established to facilitate the water delivery to the Rio Grande Project and largely contained within the Rio Grande Project area, has been and will continue to be consulted upon separately as part of the aforementioned Rio Grande Project consultation; therefore, it will not be considered in this BA.

1.3 Reclamation's Tribal Trust Responsibility and ESA Compliance

The United States Government has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian tribes by treaties, statutes, and Executive orders. Reclamation shares this responsibility and carries out its activities to protect trust assets and to avoid adverse impacts to tribes when possible. Consistent with the June 7, 1997, Secretarial Order on "American Indian Tribal Rights, Federal-Tribal Trust Responsibility, and the Endangered Species Act" (Secretarial Order No. 3206), the Bureau of Indian Affairs (BIA) has the primary responsibility for carrying out the Federal responsibility to administer tribal trust property and represent tribal interests during formal Section 7 consultation under the ESA. Reclamation implements its ESA responsibilities to respect the exercise of tribal sovereignty over the management of Indian lands and tribal trust resources.

The federally recognized Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta Pueblos (the Six MRG Pueblos or Pueblos), as well as the San Ildefonso, Ohkay Owingeh, and Santa Clara Pueblos, exist within the action area of this BA. The interests of other federally recognized pueblos or tribes may also be affected. Reclamation is aware that the Indian pueblos and tribes do not concede that the ESA applies to their actions. Nonetheless, through this BA process, Reclamation has initiated government-to-government consultations with all pueblos and tribes in the action area or that may be affected by the actions to provide each with an opportunity to voice its comments and concerns. Reclamation has endeavored to address each pueblo's comments and concerns to date in this BA.

1.3.1 Indian Water Rights Settlements

Recently, several long standing water rights adjudications involving Indian claims to water rights in the Rio Grande Basin (Basin) have reached settlement. This BA does not include the actions or impacts related to the Indian water right settlements described below, since they will be included in separate consultations.

The Aamodt Adjudication is a complex, long-running adjudication of water rights in the Nambe-Pojoaque-Tesuque watershed north of Santa Fe. It has been the leading litigation to establish the nature and extent of pueblo Indian water rights.

It began in the 1960s and has involved numerous lawsuits and appeals. In 2000, after a series of court rulings, settlement discussions began in earnest. A settlement has been reached that involves a large water development project. On December 8, 2010, Congress signed the Claims Resolution Act of 2010 (Public Law 111-291) into law. Title VI of that Act authorizes the Aamodt Litigation Settlement and allocates major Federal funding to implement the regional water system project.

The other recent settlement involved the adjudications of the Rio Pueblo de Taos and Rio Hondo stream systems, which were filed in Federal court in 1969. The cases were consolidated and are now often referred to as simply *Abeyta*. In 2006, a settlement was reached among the Taos Pueblo, the State of New Mexico, the Taos Valley Acequia Association, the Town of Taos, El Prado Water and Sanitation District, and the 12 Taos-area Mutual Domestic Water Consumer Associations regarding the pueblos' and non-Indian water rights. In Title V of the Claims Resolution Act of 2010, Congress authorized the Taos Pueblo Indian Water Rights Settlement and appropriated significant funding towards its implementation.

For the Aamodt Settlement, Reclamation will contract for 1,079 acre-feet per year (AFY) of SJC Project water for use by the San Ildefonso, Pojoaque, Nambe, and Tesuque Pueblos. This water is intended, in part, to compensate the pueblos for agreeing to not fully exercise their right to call priority within the Rio Grande Basin. This water may not be physically exported out of the Basin. For the Abeyta Settlement, Reclamation will contract for 2,621 AFY of SJC Project water to the Taos Pueblo (2,215 AFY) and to the other settlement parties (406 AFY).

Like the claims of other non-Indian water users in the basin, the claims of other tribes that assert rights to water in the Rio Grande Basin, including the Six MRG Pueblos, are not yet quantified, are not in adjudication, and are not in settlement negotiations. The Federal Indian water rights of these pueblos and tribes are not:

1. Impaired by the Rio Grande Compact of 1938 (53 Statute [Stat.] 785).
2. Subject to State law restrictions.
3. Administered by the State of New Mexico.

Reclamation recognizes that who depletes and the amount they deplete based on these unquantified and unadjudicated rights may vary from year to year and in the future. Consequently, Reclamation and the non-Federal water users assume the risk that the future development of senior water rights, including Indian pueblo and tribal water rights, may result in shortages of water to junior users.

1.4 The Middle Rio Grande Endangered Species Collaborative Program/RIP

In April 2002, Reclamation together with Corps, the State of New Mexico, Pueblos, and other parties executed a Memorandum of Understanding (MOU) to establish the Collaborative Program. In 2008, Congress directed the Secretary of the Interior (Secretary) to establish an Executive Committee for the Collaborative Program consistent with the Collaborative Program's bylaws (Bylaws) (110 Public Law 161), subsequently a new Memorandum of Agreement (MOA) was signed by the parties. The Bylaws cite Section 4(f)(2) of the ESA as authority for the Collaborative Program: the Secretary is directed to develop and implement plans for the conservation of endangered species, and the Secretary may enlist the services of public and private agencies, individuals, and institutions in developing and implementing such recovery plans.

In 2009, the Collaborative Program Executive Committee directed the transition of the Collaborative Program to a Recovery Implementation Program to enhance the focus on recovery activities and serve as an ESA compliance vehicle. A new RIP Action Plan/Long-Term Plan will be the mechanism for advancing the Collaborative Program based on the framework of the silvery minnow and flycatcher recovery plans.

The goals of the RIP are to:

1. Alleviate jeopardy to the listed species in the RIP area.
    - Avoid actions that preclude survival or recovery of the listed species.
    - Continually identify the critical scientific questions and uncertainties that will be addressed through adaptive management (AM) in support of a hydrologically and biologically sustainable MRG water operations BiOp
2. Conserve and contribute to the recovery of the listed species within the constraints of the RIP.
    - Stabilize existing populations through ongoing and future management activities.
    - Support the development of self-sustaining populations.
3. Protect existing and future water uses.
    - Provide a mechanism for ESA compliance for identified Federal actions and ongoing non-Federal water-related actions that do not create additional net depletions to the MRG

- Provide a process for streamlined Section 7 consultation for future water uses needing compliance with the ESA

4. Be transparent to stakeholders, the public, and other interested parties

The Collaborative Program signatories intend that the RIP be implemented, following its evaluation during the programmatic ESA Section 7 consultation on water operations and maintenance activities in the MRG, to avoid jeopardy to the listed species, to avoid adverse modification of their designated critical habitats, and to contribute to their conservation and ultimate recovery. It is anticipated that implementation of this RIP will be identified in the new BiOp and any subsequent opinions to offset the effects of the proposed actions described in chapter 3 for ESA compliance. The RIP Action Plan includes activities of the Long-Term Plan inventory for which there is commitment from the responsible entities and is based on recovery actions of the silvery minnow and flycatcher recovery plans. Through implementation of the RIP Action Plan, linkages to recovery actions are expected to achieve progress toward recovery of the species. The Collaborative Program/RIP anticipates using extensively a formal adaptive management process.

There is currently disagreement within the Collaborative Program/RIP on many of the aspects of silvery minnow life history and monitoring techniques and interpretation of associated scientific information. The biological information presented throughout this BA represents a summary of the multitude of information available and an analysis of effects on the listed species using this information based on the professional conclusions of Reclamation technical personnel. The analysis presented is not intended to be a population viability level analysis. The Collaborative Program/RIP is currently working on the development of two independent Population Viability Analysis/Biology (PVA) models that will aid the Service in their analysis of effects for the new BiOP.

1.5 Consultation and Litigation History

Reclamation has completed numerous ESA consultations since 1996, including individual and joint consultations with the Corps for Federal water operations on the MRG. From 1996–99, Reclamation and the Corps consulted informally on their water operations and river maintenance activities in the MRG. In May 1998, Reclamation and the Corps submitted to the Service a joint Programmatic BA addressing both agencies' water management actions.

In November 1999, environmental groups collectively filed suit *Rio Grande Silvery Minnow* v. *Keys, et al.*, CIV 99-1320-JP/KBM, against Reclamation and the Corps for alleged ESA and National Environmental Policy Act (NEPA) violations. The plaintiffs identified the central issue as the scope of discretionary

authority that Reclamation and the Corps have over the MRG and SJC Projects' water deliveries and river operations.

Reclamation and the Corps resubmitted a joint BA June 2001, resulting in a BiOp covering actions during the period June 2001 through December 2003.

> "Completion of consultation resulted in the issuance of a Biological Opinion (BiOp) by the FWS in June of 2001, which was subsequently challenged by the plaintiffs. They sought to require that the BOR exercise discretion to utilize San Juan-Chama water from Heron Reservoir and curtail deliveries of water to the San Juan-Chama contractors to meet the minimum flows required for the minnow. They also sought curtailment of native Rio Grande water deliveries to irrigators, primarily in the MRGCD. The Federal district court ruled in April 2002,[3] upholding the 2001 BiOp but also holding that the Reclamation had discretion over use of both the SJC Project and native water in the MRG Project for ESA purposes while the Corps did not have such discretion over its operations." (Kelly, 2011)

In June 2002, Reclamation predicted it would not be able to meet the 2001 BiOp flow requirements due to extreme drought.

> "Environmental plaintiffs filed for emergency injunctive relief to seek release of a limited amount of SJC water from Heron Reservoir in order to comply with the June 29, 2001, BiOp and avoid massive drying in the Middle Rio Grande. A hearing was held immediately and the court subsequently ruled in favor of the plaintiffs that the September 2002 BiOp was arbitrary and capricious. However, the Court imposed its own interim flow standards, allowing the U.S. to meet lower flow levels than those required by the 2001 BiOp. The Court directed Reclamation to take SJC water from the contractors if necessary…The ruling on the injunctive relief was immediately appealed to the Tenth Circuit Court of Appeals by the Federal defendants and interveners, which stayed the ruling pending the appeal. Oral arguments were heard in January 2003 before a three-judge panel, which affirmed the district court's ruling in June 2003.[4] The Federal defendants and interveners petitioned for rehearing *en banc*." (Kelly 2011).

Meanwhile, in August 2002, Reclamation and the Corps re-initiated Section 7 consultation to address proposed water management through December 2002; and in September 2002, the Service issued a new "jeopardy" biological opinion with

[3] *Rio Grande Silvery Minnow* v. *Keys, et al.*, CIV 99-1320-JP/KBM, April 2002, Memorandum Opinion and Order.

[4] *Rio Grande Silvery Minnow* v. *Keys*, 333 F.3d 1109 (10th Circuit Court, 2003).

no Reasonable and Prudent Alternative (RPA). Late season rains enabled Reclamation to maintain operations consistent with the June 2001 BiOp, including the incidental take statement and, therefore, the June 2001 BiOp remained in effect.

In February 2003, Reclamation and the Corps jointly re-initiated consultation with the Service; and, subsequently, a BiOp was issued in March 2003 covering continued operations through February 2013. In 2004, Congress enacted legislation that limited Reclamation's discretion to use San Juan Chama project water for ESA purposes (Public Law 108-447).

> "In October 2003, the Tenth Circuit requested additional briefing from all parties on the question of whether the case was moot and its June 2003 ruling should be vacated. On January 5, 2004, the Tenth Circuit vacated the panel opinion as moot because the time frame covered by the District Court's 2002 ruling had expired. Furthermore, the New Mexico delegation had introduced, and Congress later enacted, legislation restricting the Federal Government from using San Juan-Chama Project water to meet ESA obligations. The district court was ordered to determine whether there were unresolved issues to be tried.
>
> . . .
> Plaintiffs filed a Motion to Dismiss Remaining Claims without prejudice. The defendants responded that the prior rulings (Memorandum Opinions and Orders of April 19, 2002, and September 23, 2002) should be vacated for mootness and lack of subject matter jurisdiction. Subsequently, on April 26, 2004, plaintiffs withdrew their motion to dismiss. Plaintiffs asked Judge Parker not to vacate his rulings but to incorporate them into a final judgment that could be appealed yet again to the Tenth Circuit should defendants wish to do so.
>
> …
> On November 22, 2005, the Court ruled on the mootness and vacatur issues sent down from the 10th Circuit Court of Appeals from the appeal in 2003. Judge Parker held that, because of the 2003 and 2004 minnow riders, the issue of BOR discretion to reduce water deliveries to the San Juan-Chama Project was moot. However, he ruled that because Congress was silent on the issue of BOR discretion regarding Middle Rio Grande Project waters, this issue remained justiciable." (Kelly, 2011)

The judge ruled that, in future consultations under the ESA, Reclamation must consult with the Service over the full scope of Reclamation's discretion

concerning MRG Project operations. Judge Parker's November rulings were appealed to the 10th Circuit Court of Appeals.

> "On April 21, 2010, the [Tenth Circuit Court of Appeals] ruled that the intervening 2003 Biological Opinion and subsequent minnow riders had mooted the claims of the environmental groups. The court based its mootness ruling on the fact that the environmental groups' claims and relief sought were related to consultation over discretionary aspects of the 2001 and 2002 BiOps. Therefore, even though the Middle Rio Grande Project water was not explicitly mentioned in the minnow riders, the 2003 BiOp had superseded the earlier BiOps, taking away any claim for relief." (Kelly, 2011)

The Court dismissed the appeal, remanded to the district court to vacate its memorandum opinions and orders of 2002 and 2005, and to dismiss the environmental groups' complaint with regard to their scope-of-consultation claim under the ESA.

1.5.1 Early Coordination Efforts

As early as 2006, Reclamation anticipated insufficient supplies of Supplemental Water available to meet environmental needs (Supplemental Water) coupled with hydrologic conditions that will prevent Reclamation from meeting the flow requirements of the 2003 BiOp in the future. Therefore, Reclamation and the Corps began planning for reinitiating Section 7 consultation with the Service.

In 2008, the Collaborative Program's ad hoc workgroup, Population and Habitat Viability Assessment/Hydrology (PHVA workgroup), was created to perform hydrologic analyses and develop water management scenarios for use in this consultation process and for input into the PVA models developed by the PHVA workgroup. The PHVA workgroup began this work by performing an interagency review of potentially hydrologically viable actions that might impact or benefit listed species in the MRG ecosystem. It evaluated available water, operational flexibility, management considerations in key reaches (Angostura, Isleta, and San Acacia Reaches), and biological considerations for the silvery minnow and identified a suite of alternate water management scenarios or strategies for evaluation to meet operational and ESA needs.

Originally, 11 operational scenarios were identified and modeled. Supplemental water needs to meet target flows for the 11 scenarios were identified, and shortages against the projected available Supplemental Water were quantified. Reclamation completed a screening procedure to rank scenarios considering numerous parameters, including the duration and extent of river drying in critical river reaches, May–June flow volumes to promote effective species reproduction, Supplemental Water use requirements, and the ability to bank Supplemental Water for critical situations.

By 2009, the PHVA workgroup had narrowed the suite to five management scenarios that considered the use of available water to support the habitat needs of the silvery minnow while maintaining operational flexibility to adapt to unforeseen circumstances. These five scenarios included:

- **BiOp Targets:** The same operations and flow targets as were specified under the 2003 BiOp
- **Dry-Year Targets:** Use in all years of the flow targets specified in the 2003 BiOp for "dry years"
- **BiOp Targets - No Continuous Flow:** Use of the 2003 BiOp flow targets without the requirement for continuous flows in the winter
- **Angostura-Isleta Management A:** Flow targets in the Angostura Reach (100 cubic feet per section [cfs]at Central Avenue gage at all times) and Isleta Reach (100 cfs at Isleta diversion structure at all times) only
- **Angostura-Isleta Management B:** Flow targets in the Angostura Reach (100 cfs at Central Avenue gage at all times) and Isleta Reach (50 cfs at Isleta diversion structure at all times) only.

From these scenarios, Reclamation implemented a screening process that identified Angostura-Isleta Management B option as the initial preferred option.

The five alternative management scenarios, along with the recommendation from Reclamation, were presented at the April 16, 2009, meeting of the Executive Committee of the Collaborative Program. This information also was presented to the Service at this time, but further evaluation was needed. Therefore, no alternate water management scenarios are presented for consideration or analysis in this BA.

In February 2009, the Corps decided to pursue its own Section 7 consultation and to develop a BA addressing only the Corps' authorized, discretionary flood control operations. Therefore, both agencies are submitting separate BAs addressing their respective operations.

Reclamation has requested, and the Service has tentatively agreed, that the new biological opinion will not have a specified termination date.

1.6 Quiet Title Litigation History

> "In 2002 the MRGCD filed a cross-claim to quiet title to ownership of El Vado Reservoir and the Angostura and San Acacia Diversion Dams and other land and irrigation works within the MRGCD. MRGCD also sought a declaratory judgment interpreting the effect of their 1963 transfer of State Water Rights Permit No. 1690 to the United States. The Federal defendants opposed this claim and environmental plaintiffs sided with the Federal Government on this issue." (Kelly, 2011)

The United States' position in this cross-claim was that the MRGCD conveyed the MRG Project properties to the United States and that these properties remain in the name of the United States until, among other things, Congress authorizes title transfer; additionally, that the repayment contract also stays in effect until such time.

> "On July 25, 2005, the Federal District Court ruled on the cross-claim by MRGCD to quiet title to El Vado Reservoir and other Middle Rio Grande Project works. The District Court ruled the 12-year statute of limitation under the Quiet Title Act had run because MRGCD had been on notice since 1951 that the United States claimed an adverse interest in the properties. The District Court went on to rule that ownership of these properties and certain specific tracts identified in the cross-claim was declared to be in the United States of America. The Court also ruled that Permit No. 1690 must remain in the name of the United States unless Congress authorizes its conveyance to the MRGCD. The MRGCD appealed.
>
> …
> The 10th Circuit Court of Appeals ruled…[i]n March [2010] that the District Court did not clearly err in finding that the MRGCD action to quiet title in El Vado Reservoir and the other properties conveyed to [Reclamation] through the 1951 contract was untimely under the 12-year statute of limitations.[5] The Court adopted the District Court's account of the evidence as plausible, and ruled against MRGCD's argument that because the property may have been conveyed as easements and not in fee simple, that the MRGCD did not have notice of the adverse claim of the United States until 2000. The Court held further that any abandonment of property rights by the United States would have to be explicitly authorized by Congress. However, because timely filing of a quiet title action is what confers jurisdiction on the Court, the lack of

[5] *Rio Grande Silvery Minnow* v. *Bureau of Reclamation*, 599 F.3d 1165 (2010).

> timely filing meant that the District Court did not have jurisdiction to rule on the merits. The 10th Circuit vacated the District Court's judgment on the merits quieting title in the [Reclamation]. Therefore, the title issue remains unresolved." (Kelly, 2011)

For the purpose of this BA, Reclamation acknowledges that the MRGCD disagrees with Reclamation's position regarding title to El Vado, the Cochiti heading, and Angostura, Isleta, and San Acacia Diversion Dams (Diversion Dams), other land and irrigation works within the MRGCD, and New Mexico Office of the State Engineer (NMOSE) Permit No. 1690 for storage in El Vado Reservoir. El Vado was constructed and paid for by MRGCD funds, and MRGCD claims that title to El Vado was never transferred to Reclamation; even if it were, it would have been only as a security interest for repayment of the 1951 Contract. That contract having been paid, the title reverted as a matter of law.

2. Action Area: Overview of Project Components and Water Operations

2.1 Action Area

The project area is the area where Reclamation's and the non-Federal entities' proposed actions occur, while the action area is defined as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action" (50 Code of Federal Regulations [CFR] 402.02). For this BA, the project area and action area are considered to be the same. The action area for this consultation includes Heron Reservoir and Willow Creek downstream from Heron Dam, the Rio Chama downstream from the confluence with Willow Creek, and in the Rio Grande from the Velarde downstream to San Marcial above the full reservoir pool of Elephant Butte Reservoir (figure 1). The lateral extent of the action area generally is defined by the riverside drains and associated levees located to the east and west of the main stem of the river. In situations where levees do not exist on either or both sides, the lateral extents are confined by the historical flood plain (geological constraints, such as terraces and rock outcroppings or anthropogenic constraints, such as irrigation facilities).

The river mile (RM) designations used in this document are those included in the 2002 controlled aerial photography. Caballo Dam is considered RM 0, and mile designations increase in an upstream direction.

2.2 Overview of Project Components

This section provides background on the SJC Project and the MRG Project, which is necessary to identify the nature and limitations of both Reclamation's discretionary actions and non-Federal actions.

2.2.1 The San Juan-Chama Project

Reclamation's SJC Project consists of a transbasin diversion that takes water from the Navajo, Little Navajo, and Blanco Rivers, upper tributaries of the San Juan River (of the Colorado River Basin), for use in the Rio Grande Basin in New Mexico. The firm yield[6] of the SJC Project is 96,200 AFY, which provides Supplemental Water supplies for various communities and irrigation districts.

[6] Firm yield is the amount of water that can be provided by a basin and reservoir system with reasonable certainty each year.

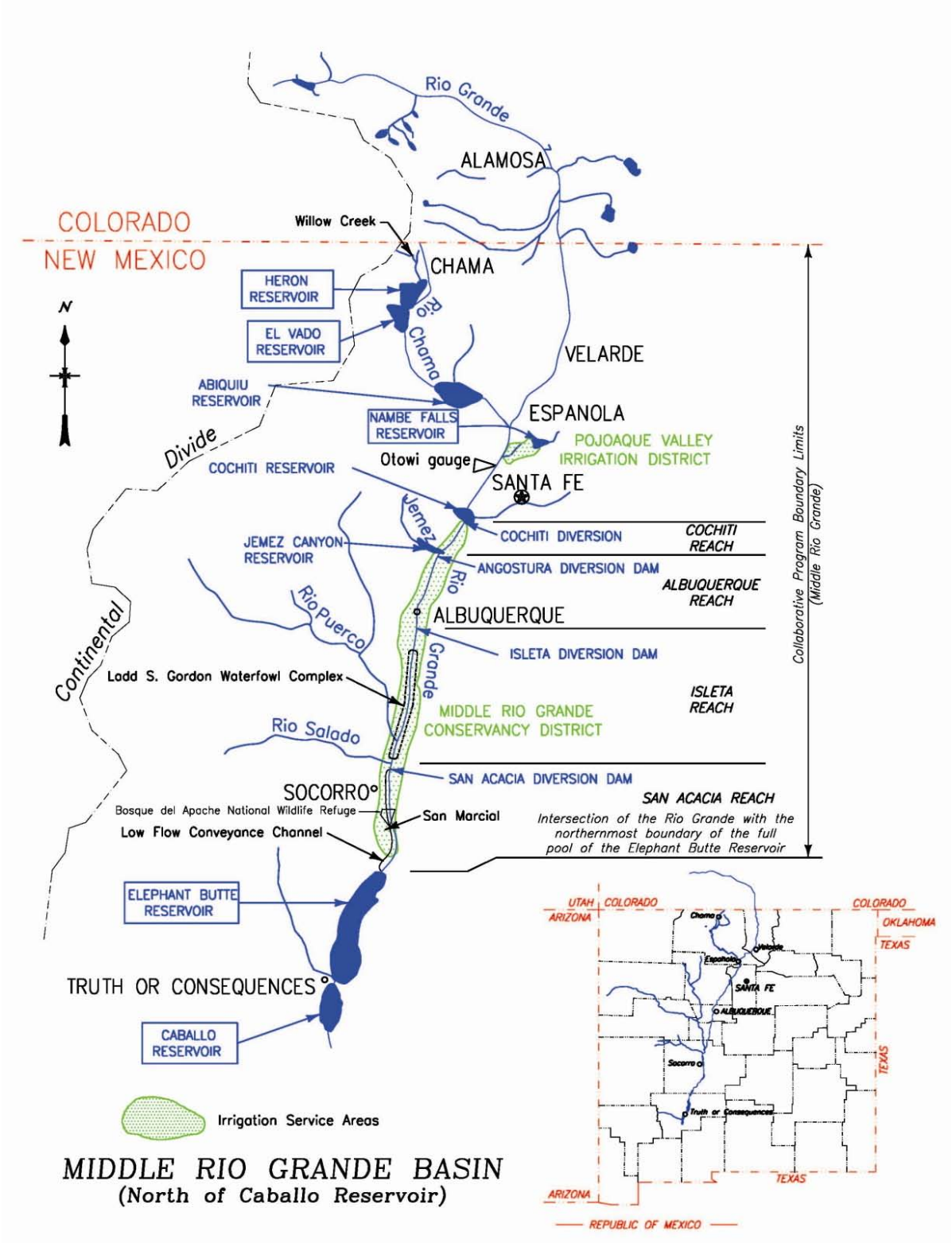

Figure 1. Map of the Rio Grande Basin – major Federal water project facilities.

Reclamation maintains this water in a Project pool at Heron Reservoir; and depending upon the available supply, Reclamation allocates the water to contractors on January 1 of each year. The diversions out of the Colorado River Basin are limited by statute, and the releases from Heron for SJC Project contractors are limited by statute and contract.

This influx of water into the Rio Grande Basin is allowed because Congress authorized the SJC Project in 1962 (Public Law 87-483), which amended the Colorado River Storage Project Act of 1956 (Public Law 84-485) to allow diversion of a portion of New Mexico's allocation of Colorado River Basin water into the Rio Grande Basin of New Mexico. A limit of the SJC Project water is that it must be beneficially consumptively used in New Mexico.

2.2.1.1 Heron Dam and Reservoir

Heron Dam and Reservoir (Heron) on Willow Creek in northern New Mexico was built in the late 1960s and is the principal storage reservoir for SJC Project water from the San Juan River system of the upper Colorado River Basin. Only imported SJC Project water may be stored in Heron Reservoir requiring all native flows to be bypassed; therefore, Rio Grande Compact requirements do not apply. Contractors take possession of the water at the outlet works of Heron Dam upon release and are required to take delivery of their annual allotment by December 31 of the irrigation year, unless a waiver for delivery in the subsequent year is authorized. Carryover storage across multiple years is not currently authorized at Heron Reservoir; therefore, water not used by the required date reverts to the SJC Project pool.

2.2.1.2 Nondiscretionary Duties and the Minnow Rider

Reclamation has discretion over the timing of releases of SJC Project water to the extent that those releases are consistent with the contractors call for water. Reclamation has the following nondiscretionary duties with the respect to Heron Reservoir:

- Meet contract obligations within the SJC Project firm yield to contractors, consistent with calls from contractors regarding timing and volume of releases.
- Maximize storage to yield sufficient water to fulfill contracts in current year and out-years.
- Keep within a safe storage amount of approximately 401,000 acre-feet (AF).

In 2004, Congress enacted legislation that limited Reclamation's discretion to use San Juan Chama Project water for ESA purposes (Public Law 108-447). Section 208(a) of the legislation states that:

> "Reclamation, may not obligate funds… and may not use discretion…to restrict, reduce, or reallocate any water stored in Heron Reservoir or delivered pursuant to SJC Project contracts…to meet the requirements of the Endangered Species Act, unless such water is acquired or otherwise made available from a willing seller or lessor and the use is in compliance with the laws of the State of New Mexico…."

While not challenged directly, the court has already construed the statute as a permanent bar to nonvoluntary use of SJC Project water for ESA purposes, which is a significant restriction in Reclamation's discretion over the use of SJC Project waters.

2.2.2 The Middle Rio Grande Project, Including the MRGCD

The MRG Project is comprised of El Vado Dam and Reservoir on the Rio Chama, and the Diversion Dams, which are used to divert water and deliver it to lands within the MRGCD service area, including lands of the Six MRG Pueblos. Reclamation owns and operates El Vado Dam and Reservoir and owns the Diversion Dams; however, MRGCD operates and maintains the Diversion Dams, as well as the delivery infrastructure and riverside drains and wasteways. Reclamation does not have discretion to operate the diversion of Rio Grande flows through the Diversion Dams because Reclamation does not hold the New Mexico State Engineer permit, which authorizes such diversion of water.

2.2.2.1 The History of the MRG Project

Irrigated agriculture in the MRG dates back to the Pueblos' diverting the waters of the Rio Grande for irrigation purposes. Spanish colonists expanded upon earlier irrigation systems and created a system of Acequia's during the 17th and 18th centuries and irrigated agriculture expanded further during the 19th century. However, during the first half of the 20th century the habitability and agricultural productivity of the Middle Rio Grande Valley declined because of inefficient water delivery, poor drainage, and frequent floods. The MRGCD was formed to address these problems in a comprehensive manner.

In 1923, the New Mexico legislature passed the Conservancy Act (New Mexico [NM] Stat. section [§] 73-14-1 through 73-19-5), which provided the legal framework for the organization and operation of conservancy districts throughout the State. On August 26, 1925, pursuant to that law, New Mexico's District Court approved the organization of the MRGCD, which is a quasi-governmental entity, with established geographic boundaries, a publicly elected Board of Directors, with specific powers and authorities, including the power to make assessments within its boundaries for services. One of its purposes was to rehabilitate existing irrigation systems and to consolidate the river headings of approximately 80 independent Acequia associations into a more efficient and manageable

system. MRGCD originally combined these headings into six locations, later reduced to four diversions off the Rio Grande. In addition, a system of drains and wasteways was created to return unused water back to the Rio Grande, eliminating water logging and alkali problems that had plagued the early Acequia systems.

MRGCD's plan to reclaim land and provide a more stable water supply in the MRG included the construction of drainage and irrigation works, levees for flood control, and El Vado Dam and Reservoir. The geography of the Middle Rio Grande Valley is such that the lands of the Six MRG Pueblos are interspersed between non-Indian lands. Therefore, engineering logistics and the need for rights of way on Pueblo lands required that MRGCD include the Pueblos in its plan to reclaim the valley. Additionally, because the project would benefit those Pueblos, MRGCD sought a contribution of construction costs as well as future operation, maintenance, and betterment works costs from the United States on behalf of the Pueblos.

Congress passed the Act of March 13, 1928 (1928 Act) (45 Stat. 312) to support the Conservancy Project, which included funding for the Pueblos' share of construction costs and obligated the MRGCD to operation, maintenance, and betterment (OM&B) the works for the benefit of Pueblo lands. The 1928 Act divides Pueblo lands into two categories:

1. Lands that were irrigated at the time and were "prior and paramount to any rights of the district."
2. Lands that would be "newly reclaimed" by the Conservancy Project.

The Act obligated the MRGCD to provide future OM&B benefitting the "prior and paramount" lands free of charge, and stated that "newly reclaimed lands shall be recognized as equal to" non-Pueblo lands in the MRGCD, and "protected from discrimination in the division and use of water." Pursuant to the 1928 Act, the BIA and the MRGCD entered into an agreement (the 1928 Agreement) whereby MRGCD agreed to construct works and provide OM&B for the Pueblos. Specifically, MRGCD agreed to provide OM&B to prior and paramount lands free of charge and to newly reclaimed lands for a proportional share of costs. In 1935, Congress enacted legislation ("1935 Act," [49 Stat. 887]), which stated that MRGCD shall treat the Pueblos' newly reclaimed lands the same as other district lands and reiterated that the MRGCD shall OM&B prior and paramount lands without charge.

Beginning in 1930, the MRGCD created drains, levees and diversion dams, consolidated the irrigation network through a system of new main and lateral canals, and built El Vado Dam and Reservoir on the Rio Chama. In 1935, construction was effectively completed; and El Vado Reservoir began operating. However, after construction, MRGCD had difficulty raising tax revenue in the

agricultural valley struggling under the Great Depression. Catastrophic flooding in 1941 and 1942 destroyed the ability of the Rio Grande to efficiently transport water to Elephant Butte Reservoir. Coupled with a series of dry years following the flooding, New Mexico fell into a debit status on its obligation to deliver a portion of Rio Grande water to Texas under the Rio Grande Compact. In 1947, Reclamation and the Corps completed a comprehensive plan intended to improve and stabilize the Rio Grande through the MRG and to facilitate Rio Grande Compact deliveries to Texas. This plan included dams for flood and sediment control, rehabilitation of the Middle Rio Grande Valley's irrigation and drainage system, and extensive river channelization works. Congress authorized the recommended plan in the Flood Control Acts of 1948 and 1950 (Public Law 80-858; Public Law 81-516). Congress authorized the Corps to construct flood control reservoirs and levees for flood protection, authorized Reclamation to undertake the rehabilitation of the Conservancy Project and maintenance of the river channel, and to pay off outstanding MRGCD bond indebtedness.

In exchange for rehabilitating its project and paying its debts, MRGCD entered into a repayment contract with Reclamation in 1951 (1951 Contract), whereby it agreed to convey to the United States title to MRGCD's "works" and its storage permit at El Vado. [7, 8] The 1951 Contract confirmed MRGCD's obligation to OM&B the MRG Project for the Pueblos and authorized Reclamation to eventually relinquish OM&B duties associated with the Diversion Dams to the MRGCD. In the 1970s, Reclamation fulfilled its statutory requirement under Reclamation law to transfer OM&B duties associated with project irrigation works to the owners of the lands irrigated, by transferring OM&B duties associated with the Diversion Dams to the MRGCD.[9] Reclamation exercised its statutorily authorized discretion to retain the OM&B duties associated with storage and release of water at El Vado, but MRGCD became obligated to pay for those services.

[7] Section 6 of the Reclamation Act of 1902 states: "title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress." (32 Stat. 389)

[8] Paragraph 13(e) of the 1951 Contract, obligates the MRGCD to pay OM&B costs associated with the Pueblos' newly reclaimed lands if Congress fails to appropriate sufficient funds to cover the costs.

[9] Section 6 of the Reclamation Act of 1902 (32 Stat. 389) states: "when payments required by this Act are made for the major portions of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of…irrigation works **shall** pass to the owners of the lands irrigated." See the August 24, 2011, Memorandum from the Regional Solicitor, Intermountain Region, to the Regional Director, Bureau of Reclamation, Upper Colorado Region (finding that Acts of Congress subsequent to the 1902 Act have not altered the requirement that irrigation districts take over operation and maintenance of the project's "irrigation works" once the users have made the required payments to Reclamation).

2.2.2.2 El Vado Dam and Reservoir

MRGCD initiated construction of El Vado Dam in 1929 and completed it in 1935. Reclamation operates El Vado Dam and Reservoir pursuant to the 1951 contract with the MRGCD. The total maximum storage of El Vado Reservoir is about 196,000 AF, though sediment and operational restrictions have reduced its effective capacity to about 180,000 AF. El Vado is used to store native Rio Grande and SJC Project water for MRGCD and to store native flows to ensure there is sufficient supplies for the prior and paramount lands of the Six MRG Pueblos pursuant to the "Agreement: Procedures for the Storage and Release of Indian Water Entitlement of the Six Middle Rio Grande Pueblos," approved by the Secretary of the Interior, December 28, 1981, (1981 Agreement) (discussed below). MRGCD is not a party to the 1981 Agreement. When space is available, Reclamation and MRGCD may store SJC Project water in El Vado Reservoir for other users and other purposes. Storage of large volumes of SJC Project water may take place for extended periods of time.

Consistent with Article XVI[10] of the Compact, water is held in El Vado each year regardless of Article VII restrictions, to ensure that water can be provided to meet the demand for the Six MRG Pueblos, which is tracked separately with a daily accounting model and released to specifically meet the demand for the Pueblos. Pursuant to the 1928 Act, the Pueblos have the prior and paramount right to divert Rio Grande natural flow; but due to diversions by others, sufficient natural flow may not always be available to the Pueblos when needed. Consequently, the Secretary of the Interior designates space in El Vado Reservoir to ensure that water is available for prior and paramount lands of the Six MRG Pueblos should the natural flow prove insufficient. This water can be released to meet irrigation demand for prior and paramount lands, as discussed below.

Within El Vado Dam sits a Federal Energy Regulatory Commission-regulated hydroelectric plant that is owned and operated by Los Alamos County. The plant operates as a "run of the river" facility; therefore, releases are not made for the sole purpose of generating power, but power is a byproduct of releases made for MRG Project purposes.

2.2.2.3 The MRGCD Divisions

MRGCD is comprised of four divisions: Cochiti, Albuquerque, Belen and Socorro, serving irrigated lands from Cochiti Dam to the Bosque del Apache National Wildlife Refuge (BDANWR). At the downstream end of the MRGCD, remaining water from the MRGCD system is delivered onto the BDA.

[10] "Nothing in this Compact shall be construed as affecting the obligations of the United States of America to Mexico under existing treaties, or to the Indian Tribes, or as impairing the rights of the Indian Tribes."

2.2.2.3.1 Cochiti Division

MRGCD diversions begin at Cochiti Dam to the Cochiti East Main and Sile Main Canals and deliver water to irrigators on both sides of the Rio Grande. Diversions at the Cochiti Dam serve the Cochiti, Santo Domingo, San Felipe and Santa Ana Pueblos together with the communities of Peña Blanca, Sile, and Algodones.

2.2.2.3.2 Albuquerque Division

Angostura Diversion Dam, a concrete low head fixed weir, diverts water from the Rio Grande to serve the Albuquerque Division of the MRGCD. The Albuquerque Division provides irrigation water for the Sandia, Santa Ana, and Isleta Pueblos and non-Indian irrigators from various communities, including Bernalillo, Corrales, Alameda, Albuquerque, Los Ranchos, and the South Valley area.

2.2.2.3.3 Belen Division

Isleta Diversion Dam diverts water from the Rio Grande to serve the Belen Division of the MRGCD. Isleta Dam is a low-head (4.3-foot) structure comprised of a series of radial gates, which may be lifted entirely from the water if desired, or lowered to whatever position is required to provide the operating head for the intake works. Isleta Diversion Dam is located on Isleta Pueblo. Belen is the largest division in the MRGCD, accounting for nearly 50 percent (%) of irrigated lands. The Belen Division serves Isleta Pueblo, several New Mexico Department of Game and Fish refuges, the Sevilleta National Wildlife Refuge, and irrigators from various communities including Bosque Farms, Peralta, Los Lunas, Tome, Los Chavez, Belen, Casa Colorado, and Las Nutrias.

2.2.2.3.4 Socorro Division

About 55 miles downstream from the Isleta Diversion Dam, the San Acacia Diversion Dam provides water for the Socorro Division of MRGCD. San Acacia Diversion Dam is similar to Isleta Dam, being a series of radial gates across the Rio Grande, though with a larger operating head of approximately 7.5 feet (ft). In addition to San Acacia Dam, the Socorro Division relies substantially on return flows from Belen Division via the Unit 7 Drain. At the southern end of the Socorro Division, two canals and two drains have delivered water onto the BDA, in addition to the Low Flow Conveyance Channel (LFCC).

2.2.2.4 The MRG Project Diversion Dams

MRGCD constructed the Diversion Dams in the 1930s, including the Isleta Diversion Dam, which was constructed on lands belonging to the Isleta Pueblo. Pursuant to the MRG Project authorization, Reclamation rehabilitated Isleta Diversion Dam in 1955, San Acacia Diversion Dam in 1957, and Angostura Diversion Dam in 1958. In 1975, the original Cochiti Diversion Dam was demolished by the Corps during construction of Cochiti Dam and was replaced by intake works for the Sile Canal and Cochiti Main Canals incorporated into the Corps' structure. After completion of Cochiti Dam construction, the Corps

transferred the rebuilt canal headworks to Reclamation. MRGCD currently operates the Diversion Dams as "transferred works" under the 1951 Contract, within the bounds of Federal law, and within the scope of its conferred authority.

The annual quantity of water that the MRGCD has diverted over the last 10 years is as follows:

Total surface water diversion from Rio Grande:		368,610–375,772 AFY
Average surface water diversion from Rio Grande:		371,516 AFY
Cochiti Diversion:	58,623–68,030 AFY	Average: 63,802 AFY (17%)
Angostura Diversion:	77,511–86,692 AFY	Average: 81,833 AFY (22%)
Isleta Diversion:	206,417–208,866 AFY	Average: 207,951 AFY (56%)
San Acacia Diversion:	14,923–21,364 AFY	Average: 17,931 AFY (5%)

2.2.2.5 The MRG Project and MRGCD Water Rights[11]

In 1930, the MRGCD obtained NMOSE Permit No. 1690 (Storage Right) to appropriate and store up to 198,110 AF of water in El Vado Reservoir for lands newly reclaimed by the MRGCD (both Pueblo and non-Pueblo lands). In 1931, the MRGCD obtained NMOSE Permit No. 0620 (Natural Flow Diversion Right), which changed the points of diversion for natural flow water rights appurtenant to lands irrigated prior to the formation of the MRGCD from 71 existing irrigation systems (Acequias) to the Diversion Dams, and authorized use of the Diversion Dams to divert water for those lands.[12]

In accordance with Federal Reclamation law and New Mexico law, the MRGCD and/or the property holders served by the MRGCD, including the Six MRG Pueblos, retain the Natural Flow Diversion Right (Permit No. 0620). Pursuant to the 1951 Contract, as security for repayment of that contract, on May 28, 1963, the MRGCD executed a "Transfer and Assignment of Water Rights," whereby it conveyed Storage Right (Permit No. 1690) to the United States; but in accordance with section 8 of the Reclamation Act of 1902, which requires Reclamation to follow State law, the right to use the water appropriated under that permit remained appurtenant to the land irrigated in the MRGCD. The 1951 Contract has now been fully repaid. MRGCD erroneously attempted to transfer the Natural Flow Diversion Right pursuant to the 1951 Contract;

[11] The water rights of the property holders served by the MRGCD, or any possible water rights of the MRGCD itself, have not yet been quantified or adjudicated.

[12] In its application for Permit No. 0620, the MRGCD asserted water rights appurtenant to 123,267 acres of land: 80,785 acres of land irrigated prior to the Conservancy Project; and 42,482 acres of land reclaimed through the Conservancy Project.

however, the New Mexico Supreme Court ordered the MRGCD to retain its right (Permit No. 0620) to divert the natural flow through the Diversion Dams. [13] The Court stated that the MRGCD was only permitted by New Mexico law to transfer "new filings and new water" to Reclamation.

2.2.2.6 The Low Flow Conveyance Channel

The floods of the early 1940s and the drought of the 1950s created a condition where the Rio Grande river channel below BDANWR had become a series of disconnected segments separated by sediment plugs and delta deposits. Depletions due to evaporation and use by growing vegetation increased, and caused difficulties for New Mexico to meet its Compact delivery obligations beginning in the mid-1940s.

To reduce consumption of water, provide more effective sediment transport, and improve valley drainage, and as part of the MRG Project's river channelization program, Reclamation constructed a 54-mile long artificial channel, the LFCC, running alongside the Rio Grande between San Acacia, New Mexico and Elephant Butte Reservoir. The LFCC is protected from the river by a continuous spoilbank levee, and is the subject of complex hydrologic interactions between the Rio Grande and irrigated lands. Operation and maintenance of the low flow channel are continuing Reclamation responsibilities.

The basic concept behind the LFCC is that depletion of water can be reduced by diverting some or all of the river's flow into a narrower, deeper, and more hydraulically efficient channel. The LFCC exposes relatively less water surface area to evaporation and is less prone to loss of water by seepage than the natural river channel. The higher flow velocities in the low flow channel can also move more sediment than the river, especially at lower discharges. The LFCC has a nominal capacity of 2,000 cfs, and the maximum recorded mean daily discharge of the LFCC at San Acacia is 1,950 cfs.

At its upper end, the LFCC behaves as a canal, but downstream from Escondida, New Mexico, it transitions to function as a drain. The LFCC can discharge to the Rio Grande, under certain conditions at the 9-mile outfall near Escondida; however, there is typically little or no flow in the LFCC at that point.

13 *Middle Rio Grande Water Users Association* v. *Middle Rio Grande Conservancy District*, 57 NM 287, 299–300 (1953).

2.3 Overview of Water Operations

Beginning as early as March of each year, water management agencies, including Reclamation, the MRGCD, the State, the Service, the BIA, the Albuquerque Bernalillo County Water Utility Authority (ABCWUA), and the United States Geological Survey (USGS), participate in coordination calls to share information regarding current river flows, reservoir storage, target releases, areas of drying, the status of the silvery minnow and other timely issues.

The tools that Reclamation uses for its water operations include flow and storage data provided by stream gages and computer models that predict water availability and account for water as it moves through the reservoir and river system of the MRG. Reclamation uses these tools to operate its facilities, account for the movement and co-mingling of SJC Project and MRG Project water supplies, and develop annual operating plans based on forecasted snow melt runoff and other factors. Water operations are facilitated by monitoring to ensure that desired flows are achieved.

Reclamation's primary tool for meeting the forecasted ecological needs of listed species is its Supplemental Water Program (Program), which is included as a conservation measure in this BA. The Program consists of:

1. Water acquisition and storage
2. SJC Project waivers of mandatory release dates from Heron Reservoir
3. Pumping and conveying water from the LFCC to the Rio Grande

2.3.1 The Rio Grande Compact and Article VII Storage Restrictions

The 1938 Rio Grande Compact (53 Stat. 785) is a Federal law that poses significant restrictions on water management in the MRG. The Compact apportions the native waters of the Rio Grande among the States of Colorado, New Mexico, and Texas; and the provisions of the Compact are administered by the Rio Grande Compact Commission. For purposes of the Compact, "New Mexico" is the reach between Otowi gage and Elephant Butte Reservoir, which is roughly equivalent to the action area for this BA. The allocation excludes tributary inflows along this reach of river—these inflows are not subject to Compact restrictions. Article XVI of the Compact states:

> "Nothing in this Compact shall be construed as affecting the obligations of the United States of America to Mexico under existing treaties, or to the Indian Tribes, or as impairing the rights of the Indian Tribes."

Also, SJC Project water is imported transbasin water, subject to the terms of the Upper Colorado River Compact; but after diversion by Reclamation, this water is not subject to Rio Grande Compact restriction.

The Compact does not require Colorado or New Mexico to deliver the exact amount of water scheduled annually each and every year but allows for the accumulation of over-deliveries (credit) and under-deliveries (debit). Although it is up to each State to decide how its water is used, any new use has to be balanced by reduction of an existing use or through the use of a new or imported source of water, such as SJC Project water, since the Compact puts an upper limit on basinwide water depletions.

Regardless of how wet a period may be, New Mexico's depletions between Otowi gage and Elephant Butte Reservoir are capped at 405,000 AFY plus local tributary inflows. In wet years, the increasingly higher flows must be delivered downstream, and associated carriage losses for that water must be made up for out of New Mexico's allocation; in very wet years, these carriage losses can deplete New Mexico's entire allocation. For this reason, wet years are more likely than dry years to result in a Compact debit; in many cases, debits accrued in wet years must be made up for in dry years. This eliminates the possibility of "saving" water in wet years for use to meet the needs of endangered species in dry years.

Several Compact restrictions affect reservoir operations in post-Compact reservoirs (constructed after 1929) and associated surface water management. Reclamation's Heron Reservoir is excluded from these restrictions because it is only authorized to store imported transbasin SJC Project water.

Under Article VI of the Compact, New Mexico's maximum accrued debit is limited to 200,000 AF. If New Mexico is in debit status, New Mexico must retain water in storage at all times to the extent of its accrued debit. If a spill occurs, the accrued credits for Colorado or New Mexico, or both, are reduced in proportion to their respective credits by the amount of the actual spill. Colorado or New Mexico may release accrued credits in part or in full in advance of an actual spill. Following an actual or hypothetical spill, all accrued debits for Colorado or New Mexico, or both, are cancelled.

Under Article VII of the Compact, whenever usable water in the Rio Grande Project storage account at Elephant Butte and Caballo Reservoirs is less than 400,000 AF, New Mexico and Colorado may not increase the storage of native Rio Grande Basin water in upstream reservoirs constructed after 1929. Usable water is defined as water in Elephant Butte and Caballo Reservoirs that is available for release to the Rio Grande Project. In New Mexico, the primary impacts of Article VII storage prohibitions are experienced at El Vado Reservoir. Article VII also provides that, upon acceptance by Texas, New Mexico may

relinquish accrued delivery credits so that New Mexico may store an equivalent amount of water in post-1929 upstream reservoirs when storage restrictions are in effect.

2.3.2 Water Accounting

All water flowing through the basin is accounted for to ensure that it is used in compliance with applicable laws. This includes SJC Project water that moves between reservoirs or is released for contractors, water acquired and stored under Reclamation's Supplemental Water Program, and MRGCD's irrigation water. All reservoir storage and flows at particular gages are accounted for to ensure that Colorado is meeting its Compact obligation to New Mexico and that New Mexico is meeting its obligation to Texas.

2.3.3 Snowmelt Forecasting and the Upper Rio Grande Water Operations Model

The snowmelt runoff forecast for a given year is a key factor in Reclamation's annual water operations. Starting in January or February, Reclamation begins monthly tracking of the Natural Resources Conservation Service's (NRCS) snowmelt runoff forecasts. NRCS operates and maintains an extensive, automated system (SNOwpack TELemetry or SNOTEL) designed to collect snowpack and related climatic data in the Western United States and Alaska. NRCS field staff collects and analyzes data on depth and water equivalent of the snowpack and provides estimates of annual water availability and spring runoff on a monthly basis from January–May. Reclamation, in coordination with the Corps, enters the projected March–July runoff volumes into the Upper Rio Grande Water Operations Model (URGWOM) to model the flows for the entire year. URGWOM is a set of daily time-step, river reservoir models for the basin using RiverWater® software. URGWOM was used for the hydrologic effects analyses in this BA.

2.3.4 The Annual Operating Plan

Each year, Reclamation's Albuquerque Area Office develops the Middle Rio Grande Annual Operating Plan (Annual Operating Plan) in coordination with the Corps and with additional input from water users such as the MRGCD, the New Mexico Interstate Stream Commission (NMISC), ABCWUA, and Santa Fe. The planning process includes compiling the necessary data, making key assumptions, and modeling water operations to estimate actual operations from the present through the remainder of the year. The Annual Operating Plan combines compiled data and major assumptions such as: the runoff forecast; predicted

monsoon conditions; forecasted environmental needs; river recession;[14] silvery minnow recruitment flows; and drought storage of Supplemental Water. The model includes the following:

- Snowmelt runoff projection.
- Projection of percentage of average Heron Reservoir inflow.
- Whether MRGCD can anticipate a full irrigation season.
- How much storage MRGCD will need to utilize through the irrigation season.
- How much native water should be maintained in El Vado to assure the Six MRG Pueblos have sufficient water for their prior and paramount lands.
- How forecasted environmental needs will be met throughout the irrigation season.
- Whether and the degree to which Supplemental Water Program releases will be needed to meet environmental needs.
- Whether additional Supplemental Water supplies may be needed.
- Whether or for how long Article VII of the Compact will remain in effect.
- When weekend recreational flows can be provided on the Rio Chama.

The Annual Operating Plan estimates for each reservoir the daily amount of acre-feet stored and the rate of inflow and outflow for a period of time beginning April 1 and ending December 31. The Annual Operating Plan is presented in April to respective agency staff as well as to the public. The below graph (figure 2) is an example of an operating plan hydrograph for El Vado Reservoir. The Annual Operating Plan is a prediction and rarely plays out through the year precisely as expected. While snowpack projections are generally sound by mid-April, variability in the pattern of melt and, in particular, the amount and distribution of summer precipitation tend to cause actual water flow and management to increasingly deviate from the Annual Operating Plan as the year progresses.

[14] Drying of the river after June 15 must be managed carefully so that the drying limits outlined in the 2003 BiOp are not exceeded. Reclamation, the Corps, NMISC, and the MRGCD determine the plan for the managed recession.

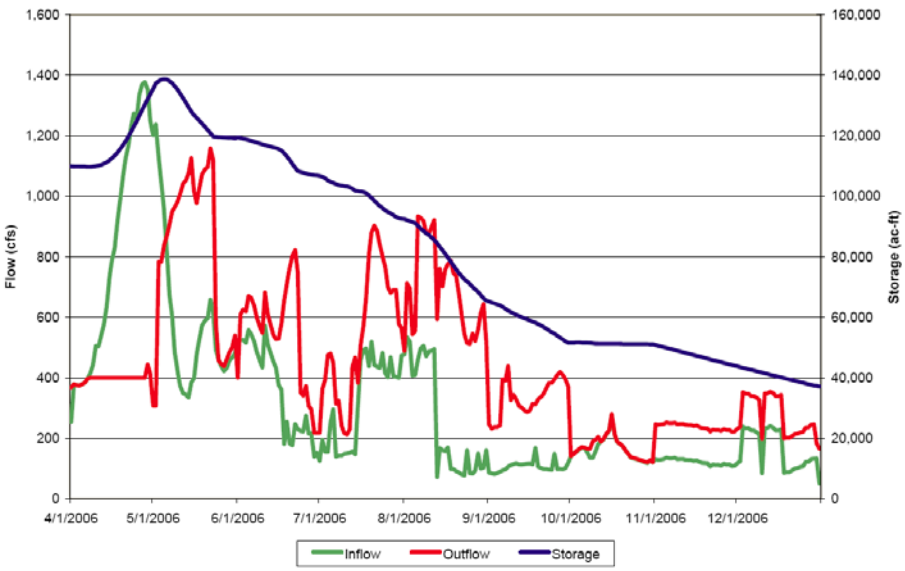

Figure 2. Annual operating plan hydrograph for El Vado Reservoir.

2.3.5 Operation for Prior and Paramount Lands

The 1981 Agreement between the Six MRG Pueblos Irrigation Committee,[15] the Secretary's Designated Engineer, BIA, and Reclamation established U.S. Department of the Interior policy for designating a volume of water in storage at El Vado Reservoir to ensure water demand on the Pueblos' lands with prior and paramount water rights can be met each year. The 1981 Agreement sets out the often overlapping responsibilities and authorities of Reclamation, BIA, and the MRGCD related to ensuring the Pueblos' prior and paramount water rights for 8,847 acres of land, although the MRGCD is not a party to the 1981 Agreement.

It provides that Reclamation, jointly with the Designated Engineer, calculate the storage requirements of the Six MRG Pueblos, and that Reclamation and MRGCD annually store water in and release water from El Vado Reservoir to satisfy Pueblo water entitlements. It also provides the protocol for the Six Pueblos to call for releases of the water stored for their prior and paramount water needs. As discussed in section 1, MRGCD is obligated by statute, contract, and State permit to divert water for the Pueblos; and those actions are included in the description of MRGCD's proposed actions. The prior and paramount operations ensure that the Pueblos will receive an adequate supply of water for lands with prior and paramount water rights.

[15] The Six Middle Rio Grande Pueblos Irrigation Committee was the predecessor organization to the Coalition of the Six Middle Rio Grande Pueblos.

2.3.6 MRGCD Water Management

MRGCD operates pursuant to Federal and State statute and contractual authority. MRGCD meets irrigation demand with smaller diversions. This, in turn, allows MRGCD to remain in full operation for a longer irrigation season or to save water for subsequent seasons.

MRGCD regularly coordinates its operations and plans with other water management agencies, which helps ensure that sufficient water is available to meet irrigation demands as well as the needs of listed species. MRGCD's coordination includes:

- Regular participation in Reclamation's MRG Coordination Conference calls, in which the MRGCD relays information on:
    - Plans for diversion at each of its diversion structures; any plans it has for "bypass" of flows (leaving of water in the river rather than diverting it).
    - Changes in conditions or operations that may affect Reclamation's requirement to release Supplemental Water.
- Coordination with Reclamation's RiverEyes program and the Service's fish rescue program. As noted previously, MRGCD has, at times, intentionally routed flows to wasteways or drains to assist the Service with rescue.
- Emergency flow releases at specific locations as needed for ESA purposes.

2.3.6.1 MRGCD Borrow/Payback Arrangements

MRGCD participates in "borrow/payback" arrangements with Reclamation and the ABCWUA for water storage and movement between Heron, El Vado, and Abiquiu Reservoirs. These arrangements may be either to increase flows on the Rio Chama Wild and Scenic portion to an appropriate level for recreational whitewater rafting or to increase winter base flows for health of sport fisheries on the Rio Chama. "Borrow/payback" arrangements most commonly involve moving water for ABCWUA water from Heron Reservoir to Abiquiu. For a variety of practical reasons (measurement, gate adjustment, evaporation loss, etc.), the movement of this water sometimes occurs by borrowing MRGCD's SJC Project water from El Vado Reservoir and replacing it at a later date with the ABCWUA's SJC Project water from Heron Reservoir. The "borrow/payback" arrangements also sometimes may involve Reclamation's Supplemental Water for the Rio Grande silvery minnow (RGSM).

2.3.6.2 MRGCD Measurement

MRGCD operates and maintains a system of measurement stations, or gages, along its canal and drain network. These gages report water level and rates of flow back to the MRGCD on 30-minute intervals. This includes information on water diverted from the Rio Grande, how water is being distributed to various canals or service areas, and water being returned to the Rio Grande through wasteway and drain outfalls. Data is collected via FM radio telemetry, processed (converted from raw electronic signals to usable values and units), then transferred by the current file transfer protocol to three separate computer databases (MRGCD, Reclamation, and the Corps). This entire process occurs automatically, 24 hours a day, throughout the year. Reclamation hosts a Web site, created and maintained jointly by Reclamation and MRGCD, on which this data is displayed publicly. Data is displayed in near real-time (20 to 30 minutes after collection).

At present, MRGCD provides data from about 130 sites on its system and continues to add several new locations each year. In addition, MRGCD collects, processes, and distributes data from Reclamation's RGSM pumping sites in Socorro County and the NMISC's RGSM Atrisco habitat project in Bernalillo County. Processed information also is collected from other entities, including the USGS (stream flow gages on the Rio Grande) and the ABCWUA (diversion from and return flow to the Rio Grande). All of this data is displayed along with MRGCD information on the Reclamation Web site, allowing both the public and water managers to quickly observe water movement and distribution throughout the MRG.

MRGCD maintains its gage network through periodic calibration measurements using a variety of flow measuring devices. In addition, MRGCD makes flow measurements in ungaged areas of its system and along the Rio Grande itself. Measurements made on the Rio Grande by MRGCD are often used to understand where nontypical or unexpected loss is occurring. MRGCD shares this information with Reclamation, the USGS, and other water management entities.

3. Description of Proposed Actions

3.1 Introduction

This BA evaluates the effects of the following water management actions and conservation measures for both Reclamation and non-Federal entities:

1. Reclamation's proposes the following water management actions:
    a. Operate Heron Dam and Reservoir as part of the SJC Project to store and deliver water to downstream users.
    b. Operate El Vado Dam and Reservoir to store and release water, including response to requests by the MRGCD.
2. Non-Federal entities propose the following water management actions:
    a. MRGCD proposes the following actions:
        i. Operate the MRG Project Diversion Dams to deliver water to MRGCD lands to meet agricultural demand of lands with appurtenant water rights, including the lands of the Six MRG Pueblos.
        ii. Operate irrigation drains and wasteways to return water to the river.
3. Proposed conservation measures to offset any adverse impacts caused by the above actions are as follows:
    a. Collaborative Program/RIP conservation measure:
    b. Reclamation's conservation measures:
        i. The Supplemental Water Program.
        ii. Adaptive management.
        iii. Environmental water operations.
    c. MRGCD's conservation measures:
        i. Enhanced coordination;
        ii. Changes in operation to support instream habitat and flow management.
        iii. Changes in operation to support spring peak flows.

These actions are described more fully in the sections below.

3.2 Description of Reclamation's Proposed Water Actions

Reclamation operates Heron and El Vado Dams and Reservoirs in consideration of a complex Web of variables, including precipitation, drought, allocation of water supplies, MRGCD requests, and the Pueblos' prior and paramount water rights, and also in accordance with Federal statute, NMOSE permit, and contracts with water users. Reclamation operates the two facilities for the following purposes:

- Storage and delivery of water for agricultural uses (Heron and El Vado), and municipal, and industrial uses (Heron).
- Assistance to New Mexico in meeting its downstream water delivery obligations mandated by the Rio Grande Compact of 1938 (El Vado).

Additionally, incidental purposes of Reclamation's operations include fish and wildlife benefits, recreation for both Heron and El Vado, and flood control for El Vado. Reclamation operates both reservoirs in compliance with the Endangered Species Act and to manage water in Reclamation's Supplemental Water Program. Reclamation will use adaptive management as part of its future water operations.

3.2.1 SJC Project Operations at Heron Dam and Reservoir

Water at Heron Reservoir that is allocated to contractors and subsequent deliveries out of Heron Reservoir are tracked with a daily accounting model. All inflows to Heron Reservoir that are native to the basin are bypassed and are not included with SJC Project accounting. Water allocated to MRGCD is released from Heron Dam each year at the request of the MRGCD, typically for delivery to El Vado Reservoir where it is then released as needed to meet MRGCD's daily demand. Water allocated to the ABCWUA is released from Heron Dam to Abiquiu Reservoir, at the request of the ABCWUA, and eventually is delivered to ABCWUA's surface water diversion structure in Albuquerque or is used to offset depletions to surface water supplies caused by ground water pumping, as assessed by the Office of the State Engineer (i.e., letter water deliveries). Water allocated to other contractors also may be released from Heron Dam to offset depletions (which generally either is directed to Elephant Butte or El Vado, depending on if the calculated depletion impacted the Rio Grande Compact or the MRGCD), as determined by the Office of the State Engineer, or may be released for storage in allocated space at El Vado, Abiquiu Reservoir, and/or Elephant Butte Reservoir. Beginning in 2011, water allocated to Santa Fe is being released from Heron Dam to provide water to Santa Fe's Buckman Direct Diversion.

SJC Project water used to offset evaporation losses from the recreation pool maintained at Cochiti Lake may be partially released from Heron Dam during the first part of July but is generally released from Heron Dam in the late fall and winter. This action, as it relates to the Corps' operation of Cochiti Reservoir, is described in more detail as an interrelated and interdependent activity in section 6.

3.2.1.1 SJC Project Contractor Allocation

Once Reclamation releases SJC Project water from Heron Reservoir, it belongs to SJC contractors and can be used immediately or stored in other facilities for future use. The total annual SJC Project contractor allocation is based on a firm yield analysis for Heron Reservoir that sets the annual allocation at 96,200 AF. Reclamation does not have discretion to release more than this firm yield amount. All of the existing contracts are repayment contracts with no expiration date; thus, potential renegotiation of SJC Project contracts and associated terms is not considered under this BA. Table 1 summarizes SJC Project contracts, including a listing of the individual contractors, contract initiation dates, and the annual amount of SJC Project water allocated to each contractor.

3.2.1.2 Third Party Subcontracting of SJC Project Water

Reclamation authorizes SJC Project contractors to subcontract water stored in Heron Reservoir to third parties. Reclamation's Supplemental Water Program consists primarily of SJC Project water that Reclamation subcontracts. Since 2003, all of the SJC Project contractors with the exception of Pojoaque Valley Irrigation District have subcontracted their water, at one time or another, to Reclamation.

Contracts with the following SJC Project contractors grant Reclamation a first-right-of-refusal to subcontract SJC Project water stored in Heron Reservoir:

- Village of Los Lunas
- Village of Taos Ski Valley
- Town of Taos
- City of Santa Fe
- Santa Fe County
- City of Espanola
- County of Los Alamos

Table 1. San Juan Chama Project contracts

Contractor	Allocated Water Amount (AF)	Date Initiated	Purpose
Albuquerque-Bernalillo County Water Utility Authority	48,200	1963	M&I
Middle Rio Grande Conservancy District	20,900	1963	Irrigation
Jicarilla Apache	6,500	1992	M&I
City of Santa Fe	5,230	1976	M&I
Cochiti Recreation Pool[1]	5,000	1964	Recreation
Taos Pueblo	2,215	2011	M&I
Ohkay Owingeh Pueblo	2,000	2001	M&I
Incorporated County of Los Alamos	1,200	1977	M&I
Pojoaque Valley Irrigation District	1,030	1972	Irrigation
City of Espanola	1,000	1978	M&I
For Aamodt Indian Water Rights Settlement	775	Allocated, but Uncontracted	
Town of Belen	500	1990	M&I
Village of Los Lunas	400	1997	M&I
Town of Taos	400	1981	M&I
Town of Bernalillo	400	1988	M&I
County of Santa Fe	375	1976	M&I
Town of Red River	60	1990	M&I
Village of Taos Ski Valley	15	1978	M&I
TOTAL ALLOCATION:	96,200		

[1] SJC Project water is released to maintain a 1,200-surface-acre permanent pool for recreation and fish and wildlife purposes at Cochiti Reservoir; and 5,000 AFY is delivered to Cochiti to offset evaporative losses associated with maintenance of this pool. (Public Law 88-293)

3.2.1.3 SJC Project Offset of Pojoaque Tributary Unit Depletions (Nambe Falls)

The Pojoaque Tributary Unit, a component of the SJC Project, stores water at the Nambe Falls Dam and Reservoir located on the Rio Nambe, which is a tributary to the Rio Grande, and provides approximately 1,030 AF of Supplemental Water for about 2,768 acres of irrigated lands. About 34% of the irrigated lands are Indian lands located on the Nambe, Pojoaque, and San Ildefonso Pueblos. Construction of Nambe Falls Dam began in June 1974 and was completed in June 1976. Cyclical operations of Nambe Falls consist of non-irrigation season operations and irrigation season operations and cause depletions to native Rio Grande water.

To offset these depletions and to keep the river whole, Reclamation releases SJC Project water from Heron Reservoir, as is described in the 1972 Contract (#14-06-500-1986) between Reclamation and the Pojoaque Valley Irrigation District. An annual depletion amount is calculated for Nambe Falls operations for the entire year, and the offsetting SJC Project water is released from water allocated for this purpose at Heron Reservoir. The actual annual SJC Project water allocation used to offset the effects of Nambe Falls Reservoir storage has varied from 800–1,300 AF.

3.2.1.4 Summary of Reclamation's Proposed Actions for SJC Project Operations of Heron Dam and Reservoir

Reclamation proposes to continue operating and maintaining Heron Dam and Reservoir consistent with current agreements to store water and in accordance with constraints and conditions applicable to the SJC Project. Reclamation can only store SJC Project water pursuant to statute and is prohibited from releasing water for ESA purposes unless Reclamation purchases the water from a willing contractor.

Reclamation delivers SJC Project water to users in the MRG based on water contracts with various entities, commonly referred to as SJC Project contractors, and based on subcontracts between SJC Project contractors and third parties. Delivery of SJC Project water is authorized for municipal, industrial, irrigation, and recreational purposes. Incidental benefits provided by operation of Heron Reservoir include domestic and fish and wildlife uses. SJC Project water must be consumptively and beneficially used in New Mexico, at a downstream destination, and without harm to native Rio Grande water. Reclamation generally makes releases as follows:

- Releases for delivery of contractors' annual allocations to downstream storage occur at a rate between 165–500 cfs and typically occur in the months of November and December; however, releases may be made at the call of contractors throughout the year.

- Releases to offset depletions caused by contractors' ground water pumping and/or actions upstream of the Otowi gage occur approximately every 3–4 months at a rate of between 50–200 cfs.

- Releases occur to compensate evaporation losses at the Cochiti Recreation Pool to restore a minimum pool area of 1,200 surface acres at Cochiti Lake (Public Law 88-293).

- Releases occur to offset the operations of the Pojoaque Tributary Unit of the SJC Project, including storage in Nambe Falls Reservoir.

- Releases are deferred when ice cover on Heron Reservoir poses public safety issues.

- Releases cannot be made to meet ESA obligations unless Reclamation acquires the SJC Project water from one of its contractors.

- Waivers to extend the required date of delivery of the contractors' annual allocation until April 30 or September 30 of the following year are granted on a case-by-case basis if there is a benefit to the United States.

3.2.2 Operation of El Vado Dam and Reservoir

As discussed in section 2, MRGCD constructed El Vado Dam and Reservoir in 1935, and Reclamation and the Corps developed the MRG Project. With the establishment of the MRG Project, MRGCD pays Reclamation for operation of El Vado Dam and Reservoir. Pursuant to the Flood Control Acts, the 1951 Contract with the MRGCD, and Permit No. 1690, Reclamation stores water in and release water from El Vado Reservoir at the request of MRGCD and to provide incidental flood control.

Both native Rio Grande water and SJC Project water are stored in El Vado Reservoir. Storage of native water may occur if native flows are available on the Rio Chama in excess of downstream Rio Chama direct flows rights and the MRGCD river diversion demand and restrictions on storage are not in place per Articles VII and VIII of the Rio Grande Compact.[16] (See section 2 for a discussion of the Rio Grande Compact and Article VII). Storage and release of SJC Project water are conducted according to contract. El Vado Reservoir also provides recreational opportunities and allots space for sediment control.

3.2.2.1 Irrigation Operations for the MRGCD

The plan for filling El Vado is to store all native flows into the reservoir that are in excess of downstream requirements, such as those for Rio Chama water rights holders. In general, native water is stored during the spring runoff for release later in the year when flows are lower than MRGCD's river diversion demand for delivery of water to its constituents. Reclamation releases water as requested from the MRGCD from El Vado Reservoir when natural flow of the Rio Grande is not sufficient to meet the demands of the MRGCD and the Six MRG Pueblos. SJC Project water released from Heron Reservoir for immediate use downstream from El Vado Reservoir is simply passed through El Vado Dam.

Reclamation's irrigation operations primarily consist of changing the rate and timing of storage released from El Vado Reservoir, which increases flows in the MRG that the MRGCD diverts to meet its irrigation needs.

[16] When the amount of usable Rio Grande Project storage in Elephant Butte Reservoir is below 400,000 AF, the Rio Grande Compact limits upstream storage of river flows in reservoirs constructed after 1929. For further discussion, see section 5.

Irrigation needs generally are determined by MRGCD, and Reclamation adjusts El Vado's gates to meet those needs.

3.2.2.2 Operations for Prior and Paramount Lands

As described in section 1, Reclamation shares the United States Government's trust responsibility to Indian tribes, including the Six MRG Pueblos, and Congress declared through the Act of March 13, 1928 (45 Stat. 312) that 8,847 acres of pueblo lands in the Middle Rio Grande had water rights that were "prior and paramount" to water rights for other lands.[17] Reclamation performs operations to reserve water at El Vado for use on these lands with prior and paramount rights. The Designated Engineer, currently from BIA, and Reclamation perform the following computation procedure. The flow of water necessary at Otowi gage to meet prior and paramount needs is determined by:

1. Identifying crop demand.
2. Applying field application and conveyance efficiencies from the point of diversion on the Rio Grande.
3. Applying river efficiencies from the Otowi gaging station to diversion points on the river.

Next, the Designated Engineer forecasts the monthly supply of water at the Otowi gaging station using historically dry years as a baseline: March to July is based on the monthly distribution of flows as a percentage of the total in 1934; August to October is based on 1956; the May runoff forecast is used to project natural flow for May through July and is adjusted downward by 20% for uncertainties associated with the forecast; and an adjustment using coefficients specified in the 1981 Agreement is made to the forecasted supply because the entire flow of the river cannot be captured at the river diversions.

Pursuant to the 1981 Agreement, the Designated Engineer and Reclamation calculate the need to store water in El Vado based on months in which the forecasted supply of the river is inadequate to meet the forecasted demand of 8,847 acres. Monthly forecasted shortages between supply and demand are increased by 20% to cover transportation and carriage loss in the river. Monthly adjusted shortages are totaled resulting in the quantity of water to be managed for the pueblos in El Vado. The 1981 Agreement is nonspecific regarding release procedures. Currently, the Designated Engineer uses a spreadsheet tool for monitoring the daily natural supply at Otowi and uses the 1956 crop demand curve for monitoring daily demand until a better tool is developed. The Coalition of the Six MRG Pueblos (Coalition) currently directs the Designated Engineer to order Reclamation to make release of stored water over specified periods of time. MRGCD delivers this water to the pueblos as appropriate through downstream

[17] The 1928 Act adjudicated prior and paramount water rights for 8,346 acres of Pueblo lands, but on May 16, 1938, the Secretary of the Interior determined that the actual acreage was 8,847.

diversions. Unused prior and paramount water in El Vado that was stored when Compact Article VII restrictions were in place is released to satisfy Rio Grande Compact obligations after the irrigation season ends, usually in November or December. Unused water stored for the prior and paramount lands without Compact restrictions in place is reassigned as native Rio Grande water for use by the MRGCD, which is then available for use on non-pueblo and pueblo land within the MRGCD.

3.2.2.3 Summary of Reclamation's Proposed Actions for Operation of El Vado Dam and Reservoir

Reclamation proposes to continue operating and maintaining El Vado Dam and Reservoir consistent with current agreements, the Compact, and the operational and hydrologic constraints and conditions of the MRG Project. Reclamation proposes to continue storing the flow of the Rio Chama in El Vado Reservoir as requested by MRGCD and to ensure delivery of water as requested by the MRGCD and as requested by the Designated Engineer as part of prior and paramount operations. Retention and regulation of native Rio Grande flows will be performed consistent with the Doctrine of Prior Appropriation[18] and in coordination with the State of New Mexico, and to meet downstream senior flow rights.

Reclamation proposes to operate and maintain El Vado Dam and Reservoir as follows:

- Store water in and release water from El Vado Dam and Reservoir pursuant to the Flood Control Acts of 1948 and 1950, the 1951 Contract with MRGCD, in accordance with NMOSE Permit No. 1690, and to meet the downstream channel capacity of 4,500 cfs.

- Carry out NMOSE water user delivery requirements, Compact requirements, and MRGCD requests for water storage and release.

- Maintain safe storage elevation of El Vado Reservoir per standard operating procedures except under specific exceptions that consider flood routing criteria, water surface elevation, and river flow in the Middle Rio Grande Valley.

- Store native flows when Article VII of the Compact is not in effect.

[18] New Mexico water law follows the Doctrine of Prior Appropriation, which provides that water users that apply water to beneficial use earlier in time (senior users) will have a better right against later water users (junior users) in times of shortage. (NM Constitution, Article II, Section 2).

- Store native flows as needed for the prior and paramount lands of the Six MRG Pueblos and release this water for the Six MRG Pueblos as requested by the Designated Engineer pursuant to the 1981 Agreement when Article VII of the Compact is in effect.

- Store and release SJC Project water, if requested by the MRGCD.

- Bypass native Rio Grande water flows into El Vado Reservoir up to 100 cfs between April 1 and September 1 to meet demands of Rio Chama water rights holders downstream from Abiquiu Dam.

- Operate to stay within the safe downstream channel capacity on the Rio Chama per standard operating procedures.

Additional considerations for Reclamation's operation of El Vado Dam and Reservoir are as follows:

- When water is available for release to downstream users or storage reservoirs, Reclamation manages releases to benefit fisheries below El Vado Dam from November to March.

- When water is available for release to downstream users or storage reservoirs, and in cooperation with effected parties, Reclamation manages releases for rafting during weekends in July, August, and September.

3.3 Non-Federal Proposed Actions

3.3.1 The Middle Rio Grande Conservancy District

MRGCD requests releases of water from El Vado Reservoir and diverts Rio Grande surface water to provide water for irrigated agriculture using the works at Cochiti Dam and operates diversion structures at Angostura, Isleta, and San Acacia (collective the Diversion Dams). Additionally, MRGCD diverts from three diversion structures on the Low Flow Conveyance Channel: the 1200 check structure, Neil Cupp, and Lemitar.

3.3.1.1 MRGCD Water Operations

MRGCD uses water stored in El Vado during times when native Rio Grande flows are insufficient to meet irrigation demand (typically, these times are between June and September). It requests that Reclamation store native water in El Vado during times when Article VII restrictions are not in place. During times when Article VII restrictions are in place, MRGCD may request storage up to the extent that New Mexico has relinquished credit water to Texas and authorized use by the MRGCD. During normal operations, when the natural system is producing less water than required by the MRGCD to meet irrigation demand, MRGCD uses

water from storage to augment the Rio Grande up to its needs. MRGCD utilizes water from available and authorized water sources. In general, MRGCD prioritizes the water released to supplement the natural flow as follows:

1. Rio Grande water stored under normal conditions (no Compact restrictions)
2. Water stored due to Rio Grande Compact credit relinquishment
3. SJC Project water

MRGCD may reduce diversions, or cease calling for releases from El Vado Reservoir before the scheduled end of the irrigation season to conserve water for subsequent irrigation seasons. This becomes carryover storage in El Vado.

MRGCD follows shortage-sharing operations at times when the natural flow is insufficient to meet the full irrigation demand, and there is not sufficient water in storage at El Vado to make up the difference, or MRGCD chooses to not call for release of available water in storage to make up the shortfall. At these times, the water needs for the prior and paramount lands of the Pueblos are met first, using flows from the main stem of the Rio Grande and upstream tributary flows, and then if natural flows are not sufficient with water held at El Vado Reservoir to benefit the prior and paramount lands of the Six MRG Pueblos. The delivery of water to Pueblo lands with prior and paramount water rights is carefully scheduled and monitored and involves a high level of coordination between Reclamation, BIA, the Six MRG Pueblos, and MRGCD. Water to meet the needs of these lands primarily is diverted at the Cochiti Dam outlet works and at Angostura. Although much of Isleta Pueblo is served from the Angostura Diversion, small diversions sometimes are required at Isleta Dam to serve parts of the Isleta Pueblo. Water delivery to Isleta Dam is most efficient and effective if the needed water is diverted at Angostura and routed through the MRGCD system. Any water remaining downstream from Isleta Pueblo after prior and paramount needs are met is shared equally among all users. Newly reclaimed lands of the Pueblos receive water similar to non-Pueblo lands.

Reclamation coordinates with the MRGCD for releases of irrigation water from El Vado Reservoir at the request of MRGCD. During periods of high runoff on the Rio Chama and absent any restrictions on storage due to the Compact, MRGCD may request Reclamation to store up to 100% of the natural Rio Grande flow entering El Vado Reservoir.

MRGCD requests releases of supplemental irrigation water from El Vado Reservoir for the benefit of all irrigators in the most efficient manner practical, minimizing times when MRGCD is in prior and paramount operation. Minimizing prior and paramount operation periods benefits the species by reducing the need for Supplemental Water for the species. It also benefits the

Pueblos by providing fully for their needs without the more restrictive scheduling and monitoring necessitated by prior and paramount operation.

To determine the rate of release, MRGCD evaluates the amount of native flow moving downstream in the Rio Grande at the Embudo gage and the amount of native flow contributed by the Rio Chama and other tributaries. That combined amount then is compared with the MRGCD's estimated diversion demand. Irrigation storage is released only when the natural flow is insufficient to meet MRGCD's irrigation demands. Natural flow is generally only sufficient to meet that need during the snowmelt runoff early in the irrigation season and during periods of heavy monsoon activity late in the irrigation season.

MRGCD has a small (2,000 AF) re-regulation pool at Abiquiu Reservoir for its share of SJC Project water. While, in general, this has little effect on flows in the MRG, it occasionally is used to produce recreational benefits on the Rio Chama. Small blocks of water may be moved to Abiquiu Reservoir specifically to increase flow on the Wild and Scenic portion of the Rio Chama to an appropriate level for recreational whitewater rafting. This water is released later from Abiquiu Reservoir when needed to meet irrigation needs. This is done on a larger scale with movement of ABCWUA water supply from upstream reservoirs to Abiquiu; but when ABCWUA is not moving water, the MRGCD re-regulation pool at Abiquiu will continue to be used for this purpose.

3.3.1.2 MRGCD's Water Diversions and Returns

The water that MRGCD diverts consists of natural flows of the main stem of the Rio Grande and its tributaries (including the Rio Chama, if the water is passed through without being stored in El Vado), SJC Project water, native Rio Grande flows stored at El Vado (including water stored as the result of New Mexico credit relinquishment pursuant to the Compact [relinquishment water]). Under certain operations for Pueblo lands with prior and paramount water rights, MRGCD diverts native Rio Grande water stored in El Vado by Reclamation. MRGCD operates the Diversion Dams to match actual agricultural demand as closely as practical. This allows the MRGCD to release less water from storage and, therefore, may allow it to extend its irrigation season.

Typically, MRGCD diverts and delivers water from March 1–October 31 each year. The MRGCD Board of Directors determines the duration of the irrigation season. In recent years, the Six MRG Pueblos have requested delivery of irrigation water through November 15. MRGCD has complied with this request for Pueblo lands, but has continued to end non-Indian deliveries on October 31. Irrigation demand correlates closely with climatic conditions and the physiologic properties of agricultural crops. Demand is highest during the months of May, June, and July, tapering off in August and through September. During the early and late part of the irrigation season, much of the water diverted by MRGCD is returned directly to the Rio Grande. During the peak growing season, most water

diverted is consumed by crops; and return flows are minimal. From March through mid-June, natural flows in the Rio Grande are generally greater than MRGCD consumptive needs. However, after the end of the spring snowmelt runoff, naturally occurring flows often drop precipitously and are generally less than the consumptive needs of MRGCD. At this time, MRGCD augments the natural flow of the Rio Grande, up to its consumptive needs, through requests that Reclamation release stored water from El Vado Reservoir.

MRGCD diversion flows are higher than consumptive use of water. This additional flow, often referred to as "carriage water," is a common and necessary component of gravity-fed irrigation systems worldwide. It can lead to misrepresentations of agricultural water consumption. Much of MRGCD's carriage water returns to the Rio Grande through a variety of paths. Some simply passes down the length of a canal and returns directly to the Rio Grande through a wasteway. Some canals, farm ditches, and fields discharge surface water directly to MRGCD drains. Some water seeps from canals or from field applications into the ground water system and then is intercepted by MRGCD drains to once again become surface flow. Flow recovered in MRGCD drains may be discharged back to the Rio Grande or be recycled to another canal. However, some carriage water is truly lost from the system through evaporation, consumption by riparian vegetation along irrigation canals, and seepage to ground water (which then is pumped and consumed by other users).

MRGCD's wasteways and drain outfalls provide water that may be re-diverted downstream; and, therefore, the accounting of the total MRGCD diversion may account the same water a number of times. See figure 3 below.

Return flow from the Cochiti division comprises about 18% of the supply for the Albuquerque Division. Return flows from the west side of the Albuquerque Division supply a portion of water directly to the west side of the Belen Division and Isleta Pueblo. Return flow from the east side re-enter the Rio Grande a short distance upstream of Isleta dam and are then diverted for re-use. Direct Albuquerque division return flow comprises about 13% of supply for the Belen Division. When combined with indirect returns (returned to the Rio Grande before being re-diverted), Albuquerque division provides about 35% of Belen Division supply.

The Belen division diverts water to both sides of the Rio Grande. The east side system is comprised of the Peralta Main Canal, San Juan Main Canal, and many laterals and Acequias. Return flows from the east side may be delivered back to the Rio Grande from 4 outfalls, or routed all the way to the Lower San Juan Drain outfall, about 9 miles upstream of San Acacia Dam. At its terminus, the east side system delivers water to the La Joya Acequia Association (LJAA), an independent system not part of the MRGCD.

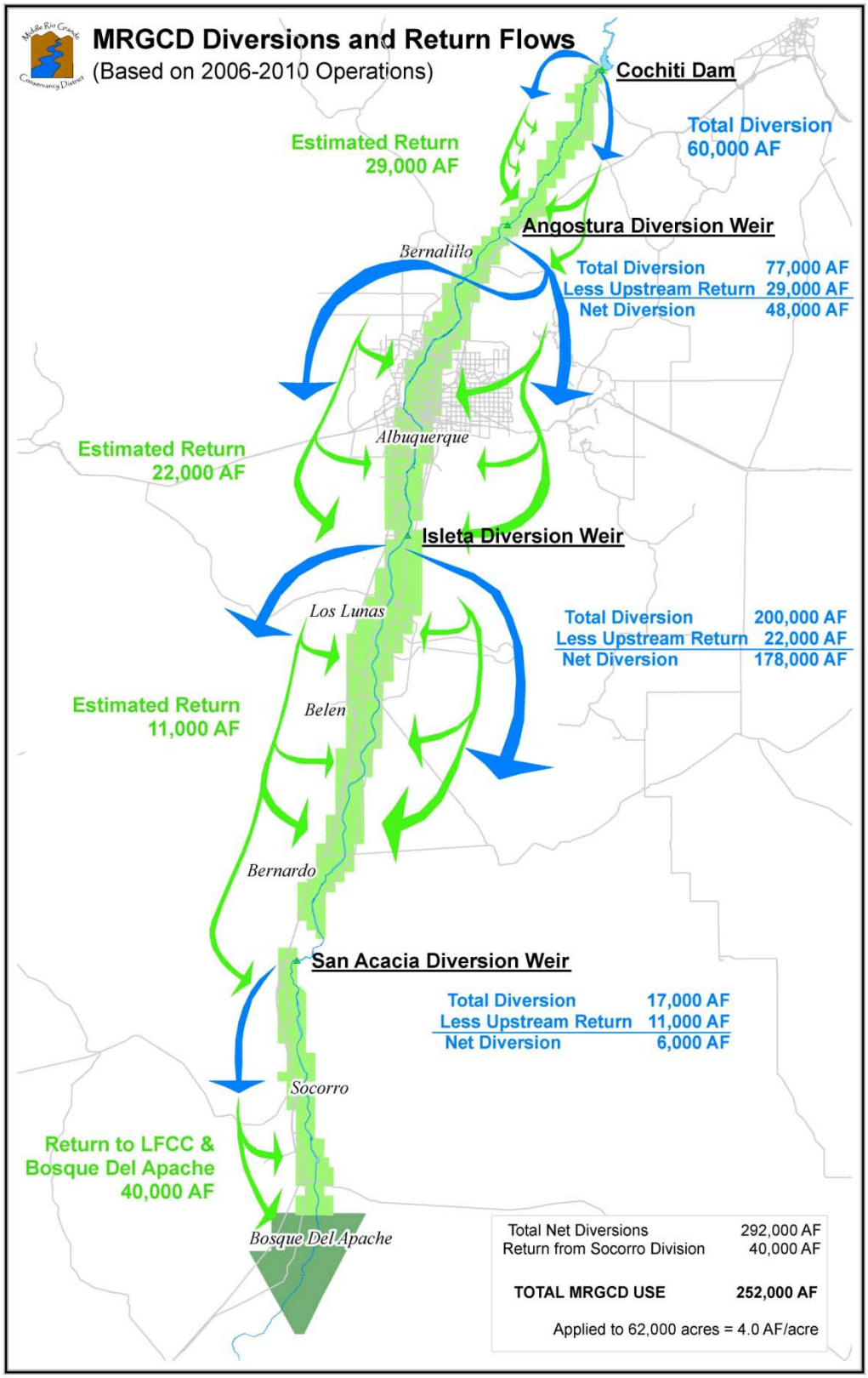

Figure 3. MRGCD diversions and return flows.

The west side system diverts water to the Belen High Line Canal, which supplies laterals and Acequias. Return flows from the west side may be directed back to the Rio Grande at seven locations or may be delivered directly into the Socorro Division, via the Unit 7 Drain Direct Belen division return flow, comprises about 79% of supply for the Socorro Division.

San Acacia Diversion Dam is used primarily to supplement flows when necessary, or during periods when the Belen Division is unable to supply water. When flows in the Rio Grande are high, San Acacia Dam may be used preferentially over Belen return flows due to a lower salt content in the water at certain times of the year. During much of the year, water is intentionally diverted at Isleta Dam and routed to Socorro Division to minimize the very high evaporative conveyance losses incurred by the river during the summer months. The Socorro Main Canal receives water from both the Unit 7 Drain and from San Acacia Dam. The Socorro Main Canal has a North, Center, and South portion. To a large degree, return flows are collected from the North section to supply the Center section, and from the Center section to supply the South section. The LFCC recycles Socorro Division water supplies at three locations.

MRGCD returns surface water from its canals directly to the LFCC at four wasteway points. The MRGCD then may divert this recovered water into its canal system at three locations. There is a single, small MRGCD wasteway that can return water directly to the Rio Grande by discharging to the Brown arroyo, which crosses over the LFCC to enter the Rio Grande.

3.3.1.3 Summary of MRGCD'S Proposed Actions

MRGCD proposes to continue coordinating with Reclamation for the release of irrigation water from El Vado Reservoir, operating the Diversion Dams and delivering return flows to the Rio Grande, as has been done since 1935, to provide water for beneficial use by the Six MRG Pueblos and as provided for by New Mexico law to non-Pueblo water users within the MRGCD service area, as described above, and in compliance with State and Federal law.

MRGCD proposes to request releases from El Vado Reservoir and to operate and maintain the Diversion Dams pursuant to the 1923 New Mexico Conservancy Act, Federal Congressional Acts of 1928 and 1935, NMOSE Permit No. 0620, and the 1951 Contract to meet the following requirements:

- Divert and deliver water stored in and released from El Vado Dam and native Rio Grande water to satisfy the needs of private property holders and users of water within its service area, prior and paramount lands, and newly reclaimed lands of the Six MRG Pueblos.

- During times of shortage, divert and deliver native Rio Grande water for lands of the Six MRG Pueblos with prior and paramount water rights, as requested by the BIA Designated Engineer.

- Re-divert MRGCD's contracted SJC Project water, which, by statute, cannot be used by the United States for ESA purposes, except upon a willing seller basis.

3.4 Proposed Conservation Measure

3.4.1 Middle Rio Grande Collaborative Recovery Implementation Program

The conservation measure proposed in this BA for both Reclamation and the non-Federal entities is the implementation of the RIP. The formal documents that establish the RIP are a Program Document, an Action Plan, a Long-Term Plan, and a Cooperative Agreement. An annual work plan will reflect the specific activities and tasks to be implemented by the RIP during the year. The RIP will follow an adaptive management (AM) approach throughout the recovery implementation process. An AM guidance document, produced on behalf of the Collaborative Program, also is included as part of the conservation measure. The goals of the RIP are to:

1. Alleviate jeopardy to the listed species in the MRG Collaborative Program area.
   a. Avoid actions that preclude survival or recovery of the listed species.
   b. Continually identify the critical scientific questions and uncertainties that will be addressed through AM in support of a hydrologically and biologically sustainable MRG water operations BiOp..

2. Conserve and contribute to the recovery of the listed species with the constraints of the RIP.
   a. Stabilize existing populations through ongoing and future management activities.
   b. Support the development of self-sustaining populations.

3. Protect existing and future water uses.
   a. Provide a mechanism for ESA compliance for identified Federal actions and ongoing non-Federal water-related actions that do not create additional net depletions to the MRG.
   b. Provide a process for streamlined Section 7 consultation for future water uses needing compliance with the ESA.

The guiding principles for the RIP are as follows: 1) it may not impair state water rights of individuals and entities 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; or the State of New Mexico's ability to comply with Rio Grande Compact delivery obligations; 2) water to be acquired or otherwise made available for endangered species benefits must be from a willing donor, seller or lessor and be used in compliance with applicable federal law the laws of the State of New Mexico including, but not limited to, permitting requirements; 3) it will use an adaptive management processes to optimize management actions; and 4) it will be implemented in a manner that is transparent to stakeholders, the public, and other interested parties.

3.4.1.1 Reliance on RIP for ESA Compliance

Section 7(a)(2) of the ESA requires Federal agencies to ensure their actions are not likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat (see 50 CFR 402.01). This ESA requirement also includes any non-Federal actions that have a Federal nexus, where a Federal agency funds, authorizes, or carries out the action in whole or in part. Section 9 of the ESA prohibits Federal and non-Federal parties subject to the jurisdiction of the United States from "taking" endangered species. In the MRG basin, a variety of Federal and non-Federal activities related to water operations, water management and use, river maintenance, and flood control are subject to the ESA. The signatories to the Cooperative Agreement intend that the RIP provide regulatory certainty under the ESA for the actions referenced in the Proposed Action of this BA and any future supplements. ESA compliance will be afforded through a [contemplated] programmatic BiOp that relies on implementation of the RIP Action Plan. The RIP Action Plan includes activities of the Long-Term Plan (LTP) inventory for which there is commitment from the responsible entities and which are based on recovery actions of the silvery minnow and flycatcher recovery plans. Through implementation of the RIP Action Plan, there are linkages to recovery actions that are expected to achieve progress toward recovery of the species.

Implementation of the RIP Action Plan is presented in this section as a conservation measure to offset the effects of the water management-related activities described in chapters 3 of both part 1 and 2 of this BA and any future supplements. RIP conservation measures for the aggregate set of adverse effects presented in the effects analyses, included both direct and indirect effects of the proposed action as well as interrelated and interdependent effects.

3.4.1.2 RIP Program Document

The Program Document provides the framework for the RIP. It describes, among other things, the RIP's purpose, its scope, the organizational structure and governance protocols for RIP implementation, criteria for measuring progress, and principles for ESA compliance.

The Service will make an annual determination of each year of whether the RIP is making sufficient progress toward recovery of the listed species. This determination of sufficient progress[19] ensures continued ESA compliance for covered actions. The Service's annual assessment will consider sufficient progress factors that address the reduction of threats of the species and the status of the species and their habitats. These factors, to be identified in the BiOp, are not intended to vary as long as the BiOp remains in effect. Details of these factors or additional interim recovery criteria are described below in the Program Document and will be used by the Service as its criteria for a determination of sufficient progress. These details may change from year to year, though they remain supportive of the sufficient progress factors per the BiOp.

RIP activities tier from species recovery plans. Because the RIP will implement recovery activities identified in annual work plans and reduction of threats to species recovery will be addressed, it is expected that the RIP will achieve sufficient progress towards recovery

3.4.1.3 RIP Long-Term Plan

The LTP is a background guidance document that provides an inventory describing beneficial activities that may be implemented by the RIP to meet its purposes and goals. The RIP's LTP will be based on the framework of the silvery minnow and flycatcher recovery plans approved by the Service in 2010 and 2002, respectively (Service 2009 and 2002). Future activities in the LTP will incorporate new information on the hydrology of the MRG and on the life history of the species. It also will incorporate the principles of AM as described below.

The LTP will consist of categories of RIP activities, including physical habitat restoration and management, water management, and predator/non-native control; population augmentation/propagation (silvery minnow only); water quality management (silvery minnow only); research, monitoring, and AM; policies and laws; public information and outreach; and Program management. Goals, actions, and tasks will be identified under each of the categories. The LTP will present a long-term schedule that will provide general guidance as a roadmap for the sequence and approximate timing of activities over an approximate 15-year period. The LTP is viewed as a guidance document for the RIP Action Plan, recognizing that both the LTP and Action Plan will undergo routine reviews and

[19] Provided the RIP, and fully serves to minimize effects of the proposed water use and management actions.

updates to ensure that implemented activities advance the accomplishments of the RIP's goals.

3.4.1.4 RIP Action Plan

The RIP Action Plan is needed to identify specific actions and tasks within a 5-year timeframe for which there is commitment from the responsible entities. These are based on recovery actions of the silvery minnow and flycatcher recovery plans and advance the accomplishments of the RIP's goals. The Action Plan is organized to focus RIP activities on the listed species in a manner that promotes and emphasizes the integration of the essential components of species habitat (water, channel morphology, flood plain, food, water quality, etc.) within an adaptive management framework. Through implementation of the RIP Action Plan, there are linkages to recovery actions that are expected to achieve progress toward recovery of the species.

The Service has identified threats to the species in its species listing rules and in the recovery plan for each species. Each recovery plan includes recovery actions that are intended to reduce or eliminate the threats. The RIP Action Plan draws from the LTP inventory that is based on the framework of the Service's silvery minnow and flycatcher recovery plans. The RIP Action Plan activities are designed, in part, to reduce the threats to the species identified in those documents.

3.4.1.5 Annual Work Plan

The RIP Executive Director will develop an annual work plan that tiers from the RIP Action Plan and reflects the specific activities and tasks to be implemented by the RIP during the year.

3.4.1.6 Adaptive Management

The Action Plan acknowledges that there are still a number of critical uncertainties and hypotheses about the listed species and their habitat that are integral to water management and species recovery activities. AM is a structured and systematic approach for designing, implementing, monitoring, and evaluating management actions to maximize learning about critical scientific questions and uncertainties that affect management decisions regarding the use of Collaborative Program resources to achieve RIP goals. Learning resulting from adaptive management activities and monitoring will be used as a tool to improve management decisions to more quickly and cost-effectively attain RIP objectives.

The adaptive management framework drafted by contractors to the Collaborative Program (Middle Rio Grande Endangered Species Collaborative Program Adaptive Management Plan Version 1, October 25, 2011) provides guidance for the development of a scientifically defensible AM design specific to the RIP. It also includes a set of principles for designing AM actions and examples of

management actions and appropriate monitoring plans. As an important priority, the RIP will use the AM framework and experience of this and other programs to develop a formal AM Plan, ideally within the first year of the RIP's existence. The RIP will identify specific management activities, monitoring, and research that will be used to evaluate and improve management decisions and will identify the decisionmaking framework for flexible water management and other activities that provide for meeting the RIP goals.

Adaptive management is not intended as a broad-based research program. In keeping with the purpose of AM, only learning relevant to management decisionmaking will be sought through the AM process. AM will be implemented within the existing financial and hydrological resources available to the RIP.

3.4.2 Specific Reclamation and MRGCD Conservation Measures

Specific Reclamation and MRGCD conservation measures are a component of the RIP conservation measure and are presented, in part, as mitigation for the adverse effects of each respective agency's proposed actions as identified in the effects analysis.

3.4.2.1 Reclamation's Conservation Measures

3.4.2.1.1 Reclamation's Supplemental Water Program

Reclamation's Supplemental Water Program is a proposed conservation measure to aid Reclamation's ESA compliance for its MRG Project operations and river maintenance program. The Program is fully within Reclamation's discretionary and budgetary control, and was identified as a specific Federal responsibility in 2008 congressional legislation. In 2011, Reclamation completed an updated NEPA analysis of the Program and issued a finding of no significant impacts. The current Program consists of three components:

1. Water acquisition and storage.
2. SJC Project waivers of mandatory release dates from Heron Reservoir.
3. Pumping and conveying water from the LFCC to the Rio Grande, including the operation of an outfall near Escondida.

3.4.2.1.1.1 Water Acquisition

Supplemental Water Program water acquisition and storage includes several sources. Reclamation has acquired most of its Program water by entering into temporary lease agreements with many SJC Project contractors on a willing lessor basis. However, as SJC Project contractors develop facilities to put their contracted water to beneficial use, less water will be available in the future for lease to supplement species needs.

Reclamation had leased previously unallocated SJC Project water for use in its Supplemental Water Program; however, that water was allocated for the Aamodt and Abeyta Pueblo water rights settlements in 2010. Reclamation proposes to seek lease agreements for newly allocated SJC Project water from the Pueblos until the water projects associated with the settlements are completed.

With the support of the MRGCD, the SJC Project water used in the Program is exchanged with native Rio Grande water. Reclamation also releases water captured, stored, and made available under an agreement between Reclamation and the NMISC, the Emergency Drought Water Agreement, as amended, to meet the needs of the MRG Project and to benefit the federally listed endangered species. Additionally, Reclamation has entered into agreements with

the MRGCD and the ABCWUA to store the leased SJC Project water that Reclamation acquires for the Program in El Vado and Abiquiu Reservoirs, respectively.

Reclamation also is seeking to acquire pre-1907 surface water rights as part of the U.S. Department of the Interior's Americas Great Outdoor initiative – Price's Dairy. The Service, working in partnership with the Reclamation, Bernalillo County, the city of Albuquerque, and local residents, is proposing to create a new national wildlife refuge along the Rio Grande in the South Valley of Albuquerque. It will encompass the 570-acre Price's Dairy property, one of the largest remaining agricultural properties in the metro region. The mission of the refuge will be to protect and restore wildlife habitat, enhance public recreation, preserve open space, and offer environmental education programs for visitors from across New Mexico and beyond. The 546 AF of senior water rights associated with the dairy would be used for onsite habitat restoration, agro-ecosystem demonstration, and environmental flows for ESA compliance in the MRG. Specifically, the portion of water rights acquired by Reclamation would be used as part of the Supplemental Water Program; and a portion of the water rights acquired by the Service will be used, as available, to support environmental flows.

3.4.2.1.1.2 SJC Project Waivers

Reclamation regularly authorizes extension of the date that SJC Project contractors take delivery of their annual allocation of SJC Project water if it benefits the United States and does not impact the delivery of imported water into Heron Reservoir. Through this process, contractor water that will be leased to Reclamation can be retained in storage at Heron Reservoir by the contractor, or Reclamation, into the year after the year the water was allocated to the contractor. This helps to ensure that the Supplemental Water still will be available when it is needed to meet flow requirements or storage space for the Supplemental Water will be available at downstream reservoirs. Waivers generally allow SJC Project water to remain in Heron Reservoir through April 30 of a given year. Waivers beyond April 30 have occurred infrequently under extreme conditions. Reclamation has authorized waivers at times when maintaining water in Heron allowed the use of such water as part of the Program at a later date or when the changing of delivery timing helped maintain fishery and recreational flows on the Rio Chama.

3.4.2.1.1.3 Pumping from the LFCC

Program pumping of water from the LFCC is used to support flows in the San Acacia Reach of the Rio Grande. Each year and as necessary, Reclamation reinstalls pumps at four locations along the LFCC, shown on figure 4, which are used to convey Supplemental Water from the LFCC to the Rio Grande for the benefit of the silvery minnow and the flycatcher.

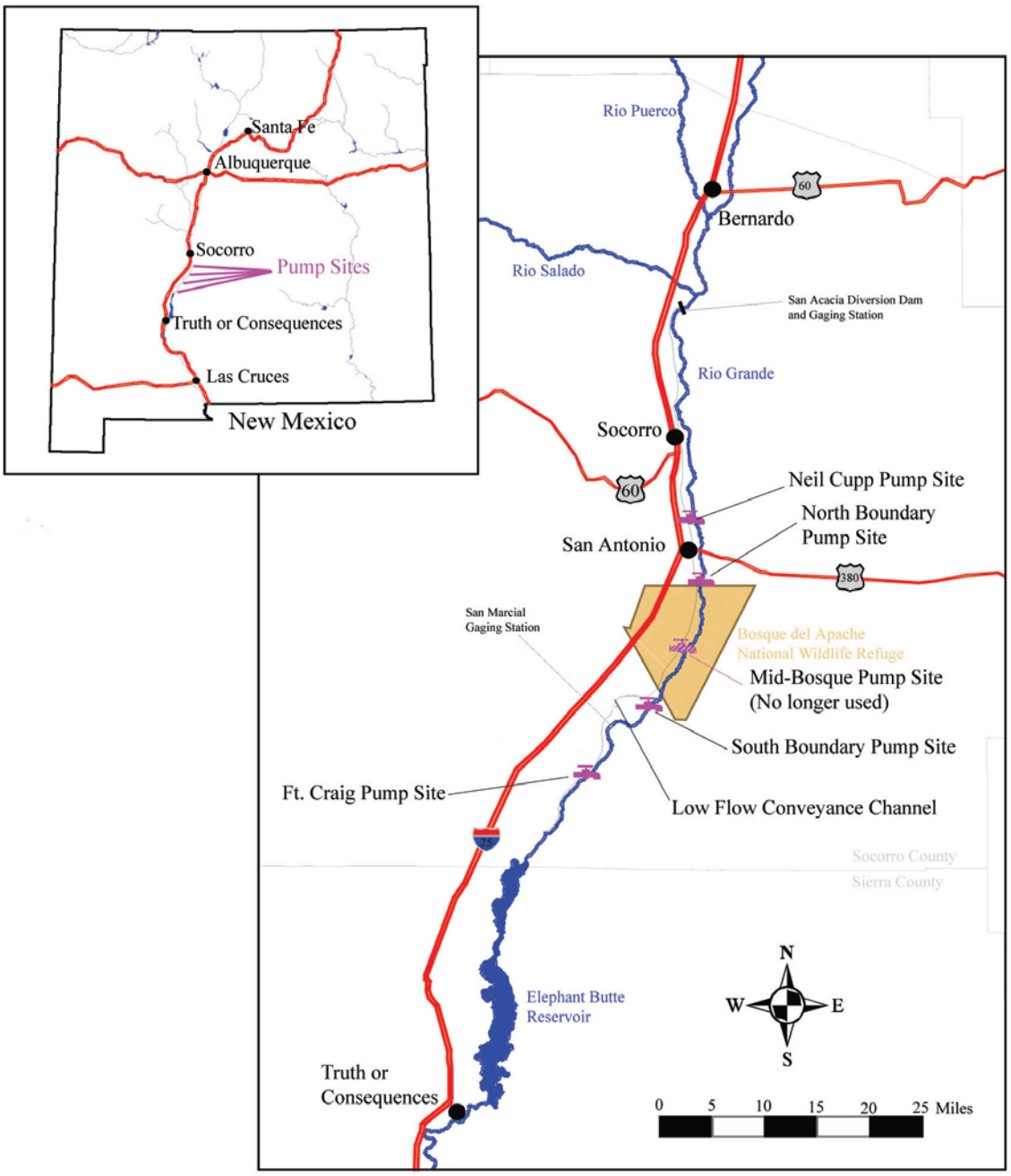

Figure 4. Current and historical LFCC pumping site locations.

Maintenance, including sediment and aquatic vegetation removal, and necessary rehabilitation of discharge channels, including riprap lining, to a point sufficient to convey target water flows from pumps and unintended floodwater without erosion or degradation of pumping infrastructure. The annual maximum acreage of impact from the sum of areas described by the inlet to the pumps stretching to the outfall at the river is 2.6 acres. Much of this work is done with traditional heavy machinery including excavators, backhoes, dump trucks, and small hand-held power equipment.

Vegetation control, related to Supplemental Water pumping operations, occurs in two different areas. The first area is within 100 feet of either side of a given discharge channel or pipe network centerline at each of the four historic pumping sites. The maximum impact area of this first area is a total of 12 acres. The second area is along the corridors (10 lateral feet of either side) of evacuation routes that would be used by Reclamation and authorized contractor personnel who are working specifically in pumping operation and maintenance (O&M). The evacuation routes from the Neil Cupp and North Boundary pump sites are along the LFCC eastern road up to Highway 380. The evacuation routes for the Ft. Craig and South Boundary Sites are along the LFCC eastern road, including the bridge across the LFCC and east/west road to the San Marcial Yard. The maximum impact area of this second area is 126 acres. Vegetation control, or mowing, typically will be done with a radial blade mounted to a backhoe or other heavy equipment and can impact an annual total maximum of 138 acres for total pumping operations-related mowing. Historically, pumping-related mowing rarely amounts to more than one-fourth of the total maximum acreage, or about 34.5 acres. Acreage impacted from native willow harvesting, done for habitat restoration or remediation at locations outside of the pumping mowing-related boundaries, is not intended to be counted in the proposed acreage limits of mowing. Willow harvesting acreage is not expected to exceed a total of 5 acres and is typically done in the winter seasons when the species is dormant. Mowing is not expected to take place April 15 to August 15 to respect the guidelines set forth in the Migratory Bird Treaty Act of 1918. On occasion, circumstances may warrant violation of these dates; in which case, Reclamation will consult with the Service to ensure endangered or threatened avian species will not be disturbed as a result of mowing or other vegetative clearing.

Established protocols related to these functions will be followed that minimize or eliminate impacts to endangered species. If possible, planned work in-channel will be done when water is not present. When water is present within a discharge channel, various approved methods will be employed with the intent of safely removing potential endangered species prior to beginning work. When vegetative removal is necessary associated with pumping operations tasks, Reclamation biologists will survey the intended area of action for possible endangered species prior to clearing.

3.4.2.1.1.4 Adaptive Management

Reclamation is developing an implementation plan for a pilot adaptive management program in 2012. Reclamation proposes to examine water operations, including Supplemental Water and LFCC pumping, with the goal of optimizing the use of available water to support silvery minnow habitat and viability. Reclamation's AM efforts are intended to supplement and aid the RIP's adaptive management plan, discussed above.

3.4.2.1.1.5 Summary of Reclamation's Proposed Conservation Measure – the Supplemental Water Program

Reclamation proposes the following specific conservation measures related to its Supplemental Water Program:

- To purchase or lease from willing parties, water, water rights or the right to store water for use in the Rio Grande to provide supplemental flows to the Rio Grande.

- To lease water from SJC Project contractors, depending on environmental conditions, water availability, funding, and the willingness of contractors to enter into leasing agreements.

- To acquire pre-1907 surface water rights from Price's Dairy, in partnership with the Service.

- Reclamation proposes to release Program water as needed, to meet downstream flow targets, while supplies last.

- To seek to enter into water acquisition agreements and/or water management agreements with SJC contractors and other interested parties.

- To release water stored pursuant to the Emergency Drought Water Agreement or other similar agreements, as is made available by the State of New Mexico, consistent with the Compact and with State and Federal law.

- To utilize its Program water only when native flow management is insufficient to meet ESA requirements by exchanging leased SJC Project water with native Rio Grande water.

- To authorize temporary waivers, which allow SJC Project contractors to take their water deliveries in the following calendar year, if such waivers will benefit the United States and not impact delivery into Heron Reservoir.

- To pump and convey water from the LFCC to the Rio Grande, including the operation of an outfall near Escondida, New Mexico.

3.4.2.1.2 Reclamation's Environmental Water Operations

A significant amount of coordination between Reclamation, the Corps, the MRGCD, and State and local water management agencies is necessary to successfully accomplish environmental water operations, also known as "River Eyes," which includes coordination of water and river operations to improve system operations and to benefit habitat for listed species. The actions include daily observations of river conditions with written summer reports distributed via email to recipients of water operations conference call notes and verbal reports given during water operations conference calls. River reconnaissance generally is performed early enough in the day so that observations can be relayed to water operations staff by 8:00 a.m. and may be followed up with late afternoon reconnaissance. Handheld global positioning system units are used to record spatial characteristics of receding and advancing edges of running water habitat. Irrigation wasteways also are surveyed to determine if they are actively contributing to river flows. Daily coordination of water operations between Federal and non-Federal partners are especially critical during periods of limited water availability and river drying.

Reclamation proposes, as a conservation measure, to continue its interagency efforts and environmental water operations.

3.4.2.2 MRGCD's Proposed Conservation Measures

In conjunction with its proposed actions, the MRGCD proposes the following general and specific conservation measures. In addition to the measures described below, the MRGCD proposes to continue participating in and sharing the cost of the Collaborative Program/RIP and funding PVA model development (full funding for one of the two models under development).

ESA compliance is a requirement of MRG Project operations; and, through inclusion in this BA, the MRGCD recognizes the need to continue to cooperate with Reclamation to perform our joint future compliance efforts and to conserve water for use during drought years. As part of a broader Water Management Plan among the water managers, as included in the RIP Action Plan, the MRGCD will negotiate elements of a water management plan with Reclamation, which will include planning for all types of water years. One of the major elements will include development of a Drought Management Pool that will be "last to use" to assist in managing the system for both irrigation and in-river conditions during critically dry years.

Further proposed conservation measures are in development through Reclamation's negotioations with MRGCD. The current draft of proposed measures that have been approved by the MRGCD Board of Directors are attached in appendix 9. These measures are currently being evaluated by Reclamation and further details will be developed and supplied to the Service for the Biological Opinion.

As a general practice, MRGCD will manage its diversions and outfalls to return flows to the Rio Grande to new habitat areas and other designated sites that will be consistent with tasks identified within the RIP Action Plan. MRGCD will identify key target areas where water can be returned, especially during critically dry periods, to maintain wetted habitat for silvery minnow when drying is occurring elsewhere in the river. Figure 3 in section 3.3.1.2 illustrates the locations where MRGCD can best enhance river flows.

3.4.2.2.1 MRGCD's Enhanced Water Operations

3.4.2.2.1.1 Enhanced Coordination

MRGCD proposes to continue water operations, in coordination with Reclamation, the Corps, and State and local water management agencies, as was described above in Reclamation's environmental water operations. MRGCD's environmental water operations included the following:

- Participation in the regular management of water operations throughout the MRG, in conjunction with Reclamation, the Corps, NMISC, ABCWUA, and the Service with the goal of providing efficient water management, meeting the needs of all State of New Mexico permitted water uses, remaining in compliance with the Rio Grande Compact, and benefitting the species to the greatest extent practical.

- Provision of access to MRGCD managed lands for operational and scientific purposes involving species (including guides, keys, etc.), including activities related to habitat restoration projects, fish monitoring. and fish salvage.

- Operation and maintenance of measurement stations, telemetry equipment, computer processing, and data exchange networks to collect and distribute information on MRGCD water operations to other water management entities and the general public.

- Expansion and refinement of the network of MRGCD measurement stations to contribute to a more thorough scientific understanding of water movement, distribution, and use throughout the MRG.

- Support for efforts by Reclamation and the NMISC to fully understand Rio Grande depletions from all sources through participation in river measurements made by various entities.

- Support for management of Supplemental Water by Reclamation and species salvage by the Service, through participation in river measurements during critical periods.

3.4.2.2.1.2 Changes in Operation to Support Instream Habitat and Flow Management

The primary purpose of the operational measures described below is to benefit listed species.

- The MRGCD will continue to improve its system's operational efficiently and, therefore, minimize the amount of water from El Vado that is needed to augment MRG flows. These actions can decrease significantly the requirement for Supplemental Water if they are able to keep the irrigation system from going into shortage operations. Shortage operations are "run-of-the-river" operations in which there is no available water in storage for non- prior and paramount irrigators and insufficient natural flow. During these operations, Reclamation's Supplemental Water is expended quickly, especially if there are any flow requirements beyond Isleta Dam. Efficient MRGCD operations allow flow targets to be met without Supplemental Water when MRGCD is operating normally and decrease the amount of Supplemental Water to cover times that the MRGCD is in shortage operations, since the efficiency helps to minimize the amount of time that the MRGCD is in shortage operations.

- In coordination with Reclamation's Supplemental Water Program, MRGCD will manage conveyance of Supplemental Water for delivery to drain outfalls and wasteways to better meet the needs of RGSM. These releases provide discrete wetted sections that serve as refugia for RGSM, with possible Southwestern willow flycatcher (SWFL) benefit and are most beneficial to the species when the release rates are managed for consistency.

- On occasion, when water is physically available, and in coordination with Reclamation and the Service, the MRGCD will manage its returns flows to assist the Service with its RGSM rescue efforts.

- Under certain conditions, by mutual agreement, and contingent on water being physically present, MRGCD will maintain set rates of discharge from certain MRGCD wasteway and drain outfalls within the Isleta Reach of the Rio Grande.

- Minimize or temporarily suspend diversions during periods of peak egg production to minimize incidental entrainment of eggs and larvae into irrigation canals; subject to rates of flow, agricultural needs, and coordination with the Service.

- During normal MRGCD operations, MRGCD will convey Reclamation's Supplemental Water as far as the Isleta Diversion Dam without incurring any consumptive losses. MRGCD will bear all losses to Reclamation Supplemental water through the Cochiti Dam and Angostura Reaches.

- MRGCD will divert Reclamation's Supplemental Water as necessary at the Diversion Dams, leaving an equivalent amount of native Rio Grande water undiverted. This water accounting exercise provides that the Supplemental Water Program's SJC Project water is fully consumed within the MRG, which is consistent with the intent of the SJC Project to provide for beneficial use of Colorado River water in New Mexico.

- During normal MRGCD operations, the MRGCD will allow a flow of native Rio Grande water equivalent to 50% of Reclamation's Supplemental Water arriving at Isleta Diversion Dam to pass through the San Acacia diversion after an appropriate time delay. MRGCD will bear a variable portion of losses to Reclamation's Supplemental Water, dependent on rates of flow and time of year.

- During MRGCD shortage/conservation operations and when the ABCWUA has agreed to suspend diversions of native Rio Grande water, MRGCD will reduce diversions at Angostura Diversion Dam to the minimum practical rate of flow required to meet irrigation demand within the Albuquerque division, as occurred during the fall of 2011.

- Under certain conditions, by mutual agreement and to prevent delay, when Reclamation has begun releasing Supplemental Water but that water has not yet reached its intended destination, MRGCD will assist Reclamation to achieve intended rates of flow below the Diversion Dams.

- Under certain conditions, by mutual agreement and contingent on water being physically present, MRGCD will take actions to maintain a small discharge, not to exceed 8 cfs (normal gate leakage) below the Isleta Diversion Dam.

- Under certain conditions, by mutual agreement and contingent on water being physically present, MRGCD will take actions to maintain a small discharge, not to exceed 8 cfs (normal gate leakage) below the San Acacia Diversion Dam.

3.4.2.2.1.3 Changes in Operation to Support Spring Peak Flows

- MRGCD will request that Reclamation store water at El Vado Reservoir in a manner that minimizes the impact of storage operation on the magnitude and duration of spring runoff hydrographs. To the extent practical, storage should occur early during the runoff period so that more water may pass through El Vado during times most advantageous to spawning of the silvery minnow. MRGCD may request that Reclamation use an increased rate of storage at El Vado during times when releases from Abiquiu Reservoir are at channel capacity to minimize reduction to peak discharge through the MRG.

- MRGCD will coordinate its storage requests with Reclamation, NMISC, and the Corps with the goal of maximizing peak discharge and/or duration of the spring runoff through the MRG for the benefit of the species.

4. Species Description, Federal Listing Status and Life History

4.1 Rio Grande Silvery Minnow

4.1.1 Species Description

The Rio Grande silvery minnow (*Hybognathus amarus*) (silvery minnow) is a small-bodied minnow reaching a maximum size of approximately 4 inches (Sublette et al. 1990). The silvery minnow are part of the genus *Hybognathus* that has at least seven recognized species, which are very similar morphometrically (Bestgen and Propst 1996). The taxonomic status of silvery minnow has changed several times since its original description by Girard in 1856 in the vicinity of Brownsville, Texas. Pfliger (1980) was the first to separate out the silvery minnow as its own species, *H. amarus.* This status has been supported by several publications investigating morphometric and genetic characteristics (Cavender and Coburn 1988, Hlohowskyj et al. 1989, Mayden 1989, Cook et al. 1992, Schmidt 1994, Bestgen and Propst 1996).

4.1.2 Distribution

Historically, silvery minnow occurred in the Rio Grande from Española, NM, to the gulf coast of Texas and in larger tributaries including the Pecos River encompassing more than 1,500 river miles (2,400 kilometers [km]). There are few early sampling records in the Rio Chama. There is also some historic information from tribal sources that silvery minnow may have occupied the Rio Chama up to approximately Abiquiu (Parametrix 2010). Today, silvery minnow are restricted to the reach of the Rio Grande in New Mexico, much of which is susceptible to drying, from the vicinity of Bernalillo downstream to the headwaters of Elephant Butte Reservoir. The occupied distance is approximately 10% of its presumed historic range (approximately 150 river miles [241 km]). This area is mainly encompassed within the action area for this consultation. The last silvery minnow collected outside the Middle Rio Grande was in the Pecos in 1968 (Museum of Southwestern Biology Records). There have been no silvery minnow collected in the Big Bend reach of the Rio Grande since 1961; however, silvery minnow from the propagation facilities supported by the Collaborative Program were stocked in the Big Bend reach in 2008, 2009, and 2010. Initial surveys have found evidence of reproduction, though it is too early to determine if the population will become self-sustaining.

The portion of river between Cochiti Dam and Angostura Diversion Dam is still considered to be occupied, but very few surveys have been conducted in this reach to confirm this. Egg monitoring was conducted in the Angostura Canal, just

downstream from the Angostura Diversion Dam, over the past decade. During this time, only three eggs were reported (in 2003), and those were not preserved for confirmation. The lack of eggs in the Angostura Canal suggests that silvery minnow density upstream of Angostura Diversion Dam is extremely low if present (Service 2009).

4.1.3 Listing Status – Critical Habitat

Silvery minnow is currently listed as endangered on the New Mexico State list of endangered species, having first been listed May 25, 1979, as an endangered endemic population of the Mississippi silvery minnow (*Hybognathus nuchalis*). On July 20, 1994, the Service published a final rule to list the silvery minnow as an endangered species with proposed critical habitat (Federal Register [FR] 1994). The Service initiated a 5-year review of the status of the species in 2010 (75 FR 15454–15456). Current science was submitted to the Service for consideration by many entities, including MRGCD and NMISC; but the review has not been published at this time.

Critical habitat was designated for silvery minnow in 1999 (64 FR 36274-36290), with revisions published February 19, 2003 (68 FR 8088-8135). Designated critical habitat in the Rio Grande extends through Sandoval, Bernalillo, Valencia, and Socorro Counties, New Mexico, generally beginning at Cochiti Dam downstream to the utility line crossing the Rio Grande at the upstream end of the Elephant Butte Reservoir full pool. This marks the southern boundary of the action area for this consultation and the beginning of Reclamation's Rio Grande Project. The lateral extent of critical habitat includes those areas bounded by existing levees. In areas without levees, the lateral extent of critical habitat, as proposed, is defined as 300 feet (91.4 meters [m]) of riparian zone adjacent to each side of the river.

The critical habitat designation also includes a 5-mile segment of the Jemez River from Jemez Canyon Dam to the upstream boundary of Santa Ana Pueblo, Sandoval County. Pueblo lands in Santo Domingo, Santa Ana, Sandia, and Isleta Pueblos are excluded from critical habitat. The Service considered the Rio Grande around Big Bend National Park and the Pecos River between Ft. Sumner Dam and Brantley Reservoir as essential to conservation but did not designate them as critical habitat.

The Service identified four primary constituent elements (PCE) in the critical habitat designation (68 CFR 8114–8117):

1. A hydrologic regime that provides sufficient flowing water with low to moderate currents capable of forming and maintaining a diversity of aquatic habitats, such as, but not limited to, the following: Backwaters (a body of water connected to the main channel, but with no appreciable flow), shallow side channels, pools (that portion of the river that is deep

with relatively little velocity compared to the rest of the channel), eddies (a pool with water moving opposite to that in the river channel), and runs (flowing water in the river channel without obstructions) of varying depth and velocity—all of which are necessary for each of the particular silvery minnow life-history stages in appropriate seasons. The silvery minnow requires habitat with sufficient flows from early spring (March) to early summer (June) to trigger spawning, flows in the summer (June) through fall (October) that do not increase prolonged periods of low or no flow, and a relatively constant winter flow (November through February).

2. The presence of low-velocity habitat (including eddies created by debris piles, pools, or backwaters, or other refuge habitat (e.g., connected oxbows or braided channels) within unimpounded stretches of flowing water of sufficient length (i.e., river miles) that provide a variety of habitats with a wide range of depth and velocities.
3. Substrates of predominantly sand or silt.
4. Water of sufficient quality to maintain natural, daily, and seasonally variable water temperatures in the approximate range of greater than 1 degree Celsius (°C) (35 degrees Fahrenheit[°F]) and less than 30 °C (85 °F) and reduce degraded water quality conditions (decreased dissolved oxygen, increased pH, etc.).

4.1.4 Life History and Ecology

Historically, the occupied range of silvery minnow included a broad range of environmental parameters from those typical of the arid Southwest to the gulf coast of Texas. Current knowledge of silvery minnow life history and requirements are based on studies that have been conducted within the species' contemporary range, an environment that has been dramatically altered over historic times. It is unknown how the minnow's life history attributes may have differed in now unoccupied portions of its range.

In the Middle Rio Grande, silvery minnow generally spawn in the spring, from late April through June (Platania and Dudley 1999–2010). Peak egg production typically occurs in mid- to late-May, coinciding with high spring discharge produced by snowmelt runoff. Spawning also is thought to be sometimes triggered by summer flow spikes in years with negligible snowmelt runoff. It is likely that several environmental variables influence the timing of silvery minnow spawning (e.g., photoperiod, temperature, and water turbidity).

Reproductively mature females are typically larger than males. Each female produces several clutches of eggs during spawning, ranging from 2,000–3,000 (Age 1) to 5,000+ eggs (Age 2) per female (Platania and Altenbach 1996). The majority of the population captured by population monitoring during prespawn seining surveys is comprised of Age 1 fish (1 year old) with older,

larger fish (Age 2+) constituting less than 10% of the spawning population (Platania and Altenbach 1996, Horwitz et al. 2011). In paired sampling trials, the mean size of silvery minnow captured during spring sampling of inundated overbank habitats with fyke nets is slightly larger than the mean of those collected with seines (SWCA 2011).

Age determination for museum specimens collected in 1874 based on scales (Cowley et al. 2006) indicated minnows may live up to 5 years. However, more recent analysis of the same museum material and contemporary specimens indicate a maximum age of 3 (Horwitz et al. 2011). In most years, few adult silvery minnows are captured by late summer. In October 2009, the majority (greater than [>] 99%) of silvery minnows collected were Age 0 and 1 fish (Horwitz et al. 2011). Captive minnows can live much longer. Some preliminary estimates of survival from the 1993–1999 monitoring data were developed and presented to the PVA workgroup (R. Valdez PowerPoint to PVA, March 31, 2010). However, these analyses were based upon five age classes and the Cowley et al. age determinations from scales which may not be as accurate as the otolith based comparisons.

Silvery minnow are generally found in schools, so sampling results and habitat studies are often affected by this grouping behavior. Dudley and Platania (1997) studied habitat preferences of the silvery minnow in the MRG at Rio Rancho and Socorro. Both juvenile and adult silvery minnow primarily used mesohabitats with moderate depths (15–40 centimeters [cm]), low water velocities (4–9 centimeters per second [cm/sec]) and silt/sand substrates. Young-of-year silvery minnow are generally found in shallower and lower velocity habitats than adult individuals. During winter months, silvery minnow become less active and seek habitats with cover such as debris piles and low water velocities. During spring sampling, large concentrations of reproductively mature silvery minnow are often collected on inundated lateral overbank habitats (Hatch and Gonzales 2008, LL Study).

Adult, silvery minnow are strong swimmers capable of moving upstream during high flow events (Bestgen et al. 2010). However, studies conducted tracking hatchery fish indicate that there is not likely a population wide migration behavior for silvery minnow. It appears that movement is somewhat random with a net downstream trend for marked individuals though a few individuals moved upstream substantial distances (25 km). The distance traveled by recaptured fish ranged from 0.26 km (0.16 mile [mi]) to over 25 km (15.54 mi) (Platania et al. 2003). More recently, passive implant transponder (PIT) tags were implanted into hatchery fish to study the utilization of a fish passage structure built around the water treatment facility in Albuquerque (Archdeacon and Remshardt 2012). They found that the tagged silvery minnow moved through the facility from both upstream (19 km) and downstream (13 km) stocking locations.

Silvery minnow are thought to be omnivorous or herbivorous consuming a variety of diatoms and algae. A study of historic (1874) and more recent (1978) preserved specimens revealed a variety of diatoms as well as allochthonous organic matter present in the gut contents (Shirey 2004, Cowley et al. 2006). Magana (2009) found that larval silvery minnow showed preference for certain species of diatoms that may be based on the growth form of the diatom. A study of silvery minnow in outdoor hatchery ponds found insects were present in 66% of fish, followed by formulated feed (60%), diatoms (40%), cladocerans (36%), rotifers (35%), filamentous algae (32%), bryozoan statoblasts (19%), copepods (11%), protozoa (9%), plant material (9%), ostracods (6%), detritus (5%), and sand (4%). Among size groups, small and medium fish consumed a greater variety of foods than large fish (Watson et al. 2009).

Silvery minnow are pelagic spawners producing numerous semi-buoyant nonadhesive eggs typical of the genus *Hybognathus* (Platania and Altenbach 1998). Further hypothesis testing to determine if silvery minnow exhibit preferential use of lateral habitat (including overbank) for spawning is underway. Surveys of inundated overbank habitats often capture large numbers of gravid females (Gonzales and Hatch 2009). The specific gravity of silvery minnow eggs ranges from 1.012–1.00281 as a function of time postfertilization (Cowley et al. 2005). Egg hatching time is temperature-dependent, occurring in 24–48 hours at water temperatures of 20–30 ºC (Platania 2000). Recently hatched silvery minnow larvae are approximately 3.7 millimeters [mm] in length.

Eggs and larvae are vulnerable to downstream displacement by the current until larvae are able to actively seek out low velocity habitats, which generally occurs within 3–5 days. Many eggs incubate as they drift downstream (Dudley and Platania 2007, SWCA 2011). The distance that eggs and larvae may be displaced downstream is highly correlated with the level of discharge and habitat structure (Dudley and Platania 2007, Widmer et al. 2012). Habitat complexity is associated with discharge stage; at discharge levels that inundate the associated flood plain, there is a dramatic increase in available low velocity habitats. Retention of gellan beads was higher in the Isleta Reach than the Angostura Reach, likely due to the greater habitat complexity and flood plain connectivity at the discharge tested (Widmer et al. 2012). The proximity of spawning to the habitat also may determine how far eggs may disperse. Retention of propagules in upstream reaches is important to maintain the species within the upper portions of the range, especially in river systems that have been fragmented and where fish have reduced opportunity to move upstream.

The availability of nursery habitat appears to be determined by spring runoff with higher flows inundating terrestrial surface used as nursery areas (Porter and Massong 2004). Overbank habitats often provide low velocity, higher temperature, and high primary productivity habitats for larval fish development (Pease et al. 2006). Data indicate that most years with flow that inundates overbank habitats have much greater recruitment of larval fish into the fall

population. However, flood pulse inundation may have negative implications for water quality such as decreased dissolved oxygen due to increased respiration in areas that are infrequently flooded (Valett et al. 2005). Contributions from the stagnant floodwaters into the main channel also would be expected to decrease the oxygen content within the Rio Grande downstream. For example, Abeyta and Lusk (2004) reported a fish kill due to low oxygen in a large stagnant flood plain pool after overbank flooding along the Middle Rio Grande. Therefore, the frequency of inundation also may play a role in creating the type and quality of habitats for larval fish development.

4.1.5 Reasons for Decline

The silvery minnow was historically one of the most abundant and widespread fishes in the Rio Grande Basin including the Pecos River. Similar to many fish species in the western portions of North America, silvery minnow likely started to decline concurrent with human encroachment and development along the Rio Grande and its tributaries. Though small scale water development was present in the drainage for more than 500 years, major water development projects and flow modifications began in the late 1800s in the San Luis Valley and in 1913 with the completion of Elephant Butte Reservoir (Service 2003). By 1993, when the silvery minnow was proposed for listing, there were upwards of 20 large dams and irrigation structures along the Rio Grande and its major tributaries (Pecos, Rio Chama, and Jemez River). Additionally, demands for water increased greatly in the 20th century.

Trevino-Robinson (1959) documented the early 1950s “cosmopolitan” occurrence of silvery minnow in the Rio Grande downstream from its confluence with the Pecos River. Due to the extended drought, they noted a portion of the lower Rio Grande went dry in 1953. It is unknown how much drying occurred after this event. Extended drying also was documented between El Paso and the Rio Conchos (Chernoff et al. 1982). Increased agricultural and municipal water demands have increased the magnitude and duration of low flow conditions. In addition to low water conditions, poor water quality conditions were noted in the lower portions of the Rio Grande, including increased salinity and the presence of agricultural chemicals in fish tissues (White et al. 1983, Andreason 1985). Silvery minnow have not been documented below Elephant Butte Dam on the Rio Grande since the mid-1950s (Hubbs et al. 1977, Sublette et al. 1990, Edwards and Contreras-Balderas 1991). Prior to the recent stocking in Big Bend National Park, silvery minnow had not been documented from this lower portion of the Rio Grande since the mid-1950s (Edwards and Contreras-Balderas 1991). Silvery minnow were last sampled above Cochiti Dam near Velarde 5 years after the closing of Cochiti Dam in 1973 (Bestgen and Platania 1991).

Hybridization and/or competition with nonnative congener species operated to displace the silvery minnow from its formerly occupied range in the Pecos River.

The silvery minnow was displaced in the Pecos River of New Mexico by its congener *H. placitus* (plains minnow) that was probably introduced during 1968 into the Pecos drainage from the Canadian drainage (Cowley 1979). The displacement that ensued was complete in less than one decade (Hoagstom et al. 2010). Initial studies to investigate hybridization of plains minnow and silvery minnow did not produce viable offspring (Caldwell 2003), but the results were not conclusive for whether the species could produce viable offspring or not. The study did demonstrate that, under hatchery conditions, the species would mate with each other. Further research is warranted to determine if some type of competitive reproductive interference may have occurred. Heterospecific matings and hybridization are types of reproductive interference that can lead to fitness losses for species due to wasted reproductive effort and in viable offspring (Groning and Hochkirch 2008).

Predation and competition with other fish species has also been cited as a factor possibility contributing to the decline of the species (Service 1999, Service 2003). A wide range of fish species are native to the Rio Grande and Pecos Rivers and coevolved with silvery minnow. Accidental or intentional releases of fishes outside of their native ranges, have established numerous exotic fish species in the Rio Grande Basin (Sublette et al. 1990) representing potential competitors or predators with the silvery minnow outside of those that silvery minnow evolved with. Lotic conditions, created by dams and diversions, often favor large predatory species such as bass. Avian predation is also a factor especially during periods of low or no flow. Very few studies have been conducted to determine the effect of predation or interspecific competition on silvery minnow by the various species that now exist within the Rio Grande.

The entrainment of silvery minnow (primarily eggs and larvae) in the infrastructure of irrigation systems that derive water directly from the Rio Grande has been cited as a factor contributing to the decline silvery minnow (Service 1999). Egg entrainment in irrigation canals has been monitored since 2001. Low numbers of eggs have been found in the sampling. Management strategies at the diversions have likely minimized the number of eggs that are currently entrained. Low densities of silvery minnow likely persist within the permanently watered channels such as the low flow conveyance channel and MRGCD drains (Cowley et al. 2007, Lang and Altenbach 1994, Reclamation Data 2010). These channels may provide some refuge for silvery minnow during extreme dry periods though it is unlikely that they can complete their life cycle within canals due to very limited habitat and high numbers of nonnative predators.

Historically, river engineering projects to manage geomorphic processes have variable effects on silvery minnow habitat quality and area depending on how they are implemented. Traditional river engineering activities within the Rio Grande in combination with regulated flows have confined the Rio Grande to a narrower channel and reduced the connectivity with overbank habitat to reduce depletions of water. Upstream reservoirs also stop sediment transport that often

results in channel incision further reducing flood plain connectivity. Contemporary river engineering projects incorporate features (point bars, side channels, islands) that decrease the impacts to, or increase, silvery minnow habitat.

The original listing of the species as endangered (58 FR 11823) cited the presence of mainstream dams; growth of agriculture and cities in the Rio Grande Valley; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation, particularly during periods of low or no flow; inadequacy of existing regulatory mechanisms including the lack of recognition that instream flows are a beneficial use of State waters; dewatering of a large percentage of its habitat, including dewatering downstream from San Acacia. In the revised recovery plan, the Service (2010) reassessed the pressures or threats to the species that can threaten its continued existence in the MRG. These are dewatering and water diversion, water impoundment, river modification, water pollutants, disease, predation and competition, and loss of genetic diversity.

4.2 Southwestern Willow Flycatcher

4.2.1 Species Description

The southwestern willow flycatcher (*Empidonax traillii extimus*) is a small passerine bird, approximately 15 cm (5.75 inches) in length. Phillips (1948) described the Southwestern subspecies as *E. t. extimus*. The flycatcher is one of four subspecies of the willow flycatcher currently recognized (Hubbard 1987, Unitt 1987), though Browning (1993) suggests a possible fifth subspecies (*E. t. campestris*) in the Central and Midwestern United States. The willow flycatcher subspecies are distinguished primarily by subtle differences in color and morphology and by habitat use. Recent research (Paxton 2000) concluded that *E. t. extimus* is genetically distinct from the other willow flycatcher subspecies.

4.2.2 Distribution

The species occurs in southern California, Arizona, New Mexico, southern portions of Nevada and Utah, and possibly southwestern Colorado (50 CFR 10693). No reporting from standardized surveys has been received from the state of Texas (Durst et al. 2008). In 2007, the population along the Gila River drainage was the largest with 30.1% of all territories rangewide followed by the population along the Rio Grande drainage with 23.3% (Durst et al. 2008).

In New Mexico, the flycatcher has been observed in the Rio Grande, Rio Chama, Zuni, San Francisco, Pecos, Canadian, and Gila River drainages. Flycatchers were first reported at Elephant Butte State Park in the 1970s, although the exact locations of the sightings were not documented (Hubbard 1987). Because surveys

were not consistent or extensive prior to the listing of this species, a comparison of historic numbers to current status is not possible; however, the available native riparian habitat overall along the Rio Grande has declined, and it is assumed populations may have declined from historic numbers as well.

A standardized survey protocol and consistent reporting system have been followed since 1994 using guidelines provided by the Service. The fundamental principles of the standardized methodology for presence/absence surveys have remained the same since the original protocol development and have proven to be an effective tool for locating flycatchers rangewide (Sogge et al. 2010).

In the MRG, surveys for flycatchers in selected areas occurred because of environmental compliance activities for various projects. Although a systematic survey effort throughout the entire riparian corridor of the MRG has not occurred, reaches of the river with the most suitable habitat for flycatchers have been surveyed. Presence/absence surveys and nest monitoring along selected areas of the Rio Grande have been conducted from 1993–2011. With expanded or increased survey efforts during this 18-year period, several sites have been located where flycatcher territories have consistently been established. Once located, most of these core breeding areas have been monitored annually.

Since the initial surveys of the Rio Grande Valley in the 1990s, breeding pairs have been found within the MRG Project area from Elephant Butte Reservoir upstream to the vicinity of Taos. Several locations along the Rio Grande have consistently held breeding flycatchers. These areas have one or more flycatcher pairs that have established a territory in an attempt to breed, with most birds returning annually. In some locations, these local populations appear to be expanding with an increased number of territories being detected. Some local populations have remained small (10–15 territories, or fewer) but stable; other sites have been abandoned and no longer contain territorial flycatchers.

Five general locations of flycatcher populations have been established throughout the MRG (figure 5). These areas consistently have held several territories; however, the number of territories, pairs, nest attempts and successful nests has varied through the years.

4.2.3 Listing Status and Critical Habitat

A final rule was published in the February 27, 1995, Federal Register to list the Southwestern United States population of the flycatcher as an endangered species under the ESA with proposed critical habitat. However, the final rule of July 22, 1997, designating critical habitat in for the species rangewide did not include the Rio Grande (62 CFR 39129). A proposal to re-designate critical habitat was published October 12, 2004, (69 CFR 60706), with a final designation published October 19, 2005, (70 CFR 60886).

Figure 5. Five general locations of flycatcher populations within the MRG.

The 2005 final designation of critical habitat defines two units located along the Rio Grande: the Upper Rio Grande Management Unit that includes 664 hectares (ha) (1,640 acres), encompassing 66 km (41 miles), and the Middle Rio Grande Management Unit designates 13,410 ha (33,137 acres) along 135 km (84 miles).

The segments mentioned above are characterized as follows (figure 6):

Upper Rio Grande Management Unit:

- The Upper Rio Grande New Mexico Segment is considered the area from the Taos Junction Bridge to the upstream boundary of Ohkay Owingeh Pueblo.

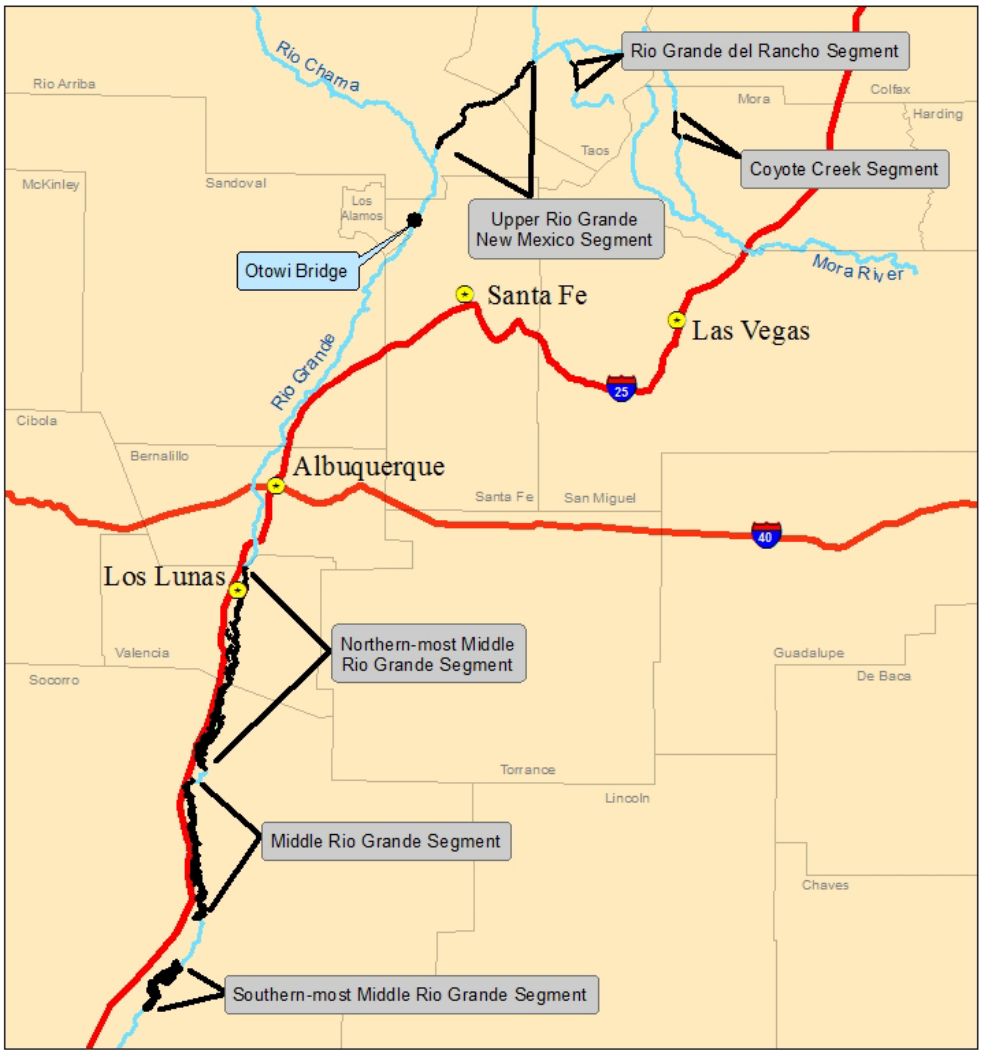

Figure 6. 2005 final critical habitat designations

- The Rio Grande del Rancho Segment is considered the area from Sarco Canyon downstream to the Arroyo Mirando confluence.

- The Coyote Creek Segment is considered the area from 2 km (1.2 miles) above Coyote Creek State Park to the second bridge on State Route 518.

Middle Rio Grande Management Unit:

- The northern-most Middle Rio Grande Segment is considered the area from the southern boundary of the Isleta Pueblo to the northern boundary of the Sevilleta National Wildlife Refuge (NWR).

- The central Middle Rio Grande Segment is considered the area from the southern boundary of the Sevilleta NWR to the northern boundary of the BDANWR.

- The southern-most Middle Rio Grande Segment is considered the area from the southern boundary of the BDANWR to the overhead power line near Milligan Gulch at the northern end of Elephant Butte Reservoir (approximately river mile 62).

The Service released a new proposal for critical habitat in August 2011 (76 CFR 50542). Along the Rio Grande in New Mexico (and within our project boundaries), the proposed revision would include all areas historically listed as critical habitat with the addition of:

- The Rio Fernando area (.25 mi) in the Upper Rio Grande Management Unit (just upstream of the Rio Lucero confluence) near Taos and an extended area from the north boundary of Ohkay Owingeh Pueblo downstream to Otowi Bridge.

- An extended area within the Middle Rio Grande Unit. With the new proposed rule, the southern boundary of the Middle Rio Grande Unit would extend farther south into Elephant Butte Reservoir to approximately just south of river mile 36 (or about 9 river miles north of the dam). The previously designated habitat within this Unit also excluded the BDANWR and the Sevilleta NWR because they have specific flycatcher management plans that outline actions they undertake to benefit the species. Both refuges are proposed for critical habitat designation at this time.

Several areas within the Upper and Middle Rio Grande Units will be considered for exclusion from the final designation of flycatcher critical habitat under section 4(b)(2) of the ESA. Those areas include:

- Tribal lands within the San Ildefonso Pueblo, the Santa Clara Pueblo, and the Ohkay Owingeh Pueblo. These will be considered for exclusion due to their tribal management plans and partnerships.

- The water storage area of Elephant Butte Reservoir. This area will be considered due to the development of plans for the operation of the reservoir as well as a flycatcher management plan. This area also is being considered for exclusion based on initial evaluation of potential impacts of water operations of the dam and reservoir.

In both the final 2005 critical habitat designation (70 CFR 60886) as well as the newly proposed critical habitat designation in 2011 (76 CFR 50542), the Service

identified two PCEs that were recognized as the physical or biological features essential to the conservation of the flycatcher. Those PCEs are as follows:

PCE 1—Riparian Vegetation

Riparian habitat in a dynamic river or lakeside, natural or manmade successional environment (for nesting, foraging, migration, dispersal, and shelter) that is comprised of trees and shrubs (that can include Gooddings willow, coyote willow, Geyers willow, arroyo willow, red willow, yewleaf willow, Pacific willow, boxelder, tamarisk, Russian olive, buttonbush, cottonwood, stinging nettle, alder, velvet ash, poison hemlock, blackberry, seep willow, oak, rose, sycamore, false indigo, Pacific poison ivy, grape, Virginia creeper, Siberian elm, and walnut) and some combination of:

a. Dense riparian vegetation with thickets of trees and shrubs that can range in height from about 2–30 m (about 6–98 ft). Lower-stature thickets (2–4 m or 6–13 ft tall) are found at higher elevation riparian forests, and tall-stature thickets are found at middle and lower-elevation riparian forests,
b. Areas of dense riparian foliage at least from the ground level up to approximately 4 m (13 ft) above ground or dense foliage only at the shrub or tree level as a low, dense canopy.
c. Sites for nesting that contain a dense (about 50–100%) tree or shrub (or both) canopy (the amount of cover provided by tree and shrub branches measured from the ground).
d. Dense patches of riparian forests that are interspersed with small openings of open water or marsh or areas with shorter and sparser vegetation that creates a variety of habitat that is not uniformly dense. Patch size may be as small as 0.1 ha (0.25 acre) or as large as 70 ha (175 acre).

PCE 2—Insect Prey Populations

A variety of insect prey populations found within or adjacent to riparian flood plains or moist environments, which can include: flying ants, wasps, and bees (Hymenoptera); dragonflies (Odonata); flies (Diptera); true bugs (Hemiptera); beetles (Coleoptera); butterflies, moths, and caterpillars (Lepidoptera); and spittlebugs (Homoptera).

4.2.4 Life History and Ecology

Flycatchers are neotropical migrant birds that overwinter in such places as southern Mexico, Central America, and likely South America for about 8 months before migrating back to the Southwestern United States (76 CFR 50542). Unfortunately, little is known about the ecology and distribution of flycatcher populations during migration. However, it appears flycatchers use a wide range

of habitat types in their wintering grounds (Schuetz et al. 2007). In general, winter habitat is a combination of four main habitat components including standing or slow moving water and/or saturated soils, patches or stringers of trees, woody shrubs, and open areas (Schuetz et al. 2007, Koronkiewicz and Sogge 2000). The main body of knowledge of flycatchers surrounds breeding and nesting success in its summer range.

Flycatcher breeding chronology is presented in figure 7 and falls within the generalized breeding chronology expected of Southwestern willow flycatchers (based on Unitt 1987, Brown 1988, Whitfield 1990, Skaggs 1996, Sogge 1995, Maynard 1995, Sferra et al. 1997, Sogge et al. 2010, Service 2002).

Each stage of the breeding cycle represents a greater energy investment in the nesting effort by the flycatcher pair and may influence their fidelity to the nest site or their susceptibility to abandon if the conditions in the selected breeding habitat become adverse.

Extreme dates for any given stage of the breeding cycle may vary as much as a week from the dates presented. Egg laying begins as early as late-May but more often starts in early- to mid-June. Chicks can be present in nests from mid-June through early-August. Young typically fledge from nests from late-June through mid-August but remain in the natal area 14–15 days. Adults depart from breeding territories as early as mid-August but may stay until mid-September in later nesting efforts. Fledglings likely leave the breeding areas 1-2 weeks after adults. Most flycatchers only live 1 or 2 years as adults, but there have been rare occurrences of flycatchers living at least 9 years (Paxton et al. 2007).

The flycatcher is an obligate riparian species occurring in habitats adjacent to rivers, streams or other wetlands characterized by dense growths of willows (*Salix* sp.), seepwillow (*Baccharis* sp.), arrowweed (*Pluchea* sp.), saltcedar (*Tamarix* sp.), or other species (50 CFR 10693). Species composition, however, appears less important than plant and twig structure (Moore and Ahlers 2011). Slender stems and twigs are important for nest attachment. Nest placement is highly variable as nests have been observed at heights ranging from 0.6–20 m and generally occur adjacent to or over water (Sogge et al. 2010). Along the MRG, breeding territories have been found in young and mid-age riparian vegetation dominated by dense growths of willows at least 15 feet high, as well as in mixed native and exotic stands dominated by Russian olive and saltcedar (Moore and Ahlers 2009).

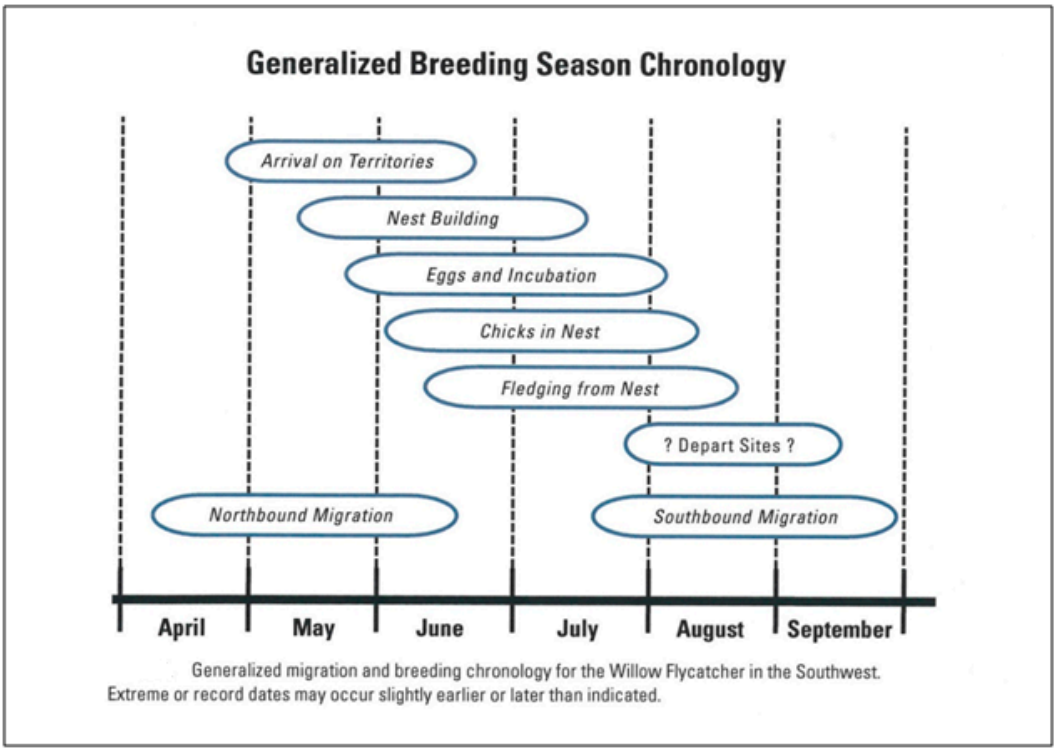

Figure 7. Generalized breeding chronology of the Southwestern willow flycatcher (from Sogge et al. 2010).

A majority of the birds within the MRG select habitat patches dominated by native species, usually dense willows, for nesting. Within these willow patches, nests have been found on individual saltcedar plants, especially in older, taller willow patches where an understory of saltcedar provides suitable nesting substrate. It appears that the tree species with the vertical structure of more slender stems and twigs on younger plants in the understory vegetation is selected for nest placement (Moore and Ahlers 2011). Most recently, nests located at the Sevilleta NWR and La Joya State Wildlife Management Area have been established in areas adjacent to the river dominated by saltcedar and Russian olive; however, the overall vegetation type of most of the flycatcher territories established in the MRG is dominated by native species and not saltcedar (Moore and Ahlers 2011).

A critical component for suitable nesting conditions is the presence of water, usually provided by overbank flooding or some other hydrologic source. Reclamation has found that 97% of all flycatcher nests in the Reclamation-surveyed areas of the MRG from 2004–2010 (n=1,429), occur within 100 m of surface water, and 94% occur within 50 m (Moore and Ahlers 2011). The presence of surface water at the onset of nest site selection and nest initiation is likely critical, though not absolutely necessary. For example and particularly observed in reservoir sites, a flycatcher territory may have vegetation completely

immersed in water during a wet year or thoroughly dry and hundreds of meters away from surface water in drought years (76 CFR 50542).

Flycatchers and many other species of neotropical migrant land birds also use the Rio Grande riparian corridor as stopover habitat during migration. Studies have shown that, during the spring and fall migration, flycatchers are more commonly found in willow habitats than in other riparian vegetation types, including the narrow band of coyote willows that line the LFCC above the BDANWR (Finch and Yong 1997). During presence/absence surveys in May and early June, migrating flycatchers are frequently observed throughout the project area. These birds use a variety of vegetation types during migration, many of which are classified as "low suitability" for breeding habitat (Ahlers and White 1997).

Evidence gathered during multiyear studies of color-banded flycatcher populations show that, although most male flycatchers return to former breeding areas, flycatchers regularly move among sites within and between years (Ellis et al. 2008). Between 1997 and 2005, of the 1,012 relocated banded flycatchers rangewide, 595 (59%) banded flycatchers in Arizona returned to the breeding site of the previous year, while 398 (39%) moved to other breeding areas within the same major drainage; and 19 (2%) moved to a completely different drainage (Paxton et al. 2007). Overall distance moved among adults and returning nestlings ranged from 0.03–444 km with mean distance moved by adults (9.5 km) much less than the mean fledgling dispersal distance (20.5 km) (Paxton et al. 2007). Although most returning flycatchers showed site fidelity to breeding territories, a significant number move within and among sites. Movement patterns are strongly influenced by reproductive success. The age class of habitat patches also may be of consideration (Paxton et al. 2007).

Flycatcher prey base is relatively understudied, but it does appear that flycatcher food availability may be largely influenced by density and species of vegetation, proximity to and type of water, saturated soils, and temperature and humidity (76 CFR 50542). The flycatcher is an insect generalist and can feed on a variety of different prey. Prey includes, but is not limited to, wasps and bees (Hymenoptera), flies (Diptera), beetles (Coleoptera), butterflies, moths and caterpillars (Lepidoptera), and spittlebugs (Homoptera) (76 CFR 50542). In a comparison between native, exotic, or mixed habitat types, it appears that the arthropod community is statistically indistinguishable among habitats (Durst 2004). The difference in relative quality among the habitat types also was indistinguishable (Durst 2004). In the same study and between years (drier in 2002 versus wetter year in 2003), prey base was believed to be driven by differences in relative insect abundances (2003 yielded a five-fold increase in total arthropod biomass). In the drier year with less relative humidity, greater distance to water, and less food availability, flycatcher nest success in this area of the study decreased substantially (Smith et al. 2003).

4.2.5 Reasons for Decline

During the last two centuries, human-induced hydrological and ecological changes have heavily influenced the composition and extent of flood plain riparian vegetation along the MRG (Bullard and Wells 1992, Dick-Peddie 1993). Introduction of exotic species, such as saltcedar, has decreased the availability of dense willow and associated desirable vegetation and habitat important to flycatchers. The destruction and fragmentation of forested breeding habitat also may play a role in population reduction of migratory birds (Lynch and Whigham 1984, Wilcove 1988). In addition, the rapid rate of deforestation in tropical areas has been cited as a possible reason for population declines in forest-dwelling migrant land birds (Lovejoy 1983, Rappole and McDonald 1994, Robbins et al. 1989).

Brood parasitism by brown-headed cowbirds (*Molothrus ater*)(cowbird), has been implicated in the decline of songbirds, including those found in the Western riparian habitats (Gaines 1974, 1977, Goldwasser et al. 1980, Laymon 1987). Cowbirds have increased their range with the clearing of forests and the spread of intensive grazing and agriculture. Flycatchers are more susceptible to cowbird nest parasitism because of the ease of egg laying in the flycatcher's open cup nest design. Habitat fragmentation and forest openings allow cowbirds easy access to host nests located near these edges. Nest parasitism, combined with declining populations and habitat loss, has placed this species in a precarious situation (Mayfield 1977, Rothstein et al. 1980, Brittingham and Temple 1983, Laymon 1987). Grazing cattle often are associated with cowbird activity; however, in a recent report (Broadhead et al. 2007), parasitism by cowbirds was more closely associated with habitat types, particularly vegetation, patch size and edge effect.

4.3 Pecos Sunflower

4.3.1 Species Description

Pecos sunflower is an annual, herbaceous plant. It grows 1–3 m (3.3–9.9 ft) tall and is branched at the top. The leaves are opposite on the lower part of the stem and alternate at the top, lance-shaped with three prominent veins, and up to 17.5 cm (6.9 inches) long by 8.5 cm (3.3 inches) wide. The stem and leaf surfaces have a few short, stiff hairs. Flower heads are 5-7 cm (2.0–2.8 inches) in diameter with bright yellow rays around a dark purplish brown center (the disc flowers). Pecos sunflower looks much like the common sunflower (*Helianthus annuus*) seen along roadsides throughout the West but differs from the common sunflower by having narrower leaves, fewer hairs on the stems and leaves, smaller flower heads, and narrower bracts (phyllaries) around the bases of the heads. The prairie sunflower (*Helianthus petiolaris*) also has narrow leaves and phyllaries, but is distinguished from Pecos sunflower by having white cilia in the dark center of the flower head and a branching pattern from the base of the plant that imparts a bushy appearance. Common sunflower and prairie sunflower usually bloom

earlier in the season (May–August depending on location) than Pecos sunflower (September and October), and neither occupies the wet, saline soils that are typical of Pecos sunflower habitats. Pecos sunflower has a highly disjunctive distribution, yet there appears to be very little phenotypic variation between populations.

4.3.2 Status and Distribution

Pecos sunflower was known only from a single population near Fort Stockton, Pecos County, Texas, when it was proposed as a candidate for listing as endangered under the ESA on December 15, 1980 (45 FR 82480). Subsequent field surveys for this plant found additional populations in New Mexico and Texas on a variety of State and Federal lands and several private land holdings. The species faces a moderate degree of threat. The plant is associated with spring seeps and desert wet meadows (cienegas) habitats, which are very rare in the dry regions of New Mexico and Texas. Little is known about the historic distribution of the Pecos sunflower, but there is evidence these habitats have historically, and are presently, being reduced or eliminated by aquifer depletion or severely impacted by agricultural activities and encroachment by alien plants (Poole 1992, Sivinski 1996).

Pecos sunflower is presently known from only seven populations—two in west Texas and five in New Mexico (figure 8). The type of locality (location from which the species was first described) is near Fort Stockton in Pecos County, Texas. Near Fort Stockton, a large population with several hundred thousand plants currently exists at The Nature Conservancy's (TNC) Diamond Y Spring Preserve, with a smaller group of plants downstream at a nearby highway right-of-way. A second Texas population occurs at Sandia Spring Preserve (TNC) in the Balmorhea area of Reeves County, Texas.

Most Pecos sunflower habitats are limited to less than 2 hectares (5 acres) of wetland. Some are only a small fraction of a hectare; however, one near Fort Stockton and another near Roswell are more extensive. The number of sunflowers per site varies from less than 100 to several hundred thousand. Because Pecos sunflower is an annual, the number of plants per site can fluctuate greatly from year to year with changes in precipitation and depth to ground water. Stands of Pecos sunflower can change location within the habitat as well (Sivinski 1992). If a wetland habitat dries out permanently, even a large population of Pecos sunflower would disappear (Service 2005).

Figure 8. Distribution of Pecos sunflower.

In New Mexico, the five Pecos sunflower populations are located in the Roswell/Dexter region, Santa Rosa, two locations in the Rio San Jose Valley, and on the MRG. In the Roswell/Dexter region of the Pecos River valley in Chaves County, Pecos sunflower occurs at 11 spring seeps and cienegas. Three of these wetlands support many thousands of Pecos sunflowers, but the remainder are smaller, isolated occurrences. Springs and cienegas within and near the town of Santa Rosa in Guadalupe County have eight wetlands with Pecos sunflower—one of which consists of a few hundred thousand plants in good years. Two widely separated areas of spring seeps and cienegas in the Rio San Jose valley of western New Mexico each support a population of Pecos sunflower. One occurs on the lower Rio San Jose in Valencia County and the other is in Cibola County in the vicinity of Grants. Neither are especially large populations. Another larger population on the Rio Grande at La Joya Waterfowl Management Area in Socorro County occurs near the confluence of the Rio Puerco, which has the Rio San Jose as a tributary stream. This large population is managed by the New Mexico Department of Game and Fish (NMDGF) and is the only population within the MRG water management action area.

Additionally in 2008, a cooperative effort established a reintroduced population on private property in Socorro County. This population has expanded its range in the short time since establishment, but no population estimates are available. Additionally this population currently has not been proposed as critical habitat.

4.3.3 Listing Status and Critical Habitat

Pecos sunflower (*Helianthus paradoxus* Heiser) was listed as a threatened species by the Service on October 20, 1999 (64 FR 56582-56590). Critical habitat for the species was designated effective May 8, 2008 (73 FR 17762-17807), with PCEs for the species identified as desert wetland or riparian habitat components that provide:

1. Silty clay or fine sand soils that contain high organic content, are saline or alkaline, are permanently saturated within the root zone (top 50 cm of the soil profile), and have salinity levels ranging from 10 to 40 parts per thousand.
2. Low proportion (less than 10%) of woody shrub or canopy cover directly around the plant.

The State of New Mexico lists Pecos sunflower as endangered under the regulations of the New Mexico Endangered Plant Species Act (19 New Mexico Administrated Code 21.2). This species is also listed as threatened by the State of Texas (31 Texas Administrative Code 2.69(A)).

The population of Pecos sunflower on the Rio Grande (Valencia County, La Joya Waterfowl Management Area) contains all of the PCEs in the appropriate spatial arrangement and quantity, and is threatened by encroachment of nonnative

vegetation. The site was determined to be essential to the conservation of the species because it is occupied by a very large (estimated between 100,000 and 1,000,000 individuals) stable population and is sufficiently distant (over 40 mi (64 km)) from other populations to serve as an additional locality that contributes to the conservation of genetic variation (Service 2005). This population was excluded from critical habitat designation because the NMDGF (2008) has developed a habitat management plan for the Pecos sunflower. The management plan was developed to support conservation of the species on the La Joya WMA by: controlling invasive species, protecting the natural spring in Unit 5 from motorized vehicles and heavy equipment, monitoring core populations by digitizing these areas annually, and restoring native habitat through revegetation. The Service concluded that the plan was complete and provided for the conservation and protection of the physical and biological features essential to the conservation of the species (73 FR 17762-17807).

4.3.4 Life History and Ecology

Pecos sunflower grows in areas with permanently saturated soils in the root zone. These are most commonly desert springs and seeps that form wet meadows called cienegas. These are rare wetland habitats in the arid Southwest region (Hendrickson and Minckley 1984). This sunflower also can occur around the margins of lakes, impoundments, and creeks. When Pecos sunflowers grow around lakes or ponds, these are usually impoundments or subsidence areas within natural cienega habitats. The soils of these desert wetlands are typically saline or alkaline because the waters are high in dissolved solids, and high rates of evaporation leave deposits of salts, including carbonates, at the soil surface. Soils in these habitats are predominantly silty clays or fine sands with high organic matter content. Studies by Van Auken and Bush (1995) and Van Auken (2001) showed that Pecos sunflower grows in saline soils, but seeds germinate and establish best when precipitation and high water tables reduce salinity near the soil's surface. Like all sunflowers, this species requires open areas that are not shaded by taller vegetation.

Plants commonly associated with Pecos sunflower include *Distichlis spicata* (saltgrass), *Sporobolus airoides* (alkali sacaton), *Phragmites australis* (common reed), *Schoenoplectus americanus* (chairmaker's bulrush), *Juncus balticus* (Baltic rush), *Muhlenbergia asperifolia* (alkali muhly), *Limonium limbatum* (southwestern sea lavender), *Flaveria chloraefolia* (clasping yellowtops), *Cirsium wrightii* (Wright's marsh thistle), *Tamarix* sp. (saltcedar), and *Elaeagnus angustifolia* (Russian olive) (Poole 1992, Sivinski 1996). All of these species are indicators of wet, saline, or alkaline soils. Pecos sunflowers often occur with saltgrass between the saturated soils occupied by bulrush and the relatively drier soils with alkali sacaton (Van Auken and Bush 1998).

4.3.5 Reasons for Decline

Spring seeps or cienega habitats are very rare in the dry regions of New Mexico and Texas. There is evidence that these habitats have historically, and are presently, being reduced or eliminated by aquifer depletion or severely impacted by agricultural activities and encroachment by alien plants (Poole 1992, Sivinski 1996). The Southwestern United States is currently experiencing a period of prolonged drought that is exacerbating this habitat degradation. The trend of decreasing habitat availability and suitability justified listing Pecos sunflower as a threatened species. Recovery actions to reverse or stabilize this trend and ensure the long-term sustainability of this species include identifying the ecological parameters of Pecos sunflower habitat and enlisting the cooperation of the various habitat owners in the long-term conservation of the species (Service 2005).

4.4 Interior Least Tern

4.4.1 Status and Distribution

The interior least tern (*Sternula antillarum athalassos*, tern) was listed as endangered by the Service in 1985 (50 CFR 21784). This subspecies historically bred along the Colorado (in Texas), Red, Rio Grande (in Texas), Arkansas, Missouri, Ohio, and Mississippi River systems and has been found on braided rivers of southwestern Kansas, northwestern Oklahoma, and southeastern New Mexico (American Ornithologists' Union 1957). In New Mexico, the tern was first recorded (including nesting) at Bitter Lake NWR in 1949; and since then, it remained present essentially annually (Marlatt 1984, NMDFG 2008). The species also occurs as an occasional breeder in Eddy County, New Mexico (Moore 2011). The tern has been observed as a 'vagrant' or 'highly unusual' species among the 377 avian species detected on the BDANWR since 1940 (Service 1995). In 2005, a rangewide survey of terns was completed, and the Rio Grande/Pecos River systems collectively made up 0.8% of the population (Lott 2006). Historically, tern nesting has been confirmed on six reservoirs along the Rio Grande/Pecos reach at Bitter Lake NWR, Brantley Lake, and Imperial Reservoir on the Pecos; and Lake Casa Blanca, Amistad Reservoir, and Falcon Reservoir on the Rio Grande in Texas (Lott 2006) (figure 9).

4.4.2 Life History and Ecology

Breeding habitat requirements for this species include the presence of bare or nearly bare ground on alluvial islands, shorelines, or sandbars for nesting, the availability of food (primarily small fish), and the existence of favorable water levels during the nesting season so nests remain above water (Ducey 1981). Breeding colonies contain from 5–75 nests. Although most nesting occurs along river banks and reservoirs, the tern also nests on barren flats of saline lakes and ponds. Nests are constructed by scraping a depression within the sand.

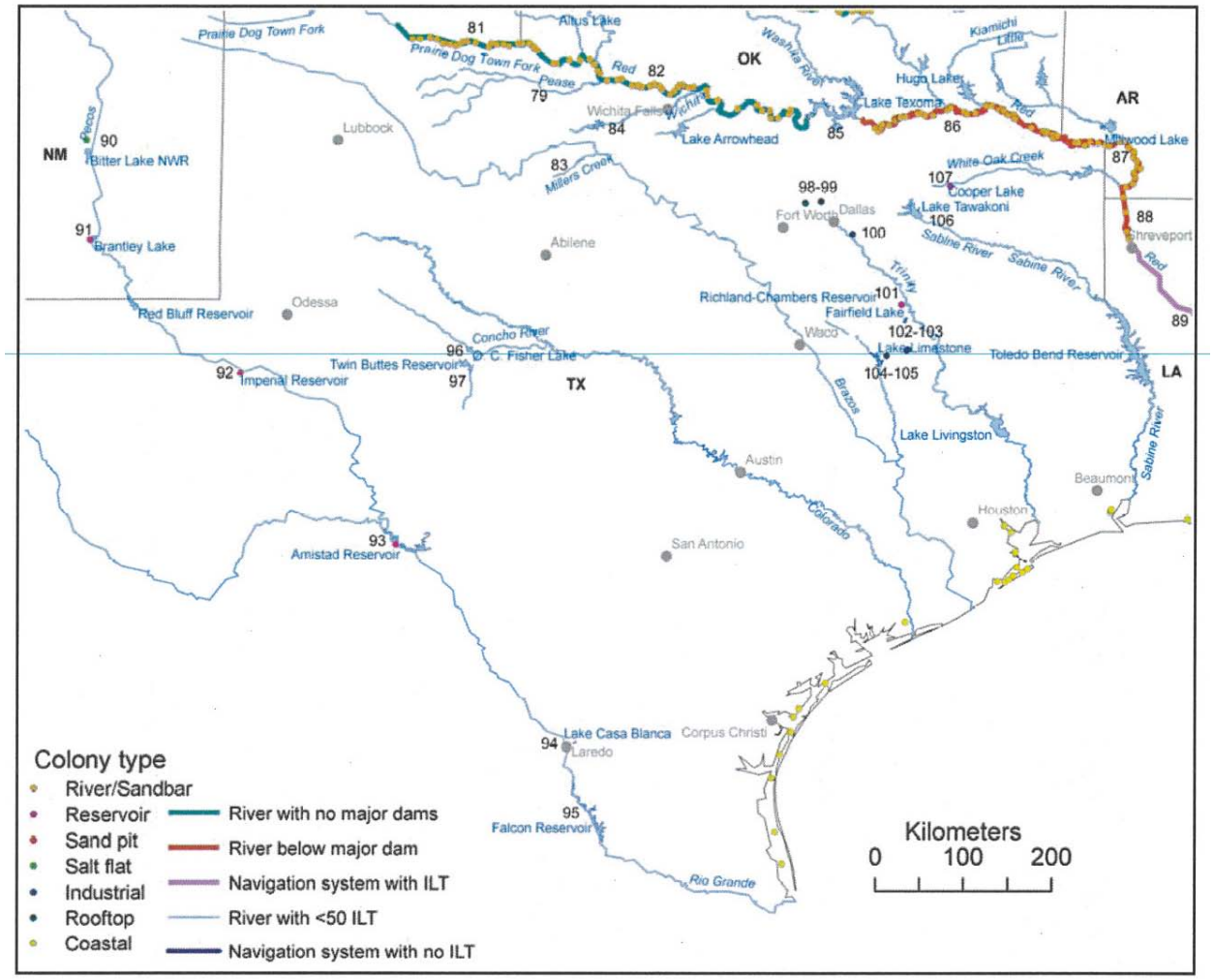

Figure 9. Distribution of the 2005 tern (ILT in figure) breeding colonies within New Mexico and Texas (Lott 2006).

Eggs are typically a pale to olive beige color and specked with chocolate marks, blending in with the sand or mudflat habitat. Little is known about the wintering areas occupied by the tern, but it is believed that they can be found along the Central American coast and the northern coast of South America from Venezuela to northeastern Brazil (Service 1990).

4.4.3 Reasons for Decline

Loss of nesting areas through permanent inundation or destruction by reservoir and channelization projects was identified as the major threat to the species (Service 1995). Alteration of natural river or lake dynamics has caused unfavorable vegetation succession on many remaining islands, curtailing their use as nesting sites by terns. Recreational use of sandbars, releases of water from upstream reservoirs, and annual spring floods often inundate nests.

5. Environmental Baseline

5.1 Historical Perspective

Largely due to the limited water supply and the highly variable streamflows in the Rio Grande, humans have modified the Rio Grande system over time to protect themselves from floods and to maximize their beneficial use of water. Human activities, taking advantage of flows in the Rio Grande system, extend back to the agricultural traditions of pueblo peoples since time immemorial. Pueblo oral histories convey, and the early Spanish accounts of the Rio Grande confirm, that pueblo peoples had developed advanced systems of irrigated agriculture long before the coming of Europeans. Beginning with the arrival of Spanish settlers in the late 16th century, these irrigation activities were expanded in such a way that they affected the flows in the Rio Grande system. The subsequent agricultural practices and administration of the river, as well as the intensive use of nonirrigated lands within the Rio Grande Basin, under the Spanish, Mexican, and American periods brought about changes to the shape and behavior of the river, the distribution of flows in time through that river, and the habitat of the species that depend on that river for life. The greatest of these changes, by far, have been made over the past century.

Modifications leading to current conditions include dam and levee construction, irrigation/drain system development, land use, and channelization activities, which took place from the 1930s to the 1970s, as well as ground water pumping, which has expanded greatly from the 1940s to the present, especially in the Angostura Reach. Operation of the flood control and water storage dams alter the shape of the hydrograph, as well as the amount of water that is conveyed through the river. The alteration of the hydrograph and highly variable streamflows that have resulted in cycles of drought on the MRG also have influenced vegetation changes on the MRG. Figure 10, below, diagrams the major events over the past century that have affected the hydrology and geomorphology—and, therefore, the habitat for listed species in the MRG.

Eight major dams (El Vado, Abiquiu, Nambe Falls, Cochiti, Galisteo, Jemez Canyon, Elephant Butte, and Caballo) plus three cross-river diversion structures and minor diversions between Embudo and Espanola have been constructed on the MRG or its tributaries over the past century by the Corps, Reclamation, the MRGCD, and in cooperation with other non-Federal partners. These dams and diversion structures affect the flow and sediment distribution in the MRG. They alter flows by storing and releasing water in a manner that generally decreases flood peaks and alters the distribution in time of the flows in the annual hydrograph. The major dams also trap significant amounts of sediment, causing buildup and increases in channel elevation upstream, and riverbed degradation and coarsening in the reaches below the dams.

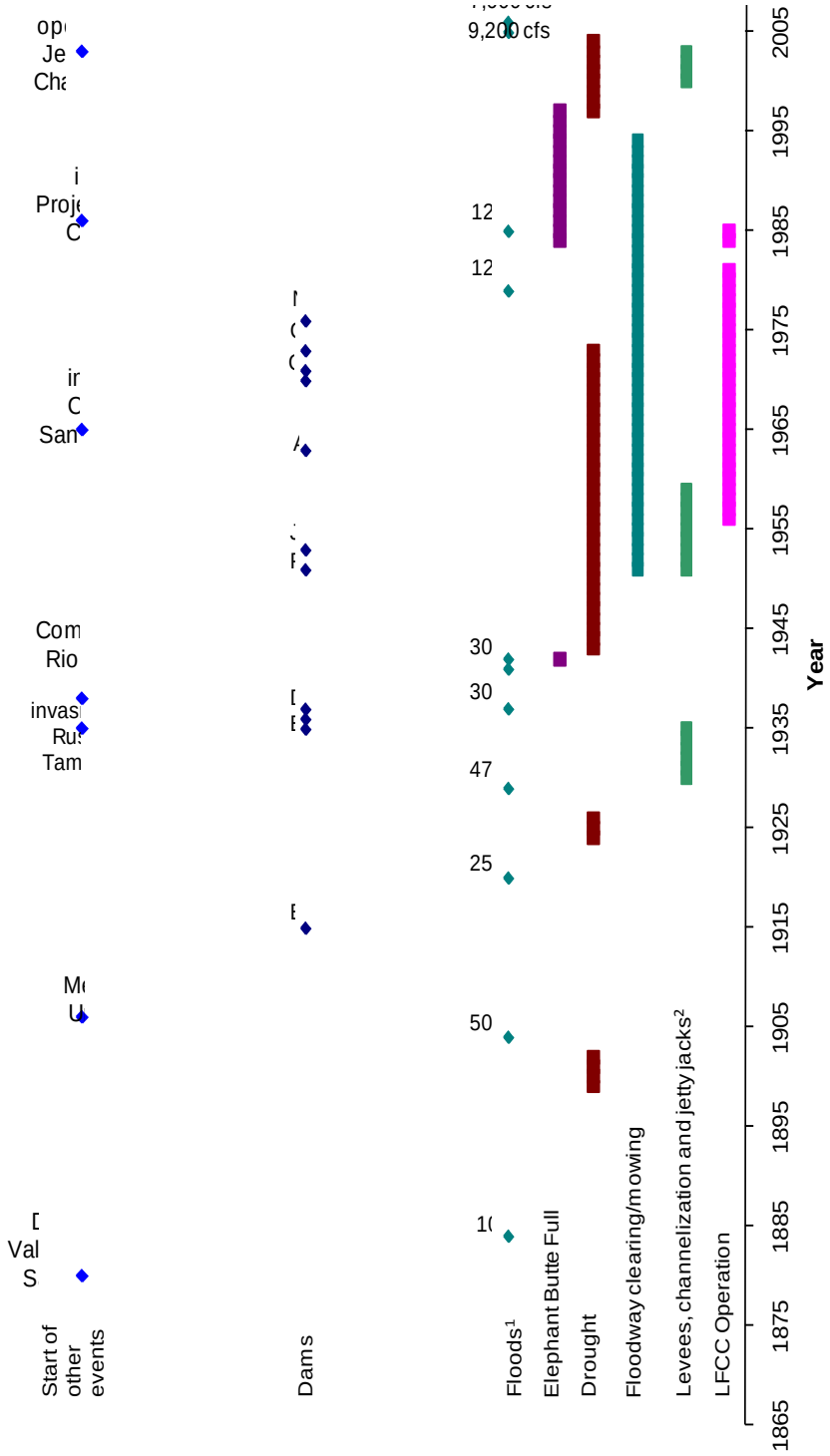

Figure 10. Timeline of significant events influencing the hydrology and geomorphology of the MRG. Flood events listed are measured at various locations between Otowi and San Marcial.

Ground water use has exceeded 170,000 AFY in the Albuquerque Basin and has caused ground water level declines of up to 160 feet. (McAda and Barroll, 2002). Ultimately, the water pumped is made up for by seepage from the river into the ground water system.

The historic development of the MRG has ongoing impacts on listed species. Silvery minnow use a diversity of wetted habitats throughout the year; low velocity habitats are important for all life stages, and egg and larval development are strongly tied to the magnitude and duration of runoff that inundates overbank habitats. Overbank flooding is needed to create shallow, low velocity backwaters that are used by silvery minnow larvae and maintains and restores native riparian vegetation for flycatcher habitat. Also, summertime river flows that supported both species were historically dependent on ground water inflows; today, losses from the river to the ground water system increase the chances of river drying, and decrease the longevity of isolated pools for minnow to refuge during periods of drying. Water and sediment management have resulted in a large reduction of suitable habitat for the flycatcher, as a result of the reduction of high flow frequency, duration, and magnitude that helped to create and maintain habitat for this species. Habitat elements for the flycatcher are provided by thickets of riparian shrubs and small trees and adjacent surface water, or areas where such suitable vegetation may become established (Service 2005).

Prior to documented development of water resources, the MRG had a high sediment load and an active, braided river channel with a mobile sand bed. The river's active watercourse was up to a half-mile wide, and included numerous braids. Over time, the active watercourses filled with sediment, then broke out into the flood plain and possibly avulsed to create new active watercourses. This process would cause aggradation across the flood plain. During periods in which peak flows were low for several years in a row, the active channel narrowed, through vegetation encroachment along the channel margins and colonization of bars. Sediment stored during these low flow times would be remobilized during subsequent large floods, which would re-establish a wider active channel. This process caused sediment to build up fairly uniformly across the flood plain. This active channel and flood plain connection provided habitat for all life stages of the silvery minnow and various successional stages of vegetation along the riparian corridor, used as breeding habitat by flycatchers.

Today, the river through much of the MRG is a single–thread channel as a result of both anthropogenic and natural changes throughout the system that is now confined into a narrow corridor between levees. Between Cochiti Dam and Elephant Butte Reservoir headwaters, there are 235 miles (378 km) of levees (includes distances on both sides of the river) (Service 2005). Changes on the MRG in the last century have increased the channel uniformity, eliminating thousands of acres of the shallow, low velocity habitats required by both silvery minnow and flycatchers. The loss of habitat complexity may cause eggs and larvae of the silvery minnow to drift downstream longer distances than in more

complex channels. A comparison of river habitat changes between 1935–1989 shows a 49% reduction of river channel habitat from 22,023 acres (8,916 ha) to 10,736 acres (4,347 ha) (Crawford et al. 1993). The MRG also has been fragmented by cross-channel diversion structures, which silvery minnow can pass in a downstream direction but not in an upstream direction. Due to the reproductive strategies of silvery minnow, upstream reaches continually lose offspring to lower reaches.

The channel in the upstream portion of the MRG is deeper and swifter and more isolated from the surrounding flood plain, which is now the bosque. The abandonment of the flood plain in these reaches and the establishment of exotic species, such as Russian olive and saltcedar, have made overbank habitat inaccessible to the silvery minnow and decreased the availability of dense willow and associated native vegetation and habitat important to flycatchers.

The lower portion of the MRG, below San Acacia Diversion Dam, currently is a combination of an upstream incised channel isolated from the historical flood plain and a downstream perched river for much of which the LFCC (that currently functions like a riverside drain) serves as the low point in the valley in many areas. River flow is lost to the surrounding flood plain, drains, and ground water system. The perched river system, in turn, makes the river channel more prone to drying under low flow conditions. Overbank inundation also occurs more often in the downstream portions of this reach; however, there is not always a direct path back from the overbank areas to the river, which may cause fish to be stranded as the flows drop. Today, this reach generally is aggrading with some channel degradation occurring when the Elephant Butte Reservoir pool is low, as is currently the case.

These changes in hydrology and construction of major features along the river also have modified the river in ways that directly affect the habitat of listed species. Historically, the silvery minnow occupied the Rio Grande from approximately Espanola, NM, to the gulf coast of Texas and also occupied some of the larger tributaries. Today, silvery minnow are restricted to a reach of the Rio Grande in New Mexico, from the vicinity of Bernalillo downstream to the headwaters of Elephant Butte Reservoir, approximately 150 river miles.

The channel narrowing trend in the Rio Grande and the resulting degradation of aquatic habitat will continue under the current river management regime. Returning the river to its earlier state—wide, braided, and sandy—would require recurring major flow events, which would exceed the safe channel capacity below Cochiti Dam. As an alternative, Collaborative Program participants have undertaken efforts to mechanically construct features that provide more favorable habitat conditions for aquatic species under the available hydrologic conditions. Generally, these efforts attempt either to modify the banks of the Rio Grande to encourage overbanking or to expand lower elevation channel capacity to create springtime habitat more suitable for silvery minnow spawning and riparian

conditions more suitable for the growth of native vegetation. In most years, native flows cause inundation of these "habitat restoration sites"; however, in some low water years, releases of spikes of water from Cochiti Reservoir then are needed to inundate the modified areas. While these habitat restoration projects generally are unable to shift the broader geomorphic trends, they have created localized enhancements to aquatic habitat and have resulted in a significant increase in the availability of overbank habitat during most spring snowmelt runoff periods.

The Rio Grande is and will continue to be a highly managed system. Similarly, silvery minnow populations have been managed by a variety of activities ranging from the habitat restoration projects described above to population augmentation with fish reared in hatcheries. Unlike the silvery minnow, which currently only exists in,[20] and must complete its entire life cycle within, the MRG, the flycatcher is mainly dependant on the project area and other similar areas in the Southwest for breeding and rearing of young and completes other portions of its life cycle elsewhere. Flycatcher populations are dependent on riparian conditions within their breeding area. Within the United States, the species occurs in southern California, Arizona, New Mexico, southern portions of Nevada and Utah, and possibly southwestern Colorado. The species is likely extirpated from west Texas. Rangewide, changes in hydrology and active management of and development in river corridors have reduced the availability of suitable habitat for the flycatcher and contributed to population decline.

Because of the above factors, active management and persistence of habitat for both species is important for maintaining viable populations.

5.2 Climate

Climate varies across the Rio Grande Basin in both time and space. Most of the basin is arid or semiarid, generally receiving less than 10 inches of precipitation per year. In contrast, some of the high mountain headwater areas receive an average of over 40 inches of precipitation per year. Climatic conditions in the basin are highly variable, as is indicated by the previously mentioned order of magnitude variability in the annual unregulated flow volumes at Rio Grande stream gages.

Annual variations in timing and volume of streamflow are strongly influenced by ocean circulation patterns, such as the El Nino-southern oscillation, which affects annual variability, and the Pacific Decadal Oscillation (PDO), which affects climate and streamflow on a multiyear to multidecade basis. These oceanic patterns modulate seasonal cycles of temperature and precipitation and affect snow accumulation and melting (JISAO, 2012). Particular combinations of these

[20] Viability of the reintroduced population in the Big Bend Reach is currently not established.

ocean circulation patterns also can result in extended drought or wet periods. An extended period of below average precipitation occurred in New Mexico from the 1940s through the mid 1970s, correlating with a negative/cool phase of the PDO; above average precipitation then prevailed from 1981 through the mid-1990s, correlating with a positive/warm phase of the PDO. Drought returned in the late 1990s through 2004, along with the negative phase of the PDO (JISAO 2012, Corps et al. 2007).

Over the course of the 20th century, the Rio Grande Basin has become warmer. As is shown by the blue dots on figure 11, which represent a moving average, the basin average temperature has increased by 1–2 °F over the course of the 20th century. This warming of the Rio Grande Basin has not been steady in time. The basin's average temperature increased steadily from roughly the 1910s to the mid-1940s and then declined slightly until the 1970s before increasing steadily through the end of the century. This temporal pattern of warming is consistent with findings for other basins within the region. In northern New Mexico, recent annual average temperatures have been more than 2.0 ºF (1.1 ºC) above mid-20th century values (D'Antonio 2006, Rangwala and Miller 2010). The San Juan Mountains, the headwaters of the Rio Grande, have experienced a 1 ºC increase from 1895–2005, with most of the warming occurring during 1990–2005.

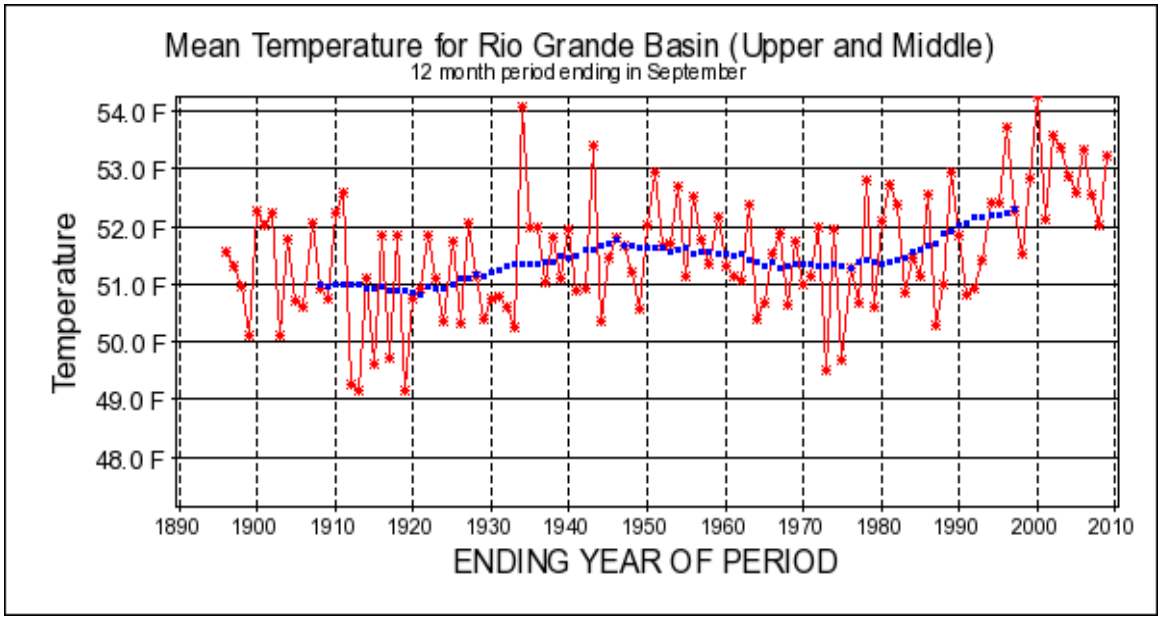

Figure 11. Observed annual temperature, averaged over the Rio Grande Basin above Elephant Butte.

A slight increase in basin precipitation is evident over the past century (figure 12); however, this apparent change in precipitation is subtle relative to annual variability.

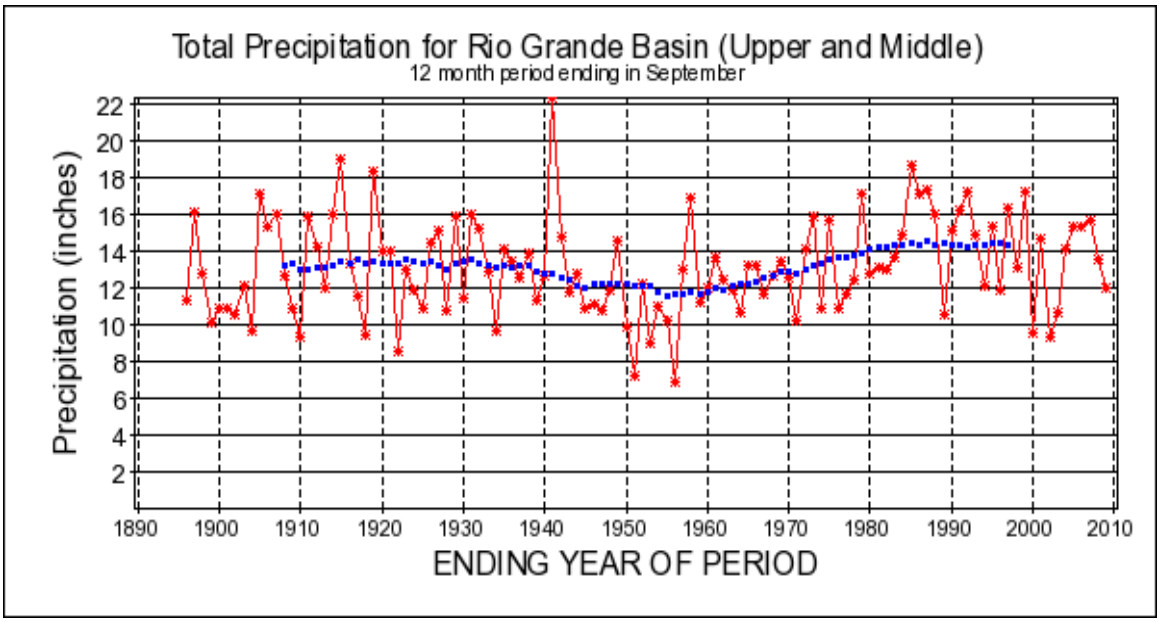

Figure 12. Observed annual precipitation, averaged over the Rio Grande Basin above Elephant Butte.

Source: Western Climate Mapping Initiative (WestMap) available at: http://www.cefa.dri.edu/Westmap/. Red line indicates annual time series for the given geographic region. Blue line indicates 25-year moving annual mean.

Peak snowmelt runoff across northern New Mexico occurred, on average, 7 days earlier over the past half century than during the first half of the 20th century (Stewart et al. 2005, Enquist et al. 2006). In addition, streamflow in the winter months of January, February, and March has increased over the last quarter century relative to the century as a whole (Passell et al. 2004; Woodhouse, Lukas, and Meko 2007).

5.3 Status of Listed Species

This section is a summary of status and monitoring activities for listed species covering approximately the past decade within the Proposed Action area. Summary information of all baseline activities that affect listed species including hydrology, channel conditions, and management activities are reviewed in section 5.7.

The information presented in section 5.3.1, discussing the Rio Grande silvery minnow, reflects to a great extent the analyses done in the annual reports from the contractors carrying out the Collaborative Program's Population Monitoring and Population Estimation Program and related studies.[21] This approach endeavors to document the status of the silvery minnow population and its annual reproductive success through efforts to measure the year-to-year abundance, density, and distribution of individuals of the species at 20 locations in the Middle Rio Grande. The primary stated objective of the monitoring program has been to document temporal trends in silvery minnow abundance at these 20 sites, with secondary objectives of documenting population monitoring correlations with discharge patterns, documenting mesohabitat usage patterns, documenting changes in relative abundance among fish species over time, and determining site-specific sampling variation.[22]

The efforts of recent Collaborative Program studies within the program's workgroup have undertaken a thorough analysis of the population monitoring data. Initial results indicate that silvery minnow population viability in the MRG should incorporate measures of minnow resilience and density dependence in the population dynamics, in addition to measures of abundance, and should attempt to discern the responses of the population to different environmental conditions in terms of minnow reproduction, survival, and recruitment. Since the minnow can exhibit extreme population volatility from year to year, it is to be expected that distribution and abundance results from a given point in time, or trends inferred from year to year, may be less relevant for determining viability than measures of environmental and management conditions that a PVA analyses reveals as the most important factors to maintain the species' persistence.[23]

The PVA Workgroup has worked to compile existing minnow population monitoring data sets and to reach scientific consensus as to the quality, integrity, and completeness of these data. This consensus data set will be used in the end PVA products that the Collaborative Program will use to inform the updated description of species status and population viability. Further data and analyses may be supplied during the course of the consultation, and extension of the consultation to obtain and analyze outstanding data may be appropriate.[24]

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[21] See the Middle Rio Grande Endangered Species Act Collaborative Program Interim Monitoring Plan (September 22, 2006, Draft), Appendix A, Rio Grande Fish Community Monitoring ("2006 Fish Monitoring Plan").

[22] See, e.g., Rio Grande Silvery Minnow Population Monitoring Program Results from September 2009 to October 2010.

[23] See 16 United States Code § 1536(a)(2) (requiring the use of the "best scientific and commercial data available" by Federal agencies in fulfilling their ESA Section 7 consultation requirements); *Consolidated Salmonid Cases*, 791 F.Supp.2d 802, 825-27 (E.D. Cal. 2011) (requiring the National Marine Fishery Service to "apply generally recognized and accepted biostatistical principles, which constituted best available science").

[24] See Federal Register 50 CFR Ch IV (October 1, 2008, Edition) Sec. 402.14:

5.3.1 Rio Grande Silvery Minnow

5.3.1.1 Population Monitoring Activities

There are several ongoing activities that are performed to monitor the current status of silvery minnow in the project area. Reclamation, through the Collaborative Program, funds silvery minnow population monitoring that occurs each month except for January and March using seines and collects catch per unit effort (CPUE) data on the small bodied fish community of the Rio Grande. Similar methods have been used since 1993. Principal objectives of this study are to provide timely monitoring of the temporal trends for silvery minnow within the Rio Grande.

The PVA work group determined that this set of data was also credible for estimating relative brood strength, and annual cohort survival for years 1 and 2 (D. Goodman power point presentation, March 27, 2011).[25] October surveys are assumed to be the best available indicator of annual population status and annual recruitment due to the generally stable base flow conditions and warm water temperatures (Collaborative Program Appendix A, 2006) leading to lower sampling variability (SWCA 2010, Task 1). An additional study using repeated sampling occurred at all sites in November 2009 and 2010 (4 days in a row) to investigate the level of sampling variation for this type of sampling, results showed that variation within that timeframe is low and consistent for studies in 2009 and 2010 (Dudley and Platania 2011).

A gear evaluation study is underway to examine the strengths and weaknesses of various sampling methodologies. Initial findings indicate that large numbers of samples are needed to detect small population changes with the current methodology (SWCA 2010, Task 1) especially when population numbers are low. The study also indicates that the mean size of minnows captured by seining may be smaller than with fyke nets, especially during spring sampling in overbank habitats (SWCA 2011). As far as community monitoring, seines captured the highest number of species when compared with fyke nets and electrofishing. As with all fish sampling techniques, this study has indicated that gear suitability is dependent on study objectives, methods used, target species, and logistical and budgetary constraints (SWCA 2011).

In addition to population monitoring, population estimation has been conducted in October since 2006. The population estimate uses a closed sampling method, utilizing cages and electrofishing within mapped sections of the river. There

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(d) "…The Federal agency requesting formal consultation shall provide the Service with the best scientific and commercial data available or which can be obtained during the course of the consultation for an adequate review…"
(f) "…When the Service determines that additional data would provide a better information base from which to formulate a biological opinion, the Director may request an extension of formal consultation and request that the Federal agency obtain additional data…"

[25] D. Goodman PowerPoint presentation, March 27, 2011.

appears to be a close relationship between the 2008–2010 population trends obtained from the population estimation program and population monitoring (Dudley et al. 2011); however, there is a divergence between the two datasets in 2011. There are not enough data points currently to establish if there is a relationship between the two studies. The riverwide population estimate has ranged from a high of 1.4 million in 2009 to a low of 267,000 in 2010.

Each spring, egg drift is monitored within the river channel and canals annually during spring run-off. This monitoring is a requirement of the 2003 Biological Opinion and provides information on the timing and magnitude of spawning in the MRG. The number of monitoring stations has varied among years but has been at least two within the river at standard locations. These stations are deployed within the river, and the number of eggs per volume is calculated on a daily basis. Hourly catch rates also are recorded by crews collecting eggs for propagation purposes.

Project specific monitoring also occurs for habitat restoration and river maintenance projects. These will be discussed more specifically in section 5.6.

5.3.1.2 Status of Silvery Minnow in the MRG

Egg monitoring has shown a large variation in the number of eggs that are detected in the river on an annual basis. Timing of spawning appears to be related to a combination of discharge and water temperature conditions. Though the total numbers of eggs collected in low flow years is generally higher than in high flow years, when adjusted for total volume of water, the number of eggs transported in high flow years is still substantial (several million eggs) (Dudley and Platania 2010). Small numbers of eggs annually are collected in irrigation canals. Improvements in the way diversions have been managed have minimized the number of eggs that are entrained. Temperature monitoring during egg monitoring indicates that, while mean daily temperatures across years are similar during spawning events, temperatures during high flow years are more constant and experience less diel variation (Platania and Dudley 2006). It is unknown how this temperature fluctuation affects spawning or larval development.

Silvery minnow spawning has been detected each year that monitoring was conducted. As can be seen in figure 13, there is no significant correlation of the catch rate of eggs at the two monitoring sites with October CPUE ($R = 0.708$, $p = 0.352$). Silvery minnow have a large possible reproductive output (> 2,000 eggs per female) (Platania and Altenbach 1996). It is difficult to infer a measure of annual recruitment success from the number of eggs detected in the drift. Recruitment from egg to post-larval stages may be a more important dynamic and is dependent on habitat quantity and quality. Upcoming analysis by PVA modelers may provide further information of what the most important population limiting factors are for silvery minnow.

Population dynamics of silvery minnow have been highly variable (figure 14). Since 1993, catch rates of silvery minnow bounced back in a short time period from a low in 2003 and were at the highest level recorded in 2005. Population monitoring indicates that from 2001–2010, 4 years (2002, 2003, 2006, and 2010)

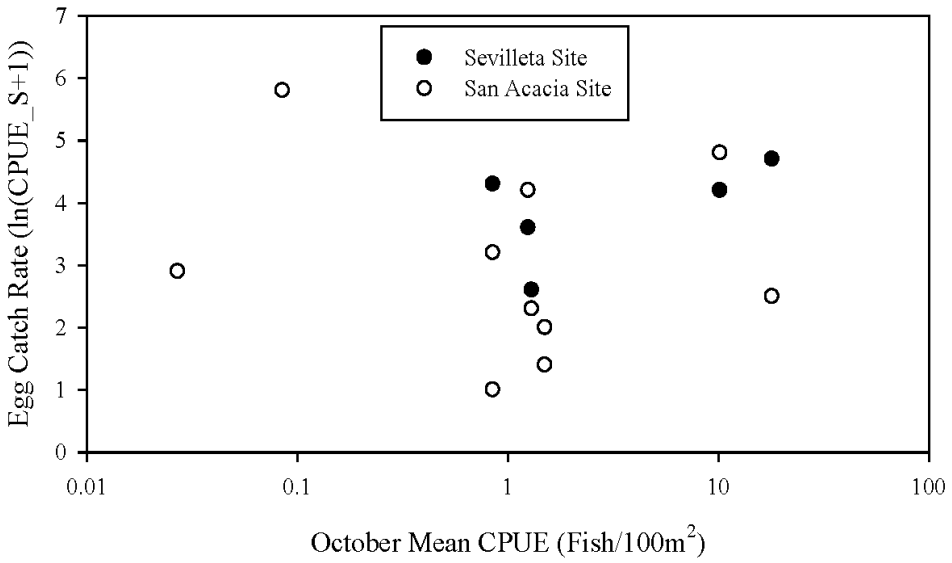

Figure 13. Scatter diagram of egg catch rate for Sevilleta (2006–2011) and San Acacia (2002–2004, 2006–2011) sites (Dudley and Platania 2011) with October CPUE data (population monitoring data).

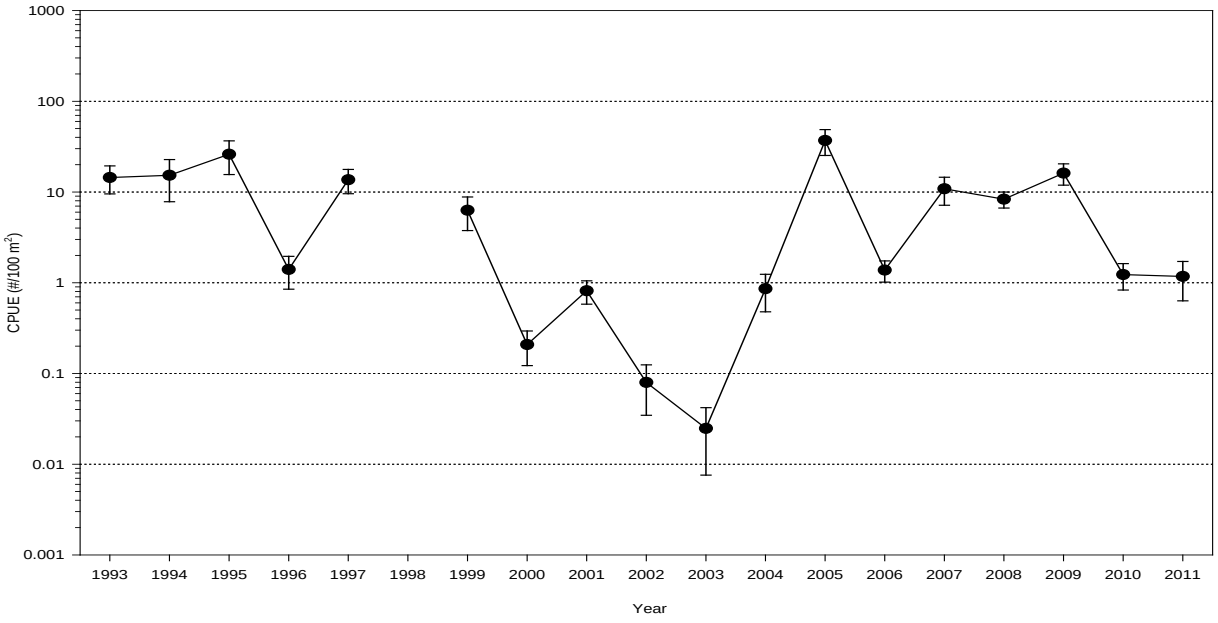

Figure 14. Rio Grande silvery minnow densities (CPUE) during October, at all sampling sites, by sampling year (1993–1997, 1999–2011). Solid circles indicate means, and error bars represent the standard error. Note log scale for y axis (population monitoring data, ASIR).

did not have a strong recruitment (meaning the fall catch rates were less than the prespawn levels) (figure 15). All of these years, except 2010, were years with little to no spring run-off (figure 44, shown later in this report). Population estimation modeling from 2008–2010 also shows a substantial decline in silvery minnow populations in 2010 in all reaches (Dudley et al. 2011). Estimates for of the 2010 population was 67–90% lower than 2008 and 2009 estimates depending on the reach and method used. It is uncertain what circumstances caused population decline in 2010. Initial findings of the 2011 draft data analysis indicate that the October catch rates are similar between 2010 and 2011.

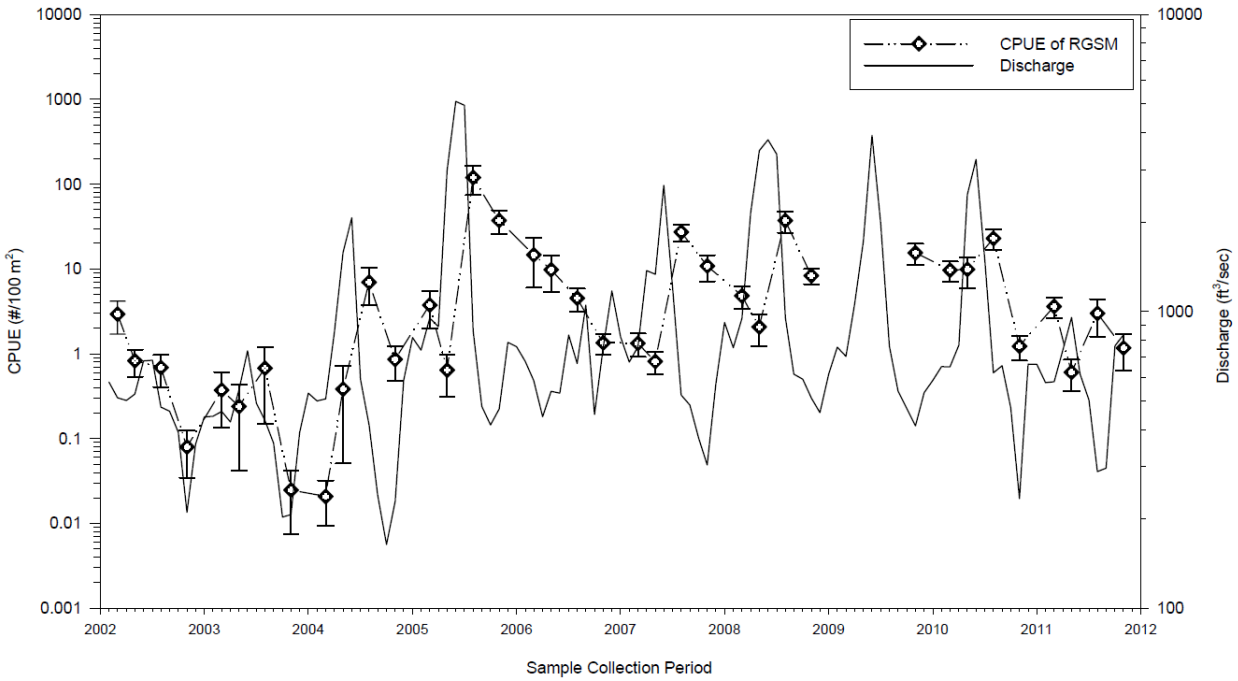

Figure 15. Time sequence of quarterly Rio Grande silvery minnow densities of the past decade (2001–2010) at population monitoring program collection sites and mean monthly discharge at USGS Gage #08330000 (Rio Grande at Albuquerque, New Mexico). Diamonds indicated sample means for each survey, and capped bars represent standard error (from Dudley and Platania, 2012).

Analysis of the population monitoring data indicates a strong positive relationship with spring flow and mean October densities (figure 16, Dudley and Platania 2011). Further analysis of this data by the Collaborative Program PVA group has demonstrated that one of the most important variables is spring flow, which sets the carrying capacity for reproductive output.[26] Dr. Goodman's presentation did

[26] D. Goodman PowerPoint presentation March 27, 2011.

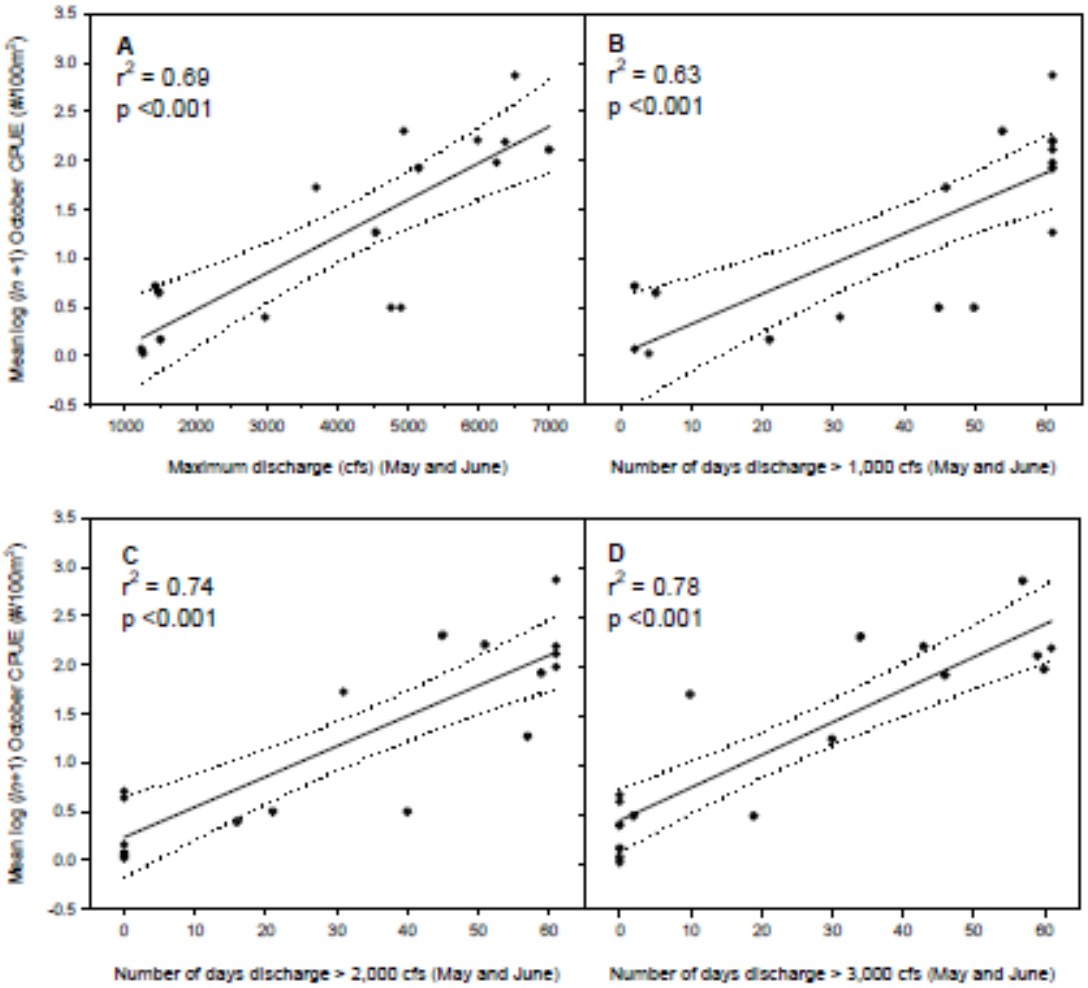

Figure 16. Regression analysis of Rio Grande silvery minnow log-transformed mean October densities (1993–1997,1999–2010) and select hydraulic variables (during May and June) for USGS Gage #08330000 (Rio Grande at Albuquerque, New Mexico). Graph shows regression line (solid) and 95% confidence intervals (dotted). From Dudley and Platania 2010).

not indicate that summer flows enhance survival through the summer using mean summer CPUE (July–September). However, the regression analysis of October CPUE by Dudley and Platania indicated that silvery minnow CPUE increased significantly with delayed onset of low flows and increased mean daily discharge (as measured at the San Marcial gage) (figure 17). There were also significant negative relationships between October silvery minnow densities and number of days with discharge below threshold values (i.e., less than [<] 200 and < 100 cfs) (Dudley and Platania 2011).

The current silvery minnow population in the MRG has been annually augmented with hatchery produced fish. The program began stocking a few fish in 2001; large numbers of fish were stocked starting in 2003 (Remshardt 2010). The

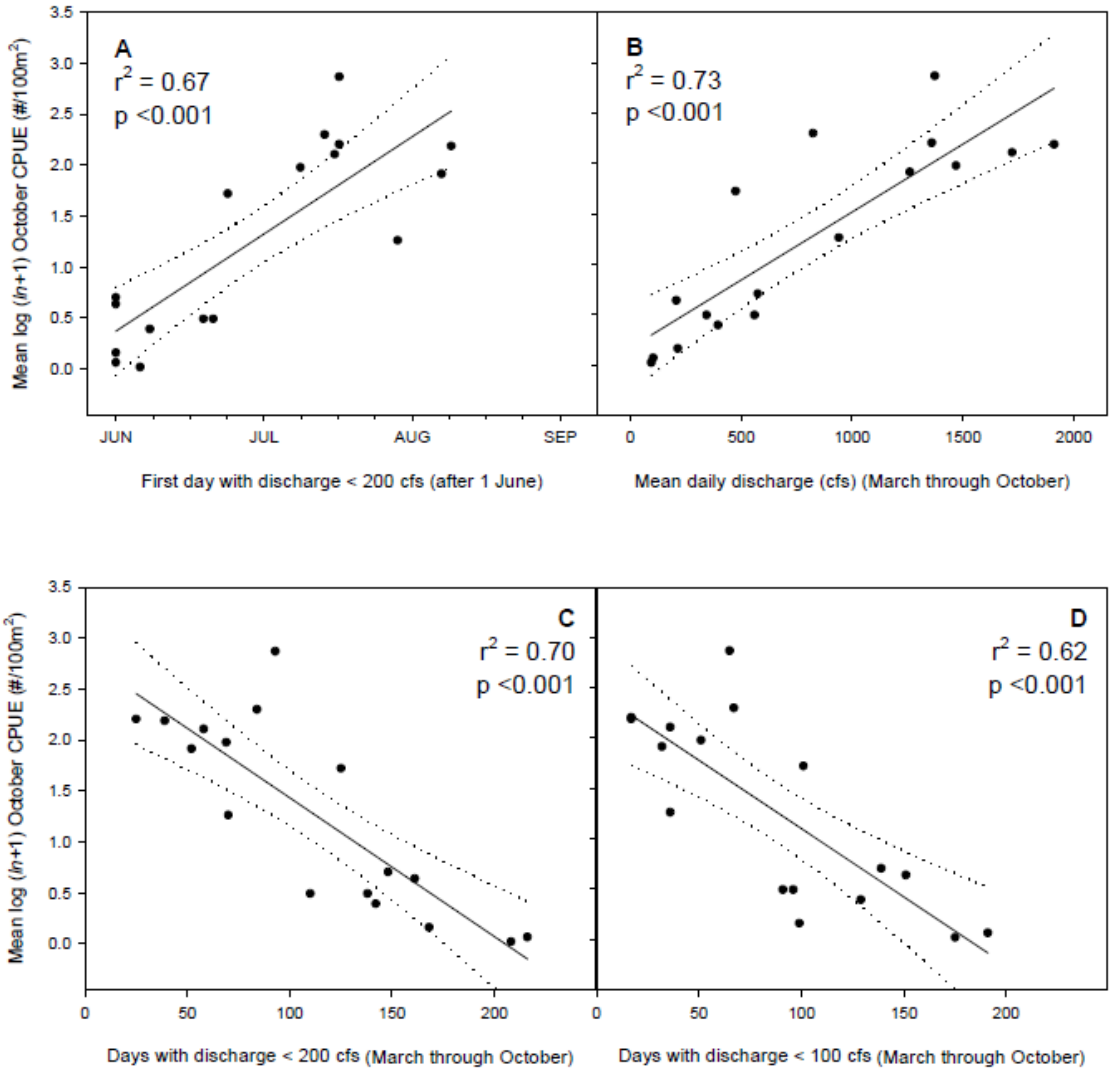

Figure 17. Regression analysis of Rio Grande silvery minnow log-transformed mean October densities (1993–1997, 1999–2010) and different hydraulic variables for USGS Gage #08358400 (Rio Grande Floodway at San Marcial, New Mexico). Graph shows regression line (solid) and 95% confidence intervals (dotted) (from Dudley and Platania, 2011).

numbers of fish stocked annually is based on a formula to achieve an overall density 10 minnows per 100 square meters as determined by fall monitoring results (Remshardt 2012). All stocked silvery minnow are marked with visible implant elastomer tags.

Generally, low numbers of hatchery fish are captured in monitoring efforts (< 3% of the total catch). Riverwide, the only year that a substantial number of marked fish were collected during population monitoring was during 2003, when approximately 10% of the total numbers of silvery minnow collected were hatchery fish, 20% in the Angostura Reach. The only fish stocked in the

Angostura Reach since 2008 have been those fish implanted with PIT tags to study use of the fish passage built around the Albuquerque drinking water diversion. Though few hatchery fish are recaptured, it appears that the augmentation program has had an effect on maintenance of genetic diversity within the three reaches. This is discussed further in the next section.

The propagation program also provides security against catastrophic failure of the species within the MRG since it is currently the only established population of silvery minnow. Silvery minnow also are salvaged from isolated pools in sections of the river that are prone to drying. The initial salvage program moved fish to upstream reaches. Since 2007, salvaged silvery minnow are only moved within a reach. Salvage and propagation activities are discussed more fully in section 5.6.3.

From 2001–2010, there was variation in the community composition of fishes in the Rio Grande. Silvery minnow comprised a higher fraction of the total ichthyofaunal community from 2005–2009 than from 2000–2004 (Dudley and Platania 2011). Seining surveys most often captured flathead chub, longnose dace, and white sucker in the Angostura Reach. Red shiner, common carp, silvery minnow, fathead minnow, river carpsucker, channel catfish, and western mosquitofish were most common in the Isleta Reach. Silvery minnow was more common in the Isleta and San Acacia Reaches as compared to the Angostura Reach. Reclamation has annually electrofished portions of the river in February. These surveys most often captured channel catfish, common carp, and river carp sucker in the Angostura Reach, while silvery minnow were the most common species captured in the Isleta and San Acacia Reaches for the past 5 years (Reclamation 2010, Reclamation 2012).

5.3.1.3 Genetics Monitoring

Genetic monitoring has been conducted on silvery minnow since 1999. Historically, population bottlenecks have occurred that likely caused the loss of rare alleles and limited the allelic diversity of the population. Genetic variation and heterozygosity are often maintained unless the bottleneck is very severe and lasts for several generations (Nei et al. 1975). Heterozygosity provides a good measure of the capability of a population to respond to selection immediately following a bottleneck. However, the number of alleles remaining is important for the long-term response to selection and survival of populations and species (Allendorf 1986). It is important to maintain a species genetic diversity for long-term population persistence to allow species the ability to adapt and respond to environmental changes.

The current genetic monitoring measures a variety of diversity metrics based on microsatellite and mitochondrial DNA markers. Prior to augmentation, there was considerable variation in diversity measures. Since the initiation of augmentation, diversity statistics have stabilized (figure 18), indicating that alleles frequencies

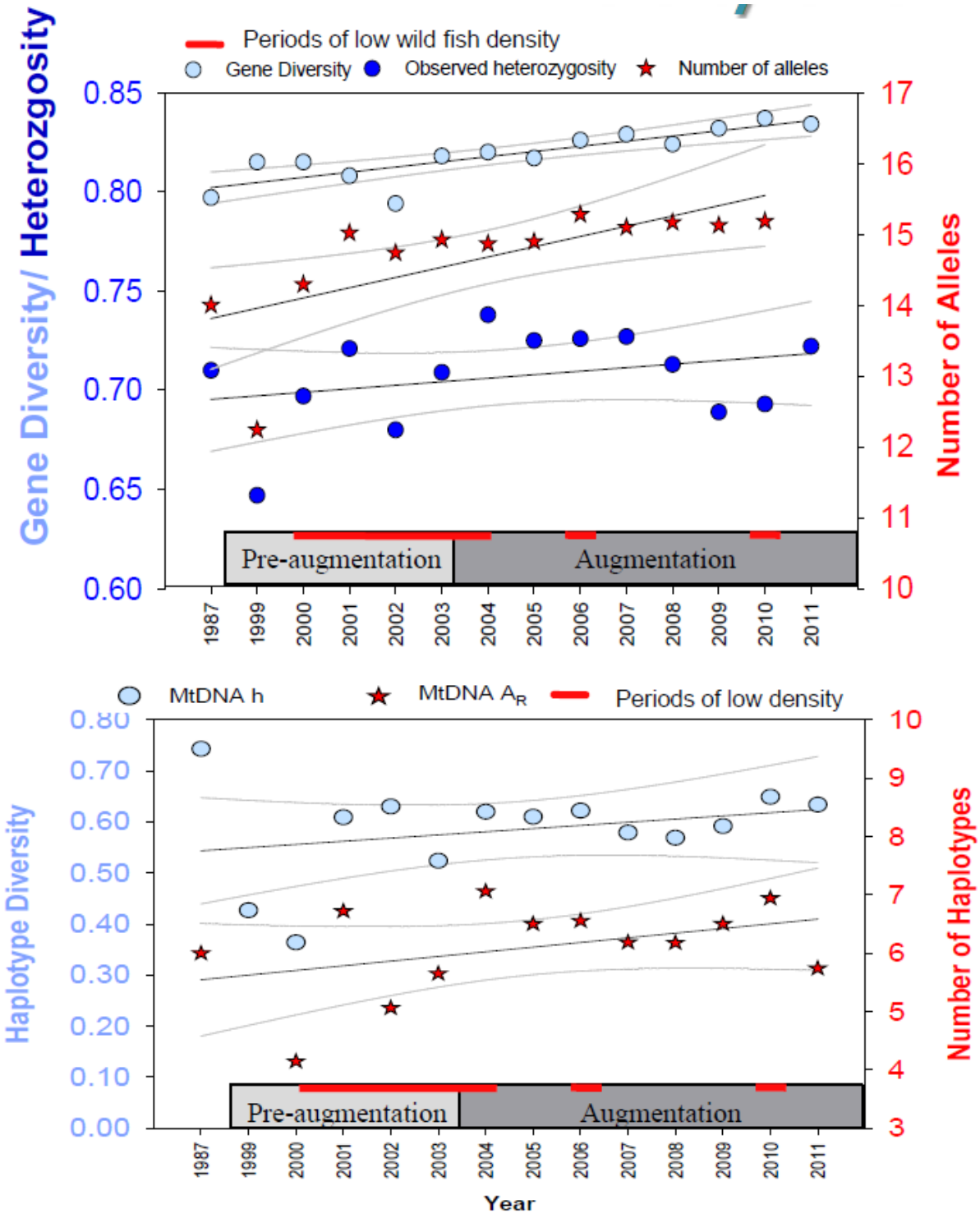

Figure 18. Diversity metrics of Rio Grande silvery minnow from genetic monitoring program from Osborne and Turner (PowerPoint presentation to Collaborative Program 2011).

are maintaining within the population. Heterozygosity has continued to be variable (Osborne et al. 2012). The investigation of the genes of the immune response, major histocompatiblilty complex, indicates that the silvery minnow shows similar variation to other cyprinid fishes studied (Osborne and Turner 2011).

Generally, recovery plans for rare species often reference a goal of attaining a minimum effective population size of 500 (Frankel and Soulé 1981). This number was derived using theoretical numbers based calculations for "ideal" populations without regard to the actual genetic diversity within the population. Temporal estimates of "genetic" effective population (N_e) size using various genetic methods have found that actual N_e of most wild populations is much lower than would be calculated using population size estimates (Palsta and Ruzzante 2008). Many fish species with type III survivorship curves (high fecundity, high early mortality) show a very low ratio of N_e/N (adult census size). Factors that contribute to this include fluctuating population size, biased sex ratios, variance in reproductive success between individuals, and metapopulation dynamics (Turner et al. 2002).

The revised recovery plan (Service 2010) states that the effective population size of silvery minnow is estimated to be around 100. There are several ways to estimate genetic effective size. Each type of estimator has biases associated with it. In variable populations, there is not generally correlation between variance effective size (NeV) and inbreeding effective size (NeI). NeV measures the variance in allele frequencies between two time points. NeI measures the probability of identity by descent. In a declining population, NeI > NeV. In a growing population, NeI < NeV. Depending on the method used, the variance effective size has been in the range from 200–400 in the last decade (PBS&J 2011). Inbreeding effective size estimates are higher, ranging from 500 to infinity, but the variability is heavily influenced by sample size (Osborne and Turner 2011 PowerPoint). Though the estimates of variance effective size are small, they have stabilized and show a slightly increasing trend (Osborne et al. 2012).

The current silvery minnow population is confined to a limited area and does not have the possibility of occasional immigration from a disconnected population. In addition, gene flow between subsets of the population is limited to a downstream direction due to the presence of migration barriers. There is no correlation between CPUE levels and effective population size. For silvery minnow, there are likely several factors that influence genetic effective size beyond population size including augmentation of the population by captive stocks. Generally, captive stocks from wild caught origins have higher variance effective size than those that are produced from hatchery broodstock. The availability of wild caught eggs for broodstock has been variable, and most recent stockings have been from captive spawning. Large numbers of eggs were collected in 2011, which should add to the genetic diversity of the hatchery stocks. Though low numbers of

hatchery fish are captured in monitoring efforts, generally, it appears that augmentation has positive effects for maintaining genetic diversity of the population, especially during low population years.

5.3.1.4 Water Quality and Fish Health Monitoring

There are two general types of water quality concerns in the Rio Grande. Point source discharges generally occur near water treatment facilities or storm water discharges that can cause fish kills. These have been documented occasionally within the Rio Grande within the Angostura Reach. New Mexico Game and Fish or New Mexico Environment Department investigate any reports of fish kills and try to determine a cause. There is not a coordinated effort for a long-term record keeping process for these fish kills. In the last few years, fish kills have been documented from various causes including ash flows from forest fire areas, low oxygen events from storm water, and high chlorine levels in wastewater treatment effluent. In New Mexico, storm water-related issues are led by the New Mexico Environment Department and local governments. Currently, the city of Albuquerque has a program to improve the effectiveness of the storm drainage system within the city of Albuquerque and to safeguard the quality of the storm water runoff discharging into the Rio Grande. Currently, substances that enter the storm drain system flow directly to the Rio Grande, usually via neighborhood arroyos. New Mexico has not assumed the National Pollutant Discharge Elimination System (NPDES) storm water program, and Environmental Protection Agency (EPA) implements the NPDES program in New Mexico. The New Mexico Department of Transportation, the city of Albuquerque, the Albuquerque Metropolitan Arroyo Flood Control Authority, and the Southern Sandoval County Arroyo Flood Control Authority produced the Storm Water Management Guidelines for Construction and Industrial Activities manual in 2003.

In addition to these short-term issues, there is concern about long-term, chronic conditions that may affect fishes through long-term exposure and cause reproductive effects, health issues, or death. Sublethal impacts of various chemicals contribute to the overall conditions of environmental stress in the MRG, which could lead to declines in the population of silvery minnow and other aquatic life. A risk assessment was conducted using data available through 2003. This assessment's primary conclusion was that there is no clear "smoking gun" chemical that can be singled out as an agent likely to have produced significant riverwide historical impacts to silvery minnow. Nor can any chemical be specifically targeted as currently impairing the recovery of silvery minnow within the MRG (Tetra Tech 2005).

A study, conducted by the New Mexico Environment Department from 2006–2008 (NMED 2009), identified only a few water quality issues—notably elevated *E coli*, one sample with an ammonia concentration of 9.12 milligrams per liter (mg/L)—five times the acute criteria, low dissolved oxygen (DO) during brief

periods of time, and some samples elevated in metals such as aluminum, copper, and chromium. Temperature exceedences of their 32.2 °C criterion were few, and the magnitude of exceedence was never greater than 3 °C. For pH, no exceedences of the 6.6 to 9.9 standard units criterion were documented from deployed data loggers at any locations except for one sample in 2007 at NM Highway 550 Bridge. Buhl (2008) established several preliminary parameters specific to silvery minnow: Water temps > 36 °C acutely lethal, DO < 0.6 mg/L acutely lethal.

There were several instances of dissolved oxygen readings that were lower than the 5 mg/L standard within the Angostura Reach. NMED states in their report that these will be investigated more fully in the current monitoring period (2010–2012). In their draft 2006–2008 silvery minnow health study, the Service (2012) found that many of these low dissolved oxygen readings may be associated with storm events.

Fish tissue-based testing was conducted in 2007 within the Angostura Reach using a variety of species from the MRG. Four sites were sampled: below North Albuquerque Metro Area Flood Control Authority (AMAFCA), Albuquerque South Side Water Reclamation Plant (which included the Rio Grande below South AMAFCA).

These fish showed levels of zinc, and DDT higher than levels established by the United States Department of Agriculture Forest Service BEST Program as potentially having toxic effects on various fish species (NMED 2008). Fish collected in this survey contained several chemicals above method detection limits but below toxic levels. The only contaminants not detected were lead and selenium for all samples and cadmium at two of the four sites. The sampling that took place near the Highway 550 site contained the highest concentration of cadmium and arsenic. Sampling near the Rio Rancho Waste Water Treatment Plant (WWTP) contained the highest concentrations of mercury. The Albuquerque WWTP sample contained the highest concentrations of zinc.

The service draft fish health study of the wild silvery minnow population found no pathonogenic viruses present in fish of the MRG. There was no obvious pattern of parasitic infections at various sites; however, bacterial infections were more prevalent during warm temperatures. Many species exhibited shortened opercula, including silvery minnow. It is unknown if water quality issues influence this defect.

Buhl (2011) conducted in situ experiments in the water from an irrigation waste way drain to inform the feasibility of creating refugial habitat with this water during dry periods. There were no significant differences in survival, total length, weight, or condition factor of fish across sites, but absolute weight loss and relative reduction in condition factor were significantly greater in fish at the site just below the drain (wetted in stream habitat site) compared to those at a nearby

river site. Some of these differences may have been related to the depth of the site and not directly attributable to the water quality.

A 2003 survey of various pharmaceutically active compounds did not detect estrogenic hormones within the Rio Grande. Antibiotic concentrations in the Rio Grande were minimal with only sulfamethoxazole being detected (Brown 2006). Currently USGS is conducting a study of estrogenic biomarkers and the effects of these compounds on Rio Grande silvery minnow.

Water quality criteria were established for salvage of silvery minnow from isolated pools based on a series of survival tests (Caldwell et al. 2010). Fish in isolated pools are often very stressed from crowding, suboptimal water quality, and temperature fluctuations that cause them to be more susceptible to parasites and bacterial diseases. Thus, survival of these stressed fish is low. For a pool to be considered for salvage, a pool must meet the following conditions: (1) water temperature < 34 °C, (2) dissolved oxygen > 2.0 mg/L, (3) pH < 9.0 (4) no observable dead fish, (5) no moribund fish as indicated by lethargy, and (6) no fish exhibiting hemorrhagic lesions. If any of these secondary criteria are not met, the pool is not rescued.

5.3.1.5 Other Information

In addition to the monitoring activities, there are several studies supported by Reclamation and the Collaborative Program that have been (or are currently) conducted to inform future management. Bixby and Burdett (2011) investigated the correlation of nutrient availability and periphyton growth in the MRG from 2007–2010. They found that periphyton distribution is highly influenced by variation in turbidity and nutrients. In the summer months, high turbidity from tributaries creates a light-limited environment where primary production is limited to a littoral zone “bathtub ring.” Additionally, there is a gradient of nutrient inputs as the river flows through urban landscapes as concentrations of phosphate and nitrates vary.

There were similar findings of Valdez et al. in review, who studied food availability within the MRG in 2005 and 2006. In addition to the large allochthonous load of organic matter, there was also significant autochthonous production along shallow shorelines where there was sufficient light penetration for photosynthesis and where velocity was low with little scour so that macroinvertebrate and aufwuchs communities could establish. Mesohabitats that support autochthonous production and the greatest food sources for fish comprise relatively small wetted areas of the channel, which coincide with low-velocity mesohabitats used by silvery minnow. They concluded that the abundance and diversity of food resources available during their study did not suggest a food limitation for Rio Grande silvery minnow.

Fragmentation of rivers has been documented as one of the leading causes of extirpation of many species of pelagic spawning fishes (Perkin and Gido 2011). Much debate has surrounded the fish passage conservation measure for silvery minnow, the potential effects of providing fish passage at the diversion dams at Angostura, Isleta, and San Acacia. A peer review of the science surrounding the need for fish passage found that there was much uncertainty surrounding what the goals for fish passage are, and how many fish would need to use it to accomplish these goals (PBS&J 2011).

5.3.2 Southwestern Willow Flycatcher

5.3.2.1 Species Status

The current range of the flycatcher (figure 19) is very similar to the historical range; however, suitable habitat within that range has diminished considerably due to habitat loss or modification via dams and reservoirs, diversions and ground water pumping, channelization and bank stabilization, phreatophyte control, livestock grazing, recreation, fire, agricultural development, and/or urbanization (Service 2002). Brood parasitism by cowbirds also has been a contributing factor in flycatcher population decline. Prior to the listing of the flycatcher, relatively little was known about the natural history of this subspecies. Estimates of overall territory numbers rangewide in 1993 were approximately 140 distributed among 41 known sites (Durst et al. 2008).

As of 2007, the population of flycatchers rangewide increased to approximately 1,299 territories distributed among 288 sites (Durst et al. 2008; figure 20). Large populations are located along the Gila River and Rio Grande in New Mexico; the Kern, Owens, San Luis Rey, Santa Ana, and Santa Margarita Rivers in California; and the Gila, San Pedro, and Salt River drainages in Arizona (Durst et al. 2008). Currently, the Elephant Butte Reservoir (classified as south of river mile 62 for purposes of this analysis) population is the largest group of flycatchers within New Mexico, and the population within the BDANWR is the second largest along the Rio Grande (New Mexico Flycatcher Database).

A total of approximately 415 flycatcher territories were found within the entire Rio Grande Basin of New Mexico during the 2011 breeding season. Occupied sites were scattered from the Orilla Verde Recreation Area near Taos, downstream to Radium Springs near Las Cruces. During the 2011 breeding season, most suitable habitat within the main stem of the Rio Grande was surveyed, and it is highly unlikely that any large populations of flycatchers have gone undetected; however, sites supporting a few undetected territories may exist in some isolated patches of habitat throughout the Rio Grande Basin.

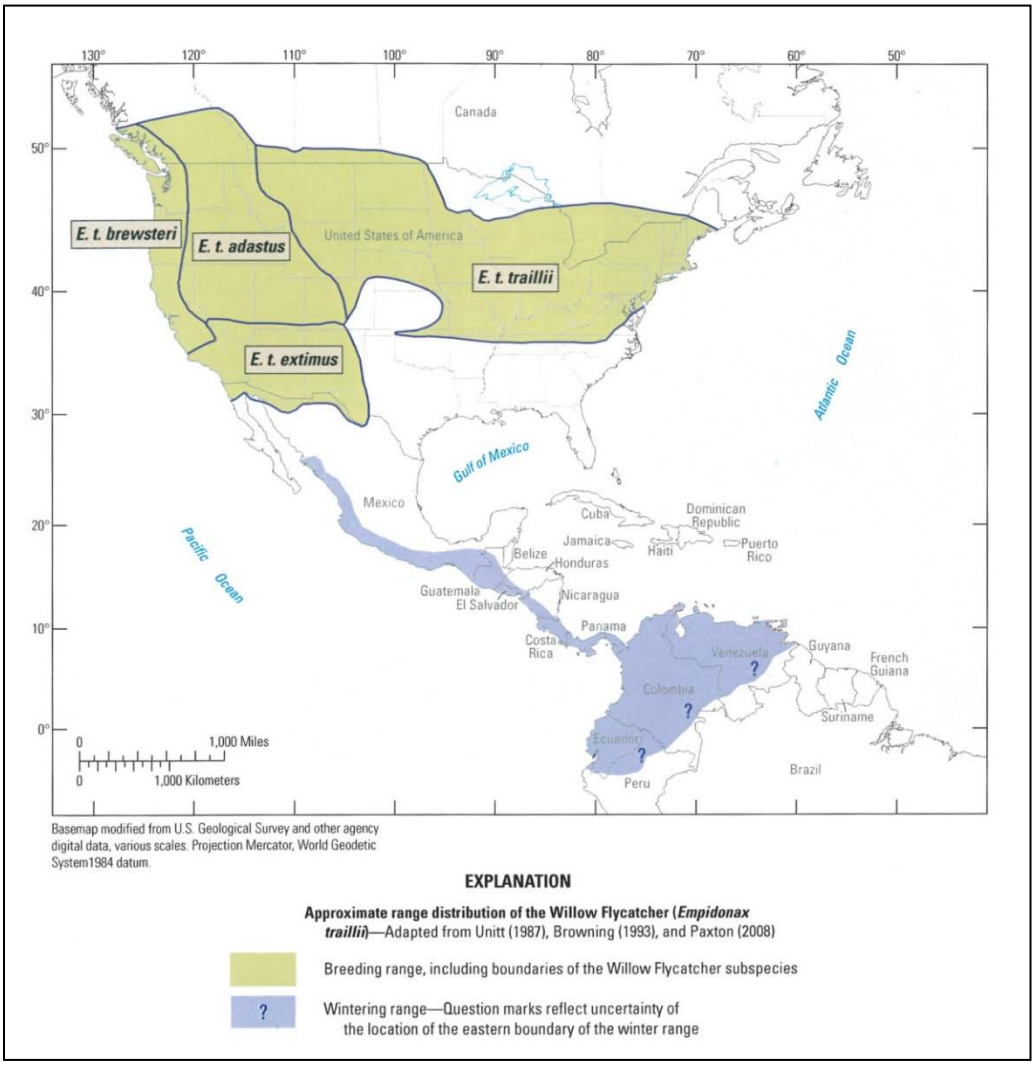

Figure 19. Breeding ranges of the willow flycatcher subspecies (from Sogge et al. 2010).

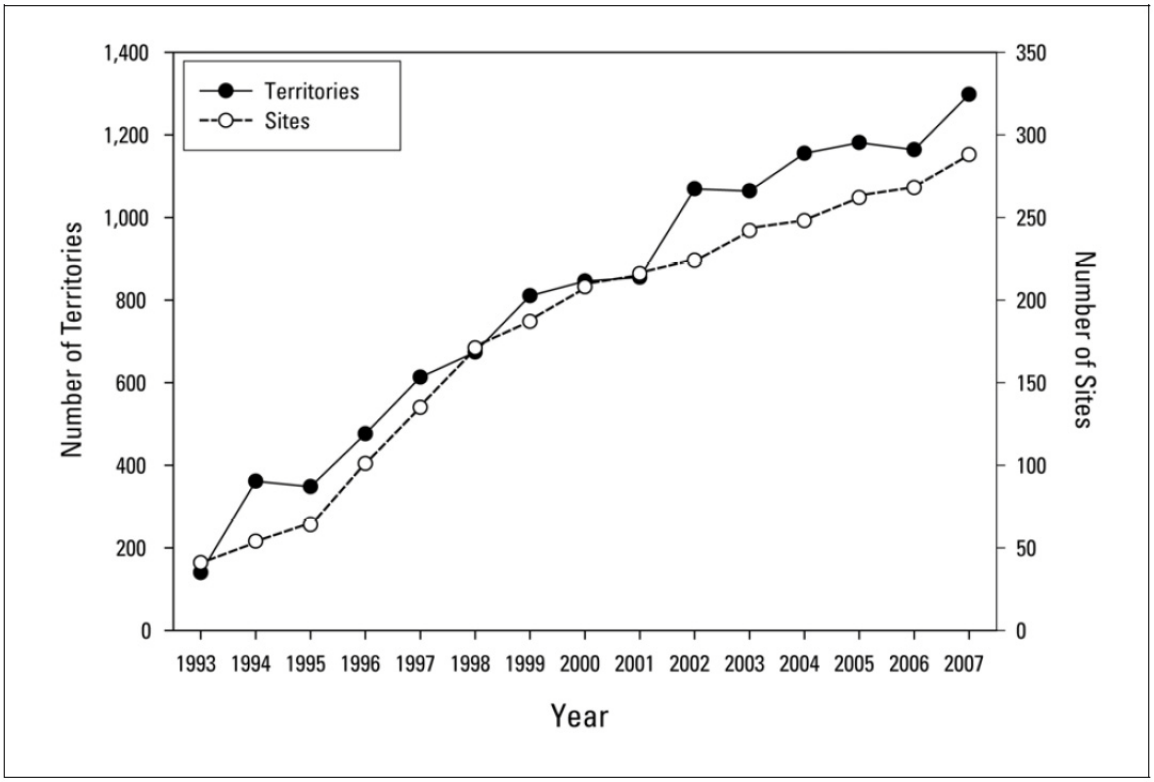

Figure 20. Estimated number of flycatcher territories and sites rangewide from 1993–2007 (from Durst et al. 2008).

Since 1993, flycatchers have been reported from 19 sites within the Rio Grande Basin; however, several of these sites no longer support flycatchers. The majority of currently occupied sites within the entire Rio Grande Basin support isolated populations of fewer than six territories. Sites such as Tierra Azul, Ohkay Owingeh, and Selden Canyon/Radium Springs have been fairly consistent in territory numbers since 1993, which is indicative of somewhat stable populations within these sites.

The Elephant Butte Reservoir population was first recorded in 1993 when four flycatcher territories were found. The population has steadily increased to 314 in 2011. Approximately 75% of the total known territories found within the Rio Grande Basin during the 2011 season were within the conservation pool of Elephant Butte Reservoir that is south of both the currently designated Middle Rio Grande Management Unit critical habitat as well as the project action area.

A total of 84 flycatcher territories were detected during the 2011 survey season along the MRG. This also includes populations from the Stateline to Otowi Bridge, a portion of which is outside the action area. Territory numbers generally have increased since surveys began in 1993 (table 2).

Table 2. Flycatcher territory[1] totals along MRG. This also includes populations from the Stateline to Otowi Bridge, a portion of which is outside the action area.

River Reach	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Rio Chama Stateline to Confluence	2	4	2	5	4	3	NS	NS	4	NS	NS	1	NS	NS	NS	0	NS	NS	NS
Stateline to Otowi Bridge	5	6	11	20	17	2	2	18	1	0	1	12	12	13	12	18	34	21	23
Otowi Bridge to Cochiti Dam	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	1	1	NS	2
Cochiti Dam to Angostura Diversion Dam	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
Angostura Diversion Dam to Isleta Diversion Dam	NS	3	4	3	NS	NS	NS	14	NS	NS	4	7	6	9	12	16	0	0	0
Isleta Diversion Dam to Rio Puerco	NS	NS	NS	NS	NS	NS	NS	NS	0	2	1	0	4	1	8	1	3	6	10
Rio Puerco to San Acacia Diversion Dam	NS	NS	NS	NS	NS	NS	4	7	11	11	16	17	18	21	14	31	18	13	9
San Acacia Diversion Dam to Arroyo de las Cañas	NS	NS	NS	NS	0	0	0	0	0	2	0	0	0	0	0	3	1	1	1
Arroyo de las Cañas to San Antonio Bridge	NS	NS	NS	NS	NS	0	0	0	0	1	0	0	0	1	0	0	0	3	7
San Antonio Bridge to River Mile 78	NS	NS	NS	NS	NS	0	0	0	0	4	0	1	0	2	5	5	19	37	44
River Mile 78 to River Mile 62	0	11	6	7	0	2	5	4	3	7	7	16	3	14	9	8	9	7	11
Total	5	20	21	30	17	4	11	43	15	27	29	53	43	61	60	83	85	88	84

[1] Territories: A single male or pair of flycatchers detected throughout the breeding season.
Note: Data collected from NM Rangewide Database 1993- NS: Not Surveyed. UN: Unknown.

The only two areas within the action area that have shown significant population changes over the past decade are located in the Rio Puerco to San Acacia Reach (near Sevilleta NWR/La Joya SWA) and the San Antonio to River Mile 78 Reach (near BDANWR). The population along the Rio Grande within the Sevilleta NWR and La Joya SWA was first detected in 1999.

Formal surveys were initiated in 2000, and seven territories were detected. The population increased to 17 in 2004 and remained relatively stable until 2008 when approximately 31 territories were detected. In 2011, the population declined to nine territories. Conversely, the population within the BDANWR has been increasing in numbers and distribution areas over the last 6 years. In 2009 with a population of 19, this area became one of the most highly occupied reaches along the MRG and was again in 2010 and 2011 when the population more than doubled to 37 and 44, respectively.

5.3.2.2 Flycatcher Breeding Habitat Characteristics

Many flycatcher breeding sites are composed of spatially complex habitat mosaics, often including both exotic and native vegetation. Within a site, flycatchers often use only a part of the patch, with territories frequently clumped or distributed near the patch edge. Therefore, the vegetation composition of individual territories may differ from the overall composition of the patch (Sogge et al. 2002).

Generally, four broad categories have been developed to describe species composition at breeding sites and include the following:

Native: > 90% native vegetation
Mixed: > 50% native (50–90% native vegetation)
Mixed: > 50% exotic (50–90% exotic vegetation)
Exotic: > 90% exotic vegetation

Habitat patches comprised of native vegetation account for approximately half (44%) of the known flycatcher territories in the Southwest. As of the 2007 breeding season, rangewide, 50% of breeding territories occurred in mixed patches and 4% in patches > 90% exotic (Durst et al. 2008). In many cases, exotics are contributing significantly to the habitat structure by providing the dense lower-strata vegetation that flycatchers prefer (Sogge et al. 2002).

Data collected and analyzed on nest substrate and surrounding habitat patch communities in the MRG (from Reclamation nest monitoring activities from Velarde to Elephant Butte, primarily nests from areas: Sevilleta/La Joya, BDANWR and San Marcial) indicate that flycatchers may key in on areas dominated by native vegetation but often select exotic vegetation, particularly saltcedar as a nest substrate. Saltcedar actually may be the flycatchers' substrate of choice due to its dense and vertical twig structure. From 1999–2010, approximately 40% of 1,690 nests located in these river reaches were physically constructed on exotic plants (Russian olive [*Elaeagnus angustifolia*] 2.2% and saltcedar [*Tamarix* spp.] 38.0%) (Moore and Ahlers 2011). A very large percentage given that, in the MRG, between 1999–2010, 74 nests (4.4%) with

known outcomes were in saltcedar-dominated territories; 1,283 (75.9 %) were in willow (*Salix*)-dominated territories; and 333 (19.7 %) were in mixed-dominance territories (Moore and Ahlers 2011).

The saltcedar leaf beetle (*Diorhabda* spp.)(beetle) was released in field cages in six States (California, Nevada, Utah, Texas, Colorado, and Wyoming) in 1999 and field released in 2001 (DeLoach et al. 2003). The beetles defoliate saltcedar during the growing season, which corresponds to the flycatcher breeding season, and take multiple years of continuous defoliation to eventually kill saltcedar (Paxton et al. 2011). The abundance of beetles may provide a temporary food source for flycatchers, however, once defoliation takes place it is likely that other foliage feeding insects would disperse (Paxton et al. 2011). With reduced canopy cover as well as food source, flycatchers occupying habitat composed of mainly saltcedar would be at a disadvantage.

At this time, the beetle has been observed as close as Highway 313 just north of Albuquerque. Within the MRG, flycatchers use saltcedar as a nesting substrate at a disproportionate rate, which is a concern due to the inevitable expansion of the beetle. However, the vast majority of flycatcher territories are in native-dominated stands, and the defoliation or mortality of a few saltcedar trees within those stands likely will not reduce overall habitat quality (Moore and Ahlers 2011).

5.3.2.3 General Habitat Description/Condition

Suitable and flycatcher occupied riparian habitat within the MRG from the Stateline to river mile 62 include dense stands of willows and other woody riparian plants adjacent to or near the river. Some areas along that same stretch of the MRG support local areas of suitable willow flycatcher habitat (using Hink and Ohmart vegetation classification), however no birds have been observed establishing territories—thus, indicating that suitable habitat is not a limiting factor.

For the purposes of this flycatcher baseline, the area from the Stateline to river mile 62 has been divided into reaches as follows: Rio Chama (Stateline to Confluence), Stateline to Otowi Bridge (a portion of which is outside the action area above Velarde); Cochiti Dam to Angostura Diversion Dam; Angostura Diversion Dam to Isleta Diversion Dam; Isleta Diversion Dam to Rio Puerco; Rio Puerco to San Acacia Diversion Dam; San Acacia Diversion Dam to Arroyo de las Cañus; Arroyo de las Cañus to San Antonio Bridge; San Antonio Bridge to River Mile 78; and River Mile 78 to River Mile 62.

In general, the bosque in the Stateline to Otowi Bridge and Cochiti Dam through Isleta Reaches contain mainly single-aged stands of older cottonwoods (*Populus* spp.) and lack the diversity of a healthy, multiaged riparian forest. Exotic vegetation such as Russian olive and Siberian elm also has become established. In many areas, significant channel narrowing and degradation have significantly

limited overbank flooding and reduced the potential for recruitment of native riparian vegetation, especially cottonwoods and willows. There are some areas within this stretch that currently do have suitable habitat in the form of lower terraces with backchannels, native willows, and marsh like conditions.

Known flycatcher habitat in the Rio Puerco area (reaches from Isleta Diversion Dam through San Acacia Diversion Dam) occurs adjacent to the river and is dominated by coyote willow (*Salix exigua*), saltcedar, and Russian olive. The trend of channel narrowing and degradation reduces the amount of overbank flooding and the potential to enhance existing sites or establish new native vegetation.

From San Acacia to River Mile 78, habitat varies greatly from deep, incised channels with dry, high terraces consisting of mainly saltcedar vegetation to areas that experience overbank flooding in high flow events with cottonwood galleries and young native patches of vegetation. The vegetation is very mixed in this large area that typically is not occupied by flycatchers (with the exception of the area within the BDANWR) and also consists of mesquite, Russian olive, saltbush, quailbush, New Mexico olive, and a variety of other species.

Within the BDANWR, habitat varies from dense monotypic saltcedar to mature cottonwood galleries. Mature coyote willow and Russian olive also typically line the banks, which is where large populations of flycatchers have established territories within the past couple breeding season.

South of the BDANWR to river mile 62 consists of mainly saltcedar and Russian olive with mature cottonwoods interspersed. In areas south of the railroad trestle, habitat contains less saltcedar and Russian olive and contains larger quantities of mature cottonwood and willows. However, in recent years, these areas have become very dry; and the mature cottonwoods have been very susceptible to mistletoe (*Viscum album).* Foliage in the canopy is now very sparse.

5.3.2.4 Suitable Habitat Classification

Development of a Geographic Information System- (GIS) based flycatcher habitat suitability model was initiated in 1998 for the MRG Basin and continues to be refined based on changes in hydrology and updated vegetation maps. Riparian vegetation in the MRG Basin between San Acacia Diversion Dam and Elephant Butte Reservoir had been classified using the Hink and Ohmart (1984) classification system through a cooperative effort with the U.S. Forest Service. This system identifies vegetation polygons based on dominant species and structure. Plant community types are classified according to the dominant and/or codominant species in the canopy and shrub layers.

During the summer and fall of 2002, as part of the Collaborative Program, Reclamation personnel updated vegetation maps from Belen to San Marcial using a combination of ground truthing and aerial photo analysis. During the summer of 2004, the conservation pool of Elephant Butte Reservoir was again aerially

photographed (true color), and vegetation heights were remotely sensed using Light Detection and Ranging (LIDAR) methods. The area was ground truthed again during the summer of 2005. In 2008, the conservation pool of Elephant Butte Reservoir again was reviewed; and habitat mapping was updated based on ground-truthing and aerial photography flown in late summer of 2007. These areas are continually being reviewed as vegetation matures and develops in new areas so that components of the flycatcher habitat suitability model remain current.

In 2008, breeding habitat suitability was refined by identifying all areas that were within 50 meters of existing watercourses, ponded water, or in the zone of peak inundation. Using the vegetation maps and the flycatcher territories detected from 2006–2009, guidelines for categorizing each vegetation type into habitat suitability classes were established based on structure and density of vegetation. Factors used in making these determinations are explained below.

Suitable – Suitable habitat included vegetation in which a high percentage of flycatcher territories was detected. Areas with a significant structural component—primarily intermediate-sized trees (15-40 ft) with or without understory or stands with dense shrubby growth (5–15 ft)—also were considered suitable if a high percentage of territories occurred within the vegetation type. Other qualifying vegetation types were those that included a combination of important plant species, especially tree willows, coyote willows (particularly in the canopy layer), Russian olive, and saltcedar (however, not monotypic saltcedar) and also vegetation classes with a “d” qualifier, which indicated > 50% aerial vegetation cover.

Moderately Suitable – Moderately suitable habitat included vegetation in which a fairly high percentage of territories occurred from 2006–2009. Areas that provided a good structural component (primarily the same community types as described in suitable habitat) and occasionally community type 1, which consisted of tall/mature trees with well developed canopy (> 40 ft) also could be considered moderately suitable. This category required an adequate combination of vegetation species with at least 50% of the species composition made up of the more desirable plant species (those listed under “Suitable” habitat).

Unsuitable – Unsuitable habitat included vegetation in community types with tall/mature trees with or without understory (> 40 ft) or communities with very young and low growth. These were habitats in which vegetation was either too sparse or too mature, or the majority of the polygon consisted of the lower priority plant species. If fourwing saltbush (*Atriplex canescens*), honey mesquite (*Prosopis glandulosa*), screwbean mesquite (*Prosopis pubescens*), creosote (*Larrea tridentata*), or New Mexico olive (*Forestiera pubescens*) were a component of the classification, then the vegetation type was determined to be unsuitable.

Nonhabitat – Nonhabitat for SWFLs included five classifications, which were open areas with no woody overstory (e.g., open water or marsh) and human developments (e.g., roads and railroads).

Results from the study, entitled Southwestern Willow Flycatcher Habitat Suitability 2008, Highway 60 Downstream to Elephant Butte Reservoir, NM, indicated that tree willow was the most important plant species for providing flycatcher habitat. Over 20% of flycatcher territories from 2006–2009 were found in two habitat classifications: TW/TW-CW3 (tree willow overstory with a relatively dense understory comprised of tree willow and coyote willow) and TW/CW-SC3 (tree willow overstory with a relatively dense understory comprised of coyote willow and saltcedar); 78% of the vegetation types surrounding territories had a tree willow component.

Although saltcedar and Russian olive are invasive and often considered undesirable plant species, they do provide suitable habitat for flycatchers in the study area. Of all the territories, 43% had a saltcedar component, and saltcedar was the dominant species within 6% of the vegetation types in which territories were found. Russian olive was a component in 9% of flycatcher territories and dominated vegetation types in 5% of the territories.

Cottonwood was a component in 11% of the vegetation types that included flycatcher territories and was the dominant species in 6% of these vegetation types. Cottonwood and saltcedar were the dominant species in an equal percentage of the vegetation in which flycatcher territories were detected.

Although not within the action area, the vast majority of suitable habitat and flycatcher territories were found within the conservation pool of Elephant Butte Reservoir, which was a vital component in determining habitat suitability composition. There were 4,208 acres of suitable and moderately suitable flycatcher habitat mapped within this area, far beyond any of the other reaches. Areas near Sevilleta NWR/La Joya SWA provided the next highest amount of suitable and moderately suitable habitat with 796 acres. The development of such high quality habitat in the conservation pool of Elephant Butte Reservoir can be attributed to a decline in the reservoir levels, which exposed soils and provided moist sites for willow to establish. The suitability of this habitat for flycatchers was substantiated by the occurrence of 893 territories documented from 2006–2009, again far more than in any of the other reaches in the study area. The Sevilleta NWR/La Joya SWA area had 97 flycatcher territories from 2006–2009, which was second in territory numbers (Ahlers et al. 2010). Ultimately, the structure and density of flycatcher habitat are likely what are most attractive, rather than the plant species composition (Moore and Ahlers 2008, 2009)

Flycatchers (and many other species of neotropical migrant landbirds) use the Rio Grande riparian corridor as stopover habitat during migration. Studies have shown that, during the spring and fall migration, flycatchers more commonly are

found in willow habitats than in other riparian vegetation types, including the narrow band of coyote willows that line the LFCC (Finch and Yong 1997). Presence/absence surveys during May have detected migrating flycatchers throughout the project area in vegetation types that would be classified as "unsuitable" for breeding habitat (Ahlers and White 1997).

5.3.2.5 Development and Status of Suitable Southwestern Willow Flycatcher Breeding Habitat Within the MRG

It is commonly recognized that one of the primary causes for the decline of neotropical migrants, along with numerous other terrestrial species, is the decrease in the abundance of riparian vegetation over the past hundred years. The removal of the dynamic components of river systems is a main reason for this decline in riparian vegetation.

The Rio Grande and associated riparian areas historically have been a very dynamic system in constant change; without this change, the diversity and productivity decreases. Sediment deposition, scouring flows, inundation, and irregular flows are natural dynamic processes that occurred frequently enough in concert to shape the characteristics of the Rio Grande channel and flood plain. Flycatcher habitat historically has developed in conjunction with this hydrologically dynamic system where habitat was created and destroyed in a relatively short period of time. It is this type of dynamic, successional system that flycatchers depend on for the establishment and development of their breeding habitat. Through the development of dams, irrigation systems, and controlled flows, the dynamics of the river system have been eliminated except for localized areas such as within reservoirs where water storage levels frequently change with releases and inflows. It is no coincidence that flycatchers have expanded and dispersed within the delta of the Elephant Butte Reservoir. In previous years, this has been the only large scale area with this dynamic process in favor of flycatcher habitat expansion in the form of changing reservoir elevations. Cottonwoods and willows are aggressive colonizers of disturbed sites in a variety of ecological situations (Reichenbacher 1984).

The interaction of river discharge (timing and magnitude), river channel morphology, and flood plain characteristics are vital components that can favor the establishment of native vegetation and enhance the development of suitable willow flycatcher breeding habitat within the MRG. To recreate these dynamic processes in a very static river system, manmade procedures have been developed and implemented such as mechanical disturbance, herbicide treatments, prescribed fire, channel realignment, operational flows, avulsions, and river realignment. These manmade processes manipulate the river and flood plain in an attempt to restore the diversity of a healthy river system.

Successful cottonwood and willow recruitment has been shown to coincide with the descending limb of the spring runoff hydrograph. The timing and rate of

decline of receding flood flows such as those that occur at the conservation pool of Elephant Butte have been documented as important factors affecting seedling survival (Sprenger et al. 2002). Newly scoured area of the river channel or flood plain and areas where sediment has been deposited also provide conditions for regeneration of native species and can stimulate vegetation health. An example of this was the sediment plug in the BDANWR in 2008 and the response to that event by the large increase in suitable habitat and flycatcher territories.

Habitat modeling throughout the MRG (including areas south of the action area) has shown that there currently is suitable unoccupied habitat, thus indicating that habitat availability is presently not a limiting factor to this population. The reason that flycatchers do not expand into all areas of suitable habitat is possibly a result of their relatively strong site fidelity. However, the availability of suitable habitat is likely to decline over the next few years, particularly within the conservation pool of Elephant Butte Reservoir due to natural succession, extended flooding from the LFCC, and channel degradation in the Rio Grande. The distribution of flycatcher territories within the MRG has shifted and will continue to shift in response to these habitat changes.

5.3.3 Pecos Sunflower

In the Middle Rio Grande, the main Pecos sunflower population presently exists within the La Joya SWA, a unit of the Ladd S. Gordon Waterfowl Complex. This is one of the largest populations of *H. paradoxus*, consisting of 100,000 to 1,000,000 plants. This property is owned by the New Mexico State Game Commission. It is managed by the NMDGF for migratory waterfowl habitat, which is compatible with preservation of wetlands for *H. paradoxus*.

This site was first discovered in 2004 and has been found to be occupied every year since then. It represents one of the largest populations of *Helianthus paradoxus* in the range of the species (Hirsch 2006). The site contains all of the PCEs in the appropriate spatial arrangement and quantity but is threatened by encroachment of nonnative vegetation.

First discovered in 2004, this population is located in an area distinct from any other population in the range of the species. As such, it may contain genetic variation not found anywhere else in the range of the species. The La Joya SWA was excluded from the critical habitat designation for *H. paradoxus* due to the development of a habitat management plan that adequately protects the species (NMDGF 2007). The management plan is to support conservation of the species on the La Joya SWA by: (1) annually controlling invasive species, (2) protecting the natural spring in Unit 5 from motorized vehicles and heavy equipment, (3) monitoring core populations by digitizing these areas annually, (4) conserving *H. paradoxus* by adjusting invasive species treatment area boundaries, and (5) restoring native habitat through re-vegetation.

In accordance with the management plan, NMDGF maps core sunflower population areas annually (table 3). Areas that contain a mix of Pecos and annual sunflower are not mapped. Conservation measures include avoiding herbicide use within delineated core population areas. In 2008, seeds from the La Joya population were used to establish a new population on a private land area. Initial surveys of this area indicate that the population has established itself.

Table 3. Acreage of core Pecos sunflower population on La Joya SWA

Year	Acres Mapped
2004	66
2005	143
2006	159
2007	160
2008	209
2009	262
2010	262
2011	224

Source: J. Hirsh NMDGF Records.

Additionally, in 2010, a ditch that delivers water from Pond 3 to Pond 4 on La Joya SWA was cleared of salt cedar. Part of the cleared area was seeded with a mix of Pecos sunflower and annual sunflower. In 2011, Pecos sunflower and annual sunflower re-colonized the disturbed ground. Most of these areas are located adjacent to the La Joya Ponds.

5.3.4 Interior Least Tern

As previously mentioned in the Status and Distribution section of this analysis, the interior least tern can be considered a vagrant on the MRG and no interior least tern nesting has been recently documented (Service 1995). According to the recovery plan from the Service in 1990, the only documented breeding along the Rio Grande takes place in Texas, and the only documented breeding within the state of New Mexico can be found on the Pecos River (Service 1990), similar conclusions are drawn in the complete rangewide survey collected in 2005 (Lott 2006). Due to the low potential for occurrence and that the interior least tern likely only would be present infrequently and/or temporarily (i.e., during migration), the interior least tern would likely not be affected by the project; and no further analysis will be completed on behalf of the species.

5.4 Hydrologic Regime

This section provides the hydrologic setting of the MRG and shows the following:

- The water supply to the MRG is limited and highly variable.
- Modifications have been made to the timing, distribution, and magnitude of flows in the MRG for purposes of flood control and maximization of the beneficial use of water, and include.
    - Suppression of large, channel-forming flows by flood-control dams.
    - Redistribution of flows by water storage reservoirs, so that water is available for water supplies and, consequently, for river flows during the irrigation season.
    - Diversion of surface water and drain flows for irrigation, which decreases the flow in the river.
    - Pumping of ground water, so that significant ground water drawdowns have developed, and the ground water system now draws water from the river.

The hydrologic changes documented in this section are interconnected with the other changes that have occurred in this system, primarily geomorphic changes to the river channel, as discussed in the following section. Because of these geomorphic changes, the current hydrology is not sufficient to provide overbank flows in the upstream portions of the MRG. In the Angostura Reach, significant overbank flows begin to occur at flows above 6,500 cfs (figure 21). However, the maximum releases from Cochiti under its flood control rules are 7,000 cfs. Therefore, the available hydrologic operations have a very limited ability to provide significant overbank flows, which are important to the life cycle of the silvery minnow.

In the more downstream reaches, potential for overbank flows is more widespread, but diversions from the river decrease the flows that are conveyed to these reaches, and perching of the river channel makes it less likely that this channel will be able to maintain the flows that it receives from upstream. Frequent drying of the more downstream reaches of the MRG after the snowmelt runoff limits the degree to which they can support the postspawn survival of the silvery minnow.

This subsection begins with a discussion of the water and river operations over the past decade, organized geographically from north to south, and concludes with the current hydrologic conditions.

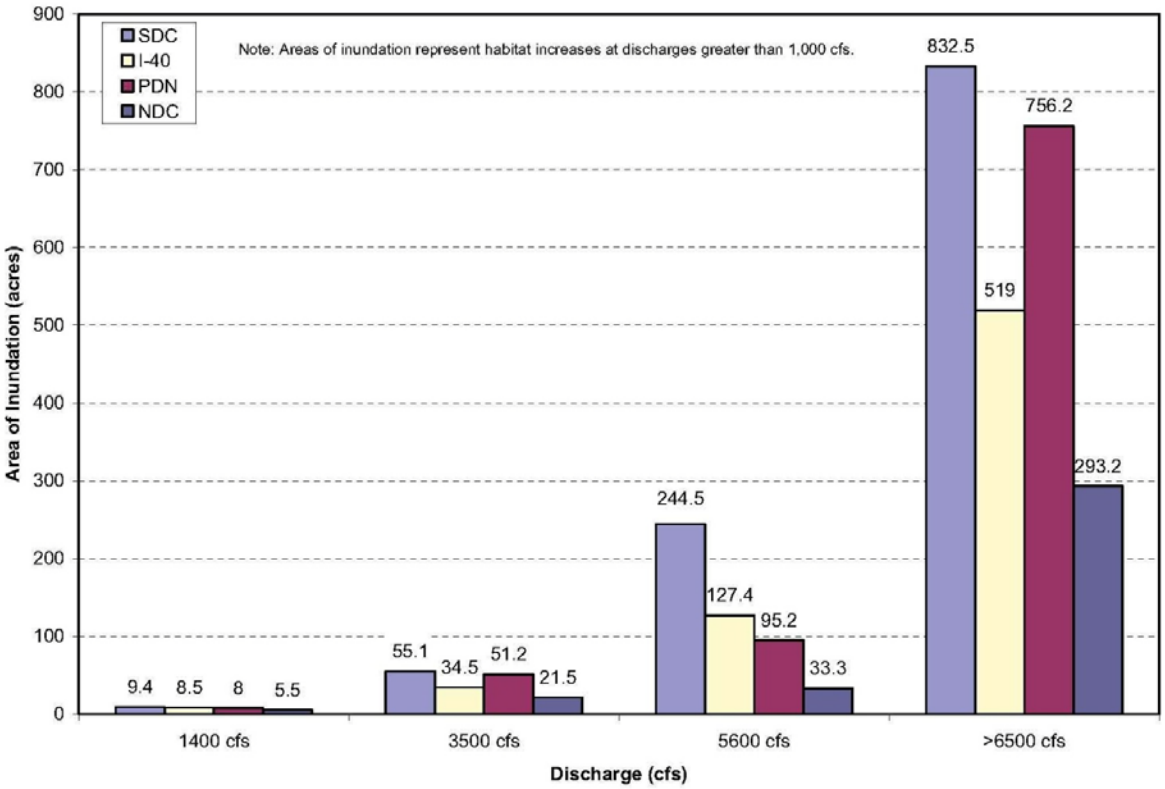

Figure 21. Bar graph showing area of overbank inundation in four subreaches of the Albuquerque Reach (the South Diversion Channel (SDC); Interstate 40 (I-40); Paseo del Norte (PDN), and North Diversion Channel (NDC) subreaches) prior to habitat restoration efforts by the Collaborative Program (Mussetter Engineering, Inc. 2006).

5.4.1 Baseline Water Operations

The term "water operations" describes the human operations of dams and diversions and activities that put water to beneficial use. Five types of water operations are implemented, often simultaneously, within the MRG system: 1) flood control; 2) irrigation; 3) municipal and industrial diversion, use, and return flow; 4) environmental operations; and 5) recreational/rafting.

5.4.1.1 An Overview of MRG Water Management Facilities and Operations

The MRG is an engineered system. River flow and water movement throughout the Rio Chama and MRG are constrained by the physical capabilities and existing authorities associated with the system's water management facilities, operations, and policies. The MRG is affected by Colorado State line Compact deliveries, Rio Chama and other tributary inputs, imported SJC Project waters, the Corps' flood control reservoirs along the Rio Chama and Rio Grande, and the MRG Project, all of which contribute to or regulate flows along the Rio Chama and the MRG.

Figure 22 is a schematic representation of the Rio Chama and Rio Grande that shows the major facilities and/or entities that impact flows in the MRG—from Heron Reservoir operations at the top to the Bosque Del Apache Wildlife Refuge at the bottom.

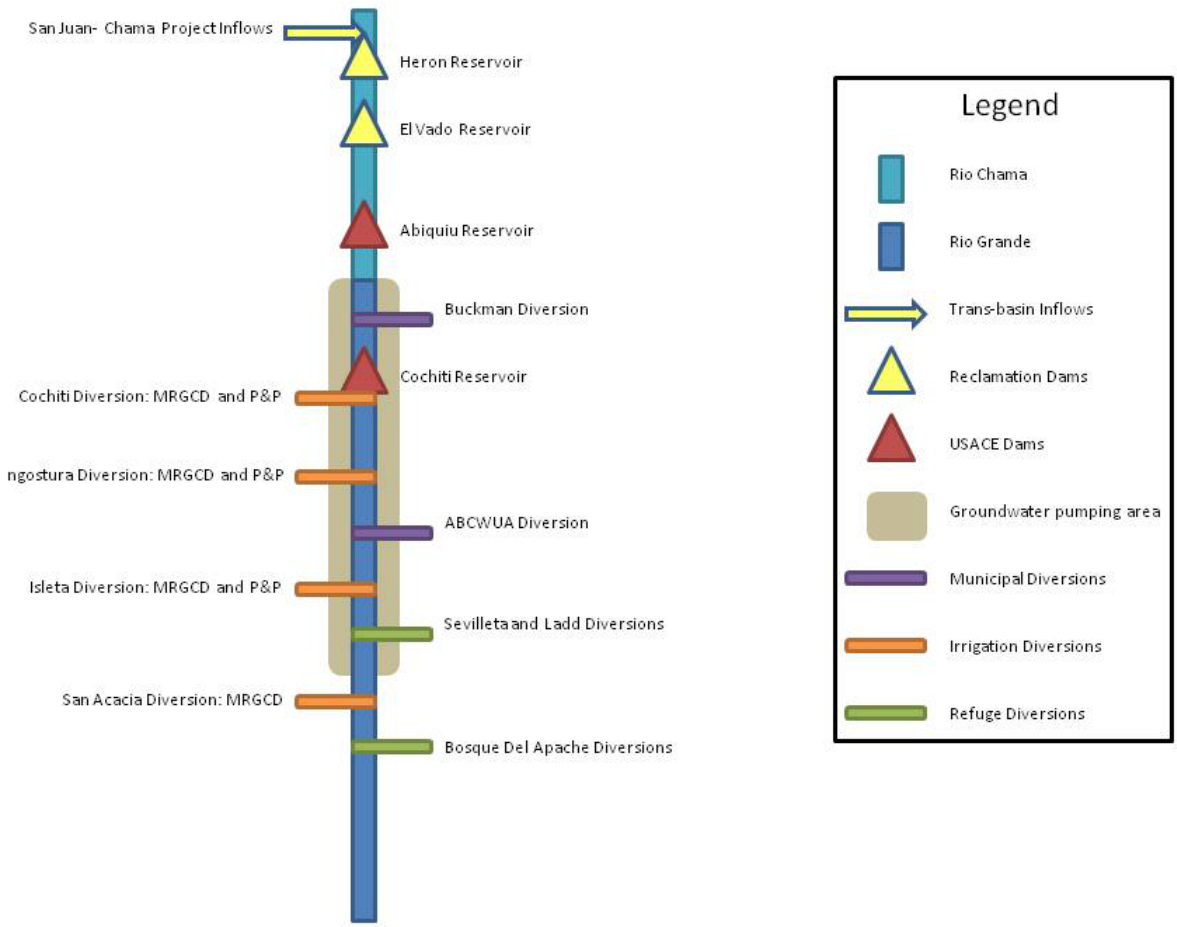

Figure 22. Schematic representation of major water facilities impacting river flows in the Middle Rio Grande.

The major Federal reservoir facilities within the action area include the following:

- Rio Chama
  - Heron Dam Reservoir (owned and operated by Reclamation as part of the SJC Project)
  - El Vado Dam Reservoir (owned and operated by Reclamation as part of the MRG Project)
  - Abiquiu Dam and Reservoir (owned and operated by the Corps for flood control and SJC Project storage)

- Rio Grande
  - Cochiti Dam and Lake (owned and operated by the Corps for flood control)
- Off-Channel
  - Jemez Canyon Reservoir (owned and operated by the Corps for flood control)
  - Galisteo Dam (owned and operated by the Corps for flood control)

Heron Dam and Reservoir are located on Willow Creek, a tributary of the Rio Chama. Reclamation operates Heron Reservoir to manage imported SJC Project waters and passes all native Rio Grande flows. Reclamation operates El Vado Reservoir to store native Rio Grande water, when allowed by the Compact, for use in the MRG Project service area by non-Indian farmers and the Six MRG Pueblos. Reclamation stores native Rio Grande waters for prior and paramount water needs pursuant to the 1981 Agreement and discussed below. When space is available, El Vado also may store SJC Project water. Abiquiu Reservoir is authorized for flood control, sediment control, and storage of both SJC Project and native Rio Grande waters. However, storage of native Rio Grande water in Abiquiu is rare.

Very little native Rio Grande flow is actually captured and stored in the major reservoirs in this system. On average, only 100,000 AF of native Rio Grande water (less than 10% of annual average flow at Otowi gage) is historically stored (even temporarily) upstream of Elephant Butte Reservoir. The vast majority of combined storage in Heron, El Vado, Abiquiu, and Cochiti Reservoirs is imported SJC Project water (Flanigan, et al. 2007).

Rio Grande flows at Otowi gage, which is located just downstream from the confluence of the Rio Chama, consist of unregulated main stem Rio Grande flows crossing the border from Colorado and discharges from reservoirs along the Rio Chama, including both native Rio Grande watershed inputs and imported SJC Project waters. Cochiti Reservoir is the sole main stem reservoir capable of regulating these native Rio Grande flood flows. Native Rio Grande spring runoff from April–June typically is allowed to pass through Cochiti Dam unregulated, with the exception of peak flows that exceed safe channel capacity. Abiquiu Reservoir is the primary flood control reservoir along the Rio Chama, and the Jemez Canyon and Galisteo provide flood control on the Jemez and Galisteo Rivers, respectively—tributaries that discharge to the MRG. Releases from the other water supply reservoirs along the Rio Chama (i.e., Heron and El Vado Reservoirs) typically occur later in the year, from May—October, depending on irrigation demand and the need for available Supplemental Water to meet environmental flow requirements.

Water management reaches differ slightly from river maintenance geomorphic reach designations and are primarily defined by locations of mainstream irrigation diversion dams (figure 23). The upper reaches are similar to the river maintenance designations. The Cochiti Reach extends from Cochiti Dam to Angostura Diversion Dam. The reach from Angostura Diversion Dam to Isleta Diversion Dam is called the Angostura Reach (this reach is interchangeably known as the Albuquerque Reach). The Isleta Reach is bounded upstream by Isleta Diversion Dam and downstream by San Acacia Diversion Dam. Water management defines only one reach below San Acacia Diversion Dam to the full reservoir pool of Elephant Butte Reservoir, known as the San Acacia Reach whereas there are several geomorphic designations within this reach.

The Low Flow Conveyance Channel is a 54-mile long riprap-lined channel that parallels the Rio Grande on the west side and originally extended from San Acacia Diversion Dam to the narrows of Elephant Butte Reservoir but now ends approximately at river mile 60. The LFCC was constructed to aid delivery of Compact water and sediment to Elephant Butte Reservoir and serves to improve drainage of irrigated lands and provide additional water for irrigation by collecting water draining from farmland. The LFCC is owned, operated, and maintained by Reclamation.

New Mexico water law follows the Doctrine of Prior Appropriation, which gives senior water users a better right than junior water users in times of shortage. Under the doctrine, priority of water rights is determined through a stream system adjudication in a court of law. Water rights in the MRG have not yet been adjudicated to determine their nature and extent, and the waters of the MRG are fully appropriated.

5.4.1.2 San Juan-Chama Water Operations

The SJC Project operations augment the Rio Grande water supplies through transbasin diversion of Colorado River water. SJC Project water must be consumptively used in New Mexico and cannot be used for deliveries under the Compact.

Figure 24 provides a summary of annual SJC Project diversions, which enter to the Rio Grande system via the Azotea Tunnel, annual inflows of SJC Project water to El Vado Reservoir, and annual amounts of water conveyed at the Otowi gage for consumption in the MRG.

During the 11-year period shown in figure 24, an annual average of about 61,550 AF of SJC Project water passed the Otowi gage in response to downstream demand by SJC Project contractor requests and Reclamation Supplemental Water Program releases. The remainder of SJC Project water remained stored in MRG reservoirs, especially El Vado and Abiquiu, as shown in figure 25.

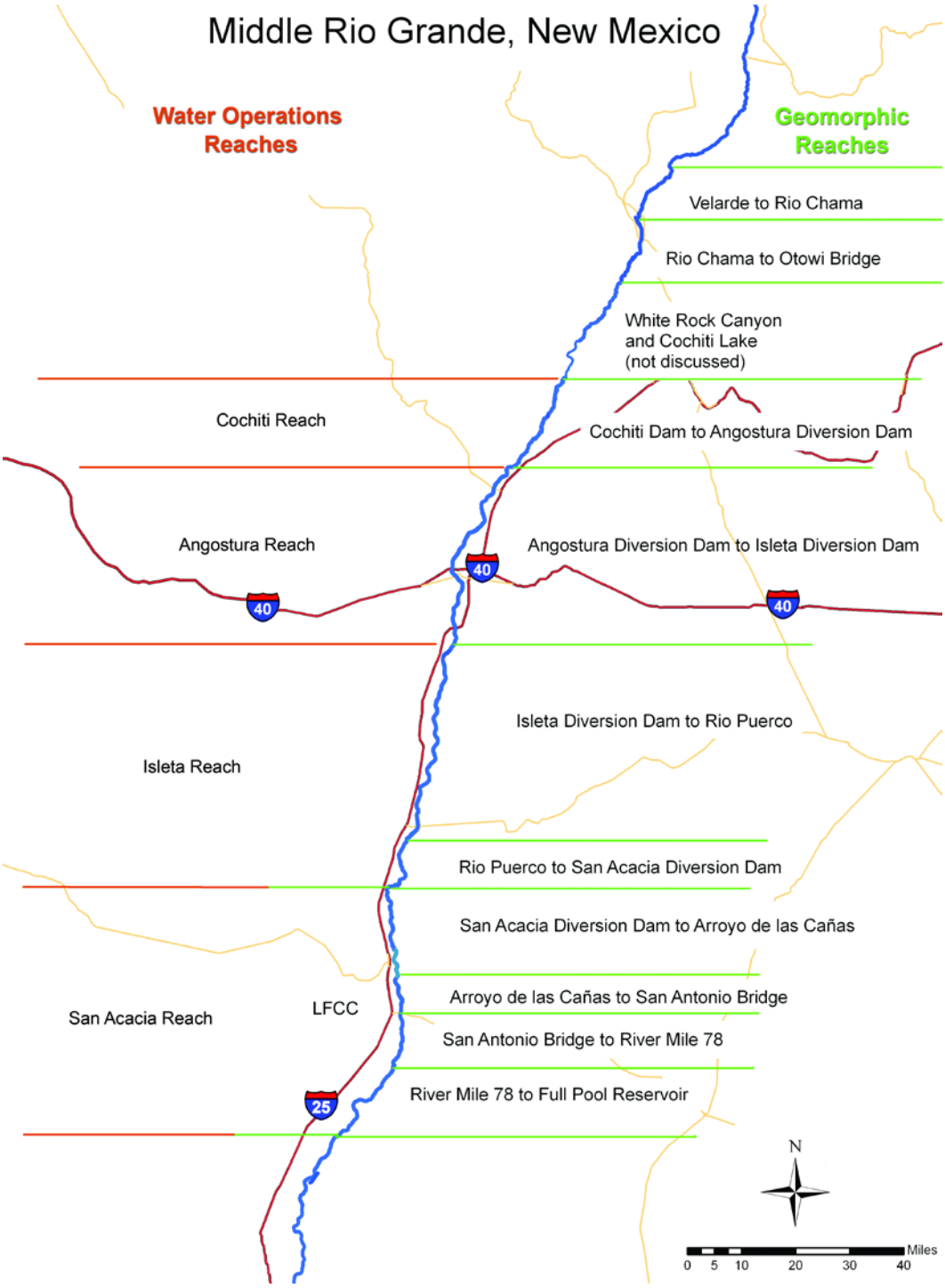

Figure 23. Geomorphic reach designation.

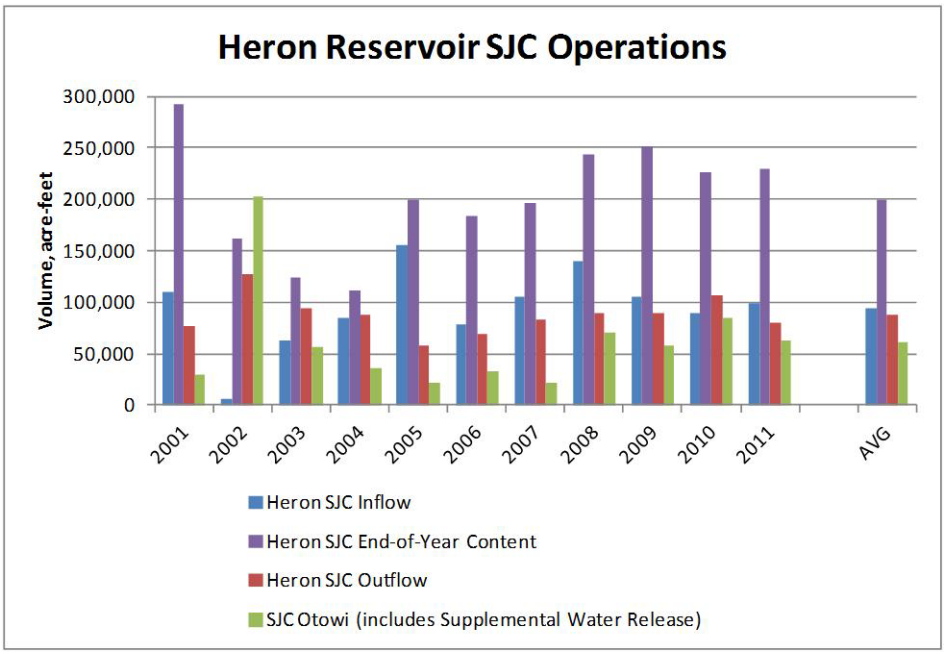

Figure 24. Summary of annual Heron Reservoir operations under the San Juan-Chama Project, including inflows, outflows, and storage of SJC Project water and annual amounts of San Juan-Chama Project water crossing the Otowi gage for consumption within the MRG.

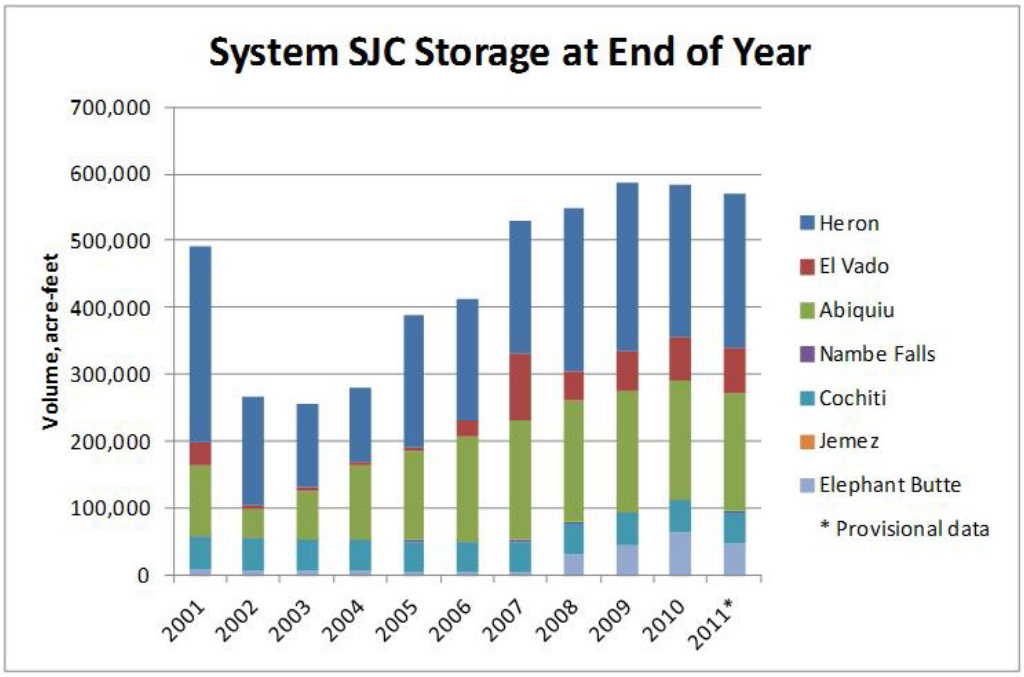

Figure 25. Summary of end-of-year storage of SJC Project water in Middle Rio Grande reservoirs.

5.4.1.3 El Vado Storage and Release Operations

Water storage dams, such as El Vado Dam, are managed to store and release water in a way that alters the spring hydrograph by scalping the peaks off the hydrographs and providing water when natural flows are lower and water needs are higher—times when the natural flows might not otherwise provide sufficient water to meet all the water needs.

Figure 26 presents a summary of storage and release activities at El Vado Reservoir over the past 11 years and visually shows the ways that El Vado Dam operations have affected the Rio Chama hydrograph. When Article VII storage restrictions under the Compact (as discussed in section 5.4.1.1) are not in effect, the peak inflows to El Vado Reservoir, shown in blue, tend to be larger than, and occur before, the peak outflows from the reservoir. In the summertime, the outflows from storage tend to exceed the inflows to the reservoir. This outflow from storage may be evident even when Article VII restrictions are in effect, due to releases of water stored earlier, when storage restrictions were not in place. Heron Dam outflows are also shown on figure 26. These flows represent San Juan-Chama water, the non-native portion of the flow that passes through El Vado.

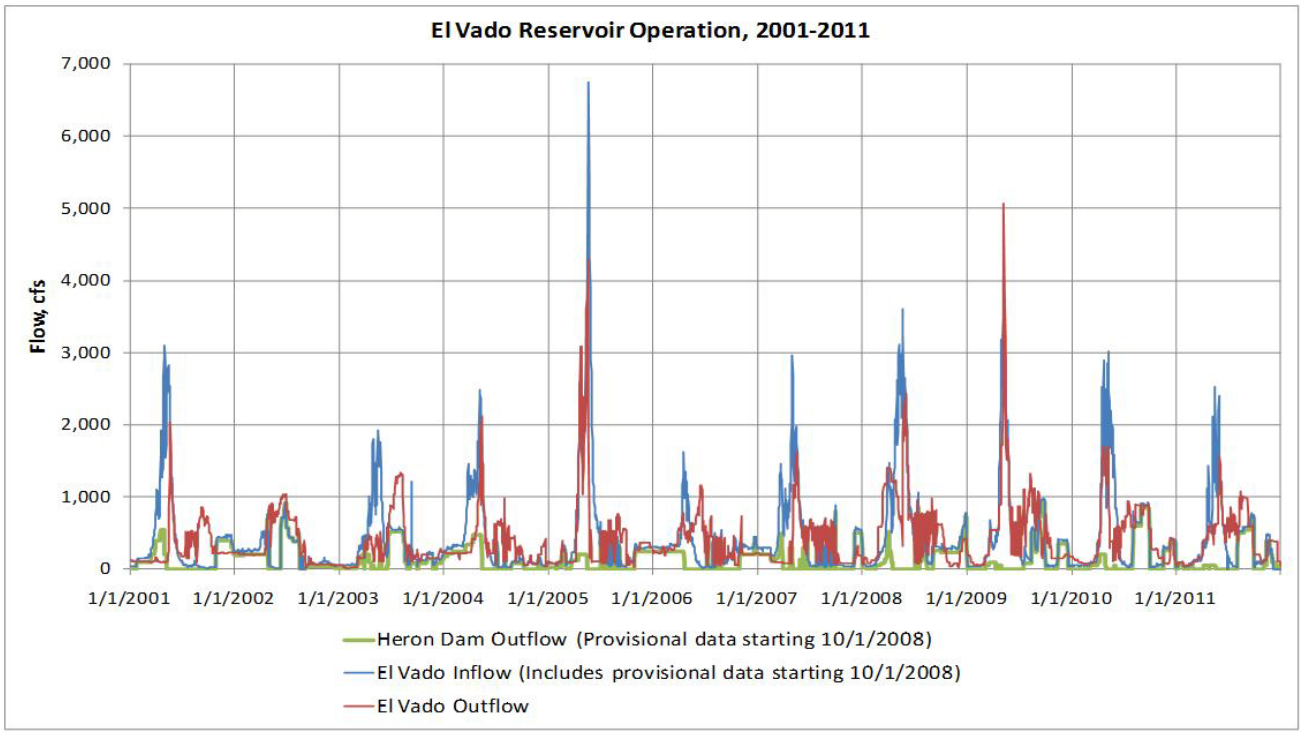

Figure 26. Hydrograph depicting El Vado Reservoir operations, 2001–2011, including a comparison of Heron Dam outflow, El Vado Reservoir inflow, and El Vado Dam outflow.

These relationships can be seen more clearly for the annual hydrograph, for 2007, an example year with a typically-shaped spring hydrograph, shown in figure 27. The difference between the Heron Dam outflow (green line) and the El Vado Reservoir inflow (blue line) represents the native inflow from the Rio Chama. The difference between the El Vado Reservoir inflow (blue line) and the El Vado Dam outflow (red line) shows the ways in which the operation of El Vado Dam affected the hydrograph of the Rio Chama.

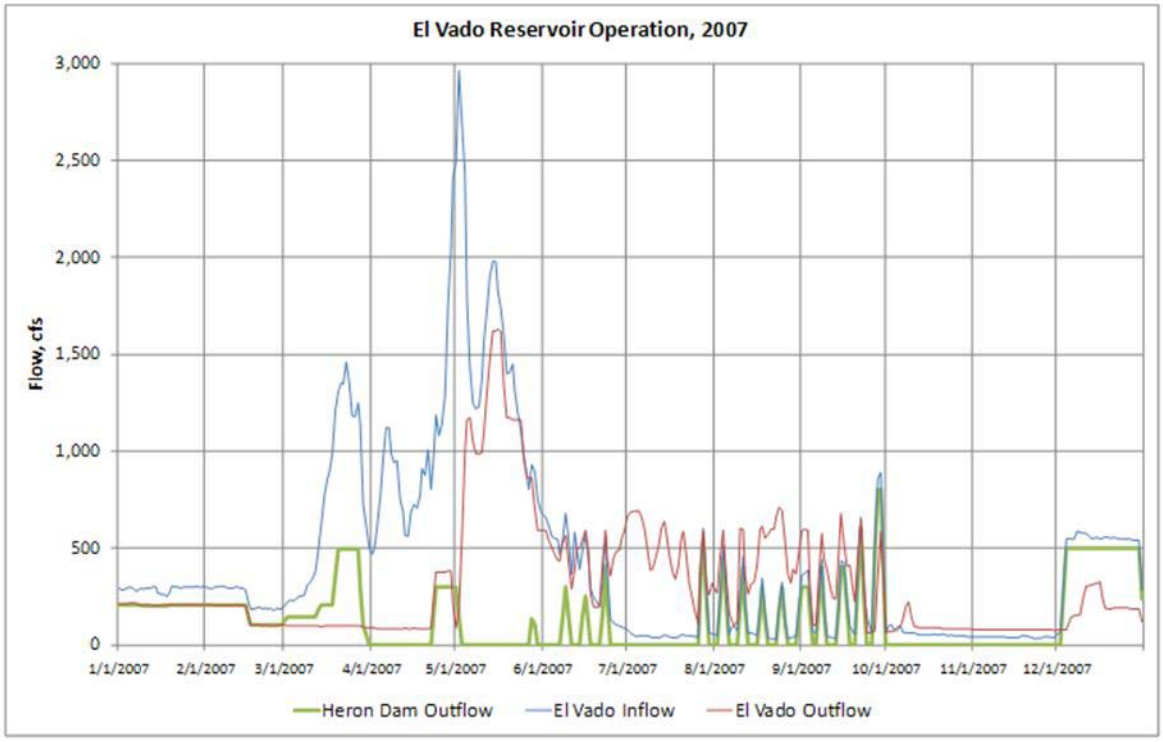

Figure 27. Comparison of Heron Dam outflow, El Vado inflow, and El Vado outflow, 2007.

Releases of stored water from El Vado are made at the request of the MRGCD, as needed to meet MRG irrigation demand, or, when the MRGCD is under shortage operations, by the Bureau of Indian Affairs as needed to meet the irrigation demand of the lands of the Six Middle Rio Grande Pueblos with prior and paramount water rights. MRGCD operations are described in more detail section 5.4.2.9 below.

5.4.1.4 Flood Control Operations

The Corps owns and operates Abiquiu and Cochiti Dams, which are primarily used for flood control, and is consulting separately on the effects of its actions. Flood control dams affect flows in the river by storing and releasing water in a manner that decreases flood peaks but does not cause significant changes in the shape of the hydrograph or in the annual total flow volume (Corps et al. 2007). The flood control dams in the Middle Rio Grande system are operated to pass all

inflows except those that exceed a designated safe channel capacity downstream from the dam, currently 1,800 cfs below Abiquiu Dam and 7,000 cfs below Cochiti Dam.

Figure 28, below, displays the inflow to and outflow from Cochiti Reservoir over the past decade. The general character of each annual hydrograph is similar, indicating that the dam operations do not fundamentally change the character of the hydrograph, except in removing flows that exceed 7,000 cfs, the designated safe channel capacity in the Middle Rio Grande. When inflow exceeds this designated safe channel capacity, releases are cut to below 7,000 cfs, and the duration of the high flow event is extended until the floodwaters have been released. Such an operation can be seen in 2005 during the snowmelt runoff, but at no other time during the past decade.

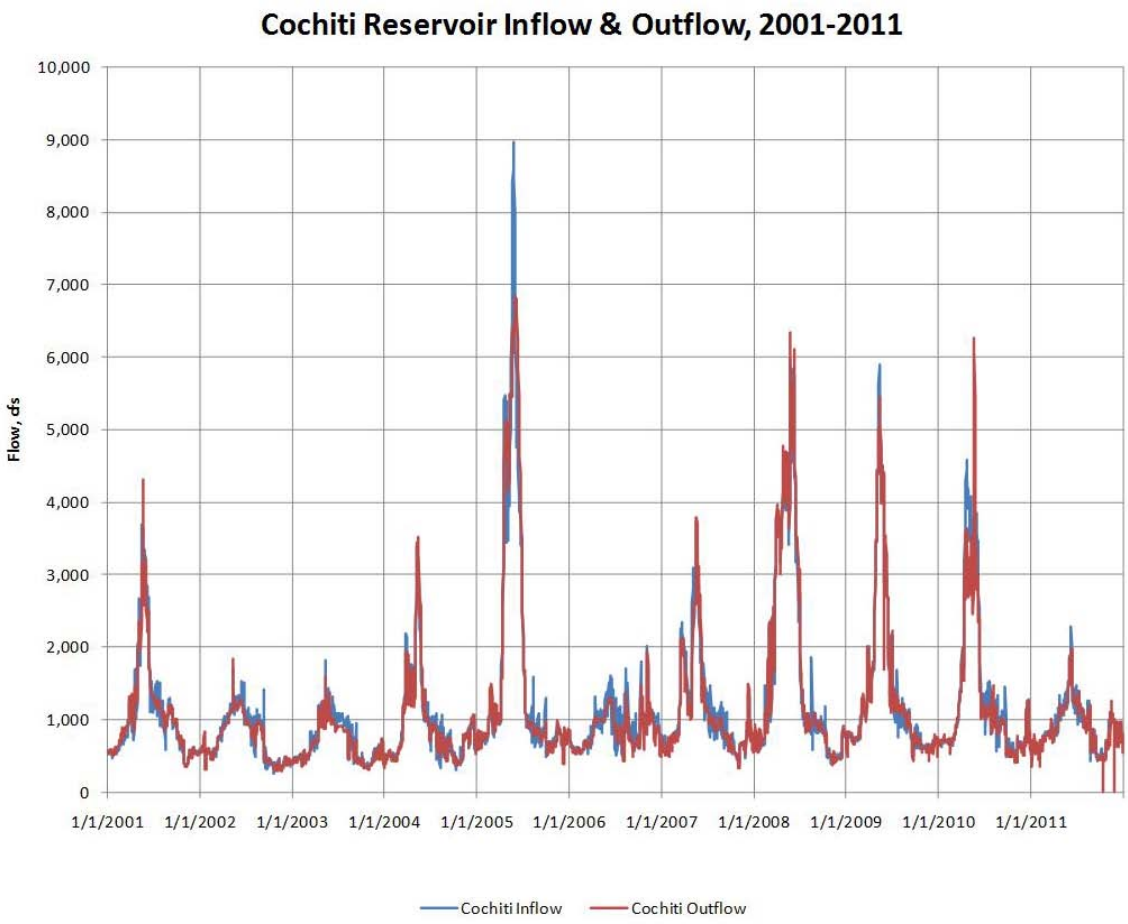

Figure 28. Comparison of inflow to and outflow from Cochiti Reservoir, 2001–2011, showing flood control operations in 2005.

Figure 29 presents a comparison of inflow and outflow hydrographs for Cochiti Reservoir for 2005 only. This comparison provides detail on the changes to the hydrograph caused by the spring 2005 flood control operations.

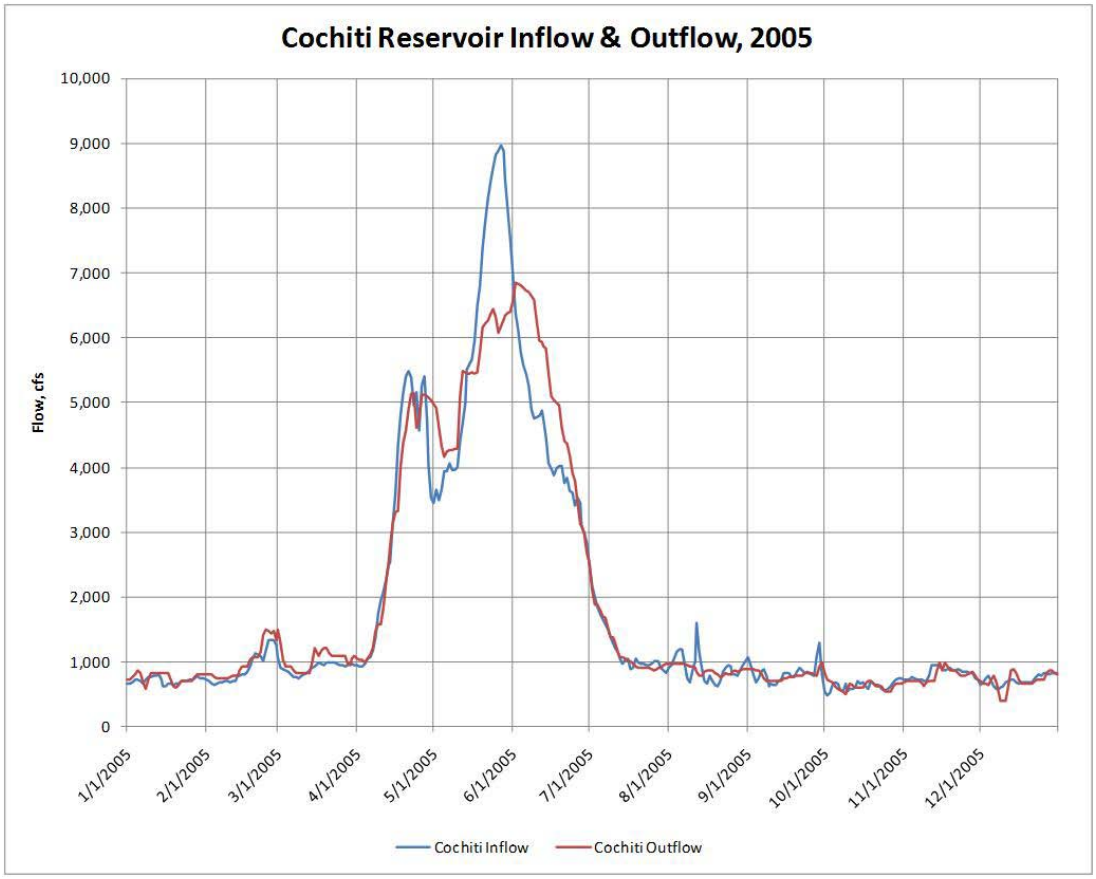

Figure 29. Comparison of inflow to and outflow from Cochiti Reservoir, 2005, showing flood control operations.

Figure 30 shows the inflow to and outflow from Abiquiu Reservoir over the past decade. The designated safe channel capacity below Abiquiu Dam is only 1,500–1,800 cfs, due to capacity restrictions in the reach directly below the dam, as well as the presence of numerous rock and brush diversions in the vicinity of Chamita (Corps 1996 [Water Control Manual]). The effects of flood operations, therefore, are more apparent on the hydrograph, and can be seen in 2001, 2004, 2005, 2008, 2009, and 2010. These flood control operations prevent the flows on the Rio Chama from significantly contributing to overbank or recruitment flows in the MRG.

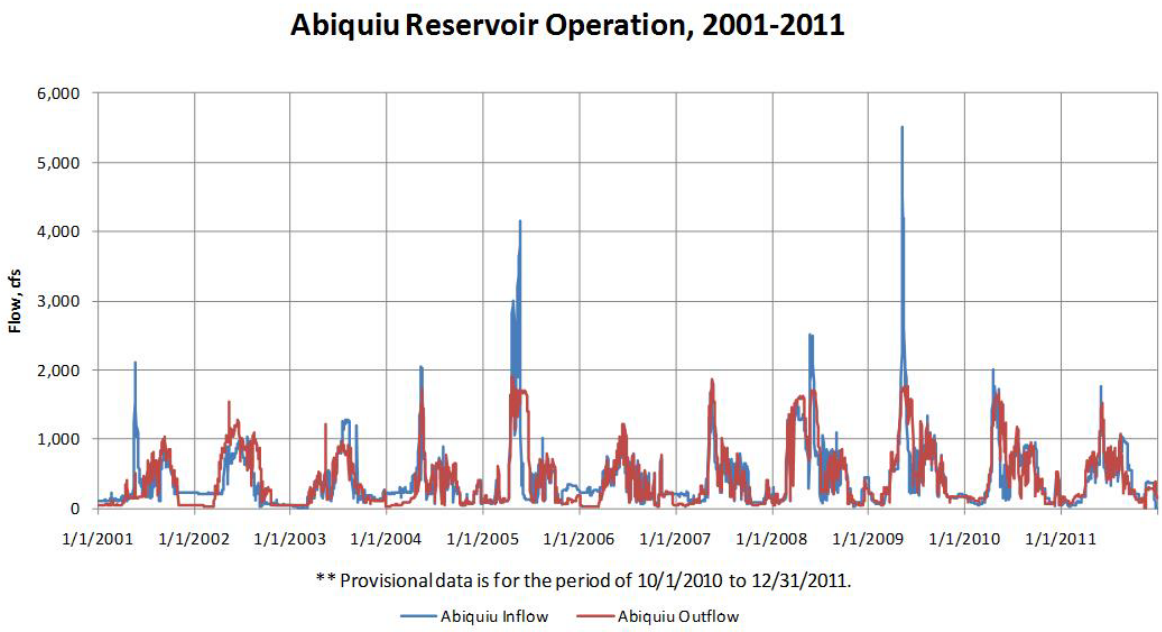

Figure 30. Comparison of inflow to and outflow from Abiquiu Reservoir, 2001–2011, showing flood control operations in 2001, 2004, 2005, 2008, 2009, and 2010.

5.4.1.5 Santa Fe's Buckman Direct Diversion

The city and county of Santa Fe use their SJC Project allotments and native Rio Grande water to support their water supply utilities through the Buckman Direct Diversion Project (Buckman Project). The Santa Fe National Forest, in concert with the city and county of Santé Fe, consulted with the Service (Consultation #22420-2006-F-0045) on the construction and operation of this project. The Service identified reasonable and prudent measures (RPM) that would minimize the incidental take resulting from this project and determined that this action, along with the proponents' environmental commitments and the Service's Reasonable and Prudent Measures, likely would not jeopardize the continued existence of the silvery minnow and will not adversely modify its designated critical habitat (Service 2007c).

The city and county of Santa Fe have initiated, under the Buckman Project, direct use of their 5,605 AFY allocation of SJC Project and native Rio Grande water to supplement their other water supplies. The partners have been diverting water to the Buckman Project from the Rio Grande since January 2011. Performance and acceptance testing was performed in April 2011, and operation was turned over from the design and construction contractor to the city, as the current project manager, for full operations in May 2011.

The current Record of Decision from the Buckman Project Environmental Impact Statement allows the Buckman Project to divert an annual average diversion of 12.06 cfs, which includes 7.75 cfs of SJC Project water and 4.31 cfs of native Rio Grande water. The Buckman Project's peak day capacity is 28.2 cfs. Additionally, up to 4 cfs of carriage water is diverted and is returned to the river, along with diverted river sediment, immediately downstream from the diversion structure. The Buckman Project is intended to divert water year-round.

Consistent with the terms of the ESA consultation, the Buckman Project will curtail diversions of native water at times when the native Rio Grande flow at Otowi gage is less than 325 cfs and will cut off all diversions of native water if the native Rio Grande flow at Otowi gage is less than 200 cfs. Curtailment when Otowi flows are between 200 and 325 cfs will be scaled by linear interpolation. Under these conditions, the project still can divert its allocation of SJC Project water. When Abiquiu Reservoir is under flood operations, the Buckman Project will not call for release of its SJC water from upstream reservoirs and instead use either native Rio Grande water or exchange and divert SJC water stored in Elephant Butte. Additional environmental commitments associated with the construction and operation of this project, which include restoration, maintenance, and monitoring of riparian and riverine habitat, are spelled out in the Record of Decision for the project, found at http://www/bddproject.org/reports.htm.

5.4.1.6 Cochiti Deviations

In 2007, the Rio Grande Compact Commission approved deviations from the Corps' normal reservoir operation schedule (as specified in its Water Control Manual) to support minnow spawning and recruitment. Such deviations from normal operations were implemented in 2007 and 2010, in coordination with the Service and Federal and non-Federal water management agencies. Such deviations from normal operations of Cochiti Dam to support overbank or recruitment flows have been approved by the Corps and, therefore, may be implemented as deemed appropriate, through 2011, with the option of a 2-year extension to 2013. The Corps has completed consultation with the Service under Section 7 of the ESA for Cochiti deviations and is operating pursuant to its biological opinion.

During a "Cochiti deviation," waters on the ascending limb of the spring runoff hydrograph are held back and temporarily stored in Cochiti Lake in an amount sufficient to allow the desired discharge volume and duration during peak flows when these waters are released. In this way, the Corps is authorized to temporarily store up to 10,000 AF of water in Cochiti Reservoir.

A deviation was implemented in 2007 to create a minnow spawning and recruitment flow of over 3,000 cfs, as measured at the Central Avenue (Albuquerque) gage, for a period of 7–10 days. The deviation operations produced an extended peak runoff flow resulting in 26 days above 2,500 cfs and

10 days above 3,000 cfs at Albuquerque. In 2010, a deviation was implemented to achieve an overbank flow of 5,800 cfs at the Central Avenue gage for 5 days. However, only a 2-day overbank flow of this magnitude was achieved. Annual hydrographs displaying the effects of the 2007 and 2010 Cochiti deviations are presented in figures 31 and 32.

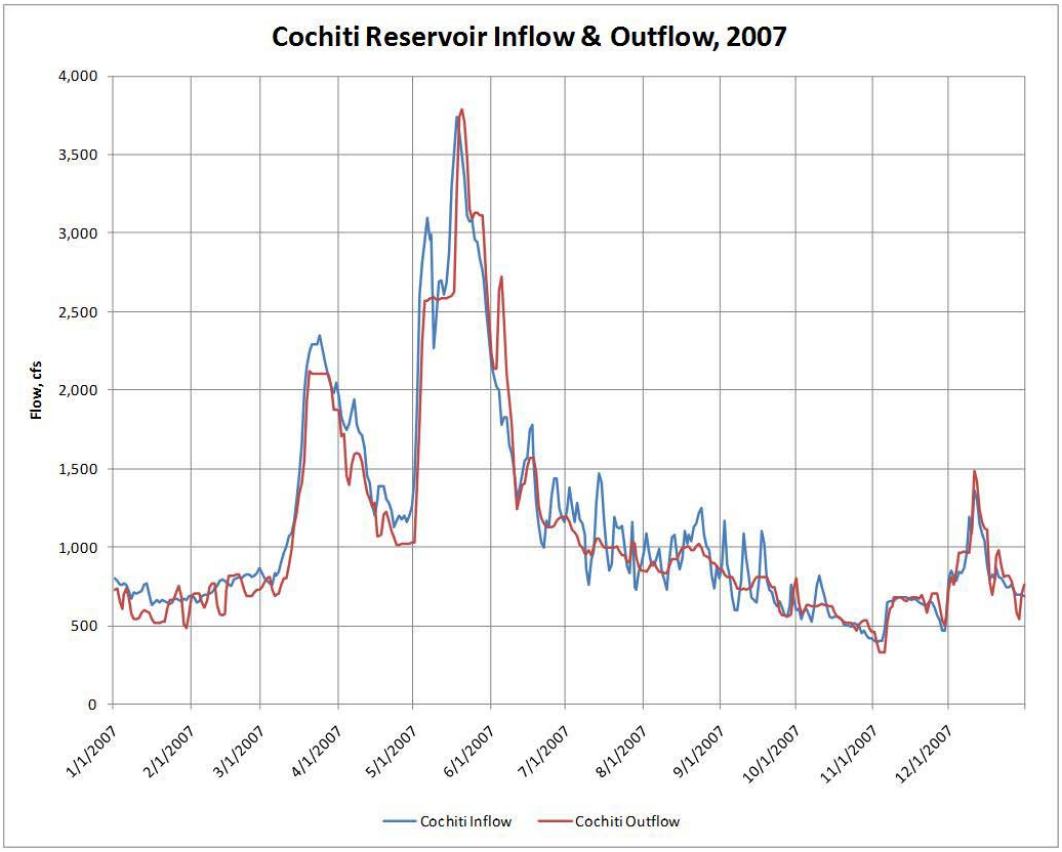

Figure 31. Comparison of inflow to and outflow from Cochiti Reservoir, 2007, showing the effects of "Cochiti deviation" operations.

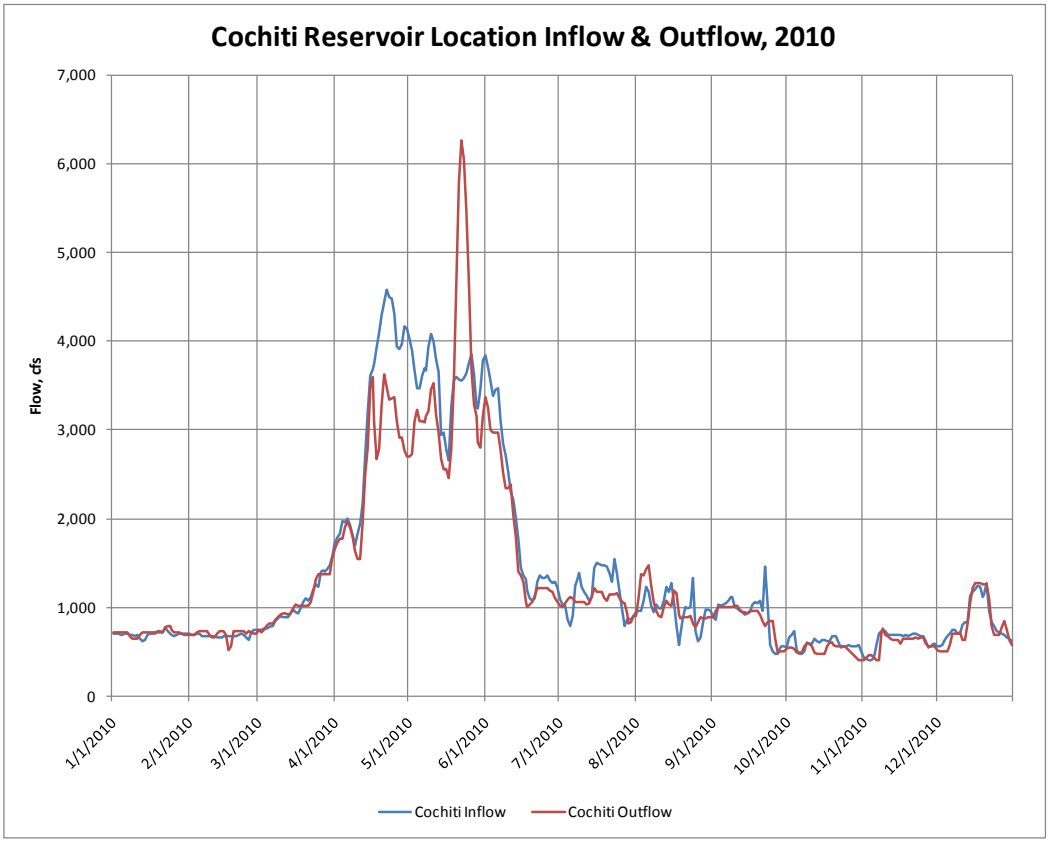

Figure 32. Comparison of inflow to and outflow from Cochiti Reservoir, 2010, showing the effects of "Cochiti deviation" operations.

5.4.1.7 Ground Water

Since the 1940s, population growth, combined with technological improvements in well drilling and pumping, have led to dramatic increases in ground water pumping in the MRG, primarily for domestic, municipal, and industrial use (McAda and Barroll 2002). As of 1999, it was estimated (Bartolini and Cole 2002, after MRG Water Assembly, 1999) that 170,000 acre-feet per year are pumped from the river-connected aquifer in the MRG, up to 110,000 of which were pumped by the ABCWUA for use in Albuquerque and Bernalillo County (ABCWUA 2010 [accessed March 2011]), although ABCWUA has now cut back that pumping to near half that amount, as it phases in use of its SJC Project water. This pumping has caused ground water drawdowns of up to 160 feet in some areas of Albuquerque (McAda and Barroll 2002). Ultimately, the water pumped is made up for by seepage from the river into the ground water system. Recharge from the river to the aquifer through the MRG was estimated in 1999 to total 295,000 acre-feet per year.

The NMOSE has calculated the depletions caused to the river by ground water pumping, and requires that the entities who do the pumping replace the water

volume to the system, including the river and other affected users, through return flows, the purchase of water rights, or repayment of the water from upstream storage using SJC Project water.

The NMOSE provides Reclamation with letters describing, for each pumper, the time period of depletions from the river, the volume of water depleted from the river, and a deadline for the pumpers to release SJC Project water to replace that which was lost from the river and was not offset through the purchase of water rights or through return flows to the river. The depletions are described by the NMOSE as cumulative effects on Elephant Butte Reservoir (and, therefore, to New Mexico's deliveries under the Compact) due to depletions above and/or below the Otowi gage and cumulative effects on the Rio Grande in the MRG above and/or below the Otowi gage. Depletions that occur during the irrigation season are considered effects on the MRG and are replenished by releases to the MRGCD, which has the right to divert that flow. Depletions that occur outside of the irrigation season are considered effects on Elephant Butte Reservoir and are replenished to the Rio Grande.

The replacement SJC Project water requested by the NMOSE is released from reservoirs on the Rio Chama. If the depletion is deemed to have affected the MRGCD, the MRGCD can request to have the water stored or released to the Rio Grande for use in irrigation. If the depletion is deemed to have affected Elephant Butte Reservoir, the water is released to the Rio Grande, to be delivered to Elephant Butte Reservoir. Reclamation has received letters from the NMOSE requesting releases to replace water depleted over the current, previous, and sometimes 3 previous years. The depletions occur gradually and are replaced by an equivalent volume over a short period, typically 1–10 days. These short duration replacements typically occur months to years after the depletion. Total volumes of the depletions made up through "letter-water" deliveries of SJC Project water over the 2001–2010 period ranged from 1,000–7,000 AFY. At the end of 2010, the State Engineer requested releases for the following contractors to offset 2009 depletions: 93 AF for the city of Espanola, 161 AF for the village of Los Lunas, 13 AF for the town of Taos, 6 AF for village of Taos Ski Valley, 47 AF for the city of Belen, and 2,024 AF for the ABCWUA.

5.4.1.8 Water Right Transfers

As discussed in section 3, the NMOSE has jurisdiction over water rights administration in New Mexico, and water rights are alienable private property rights that can be conveyed like other property rights. The majority of water rights sold in the MRG have been purchased by large corporate entities, such as developers or the cities of Rio Rancho and Albuquerque. Other purchasers include some primary income farmers who purchase water rights or additional agricultural land to expand operations, as well as private entities involved in water intensive activities, such as residential developers, utilities, and technology. The transfer of land and water from agricultural to urban uses in the MRG was

modeled by Sandia National Laboratory in November 2004 (Sandia Report 2004). Analyzing trends in water rights transfers is difficult because data is not readily available, accurate or up to date (Sandia Report 2004).

The aquifer in the MRG, consisting of Santa Fe Group and younger alluvial deposits, is known to be hydrologically connected to the Rio Grande surface water system. Since ground water diversions from aquifers hydrologically connected to the Rio Grande affect the fully appropriated surface flow, the NMOSE conjunctively manages the water resources within the MRG Basin. On September 13, 2000, the NMOSE established guidelines for the Middle Rio Grande Administrative Area (MRGAA);(NMOSE 2000) to ensure compliance with the Compact, to prevent impairment to existing rights, to limit the rate of decline of ground water levels so that the life of the aquifer is extended, and to minimize land subsidence.

The guidelines embody NMOSE's existing practice for evaluating applications for permits for ground water use in the MRGAA and recognize that offsetting the effects of ground water diversions is critical to the conjunctive management of water resources within the MRG stream system. Accordingly, the guidelines provide that permitted ground water diversions shall be limited to the amount of valid consumptive use surface water rights held and designated for offset purposes by the permittee plus any NMOSE-approved flow returned directly to the Rio Grande. As mentioned above, the use of offsets or return flows replaced the depleted surface water in volume but does not restore the timing of flows in the river.

5.4.1.9 Water Management to Meet the Needs of the Six Middle Rio Grande Pueblos

The Six MRG Pueblos (Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta) hold aboriginal, time immemorial, reserved, and, in some instances, contract water rights that are recognized and protected under Federal law. A certain portion of their water rights is statutorily recognized under the 1928 Act and the Act of 1935, 49 Stat. 887 (1935 Act). Water rights have been statutorily recognized for 20,242.25 acres, comprised of 8,847 acres of prior and paramount lands, 11,074.4 acres of newly reclaimed lands, and 320.65 acres of lands purchased by the United States pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636). The 1928 Act also recognizes a prior and paramount right to water for domestic and stock purposes. These Acts of Congress do not establish the full extent of the water to which these Pueblos are entitled, and references to the Pueblos' "prior and paramount" rights under these Acts are not intended to suggest that the Pueblos do not have other water rights in the MRG or tributaries that are senior to other water uses in the system.

Reclamation engages in water operations to serve the water rights of the Six MRG Pueblos recognized by the 1928 Act and the 1935 Act. Each year over the

past three decades, Reclamation has stored water in El Vado Reservoir to ensure an adequate supply of prior and paramount water for the Six MRG Pueblos pursuant to the 1981 Agreement. The BIA Designated Engineer and Reclamation have calculated the quantity of water to be stored at El Vado Reservoir for prior and paramount irrigation needs, based on the gap between the forecasted demand for the 8,847 acres of lands and the anticipated available supply of the river. The Coalition of the Six MRG Pueblos has then directed the Designated Engineer to request that Reclamation release the stored water according to the schedule provided by the Pueblos. This stored water has been, or is intended to be, delivered to the Pueblos by the MRGCD through downstream diversions.

A summary of the water stored for the prior and paramount rights and released annually since 2002 is provided on figure 33. During a number of the years in the past decade, water was stored for prior and paramount uses during years with Article VII storage restrictions in place under the Rio Grande Compact. Unused prior and paramount water in El Vado that was stored when Rio Grande Compact Article VII restrictions were in place was released for delivery to Elephant Butte Reservoir after the irrigation season, usually in November or December. This water is shown as released to Elephant Butte Reservoir in figure 33. Unused prior and paramount water stored in El Vado outside of Article VII storage restrictions was retagged as native Rio Grande water and is shown in figure 33 as being released to the Rio Grande account. Water shown as released to the MRGCD is water released for irrigation beyond the requirements of the prior and paramount rights.

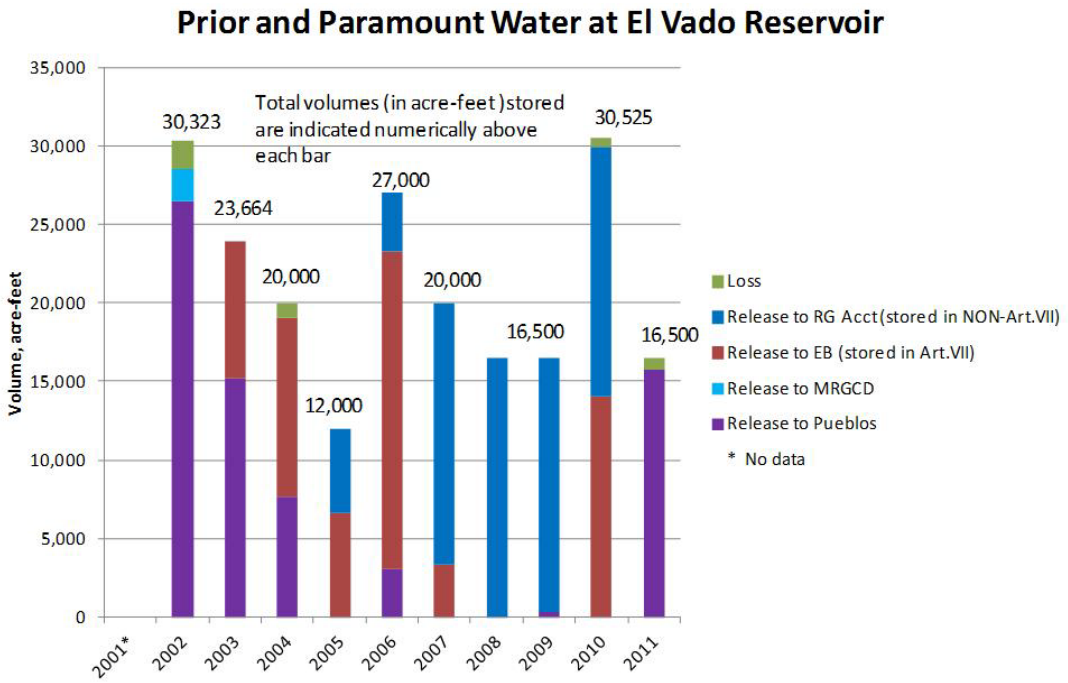

Figure 33. Summary of prior and paramount water stored in and released from El Vado Reservoir for irrigation of lands.

5.4.1.10 MRGCD Operations

Early in the decade, an extensive effort was undertaken by the NMISC, the New Mexico Water Trust Board, Reclamation, and the MRGCD to increase the MRGCD's water management efficiency and decrease the MRGCD's irrigation diversions, especially during water-short periods. Progress was made through infrastructure and metering improvements and through improvements in irrigation-system operations, such as the implementation of rotational water delivery and the development of a Decision Support System to model demand within the network and develop efficient water delivery schedules. The following figure 34 shows the effects of these improvements. Total MRGCD diversions during the 1990s were approximately 600,000 AF; but after 2001, typical total MRGCD diversions ranged from 300,000 to 400,000 AF.

These operational improvements have the effect of leaving more water in the river during periods of high native flow on the main stem. They also have the effect of extending the irrigation season during dry years by extending the availability of stored water in El Vado Reservoir. During dry times, water released from El Vado Reservoir for Middle Rio Grande irrigation supports river flows throughout the MRG, especially in the Albuquerque Reach. Therefore, extending the length of the irrigation season measurably decreases the Supplemental Water required to meet MRG ESA flow targets.

Figure 35 breaks down the diversions by MRGCD division. This breakdown shows that the largest diversions occur at the Isleta diversion structure for the Isleta division of the MRGCD. These diversions at Isleta also support the San Acacia division, which receives the tailwater from the Isleta division.

These diversions are made primarily during the summer months. The monthly average of diversions over the past decade is shown on figure 36.

MRGCD return flows are also an important part of the irrigation system and river operations. District management of return flows provides regularly wetted conditions downstream from the outlets of wasteways. MRGCD return flows can strategically release water to key reaches during low flow or drying periods in the Albuquerque or Isleta Reaches (the return flows in the San Acacia Reach return to the LFCC rather than to the river).

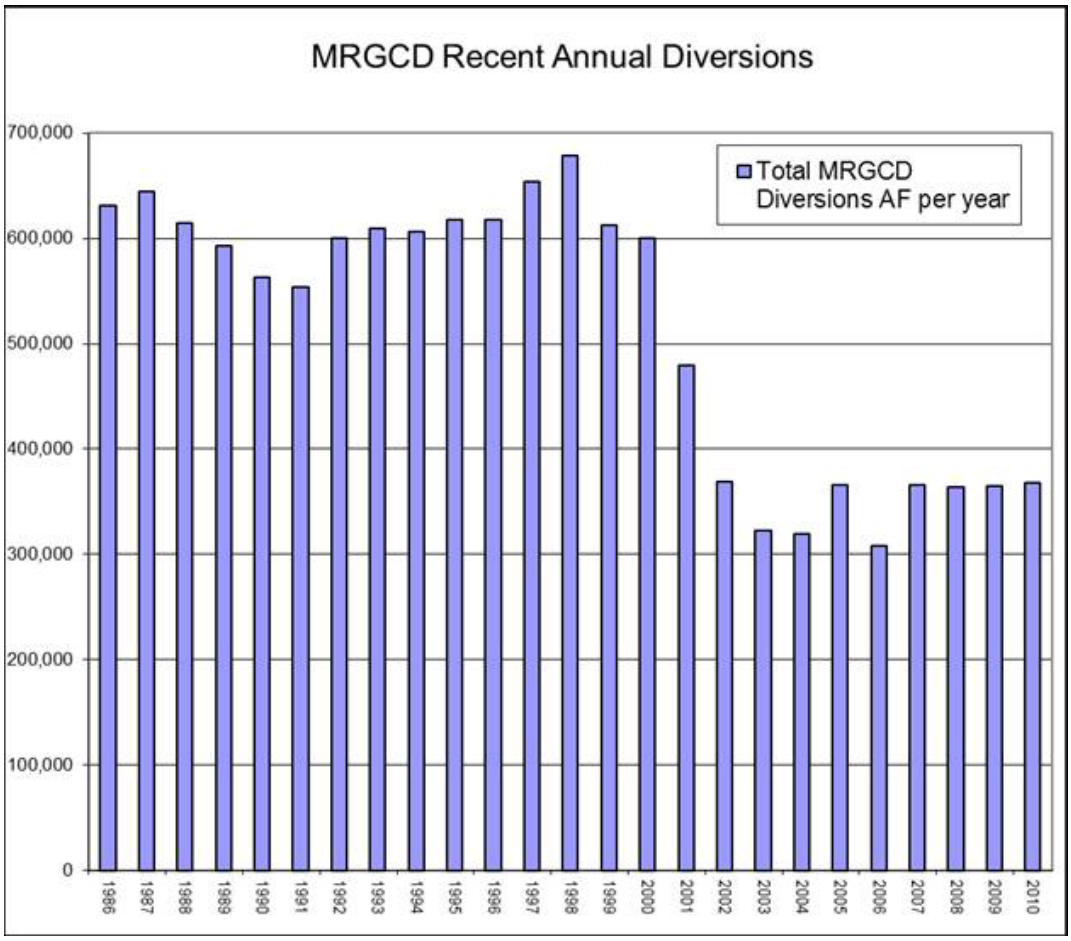

Figure 34. Summary of total water diversions by the MRGCD, 1996–2010.

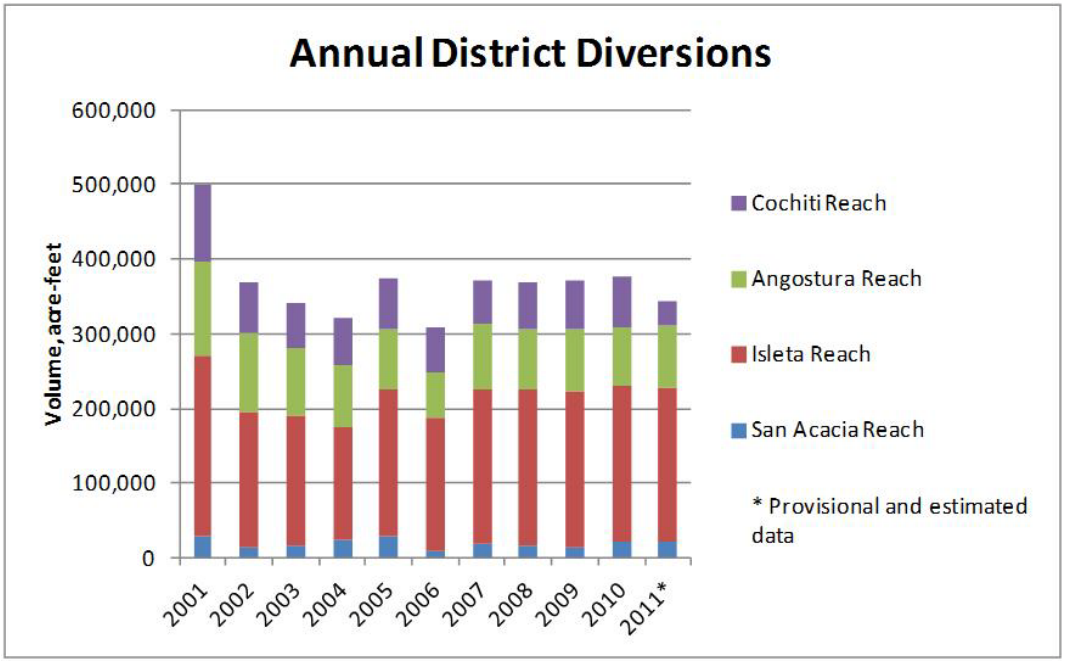

Figure 35. Summary of annual diversions from the Rio Grande to the MRGCD at the four MRG diversions structures.

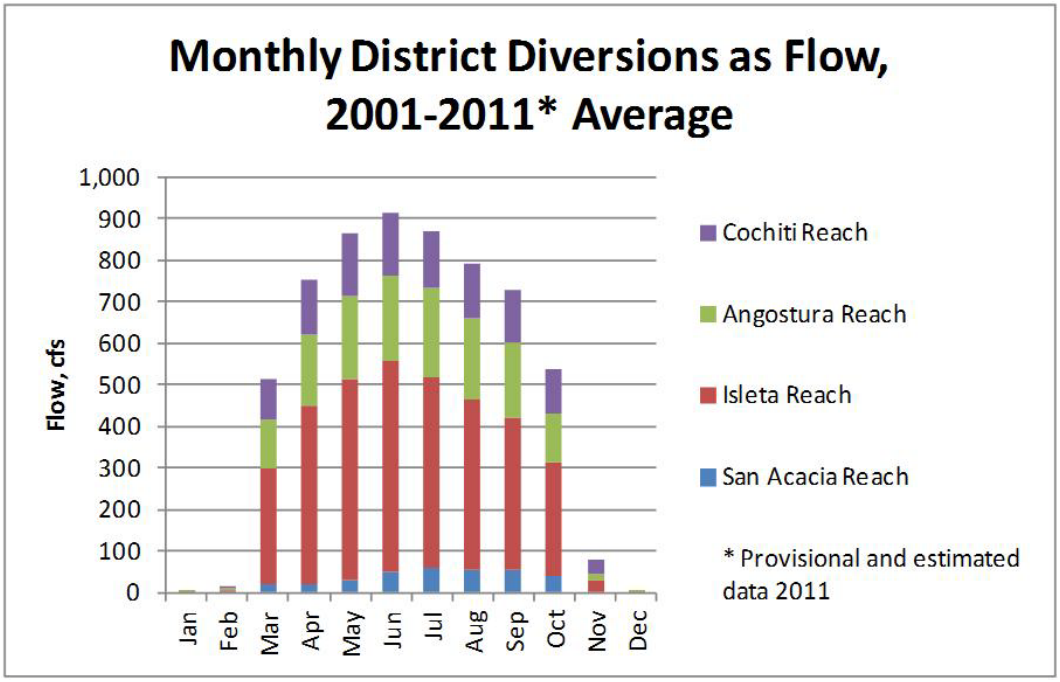

Figure 36. Monthly breakdown of average annual diversions to the MRGCD at the four MRG diversion structures, 2001–2011.

The following figures, figures 37 and 38, show the monthly average return flows from wasteways in the Albuquerque and Isleta Reaches, which enter the river from the left side (left descending bank, which is the right side as you look at a map with north at the top) or the right side (right descending bank, which is the left side as you look at a map with north at the top). It can be seen on these figures that some wasteways release water from drains, which collect ground water that is used both to supplement irrigation supplies and to return water to the river. These wasteways have higher discharge rates in the winter and lower discharge rates in the summer. Other wasteways discharge water from canals that collect tailwater from irrigation. Returns from these wasteways are lower in the winter and higher during the irrigation season.

The first graphs in each set present average wasteway and drain returns for the baseline period without 2003. The later graphs in each set present 2003 alone. 2003 stands out as the year during which the MRGCD most fully applied rotational water delivery to the laterals within its system. The difference between the graphs showing 2003 releases and those showing average releases during the other years highlights the tradeoffs between MRGCD operational efficiency, as is apparent in 2003, and the incidental benefits provided by less efficient system operation, including wasteway returns that support flows in critical reaches.

Legend for figures 37 and 38

240WW	340 Feeder Wasteway		LP1DR	Lower Peralta Drain Outfall #1
ALJWW	Alejandro Wasteway		LP2DR	Lower Peralta Drain Outfall #2
ARSDR	Albuquerque Drain Outfall		LSJDR	Lower San Juan Drain Outfall
ATRDR	Atrisco Drain Outfall		PERWW	Peralta Wasteway
BELDR	Belen Drain Outfall		SABDR	Sabinal Drain Outfall
CENWW	Central Avenue Wasteway		SANWW	Sandia Lakes Wasteway
CORWW	Corrales Wasteay		SFRDR	San Francisco Drain Outfall
FD3WW	Feeder 3 Wasteway		SILWW	Sile Main Wasteway
HAYWW	Haynes Wasteway		STYWW	Storey Wasteway
LCRDR	Lower Corrales Drain Outfall		UCRDR	Upper Corrales Drain Outfall
LJYDR	La Joya Drain Outfall		UN7WW	Unit 7 Wasteway

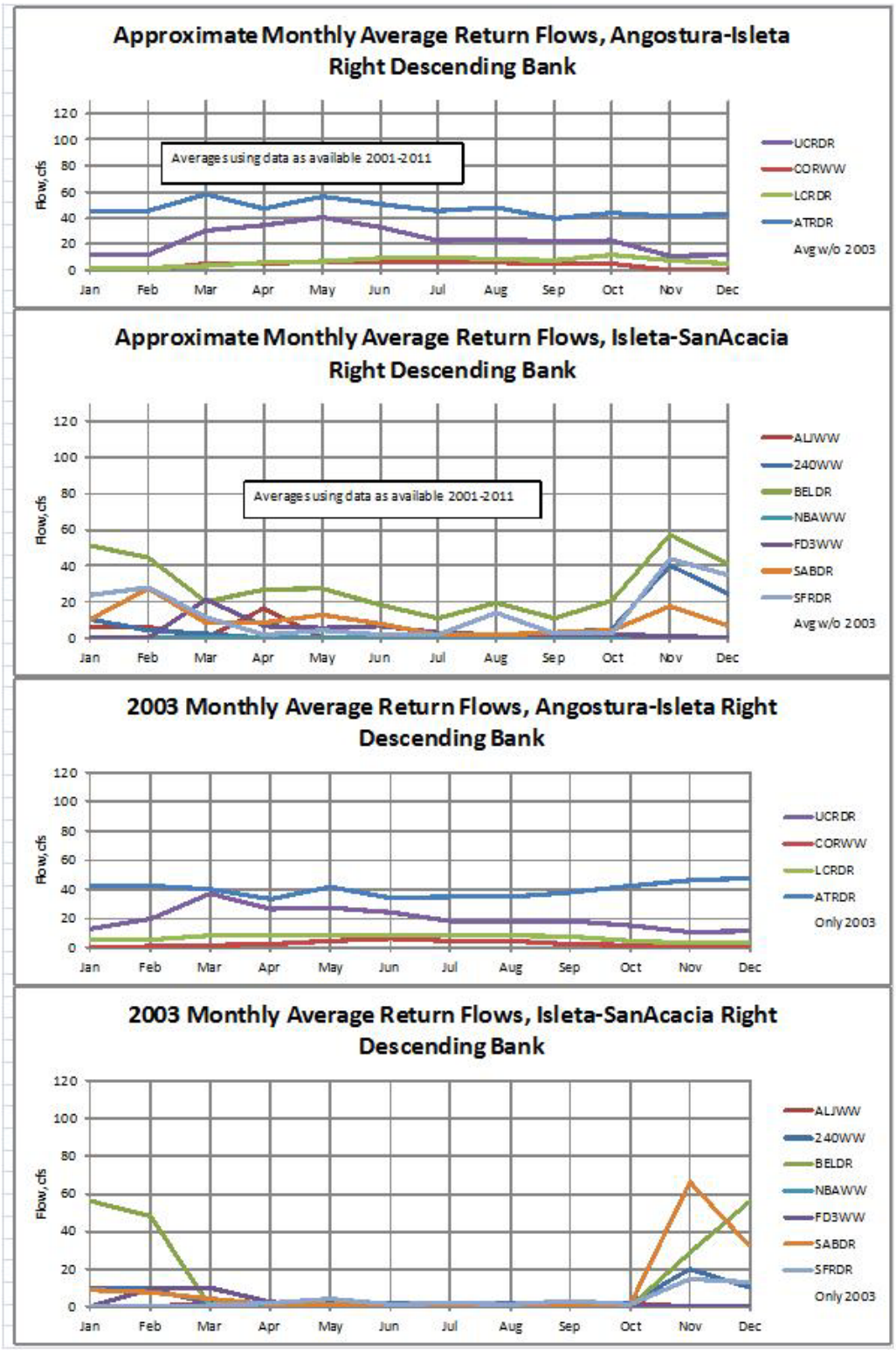

Figure 37. Summary of average district drain and tailwater returns to the Rio Grande, by month, 2001–2011, right descending bank.

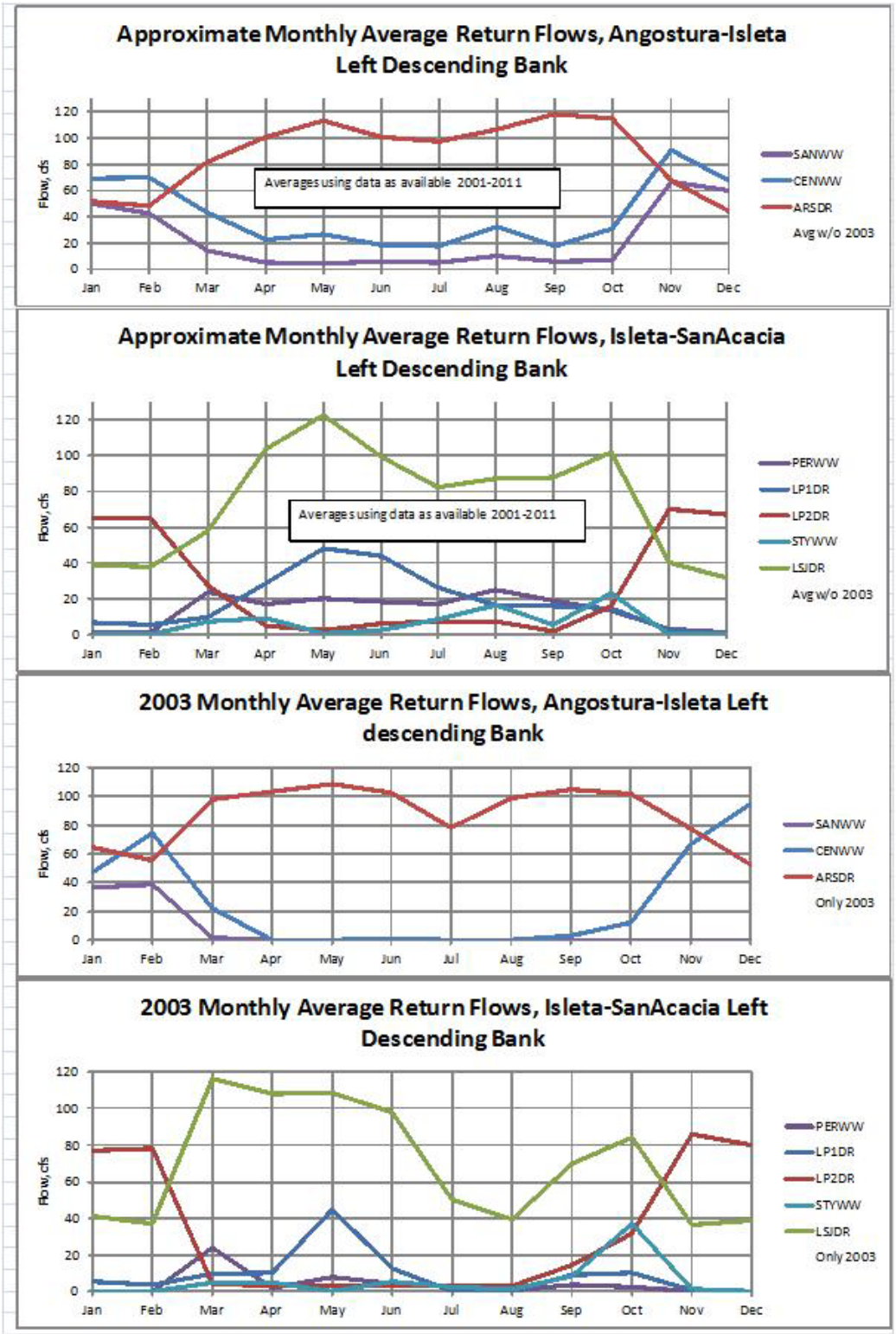

Figure 38. Summary of average district drain and tailwater returns to the Rio Grande, by month, 2001–2011, left descending bank.

5.4.1.11 Albuquerque Bernalillo County Water Utility Authority Drinking Water Project

The ABCWUA's primary use of SJC Project water is to support its Drinking Water Project in Albuquerque. After taking delivery of its SJC Project water from Heron Reservoir, the ABCWUA manages the majority (approximately 94%) of the 180,000 AF that can be stored at Abiquiu Reservoir for this water.

In 2004, Reclamation, in concert with ABCWUA, consulted with the Service under ESA, Section 7, on this project (Consultation #2-22-03-F-0146). The Service determined that this action, along with the proponent's environmental commitments and the RPM associated with the consultation, likely would not jeopardize the continued existence of the silvery minnow and would not adversely modify its designated critical habitat (Service 2004).

Until 2008, the city of Albuquerque's and Bernalillo County's potable water supplies were provided exclusively from ground water, which was pumped from the alluvial and colluvial aquifer filling the Albuquerque basin. The impact on the river of this extensive ground water pumping has been made up to the MRGCD and to New Mexico's delivery of water to Elephant Butte under the Compact through annual "letter-water" releases from Albuquerque's allotment of SJC Project water, as described generally above. Furthermore, the ground water pumping that is foreseen as a component of ABCWUA's Drinking Water Project is covered under the consultation for the Drinking Water Project described above.

The now-combined municipal supplier, ABCWUA recently has initiated use of its allocation of SJC Project water for urban uses and drinking water supply through implementation of its Drinking Water Project. Over the past 4 years, ABCWUA has been phasing in the diversion of surface water for municipal supply and the diversion of nonpotable water from a collection gallery beneath the river. The intent is for ABCWUA to conjunctively use ground water and surface water for its future municipal supply, and for its SJC Project allocation to make up the majority of the consumed water, which is typically about half of the total amount of water pumped or diverted. Figure 39 shows the total drinking water supply to the city and county, the total nonpotable supply over the past 10 years, and its distribution between ground water and surface water. It can be seen on this figure that the total potable water supply to the city is typically between 100,000 and 110,000 AFY. The figure further shows that use of the SJC Project water as a portion of that supply began at a testing level in 2008 and increased to over 40,000 AFY by 2010. Diversion of SJC Project water to the nonpotable water system began in 2003 and continued through the decade at up to 2,500 AFY.

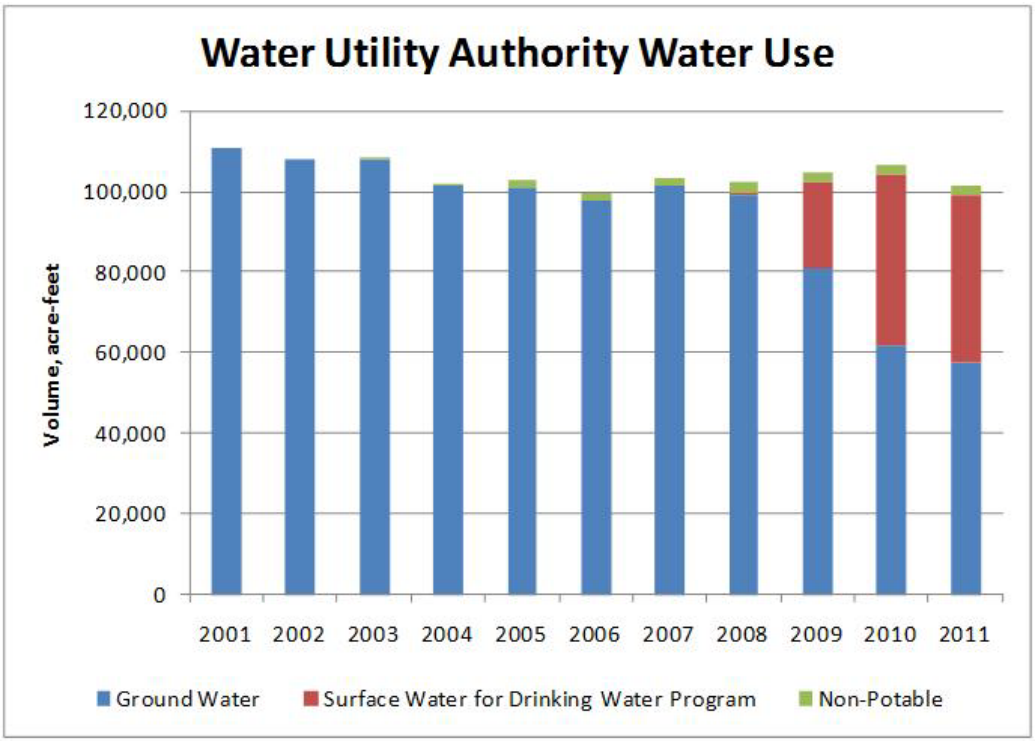

Figure 39. Gross municipal supply, including ground water and surface water contributions to the drinking water supply and nonpotable supply, to ABCWUA, 2001–2011.

Since the ABCWUA began diverting its SJC Project allotment from the Rio Grande, release of this SJC Project water from upstream storage has supplemented river flows on the Rio Chama and the Rio Grande from the Rio Chama confluence downstream to the ABCWUA's diversion structure between the Alameda Boulevard and Paseo del Norte crossings in Albuquerque. The city's diversion includes its SJC Project water allotment plus an approximately equal amount of native water, which is returned to the river downstream, at the outflow from the Albuquerque Wastewater Treatment Plant. The total amount of water returned to the river at the Albuquerque Wastewater Treatment Plant outfall, 16 river miles downstream, is summarized on figure 40.

ABCWUA's diversion of native water along with its SJC Project water decreases flows in the 16-mile reach from the diversion downstream to the wastewater treatment plant return flow. This reach includes the Albuquerque/Central Avenue gage, a key flow target location in the 2003 BiOp; therefore, operation of the drinking water project has the potential to affect how flow targets are met at this gage. For this reason, ABCWUA committed, through its ESA consultation, to curtail its diversions when native flows in the Rio Grande at the point of diversion drop below 195 cfs, and suspend diversions completely when these flows drop below 130 cfs, or when the flow at the Albuquerque gage (Central Avenue) drops below 122 cfs.

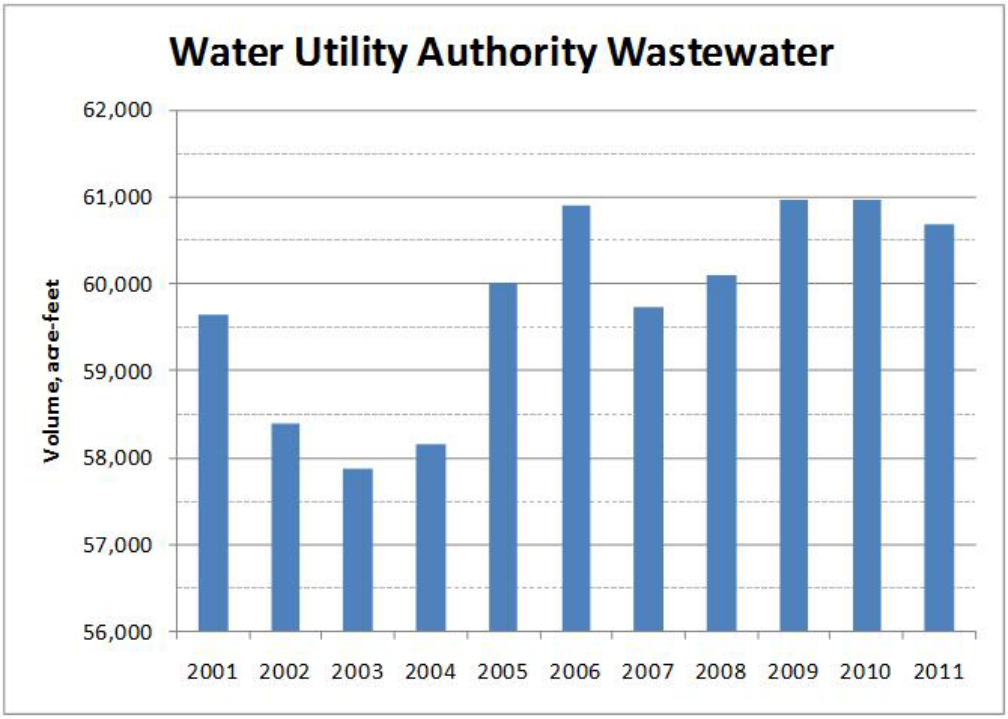

Figure 40. Summary of return flows from the Albuquerque Wastewater Treatment Plant, 2001–2011.

ABCWUA also curtails its diversions during high flows, when the turbidity gets high. As previously noted, the use of Albuquerque's supply of SJC Project water for urban uses and drinking water decreases the supply of water available to Reclamation for its Supplemental Water Program.

ABCWUA's obligation to make up for the effects on the river of past ground water pumping (discussed in section 5.4.2.6 above) continues, even if the majority of the current demand is met with surface water. For this reason, ABCWUA must continue to provide a portion of its SJC Project allotment, or native water for which it has rights, to the river for use by the MRGCD or for delivery to Elephant Butte under the Compact.

5.4.1.12 Bosque del Apache National Wildlife Refuge Operations

The Service manages the Bosque del Apache National Wildlife Refuge and is operating pursuant to a completed internal ESA consultation (Service 2001). The Service possesses approximately 10,000 AFY of senior surface water rights to support its irrigation and wildlife (mainly bird) management activities in the lower portion of the San Acacia Reach. A portion of this water is obtained during the irrigation season from tailwater from the MRGCD irrigation network. The majority of the BDANWR's supply is from direct diversions from the LFCC at the north boundary of the refuge and at a second point in the middle of the refuge.

These diversions can decrease the availability of water to Reclamation's LFCC pumping program.

Water use for irrigation occurs mainly during the summer months. Irrigation on the refuge uses water from both MRGCD tailwater and LFCC diversions. The refuge differs from most other water users in the Middle Rio Grande Valley in that a significant portion of its diversions occurs in the winter to support ponded habitat. The water source available for these purposes in the winter is the refuges diversions from the LFCC.

Figure 41 summarizes the water consumption of the BDANWR, broken down by year and by season. The refuge also passes substantial amounts of water through its water distribution network that is returned at the south boundary of the refuge. This water is not portrayed in these consumption tallies.

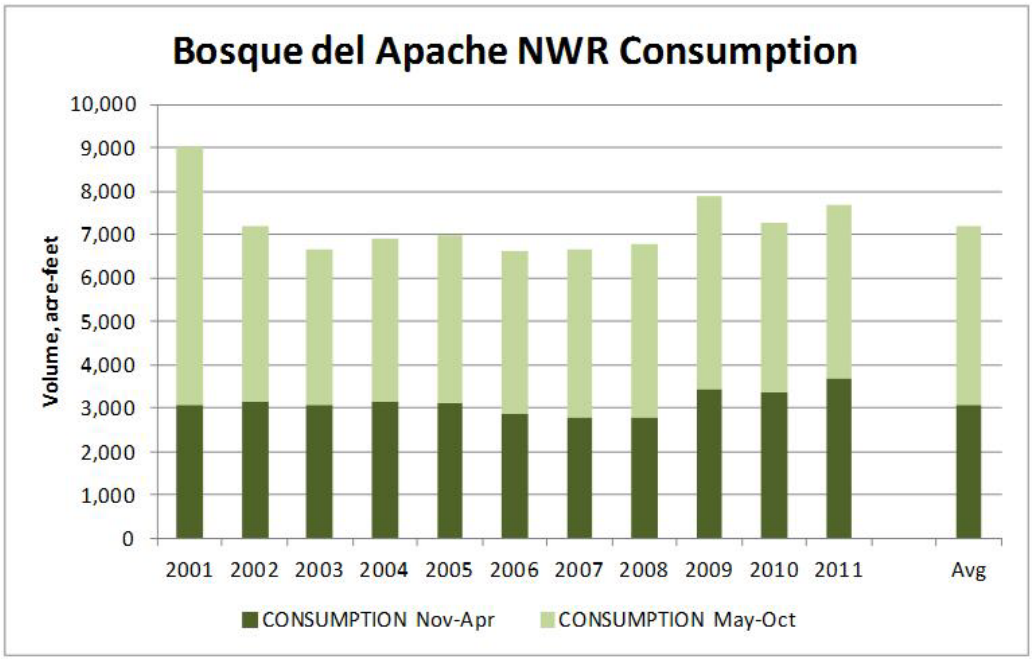

Figure 41. Seasonal breakdown of water consumption within the Bosque del Apache National Wildlife Refuge.

When water supplies are short, water from the LFCC cannot fully meet the needs of both the refuge diversion and LFCC pumping under Reclamation's Supplemental Water Program, In its ESA consultation (Service 2001), the refuge concluded that it could contribute up to 10% of its water supply to support endangered species needs. In a few instances during the time period of operations under the 2003 BiOp in which such actions would not significantly impair refuge operations and in which river conditions were in danger of violation of the flow targets in the 2003 BiOp, the refuge has decreased its diversions from the

LFCC to allow more water to be available to Reclamation's Supplemental Water Program to avoid violating the continuous flow requirements of the 2003 BiOp.

5.4.2 Current Hydrologic Conditions

This section summarizes the hydrologic and administrative (i.e., Article VII restrictions under the Compact) conditions over the past decade.

5.4.2.1 Article VII Status and Credits under the Rio Grande Compact

As described in the previous section, Article VII of the Compact restricts storage in upstream reservoirs constructed after 1929 if there is less than 400,000 AF of usable storage for the Rio Grande Project in Elephant Butte and Caballo Reservoirs. Article VII storage restrictions were in place for a majority of the period covered by the 2003 BiOp. These storage restrictions helped Reclamation achieve flow requirements since, as described above, years are classified as "dry" under the 2003 BiOp if the Article VII storage restrictions are in place at the beginning of the spring snowmelt runoff (April 1). Years classified as "dry" under the 2003 BiOp had lower flow requirements and a longer period in which drying is permitted than was authorized for years with "average" or "wet" classifications. The recent recurring periods when storage restrictions per Article VII were in place came after a long period, from 1978–2002, in which storage restrictions were never in effect. Figure 42, below, shows New Mexico's Article VII status from 1978–2010.

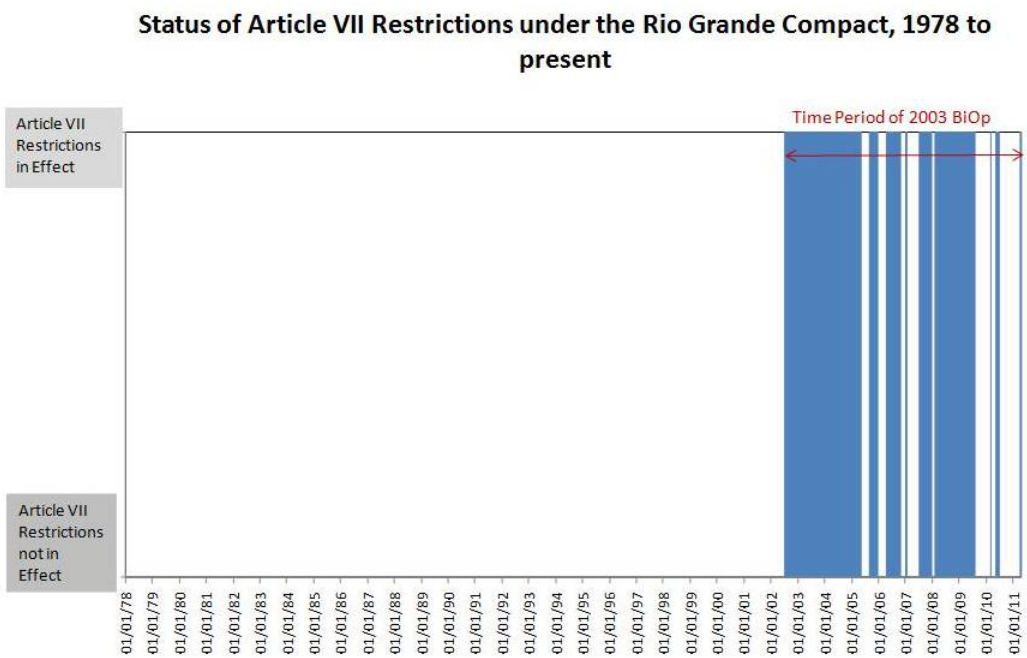

Figure 42. Article VII status under the Rio Grande Compact, 1978–2011.

During the period covered by the 2003 BiOp, New Mexico regularly accrued credits under the Compact, because this period did not include any very wet years, and also likely due to channel construction by Reclamation and the State of New Mexico in the headwaters of Elephant Butte Reservoir. In addition, it is possible that Supplemental Water released by Reclamation for ESA purposes, which has been exchanged with a like amount of native water so that it can be passed downstream, contributes to this accrual. New Mexico has relinquished credits several times during this period and has made a portion of this relinquished water available to Reclamation's Supplemental Water Program under the Conservation Water Agreement and the Emergency Drought Water Agreement.

5.4.2.2 Water Year Designation

The 2003 BiOp flow requirements are based on an annual year type designation of "dry," "average," or "wet." The following are the specifications for each of the 3 year-type designations, as described in the 2003 BiOp. "Dry years" are those for which the NRCS April 1 streamflow forecast for the Otowi gage is less than 80% of average, with average determined based on the streamflow at Otowi gage over the 30-year period from 1971–2000. "Dry year" flow requirements also can be invoked for years in which Article VII storage restrictions under the Compact are in effect on April 1. "Average years" are those for which the NRCS April 1 streamflow forecast for the Otowi gage is between 80–120% of average, and Article VII storage restrictions are not in effect. "Wet years" are those for which the NRCS April 1 streamflow forecast for the Otowi gage is greater than 120% of average, and Article VII storage restrictions are not in effect.

These designations are determined based on a combination of the April 1 hydrologic forecast for that year and the administrative conditions—specifically, whether Article VII restrictions under the Compact are in place on April 1. If Article VII storage restrictions are in effect on April 1 in a given year, that year is designated as a "dry" year regardless of the hydrologic conditions. Article VII status determined that 2003, 2004, 2005, 2006, 2007, and 2010 would be dry years, regardless of hydrologic conditions.

Figure 43, below, presents the Article VII status at the beginning of the spring runoff for each of the years in the past decade, and the corresponding water year designation. Since 2001 and 2002 were prior to the 2003 BiOp, they were not classified (another classification was in place under the 2001 BiOp). "Dry year" flow targets were in effect from 2003–2007 due to a combination of dry hydrologic conditions and Article VII Compact restrictions. The highest flow volume of the decade passed the Otowi gage in 2005; but since Article VII restrictions were in effect as a result of low reservoir levels at the end of the drought period, the less stringent "dry year" flow requirements were in place. It was not until 2008 that Article VII Compact restrictions were lifted. Therefore, the more stringent "wet year" flow requirements were in place for that year, but that was the only year in the decade for which they were. "Average year" flow

requirements were in place in 2009, and Article VII restrictions returned in 2010, so "dry year" flow requirements were observed. The year 2011 was designated as a dry year based on both Article VII Compact restrictions and an extremely low snowmelt-runoff.

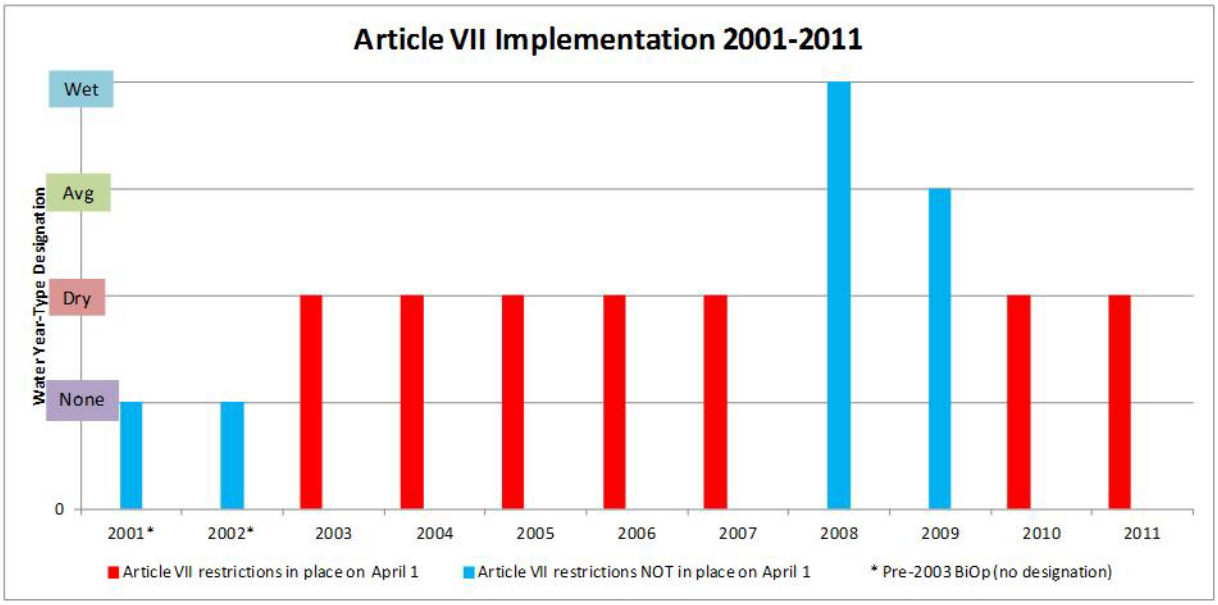

Figure 43. Article VII status under the Compact on April 1 of each year and water year-type designations under the 2003 BiOp, 2003–2011 (not applicable for 2001 and 2002).

5.4.2.3 Hydrologic Conditions Over the Baseline Period.

The first decade of the 21st century began with high reservoir levels at Elephant Butte Reservoir due to a number of high water years in the 1980s and 1990s. The first half of the decade (2000–2004) was characterized by record drought, which diminished those reservoir levels. Beginning in 2005, hydrologic conditions became wetter; however, Article VII storage restrictions, resulting from low Elephant Butte Reservoir levels due to the drought, persisted until 2006 and then recurred several times through the remainder of the decade.

For purposes of this analysis, we have divided the past decade into high volume years and low volume years, based on the total flow passing the Otowi gage that year. The high volume years are defined as those with a total flow past Otowi gage of 800,000 AF or more and include 2005, 2007, 2008, 2009, and 2010. Figure 44, which presents the hydrographs at Otowi gage for these years, reveals a pattern of snowmelt driven hydrographs, with spring pulses between April and June, which are typically bimodal, representing the smaller runoff from the Rio Chama followed by the larger runoff from the Rio Grande main stem, These hydrographs also are characterized by low summertime flows, interspersed with occasional monsoonal spikes.

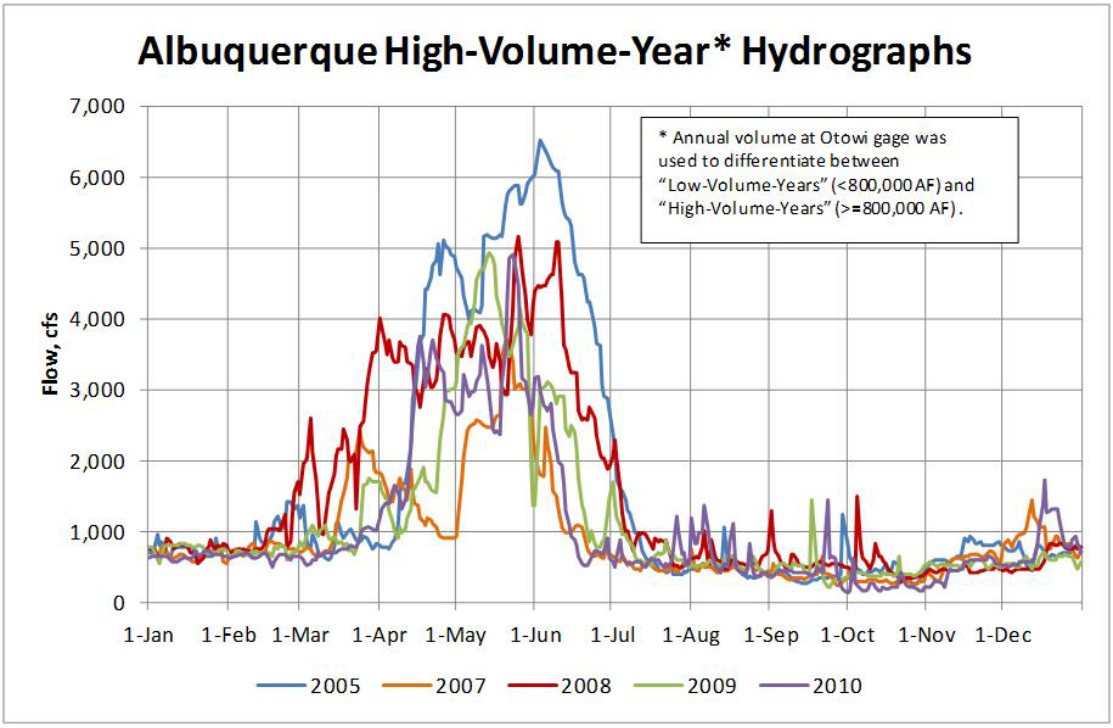

Figure 44. Hydrographs of flows at Otowi gage for the higher volume years during the past decade (2001–2011).

The highest-volume year of the decade was 2005. That year had a very large and long duration spring snowmelt runoff. Starting in mid-July, it had similar flows to the other years and, therefore, would have required significant quantities of Supplemental Waters if it had been designated as a wet year under the 2003 BiOp. However, it was designated as a dry year, since Article VII restrictions under the Compact were in place at the start of the runoff. The years 2008, 2009, and 2010 also had flows in Albuquerque of over 3,000 cfs for a significant period of time. The year 2008 was designated as wet year, and significant Supplemental Water was released to maintain higher summer flows in the Isleta and San Acacia Reaches. In 2007 and 2010, authorized deviations from normal Cochiti Dam operations were used to engineer flow spikes. In 2007, a flow spike of over 3,500 cfs was created in late May. In 2010, a flow spike of 5,800 cfs out of Cochiti Reservoir was created but maintained for only 2 days.

Figure 45 presents the hydrographs at Otowi gage for the lower volume years of the past decade, those years with a total flow past Otowi gage of less than 800,000 AE. These years include 2001, 2002, 2003, 2004, 2006, and 2011. Among these lower volume years, 2006 stands out, both for its lack of a spring runoff (springtime flows never exceeded 800 cfs) and for its significant monsoon flows, including numerous spikes with daily-average flows over 1,000 cfs. These conditions led to a considerable accumulation of New Mexico credits under the Compact. The years 2002 and 2003 were dry throughout the year, with poor

snowmelt runoffs and low volume monsoons. The other years shown, 2001, 2004, and 2011 exhibit more traditional hydrographs, with bimodal spring snowmelt runoffs (representing the Rio Chama runoff followed by the main stem runoff), and low summertime flows, punctuated by occasional monsoon spikes.

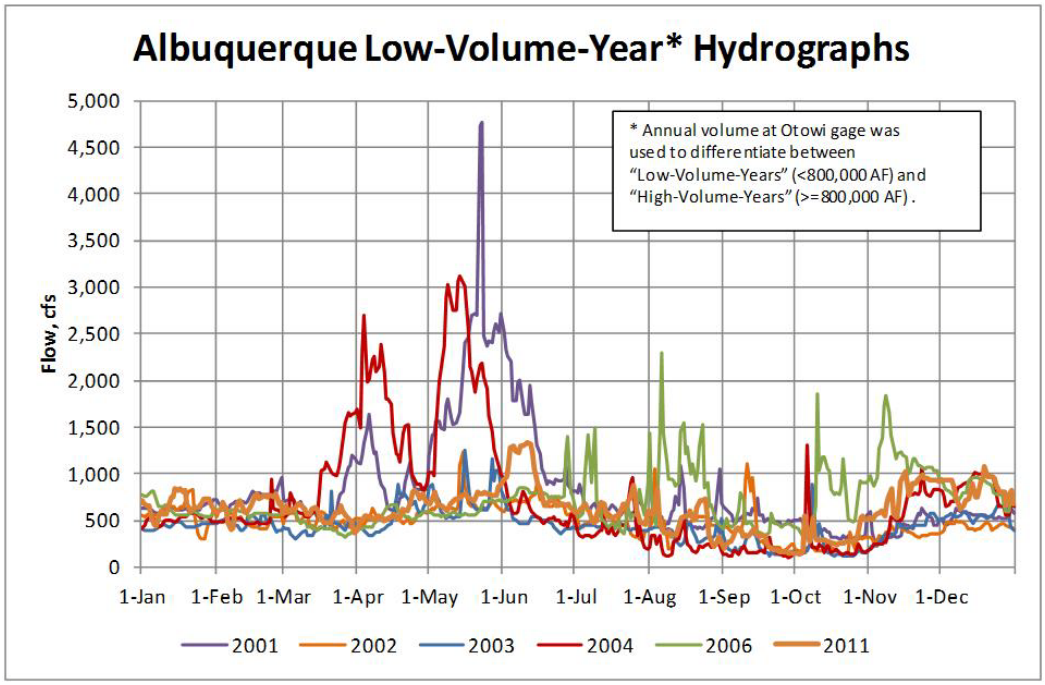

Figure 45. Hydrographs of flows at Otowi gage for the lower volume years during the past decade (2001–2011).

Dry years and, to some degree, the years following dry years tend to exhibit higher losses from the river to the ground water system and to evapotranspiration. This, in turn, affects river drying, as described in the following section.

5.4.2.4 River Drying

As discussed in the Water Operations section in section 2, RiverEyes data have been used to deduce trends in river drying, and threshold flows below which river intermittency should be expected. For example, river observations suggest that whenever gaged flows drop below 150 cfs at the Bosque Farms or below 200 cfs at the San Acacia gage, downstream drying is likely. The timing of drying is highly variable, affected in part by antecedent hydrologic conditions (whether the previous year was wet or dry), local weather (which affects the rates of evaporation and evapotranspiration), the degree and nature of the wetted sands, the magnitude of local return flows, the timing and nature of tributary inflows from the Rio Puerco and Rio Salado, and the degree of flood plain connectivity.

As can be seen in table 4, since implementation of the 2003 BiOp flow targets, river conditions have ranged from the rather extreme drying that occurred in 2003 to a continuous flowing river throughout 2008. The extreme river drying in 2003 occurred in response to low snowmelt runoff and a poor monsoon season that year, in combination with extremely dry antecedent conditions, which resulted in lower reservoir levels and high loss rates from the river. The MRGCD storage in El Vado was depleted, and, therefore, non-Indian irrigators were in "run-of-the-river" operations from late August through the end of the irrigation season. Therefore, irrigation water released from storage for delivery to downstream irrigation structures was not available to supplement river flow. Over 72% of the Isleta Reach and 95% of the San Acacia Reach experienced river drying, and an estimated 57% of total silvery minnow critical habitat dried in 2003. The 2006 spring runoff was also well below average because of lower than normal snowpack. In May 2006, year-to-date precipitation was well below average; and the snow pack was at 20% of average in the Rio Grande Basin. Fortunately, a strong monsoon season led to the wettest July and August within our period of monitoring. Consequently, only 26.5 miles of river dried in the summer of 2006 in the Isleta and San Acacia Reach. Fortunately, a succession of higher runoff years followed. In 2008, the river was continuous throughout the entire year. In 2011, however, dry conditions returned to the MRG, with total drying in the Isleta and San Acacia Reaches of over 40 miles.

Table 4. River drying by reach and by percent of critical habitat that dried (2001–2011)

Year	Information Source	Total Critical Habitat Dry (of_163_mi)	Albuquerque Reach Dry	Isleta Reach Dry	San Acacia Reach Dry	Maximum Combined Drying	Maximum Drying Isleta Reach (of_53_mi)	Maximum Drying San Acacia Reach (of_58.5_mi)
		%	%	%	%	miles	miles	miles
2001	FWS	6%	0%	0%	17%	10	0 **	10
2002	RE, Anec	31%	0%	0%	43%	50.2	18.2	25
2003	RE Sum	57%	0%	72%	95%	93.5	38	55.5
2004	RE GIS	30%	0%	36%	50%	48.5	19	29.5
2005	RE GIS	26%	0%	11%	63%	43	6	37
2006	RE GIS	15%	0%	11%	31%	24	6	18
2007	RE, ExpAct	21%	0%	18%	42%	34	9.5	24.5
2008*	RE	0%	0%	0%	0%	0	0	0
2009	RE	9%	0%	0%	26%	15	0	15
2010	RE	18%	0%	17%	36%	30	9	21
2011	RE	25%	0%	25%	47%	40.5	13	27.5

Notes:
Anec = Anecdotal Information
ExpAct = 2007 Experimental Activities
FWS = U.S. Fish & Wildlife Service
GIS = Geographic Information System data
RE = RiverEyes
Sum = Summary Information
* 2008 was designated as a wet year; BiOp did not permit drying
** zero assumed at Isleta, 2001

Figures 46 and 47 summarize the extent of river drying over the past decade, in terms of both the total number of river miles dried each year and in terms of the days of drying per year in the Isleta and San Acacia Reaches.

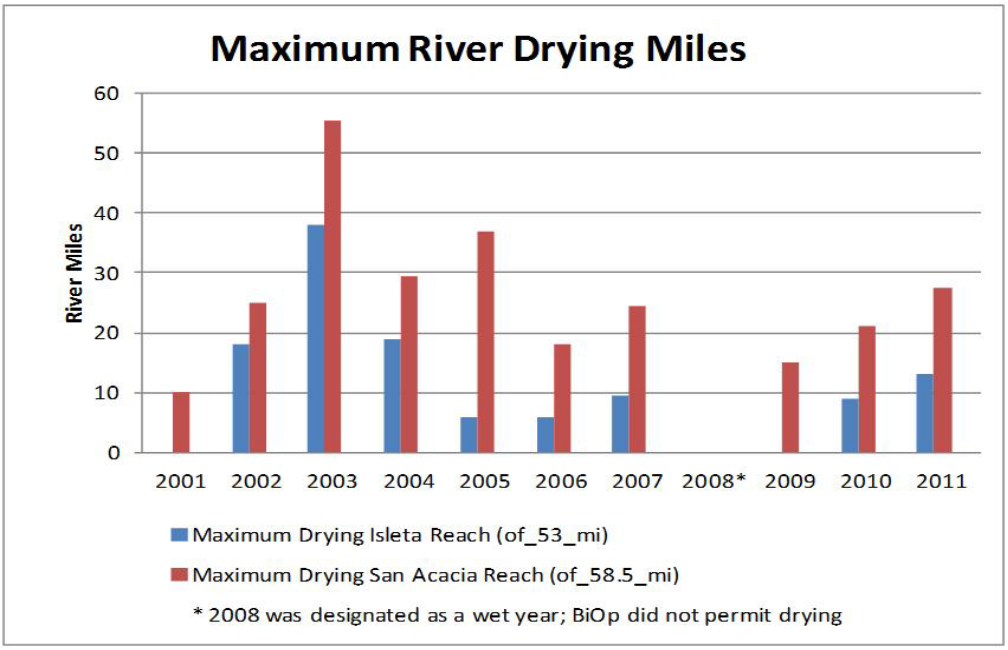

Figure 46. Summary of river miles that dried in the Isleta and San Acacia Reaches. (2001–2011).

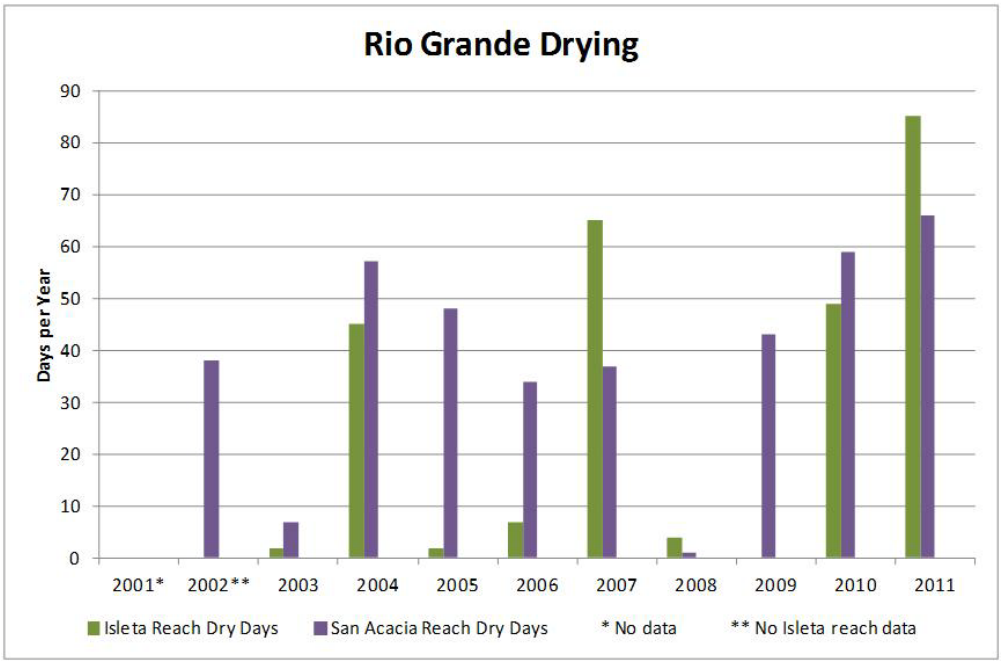

Figure 47. Number of days per year of river drying in the Isleta and San Acacia Reaches, 2001–2011.

Drying did not occur in the Cochiti Dam and Albuquerque Reaches during this time period. River operations in 2001 and 2002 were subject to different criteria, drying restrictions, and flow targets than were the years covered by the 2003 BiOp.

Figures 48 and 49 depict the timing of this river drying from 2001–2011, in the Isleta and San Acacia Reaches, by depicting the first and last day of reported drying in each reach. The years 2002, 2006, and 2011 are noteworthy for experiencing drying in the San Acacia Reach prior to June 15.

5.4.2.5 Meeting the 2003 BiOp Flow Targets

Reclamation consistently achieved compliance with flow targets established in the 2001 and 2003 BiOps due to a combination of factors:

- High reservoir levels in the drier years and low reservoir levels in the wetter years.
- A sequence of hydrologic years that was favorable under the flow target calculations.
- Lease agreements with SJC Project contractors who had not yet developed the capacity to use that water for its intended purpose.
- Agreements for water with the State of New Mexico (the Conservation Water Agreement and the Emergency Drought Water Agreement).

Because conditions were dry during the first half of the decade and became significantly wetter during the second half of the decade, Article VII restrictions under the Compact were put in place early in the decade and remained in place, or returned, for several of the later, wetter years. The Article VII storage restrictions allowed the later, wetter years to have “dry year” flow targets under the 2003 BiOp; so the water requirements to meet those targets were lower than they otherwise would have been.

Additionally, a larger amount of water has been available for Reclamation’s Supplemental Water Program than Reclamation can rely on in the future. Direct diversion projects for municipal use of SJC Project water by the city and county of Santa Fe and ABCWUA have decreased the amount of SJC Project water available for lease to Reclamation. Also, Reclamation has had the benefit of leased water from the State under the Emergency Drought Water Agreement (EDWA)/Conservation Water Agreement (CWA), which it cannot count on in the future. It is estimated that gains to Elephant Butte Reservoir were fairly high in recent years as compared to historical conditions, partially due to the lower reservoir level during much of the period but also due to extensive river maintenance activities in the Elephant Butte delta. The resulting gains in

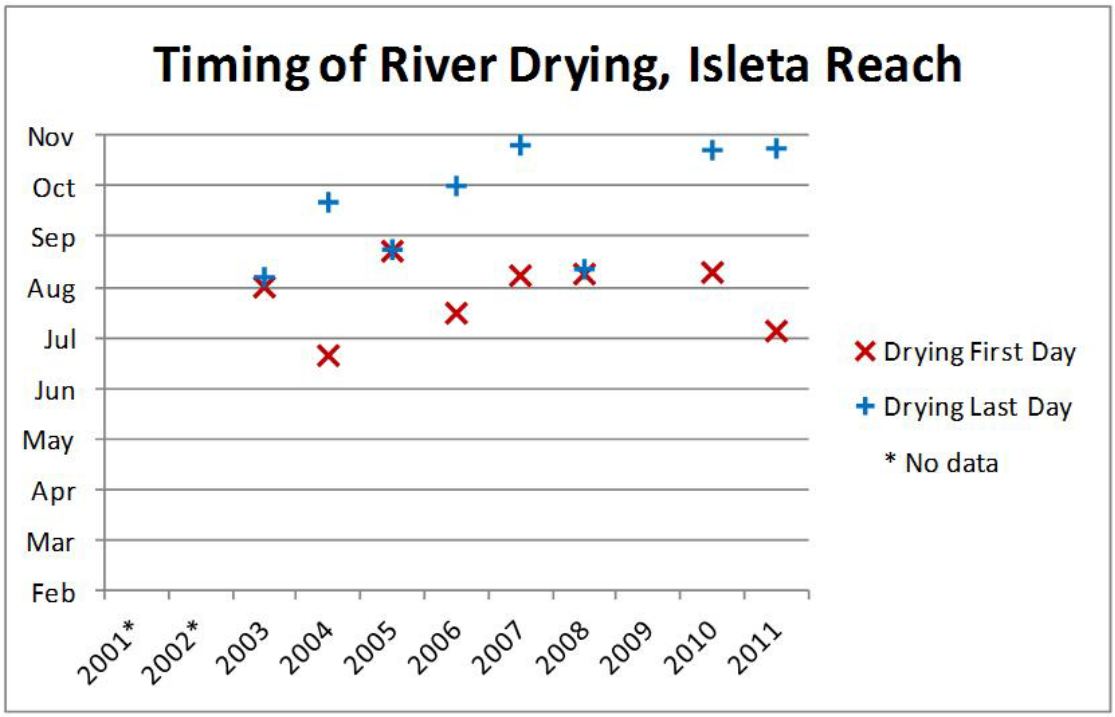

Figure 48. First and last calendar days of river drying in the Isleta Reach, 2001–2011.

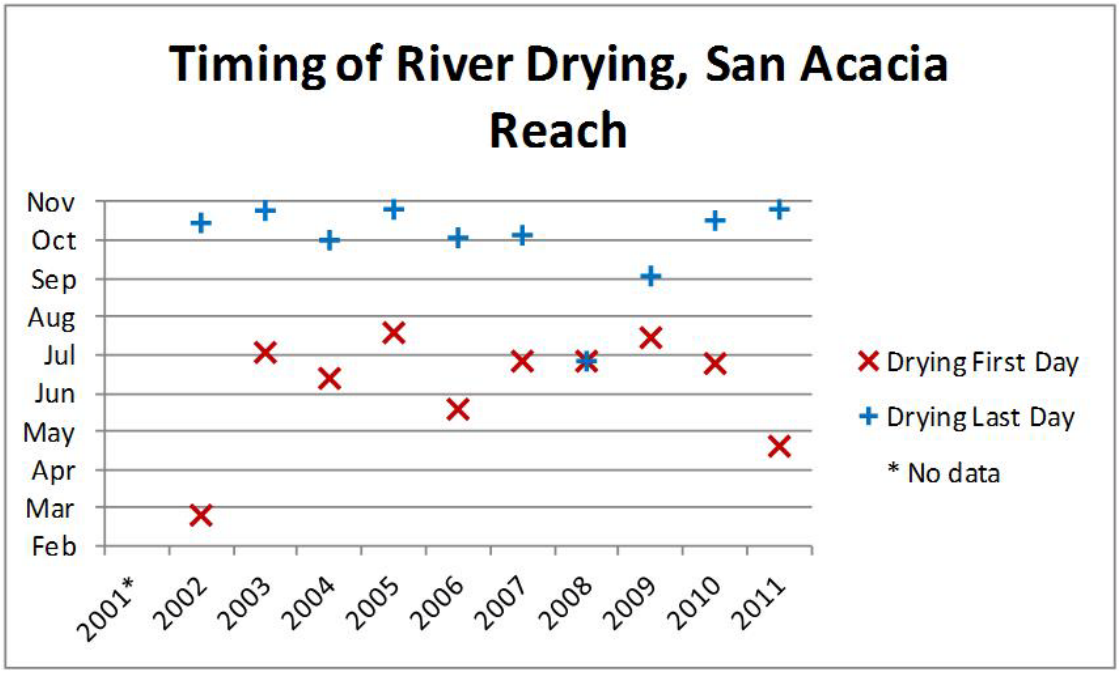

Figure 49. First and last calendar days of river drying in the San Acacia Reach, 2001–2011.

Elephant Butte deliveries resulted in greater Compact credits for New Mexico. The State was then able to relinquish an appreciable quantity of Compact credits and subsequently allow for Emergency Drought Water to be stored at El Vado Reservoir and be used for meeting the flow targets of the 2003 BiOp.

5.5 Channel Conditions and Dynamics

The following discussion is summarized from the 2012 report titled Channel Conditions and Dynamics of the Middle Rio Grande by Makar and AuBuchon. The channel conditions of a river are the integrated outcome of physical processes such as weathering, erosion, transport, and deposition of sediment and the natural and anthropogenic influences on those processes. Knowledge of the history of changes, both natural and anthropogenic, and the adjustment sequence within the alluvial watershed and channel provides a better understanding of this complexity to help interpret significant trends and estimate future conditions (Schumm et al. 1984, Kondolf and Piegay 2003).. The interrelationship between the flow of water, the movement of sediment, and the variable character and composition of the channel boundaries over time and space essentially determines the current channel morphology that is observed (Schumm 1977, Leopold et al. 1964). This channel morphology can be constantly changing as the river seeks to balance the movement of sediment (sediment supply) with the power available from the flow of water (sediment transport capacity) (Schumm et al. 1984, Reclamation 2005c). It is the imbalance between sediment transport capacity and sediment supply which is a key cause of most channel and flood plain adjustments (Lane 1955, Schumm 1977, Biedenharn et al. 2008).

Climatic changes, flood and sediment control, regulation of flows for irrigation, land use, vegetation changes, and channelization have altered the water and sediment supplied to the MRG over time. Factors affecting the imbalance between sediment transport capacity and sediment supply can be categorized as drivers of adjustment and controls on adjustment. Both drivers and controls can be modified through natural or anthropogenic means.

Important drivers on the MRG include flow frequency, magnitude and duration, and sediment supply. Changes in these drivers that have resulted in recent geomorphic channel changes on the MRG include decreased flow peaks, increased low flows of longer durations, and decreased sediment supply. Decreased peak flows result in the existing channel not being reworked on as large a scale as it was historically. Increased low flows of longer durations provide more water during dry periods. The flows can sustain vegetation but also aid encroachment of vegetation into the active channel that narrows it. Increased low flows of longer durations occur as a result of anthropogenic regulation of the flows in the water system. This includes holding back flood flows that naturally would occur during the snow melt runoff and monsoonal events and releasing that

water during nonflood periods, such as during the summer and winter months. Increased low flows of longer durations also occur as a result of moving water, beyond the native flow, to keep the river wet and to facilitate the transfer of water downstream. Decreases in sediment supply, such as those due to land use changes in the watershed or the storage of sediment behind dams and diversion structures or stabilized banks and bars, can cause an increase in the likelihood of channel erosion.

There are several factors that can limit or control the effects of the drivers on channel adjustment and the observed reach characteristics. Controls of channel adjustment such as bank stability, bed stability, base level, flood plain lateral confinement, and flood plain connectivity influence the extent of effect that the drivers have on the observed characteristics of a reach. Bank stability can be affected by natural (e.g., riparian vegetation) or mechanical (e.g., riprap) means. Similarly, bed stability can come from channel armoring through bed material coarsening or from cross channel facilities. An example of a base level control is a change in pool elevation of a reservoir. The change can result in an upstream channel response, such as channel degradation or aggradation. Levees and geologic outcrops can create lateral confinement of the flood plain and limit channel migration. A well-connected flood plain dissipates the energy of flood flows, reducing the sediment transport capacity.

The fact that many changes, both natural and anthropogenic, occurred contemporaneously on the MRG greatly complicates interpreting the drivers and controls of the observed trends of channel and flood plain adjustments and also the prediction of future trends. Figure 10, in the introduction of this section, Environmental Baseline, illustrates the timing of many of these events and dates of significant floods. A more detailed history of events affecting the morphology of the MRG can be found in the report, titled Channel Conditions and Dynamics of the Middle Rio Grande (Makar and AuBuchon, 2012).

5.5.1 MRG Reach Geomorphic Parameters and Current Trends

The field of geomorphology uses certain parameters to better understand the observed trends and to help predict how a river self-adjusts to move toward a balance between sediment transport capacity and sediment supply. These geomorphic parameters help identify and document changes in the drivers and controls of channel adjustment. Geomorphic parameters currently evaluated on the MRG, from both direct measurement and/or analysis, include the following:

- Discharge magnitude and frequency
- Sediment supply
- Channel width
- Channel planform and location

- Slope
- Sinuosity
- Bed material size and type
- Channel and floodway topography

These parameters and their applicability to the MRG are further described in the report titled Channel Conditions and Dynamics of the Middle Rio Grande (Makar and AuBuchon 2012). For the ensuing discussions, reach designations follow geomorphic breaks described in the same report. Most of the discussion in this document focuses on the reaches between Cochiti Dam to the Elephant Butte Full Pool Reservoir. The majority of Reclamation's investigations have been in this historically more geomorphically active reach and, thus, more data is available. This area also corresponds to the section of the river occupied by silvery minnow.

The first two geomorphic parameters, discharge magnitude and frequency and sediment supply are geomorphic drivers. Changes in flow and sediment supply continue to impact the morphology of the MRG. The decreased annual peak flows, which are now typically less than 5000 cfs, and the reduced sediment supply are documented changes in the drivers that are correlated in time with observations of channel narrowing, vegetation encroachment, and incision; which in turn influence bank height, bed material size and generally lead to a more uniform channel. These observations are much more noticeable upstream of Albuquerque, where significant changes to the drivers have occurred. South of Albuquerque, especially south of the Rio Puerco, the effects of the changes to the drivers is less consequential because of the influence on the morphology from the tributary flows and sediment supply. These less-altered tributaries allow for a higher variability in both flow and sediment supply, which dampens the effects of the upstream changes to the drivers. These tributaries can also bring in coarser material that influences bed stability at lower flows.

The next six parameters (channel width, channel planform and location, slope, sinuosity, bed material size and type, and channel and floodway topography) are characteristics that help describe conditions of a reach. Controls on channel adjustment such as bank stability, bed stability, base level, flood plain lateral confinement, and flood plain connectivity interact with the drivers and influence the extent of effect that the drivers have on the observed characteristics of a reach. A lower bank and bed stability may have the potential to add to the sediment supply, whereas increases in the stability (bed and/or bank) or flood plain connectivity (which may cause lower velocity areas) can reduce the sediment supply.

The influence of drivers and controls along the MRG is variable, but commonalities have been identified. It is the commonalities in the river's responses to drivers and controls present that help identify and separate the MRG

Table 5. Reach geomorphic parameters

Water Operations Reaches	Geomorphic Reaches	River Miles (RM)	Average Width (feet)	Planform	Slope	Sinuosity	Bed Material Type	Current Observations of -Channel and Floodway Topographical Changes	Currently Relevant Trends
Velarde	**Velarde to Rio Chama** (sediment transport capacity greater than (>) sediment supply)	285 to 272	190 [a]	Low sinuosity, single channel.	0.00224 [d]	N/A	Gravel and small cobble	Horizontal alignment fairly stable. Tributary sediment deposition can induce bank erosion. A few migrating bends, but dense vegetation has limited the extent. Low/moderate channel incision. Minor amount of narrowing where riparian vegetation is encroaching on the active channel.	Channel narrowing Vegetation encroachment Bank erosion Coarsening of bed material Increased channel uniformity
Espanola	**Rio Chama to Otowi Bridge** (sediment transport capacity > sediment supply)	272 to 257.6	310 [a]	Low sinuosity, single channel, some split channels.	0.00162 [d]	N/A	Gravel and coarse sand	Local increase in bank height and incision or channel bed degradation. Horizontal alignment fairly stable. Moderate channel incision. A few migrating bends—river bed below the riparian root zone in some areas. Minor amount of narrowing where riparian vegetation is encroaching on the active channel.	Channel narrowing Vegetation encroachment Bank erosion Coarsening of bed material Increased channel uniformity
Cochiti	**Cochiti Dam to Angostura Diversion Dam** (sediment transport capacity > sediment supply)	232.6 to 209.7	220 [b]	Moderate sinuosity, single channel, with islands/bars. Constrained channel width less than (<) calculated meander belt width.	0.00123 [e]	1.15 [g]	Gravel and small cobble dominated, with some sand	Channel disconnection with floodway due to high historic incision. Bank heights are very high. Bars are becoming stabilized with vegetation, and some are continuing to increase in size. Vertical stability is fairly stable due to gravel dominated bed, but there can be degradation locally. Some tributaries bring in coarse materials that act as local grade control.	Channel narrowing Vegetation encroachment Bank erosion Coarsening of bed material Increased channel uniformity
Albuquerque	**Angostura Diversion Dam to Isleta Diversion Dam** (sediment transport capacity > sediment supply)	209.7 to 169.3	390 [b]	Transition from wide braided to single channel.	0.00091 [e]	1.16 [g]	Sand changing to gravel dominated in upper portion, sand bed in lower portion	Channel disconnection with floodway due to high historic incision in upper portion of reach. Banks and bed in lower portion have been relatively stable. There is potential for additional incision and bend migration. Narrowing where riparian vegetation is encroaching on the active channel. Bar formation and stabilization. Vertical and lateral accretion of bars. Complexity within the braided planform and active flood plain in lower portion. Significant amount of floodway modifications to reconnect channel with floodway. Moderate incision—greater upstream.	Channel narrowing Vegetation encroachment Increased bank height Incision or channel bed degradation Bank erosion Coarsening of bed material Increased channel uniformity
Isleta	**Isleta Diversion Dam to Rio Puerco** (sediment transport capacity > sediment supply)	169.3 to 127	350 [b]	Narrowing through island and bar development, becoming single thread.	0.00077 [f]	1.08 [g]	Sand, a few gravel deposits forming	Narrowing through vegetation growth stabilizing islands and bars. Bank height increasing due to sediment deposition (vertical accretion). The channel cross section is becoming more uniform. Potential for channel incision as the channel continues to narrow. Horizontal alignments have been fairly stable (little bend migration) as the banks are densely vegetated. Low incision, increasing to high downstream. Bed elevation and channel slope have been relatively stable.	Channel narrowing Vegetation encroachment Increased bank height Coarsening of bed material Increased channel uniformity
	Rio Puerco to San Acacia Diversion Dam (sediment transport capacity > sediment supply)	127 to 116.2	250 [b]	Single thread with islands, narrowing.	0.00069 [f]	1.10 [g]	Bimodal gravel and sand	Localized channel incision, and bend migration in the downstream area. Entrenched with low bank height due to inset flood plains. Coarse Rio Salado deposits acting as bed control.	Channel narrowing Vegetation encroachment Increased bank height Incision or channel bed degradation Coarsening of bed material Increased channel uniformity

Table 4. Reach geomorphic parameters (continued)

Water Operations Reaches	Geomorphic Reaches	River Miles (RM)	Average Width (feet)	Planform	Slope	Sinuosity	Bed Material Type	Current Observations of -Channel and floodway topographical changes	Currently Relevant Trends
San Acacia	**San Acacia Diversion Dam to Arroyo de las Cañas** (sediment transport capacity greater than [>] sediment supply)	116.2 to 95	270 [b]	Single channel—low to moderate sinuosity.	0.00078 [f]	1.11 [g]	Bimodal gravel and sand	High incision, decreasing downstream Bend migration threatening riverside infrastructure. Active channel area and width has decreased through 2001 but currently stable. Point bar growth is present where the banks migrate. Tributary reconnections may increase sediment supply.	Vegetation encroachment Increased bank height Incision or channel bed degradation Bank erosion Coarsening of bed material Increased channel uniformity
	Arroyo de las Cañas to San Antonio Bridge (sediment transport capacity less than [<] sediment supply)	95 to 87.1	320 [b]	Becoming single thread and narrowing, slightly meandering thalweg is beginning to form.	0.00076 [f]	1.11 [g]	Sand	Horizontal and vertical stability historically and in short term. Channel filling with sediment; in the downstream portion, sediment plugs may be possible. Transition between upstream degradation and downstream aggradation. Vegetation growth causing local narrowing and increasing channel uniformity. Low potential for general bend migration however it may occur locally. Recent aggradation increasing downstream; Elephant Butte pool elevation may have low level effect. Tributary reconnections may increase sediment supply .	Channel narrowing Vegetation encroachment Aggradation Increased channel uniformity
Bosque del Apache[j]	**San Antonio Bridge to River Mile 78** (sediment transport capacity < sediment supply [m])	87.1 to 78	230 [b]	Becoming single thread and narrowing, potential for avulsions.	0.00071 [k]	1.12 [g]	Sand	Previously slightly aggrading, recently highly aggrading. Bank heights low; flood plain connectivity high except very downstream section. Increasing loss of sediment transport capacity except very downstream section. Prone to sediment plugs. Vegetation growth is narrowing the channel. Bed elevation influenced by large variations in the water surface elevation of Elephant Butte Reservoir.	Channel narrowing Vegetation encroachment Aggradation Channel plugging with sediment Perched channel conditions Increased channel uniformity
San Marcial	**River Mile 78 to Elephant Butte full pool** (sediment transport capacity < sediment supply[m])	78 to ~60	130 [c]	Narrow single thread.	0.00058 [k]	1.16 [g]	Sand	Normally aggrading, recently degrading. Area between the levees is perched above the historical flood plain, but recent channel degradation has reduced the main channel bed elevation. Historical loss of channel capacity and sediment plug formation. Bed elevation influenced by large variations in the water surface elevation of Elephant Butte Reservoir. Flood plain disconnection in lower portion of this reach. A few migrating bends—river bed below the riparian root zone in some areas. Some island and bar formation. San Marcial Railroad Bridge narrows active flood plain.	Channel narrowing Vegetation encroachment Increased bank height Incision or channel bed degradation Bank erosion Coarsening of bed material Increased channel uniformity

[a] 2002 photography. [b] 2008 photography. [c] 2007 photography. [d] 2000 data. [e] 2002 data. [f] 2007 data. [g] 2006 photography. [h] 2009 data N/A – data not available. [i] Elephant Butte Dam to Palomas Creek. [j] Water Operation reach extends from the north (~RM 84) to south (~RM 74) boundary of the BDANWR. [k] 2010 data. [m] This is the historically most common condition. The sediment balance may change to the condition of sediment transport capacity is > sediment supply in portions of these reaches, depending upon the extent of the base level lowering of the Elephant Butte Reservoir, the duration that the reservoir pool is down, and the incoming sediment supply.

into reaches with similar trends. The analysis of the geomorphic parameters, beyond identifying current trends on the MRG, also provides a summary of traits or characteristics for these reaches and a trajectory of expected changes. A summary of these six geomorphic parameters that influence the drivers and currently observed trends is provided in table 5. Additional information and discussions on reach specific details are provided in the report titled Channel Conditions and Dynamics of the Middle Rio Grande (Makar and AuBuchon 2012).

The major current trends observed on the MRG, although not every trend on every reach, are listed below.

- Channel narrowing
- Vegetation encroachment
- Increased bank height
- Incision or channel bed degradation
- Bank erosion
- Coarsening of bed material
- Aggradation (river bed rising due to sediment accumulation)
- Channel plugging with sediment
- Perched channel conditions (river channel higher than adjoining riparian areas in the floodway or land outside the levee)
- Increased channel uniformity

These trends and their applicability to the MRG are discussed in the sections below. The relationship between sediment transport capacity and sediment supply is also identified for each trend. This relationship is key to anticipating future changes in reach trends and the direction of river responses, which helps determine potentially more sustainable corrective actions. Additional details supporting these trends and the relationship between sediment transport capacity and sediment supply are provided in the report titled Channel Conditions and Dynamics of the Middle Rio Grande (Makar and AuBuchon 2012).

5.5.1.1 Channel Narrowing (Sediment Transport Capacity Can Be Either Greater or Less than Sediment Supply)

The channel narrowing that has occurred since 1949 is likely the result of some combination of decreased peak flows, increased low flows of longer duration, decreased sediment supply, increased bank stability, increased flood plain lateral confinement, and decreased flood plain connectivity. The particular combination is dependent on reach-specific conditions.

When sediment transport capacity is greater than sediment supply, bed degradation or channel incision can occur. More bed degradation occurs in the channel thalweg (deepest area of the channel) than in shallower areas resulting in channel narrowing. For the case where the sediment transport capacity is less than the sediment supply, channel narrowing can occur as a result of sediment deposition in the form of medial or bank attached bars during high flows (lateral accretion). When subsequent flows are lower, these bars may not remobilize and so result in channel narrowing. Based on historical accounts and survey data, the MRG has narrowed significantly over the last century (Makar et al. 2006). For both cases, the resulting more confined, uniform sections offer little diversity of instream habitats for silvery minnow and low flood plain connectivity. Narrow, confined channels have less low velocity habitats for silvery minnow and often require higher flows to inundate riparian vegetation, which is important for flycatcher.

5.5.1.2 Vegetation Encroachment (Sediment Transport Capacity Can Be Either Greater or Less than Sediment Supply)

Significant vegetation encroachment into the active channel has occurred historically and again during the recent drought cycle as documented by historical photography and in Scurlock (1998), Lagasse, (1980) Makar et al. (2006), and Makar (2010). This is likely the result of decreased peak flows and increased low flows of longer duration. Increased low flows of longer duration provide water more consistently and encourage vegetation growth near the channel. At the same time, the decreased peak flows have insufficient shear stresses to uproot the established vegetation. Existing hydrology and flood control operations for safe channel capacity make an event large enough to destabilize the current vegetation extremely unlikely on the MRG. Thus, it is likely that, on a reach scale, bank erosion and subsequent bank migration will be restricted, provided the bed elevation does not degrade below the root zone of established riparian vegetation. These channel resetting events maintained a diversity of habitats, backwaters, and side channels within the river channel for silvery minnow and a variety of successional stages of vegetation with riparian zone for flycatchers.

Conditions where the sediment transport capacity is greater than the sediment supply can lead to bed degradation or channel incision, as described above in the section on channel narrowing. The channel incises more along the thalweg than in other portions of the river bed; therefore, adjoining, higher areas of the river bed are inundated and mobilized less frequently, which creates a condition conducive to vegetation growth. This vegetation growth then reduces the width of the active channel.

Conditions in which the sediment transport capacity is less than the sediment supply can result in sediment deposition. These deposits can become vegetated if they are not remobilized by high flows, thereby narrowing the channel. These more confined, uniform sections offer little diversity of instream habitats for

silvery minnow and low flood plain connectivity. The mature vegetation associated with this encroachment is valuable habitat for flycatchers but has a limited lifespan of suitability. Habitat diversity both in the riparian zone and within the channel has decreased due to lack of channel resetting events.

5.5.1.3 Increased Bank Height (Sediment Transport Capacity Can Be Either Greater or Less than Sediment Supply):

The increase in bank height that has occurred is likely the result of some combination of decreased sediment supply, increased bank stability, low bed stability, lowered base level (e.g. Elephant Butte reservoir pool elevation), increased flood plain lateral confinement, and flood plain connectivity (lower velocities in flood plain cause sediment to settle and result in vertical accretion in flood plain). The particular combination is dependent on reach-specific conditions.

If the sediment transport capacity is greater than the sediment supply, bank height increases can occur as a consequence of channel degradation or incision, which can reduce flood plain connectivity as well. When sediment transport capacity is less than sediment supply, bank height can increase due to sediment deposition in the flood plain (vertical accretion). This is primarily due to the lower sediment transport capacity of the flood plain when flows go overbank. An example of vertical accretion on the MRG is the observation of surface deposits during the high flows in the spring of 2005 on vegetated bars and islands within the Albuquerque area (Meyer and Hepler 2007). Similarly after the 2005 spring runoff ended, field observations indicated significant vertical accretion occurred on the bars, islands, and flood plains in the Isleta to Rio Puerco Reach, especially near areas of flowing water (Bauer 2007). These higher features subsequently require larger magnitude runoff events to inundate. These more confined, uniform sections offer little diversity of instream habitats for silvery minnow and low flood plain connectivity.

5.5.1.4 Incision or Channel Bed Degradation (Sediment Transport Capacity Is Greater than Sediment Supply)

When banks are more resistant than the bed, the river seeks to increase its sediment supply by transporting additional sediment from the bed. The incision that has occurred is likely the result of some combination of decreased sediment supply, increased bank stability, low bed stability, lowered base level (e.g., Elephant Butte Reservoir pool elevation), increased flood plain lateral confinement, and decreased flood plain connectivity. The last three factors all contribute to higher flow energy, which adds to the river's need to self-adjust through channel bed degradation. The particular combination of factors is dependent on reach-specific conditions.

Incision on the MRG between Cochiti and Isleta has been impacted most strongly by construction of Cochiti and Jemez Canyon Dams, and these effects appear to

be continuing to extend downstream. The lack of upstream sediment supply exacerbated the combined effects from the placed jetty fields of the more efficient channel and the reduction of bank material as a sediment source and resulted in degradation of the river channel and disconnection from the adjacent flood plain. Another example of this trend in the lower reaches of the MRG is due to the recent low elevation of Elephant Butte Reservoir. The low reservoir elevation is one of the causes of erosion of the upstream channel and delta deposits that has led to channel degradation from the southern BDANWR to the pool. Due to these changes, the channel has become disconnected from the surrounding flood plain in some areas. The extent (depth and length) of degradation depends on the extent of the base level lowering and the duration that the reservoir pool is lower.

The incision throughout the MRG also has the effect of lowering the water table in the vicinity of the active channel, which diminishes the ability of the river to recharge perennial and ephemeral wetland areas. These more confined, uniform sections offer little diversity of instream habitats for silvery minnow and low flood plain connectivity.

5.5.1.5 Bank Erosion (Sediment Transport Capacity Is Greater than Sediment Supply):

The bank erosion that has occurred is likely the result of some combination of decreased sediment supply, low bank stability, higher bed stability, lowered base level (e.g., Elephant Butte Reservoir pool elevation), increased flood plain lateral confinement, and decreased flood plain connectivity. The last three all contribute to higher flow energy that adds to the river's ability to self-adjust through bank erosion. The particular combination of factors contributing to bank erosion is dependent on reach-specific conditions. When the bank stability is less than the bed stability, the channel responds to unmet sediment transport capacity by bank erosion and lengthening of the channel, thereby increasing sinuosity. An overly-lengthened channel may reduce sinuosity when a more hydraulically efficient cutoff channel develops and straightens that bend. These dynamic processes can form side channels and other features that may contribute to habitat diversity within the reach. Higher sinuosity areas are more likely to contain features such as backwaters and low velocity side channels that are important to all life stages of silvery minnow and overbank wetted vegetation used by flycatchers. It should be noted, however, that on the reach scale, the MRG is classified as having low sinuosity.

Bed material coarsening (discussed below) can make the bed more resistant to erosion than the banks. Channel degradation or incision leads to taller banks that are often less stable, again resulting in bank erosion. At present, the bank heights in several reaches of the MRG are generally tall enough for the river's thalweg to intersect the banks beneath the root zone of the riparian vegetation, creating conditions in which the banks are more easily eroded. This, coupled with a

single-channel planform and a thalweg that alternates between the banks, has led to the development of a series of migrating bends in those reaches.

5.5.1.6 Coarsening Bed Material (Sediment Transport Capacity Is Greater than Sediment Supply

As the channel bed degrades or incises, bed sediment of finer sizes, which are more easily transported, are removed from the bed while coarser sizes remain. Figure 50 presents the median size of the bed material over time in the MRG and shows the coarsening trend. Coarsening of bed material is likely the result of some combination of decreased sediment supply, increased bank stability, low bed stability that allows transport of finer bed particles, lowered base level (e.g., Elephant Butte Reservoir pool elevation), increased flood plain lateral confinement, and decreased flood plain connectivity. The first three factors may contribute to channel narrowing, which may lead to or be coupled with channel bed degradation. The last three of these factors all contribute to higher flow energy, which adds to the river's ability to move bed material. Under all of these conditions, the bed material may potentially coarsen further. Since the amount of energy to move a particle is proportional to its size, only the very coarsest materials remain. The particular combination of factors contributing to coarsening of bed material is dependent on reach-specific conditions.

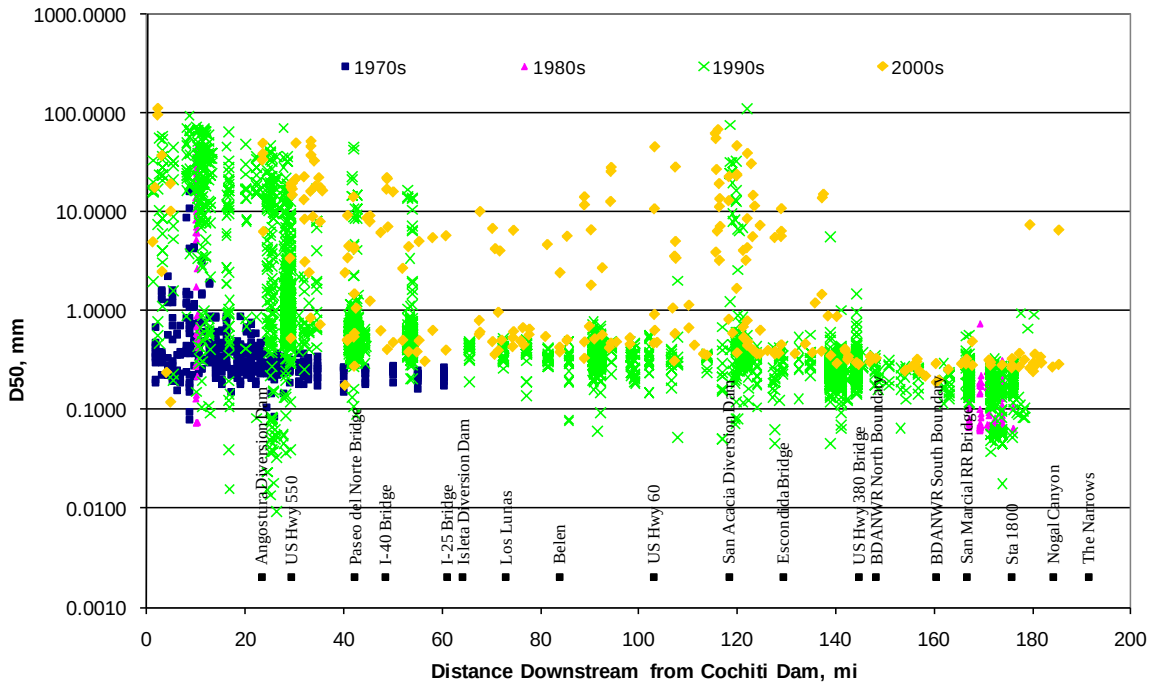

Figure 50. Median bed material size on the MRG over time (Bauer 2009).

5.5.1.7 Aggradation (River Bed Rising Due to Sediment Accumulation – Sediment Transport Capacity Is Less than Sediment Supply)

Aggradation is likely the result of some combination of high sediment supply, increased bank stability, higher base level (e.g., Elephant Butte Reservoir pool elevation rising that causes flatter slopes and increased flow resistance upstream, which tend to decrease the channel's sediment transport capacity), increased flood plain lateral confinement (which causes increased aggradation, due to limitation of the available area for deposition), and increased flood plain connectivity. The particular combination of factors contributing to aggradation is dependent on reach-specific conditions.

When sediment deposition occurs, it raises the bed elevation in both the main channel and the adjoining riparian zone. The extents and amounts are dependent upon the magnitude of the sediment transport imbalance; the greater the imbalance, the greater the deposition. The aggradation rate in the San Marcial area has been historically greater than any other reach. From 1900–1937, the riverbed aggraded more than 16 feet at the San Marcial Railroad Bridge. It has aggraded almost 13 more feet through 1999 (Makar 2009). The railroad bridge has been raised three times for a total of 22 feet (Van Citters 2000). Aggradation is currently a significant long-term concern from San Antonio south. There is some mild aggradation upstream of San Antonio. These reaches are strongly influenced by the pool elevation of Elephant Butte Reservoir (Elephant Butte Dam was closed in 1916) as well as sediment and water discharge magnitude, duration, and frequency (Levish 2010). During wetter periods with a full reservoir, these reaches continue to experience high levels of aggradation, alternating with degradation influenced by recession of the reservoir during drier periods and lower incoming sediment load.

The aggradation of the active channel provides water to a broader area of riparian vegetation that is used by flycatchers as well as lower velocity habitats for silvery minnow.

5.5.1.8 Channel Plugging with Sediment (Sediment Transport Capacity Is Less than Sediment Supply)

Channel plugging is likely the result of some combination of high sediment supply, increased bank stability, higher base level (e.g., Elephant Butte Reservoir pool elevation), increased flood plain lateral confinement, and increased flood plain connectivity. A higher base level and an increase in flood plain connectivity can reduce the sediment transport capacity of the river, which over time builds conditions that support the formation of sediment plugs. The particular combination of factors that lead to plugs is dependent on reach-specific conditions.

As sediment deposits in the main channel, flow from the top of the water column can go overbank at lower discharges. Because there is a lower concentration of

sediment being transported at the top of the column, the overbank flow removes a higher percentage of water volume than sediment load. As a result, the main channel sediment transport capacity is reduced, but the sediment supply decreases by a smaller percentage. This results in additional deposition in the main channel. Continued overbank flows with sediment accumulation in the main channel further reduces main channel flow capacity. This process can continue until sediment completely fills the main channel. The River Mile 78 to River Mile 62 Reach has a history of sediment plug formation near RM 70, approximately 1.5 miles upstream of the San Marcial Railroad Bridge. Three plugs have formed at this location in the last 20 years, in 1991, 1995, and 2005. The 1991 plug caused a breach of the Tiffany Levee on the west side of the river. The 1995 plug grew to a length of approximately 5 miles, and the 2005 plug grew to a length of approximately 3 miles. During the 2008 spring runoff, a sediment plug formed in the main channel of the river within the San Antonio Bridge to River Mile 78 Reach, just downstream from RM 81. The main channel was completely plugged with sediment for a length of a half mile and partially plugged upstream of that for a distance of over 1 mile.

The plugging of the active channel provides water to a broader area of riparian vegetation that is used by flycatchers as well as lower velocity habitats for silvery minnow. A connected flood plain provides important larval and rearing habitats for silvery minnow as well as inundated riparian vegetation for flycatcher.

5.5.1.9 Perched Channel Conditions (River Channel Higher than Adjoining Riparian Areas in the Floodway or Land Outside the Levee – Sediment Transport Capacity Is Less than Sediment Supply)

Perched channel conditions are likely the result of some combination of high sediment supply, increased bank stability, higher base level (e.g., Elephant Butte Reservoir pool elevation), increased floodway lateral confinement, and increased flood plain connectivity.

As a riverbed raises and sediment-laden waters flow overbank into the riparian zone, flow velocity decreases, which causes sediment deposition that, in turn, raises the river bank height. Continued bed raising and overbank deposition results in a channel bed, bordered by natural levees, which is significantly higher than the adjoining areas between manmade levees or geologic formations. This condition is known as a perched channel. A river corridor also can become higher than land areas outside the levee when sediment deposition occurs across the entire flood plain between the levees. The historical valley flood plain accessible by the MRG has been significantly reduced by levees paralleling much of the river. Subsequent aggradation between the levees has rendered that area higher than the adjoining valley for most of the MRG between Angostura Diversion Dam and Elephant Butte Dam. This process is most pronounced on the Rio Grande downstream from San Antonio. Perched channel conditions can be a factor in channel plugging.

The perching of the active channel provides water at a larger variety of flows to a broader area of riparian vegetation that is used by flycatchers as well as lower velocity habitats for silvery minnow. A connected flood plain provides important larval and rearing habitats for silvery minnow as well as inundated riparian vegetation for flycatcher.

5.5.1.10 Increased Channel Uniformity (Sediment Transport Capacity Can Be Either Greater or Lesser than Sediment Supply)

On a reach scale in the MRG, morphological features (width, depth, velocity, flood plain connection, backwater features, etc.) that were once significantly variable are becoming more uniform. This increase in channel uniformity results primarily from a decreased variability in flows and sediment supply. This decreased variability is a result of flow control, which causes lower peaks and more constant low flows. Lower peaks mean less energy is available to rework the channel and flood plain. The channel banks and flood plain do not erode as much, and sediment remains stored in the banks. More constant low flow means vegetation can grow more easily (see vegetation encroachment section above), further reinforcing the existing bank line and perhaps storing even more sediment.

In the MRG, storage of sediment behind dams in both the main stem and tributaries, less watershed erosion due to land use changes, and bank and bed stabilization have so reduced the sediment supply that, even with lower peaks, the sediment transport capacity is greater than the sediment supply for most of the MRG. SWCA (2010b) found that after the 1930s the channel dynamics in the Angostura to Isleta Reach of the MRG were diminished to the point that the riparian environment diversity became static and no longer changed as it once did.

Conditions in which the sediment transport capacity is greater than the sediment supply lead to river bed degradation or channel incision, as previously described. As the channel incises and narrows, the active channel planform moves from a wide braided channel with extensive mobile bars to a narrow single channel with few mobile bars. The wetted channel at higher flows changes from being wide and shallow with significant topographic and hydraulic variations, to narrow and deep with limited space for topography and hydraulic variations. These changes contribute to increased channel uniformity locally and also on a reach basis as the irregularities of the natural channel become more and more alike. The end result is a channel with more uniform slope and width, high, steep banks, lower suspended sediment load, and coarser bed material.

Conditions in which the sediment transport capacity is less than the sediment supply lead to channel aggradation, as previously described. Since the majority of the MRG has lateral constraints, as the channel aggrades, the space between the constraints becomes elevated. This, in turn, raises the bed elevation of the main channel, creating greater opportunities for flooding and diminishing the topographical elevation variations between the main channel and the flood plain.

Vegetation growth, as described in the section on vegetation encroachment, is encouraged by the smaller in-channel forces created by lower peak flows and the greater connectivity between the main channel and the flood plain. Bars often attach to the bank as the channels fill in, decreasing bar mobility. Under these conditions, the active channel planform moves towards a narrow active channel with a more consistent width and limited sediment mobility.

Figure 51 illustrates one aspect of channel uniformity, the variability of the channel width within a reach. The narrowing of the gap between the maximum and minimum measured widths and the decrease in the standard deviation are an indication that widths are becoming increasingly uniform.

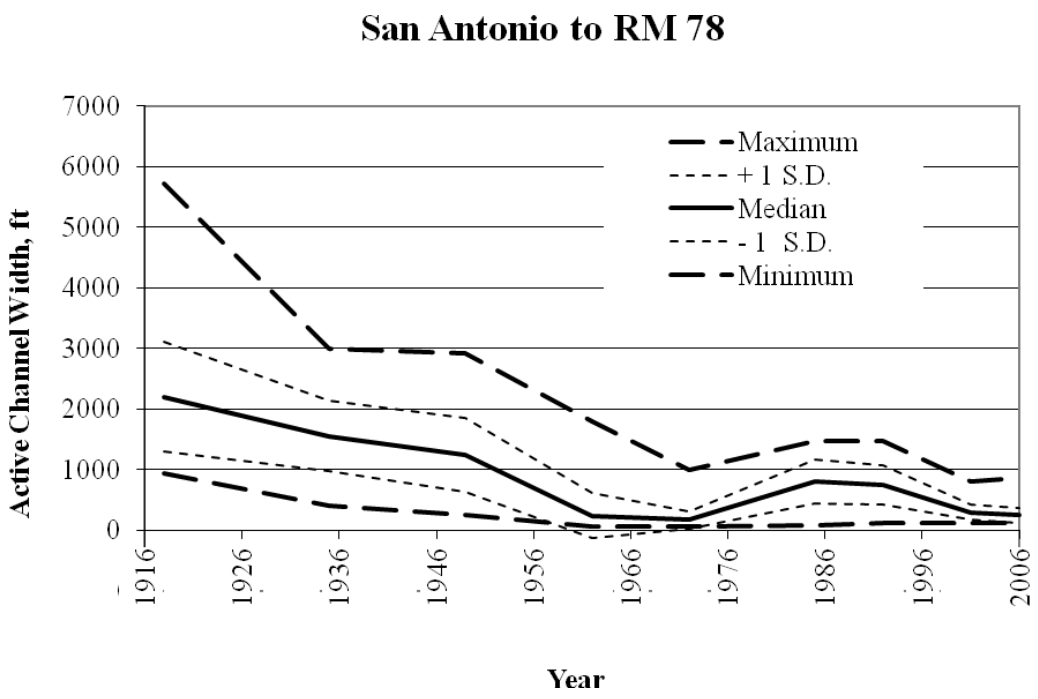

Figure 51. Channel mean width change over time with standard deviation for San Antonio (RM 87.1 to RM 78).

5.6 Actions to Avoid, Minimize, or Mitigate

This environmental baseline is also affected by many ongoing activities that the Service prescribed in biological opinions issued over the last 10 years, as well as other activities that have had positive effects on the status and knowledge of the species. Many of these activities have been carried out by the Collaborative Program, which focuses on improving the status of the listed endangered species in the MRG including the silvery minnow and the flycatcher. These activities

serve as a tool to conserve listed species, assist with species recovery, and help protect critical habitat.

The following is a brief discussion of the activities carried out, including elements in the RPA, RPM, and conservation recommendations in the 2003 BiOp as well as other measures that may improve the status and knowledge of the species.

5.6.1 Environmental Water Management

Over the past decade, Federal, State and local agencies have engaged in efforts to coordinate water and river operations to improve system operations and achieve ESA compliance. Environmental water operations are triggered by 2003 BiOp flow criteria. RPA Element C mandates that reconnaissance of portions of the Middle Rio Grande be performed to:

1. Provide current information on river flows that allow Reclamation and the other agencies to react quickly to rapidly changing conditions on the river,
2. Facilitate coordination among the agencies to prevent unexpected drying.
3. Prepare for silvery minnow rescues.

Daily coordination of water operations between Federal and non-Federal partners has been especially critical during periods of limited water availability and river drying. For example, coordination with the MRGCD allowed the maintenance of short lengths of wet river during extremely dry periods through small, targeted return flows from irrigation system drains, outfalls, and wasteways. Also, coordination of the RiverEyes program with the Service's minnow salvage program allowed targeting of salvage efforts to the locations at which they would be most effective. Information provided by the RiverEyes program also allowed optimal use of pumping from the LFCC to the river as needed to limit the extent of drying, manage recession and avoid excessive stranding, and to support silvery minnow rescue operations.

Many of the RPA elements (A to O, RPMs 1.1, 3.1, and 3.2) involve water management thresholds, targets, and requirements. Element A calls for a spike release to induce silvery minnow spawning. A natural spike flow occurred in 2003 and was followed in 2009 by a spike flow resulting from an experimental deviation in the operation of Cochiti Reservoir. A deviation of Cochiti Reservoir operations also occurred in 2010, but that deviation resulted in a rapid decrease in flows following the flow spike, which may have disrupted the development of silvery minnow eggs and larvae.

Supplemental water releases have aided in maintaining the flow targets and slowing the rate of recession, which helps both minnow and flycatcher habitat (Elements A to O, RPM 3.1, 3.2). Supplemental water generally has only been used to manage the recession of spring runoff and not to augment spring peaks.

The flow requirement increases between average and wet years in the 2003 BiOp may not significantly change the condition of the river but can result in a significant increase in the required water.

As part of the Supplemental Water Program (Element O, RPM 4.1), in the San Acacia Reach, pumping from the LFCC to the river is done at four locations. The use of this water to manage river recession has been successful and has allowed many of the fish to move with the receding river. Pumping for flycatchers has not been done directly and should be assessed on a case-by-case basis where appropriate; during very dry years, it is theorized that pumping may attract predators to areas where flycatchers are nesting. In recent years, pumps have run continuously at the south boundary of BDANWR during low flow conditions though not required by the 2003 BiOp. There has been no assessment of the effectiveness of pumping to benefit the species or how effective the pumped water is at maintaining river connectivity.

5.6.1.1 Reclamation's Supplemental Water Program

Reclamation initiated its Supplemental Water Program in 1996 to support water needs of the ESA-listed species in the MRG. The program originally included acquisition, storage in upstream reservoirs, and release of water to support river flows. Since 2001, it also has included operation of a pumping network in the San Acacia Reach to pump water from the LFCC to the river. Reclamation has enhanced the flexibility of its program of leases of annual allotments of SJC Project water with a program of waivers of release dates from Heron Reservoir of contracted water. This program of release waivers has served to further enhance water releases for environmental and recreational purposes on the Rio Chama.

Through these methods, Reclamation has acquired a supply of Supplemental Water over the past decade and used this water to support river flows and manage recession to meet the needs of the endangered species and the terms of the BiOps. Since 2003, Reclamation has released an average of 28,568 AFY of Supplemental Water in the manner deemed to provide the most benefit to the listed species. An updated NEPA analysis of the current Program was completed in 2011, and a finding of no significant impact was issued.

The Program has included the following elements:

- Lease from contractors and storage of SJC Project water
- Heron Reservoir release waiver
- Acquisition and storage of relinquished credit water from the State of New Mexico;

- Release of Supplemental Water to meet the needs of listed species
- Pumping of water from the LFCC to the San Acacia Reach of the Rio Grande

These elements of the program are described in more detail in the following subsections.

5.6.1.1.1 San Juan-Chama Project Water Acquisition and Storage

Since 1997, Reclamation has acquired most of its Supplemental Water Program water by entering into temporary lease agreements with SJC Project contractors. The amounts and sources of these leases each year are summarized in table 6.

Since 2003, Reclamation has leased an average of 24,664 AF of water from SJC Project contractors annually.

Figure 52 presents a summary of the water obtained for Reclamation's Supplemental Water Program from willing SJC Project contractors since 2001. The primary source of SJC Project water to the program has been the ABCWUA. However, as previously described, ABCWUA has brought online its drinking water diversion, through which it plans to use its allocation of SJC Project water for urban supply. Therefore, the availability of this water to Reclamation's Supplemental Water Program has been significantly reduced.

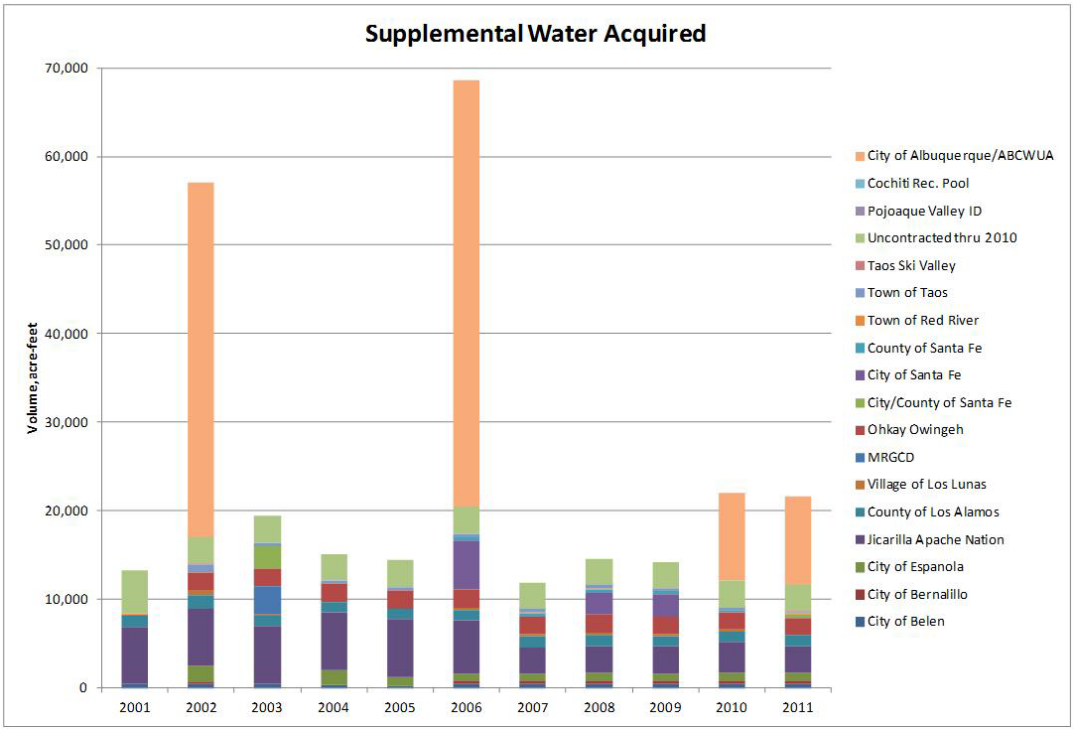

Figure 52. Summary of San Juan-Chama Project water leased to Reclamation's Supplemental Water Program.

Table 6. Leased supplemental San Juan-Chama Project water (1997–2011)

CONTRACTOR	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Albuquerque	10,000	10,000	10,000	64,500		40,000				48,200				10,000	10,000	202,700
City of Belen			800	700	400	470	504	354	242	450	470	470	400	450	450	6,160
City of Bernalillo						300				400	320	400	400	400	400	2,620
City of Espanola		2,000	2,000	5,000		1,687		1,650	1,000	800	856	850	850	850	900	18,443
Jicarilla Apache Nation			6,500	6,500	6,500	6,500	6,500	6,500	6,500	6,000	2,948	3,000	3,000	3,500	3,000	66,948
County of Los Alamos		3,650	3,600	5,000	1,200	1,529	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	25,779
Village of Los Lunas		500	500	300	200	500	100			256	293	331	200	200		3,380
MRGCD							3,132									3,132
Ohkay Owingeh						2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	20,000
City of Santa Fe		10,000	10,000	10,000			2,500			5,500		2,500	2,500		375	43,375
County of Santa Fe										375	375	375	375	175		1,675
Town of Red River			60	60	60	60	60	60	60	60	60	60	60	60	60	780
Town of Taos			400	400		937	419	400	400	400	400	400	200	245	225	4,826
Taos Ski Valley			50	50		53					15	15	15	8	8	214
Uncontracted		4,990	4,990	4,990	4,990	2,990	2,990	2,990	2,990	2,990	2,990	2,990	2,990	2,990	2,990	49,860
Total	10,000	31,140	38,900	97,500	13,350	57,026	19,405	15,154	14,392	68,631	11,927	14,591	14,190	22,078	21,608	**449,892**

Reclamation has entered into agreements with the MRGCD and ABCWUA to store the leased SJC Project water that Reclamation acquires for the Program. Under an MRGCD storage agreement, which expired at the end of 2009, Reclamation stored up to 30,000 AF of SJC Project water in El Vado Reservoir. The ABCWUA storage agreement authorizes Reclamation to store 10,000 AFY of SJC Project water in Abiquiu Reservoir through 2012, with options to extend.

5.6.1.1.2 Heron Reservoir Release Waivers

As discussed above, SJC Project contractors must take delivery of their annual allocation of SJC Project water prior to December 31 of each year; otherwise their water reverts to the SJC Project pool at Heron Reservoir. However, Reclamation regularly authorizes extension of that date, in cases for which such an extension benefits the United States. Waivers generally allow SJC Project water to remain in Heron Reservoir through April 30 of the year following the one in which the water was allocated to the contractor. Reclamation has authorized waivers even later in the year, but only under unusual circumstances.

Reclamation has authorized waivers at times when maintaining water in Heron will allow use of such water at a later date to facilitate downstream storage or when changes to the timing of deliveries help maintain fishery flows and support recreation on the Rio Chama. Reclamation also has authorized waivers to contractors who have agreed to lease their allocated water to Reclamation's Supplemental Water Program.

From 2003–2011, Reclamation acquired over 201,601 AF of San Juan-Chama Supplemental Water at a cost of approximately $17,679,696.

5.6.1.1.3 Conservation Water Agreement and Emergency Drought Water Agreement

Reclamation also includes in its Supplemental Water supplies water leased from the State of New Mexico of water obtained through relinquishment of New Mexico credits under the Rio Grande Compact. Lease of this water to Reclamation's Supplemental Water Program was made possible through the Emergency Drought Water Agreement[27] and the Conservation Water Agreement (CWA) with the State of New Mexico. CWA and EDWA water has been stored, and made available to Reclamation, consistent with the relevant interstate compacts and with State and Federal law as a conservation pool upstream of Elephant Butte Reservoir. Pursuant to the amended EDWA agreement (2003–2013), Reclamation may release up to 20,000 AF of its allocated water in any one calendar year. This water is authorized for storage while Article VII storage

[27] In 2003, Reclamation, the MRGCD, the Service, BIA, and the Corps entered into the Emergency Drought Water Management Agreement to coordinate the use of EDWA water, to provide an additional source of stored water for routine MRGCD operations, and to manage EDWA water in a manner that optimizes operations for meeting needs of both irrigators and species as set out in the 2003 BiOp.

restrictions under the Compact are in effect; and, therefore, this supply has significantly contributed to the availability of Supplemental Water during low-water years.

In 2003, New Mexico offered to relinquish up to 217,500 AF of accrued credit waters in Elephant Butte Reservoir. In April 2003, New Mexico relinquished 122,500 AF of credit water held in Elephant Butte Reservoir, and Texas accepted that water in project storage. It was further agreed that Texas would accept the balance of 95,000 AF if available. In 2004, Texas accepted an additional 53,000 AF. These agreements allowed Reclamation to store in El Vado Reservoir a maximum of 169,448 of the 175,500 AF relinquished to date while under Article VII restrictions. Approximately one-third of the relinquishment storage could be used by Reclamation on behalf of federally listed endangered species, while two-thirds of the relinquishment was assigned to the MRGCD supplies. Releases related to the EDWA storage for endangered species compliance averaged 7,620 AF over the 6-year period from 2003–2008. Credit relinquishments for 125,000 AF in 2008 enabled Article VII restrictions to be lifted. Approximately 62,500 AF of water was allocated for species needs, but EDWA waters were not actually stored in 2008. An unallocated balance of 62,500 AF of water was reserved for future as yet undefined needs. As of the end of 2011, there was 19,196 AF of EDWA water in storage at El Vado, and Reclamation has an additional unused allocation of 19,500 AF.

Reclamation also sought to maximize storage for Supplemental Water obtained either from EDWA or SJC Project water leases. Storage agreements for conservation water storage at Abiquiu Reservoir were secured, contingent on the availability of space. In 2005 and 2006, 20,000 AF of storage at Abiquiu was designated for conservation storage. A new agreement signed in 2007 identified 10,000 AF of conservation storage space. Since ABCWUA has brought its SJC Drinking Water Project online, the amount of potentially available conservation storage space available at Abiquiu is increasing and is expected to ultimately increase to about 30,000 AF.

From 2003–2011, Reclamation acquired over 64,509 AF of Supplemental Water under the Emergency Drought Water Agreement at a cost of approximately $6,450,900.

5.6.1.1.4 Release of Supplemental Water

Supplemental water acquired as described in the sections above has been released from storage by Reclamation as needed to meet the needs of listed species. Since SJC Project waters are not authorized to be used for delivery compliance under the Compact, Reclamation has exchanged the leased SJC Project water with MRGCD for native Rio Grande flows. The SJC Project water leased each year by Reclamation has, therefore, been used beneficially in New Mexico for irrigation, while native waters have augmented stream flow and provided benefits to the

listed species. The MRGCD has used the exchanged Supplemental Water for irrigation once it has passed the downstream-most flow target.

The following figure 53 shows the total water released under the Supplemental Water Program for ESA purposes over the past decade. It is evident from this figure that CWA and EDWA water were a significant source of water released to benefit listed species during the drought years of the early part of the past decade. Please note that in 2001 and 2002, water was released according to different criteria and flow targets than in the years covered by the 2003 BiOp. In 2000, 171,000 AF was released that was related to a court order to keep the Rio Grande wet pending re-consultation with the Service over the minnow. This process resulted in the 2001 BiOp. In 2002, 73,000 AF was released under the 2001BiOp.

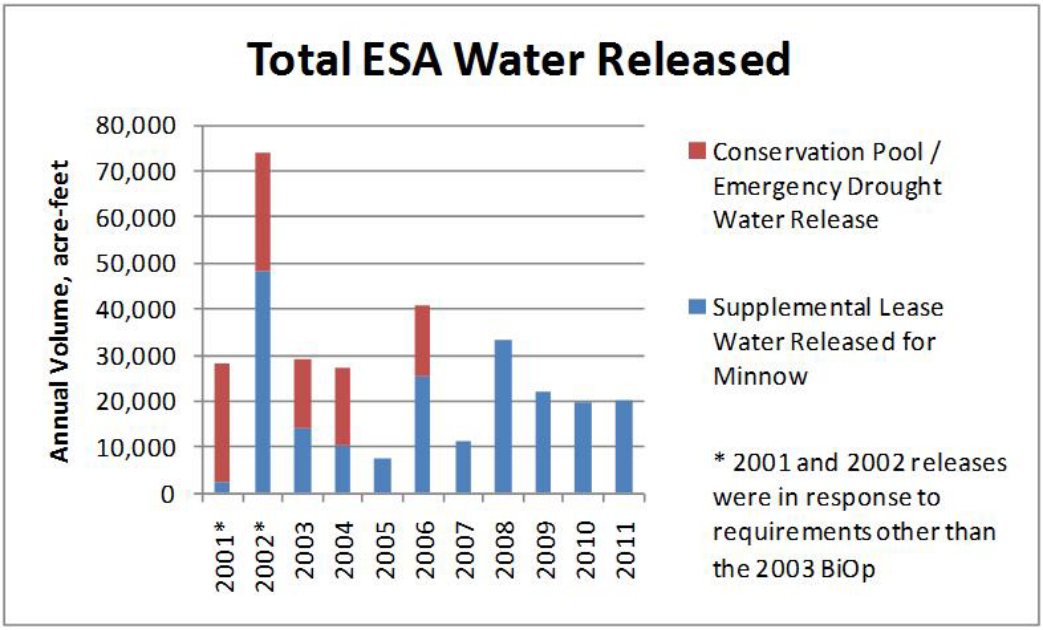

Figure 53. Summary of water released annually to meet the needs of listed species under Reclamation's Supplemental Water Program.

A new Biological Opinion was implemented as of March 13, 2003, and the remaining releases were made to meet the requirements of that BiOp. The annual average release of water for ESA purposes under the 2003 BiOp was 28.568 AF, of which 19,593 AF was leased SJC water, and 8,975 AF was conservation pool/emergency drought water.

About one-third of Supplemental Water released was used to support continuous flow requirements, spring spawning and recruitment flows, and to manage recession (March–June) while the remaining two-thirds of Supplemental Water supplies were released to meet late season flow targets (July–October) or manage recession after rewetting.

The date of first release of Supplemental Water has varied widely, from early March to early August. These variations, which are graphed in figures 54 and 55, are dependent on hydrologic conditions (the earliest dates are from the drought years of 2002–2004) and BiOp requirements for a given year. The last release date for Supplemental Water each year was in October, the last month of the irrigation season for non-Pueblo irrigators, except in 2006, in which it was in early November, during the final period of Pueblo irrigation. In figures 54 and 55, these dates of ESA water release are compared to the dates of reported river drying in the Isleta Reach and the San Acacia Reach. As can be seen on these graphs, ESA water release typically has been initiated in anticipation of river drying in these reaches.

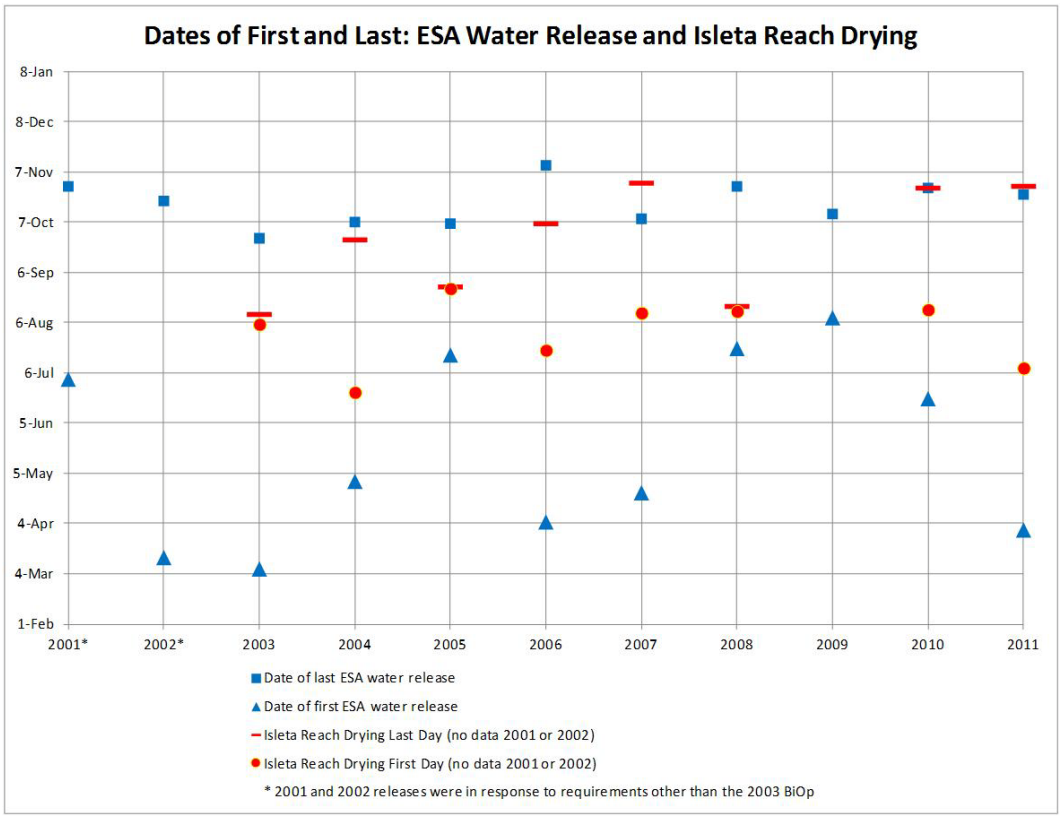

Figure 54. Comparison of dates of first and last release of water from Reclamation's Supplemental Water Program to dates of reported river drying in the Isleta Reach, 2001–2011.

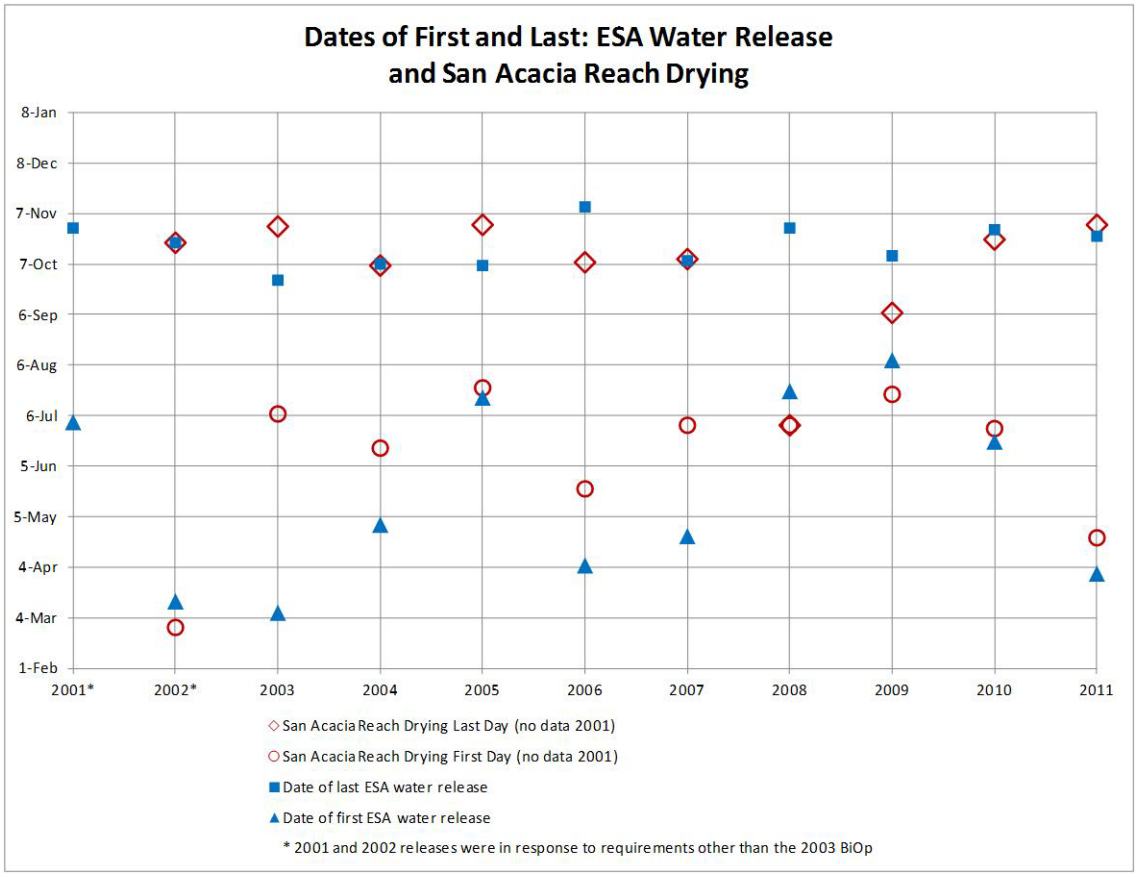

Figure 55. Comparison of dates of first and last release of water from Reclamation's Supplemental Water Program to dates of reported river drying in the San Acacia Reach, 2001–2011.

The data presented demonstrate that Reclamation has met the flow requirements of the 2001 and 2003 BiOps over the past decade, but that Reclamation's ability to do so was dependent on the following conditions and events:

- The availability of water to be leased to Reclamation's Supplemental Water Program, including both SJC Project water leased from willing sellers and water relinquished and leased to Reclamation by the State of New Mexico.

- Conservations measures and other helpful water management actions performed by Reclamation's water management partners, including the Corps, the Service /BDA National Wildlife Refuge, the State of New Mexico, and the MRGCD.

- No years with small, early snowmelt runoffs, such that Supplemental Water is required to maintain continuous flow throughout the MRG.

5.6.1.1.5 Pumping from the Low Flow Conveyance Channel

Due to the long travel times for Supplemental Water stored in Rio Chama reservoirs, various types of diversion and river losses, and difficulties in meeting downstream flow targets during dry periods, Reclamation implemented a local water management alternative in the reach below San Acacia Diversion Dam, in which water, collected from seepage into the LFCC, is pumped from LFCC to the river. From 2001–2010, pumping of water from the LFCC to the river in the San Acacia Reach has been used to limit the extent of river drying from Neil Cupp south to Fort Craig and to assist in managing river recession and silvery minnow rescue. LFCC pumping was identified in the 2003 BiOp as a beneficial action that helps sustain habitat for both the silvery minnow and Southwestern willow flycatcher. Accordingly, Reclamation has performed this action as part of its Supplemental Water Program. As such, it does not preclude river drying when drying is allowed under the 2003 BiOp.

In 2000, Reclamation installed and operated temporary pumps at Neil Cupp, Mid-Bosque, South Boundary, and Ft. Craig to alleviate drying in the Rio Grande to benefit the RGSM and SWWF. Subsequently, Reclamation relocated the Mid-Bosque pumps to North Boundary. In June 2005 Reclamation produced an appraisal design study on installing permanent, electrically operated pumps at the four historical sites. Due to monetary concerns, the permanent-pump alternative was not pursued. At present, sites are located at both the northern and southern boundaries of Bosque del Apache Wildlife Refuge (North Boundary, South Boundary), Neil Cupp and Fort Craig.

Although not required by the 2003 BiOp, Reclamation has continuously pumped water from the LFCC to the river at South Boundary during each of the summer drying seasons except 2008, to maintain river flows south of BDANWR for the benefit of the minnow. Other stations are used as needed and, as water is available, to assist in managing river recession (generally before the end of June) and to support RGSM salvage and rescue operations. The pumps at North Boundary and at Neil Cupp have been operated intermittently, primarily due to the need to balance the use of the available water in the LFCC between the Supplemental Water Program, the MRGCD (which has an LFCC diversion structure at Neil Cupp) and the BDANWR (which has an LFCC diversion structure at the north boundary of the refuge).

Figure 56 shows the total amount of pumping from all of the LFCC pump stations since 2001 on an annual basis. LFCC pumping volumes ranged from 30 (2008) to 32,481 (2002) AFY. As this figure shows, total pumping was highest during the early 21st century drought years and has declined considerably since. A typical distribution of volume pumped at each site is given in figure 57, which was representative of the 2006 pumping season.

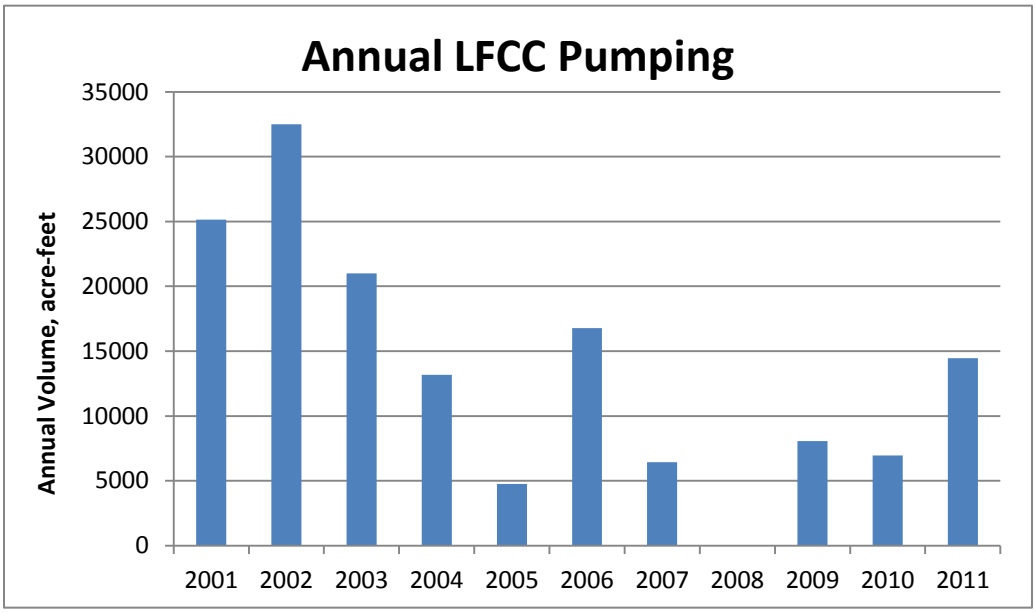

Figure 56. Summary of water pumped annually from the LFCC to the San Acacia Reach of the Rio Grande, as part of Reclamation's Supplemental Water Program.

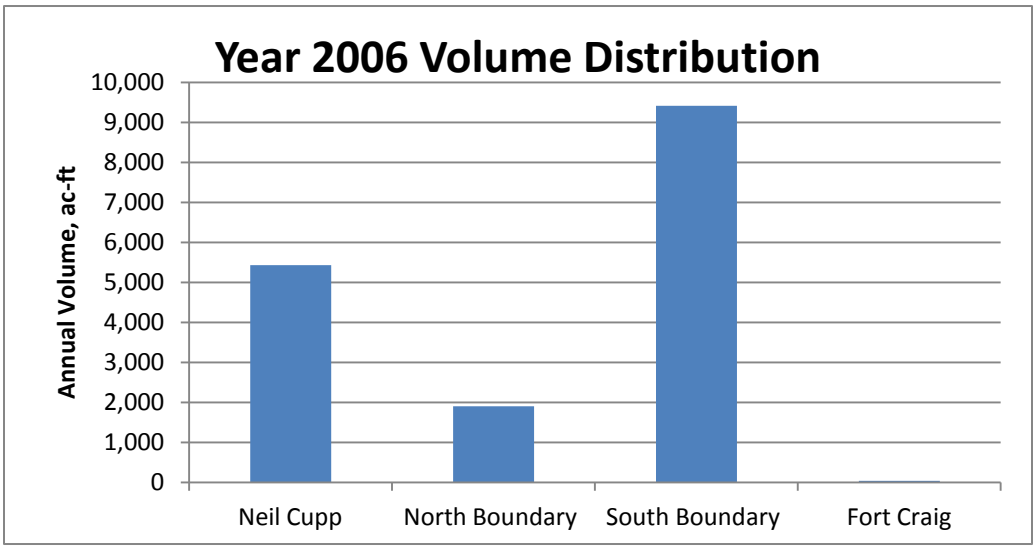

Figure 57. 2006 distribution of annual volume pumped from the LFCC across the four pumping sites used during the baseline period.

Figure 58 provides a comparison of the time period during each calendar year in which Reclamation has pumped water from the LFCC to the San Acacia Reach of the river to the time period in which drying was reported in this reach. In most of these years, pumping has been initiated in anticipation of river drying and has helped to ameliorate the effects of that drying on the species by providing refugial wetted habitat at key locations.

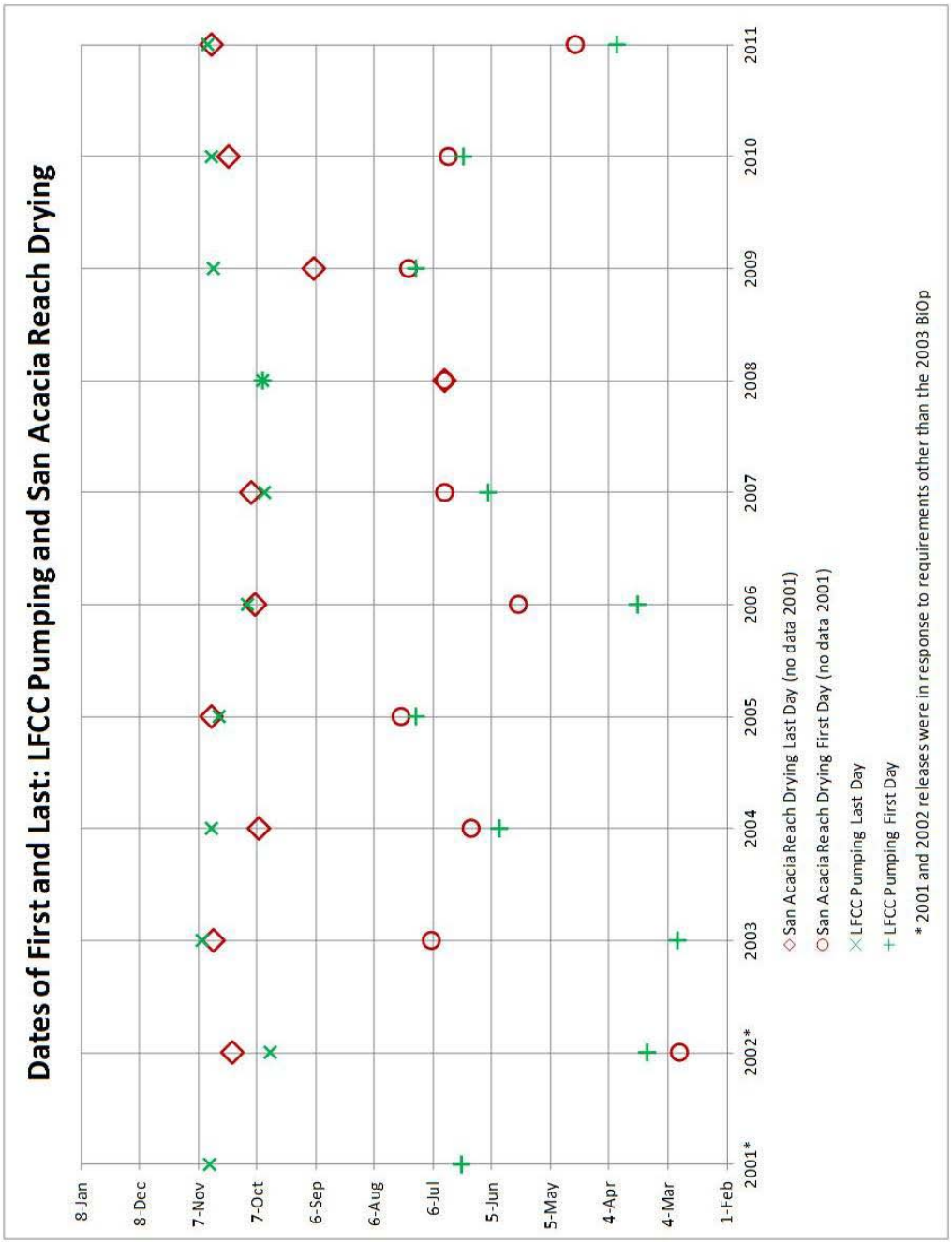

Figure 58. Comparison of the calendar days of supplemental water release to the calendar days of pumping from the Low Flow Conveyance Channel.

5.6.1.2 MRGCD's Conservation Activities.

The MRGCD takes the below-described measures to support listed species. Additionally, the MRGCD participates in and shares the cost of the Collaborative Program/RIP, and funds PVA model development (full funding for one of the two models under development).

5.6.1.2.1 MRGCD's Enhanced Coordination for Environmental Water Operations

The MRGCD's enhanced coordination for environmental water operations have included the following timeframe:

- Participation in the regular management of water operations throughout the MRG, in conjunction with Reclamation, the Corps, NMISC, the ABCWUA, and the Service with the goal of providing efficient water management, meeting the needs of all State of New Mexico permitted water uses, remaining in compliance with the Compact, and benefitting the species to the greatest extent practical.

- Provision of access to MRGCD managed lands for operational and scientific purposes involving species (including guides, keys, etc.), including activities related to habitat restoration projects, fish monitoring, and fish salvage.

- Operation and maintenance of measurement stations, telemetry equipment, computer processing, and data exchange networks to collect and distribute information on MRGCD water operations to other water management entities and the general public.

- Expansion and refinement, with funding and cooperation from the State of New Mexico, Reclamation, and the Program, of the network of MRGCD measurement stations to contribute to a more thorough scientific understanding of water movement, distribution, and use throughout the MRG.

- Support for efforts by Reclamation and NMISC to fully understand Rio Grande depletions from all sources through participation in river measurements made by various entities.

- Support for management of Supplemental Water by Reclamation, and species salvage by the Service, through participation in river measurements during critical periods.

5.6.1.2.2 MRGCD Operations to Support Instream Habitat and Flow Management

The primary purpose of the MRGCD's operational measures described below has been to benefit listed species.

- MRGCD requested that Reclamation release from El Vado only the amount of irrigation water necessary to sufficiently augment native supplies to meet agricultural demands. This operational efficiency has the goal of increasing annual carryover of stored water, minimizing both Reclamation's need for Supplemental Water for the species and impacts of subsequent storage operations on flows. This allowed the MRGCD to minimize the rate of diversion at the Diversion Dams during critical times, most significantly Angostura Diversion Dam, and to continue to use the layout of the four MRGCD divisions to efficiently re-use return flows.

- The MRGCD has managed releases of return flows from drain outfalls and wasteways to better meet the needs of RGSM. These releases, which have been coordinated with Reclamation's Supplemental Water Program, have increased the consistency of return flows and have provided discrete wetted sections that have served as refugia for RGSM, with possible SWFL benefit. On occasion, the MRGCD managed these releases to assist the Service with its RGSM rescue efforts.

- The MRGCD has exchanged Reclamation's Supplemental Water, as necessary, for an equal amount of native water. This exchange has ensured that all SJC Project water that was released under the Supplemental Water Program was beneficially consumed within the MRG.

- The MRGCD has borne all losses to Reclamation Supplemental Water through Cochiti Dam and Albuquerque Reaches. As a result, Supplemental Water has been conveyed through the Cochiti and Albuquerque Reaches without incurring any loss. In exchange, the MRGCD has diverted the remaining Supplemental Water once it has passed the downsteam-most flow target specified in the 2003 BiOp.

- During periods with a continuous flow requirement through the MRG, the MRGCD has borne a variable portion of losses to Reclamations' Supplemental Water, to ensure that 50% of the Supplemental Water arriving at Isleta Diversion Dam is passed through the Isleta Reach to the San Acacia Diversion Dam.

- During its shortage/conservation operations in the fall of 2011, the MRGCD reduced diversions at Angostura Diversion Dam to the minimum practical rate of flow required to meet irrigation demand within the Albuquerque division.

- The MRGCD has exchanged water with Reclamation's Supplemental Water Program to allow the program to achieve intended rates of flow below diversion dams without accounting for travel time between the reservoir from which the water was released and the river reach of concern

(that is, when Reclamation has begun releasing Supplemental Water, the MRGCD has bypassed water through its diversion dams to support critical reaches downstream, even though the Supplemental Water had not yet reached the diversion dam). The MRGCD has taken actions to avoid the sealing of gates in the Isleta Diversion Dam, such that the normal gate leakage of approximately 8 cfs is maintained throughout the irrigation season. This water has provided critical refugial habitat for the minnow downstream from the dam.

- The MRGCD has taken actions to avoid the sealing of gates in the San Acacia Diversion Dam, such that the normal gate leakage of a approximately 8 cfs is maintained throughout the irrigation season. This water has provided critical refugial habitat for the minnow downstream from the dam.

5.6.1.2.3 The MRGCD's Operation to Support Spring Peak Flows

- The MRGCD has minimized or temporarily suspended diversions during periods of peak silvery minnow egg production to minimize incidental entrainment of eggs and larvae into irrigation canals; this action has been subject to rates of flow, agricultural needs, and coordination with the Service.

- The MRGCD has coordinated its storage requests with Reclamation, NMISC, and the Corps with the goal of maximizing peak discharge and/or duration of the spring runoff through the MRG to benefit the species.

5.6.2 Habitat Improvement

Habitat restoration elements in the 2003 BiOp include various components meant to benefit the species. Some elements are basically coordination efforts to utilize the best available methods to minimize take. For example, any project that may potentially affect flycatcher or minnow habitat is coordinated with the Service including maintenance of LFCC pumps (Element P). This includes vegetation clearing and other activities that surround the pump sites. Water is a key element within the Rio Grande, and many gages in the river and within MRGCD (Element Q) have helped to ascertain the accurate accounting of water use. Other elements are more specific to improving conditions for endangered species and may be specifically tied to the recovery plan.

5.6.2.1 Fish Passage

Fish passage (Element R) has been delayed due to needed additional assessments. An external peer review process, initiated through the Collaborative Program, was completed in 2011. This peer review of the science surrounding the need for fish passage found that there was much uncertainty surrounding what the goals for fish passage are, and how many silvery minnow would need to use it to accomplish

these goals (PBS&J 2011). The peer review panel recommended that more research into the relationship between genetic diversity and dam fragmentation as well as the influence of habitat mitigation within reaches on movement, growth, survival, and reproductive success of the silvery minnow be conducted before fish passage at San Acacia Diversion Dam is attempted.

5.6.2.2 Habitat Restoration

Habitat improvement projects (Elements S, T, and X) and efforts by other parties in coordination with the Collaborative Program, yielded over 2,500 acres of habitat restoration work in the MRG at a cost of $16,487,092. This amount includes Reclamation and Collaborative Program amounts for actual construction. Additional funding was provided for planning, design, and monitoring costs (not included in the $16.4 million).

The initial focus of these restoration efforts was in the more degraded upstream reaches between Cochiti Dam and Isleta Diversion Dam. However, more recently the emphasis has expanded to include significant restoration efforts in the Isleta Reach. Funded through the Collaborative Program, the Corps, Reclamation, the Service's Management of Exotics for Recovery of Endangered Species program, ABCWUA, the Pueblos, city of Albuquerque, and others have provided localized changes to improve riverine and riparian conditions along the MRG.

The projects have used techniques including creating/opening secondary high flow channels, lowering/clearing bank lines, islands, and adjacent bars, creating overbank flooded habitat, clearing non-native vegetation, planting native vegetation, building gradient reduction facilities, widening the river channel, placing large woody debris, building embayments and backwater areas, and removing lateral constraints. Further descriptions of the methods, the most likely geomorphic and biological response, as well as habitat characteristics of the habitat restoration techniques commonly used on the MRG over the last decade is included in appendix 1. Because the MRG is actively self-regulating to balance its sediment transport capacity and sediment supply, exact geomorphic and biological responses to a particular method after implementation are more difficult than for rivers that are closer to a sediment balance. Caveats on the use of the geomorphic responses are described in the Channel Conditions and Dynamics section.

The objective of many of the projects has been to provide additional low velocity habitats during high flows and increase retention of eggs and larvae within the upper reaches of the river when inundation targets are met for these projects. Habitat restoration techniques that have been used for improving habitat at lower flow conditions include creation of refugial habitat at drains and placement of cottonwood snags or large woody debris that create pool habitat. Specific

projects for flycatchers also have been completed, which replace monotypic stands of saltcedar with dense native vegetation and provide greater flood plain connectivity.

Monitoring is ongoing to evaluate if restoration is producing positive results for minnows and flycatchers and to evaluate effectiveness of techniques used. Generally, most projects have had positive results and use by minnow. For silvery minnow, it is considered to be a success if more low velocity habitat is available at the sites than was available prior to restoration. Large numbers of silvery minnow have been collected on inundated sites (Collaborative Program 2011, SWCA 2010a&b). Creation of suitable flycatcher habitat is predicted to take several years postconstruction for mature vegetation to establish. No suitable habitat was identified in the 2008 flycatcher habitat suitability model. At this time, no flycatcher nesting has been verified on any program habitat restoration sites.

Hydrologic monitoring on NMISC restoration sites indicates that these sites provide fish habitat that is lower velocity and shallower than the adjacent river channel. Monitoring efforts also have been analyzed to understand the potential differences in hydrological conditions produced by different general restoration techniques. For this effort, four broad categories of habitat restoration techniques were used: high flow channels, backwaters, and lowering of bank shelves and islands (table 7). While all techniques produced hydrologic habitat conditions that fall within the suitable habitat range, backwaters generally produced the lowest velocity and the second highest depths. High-flow channels resulted in both the highest depth and highest velocity conditions. Shelves and islands were the only two techniques that had conditions within the suitable habitat range recorded in each measured transect (ISC 2011 DRAFT).

The amount of restored habitats that inundate annually varies depending on discharge. Most features have been designed to inundate at flows between 1,500 and 3,500 cfs at the site location. The amount of restored acreage that inundates annually increases with the amount of flow, though all features do not function equally at flows greater than their designed inundation level. For example, a feature designed to inundate at 1,500 cfs may not provide low velocity habitat at 3,500cfs. Since the year 2000, 4 years had spring discharge levels that fully inundated restored sites in the Albuquerque Reach (> 3,500 cfs) for more than 10 days, while 5 years failed to inundate any sites designed for 1,500 cfs or more for at least 10 days (table 8). Available data for the Bosque Farms and 346 Bridge Gage show that the inundation targets for restoration sites in the Isleta Reach are met less often. Table 9 provides a brief description of habitat restoration projects and the listed acreage of that work. Information was compiled from three sources: The Middle Rio Grande Endangered Species Collaborative Program's (MRGESCP) annual reports and Reclamation's annual Biological Opinion Accomplishment Reports sent to the Service.

Table 7. Average depth and velocity conditions on categorized habitat restoration sites (ISC 2011 Draft)

Technique Categories	Sample Number (n)	Mean Depth (ft)	Mean Velocity (ft/sec)
High Flow Channels	24	1.23	1.24
Backwaters	15	1.18	0.23
Bank Shelves	33	0.76	0.35
Island	24	0.67	0.32

Table 8. Maximum consecutive days of discharge exceeding habitat restoration inundation targets at Albuquerque Gage from 2000–2011 (USGS8330000), Bosque Farms Gage from 2006–2011 (USGS 08331160), and Highway 346 Gage from 2006–2011 (USGS 08331510). Dark shading indicates no days with average discharge greater than inundation targets. Lighter shading indicates inundation less than 10 consecutive days.

Albuquerque Reach			
Albuquerque Gage	**Inundation Targets (cfs)**		
Year	**3,500**	**2,500**	**1,500**
2000			
2001	2	6	37
2002			
2003			
2004		1	13
2005	71	78	88
2006			1
2007	3	15	37
2008	22	92	103
2009	20	34	47
2010	12	31	62
2011			

Isleta Reach			
Bosque Farms Gage	**Inundation Targets (cfs)**		
Year	**3,500**	**2,500**	**1,500**
2006		1	2
2007		4	28
2008	11	27	92
2009	13	28	35
2010	4	6	31
2011			
346 Bridge			
2006			
2007		4	27
2008	12	26	93
2009	15	33	35
2010	5	7	32
2011			

Table 9. Summary of habitat restoration activity on the Rio Grande, sorted by geomorphic reach

Year	Type of Work	Project Lead/ Project Name	Total Work Done
	Rio Chama to Otowi Bridge		
2004	Non-native vegetation removal and native vegetation planting	Ohkay Owingeh Pueblo	40 acres vegetative removal,75 acres native planted
	Removal of approximately 40 acres of Russian olive and other exotic vegetation. In addition, willows and native wetland plants were planted in two areas.	Ohkay Owingeh Pueblo	75 acres
2005	SWFL habitat created at Ohkay Owingeh Pueblo creation of high flow channels, removal of non-native trees, and planting of native tree species	Ohkay Owingeh Pueblo	10 acres
2007	Ohkay Owingeh Pueblo installed habitat within restored bosque, also included exotic vegetation removal	Ohkay Owingeh Pueblo	10 acres
2007	Buried Bendway weirs at San Ildefonso	Reclamation	
2008	Ohkay Owingeh Pueblo installed habitat within restored bosque, also included exotic vegetation removal	Ohkay Owingeh Pueblo	38 acres removed, replanted
2010	Ohkay Owingeh Pueblo invasive species removal and native vegetation planting• 15,000 herbaceous wetland plants, 3500 coyote and Gooding's willows, and 148 box elder.	Ohkay Owingeh Pueblo	279 acres replanted
	Total Rio Chama to Otowi		**487 acres of habitat work**
	Cochiti Dam Reach		
2005	Bank lowering at Santa Fe River confluence1.6 acres re-connected to river and planted with native vegetation	Reclamation	1.6 acres reconnected
2006	Modification of side channel to connect with main stem, creation of embayments and backwater, non-native vegetation removal.	Santo Domingo	114 acres non-native removed, 2 acres side channel, embayment
2007	Santo Domingo Pueblo reconnected an old oxbow to the main channel, created embayments, and installed large woody debris to the main channel	Santo Domingo	23 acres, oxbow recreation
2008	Removal of non-native vegetation at San Felipe Pueblo	San Felipe Pueblo	10 acres non-native removed
2008	Riparian and backwater area creation; bioengineering at the Pueblo de Cochiti	Reclamation	7 acres backwater
2009	Santo Domingo Pueblo - removal of invasive species and channel restoration over three areas	Santo Domingo	58 acres combined non-native removal and channel
2010	Santo Domingo Endangered Species Habitat Improvement Project Phase IV– reconstruction of a historic side channel	Santo Domingo	9 acres historic side channel
2011	Revegetation and construction at two Santo Domingo sites	Santo Domingo	30 acres
	Vegetation clearing, riparian and backwater area creation, bioengineering at the Pueblo of San Felipe	Reclamation	18 acres of non-native vegetation removal, 5 acres of habitat restoration; bioengineering planted with native vegetation
	Total Cochiti to Angostura		**272.6 acres habitat work**

Angostura Reach

Table 9. Summary of habitat restoration activity on the Rio Grande, sorted by geomorphic reach

2003	Habitat restoration at the Pueblo of Sandia	Sandia Pueblo	40 acres restored
2003	Clearing non-native vegetation, installation of willow swales and Gradient Restoration Facilities.	Santa Ana	Cleared 500 acres of bosque, 100 acres of willow swale, 4 GRFs
2003-2004	Perennial pools created using cottonwood large woody debris through Albuquerque reach	MRGCD	3 Cottonwood Snags
2004	Willow swale installation at Santa Ana Pueblo	Santa Ana Pueblo	10 acres willow swale
2004	Wetland creation and bosque restoration at Tingley Beach	City of Albuquerque	48 acres restoration, wetland creation (Tingley)
2005	Island and bank destabilization through the Albuquerque reach	ISC/Reclamation	12 acres bar destabilization
2005	Pond reconstruction, bosque restoration, and wetland creation at Tingley Beach	City of Albuquerque	9 acres wetlands construction, 15 acres pond reconstruction
2005	Removal of non-native vegetation throughout the Albuquerque reach		200 acres non-native removal and replanting
2006	ISC performed bank lowering, island lowering, and ephemeral channel excavation north of Alameda bridge through the Albuquerque reach	ISC	74 acres, bank, island lowering
2006	Habitat creation at the Rio Grande Nature Center	Corps/Rio Grande Nature Center	15 acres various riparian
2006	Flood plain lowering and formation of riparian habitat near Bernalillo	ISC	6 acres high flow channel
2007	Excavation of ephemeral channels and removed non-native vegetation at the Rio Bravo south site	City of Albuquerque	26 acres non-native removal near channel
2007	U.S. Highway 550, Paseo del Norte to Montano Road, in the vicinity of the I-40 bridge and in the vicinity of the South Diversion Channel. Restoration techniques included vegetated island modification, bar habitat modification, placement of large woody debris, bank scouring, bank lowering, and the establishment of ephemeral channels.	ISC	87 acres, various methods
2007	Riparian and variable flow aquatic habitat created on the Pueblo of Sandia , construction of bendway weirs and placement of rootwads	Reclamation	35 acres, mostly riparian near aquatic
2008	Habitat restoration at north Rio Bravo site	City of Albuquerque	1.3 acre Rio Bravo
2008	Rio Grande Nature Center bosque reconnection with the Rio Grande	Corps/Rio Grande Nature Center	10 acres non-native, 3 acres high flow channel
2009	Bank lowering project/habitat restoration	Corps	27 acres of habitat restored, 62 acres of banks and islands were lowered
2009	Construction of backwater and other bank lowering activities	City of Albuquerque	20 acres of bank and bar lowering; 5 acres of habitat was created by the backwater construction
2009	Removal of jetty jacks and created habitat north of Rio Bravo by reshaping of the bank	City of Albuquerque	140 jetty jacks, re-treated 20 acres of re-sprouting non-native vegetation, and planted 40 cottonwoods, 250 black willows, and 4,000 sedges and rushes. 58.3 acres of habitat were created .
2009	Route 66 bosque restoration, 121 acres of riparian restoration, 5 willow swales, and 3 high-flow channels	Corps	121 acres of habitat restored
2009	Sediment spoil pile removal	Santa Ana/ Reclamation	20 acres of overbank improved
2009	Construction of a 5-acre backwater and refugial habitat	ISC	25 Acres

Table 9. Summary of habitat restoration activity on the Rio Grande, sorted by geomorphic reach

	at an old irrigation diversion structure, named the Atrisco Diversion. Also, 20 acres of river bankline, islands, and bank-attached bars were modified by lowering and sculpting to create new flood plain habitats that inundate during spring runoff		
2009	Re-connection of flood plain at the Pueblo of Santa Ana	Pueblo of Santa Ana/Corps	62 acres of bank-lowering to increase the extent and frequency of inundation in the Pueblo's reach of the Rio Grande
2010	Project features include island and bar vegetation removal and destabilization, bank lowering, and backwater embayments	Sandia Pueblo	24 acres bar lowering, backwater
2011	Project features include island and bar vegetation removal and destabilization, bank lowering, and backwater embayments	Sandia Pueblo	30 acres, backwaters, destabilization
	Total Angostura Diversion Dam to Isleta Diversion Dam		**1,530 acres habitat work**
	Isleta Reach		
2003	Riverbank was lowered and bank features constructed at Los Lunas Habitat Restoration Project	Reclamation	50 acres bank lowering, etc.
2005	Pole planting of native vegetation at 2002 Los Lunas restoration site	Reclamation	16 acres replanted
2007	MRGCD, Reclamation, and Habitech collaborated in the anchoring of enhancement structures comprised of large cottonwood snags in the Middle Rio Grande channel at the outfalls of the three drains located upstream of Highway 308 near Belen, New Mexico in the Isleta Reach	MRGCD	Structures installed on three drains.
2008	Isleta Pueblo – Island destabilization project funded by New Mexico Water Trust Board.	Isleta Pueblo	
2009	Modification along banklines, islands, and bank-attached bars to create new flood plain habitat. The new habitat features include a large off-channel backwater in a low-lying area of the Bosque.	ISC/Isleta Phase I	24 acres, island modification and bank lowering, 5.8 acre backwater
2010	Habitat modification includes nonnative species removal, high flow channels, and bank lowering.	ISC-Reclamation/ Isleta Phase II	56 acres, various techniques
2011	Habitat modification includes nonnative species removal, high flow channels, and bank lowering.	ISC-Reclamation/ Isleta Phase II	45 acres, various
	Total Isleta Reach		**196.8 acres habitat work**
	San Acacia Reach		
2003	Helicopter spraying of dense saltcedar groves south of Socorro.		230 acres sprayed, vegetation control
2005	Setback of lateral constraints around RM 113/114	Reclamation	187 acres to readjust
2005	Removal of monotypic saltcedar and the mechanical control of non-native vegetation river bars and jetty jacks removal.	BDANWR	51 acres non-native removal
2006	Removal of monotypic saltcedar and the mechanical control of non-native vegetation river bars and jetty jacks removal.	BDANWR	76 acres non-native removal
2009	Setback of lateral constraints around RM 111, additional space provided for river to self adjust	Reclamation	59 acres setback
	Total San Acacia Reach		603 acres habitat work
	Total habitat work (all reaches)		**3,089 acres**

5.6.2.3 Railroad Bridge Relocation

The relocation of the railroad bridge at San Marcial (Element U) has not been implemented due to cost and lack of agency authorization. With the steady lowering of Elephant Butte Reservoir levels since 2001, the headcut that has resulted has contributed to increasing the flow capability under the bridge, which was the original reason for the relocation.

5.6.2.4 Overbank Flooding and Sediment Transport

The Corps has stored and later released floodwater to increase the number of days of flood plain inundation downstream from Cochiti Dam. With a degraded river channel and the very established vegetation along much of the river, the maximum flow allowed from Cochiti Dam (7,000 cfs) has limited ability to create new backwater habitats for silvery minnow and flycatcher within the upper reaches (Element V). Habitat restoration projects have increased the area that inundates at lower discharge levels. Increased sediment transport out of Cochiti, Jemez, and Galisteo Dams, (Element W) has not fully been implemented but is ongoing. In addition to this possible source of sediment into the overall sediment starved MRG, and indirect benefit from all the ongoing habitat restoration work is that approximately 2–3 million cubic yards of sediment have been reintroduced into the river. This number is derived from a summation of Clean Water Act 404 permits and environmental assessments submitted for the projects.

5.6.3 Salvage and Captive Propagation and Actions to Minimize Take of Silvery Minnow

Propagation of silvery minnow has been very successful; in most years, there are more minnows available at propagation facilities than are needed for MRG augmentation activities (Element Y, Z, AA). Dexter National Fish Hatchery and Technology Center has been able to supply more than enough minnows than are required annually for the MRG. Hatchery fish also are maintained in two other facilities (Albuquerque Biopark and NMISC Los Lunas Refugium). Minnows also were held at the New Mexico State University A-Mountain Facility for research purposes. That program was discontinued in 2009. Genetic testing so far indicates that the captive fish are representative of the wild population, and augmentation has aided in maintaining genetic diversity between reaches (Osborne and Turner 2012). A fourth recently constructed Minnow Sanctuary within the Angostura Reach will also eventually contribute towards minnow management. If negative impacts to minnow population occur in the river, these propagation facilities can provide minnows back to the river. Reclamation and the Collaborative Program exceeded the monetary support requirements for these propagation facilities with a total of $6,644,970 provided to the Service, the Albuquerque Biopark, the ISC Refugium, and the Minnow Sanctuary for expansion (at Dexter) and O&M to date.

The 10j experimental population in the Big Bend area (Element BB) is now in its third year, and recruitment has occurred. Hatchery produced minnows were provided for this reintroduction from MRG propagation facilities. The population needs to be monitored for several more years, but the results are encouraging. Lessons learned from this activity can be used when the next population is established (Element CC). Reclamation and the Collaborative Program exceeded the monetary support requirements for this activity with a total of $1,120,00 provided to the Service to date.

Silvery minnow have been salvaged from drying reaches each year except 2008 (RPM 1.2, 1.3). To determine the extent of drying and facilitate salvage of silvery minnow, RiverEyes contractors monitor the river daily (Element C). It has been difficult to determine how salvage benefits (RPM 1.3) the silvery minnow population, since it likely depends on the duration and magnitude of drying; but relocating fish into flowing habitat does reduce the amount of mortality due to drying. Protocols for salvage were adjusted in 2007 in an effort to increase the likelihood that salvaged fish are fit enough to survive when released (Remshardt 2010, Caldwell et al. 2010). River flows are ramped down slowly using Supplemental Water in coordination with the Service. Pumping from the LFCC aids the ramp down process.

During the spawning period for the silvery minnow, egg monitoring in irrigation canals and entrainment have been assessed, and egg monitoring and collection occurs within the river channel (RPM 2.1 and 2.2). Egg monitoring has occurred each year except 2005. The Service monitors eggs within the canals and more indepth analysis of the egg entrainment data is underway by the Service. ABCWUA also conduct egg monitoring activities upstream of the Paseo del Norte diversion, near the water intake point, to estimate and reduce the amount of silvery minnow eggs entrained in the diversion structure. Egg collection activities are coordinated between the city of Albuquerque and the Service.

5.6.4 Water Quality

Since 2001, there are many general water quality assessments and specific studies that have been completed or are in process (Element DD, EE). Much of the data collected by these studies has not been clear and definitive on the effects of various water quality parameters on the silvery minnow population. The current status of information is presented in section 5.3.1.4.

5.6.5 Monitor Cowbird Paritism

A cowbird control program was conducted along the MRG from 1996–2001. This program involved trapping and removing cowbirds in an effort to reduce brood parasitism on flycatchers. In 1998, a telemetry study was initiated to determine the daily and seasonal movements of cowbirds to evaluate the

effectiveness of localized cowbird trapping efforts (Sechrist and Ahlers 2003). An Assessment of the Brown-Headed Cowbird Control Program in the Middle Rio Grande, New Mexico, was prepared in 2003 by Moore and Ahlers to monitor the success of the cowbird trapping and removal effort. To complete this assessment, a nest monitoring and point count study was conducted targeting neotropical avian species. The end result concluded that, although cowbird trapping was effective on a local level by reducing cowbird abundance and parasitism rates, it is an ineffective method for increasing overall nesting success.

In 2006, a report titled Riparian Obligate Nesting Success as Related to Cowbird Abundance and Vegetation Characteristics Along the Middle Rio Grande, New Mexico, by Dave Moore concluded that habitat quality is the most important factor to neotropical migrant nesting success. Similar to the report from 2003, it was found that when parasitism rates were locally reduced, other factors came into play (such as predation for example), that inevitably kept nesting success at the same level.

In addition to studies focused on cowbird parasitism, all nests monitored since 1999 have indicated whether or not parasitism was present. Further analysis on nest parasitism versus nesting substrate, territory dominance, and hydrology immediately under the nest is completed annually.

5.6.6 Conservation Recommendations

Many of the 25 conservation recommendations in the 2003 BiOp have been implemented and/or are ongoing studies. Results from some of the studies indicate the need for additional work or refinements of the original hypothesis. The following table 10 is a list of the conservation recommendation with their current status.

Table 10. Synopsis of activities for conservation recommendations as defined in the 2003 BiOp

	Conservation Recommendations and Studies	Studies to Date
1	Effects of turbidity and suspended sediment on silvery minnow	The Service was funded by the Collaborative Program to investigate fish health including effects of suspended sediment. This project is still ongoing; initial findings indicate that high suspended sediment may affect the amount of food available to silvery minnow (Lusk PowerPoint 2011), which concurs with findings by Magana 2009 and Bixby and Burdett 2011.
2	Effects of sediment toxicity on silvery minnow	NMED 2009 review of current information found that chemical concentrations in sediment may have some impacts to fish and aquatic life. Based on the data collected in 2006–2007, the concentrations are not at levels where fish kills would be expected due to any one chemical; however, several chemicals were found above levels where adverse effects are expected to occur only rarely.
3	Silvery minnow diet and sediment ingestion	Diet studies have been conducted on hatchery fish (Magana 2009, Watson et al. 2009) that indicate that silvery minnow are primarily algavores but may use other food items such as macroinvertebrates depending on their availability. There are upcoming projects to determine diet and habitat use of larval fish.
4	How effluents from waste water treatment plants mix with Rio Grande at various discharges	Not completed.
5	Water pollution education; effects and prevention	Not completed specifically for MRG.
6	Voluntary water quality monitoring by citizens	Not completed.
7	Agricultural water forbearance program	A water management decision support system was developed in 2007 by NMISC. MRGCD would be the lead agency to implement a forbearance program.
8	Program for conversion of high to low water use crops	ISC's Middle Rio Grande Water Plan www.waterassembly.org/waterplan.htm describes the benefits and tradeoffs associated with converting to low water use crops. Further development of these ideas would need to be developed with MRGCD, NMDA and others.

Table 10. Synopsis of activities for conservation recommendations as defined in the 2003 BiOp

9	Monitor/study silvery minnow spawning	Ongoing activity, spawning mentoring in the river and canals is funded each year by Reclamation. Studies indicate few eggs are currently entrained in canals (Service Data). River monitoring provides information on the timing and conditions surrounding spawning events in the river.
10	Develop and implement long-term plan	Ongoing in Collaborative Program
11	Annually survey and report willow flycatcher habitats to FWS	Surveys began in 1994 in a more concentrated area but have expanded to the southern boundary of Isleta Pueblo to Elephant Butte Reservoir since 2002. Areas near Velarde and Frijoles Canyon also have been surveyed periodically.
12	Fund willow flycatcher habitat requirements study	A nest monitoring effort supplies information on habitat requirements (i.e., distance to water, nest substrate species, major plant community, etc.) and compares nesting components to nest success. A nest quantification study from 2004–2006 provided insight to habitat requirements such as stem densities and percent canopy cover for example. A mapping effort and subsequent habitat suitability model was completed in 2008 from Bernardo to Elephant Butte. Previous mapping efforts took place using the modified Hink and Ohmart approach in 2002 and 2005.
13	Contingency plan for fire in willow flycatcher habitat	Not formally completed. In a recent fire within the Elephant Butte Reservoir pool, coordination among fire crew and Reclamation and Bureau of Land Management staff took place to focus on protecting occupied flycatcher habitat from destruction.
14	Study ground/surface water relationship	This study is very site specific and dependant on soil composition, vegetation composition, and other factors. A ground water model was developed by USGS. Also, a study using data loggers to document the ground water levels and comparing that information to flows in the river was initiated in the BDANWR in 2010.

Table 10. Synopsis of activities for conservation recommendations as defined in the 2003 BiOp

15	Implement water efficiencies and apply savings to silvery minnow and willow flycatcher conservation	There are many informal water conservation contributions that MRGCD has implemented. ABCWUA routinely evaluates and improves/ monitors the water conservation program.
16	Encourage adaptive management of flows and conservation of water for ESA species	A formal Adaptive Management Program is being developed for the Middle Rio Grande. This process will be more completely discussed in the conservation actions section.
17	Secure storage rights and water for ESA species	Not completed; studies needed
18	Fund habitat preference studies for silvery minnow	Habitat use studies were done by Platania in 1997 based on the population monitoring information. Studies to understand habitat availability at various flow conditions were completed at several sites by Bovee et al. 2008. Their model indicated that greater amounts of suitable habitat (as defined by the recovery plan) at discharges between 100 and 200 cfs. Additionally, the Corps is currently funding USGS to conduct a habitat availability study.
19	Study saltcedar control and ensure no impacts to willow flycatcher and seek funding for habitat restoration	A study was initiated in 2002 to analyze revegetation strategies and restoration of saltcedar infested sites. This study used mechanical treatments, growth amendments, herbicide applications, and seeding mixtures in an effort to restore the site. A final report was not completed; but upon visiting the site, it appeared that not many native species developed. Young saltcedar and kochia revegetated the area instead. Goats were released within a study plot in 2004 to study their impacts on saltcedar resprouts. After 2 years of treatment, less than 10% of saltcedar plants were killed. However, duff and leaf area index was reduced by 27% and plants were damaged/stressed. Saltcedar leaf beetles have been recently detected within the MRG. Monitoring is underway to determine the effects of this species on the MRG bosque.

Table 10. Synopsis of activities for conservation recommendations as defined in the 2003 BiOp

20	Prevent unauthorized use of silvery minnow water	River discharge is monitored at several locations. The MRGCD has an ongoing process to identify water rights and leases within their district boundaries.
21	Assess willow flycatcher population at Elephant Butte Reservoir	Multiple studies on hydrologic and vegetation parameters as well as annual surveys and nest monitoring have taken place within the Elephant Butte Reservoir and associated population of flycatchers. A flycatcher management plan is currently in place to focusing on developing suitable habitat outside of the reservoir pool.
22	Use drains for silvery minnow refugia	Low densities of silvery minnow likely persist within the permanently watered canals such as the LFCC and drains (Cowley et al. 2007, Lang and Altenbach 1994, Reclamation 2010). Buhl 2011 conducted in situ studies in drains to inform refugia development. Woody structures were installed at the outflow of several drains to provide habitat. Results of these projects have been mixed.
23	NMGF monitor silvery minnow at Angostura Reach	Not conducted routinely; Angostura monitoring is covered in Population Monitoring Program.
24	Limit encroachment into 10,000 cfs flood plain	Houses build adjacent to the bankline has already restricted flows below the Highway 550 Bridge near Bernalillo to 7,000 cfs. Isleta Reach has very limited encroachment between the levees on both sides of the river. The collaborative program San Acacia Reach group has proposed a reach assessment be accomplished in 2013.
25	Investigate effects of predation and competition on silvery minnow	There is little information on the effects of predation and competition on silvery minnow within the MRG. Discussions of extirpation of silvery minnow within the Pecos watershed cite competition with introduced plains minnow as a primary factor (Hoagstom et al. 2010).

5.7 Summary of Baseline Conditions for Listed Species

There has been a multitude of recent activities in the MRG aimed at improving the status of the currently listed species, especially the silvery minnow and flycatcher. Silvery minnow and flycatcher population levels have both increased since the initiation of the 2003 BiOp. The following evaluates the status of baseline conditions in each reach. In addition, tables are developed for each major period in the life history of the listed species presenting the current knowledge of status of each critical habitat PCE.

5.7.1 Summary of Habitat Condition, Species Status, and Restoration by Reach

The following information is a short summary of habitat conditions and habitat restoration projects on the Rio Grande, sorted by geomorphic reach, as well as information on silvery minnow and willow flycatcher status in the area.

5.7.1.1 State Line to Otowi (State Line–RM258)

Along the Rio Grande from the State Line to Otowi, 18 flycatcher territories were documented in 2000 (table 2). In 2004 and 2005, 12 territories were detected (NM Rangewide Database). In 2009, the population increased to 34 territories. Twenty-one territories were identified in 2010 (NM Rangewide Database). As of 2011, 452 acres of habitat restoration was funded for habitat restoration within this reach. These projects have targeted improving the health of the river for flycatchers, and the reach continues to be occupied by flycatcher. Flycatcher critical habitat exists in this reach from Taos Junction Bridge to the upstream boundary of Ohkay Owingeh Pueblo. The proposed critical habitat extends to Otowi Bridge. Though there are historic records of silvery minnow from this reach, it was likely never abundant (Bestgen and Platania 1991). Silvery minnow have not been documented in this reach for over 30 years; the last silvery minnow was captured near Velarde 5 years after the closing of Cochiti Dam in 1973 (Bestgen and Platania 1991).

5.7.1.2 Chama River (State Line to Confluence)

Along the Rio Chama from the State line to the confluence of the Rio Grande, flycatcher surveys have been recorded in the NM Rangewide Database since 1993 (table 2). In 1993, two flycatcher territories were observed. The largest population detected in this reach was in 1994, 1997, and 2001 with four territories. There are few early fish sampling records in the Chama. There is some historic information from tribal sources that silvery minnow may have occupied the Chama up to approximately Abiquiu (Parametrix 2010). There is no critical habitat designated in this reach of the river. No habitat restoration projects have been done on this reach for silvery minnow or flycatchers.

5.7.1.3 Otowi Bridge to Cochiti Dam (RM 258–RM 233)

Formal surveys for flycatcher were not conducted within this reach until 2008. Since that time, territory totals have ranged between one and twp territories mainly in an area just south of Frijoles Canyon. The type specimens of silvery minnow were likely collected near Otowi Bridge (Bestgen and Platania 1991). Silvery minnow have not been collected in this reach for over 40 years. The current potential to support silvery minnow in this reach (if they were repatriated) is limited by the entrenched channel and loss of flood plain connectivity, cold water temperatures, channel fragmentation, substrate size, and competition with non-native fish species. The lack of low velocity habitats for larvae and young-of-year and the lack of contiguous sections of river to allow silvery minnow to complete its lifecycle within the reach would limit the ability for the species to successfully complete its life cycle (Bunjer and Remshardt 2005). There is no critical habitat designated in this reach of the river. No habitat restoration projects have been done on this reach for silvery minnow or flycatchers.

5.7.2 Cochiti Dam Reach

5.7.2.1 Cochiti Dam to Angostura Diversion Dam (RM 233–RM 210)

This reach has not been formally surveyed for flycatcher and is not known to have any suitable habitat. Silvery minnow egg monitoring has been conducted in the Angostura Canal from 2002 to present. During this time, only three eggs have been reported (in 2003), and those were not preserved for confirmation. The lack of eggs in the Angostura Canal suggests that silvery minnow density upstream of Angostura Diversion Dam is extremely low if present (Service 2009). No publicly available surveys were conducted in the last decade. Limiting factors in this reach for silvery minnow are likely cool water conditions from the operations of Cochiti Dam, lack of low velocity habitat, and a generally degrading river channel (Service 2008). The land base encompassing the Cochiti Dam Reach is primarily tribal-owned and requires partnership with the Pueblos. Funding has been provided to Cochiti, Santo Domingo, and San Felipe Pueblos through the Collaborative Program from 2002 through present for habitat restoration and maintenance including nonnative vegetation control, bank lowering, and side channel formation. In total, over 277 acres have been restored to date (table 9).

5.7.3 Angostura Reach

5.7.3.1 Angostura Diversion Dam to Isleta Diversion Dam (RM 210-RM 169)

As shown in table 2, three to four flycatcher territories were known to occur in a small area in 1994 and 1995 within this reach (Mund et al. 1994, Mehlman et al. 1995). In 2000, surveys in all suitable nesting habitats within this reach found 14 territories (Johnson and Smith 2000). In 2003, only four territories were found (Smith and Johnson 2005). Seven territories were located in 2004 (Smith and Johnson 2005), six territories were identified in 2005 (Smith and Johnson 2006),

and sixteen territories in 2008 (NM Rangewide Database). In 2009 and 2010, there were no territories located in this reach (NM Rangewide Database).

Silvery minnow have been commonly collected throughout this reach since 2004. This reach has not dried in recent years. Flood plain connectivity is minimal in many portions of this reach. Lack of habitat diversity and amount of low velocity habitats above Highway 550 likely was cited as a limiting factor for silvery minnow (SWCA 2008). A habitat mapping technical report was developed to supplement the ABCWUA ongoing conservation measures to include opportunities for additional aquatic and riparian projects in the Albuquerque Reach of the river. This report included extensive field surveys, mapping, and ranking of potential sites within the Middle Rio Grande. Field efforts for this project were conducted in cooperation with the Service during February 2002.

Several projects have taken place on the Sandia Pueblo and around the city of Albuquerque to improve riparian conditions with the assistance of Collaborative Program funding. To date, over 900 acres have been restored. Many of the restoration projects have concentrated on projects that provide a greater connectivity with the river at lower discharge levels than previous conditions. Other strategies have included creating side channels and installing woody vegetation to create pools during low flows. Initial results of monitoring silvery minnow at these sites indicate that large numbers of silvery minnow do use the created overbank habitats during inundation (Collaborative Program 2011, SWCA 2010). Initial monitoring of the installed large woody debris found that silvery minnow were present both during winter and summer sampling but higher numbers were collected during the summer (Wesche et al. 2006).

5.7.4 Isleta Reach

5.7.4.1 Isleta Diversion Dam to Rio Puerco (RM169–RM 127)

The majority of flycatchers detected within this reach are typically migratory flycatchers, late migrants, or occasional lone male territories. The first nesting pair was located just north of the Rio Puerco in 2005 (table 2). Over the last several years, this same area typically has about one to four territories detected. In 2010, this area supported four territories composed of three pairs and one additional pair about three-fourths of a mile upstream. In 2011, the population expanded to 10 territories, mainly near the Rio Puerco, but also farther north in the area from Los Lunas to Bernardo. Silvery minnow abundance is highly variable in this reach (Dudley and Platania 2010, Reclamation 2010). Prior to 2004, recruitment was low in this reach. Silvery minnow distribution and abundance patterns show the importance of base flows within the reach to maintain population numbers (Parametrix 2008).

Habitat restoration work throughout this reach has cleared vegetation and increased the potential for channel movement. Techniques include creation of

backwaters, secondary channels, as well as bankline benches and terracing. Monitoring of these habitats indicates use of these habitats during inundation by adult silvery minnow and larval fishes as well as egg retention (SWCA 2010a, Collaborative Program 2011). Cottonwood snags also were installed at drain outfalls in this reach. Initial monitoring shows use by silvery minnow during inundation, but the intended purpose of scouring and maintaining wetted pools over a range of flow conditions had mixed results due to sedimentation issues (Wesche et al. 2010).

5.7.4.2 Rio Puerco to San Acacia Diversion Dam (RM127–RM116.2)

Flycatchers on the Sevilleta NWR and La Joya WMA were initially discovered in 1999 with four territories (table 2). All flycatchers within this reach have been found along the banks of the Rio Grande. Surveys have continued in this area since 1999, with seven territories detected in 2000 and eleven territories in 2001 and 2002. The highest numbers to date for this site, 31 territories, were detected in 2008. Over the last 3 years, there has been a decrease in territories. In 2009, there were 18 territories detected; in 2010, there were 13 territories detected; and 9 territories were detected in 2011.

This reach has lower propensity for drying than the upstream portions of Isleta Reach (Parametrix 2008). Increases in channel complexity could increase the habitat diversity required to maintain silvery minnow within the reach. There are some areas that have been perennially wet in this section due to return flow from the San Juan drain. This is likely important to silvery minnow within this reach. Habitat assessment of these flows was modeled by USGS (Bovee 2008). No habitat restoration projects have been done on this reach for silvery minnow or flycatchers.

5.7.5 San Acacia Reach

5.7.5.1 San Acacia Diversion Dam to Arroyo de las Cañas (RM 116.2–RM 95)

This area has been surveyed for flycatchers since 1997 and has had intermittent territory establishment through the years (table 2). There has never been a nesting flycatcher pair detected within this reach. Silvery minnow in this reach are seasonally concentrated in the spring and summer below the diversion dam where water is generally perennial (Dudley and Platania 2010). It is unknown if there is seasonal upstream movement behavior that would cause minnows to accumulate below the diversion dam, which blocks upstream movement. Rescue operations rarely occurred in this reach. Salvaged fish from other portions of the San Acacia Reach are stocked here where water is perennial (Service 2001 through 2010). Little potential for overbank flooding exists in this reach (Parmetrix 2008). There have been river maintenance projects within this reach, which have focused on moving back the levee and relocating the LFCC to allow the river greater area to migrate (Reclamation 2008).

5.7.5.1.1 Arroyo de las Cañas to San Antonio Bridge (RM 95–RM 87.1)

This reach is very similar to the San Acacia to Arroyo de las Cañas Reach and has been surveyed for flycatchers since 1998. Within the last 13 years, there have been minimal territories, with the exception of summer 2011 (table 2). During the breeding season of 2011, a total of seven territories were detected within this reach, most of which were detected within close proximity of the BDANWR. Silvery minnow densities in this reach are highly variable, October densities increased from 2006–2009 (Dudley and Platania 2010). Rescue efforts have occurred most years in portions of this reach. River pumps are installed in this reach to aid in slowing the rate of river drying using water supplied from the LFCC. No habitat restoration projects have been done on this reach for silvery minnow or flycatchers.

5.7.5.2 San Antonio Bridge to River Mile 60 (RM 87.1–RM 60)

The upper portion of the BDANWR within the active flood plain have been surveyed for flycatchers annually since 1998. From 1998–2008, there were less than five territories detected annually. In 2009, there was a large population increase to 19 territories and another large increase in 2010 with 37 territories. In 2011, the largest population in this section was recorded with a total of 44 territories.

In lower portions of the reach, from 1994–1996, the majority of detections within this reach were located between the south boundary of the BDANWR to the railroad trestle near Black Mesa. Since 1994, the population within this entire reach has increased and decreased responding to vegetation and hydrological changes. Peak years within this section include 1994 with 11 territories, 2004 with 16 territories, and 2006 with 14 territories. Since 2006, territory numbers range from 7–11, with 11 territories detected in 2011.

Silvery minnows generally are collected in surveys within this reach, and occasionally densities are high. Reclamation surveys and population monitoring surveys found high winter densities in 2010 following high 2009 October numbers (Dudley and Platania 2010, Reclamation 2010). Generally, this reach is very prone to river drying, and salvage generally occurs early in the year. River pumps from the LFCC supply water to the river from the northern and southern boundary of the refuge and near Fort Craig and aid in slowing the rate of river drying. Due to the perched condition of the channel, high flow events may go out of the channel and into the lower elevation overbank areas. There have been sediment plugs that have formed within the channel.

5.7.6 Summary of Baseline Conditions Affecting Silvery Minnow Life History and Critical Habitat Elements.

In this section, baseline biology information and status of critical habitat elements (PCEs) are described in table 11. The life history of the minnow is subdivided

into spawning, egg, larval, juvenile, and adult stages; and current information on how those stages are functioning is described.

Even though there is some uncertainty surrounding the preferential spawning locations for the minnow, it is evident that the minnow likely will spawn in the spring with any slight increase in discharge in whatever habitat is available.

Table 11. Status and information of life history elements and critical habitat PCEs for silvery minnow. Grey cells indicate that life history stage is generally not present during that season or affected by the PCE.

Life History Element	Spawning	Eggs	Larval	Juvenile	Adult
Spring (April–June)	Spawning has been detected each year. Very small flow spikes are necessary for fish to spawn. Properly functioning in baseline.	The carrying capacity of recruitment is set by spring flows. Eggs and larvae that are retained upstream in low velocity habitats are more likely to recruit into the adult population. Higher spring flows allow more overbank habitats to be inundated. Recruitment success is likely the driver for genetic diversity and effective size of the population. Function is tied to spring runoff. Habitat restoration has increased available habitat at lower discharge levels in Angostura Reach.			Large numbers of adult silvery minnow are collected on overbank habitats during spring flows. It appears that population levels must be very low before the numbers of adult spawners has a detectable effect on numbers of offspring measured in next fall.
Summer (June–September)			Delayed onset of low flow conditions and increased summer flow correlates with higher October densities. Increased turbidity from various flow events may decrease the available food base. Refugial habitats may decrease take and maintain higher numbers of silvery minnows during dry periods. Refugial habitats were constructed at some return drains and may reduce the impact of drying on the population.		
Fall (September–November)				Generally steady base flows during this time period is positive for October population densities. Drying has occurred within this timeframe.	

Table 11. Status and information of life history elements and critical habitat PCEs for silvery minnow. Grey cells indicate that life history stage is generally not present during that season or affected by the PCE.

Life History Element	Spawning	Eggs	Larval	Juvenile	Adult
Winter (December–March)					Silvery minnow are known to use habitats with some type of cover. Relatively constant winter flows are positive. Habitat restoration activities have installed large woody debris in both the Angostura and Isleta Reach.
Summary of baseline population trend and indicators.	Baseline conditions 4 years of 10 had negative population growth. However, catch rates have increased substantially since the low in 2003. Discharge of at least 3000 cfs in Angostura Reach and delayed onset of low flow increase likelihood of mean October CPUE > 10 fish per 100 square meters.				
Critical Habitat PCEs					
Hydrologic Regime					
Low to moderate currents	Determined by sediment transport, reach slope, sinuosity, which all contribute to habitat complexity. Current trend is toward channel simplification. Habitat restoration has improved condition in Angostura Reach and Isleta Reach.				
Diversity of habitats for all life history stages		Egg and larval development habitat is greater when overbank habitats are inundated. Depending on river, reach occurs when spring flows are greater than 1,500 cfs. Flows reached this level at the Albuquerque gage for at least 10 days in 7 of the last 12 years. Habitat restoration activities have provided more low velocity habitats in the 1,500- to 3,500-cfs range.		Juvenile and adult silvery minnow use wetted habitats with moderate depths and low velocity during nonwinter times. Winter habitat use is concentrated in deeper areas with available cover (debris piles, tumbleweeds). Bovee et al. (2008) modeled the availability of habitat at various flow regimes. Habitat in their model was maximized at flows between 40 and 150–200 cfs depending on the availability of woody debris. Similar studies of availability are currently underway.	
Spawning trigger	Spawning has occurred each year of baseline, even in years with minimal spring flow spike.				
No increased low flow	River drying is predicted when flows drop below 100 cfs at San Acacia gage. Number of low flow days at San Acacia gage is significantly different in baseline timeframe (2003–2011) and listing timeframe (1993–2002) (t= [2.1], p<0.05). Mean # days <100 cfs 1993–2002=17 (SE 10), 2003–2011=52 (SE 12).				

Table 11. Status and information of life history elements and critical habitat PCEs for silvery minnow. Grey cells indicate that life history stage is generally not present during that season or affected by the PCE.

Life History Element	Spawning	Eggs	Larval	Juvenile	Adult
Constant winter flow				Irrigation seasons generally end up and down the basin. Water deliveries are often made in November and December, which may increase base flows.	
Unimpounded stretches of river with a diversity of habitats and low velocity refuge areas					
River reach length	Reach length in Middle Rio Grande has not changed since time of listing. The only new cross channel structure is the ABCWUA diversion that was mitigated with a fish passage structure. The pit tag study shows that silvery minnow do use the passage.				
Habitat "Quality" in each reach and refugial habitats.	Each reach has positive and negative habitat attributes. Channel trends throughout the MRG are towards a more simplified channel due to vegetation encroachment. Cochiti Dam and Angostura Reaches are not as susceptible to drying but have limited connection with overbank areas. Isleta Diversion Dam and San Acacia Reaches are prone to drying in areas but have low overbank thresholds and a greater diversity of meso-habitats than the upper reaches due to the more dynamic nature of the channel than the upper reaches. Habitat restoration activities have provided more low velocity habitats in the 1,500- to 3,500-cfs range. Low velocity refuge areas are important during summer drying and overwinter habitat. Channel trend throughout the MRG is towards a more simplified channel due to vegetation encroachment.				
Substrate of sand or silt					
Substrate size		Substrate size is dependent on water velocity and sediment transport within the reach. The lower reaches of the river are dominated by sand/silt substrates. Reaches that have a low sediment supply (Cochiti and Angostura) are trending towards larger substrates.			
Water quality					
Temp >1˚ - <30˚C.	Warmer temperatures speed the rate of egg development and larval growth. This is generally considered positive for fish since they spend less time in this vulnerable stage. A notable difference between water temperatures in high flow years versus low flow years is the minimization of diel variation in high flow years, thus a more constant temperature. Overbank habitat has been shown to provide warmer daytime temperatures but may also experience greater fluctuations corresponding to air temperatures then main channel habitats.		NMED monitoring has shown little evidence of temperatures exceedences within the main channel of the river. Isolated pools often exceed 30 ˚C. Pools >34 ˚C are not salvaged due to the poor condition of fish within the pools. Low temperatures have not been a concern within the occupied portion of the MRG except in extreme weather events. Ice flows were present within the channel in February 2011 following extreme low temperatures.		

Table 11. Status and information of life history elements and critical habitat PCEs for silvery minnow. Grey cells indicate that life history stage is generally not present during that season or affected by the PCE.

Life History Element	Spawning	Eggs	Larval	Juvenile	Adult
DO > 5 mg/L	There have been records of low dissolved oxygen within the main stem of the MRG. Many of these are associated with rain events and storm water entering the system. The duration of these low DO events are generally less than a few hours. There were localized conditions that deviated from the main stem conditions due to low flow conditions and isolated pools. From salvage data, it appears that many isolated pools have DO that falls below the optimal level. These pools are not considered for salvage. Additionally, low DO was detected in 2005 on inundated flood plain areas that have high levels of organic materials.				
pH (6.6-9.0)	No exceedences of the 6.6 to 9.9 (s.u.) criterion were documented from deployed data loggers at any locations except for one sample in 2007 at NM Highway 550 Bridge. Isolated pools may experience high pH levels. Pools greater than 9.0 are not considered for salvage.				
Other Contaminants	Short-term water quality issues due to chlorine releases from waste water quality treatment plants have occurred infrequently in the MRG. Initial studies of fish tissue indicate elevated levels of zinc in some samples. Other studies have not indicated specific water quality issues that may be affecting silvery minnow.				

It does appear that the spring hydrograph has a substantial influence on the recruitment of silvery minnow into the population (section 5.3.1.2). This is indicated by the relationship of fall catch rates and the spring hydrograph. Spring flows that inundate the flood plain create large amounts of low velocity habitat that aids in the retention of eggs and larvae in upstream reaches and provides an area of highly productive low velocity habitat, which promotes larval development. The lack of recruitment in 2010 provides some indication that management of recession may be an important management consideration.

The current measure of the population is based on October catch rates, which gives an indication of annual recruitment into the population. October catch rates of silvery minnow have varied widely since the inception of the monitoring program in 1993. This variation is similar to abundance measures of many species of fish that have high reproductive potential. Though there is large variation, mean catch rates from 2004–2011 are over 10 times higher than the lowest recorded catch rates in 2002 and 2003. Mean catch rates in 2005 were roughly 1,000 times the mean catch rate recorded in 2003.

Juvenile silvery minnow utilize low velocity habitats, similar to larval stages; however, they are able to actively swim at this stage. Little is known about the full range of factors that influence survival of juvenile and adult silvery minnow. Food availability is varied due to hydrology and storm events. Studies indicate that the main source of periphyton, which is one of the main foods of silvery minnow, exists in a “bathtub ring” in the shallow sections of the river. Storm events or other flow changes may affect periphyton availability by scour events, inundation which places existing colonies out of optimal light areas, or desiccation.

Drying also causes direct take of silvery minnow. Drying has occurred each year since 2003 except for 2008 in some portion of critical habitat. There is some evidence that a portion of silvery minnow are able to move with the water as the river begins to dry, and some fish can survive for long periods in the isolated pools that may persist in disconnected sections of the river. However, there is documented take of minnows that has occurred each year associated with drying. Other unquantified sources of take that occur with river drying include predation from birds and other species, as well as mortality due to poor water quality and disease that is exacerbated when fish are isolated in pools.

At least some amount of river drying is predicted when San Acacia flows drop below 100 cfs. On average, from 2003–2011, there were 52 days annually when San Acacia was below 100 cfs compared to the previous timeframe (1993–2002) when the annual average was 17 days. There is a significant negative correlation to October catch rates and the number of days with low flow conditions at the San Marcial gage (figure 17).

There is little known about winter survival of silvery minnow. Studies indicate that they are most often found in backwaters and other habitats with cover in the winter (Dudley and Platania 1996, Dudley and Platania 1997). As with other fish species, they seek out low velocity habitats that limit the amount of energy they must expend during cold water temperatures. It is hypothesized that stable water levels may be positive since stability of individual habitats is related to stability of water levels in the MRG. Generally, flow is higher early in the winter when letter water is being released as well as other activities to move stored water. Winter storm flows occur periodically.

With the current condition of the river, mechanical means are needed to substantially change geomorphology. Water management alone cannot provide flows of high enough discharge and duration to remove established vegetation and reset river banks. Habitat restoration activities since 2003 have increased the amount of habitat that inundates at lower flow levels, especially in the Angostura Reach. These areas show use by silvery minnow each year of inundation.

5.7.7 Summary Baseline Conditions Affecting Willow Flycatcher Life History and Critical Habitat Elements

The flycatcher population within the MRG has increased over the last decade. Habitat availability appears to not be a limiting factor since not all suitable habitat is occupied. High flow events and overbank flooding conditions tend to attract flycatchers and lead to new territory establishment. These localized events aid in providing the successional aged structure in riparian stands that flycatchers depend on. Suitable habitat areas are temporary because vegetation senescence occurs relatively quickly.

Temporary overbank flooding or close proximity to water also contribute to vegetation health and insect prey base abundance. This is particularly important during territory establishment to attract and retain territories. As flycatchers move through the chronology of the season and put forth an increasing amount of energy towards nesting (first territory establishment, then pairing, nest building, egg laying, incubating, feeding nestlings, and taking care of fledglings), they are less and less likely to abandon a territory. Nest success is dependent on vegetative health to provide the canopy cover required for protection from predators and other environmental stressors such as weather. Conversely, prolonged flooding prohibits seed establishment and can have a long-term negative effect on vegetative health. Nest success has remained relatively high within the MRG over the last decade with a slight decline this past summer of 2011.

The proposed critical habitat designation for flycatchers (76 CFR 50542) indicates riparian habitat in a dynamic successional environment to be used for nesting, foraging, migration, dispersal, and shelter. This habitat can include trees and shrubs such as Gooddings willow, coyote willow, tamarisk, or Russian. Vegetation must be dense, with a canopy cover of about 50–100%. Vegetation can range in height from about 6–98 feet tall depending on elevation (within the project area, vegetation height is typically about 9–26 feet tall [Moore 2007]). Patches also must include small openings of open water or marsh areas to create a variety of habitat that is not uniformly dense. Vegetation patch size can range from 0.25–175 acres.

A variety of insect prey populations are also essential for flycatchers. The abundance of insects typically associated with riparian flood plains or moist environments is likely related to the proximity of water to the habitat patch and density of vegetation within the canopy. Flooded sites provide for higher relative humidity and likely greater insect abundance (Reclamation 2009). No surveys have been done to estimate prey availability within various types of habitats within the MRG. Insects that are considered to be flycatcher prey include flying ants, wasps, and bees (Hymenoptera); dragonflies (Odonata); flies (Diptera); true bugs (Hemiptera); beetles (Coleoptera); butterflies, moths, and caterpillars (Lepidoptera); and spittlebugs (Homoptera). See table 12.

Table 12. Status and information of life history elements and critical habitat PCEs for willow flycatcher. Grey cells indicate that life history stage is generally not present during that season or affected by the PCE

Life History Element	Migration (April–June and July–September)	Arrival to Territories/ Territory Establishment/Nest Building (May–July)	Egg Laying/ Incubation/ Nestling/ Fledgling (June–August)
Breeding Season (April–September)	Flycatchers may use less suitable habitat as stopover locations (i.e., narrow vegetated areas such as LFCC or areas a greater distance from water).	Flycatchers are attracted to areas within 50 m of slow moving water, particularly flooded areas, or areas with saturated soils and dense vegetative canopy cover. Higher spring flows allow more overbank habitats to be inundated, thus attracting flycatchers, improving vegetative health, and likely increasing abundance in prey.	At this point, flycatchers are more invested in their established territories and less likely to abandon nests should conditions dry or decline in value. However, if vegetation does not have adequate water resources, canopy cover will likely decrease, and predation and/or parasitism would likely be more prevalent. Prey abundance may decrease with decreased water availability.
Summary of baseline population trend and indicators.	Baseline conditions since 1993 have indicated mainly positive population growth. The most recent increase in territory numbers within the project area can be attributed to an event within the BDANWR in which overbank flows increased in combination with the large population within Elephant Butte Reservoir beginning to disperse and defend territories in other locations.		
Critical Habitat PCEs			
Riparian Vegetation		Riparian habitat in a dynamic successional environment to be used for nesting, foraging, migration, dispersal, and shelter. Dense tree or shrub vegetation in close proximity to open water or marsh areas. The 2008 habitat suitability study mapped out suitable habitat in Isleta Diversion Dam and San Acacia Reaches. Habitat mapping occurs every 2–4 years and documents changes within the riparian area. Currently, flycatcher only occupy a portion of suitable habitats; thus, amount of habitat is not considered to be limiting factor.	
Insect Prey Populations	The abundance of insect prey populations in a given habitat patch is likely related to the proximity of the patch to riparian flood plains or moist environments. There is no data indicating that insect prey is a limiting factor within suitable habitat areas.		

5.7.8 Summary Baseline Conditions Affecting Pecos Sunflower.

Pecos sunflower (*Helianthus paradoxus)* is currently only located in two locations within the MRG action area, La Joya Wildlife Management Area and a private location. There is no designated Pecos sunflower critical habitat for the species within the action area. *Helianthus paradoxus* is an annual species that must re-establish populations of adult plants each year from seed produced during previous years' reproductive efforts. Populations tend to grow in crowded

patches of dozens or even thousands of individuals. Solitary individuals may be found around the periphery of the wetland, but dense, well-defined stands within suitable habitats are more typical. NMDGF developed a habitat conservation plan to support conservation of the species on the La Joya Wildlife Management Area by:

1. Annually controlling invasive species.
2. Protecting the natural spring in Unit 5 from motorized vehicles and heavy equipment.
3. Monitoring core populations by digitizing these areas annually.
4. Conserving *H. paradoxus* by adjusting invasive species treatment area boundaries.
5. Restoring native habitat through re-vegetation.

The acreage of Pecos sunflower on La Joya has varied but has remained greater than 200 acres since 2008. Water supply for this population is provided through existing drains that supply La Joya WMA.

6. Effects Analysis

"Effects of the action" refers to the direct and indirect effects of the Proposed Action on listed species or critical habitat together with the effects of other activities that are interrelated or interdependent with that action. These effects are considered along with the environmental baseline to determine the overall effects on the species (50 CFR Part 402.02). For purposes of this BA, effects on listed species and designated critical habitat are analyzed for the full suite of Proposed Water Management Actions as well as individually, where possible, for the discrete actions.

This section presents an evaluation of the hydrologic effects of the Proposed Water Management Actions and the predicted effects that those would have on the listed species. Reclamation and its non-Federal partners propose to continue water operations as described in section 3. Reclamation has deemed that the effects of these Proposed Water Management Actions can best be presented through a combination of analyses.

These include:

- Assessment of the composition (in terms of the source of water, and whether the water has been stored in a reservoir) of the flows that provide supply to the MRG; as well as the distribution of uses of that water;

- Evaluation of the total, aggregate impacts of Reclamation and non-Federal Proposed Water Management Actions without the use of Supplemental Water (Proposed Water Management Action). The model runs used assume operation of the facilities to meet the flow targets as defined by the 2003 BiOp. These actions are not part of the Proposed Action but were necessary to define the operations for the model.

- Action-by-action analysis of the relative effects of individual components of the Proposed Water Management Actions, to the extent practical, through the comparison of a simulation with those actions to a simulation in which those actions did not occur. Individual components of the Proposed Water Management Actions that were evaluated in the action-by-action analysis include:

    - Reclamation's operations at Heron Dam.

    - Actions by Reclamation and the MRGCD related to the operation of El Vado Dam.

- MRGCD's surface water diversions and associated water management actions.

- An assessment of the effectiveness of proposed conservation measures of Reclamation and the MRGCD in offsetting the aggregate impacts.

6.1 Approach, Tools, and Methods for Hydrologic Analysis

Reclamation performed the hydrologic analyses that support this effects analysis using a combination of hydrologic modeling and analytical computations. The URGWOM was used for the majority of the analyses. URGWOM is, a computational, rule-based, water operations computer model that simulates physical processes and operations of facilities in the Rio Grande Basin in New Mexico. URGWOM has been developed through an interagency effort and is constantly being refined. It is the only model available that can perform the needed analyses at a daily time-step and can make computational estimates of river drying. URGWOM individually tracks water allocated for specific uses, and Reclamation has used this capability to isolate the effects of individual actions evaluated in the action-by-action portion of this effects analysis.

Reclamation completed the simulations, as well as the analytical computations that support the modeling, using five 10-year synthetic hydrologic sequences developed with reference to paleo-climate data to represent the range of past hydrologic variability in the MRG Basin. The hydrologic sequences represent hydrologic conditions for which total annual flow at Otowi gage has a 10, 30, 50, 70, and 90% chance of being exceeded (higher exceedence curve represents drier conditions). Reclamation, in cooperation with the Population and Habitat Viability Assessment workgroup of the Collaborative Program, developed these sequences to capture the full range of variability in the hydrology and climate that have been experienced over the past 604 years, as captured in tree-ring records (Roach 2009; appendix 1). These sequences represent a range of hydrologic conditions that might reasonably be expected to occur during the time period associated with this BA.

The sequences were developed through a statistical sorting of the hydrologic years contained in the 604-year reconstruction (Gangopadhyay and Harding 2008, appendix 1). From the years within the reconstruction, 1,000 10-year sequences were constructed. The sequences of years were corrected to ensure that the year-to-year transitions were consistent with those in the hydrologic record but were otherwise randomly composed. For each of these sequences, the total flow past Otowi gage over the 10 years was calculated and compared to the range of 10-year total flows for the full set of 1,000 sequences. The five sequences for which the total flow past Otowi gage over the 10-year period was closest to

having a 10, 30, 50, 70, and 90% chance of exceedence among the full suite of sequences (i.e., for the 90% sequence, 90% of the sequences had more water flowing past Otowi gage over the 10-year period than flowed past the gage in this sequence) were selected as the sequences for which Reclamation would analyze the impacts of the Proposed Water Management Actions in this BA. Each year in a selected sequence was then matched to the actual year in the URGWOM record (1975–2007) with the most similar total flow past Otowi gage, and that year's daily hydrologic record was used to distribute the total annual flow to daily flow for the modeled year.

It should be noted that these sequences were developed based on the total flow past Otowi gage, which is upstream of the MRG. The flow past Otowi gage is a good indicator of the total snowmelt runoff in a given year but does not fully reflect the strength of the summer monsoons, particularly in years for which summer moisture is distributed disproportionately downstream of Otowi gage. However, the years contained in the URGWOM record reflect a range of monsoon conditions. Since actual years in the 1975–2007 period are used in the simulations as representations for hypothetical years in the sequences, the monsoon volumes in the sequences are paired with flows past Otowi gage as they have been in recent years.

Figure 59, below, provides a comparison of the hydrologic conditions, as depicted by the distribution of flows at Otowi Bridge, in the five synthetic hydrologic sequences against the mean of those experienced under baseline conditions for this BA.

The distribution of flows at Otowi Bridge experienced during the baseline period (2001–2011) is within the envelope of flows defined by the five hydrologic sequences. Except among the very lowest flows (percent chance of exceedence 95–100%, for which the baseline and synthetic sequences are all in approximate alignment), baseline conditions fall between the two driest synthetic sequences, those with a respective 70 and 90% chance of exceedence.

The modeling analyses presented in this section do not consider the potential impacts of climate change on water resources and on Reclamation’s water operations, since Reclamation’s work evaluating the likely future impacts of climate change in the MRG Basin is not yet complete. However, the inclusion of the range of hydrologic variability, as determined from the 604-year tree ring analysis, serves as a proxy for quantitative climate-change analysis, in that it allows for consideration of a wider range of hydrologic variability than has been experienced during the period for which flows have been monitored. Past and current climatic conditions are described in Section 5, Environmental Baseline. A more detailed discussion of the current and potential impacts of climate change is contained in Section 7, Cumulative Effects Analysis.

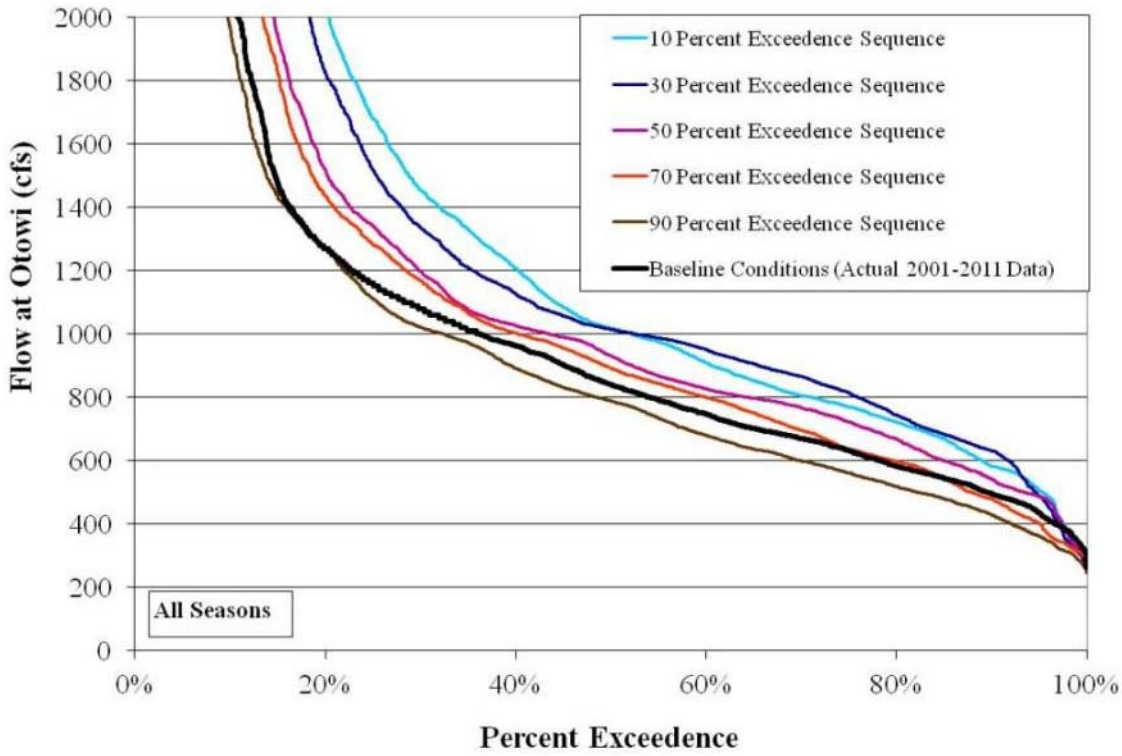

Figure 59. Comparison of flows at the Otowi Bridge for the Proposed Water Management Actions under the five hydrologic sequences against baseline conditions.

In the action-by-action analysis, Reclamation analyzed the discrete impacts of individual actions by utilizing model runs for the Proposed Water Management Actions, and sequentially turning off specific actions, so that the model runs without a particular action could be compared to model runs with that action, and the difference between the two could be assessed. Please note that the Proposed Action model runs also include the interrelated and interdependent actions of the Corps and State Letter Water releases as described in 3.2.1.

The combined impacts on river flows of the Proposed Water Management Actions and the impacts of individual actions in the action-by-action analysis are presented through several graphical methods, including box-and-whisker plots, which characterize ranges of variation in flows as the result of particular actions, and flow exceedence curves, which present flows, or differences in flows, that result from particular actions against total flow. The flow exceedence curves represent the percentage of time that a given river flow is equaled or exceeded. The majority of the curves were assembled using the results for all of the five hydrologic sequences, so they represent 50 years of simulation results and a broad range of historic hydrologic variability. They can be used to interpret the chance of occurrence of overbank flows as well as the chance of river drying.

6.1.1 Model Uncertainty and Refinements to Support Hydrologic Analysis

The URGWOM model realistically simulates water management scenarios through the Rio Grande/Rio Chama system to Cochiti Reservoir based on past gage data, expected runoff volumes, and reservoir operating rules. However, the outputs from the URGWOM model become appreciably less certain for locations downstream from Cochiti Dam. This is due to a highly complex interaction of consumptive uses and ground water exchange into and out of the river. In recent years, significant effort has gone into calibrating the URGWOM model to better reflect MRG conditions, and it is improved. Still, calibration has only been possible against observed conditions, and the No Action condition, in which none of the Proposed Water Management Actions are being performed, has not occurred since before flow monitoring began. Because of this lack of knowledge about the No Action condition, the model is unlikely to accurately reflect the extent and duration of river drying. Therefore, the extent of river drying under the No Action condition has been assessed and compared to the extent of river drying under the Proposed Water Management Actions using an analytical spreadsheet model developed by the MRGCD.

Because of the uncertainty in the degree of river drying under the No Action condition, graphs are provided in this effects analysis that present the difference in flows between model runs. These graphs depict the effects of proposed actions in terms of relative changes to flow rather than the absolute flows. Also, additional analyses have been performed using a spreadsheet model developed by the MRGCD to compare the drying, as well as high flows, under the Proposed Water Management Actions relative to the No Action condition. The results of these computations are provided in tabular form. The PHVA workgroup of the Collaborative Program and Reclamation, in coordination with the URGWOM Technical Team (an interagency team of modelers who have been working together to create and refine the URGWOM model), have made significant enhancements to URGWOM the planning module and to URGWOM's representation of the rules that govern operational policy in this basin to support the modeling efforts presented in this BA. These include refinements and corrections to the model as well as the incorporation of new processes, such as the ABCWUA drinking water project and the Buckman Direct Diversion. A full data management interface (DMI) was established in URGWOM to allow model inputs to be set efficiently for all simulations, and spreadsheet tools were set up to facilitate postprocessing and review of results from all the completed model runs. These enhancements were made both prior to and during the modeling efforts to support this BA. The list includes enhancements made in response to comments received on the first draft of this BA, which was distributed to members of the water management community on August 18, 2011. The current configuration of the URGWOM planning model and the refinements made to it as part of this process are summarized in the URGWOM modeling report presented in appendix 7.

An analysis has been completed to develop appropriate initial conditions for reservoir storage and account status to use in BA model runs. These initial conditions reflect conditions as of December 31, 2011, and are described in appendix 4.

6.1.2 Approach for Analysis of Effects to Listed Species

URGWOM hydrologic modeling represents Reclamation's best understanding of the hydrologic effects that may occur due to the Proposed Water Management Actions. Effects to the species are evaluated using this modeling and species information presented in the baseline. Additional modeling is presented in this section as needed to better understand conditions that may affect listed species.

Environmental conditions and water management decisions within the MRG are correlated both spatially and temporally and, thus, are not independent of each other. Several levels of effects to the listed species are considered in this BA. Any action that may cause mortality of an individual is considered "likely to adversely affect" even if the long-term indirect effects are likely to be beneficial. Population level effects are more difficult to predict and are presented using the best available information for each species. It is anticipated that a silvery minnow population viability model (PVA) may be available to develop the biological opinion that can give a better resolution of the management actions effects on long-term viability of silvery minnow in the MRG.

The only currently viable population of Rio Grande silvery minnow exists within the project area described within this document. Due to the lack of any interaction with other populations of silvery minnow, actions that occur within this area have direct ramification to the species existence. Timing and magnitude of discharge and geomorphic trends through the MRG are key factors driving population levels. Proposed Water Management Actions may affect spring runoff, magnitude, and duration of summer drying as well as winter flows. These hydrologic parameters affect each life stage of silvery minnow (spawning, larval development, juvenile, and adult survival), as well as habitat availability and quality and water quality. There is evidence presented both by population monitoring and preliminary PVA analysis that suggests that successful recruitment of silvery minnow is strongly linked to the magnitude and duration of spring runoff, with population increases coinciding with the inundation of overbank habitats supporting larval development. Drying of the river, which occurs mainly during summer and fall months, causes mortality for silvery minnow.

The MRG currently supports a large proportion of the total population of the endangered flycatcher when compared range wide. Water operations can have both positive and negative effects on flycatchers and the vegetative habitat they find suitable. In general, actions that promote overbank flooding

or maintain moist soil conditions during territory establishment (approximately May 10¯June 15) are beneficial for flycatchers and vegetative health. Suitable flycatcher habitat typically only remains suitable for a short amount of time (5 to 15 years depending on environmental conditions) when vegetation composition and structure are within a certain age class. For this reason, flycatchers depend on an ever changing environment where vegetation has the opportunity to continuously over mature in some areas and regenerate and reach maturity in other areas.

There are currently two populations of Pecos sunflower in the MRG. The La Joya population is mainly affected by actions that would change the delivery of water to the La Joya SWA. The Rhodes population is in the flood plain of the river and would be affected by actions that change the incidence of overbank flows in the San Acacia Reach. There is no critical habitat associated with the MRG for Pecos sunflower. Pecos sunflower effects are consolidated in section 6.3.3, while silvery minnow and flycatcher effects are presented with each action.

As previously mentioned in the Status and Distribution section of this analysis, the interior least tern can be considered a vagrant on the MRG, and no interior least tern nesting has been recently documented (Service 1995). According to the Recovery Plan from the Service in 1990, the only documented breeding along the Rio Grande takes place in Texas, and the only documented breeding within the State of New Mexico can be found on the Pecos River (Service 1990); similar conclusions are drawn in the complete range-wide survey collected in 2005 (Lott 2006). Due to the low potential for occurrence and that the interior least tern likely only would be present infrequently and/or temporarily (i.e., during migration), the interior least tern likely would not be affected by the project; and no further analysis will be completed on behalf of the species.

6.1.3 Continuation of Geomorphic Trends

The reductions in peaks, increased low flow duration due to water use within the basin, and reduced sediment supply from in place dams has altered the geomorphology of the MRG from a wide, active channel to a narrow, stabilized system. The historic pattern was characterized by large, high energy flows, which reworked sections of the river and flood plain, removed vegetation, supplied sediment, and may have relocated the main channel laterally to lower elevations. This pattern resulted in a wide, braided, sandy channel that was well connected to the flood plain.

The current condition, with lower peak discharges, allows vegetation to establish that, in turn, causes the channel to narrow and become more simplified with little within-channel habitat diversity. In reaches where sediment supply is low, the river has become disconnected from the flood plain and is less likely to inundate the flood plain than in the historical condition. Generally, areas that have high

sediment load and low sediment transport have a greater connectivity to the flood plain and provide more complex habitat at all flows; however, these sections are also more prone to intermittency due to the perched nature of the channel causing the flow to go subsurface.

The Proposed Water Management Actions are not anticipated to have trend-reversing effects on the geomorphology within the MRG. The river is expected to continue to trend towards a narrower, more simplified channel. Channel degradation downstream from Cochiti Dam is expected to continue and to extend further downstream. Currently, the designated safe discharge from Cochiti Dam is 7,000 cfs; and significantly larger discharges would be needed to reverse the geomorphic trends. Habitat restoration and river maintenance activities have had some impact on this trend but have not been performed on a large enough scale to return the river to predevelopment conditions. These restoration projects also will require periodic maintenance to function as designed.

6.2 The Composition of Middle Rio Grande Flows

This section breaks down sources of water providing flows to the MRG at Cochiti Dam as well as of water used to meet the MRGCD diversion demand for the Six MRG Pueblos, the MRGCD's non-Indian irrigators, and the BDANWR. These breakdowns indicate the original sources of the water (native versus. non-native), whether or not the water has been stored (natural flow versus released from storage), and the use or fate of the water (diverted for beneficial use or delivered to Elephant Butte). These breakdowns were developed from URGWOM simulations performed for this BA and present these water sources and fates for each of the five synthetic hydrologic sequences.

The breakdowns of the sources and fates of water that are presented in this section represent the range of 10-year average hydrologic conditions that are likely to be encountered under stable climatic conditions as well as the degree of variability of these conditions in individual years. These breakdowns provide an indication of the scale of the effect of upstream water management actions presented in this BA as well as the degree to which changes to these actions can affect flow conditions in the MRG.

Natural flow, which constitutes the majority of MRG flows, is comprised of natural flow from the main stem, unregulated tributary inflows, and native water from the Rio Chama that has been bypassed from storage at El Vado Dam. The natural flow bypassed at El Vado may be regulated at Abiquiu or Cochiti Dams and still maintains its designation as natural flow for this analysis.

The analysis also shows native water released from storage at El Vado Reservoir and non-native SJC Project water. Native water released from storage at El Vado Reservoir includes:

- Water stored during times in which native inflow to El Vado exceeded irrigation demand, and in which Article VII restrictions under the Rio Grande Compact are not in effect.

- Water stored in El Vado during times in which Article VII restrictions under the Rio Grande Compact are in effect to meet the irrigation requirements of the lands of the Six MRG Pueblos with prior and paramount water rights.

- Water stored in El Vado during times in which Article VII restrictions under the Rio Grande Compact are in effect, but storage is allowed in equal exchange for delivery credits by New Mexico to Texas that have been relinquished under the terms of the Rio Grande Compact. Water has been stored at El Vado under this process in the past decade by agreement (i.e., EDWA) between the State of New Mexico, the MRGCD, Reclamation (for its Supplemental Water Program), and New Mexico municipalities. The EDWA s only a result of initial conditions, not additional relinquishments or allocations.

SJC Project water includes water released from Heron Reservoir to meet the needs of 16 SJC project contractors, including ABCWUA and the MRGCD, as well as water leased by Reclamation under its Supplemental Water Program. SJC Project water may be released to meet contractors' needs or may be released as "Letter Water," to offset the impacts of ground water pumping. SJC Project water released from Heron may be temporarily stored or reregulated at El Vado, Abiquiu, or Cochiti Reservoir and still be presented as SJC Project Water for this analysis. SJC Project water maintains its identity until it is fully depleted within the State of New Mexico.

6.2.1 The Composition of River Flow at Cochiti Dam

To better understand water management in the MRG. it is important to first understand the composition of water under various conditions. This section shows the average percentage contributed by each source of water that provides flows at Cochiti Dam (table 13) and the average uses or fates of that water over a calendar year for the five hydrologic sequences used in this effects analysis. The first three rows of this table (shown in blue) indicate that, on average, about 90% of the water in the MRG is composed of the natural flow in the Rio Grande system, consisting of native water of the Rio Grande and its tributaries that has not been stored for beneficial use at a Reclamation reservoir. Of that 90%, over 32% is used to meet MRGCD's irrigation demand, and the rest is conveyed to Elephant Butte Reservoir to support New Mexico's compliance under the Compact. Releases of native water from El Vado (shown in green, in the second block of rows) total an average across the calendar year of only 3% of the flow out of Cochiti Dam, including native storage, storage for irrigation of lands with

prior and paramount water rights, and relinquished credit water under the Rio Grande Compact ("EDWA water"). SJC Project water (shown in purple, in the third block of rows) makes up an average of just over 7% of the flow out of Cochiti Dam. Table 14 presents the percentage of the total flow that goes to the major SJC Project contractors—MRGCD and ABCWUA—as well the portion that is used to supplement river flows under Reclamation's Supplemental Water Program. Flow to other contractors that do not lease their contracted water to the Supplemental Water Program is negligibly small.

Table 13. Composition of river flows below Cochiti Dam as percent: calendar year

	Wetter →									*Drier*	
WATER SOURCE OR USE	**10%-Exceedence Sequence**		**30%-Exceedence Sequence**		**50%-Exceedence Sequence**		**70%-Exceedence Sequence**		**90%-Exceedence Sequence**		**Avg**
Natural Flow of Rio Grande System	**90.8**		**89.6**		**90.5**		**90.1**		**89.2**		**89.8**
Diverted to meet MRGCD and BDA Demand		23.4		27.0		31.0		33.5		37.5	32.3
Delivered to Elephant Butte		67.4		62.6		59.5		56.6		51.7	57.6
El Vado Releases	**4.3**		**4.1**		**2.7**		**2.7**		**2.4**		**3.0**
Native Storage		3.5		3.2		1.1		0.8		0.1	1.3
Prior and Paramount, for demand		0.1		0.1		0.2		0.2		0.4	0.2
Prior and Paramount, unused, evacuated		0.2		0.2		0.7		0.9		1.0	0.7
EDWA (MRGCD)		0.3		0.3		0.4		0.4		0.5	0.4
EDWA (Reclamation)		0.2		0.3		0.3		0.3		0.4	0.3
SJC Project Water	**4.9**		**6.4**		**6.9**		**7.2**		**8.4**		**7.2**
MRGCD		1.4		2.4		2.6		2.5		3.4	2.7
ABCWUA Diversion		2.7		3.1		3.5		3.7		3.8	3.5
Supplemental Water Program		0.8		0.8		0.8		1.1		1.1	1.0

Table 14 depicts the composition of flows, by percentage, which makes up the supply used to meet the MRGCD diversion demand over the calendar year. The water diverted by the MRGCD is used to meet the needs of the Six Middle Rio Grande Pueblos as well as the MRGCD's non-Indian irrigators. Diverted water that remains at the end of the MRGCD's system is delivered to the BDANWR. The MRGCD estimates this delivery to be 40,000–60,000 acre-feet per year, most of which is passed through the refuge and returned to the LFCC. The actual volumes associated with the MRGCD's diversion demand are provided in appendix 5, by month and by diversion structure.

The composition of the water that is used to meet the diversion demand of the MRGCD differs somewhat from the composition of water at Cochiti Dam but shows the same general character in which most the water is supplied by the natural flow of the Rio Grande and its tributaries. Additionally, 79% of the diversion requirement at the MRGCD's four main stem diversions (Cochiti Dam

and Angostura, Isleta, and San Acacia Diversion Dams, but not the LFCC diversions) is met by natural flows of the Rio Grande system, consisting of native flows not stored at El Vado Reservoir and over which Reclamation has no control. Only 5.9% of water diverted at these four main stem MRGCD diversions is composed of Reclamation's releases of Rio Grande water from storage at El Vado Reservoir. Reclamation's SJC Project releases account for approximately 6.7% of the MRGCD's irrigation demand. The remainder of the MRGCD's irrigation demand (as defined by the irrigation demand curves used in the URGWOM model (appendix 5) remains unmet.

Table 14. Composition of the diversion demand of the MRGCD, as percent: calendar year

	Wetter →									*Drier*	
WATER SOURCE OR USE	**10%-Exceedence Sequence**		**30%-Exceedence Sequence**		**50%-Exceedence Sequence**		**70%-Exceedence Sequence**		**90%-Exceedence Sequence**		**Avg**
Natural Flow of Rio Grande System	**78.8**		**80.8**		**82.0**		**79.3**		**74.5**		**79.2**
Releases from Storage	**12.0**		**8.4**		**6.3**		**4.9**		**4.0**		**5.9**
Native Storage		10.1		6.5		2.9		1.3		0.1	2.7
Prior & Paramount, for demand		0.3		0.3		0.5		0.4		0.8	0.5
Prior & Paramount, unused, evacuated		0.6		0.6		1.9		2.1		2.1	1.7
EDWA (MRGCD)		1.0		1.0		1.0		1.0		1.0	1.0
MRGCD SJC Project Water	**4.8**		**7.2**		**6.8**		**5.9**		**6.8**		**6.7**
Deficit	**4.4**		**3.5**		**4.9**		**9.9**		**14.7**		**8.2**

Table 15 shows sources of flow and uses or fates of water for the five hydrologic sequences during the snowmelt runoff season (March–July). A comparison of table 14 to table 16 shows that the proportion of the flow out of Cochiti that consists of the natural flow of the Rio Grande system is higher during the snowmelt runoff season than in the year overall. This is because, during the snowmelt runoff season, natural flow typically provides more than sufficient water to meet the irrigation demand; and, therefore, releases of native water in storage or SJC Project water are usually not needed to meet demand (native water is usually being stored in El Vado during this period). Some releases of native water from El Vado and SJC Project water occur during this period, particularly in the later part of this period in years for which the runoff ends before July, but the amount is lower than during the year overall.

Table 16 shows the composition of flows out of Cochiti Dam during the later part of the irrigation season, after the snowmelt runoff is complete (August–October). During this period, the use of stored native water and SJC Project water is at its maximum. However, even during this period, over 79% percent of the flow is composed of natural flow.

Table 15. Composition of River Flows below Cochiti Dam as percent: runoff season (March–July)

WATER SOURCE OR USE	10%-Exceedence Sequence (Wetter)		30%-Exceedence Sequence		50%-Exceedence Sequence		70%-Exceedence Sequence		90%-Exceedence Sequence (Drier)		Avg
Natural Flow of Rio Grande System	**94.1**		**92.8**		**93.3**		**91.6**		**89.7**		**91.8**
Diverted to meet MRGCD and BDA Demand		24.8		28.2		32.9		36.1		43.1	35.1
Delivered to Elephant Butte		69.3		64.6		60.3		55.5		46.6	56.8
El Vado Releases	**2.2**		**1.6**		**2.1**		**1.8**		**2.4**		**2.0**
Native Storage		1.6		0.9		0.8		0.4		0.1	0.5
Prior and Paramount, for demand		0.1		0.1		0.2		0.3		0.5	0.3
Prior and Paramount, unused, evacuated		0.0		0.0		0.2		0.1		0.5	0.2
EDWA (MRGCD)		0.3		0.1		0.5		0.5		0.7	0.5
EDWA (Reclamation)		0.3		0.4		0.4		0.5		0.6	0.5
SJC Project Water	**3.7**		**5.7**		**4.7**		**6.6**		**7.9**		**6.2**
MRGCD		1.2		2.8		1.5		2.7		3.7	2.7
ABCWUA Diversion		1.4		1.9		2.2		2.2		2.6	2.2
Supplemental Water Program		1.1		0.9		1.1		1.7		1.6	1.3

Table 16. Composition of river flows below Cochiti Dam as percent: late (postrunoff) irrigation season (August–October)

WATER SOURCE OR USE	10%-Exceedence Sequence (Wetter)		30%-Exceedence Sequence		50%-Exceedence Sequence		70%-Exceedence Sequence		90%-Exceedence Sequence (Drier)		Avg
Natural Flow of Rio Grande System	**72.1**		**77.2**		**75.6**		**81.9**		**82.5**		**79.3**
Diverted to meet MRGCD and BDA Demand		51.2		54.3		59.7		69.4		67.2	62.7
Delivered to Elephant Butte		20.9		23.0		15.8		12.5		15.3	16.6
El Vado Releases	**17.3**		**12.7**		**8.3**		**8.0**		**5.5**		**8.6**
Native Storage		14.5		9.7		3.9		2.1		0.0	3.9
Prior and Paramount, for demand		0.1		0.1		02		0.1		0.5	0.2
Prior and Paramount, unused, evacuated		1.2		1.2		3.7		5.2		4.3	3.6
EDWA (MRGCD)		0.9		1.7		0.5		0.7		0.7	0.9
EDWA (Reclamation)		0.5		0.0		0.0		0.0		0.0	0.0
SJC Project Water	**10.7**		**10.1**		**16.1**		**10.0**		**12.0**		**12.1**
MRGCD		4.6		3.5		10.3		5.0		7.1	6.5
ABCWUA Diversion		5.4		5.2		5.0		4.9		3.9	4.8
Supplemental Water Program		0.7		1.4		0.8		0.1		1.0	0.9

The tables presented thus far in this section depict average conditions over 10-year periods for a variety of hydrologic conditions. Table 17 displays the degree to which these conditions can vary in individual years, based on the volume of the natural flow and the availability of water stored in reservoirs from previous years. The largest component of natural flow would occur in a year for which the initial reservoir storage is small and the natural flow is large. In the modeled year for which these conditions are most extreme, the percentage of MRG flows made up of natural flow of the Rio Grande system is 95.2%. In this high-natural-flow year, the component of MRG flow that is made up of water that had been stored in El Vado is 3.0%, and the component made up of SJC Project water is 1.8%. The largest contribution of stored and non-native water would be in a year with large initial reservoir storage and a small natural flow. In the modeled year for which these conditions are the most extreme, the percentage of MRG flows made up of natural flow is only 74.0%. In this low-natural-flow year, the component of MRG flow that is made up of water that had been stored in El Vado is 9.8%, and the component made up of SJC Project water is 16.2%.

Table 17. Composition of river flows below Cochiti Dam, as percent: range of variability for individual years

WATER SOURCE OR USE	Individual Year with Small Reservoir Storage and Large Natural Flow	Individual Year with Large Reservoir Storage and Small Natural Flow
Natural Flow of Rio Grande System	95.2	74.0
Diverted to meet MRGCD & BDA Demand	17.1	38.8
Delivered to Elephant Butte	78.1	35.2
El Vado Releases	3.0	9.8
Native Storage	1.8	6.5
Prior & Paramount	0.0	2.4
EDWA (MRGCD)	0.8	0.0
EDWA (Reclamation)	0.4	0.9
SJC Project Water	1.8	16.2
MRGCD	0.1	5.8
ABCWUA Diversion	1.7	6.9
Supplemental Water Program	0.0	3.6

6.3 Comparison of Hydrologic Conditions with and Without the Proposed Water Management Actions

This section compares modeled hydrologic conditions under the Proposed Water Management Actions to modeled hydrologic conditions in the absence of those actions (referred to as the "No Action" condition in this section, for convenience). The Proposed Water Management Actions do not include Reclamation's Supplemental Water Program, which is evaluated separately as a conservation measure in section 6.5. Both conditions have been modeled and evaluated using the five synthetic hydrologic sequences described in section 6,1. In the simulations of the Proposed Water Management Actions, Reclamation operates Heron Dam to provide SJC Project water to its contractors. Reclamation, in coordination with the MRGCD, stores native water in El Vado Dam and releases that water as needed to meet MRGCD diversion demand, and the MRGCD operates its MRG diversions. In the simulation of the No Action condition, these operations are turned off in the model. However, MRGCD irrigation demand is not turned off. Therefore, if water is available to the irrigation network, such as from interior and riverside drains, that water will be used to meet irrigation demand if it can be delivered to the turnout without being diverted from the river. The flow targets set by the 2003 BiOp are used as operating rules for all model runs. Additionally, through 2013, the Corps can deviate its operations of Cochiti Dam to enhance the timing and shape of the spring hydrograph in the MRG, an interrelated and interdependent action to this BA, which is turned on in all model runs (see table 30).

There are effects to both high flow and low flow conditions within the MRG from the Proposed Water Management Action when compared to a No Action scenario. Figure 60 presents a comparison of the modeled duration of continuous high flows at Central Avenue under the Proposed Water Management Actions, relative to the No Action condition. This figure shows that, on average, the Proposed Water Management Actions decrease the length of time that the spring snowmelt runoff peaks persist in the MRG. For example, there is a 4-day difference between the duration of flows exceeding 3,000 cfs and a 10-day difference in the duration of flows exceeding 1,000 cfs under the Proposed Water Management Actions relative to the No Action condition. This change is due to both diversion of flows and storage of water at El Vado. The difference is more pronounced in the Isleta Reach decreasing the duration at 3,000 cfs by 6 days and 1,000 cfs by over 20 days. The COE deviation program is included through 2013 in the model runs for both Proposed Action and No Action scenarios. The deviation is not likely to change the total flow volume but may extend the number of days that flow remains above a threshold level.

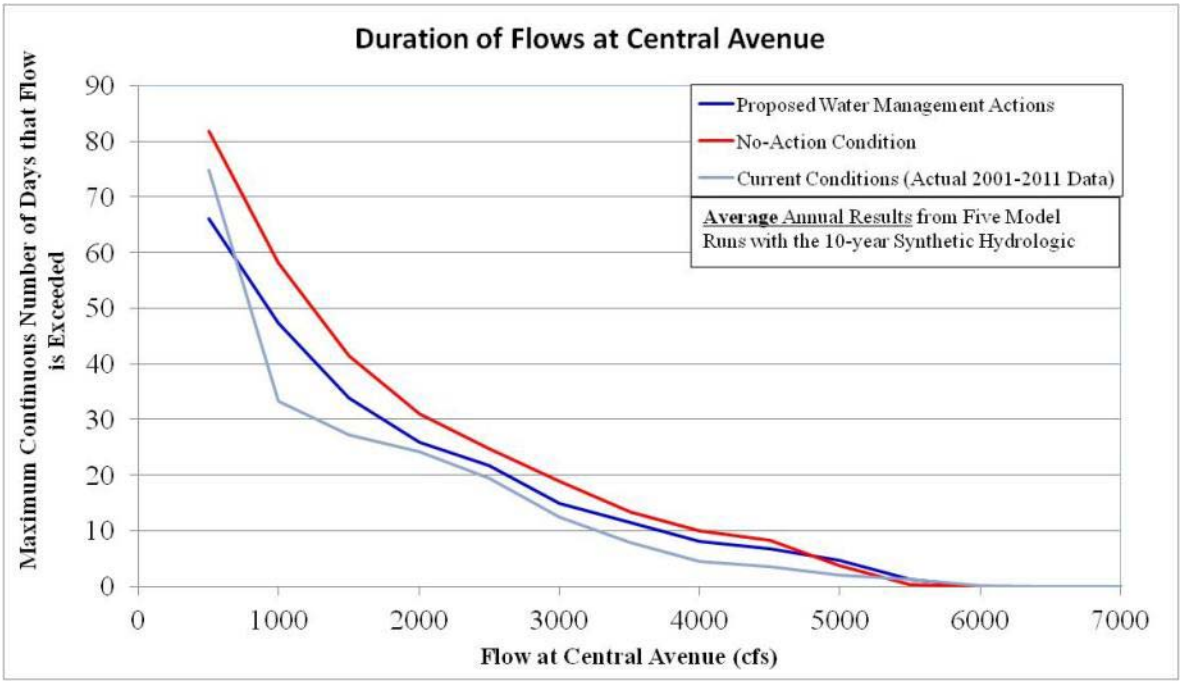

Figure 60. Comparison of the duration of continuous days of high flow under the Proposed Water Management Actions, relative to the No Action condition, at Central Avenue gage, Rio Grande, New Mexico, in the 500- to 7,000-cfs range.

The effect is more pronounced during lower flows. Figure 61 provides a summary of the impact of the Proposed Water Management Actions on flows in the MRG, relative to the No Action condition, at key locations within the MRG, including the Albuquerque/Central Avenue gage, downstream from Isleta Diversion Dam, downstream from San Acacia Diversion Dam, and at San Marcial, from July 1 to October 31. Each colored bar shows the combined effects on flows of both Federal and non-Federal actions in the Proposed Water Management Actions, including operation of Heron Dam under the SJC Project, Operation of El Vado Dam, and MRGCD diversions, at these key locations. It shows that the Proposed Water Management Actions result in lower flows across the normal range of flows at this location.

This effect is concentrated in the irrigation season. The difference between the Proposed Water Management Actions and the No Action condition during the nonirrigation season is very small. The model runs and the spreadsheet analysis presented here indicate that Proposed Water Management Actions likely will result in additional days of river drying. The relative differences between modeled flows under the Proposed Water Management Actions and the No Action persist downstream through the remaining reach of the MRG.

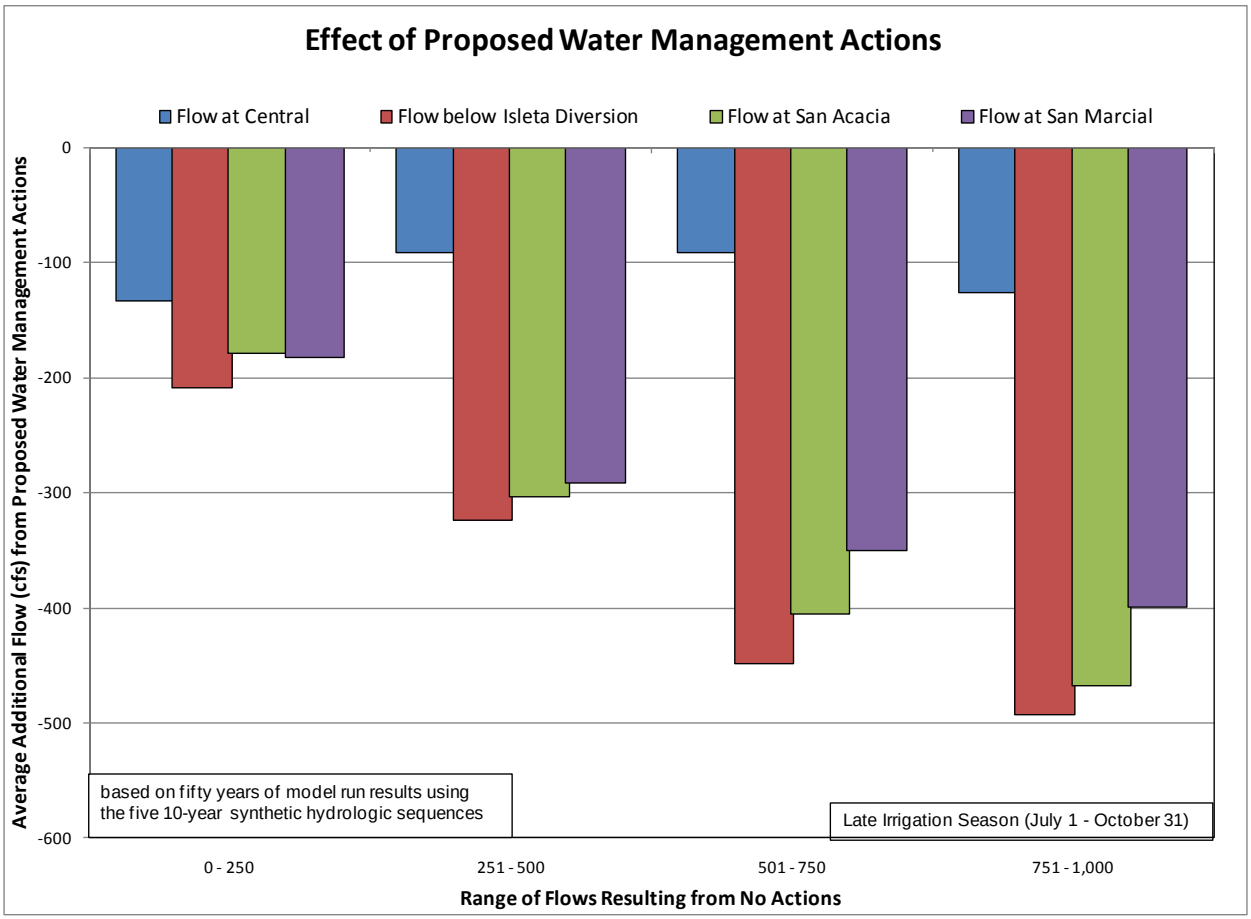

Figure 61. Change in modeled flow under the Proposed Water Management Actions to flow modeled under the No Action condition over the calendar year.

As explained in section 6.1.1, the portrayal of the No Action condition in URGWOM is subject to considerable uncertainty, since this condition has not been monitored in the MRG, and, therefore, the model has not been calibrated to this condition. Therefore, an additional computational tool, a mass-balance-based spreadsheet model developed in MS Excel by the MRGCD (described in appendix 10) has been employed for evaluation of the No Action condition and comparison of this condition to the flow conditions under the Proposed Water Management Actions.

The premise of the spreadsheet model is that a certain flow enters each reach, and the amount leaving that reach is determined by subtracting the known depletions in that reach from that inflow. The outflow from that reach then becomes the inflow for the next reach. There are complicating factors, primarily the interaction of water into and out of the drainage system. As noted above, some reaches are aggregated for consideration, which eases the difficulty in accounting for these complicating factors. The spreadsheet model depends on an input of the

flow expected to enter the MRG from the outlet works of Cochiti Reservoir. This input value is derived from the previous URGWOM modeling for various conditions.

The spreadsheet model then uses estimates of agricultural, riparian, and open water depletions from Reclamation's "ET Toolbox," plus a ground water component in the Albuquerque area, to estimate flows arriving at four key points in the MRG; Central Avenue gage in Albuquerque, below Isleta Dam, San Acacia Gage, and San Marcial Gage. Flows at these points are evaluated in terms of number of years of successful spawn/recruitment condition during each run (Central Avenue only), days of major drying over the course of the run, days of intermittency over the course of the run, number of years during the run in which major drying occurs, and number of years during the run in which some intermittency occurs (table 18).

Table 18. The following thresholds were specified as output criteria for table 19

	Spawn Flow/Duration	Major Drying	Intermittency
Central Avenue	3,000 cfs/7 days	10 cfs	100 cfs
Below Isleta Dam		30 cfs	100 cfs
San Acacia Gage		10 cfs	200 cfs
San Marcial Gage		10 cfs	50 cfs

The spreadsheet model also includes a user-adjustable factor that specifies agricultural consumption. This allows for full agricultural consumptive use to occur in the model under the Proposed Water Management Actions, where it should be set to 1. However, for No Action runs, agricultural consumption may still occur in some areas even when no diversion for that purpose is occurring, due to ground water accretion in MRGCD drains. The factor specified for a given reach is dependent on whether the drain flows in that reach can be used for irrigation, or must return to the river.

Table 19 presents a summary of the days of minnow spawning flows, intermittency, and river drying that are projected under the five hydrologic sequences used for this effects analysis for the Proposed Water Management Actions and the No Action condition. The third column of tables compares the two conditions and, therefore, presents an assessment of the impact of the Proposed Water Management Actions on these conditions, based on the spreadsheet model. Please note that the column headers for the Central Avenue location differ from those for the other key locations.

No Action

Central Ave.	Sequence	Less than 100 cfs Days	Less than 100 cfs Years	Spawn (YRS) 3000cfs/7dys
Wetter	10%	31	4	8
↑	30%	23	4	6
	50%	16	3	6
↓	70%	34	4	6
Drier	90%	47	3	3
	All (50 yrs)	151	18	29

Below Isleta Dam Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	39	5	127	6
30%	25	4	68	4
50%	16	3	71	3
70%	40	4	141	4
90%	64	3	261	8
All (50 yrs)	184	19	668	25

Blw SanAcaciaDam Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	276	7	668	9
30%	175	6	460	8
50%	186	5	597	9
70%	277	4	640	10
90%	447	6	831	10
All (50 yrs)	1361	28	3096	46

Blw SanMarcial Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	683	10	765	10
30%	547	8	618	9
50%	670	10	730	10
70%	723	10	787	10
90%	824	10	900	10
All (50 yrs)	3447	48	3800	49

Proposed Action

Central Ave.	Sequence	Less than 100 cfs Days	Less than 100 cfs Years	Spawn (YRS) 3000cfs/7dys
Wetter	10%	122	2	8
↑	30%	95	3	6
	50%	139	3	5
↓	70%	258	4	6
Drier	90%	411	5	3
	All (50 yrs)	1025	17	28

Below Isleta Dam Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	779	9	985	9
30%	673	9	880	10
50%	907	10	1127	10
70%	1008	10	1208	10
90%	1187	10	1373	10
All (50 yrs)	4554	49	5573	49

Blw SanAcaciaDam Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	705	9	1092	10
30%	656	9	1046	10
50%	818	10	1266	10
70%	944	10	1391	10
90%	1097	10	1486	10
All (50 yrs)	4220	48	6281	50

Blw SanMarcial Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	907	10	980	10
30%	853	10	914	9
50%	1030	10	1122	10
70%	1155	10	1228	10
90%	1224	10	1296	10
All (50 yrs)	5169	50	5540	49

Impact (Proposed Action minus No Action)

Central Ave.	Sequence	Less than 100 cfs Days	Less than 100 cfs Years	Spawn (YRS) 3000cfs/7dys
Wetter	10%	91	-2	0
↑	30%	72	-1	0
	50%	123	0	-1
↓	70%	224	0	0
Drier	90%	364	2	0
	All (50 yrs)	874	-1	-1

Below Isleta Dam Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	740	4	858	3
30%	648	5	812	6
50%	891	7	1056	7
70%	968	6	1067	6
90%	1123	7	1112	2
All (50 yrs)	4370	30	4905	24

Blw SanAcaciaDam Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	429	2	424	1
30%	481	3	586	2
50%	632	5	669	1
70%	667	6	751	0
90%	650	4	655	0
All (50 yrs)	2859	20	3185	4

Blw SanMarcial Sequence	Drying Days	Drying Years	Intermittency Days	Intermittency Years
10%	224	0	215	0
30%	306	2	296	0
50%	360	0	392	0
70%	432	0	441	0
90%	400	0	396	0
All (50 yrs)	1722	2	1740	0

Table 19. Comparison of the occurrence of spawning flows, river intermittency, and river drying under the Proposed Action relative to the No Action Condition over 10-year period. Criteria for this table are outlined in table 18.

The analysis at the Central Avenue Gage location includes an assessment of the number of years in which silvery minnow spawning flows are achieved, which is designated for purposes of this analysis as 3,000 cfs for 7 consecutive days. This analysis shows that, as has been indicated previously in this analysis, the Proposed Water Management Actions have a negligible impact on the spawning flows. The spreadsheet model projects a difference of one year in fifty for the achievement of spawning flows, from 29 out of 50 years under the No Action condition to 28 out of 50 years under the Proposed Water Management Action.

The spreadsheet model projects a significantly larger difference in the number of years in which intermittency and drying occur with and without the proposed action. This is as expected, since the Proposed Water Management Actions include irrigation diversions from the river. The Proposed Water Management Action results in a change in the number of days with flows below 100 cfs at Central Avenue is projected to be about 5% of the total number of days. This translates to over 75% of intermittency at Central Avenue being attributable to the Proposed Water Management Action (table 20). The larger impact is downstream of Isleta Diversion Dam where the Proposed Water Management Actions cause over 90% of the drying, a change from drying several days per year to drying about 25% of days.

Table 20. Proportion of predicted river drying and intermittency attributable to Proposed Water Management Action downstream from various gages on the Rio Grande

	Upstream River Gage			
Sequence	Central	Isleta	San Acacia	San Marcial
Major Drying		<10 cfs	<30 cfs	<10 cfs
10%		95.0%	60.9%	24.7%
30%		96.3%	73.3%	35.9%
50%		98.2%	77.3%	35.0%
70%		96.0%	70.7%	37.4%
90%		94.6%	59.3%	32.7%
Intermittency	<100 cfs	<100 cfs	<200 cfs	<50 cfs
10%	74.6%	87.1%	38.8%	21.9%
30%	75.8%	92.3%	56.0%	32.4%
50%	88.5%	93.7%	52.8%	34.9%
70%	86.8%	88.3%	54.0%	35.9%
90%	88.6%	81.0%	44.1%	30.6%

6.3.1 Effect of Proposed Water Management Actions on Silvery Minnow

The Proposed Water Management Actions can decrease the length of time that spring snowmelt runoff peaks persist in the MRG. This indicates that the Proposed Action may have a negative effect on the development of silvery minnow eggs and larvae by reducing the time in which high flows inundate overbank habitat. The difference in the mean number of days that would be expected at each discharge level increases as the peak flow decreases. Thus, in years with high overbank potential (flows greater than 3,000 cfs at Albuquerque) there is a less noticeable decrease in high flows than in those years with minimal snowmelt. The relationship of October catch rates of silvery minnow and number of days greater than 3,000 cfs (figure 16), revealed that, since 1993, only 1 year with fewer than 30 days with discharge greater than 3,000 cfs had a mean October catch rate greater than five fish per 100 square meters (m^2). A linear regression of this relationship indicates an approximate change in mean October CUPE by two fish per 100 m^2 for every 5 days change in spring discharge > 3,000 cfs.

Table 21. Relationship of mean October CPUE with number of days with discharge greater than 3,000 cfs in May and June from figure 17

Yr	Mean October CPUE (#/100 m^2)	# Days Discharge >3,000 cfs (May and June)	Graph Value (Figure 16)
1993	11.8	59	1.9
1994	12.6	60	2.0
1995	26.8	61	2.3
1996	1.4	0	0.7
1997	13.6	43	2.2
1999	6.3	30	1.3
2000	0.4	0	0.3
2001	0.9	2	0.4
2002	0.1	0	0.1
2003	0.0	0	0.0
2004	0.9	0	0.4
2005	37.3	57	2.9
2006	1.3	0	0.6
2007	10.8	10	1.7
2008	8.3	46	1.6
2009	15.5	34	2.2
2010	1.2	19	0.6
2011	1.2	0	0.5

The Corps deviation program is included through 2013 in the model runs for both Proposed Action and No Action scenarios. The deviation is not likely to change the total flow volume but may extend the number of days that flow remains above a threshold level, which could benefit silvery minnow. There is little difference between the Proposed Water Management Actions and the No Action condition for the duration of flows over 5,000 cfs, which are the flows that are high enough to alter the channel; so the Proposed Water Management Actions have little direct effect on current silvery minnow habitat features within the MRG. However, the Proposed Water Management Actions do provide low summertime flows, which allow vegetation growth and, therefore, contribute to channel narrowing and simplification. This indirect effect is compounded by the lack of channel-resetting high flow events due to flood control operations by the Corps at Cochiti Dam. There is a complex relationship between sediment transport and silvery minnow habitat. Generally, areas that have high sediment load and low sediment transport have a greater connectivity to the flood plain and provide more complex habitat at all flows; however, these sections are also more prone to intermittency due to the perched nature of the channel causing the flow to go subsurface. These processes are described in detail in the River Maintenance Part II. Depending on their operation, diversion dams may interrupt sediment downstream transport and cause degradation within the channel.

In addition to the high flow duration, October catch rates are related to the onset of low flow conditions (figure 17). The early onset of low flows is negatively related to the recruitment of silvery minnow. Modeling predicts that the Proposed Action increases the likelihood that low flow conditions begin earlier in the year (indicated by 200 cfs at San Marcial) (figure 62). Modeling runs of the Proposed Action also indicate that the duration of low flow conditions and drying are increased under the Proposed Action as compared to the No Action scenario (table 19). In the modeled scenarios, there is increased probability of drying in all reaches with the Proposed Action as compared to the No Action scenario. Increased drying is likely to adversely affect silvery minnow, especially juvenile and adults during summer and fall timeframes.

The Proposed Action may increase winter flows during the transfer of water to Elephant Butte after the irrigation season. This is considered to have little effect on silvery minnow since the flow levels tend to be sufficient and stable during winter. Stable water conditions should allow minnow to remain in a single overwinter habitat without having to expend energy seeking out new suitable habitats as flows change. Higher flows also may provide some amount of thermal stability during times of extremely low air temperatures. A summary of the effects of the Proposed Water Management Actions on silvery minnow is presented in table 22.

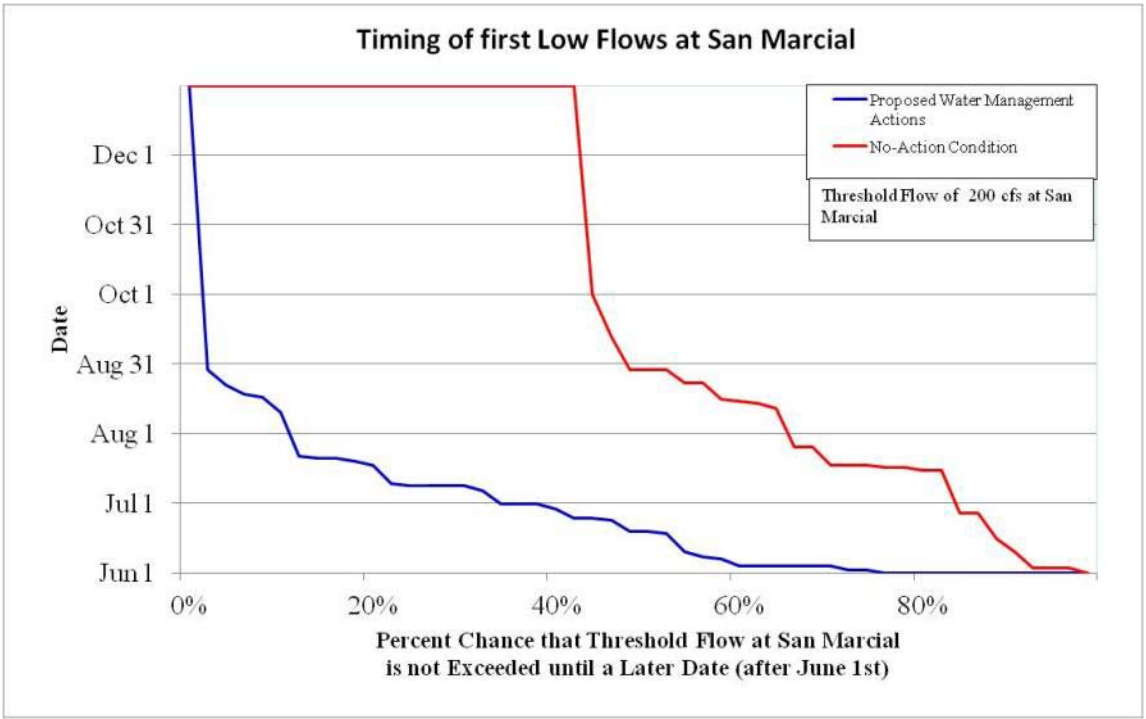

Figure 62. Comparison of the timing of the first low flows at San Marcial under the Proposed Water Management Actions to flows under the No Action condition, after June 1.

Table 22. Summary of the effect of the full Proposed Water Management Actions on the life history elements and critical habitat PCEs of silvery minnow. Table 19. Effect of Proposed Water Management Actions (3.2 and 3.3) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Spring (March–June)	The Proposed Action will cause a small decrease in the magnitude and duration of runoff in the MRG. This decrease is anticipated to be minor. The duration of inundation of overbank habitats is related to spawning and recruitment of silvery minnow. **Direct and Indirect – *The Proposed Water Management Actions are likely to adversely affect silvery minnow*** recruitment due to the decreased magnitude and duration of spring runoff.				There is little information on how spring flows are related to adult survival of silvery minnow. The anticipated minor changes in the spring hydro-graph from the Proposed Water Management Actions ***are not likely to directly or indirectly adversely affect adult silvery minnow.***

Table 22. Summary of the effect of the full Proposed Water Management Actions on the life history elements and critical habitat PCEs of silvery minnow. Table 19. Effect of Proposed Water Management Actions (3.2 and 3.3) on life history elements and PCEs of silvery minnow (continued)

	Spawning	Eggs	Larval	Juvenile	Adult
Summer (June–Sept)			The Proposed Water Management Actions are anticipated to cause decreased summer and fall flows and drying as compared to the No Action scenario. Both low flows and drying are likely to cause mortality of silvery minnow. Thus, **Direct and Indirect – *The Proposed Water Management Actions are likely to adversely affect silvery minnow during summer and fall periods.***		
Fall (Sept–Nov)					
Winter (Dec–Feb)					Water releases for SJC Project contractors generally occur in November and December. These releases provide higher flows through the MRG, which are of sufficient amount and generally stable. **Direct and Indirect – *The Proposed Water Management Actions are not likely to adversely affect winter survival of adult silvery minnow.***
Critical Habitat PCE's					
Hydrologic Regime					
A hydrologic regime that provides sufficient flowing water with low to moderate currents capable of forming and maintaining a diversity of aquatic habitats.	The Proposed Action has no effect on the duration of channel resetting, habitat forming flows (> 5,000cfs) but does set the base flow levels that also continues the long-term geomorphic trends within the MRG, which is trending towards a narrower, more simplified channel due to vegetation encroachment. There are indirect as well as interrelated and interdependent effects on silvery minnow critical habitat from the storage and release of water from reservoirs which changes sediment transport capacity and disrupts of peak flows. There is ***no direct effect to silvery minnow critical habitat but indirect effects include long-term vegetation encroachment within the channel, which may adversely affect silvery minnow critical habitat.***				
Presence of a diversity of habitats for all life history stages					

Table 22. Summary of the effect of the full Proposed Water Management Actions on the life history elements and critical habitat PCEs of silvery minnow. Table 19. Effect of Proposed Water Management Actions (3.2 and 3.3) on life history elements and PCEs of silvery minnow (continued)

	Spawning	Eggs	Larval	Juvenile	Adult
Sufficient flows from early spring (March) to early summer (June) to trigger spawning	Silvery minnow are known to spawn with very small flow increases. However, the Proposed Action may result in a minor decrease in high flows especially in years with limited spring runoff; ***this may have direct and indirect effects but is not likely to adversely affect critical habitat for spawning of silvery minnow.***				
Flows in the summer (June) through fall (October) that do not increase prolonged periods of low or no flow		The Proposed Action increases the likelihood of low flow periods and drying in the MRG as compared to No Action. **Direct and Indirect – *The Proposed Action is likely to adversely affect silvery minnow critical habitat by increasing the duration of low flow and drying within the MRG.***			
Constant winter flow				Water releases for SJC Project contractors generally occur in November and December. These releases provide higher flows through the MRG that are of sufficient amount and generally stable. **Direct and Indirect – *Actions are not likely to adversely affect winter critical habitat.***	

Table 22. Summary of the effect of the full Proposed Water Management Actions on the life history elements and critical habitat PCEs of silvery minnow. Table 19. Effect of Proposed Water Management Actions (3.2 and 3.3) on life history elements and PCEs of silvery minnow (continued)

	Spawning	Eggs	Larval	Juvenile	Adult
Unimpounded stretches of river with a diversity of habitats and low velocity refuge areas					
River reach length	Currently, diversion dams are in place; no new cross channel structures are proposed. The actual length of wetted river within each reach changes depending on channel sinuosity. Sinuosity changes depending on geomorphology and discharge levels. Sinuosity of the thalweg may increase during low flows that increase the length of the river but also may promote vegetation growth on point bars within the river channel. The lack of flood stage flows also changes the potential that the river will move outside its current channel. The Proposed Action ***is not likely to adversely river reach length.***				
Habitat "Quality" in each reach and refugial habitats.	Habitat quality in each reach is dependent on the structure and diversity of available habitat. Channel trends throughout the MRG are towards a more simplified channel due to vegetation encroachment. Base flow levels from the proposed actions drive the vegetation encroachment within the channel. The quantity of suitable habitat within each reach also changes at different flows, this relationship is not linear in most sections of the river and is dependent on channel shape. The Proposed Action ***may have indirect effects that adversely affect silvery minnow critical habitat***.				
Substrate of sand or silt					
Substrates of predominantly sand or silt	The Proposed Action is not likely to affect the current trend of substrate coarsening in the Cochiti Dam and Angostura Reaches or deposition within the lower reaches. Much of the sediment in the MRG is introduced from tributary flows that are largely unregulated. The presence and operation of diversion dams within critical habitat interrupts sediment transport and may affect the substrate size downstream from the structures. Direct and Indirect – The Proposed Action ***is likely to adversely affect substrate composition within silvery minnow critical habitat.***				
Water quality					
Temp >1˚ - <30˚C.	Water temperature, DO, and pH within the MRG may be affected during low flow conditions, especially in intermittent areas. ***Direct and Indirect – The Proposed Action is likely to adversely affect water quality due to increased low flow periods.***				
DO > 5 mg/L					
pH (6.6-9.0)					
Other Contaminants	Drain and irrigation return water has the potential to have poor water quality, but recent studies (Buhl 2011) found no biologically significant levels of contaminants in the tested wasteway water. The Proposed Action reduces the amount of water that is available to dilute contaminants that are introduced to the river from outside sources. This lack of dilution may have ***indirect effects but is not likely to adversely affect silvery minnow.***				

6.3.2 Effect of Proposed Action on flycatcher.

Currently, the suitable habitat within the project area that would be affected by the Proposed Action include areas in the upper end of Cochiti Reservoir in the Otowi to Cochiti Dam Reach; from just south of Albuquerque to the Isleta Diversion Dam, Isleta Diversion Dam to Rio Puerco, and Rio Puerco to San Acacia Reaches; and from the BDANWR to RM 73 (just south of the BDANWR) in the Arroyo de las Cañas to San Antonio Bridge, San Antonio Bridge to River Mile 78 and River Mile 78 to River Mile 62 Reaches (reach boundaries are described in the River Maintenance section). Areas that are not on the list likely will not reach suitability in at least the next 10 years based on vegetation trends in the last 10 years and/or the depth to ground water is likely too deep to encourage new

growth of native-dominated vegetation communities. An extensive effort beyond water operations would be required to establish flycatcher suitable habitat in those areas.

Above Cochiti Reservoir, other factors influence hydrology and flycatcher habitat such as water coming in from tributaries, reservoir storage, and beaver activity that maintains ponded areas of water within the Cochiti Reservoir delta. Into the future, flycatcher habitat in this area is predicted to remain well within the 50 meter distance to water and have saturated soils associated with flycatcher preference to establish territories and conditions suitable for vegetation health and recruitment. This prediction is based on historic flows observed at the Otowi Bridge gage over the last 10 years.

The area from the confluence of the Rio Grande and the Rio Chama to Otowi Bridge is proposed critical habitat for flycatchers; however, that area would not be affected by the Proposed Action because MRGCD's water diversions do not take place this far north. Additionally, due to the 1,800-cfs channel capacity on the Rio Chama below Abiquiu Reservoir, flows from the Chama alone would make little impact on the occurrence of recruitment or overbank flows in the MRG.

Overbank flooding events tend to attract flycatchers and lead to territory establishment. These events also contribute to vegetation health, seedling establishment, and insect prey base abundance. The methodology described in the following paragraphs was used in an effort to determine the relative change in the potential for overbank flooding due to the decrease in high flow periods from the Proposed Water Management action.

The one-dimensional modeling from the River Maintenance Part 2, Most Likely Strategies and Methods by Reach Attachment uses the a value of 4,700 cfs as an indicator for predicting overbank flows. The 2-year return rate of 4,700 cfs was modeled to predict the frequency of when an overbank flooding event would occur. For example, a value is over 1 signifies a higher frequency of overbank flows at lower discharge than 4,700 cfs. Values under 1 signify lower frequency of overbank flows. This modeling effort does not include overbank flows on islands; therefore, it is likely an overestimate of the flows required to inundate those areas. Table 23 describes the modeling value for overbank flows in each reach related to a discharge of 4,700 cfs.

Overbank discharge values were less than 1 in most reaches, signifying that more than 4,700 cfs would be needed for overbank flows with the exception of areas in the BDANWR. Because the Arroyo del las Cañas to San Antonio Bridge and San Antonio Bridge to River Mile 78 Reaches had overbank discharge values over 1, flows less than 4,700 cfs would trigger an overbank flooding event. A recent Colorado State University study determined actual overbank flows occur at a discharge of 1,400 cfs for that reach.

Table 23. Modeled predictions of overbank flooding at 2-year return rate of 4,700 cfs

Reach	Inundation Value
Angostura Diversion Dam to Isleta Diversion Dam	0.76
Isleta Diversion Dam to Rio Puerco	0.70
Rio Puerco to San Acacia Diversion Dam	0.53
Arroyo del las Cañas to San Antonio Bridge	1.74
San Antonio Bridge to River Mile	3.36
River Mile 78 to River Mile 62	0.53

Hydraulic modeling indicates a small change in the overbank flooding potential in all reaches due to the Proposed Action (figures 63, 64, and 65) using the Proposed Action with no Supplemental Water sequence and during the early irrigation season that covers the period of flycatcher territory establishment. There would be a difference of between 1 to 3 days of overbank flows in all reaches from Albuquerque to RM 62 with the exception of the area from Arroyo del las Cañas to River Mile 78 when comparing the Proposed Action to No Action (table 24). This difference is likely inconsequential for flycatcher, considering that these areas often require more than the 4,700 cfs for flooding, and areas where flycatchers occupy are typically along the rivers' edge and within the 50-meter distance to water where 94% of flycatcher nests are located.

Table 24. Effects of the Proposed Water Management Action compared to No Action and the difference in potential days of overbank flooding events during early irrigation season and flycatcher territory establishment. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with Proposed Action	Number of days flows reach 4,700 cfs with Proposed Action	Percent of the time flows reach 4,700 cfs with No Actions	Number of days flows reach 4,700 cfs with No Actions
Central	10.20%	12	11.30%	14
San Acacia	7.10%	9	10.00%	12
San Marcial	3.10%	4	4.40%	5

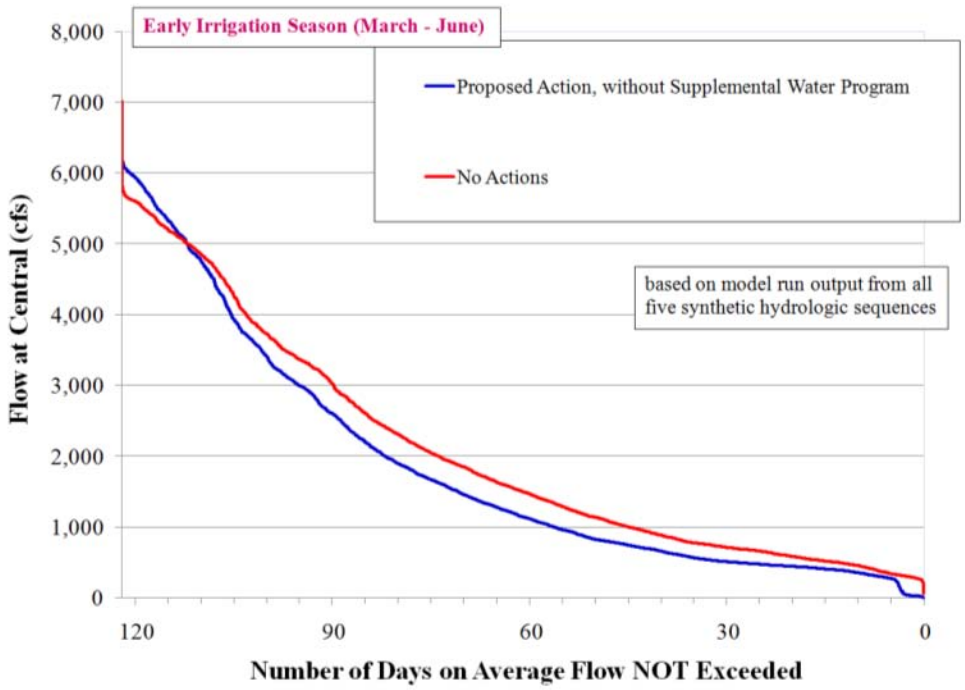

Figure 63. Relative comparison of modeled flows at Central gage considered Proposed Action with no Supplemental Water Program compared to No Action during the flycatcher territory establishment period.

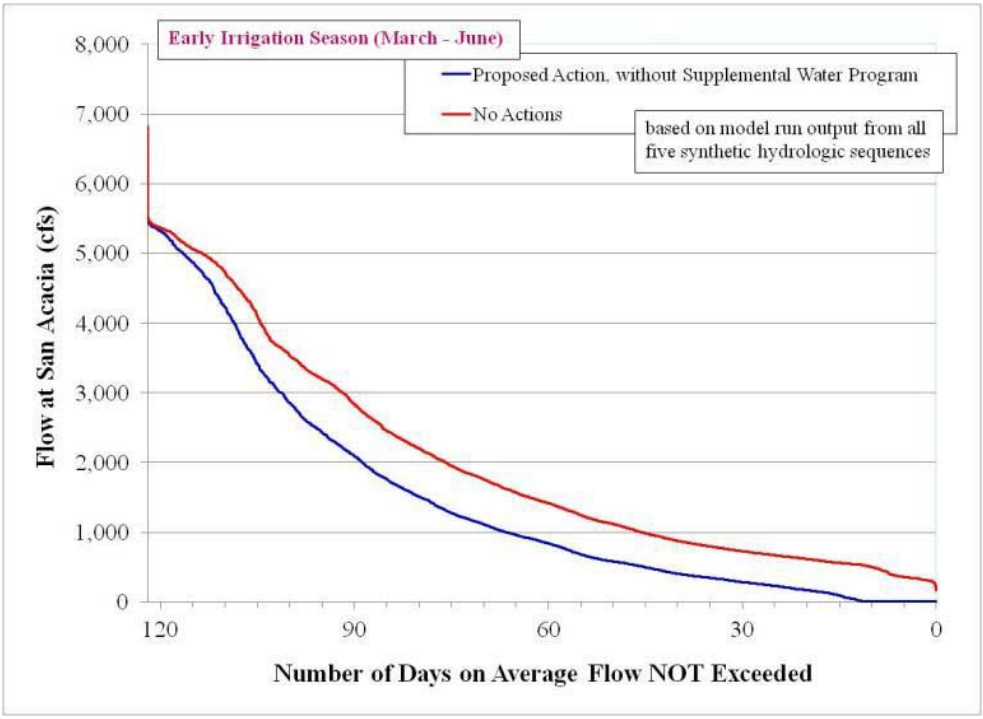

Figure 64. Relative comparison of modeled flows at San Acacia gage considered Proposed Action with no supplemental water program compared to No Action during the flycatcher territory establishment period.

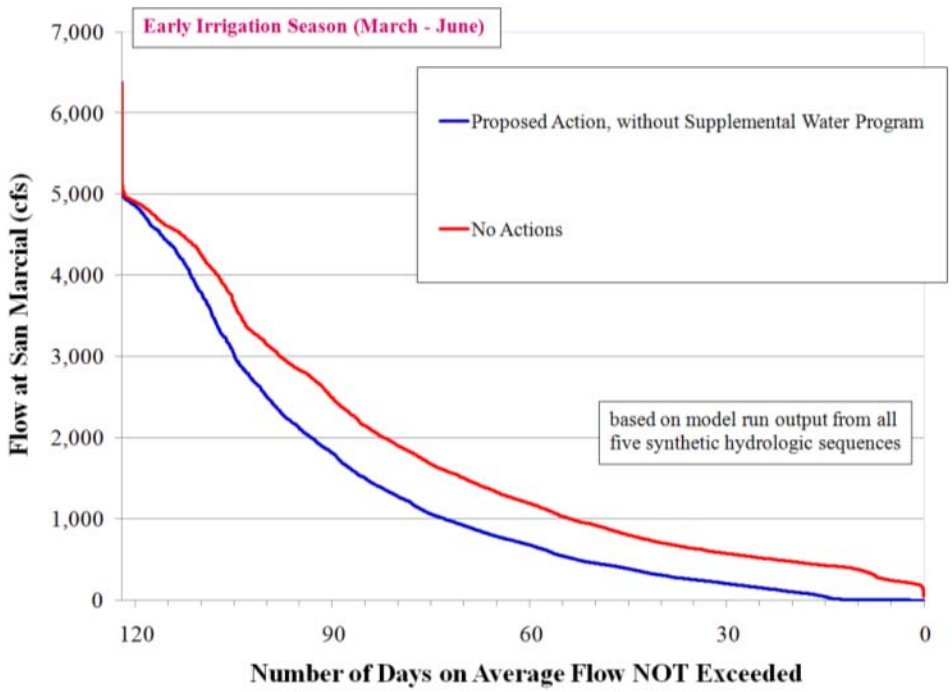

Figure 65. Relative comparison of modeled flows at San Marcial gage considered Proposed Action with no Supplemental Water Program compared to No Action during the flycatcher territory establishment period.

Hydrologic modeling for the late irrigation season from July to October indicate a small decrease in water but relatively minor differences between the No Action versus Proposed Action scenarios (table 25).

Table 25. Effects of the Proposed Water Management Action compared to No Action and the difference in potential days of overbank flooding events during late irrigation season and flycatcher nesting period. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with Proposed Action	Number of days flows reach 4,700 cfs with Proposed Action	Percent of the time flows reach 4,700 cfs with No Actions	Number of days flows reach 4,700 cfs with No Actions
Central	1.8%	2	2.2%	3
San Acacia	1.8%	2	2.4%	3
San Marcial	1.7%	2	2.3%	3

For the Arroyo del las Cañas to RM 78 reach, modeled flow at the San Acacia gage was analyzed with the Proposed Action at the 1,400 cfs required for inundation within the BDANWR area. According to calculations, this area would meet overbank flows 45.0% of the time in the No Action sequence and 36.3% or

44 days in the Proposed Action sequence (table 26). This 10-day difference would be more substantial when compared to the other reaches but territories within this area are found along the river and are typically within 50 m of water as long as the river is wet which would be the majority of time in the March-to-June time period.

Table 26. Effects of the Proposed Water Management Action compared to No Action and the difference in potential days of overbank flooding events during early irrigation season and flycatcher territory establishment in the reaches from Arroyo del las Cañas to RM 78.

Gage Location	Percent of the time flows reach 1,400 cfs with Proposed Action	Number of days flows reach 1,400 cfs with Proposed Action	Percent of the time flows reach 1,400 cfs with No Actions	Number of days flows reach 1,400 cfs with No Actions
San Acacia	36.30%	44	45.00%	55

The modeling results for the late irrigation season from July–October at the San Acacia gage results indicate a 5-day difference in potential overbank flooding during that time period (table 27). Though this time period is less important in regard to territory establishment, it is important for vegetative health and nest success during July and August. If vegetation declines in value for flycatchers during this time period, their nests would be more visible and subject to predation due to decreased foliage cover. Table 28 presents a summary of the effects of Heron and El Vado Dam operations and MRGCD diversions on flycatchers in the MRG.

Table 27. Effects of the Proposed Water Management Action compared to No Action and the difference in potential days of overbank flooding events during late irrigation season and flycatcher nesting period in the reaches from Arroyo del las Cañas to RM 78.

Gage Location	Percent of the time flows reach 1,400 cfs with Proposed Action	Number of days flows reach 1,400 cfs with Proposed Action	Percent of the time flows reach 1,400 cfs with No Actions	Number of days flows reach 1,400 cfs with No Actions
San Acacia	6.2%	8	10.5%	13

Table 28. Effect of Proposed Action on life history elements and PCEs of flycatchers

Life History Element	**Migration** (April–June and July–September)	**Arrival to Territories/ Territory Establishment/Nest Building** (May–July)	**Egg Laying/ Incubation/ Nestling/ Fledgling** (June–August)
Breeding Season (April–September)	The Proposed Action would ***not likely adversely affect*** flycatcher stopover locations during migration because flycatchers will use habitat that is less suitable during this time and farther away from water sources.	The Proposed Action may ***indirectly affect flycatcher habitat on a negligible level***. Because the Proposed Action, when compared to No Action, would ***decrease the potential of overbank flooding and decrease the overall water available for vegetation***, this could cause a decline in territory recruitment and canopy cover/plant health/seed establishment and ***could potentially adversely affect flycatcher habitat,*** particularly in periods of drought. However, it should be noted that the decrease in water between the two scenarios is a relatively small amount.	Territory recruitment at this stage is no longer an issue as flycatchers are more invested in their territories and less likely to abandon nests should conditions dry or decline in value. However, if vegetation does not have adequate water resources, canopy cover likely will decrease, and predation and/or parasitism likely would be more prevalent. Because the Proposed Action would result in less water in the system, there would be an increased possibility of vegetation not having adequate water to maintain health and, thus, ***would adversely affect flycatcher habitat and potential nest success***, again particularly in times of drought.
Critical Habitat PCES			
Riparian Vegetation	Riparian habitat in a dynamic successional environment to be used for nesting, foraging, migration, dispersal, and shelter. Dense tree or shrub vegetation in close proximity to open water or marsh areas. With a decrease in the water amount reaching flycatcher suitable habitat patches, the Proposed Action could ***potentially adversely affect flycatcher riparian vegetation***.		
Insect Prey Populations	A variety of insect prey populations found in close proximity to riparian flood plains or moist environments. The minimal difference between the No Action and the Proposed Action ***may affect, not likely to adversely affect the insect prey populations***. It is also important to note that a dry river does not impact insect populations when ponded water and adjacent drains are present.		

6.3.3 Effect of Proposed Action on Pecos Sunflower

In the Middle Rio Grande, the Pecos sunflower is presently known to exist within the La Joya Waterfowl Area of the NMDGF Ladd S. Gordon Waterfowl Complex. This is one of the largest populations of *H. paradoxus*, consisting of 100,000 to 1,000,000 plants. This unit is 854 acres (346 ha) in Socorro County, New Mexico. This population is located about 7 mi (11 km) south of Bernardo within Socorro County near the confluence of the Rio Grande and the Rio Puerco. The La Joya population is bounded to the west by I-25 and to the east by the Unit 7 Drain. The plants exist entirely within the managed area of the NMDGF wildlife area. Ponds, springs, and wetted soils are features within the La Joya Unit that strongly influence the presence and distribution of Pecos sunflower. Both ground water and managed water create these wet features where Pecos sunflower is found. The interaction between these is complex and not well understood (NMDGF 2007). One or all three may be a source of water for the Pecos sunflower, possibly to varying degrees at different times of the year. Water is delivered to this area via the Unit 7 Drain and the La Joya drain which is part of the "former state drain system."

In recent years, the maintenance of the drains has been limited. In the past, Reclamation performed maintenance on portions of the drains that was largely funded by the State. Currently, the responsibility for O&M of the drains is under consideration. Effects of maintenance are discussed in the River Maintenance section. Reclamation's Water Management actions (operation of Heron and El Vado) mainly extend the supply of water available for diversion during irrigation season and have little or no effect on the Pecos sunflower in the Middle Rio Grande (table 29). Water delivered through the MRGCD system to manage the Ladd S. Gordon Waterfowl Complex for migratory waterfowl habitat is beneficial to preserve wetland habitat for *H. paradoxus*. Parts of the riverside drains also function as conveyance channels during the irrigation season, causing drain stage to be above the water table. Therefore, riverside drains either can lose or gain water from the aquifer system depending on the drain stage and drain bed altitude relative to the water table. The ground water modeling by USGS (Bartolini and Cole 2002, McAda and Barroll 2002) indicate that ground water elevation in the region near the sunflower population has been generally steady in recent history. There is no designated critical habitat for Pecos sunflower in the Middle Rio Grande.

Infestations of exotic plant species continue to destroy or degrade desert wetlands and riparian areas. High densities of saltcedar (*Tamarix* sp.), Russian olive (*Elaeagnus angustifolia*), and perennial pepperweed (*Lepidium latifolium*) can have adverse impacts to cienegas. Saltcedar and Russian olive trees transpire considerable amounts of water from shallow water tables, which could reduce water available for Pecos sunflower. These invasive species also create an over story canopy that reduces light in the understory and further degrades Pecos sunflower habitat. Perennial pepperweed reduces species diversity in cienegas

and space otherwise available for Pecos sunflowers. The Pecos sunflower habitat management plan identifies their strategy to control exotic plants within the wildlife area (NMDGF 2007).

Table 29. Effects of Proposed Water Management Actions on Pecos sunflower within the Middle Rio Grande, New Mexico

Proposed Actions	Effect on Pecos Sunflower
	Direct and Indirect – Flow from drains and return channels provide water to maintain wetland conditions suitable for Pecos sunflower and, therefore, is beneficial to the species. ***The delivery of water is beneficial to Pecos sunflower.*** Actions that decrease the potential for overbank flooding in the area of the Rhodes population ***may indirectly adversely affect Pecos sunflower***.
Reclamation's Proposed Actions	**Effect on Pecos Sunflower**
Heron Dam and Reservoir	The sunflower population is supported from MRGCD drain and return water. The difference in the hydrograph from the operation of Heron Dam and SJC Project water is negligible and only provides roughly 7% of the total water diverted by MRGCD. Heron Dam operations have very limited effect on high flows that would be needed to inundate the Rhodes population. **Direct and Indirect** – No effect on Pecos sunflower.
El Vado Dam and Reservoir	The sunflower population is supported from MRGCD drain and return water. Storage and release of water from El Vado does not have a noticeable impact on the amount of water available to the Pecos sunflower population. El Vado operations may decrease the potential for overbank flooding on a negligible level, the effect is only noticeable during years that main stem Rio Grande flows are low and overbank flows are not present . **Direct and Indirect** – *Not likely to affect Pecos sunflower*.
Non-Federal Proposed Actions	**Effect on Pecos Sunflower**
MRGCD Diversion Operations	
Operation of Diversion Dams and Returns	**Direct and Indirect** – Flow from drains and return channels provide water to maintain wetland conditions suitable for Pecos sunflower and, therefore, is beneficial to the species. ***The delivery of water through MRGCD drains is beneficial to Pecos sunflower at La Joya SWA.*** MRGCD diversions decrease the water within the River and the frequency of overbank flows. This decrease ***may adversely affect Pecos sunflower*** within the flood plain of the Rio Grande.

The newly established Rhodes population is likely to be affected by water operations only during high flow conditions. The area did inundate during the winter of 2011 due to an ice dam forming in the area. It is unknown what the inundation level that is needed to provide water. There are no effects to the population during base flow conditions.

6.4 Action-by-Action Analysis of Effects of Components of the Proposed Water Management Actions

6.4.1 Approach to Action-by-Action Analysis

In the action-by-action portion of this hydrologic effects analysis, effects of individual actions are parsed out from the overall effect of the Proposed Water Management Actions to identify the relative effect of each discrete action, to the extent practical. The effect of each action is evaluated by comparing a condition in which that action does not occur. The analyses presented in this section distinguish the relative impacts of the discrete actions and, therefore, can contribute to developing and evaluating potential mitigative alternatives and additional conservation measures.

Reclamation's action-by-action analysis differentiates the effects of the following management actions:

- Reclamation's releases from Heron Reservoir at the request of project contractors, under the SJC Project.
- Storage of water in and release of water from El Vado Reservoir, by Reclamation and in coordination the MRGCD.
- MRGCD operations of the MRG diversion structures to provide flows to MRGCD irrigators, including the Six MRG Pueblos, and tail water to the Bosque del Apache National Wildlife Refuge.

The simulations included in the action-by-action analysis are summarized in table 30. The second row in this table explains how the comparisons between runs are used to determine the impact of each discrete action. The runs are compared sequentially in a step down approach, from the full suite of actions on the right to the No Action condition on the left. The effects of Reclamation's Heron Dam operations under the SJC Project are simulated by comparing the Proposed Water Management Actions to a run that simulates only Reclamation's El Vado Dam operations and MRGCD diversions. The effects of El Vado Dam operations under the MRG Project are determined by comparing simulations of El Vado Dam operations and MRGCD diversions to a set of simulations of MRGCD diversions of the natural flow, but no El Vado Dam operations.

Table 30. Summary of water operations included in each action-by-action model run

Across: Action-by-Action Model Runs Down: Modeled Operations	No Actions	MRGCD Diversions only	El Vado Dam Operations and MRGCD Diversions (No SJC Project Operations)	Proposed Water Management Actions	Proposed Water Management Actions and Reclamation's Supplemental Water Program
	Compare with next scenario to evaluate impact of MRGCD diversions; compare with 4th column to evaluate impact of all actions	Compare with next scenario to evaluate impact of El Vado Dam operations	Compare with Proposed Action to evaluate impact of Heron Dam operation	Compare with next scenario to evaluate impact of Reclamation's Supplemental Water Program	Conservation measure evaluation
Heron Dam Operations					
Reclamation leases					X
LFCC Pumping					X
San Juan-Chama Project diversions				X	X
Heron waivers				X	X
MRGCD SJC Project storage at El Vado				X	X
ABCWUA storage at Abiquiu, diversions, and Letter Water delivery				X	X
SJC Combined-account storage at Abiquiu, and Letter Water delivery				X	X
Refilling of Cochiti Recreation Pool				X	X
Maintenance of target flows				X	X
El Vado Dam Operations					
Prior and paramount water storage at El Vado			X	X	X
Release of prior and paramount water according to daily demand schedule			X	X	X
Storage of unused allocation of Emergency Drought Water (MRGCD and Supplemental Water Program)			X	X	X
Rio Grande Storage at El Vado			X	X	X
Release Rio Grande water from El Vado for the MRGCD demand			X	X	X
El Vado reregulation for the channel capacity below El Vado			X	X	X

Table 30. Summary of water operations included in each action-by-action model run (continued)

Across: Action-by-Action Model Runs Down: Modeled Operations	No Actions	MRGCD Diversions Only	El Vado Dam Operations and MRGCD Diversions (No SJC Project Operations)	Proposed Water Management Actions	Proposed Water Management Actions and Reclamation's Supplemental Water Program
MRGCD Diversions					
Diversions for MRGCD non-Indian irrigators		X	X	X	X
Diversions for Pueblos		X	X	X	X
Other Operations					
Cochiti Deviations (years one and two)	X	X	X	X	X

And finally, the effects of the MRGCD diversions are determined by comparing the simulation of the MRGCD diversions only to a run that includes none of the Federal or non-Federal Proposed Actions. The effects of the Proposed Water-Management Actions, in total, are evaluated by comparing the Proposed Water-Management Actions simulation to the simulation of the "No Action" condition.

Figures 66 through 69 summarize of the range of impacts of the discrete actions evaluated in this action-by-action analysis under low flow conditions during the late irrigation season, the period most likely to have river intermittency and drying. As discussed above, in these graphs, the impacts of discrete actions are evaluated through comparing sequential steps in the stepped-down sequence of URGWOM simulations presented in table 30. The vertical axis on these plots depicts the difference in flow that results from the action being evaluated, in comparison to a situation in which that action is not performed. The gray boxes on these "box and whisker plots" show the middle 50% of impacts.

These plots show that, during low flow conditions in the late irrigation season, Heron and El Vado Dam operations each provide a small, but occasionally significant, increase in flow. The impacts are largest at Central Avenue, and progressively smaller at Isleta, San Acacia, and San Marcial. MRGCD diversions decrease flows in times of low flow conditions, which increases with distance downstream, due to the cumulative effects of diversions on river flows. The impact of the combined Proposed Water Management Actions, shown in the final box and whisker, represents the impact of the discrete actions combined. The combined Proposed Water Management Actions have a consistently negative impact on low flows.

At Central Avenue (figure 66), the positive impacts of Heron Dam operations on low flows during the late irrigation season are typically (the middle 50%) between zero and 60 cfs, and the impacts of El Vado Dam operations are typically between zero and 240 cfs. The downward impacts on flows of MRGCD diversions are typically between 200 and 300 cfs at Central Avenue, and the total impact of the Proposed Action typically ranges from 180–240 cfs.

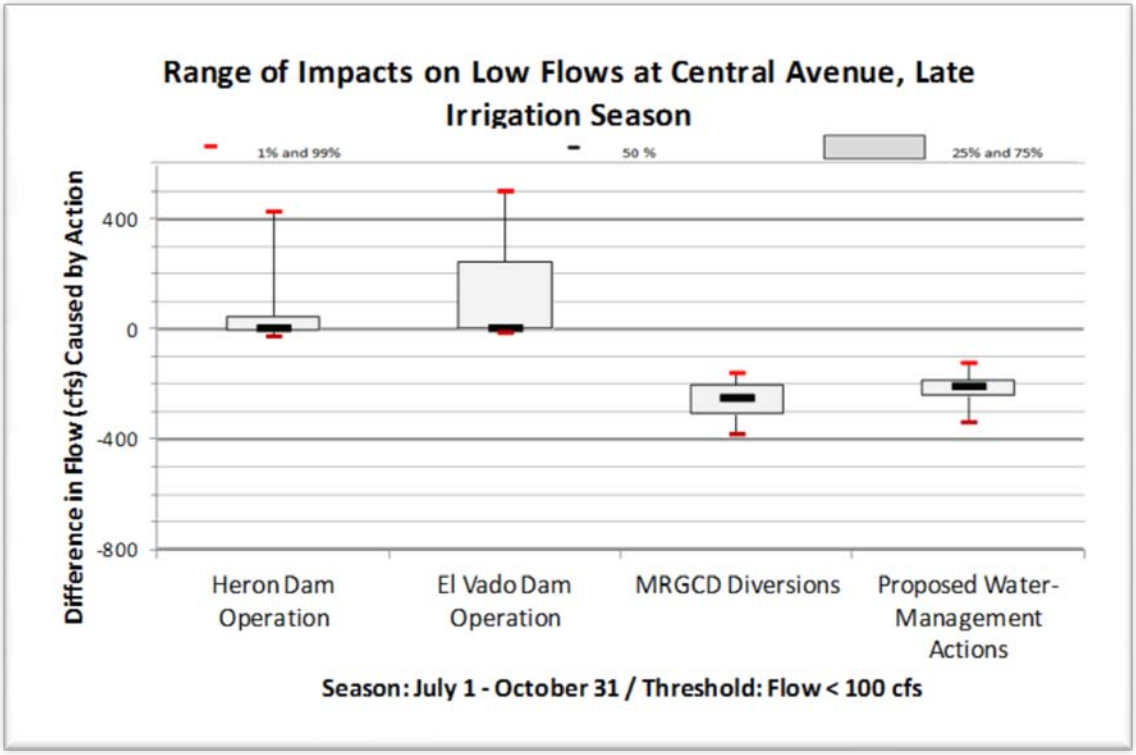

Figure 66. Range of impacts for the step down comparison of discrete actions on low flows at the Central Avenue Gage in Albuquerque during the post-runoff season.

Downstream of Isleta Diversion (figure 67), model results show a smaller positive impact from Heron and El Vado Dam operations on low flows during the late irrigation season and a larger negative impact from MRGCD diversions, typically between 380–520 cfs. Therefore, the combined effects of discrete actions, represented by the Proposed Water Management Actions, also cause a negative effect during low flows.

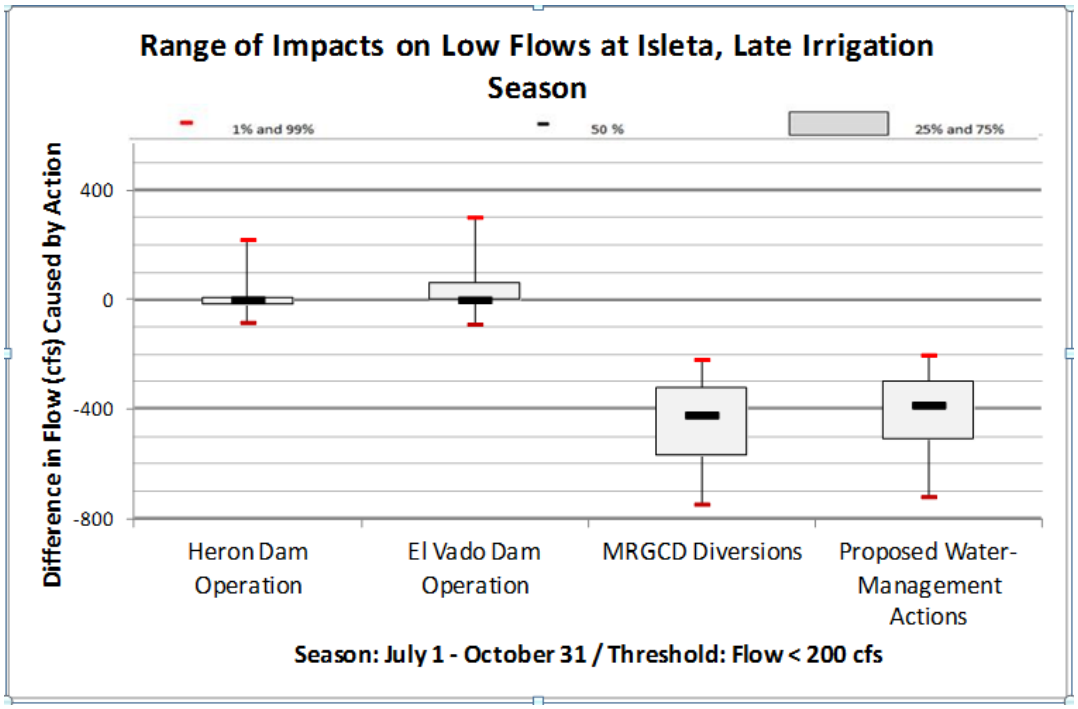

Figure 67. Range of impacts for the step down comparison of discrete actions on low flows downstream of the Isleta Diversion Dam during the post-runoff season.

Downstream of San Acacia Diversion (figure 68), this trend, in which the positive impact of Heron and El Vado Dams on flow is lessened, and the negative impact on flows of MRGCD diversions is increased due to the cumulative effect of upstream diversions, continues. However, the differences between the effects downstream of Isleta Diversion and those downstream of San Acacia Diversion are small because there is relatively little water diverted at San Acacia.

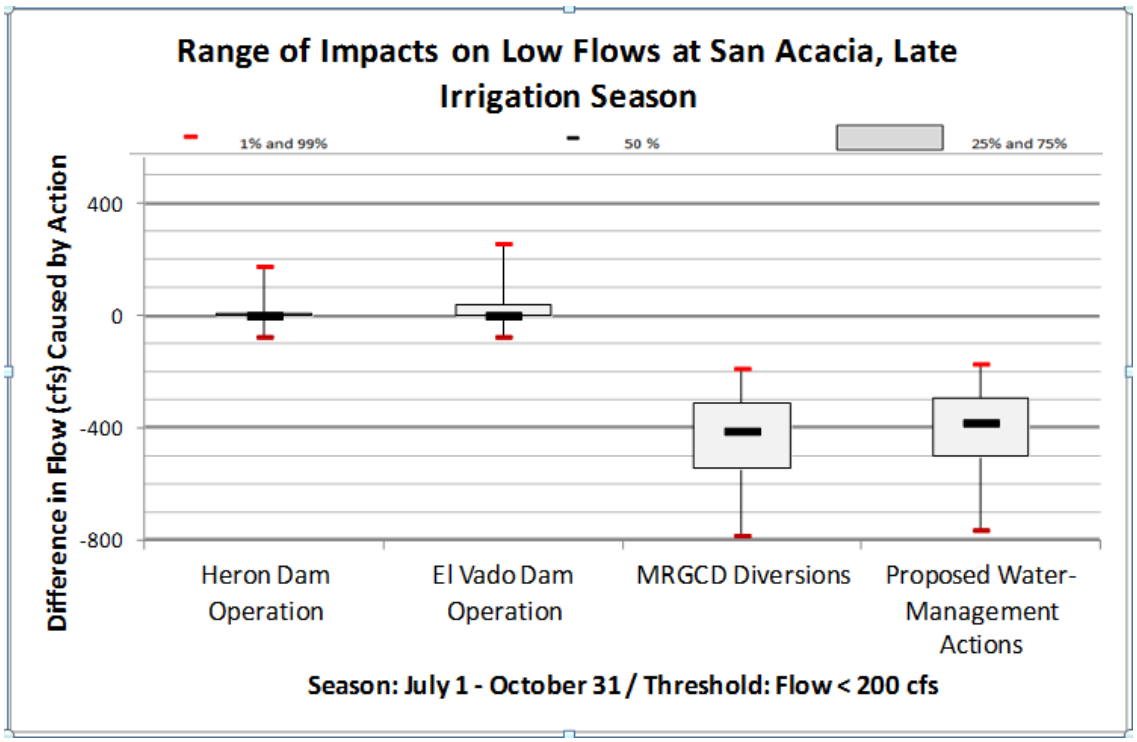

Figure 68. Range of impacts for the step down comparison of discrete actions on low flows downstream of the San Acacia Diversion Dam during the postrunoff season.

At San Marcial, which is downstream of the MRGCD and the BDANWR (Figure 68), the positive impact on flows of Heron and El Vado Dam operations is very small. The negative impact of diversions is also decreased, due to return flows, especially from the BDANWR. At this location, the cumulative negative impact on low flows of the Proposed Water Management Actions is 200 to 400 cfs.

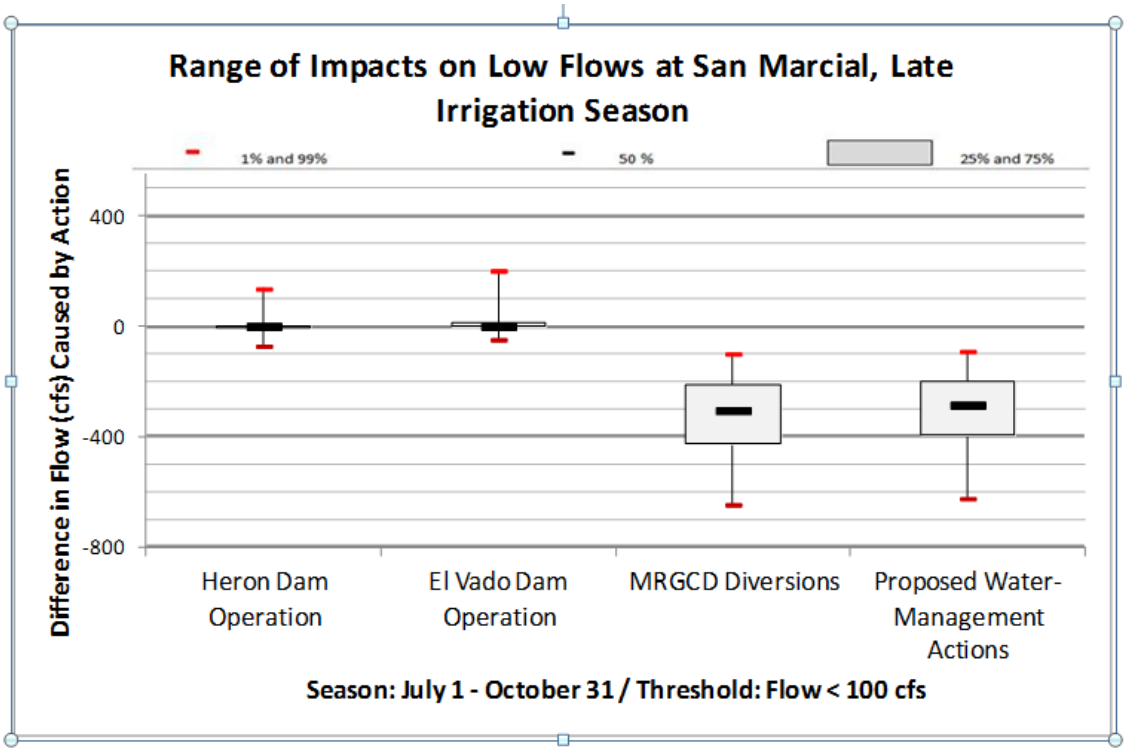

Figure 69. Range of impacts for the step down comparison of discrete actions on low flows at San Marcial during the postrunoff season.

Table 31 summarizes the average impacts of the discrete actions at the key locations presented in the plots. In this table, the impacts are depicted as positive (increasing flows in the low flow range) or negative (decreasing flows when flows are already low), and near zero (less than 20 cfs), minor (20 cfs to less than 50 cfs), or major (greater than 50 cfs). The patterns of impact are essentially the same as has been described for the “box and whisker” plots. However, the average impact of Supplemental Water on low flows downstream from Isleta has been characterized as “major” due to the influence of Supplemental Water released to comply with continuous flow requirements.

Table 31. Qualitative assessment of average impact on low flows in the Middle Rio Grande.

Location	Season	Supplemental Water	Heron Dam Operation	El Vado Dam Operation	MRGCD Diversions	Proposed Water-Management Actions	Threshold Flow (cfs)
Central Avenue Gauge	Early Irrigation	minor (+)	major (+)	major (+)	major (-)	major (-)	100
Downstream of Isleta Diversion Dam		major (+)	~0	~0	major (-)	major (-)	200
Downstram of San Acacia Diversion Dam		minor (+)	~0	~0	major (-)	major (-)	200
San Marcial Floodway Gauge		major (+)	~0	~0	major (-)	major (-)	100
Central Avenue Gauge	Late Irrigation	~0	major (+)	major (+)	major (-)	major (-)	100
Downstream of Isleta Diversion Dam		~0	~0	minor (+)	major (-)	major (-)	200
Downstram of San Acacia Diversion Dam		~0	~0	minor (+)	major (-)	major (-)	200
San Marcial Floodway Gauge		~0	~0	~0	major (-)	major (-)	100
	Legend	50	to	1000	major (+)		
		20	to	49.99	minor (+)		
		-19.99	to	19.99	~0		
		-49.99	to	-20	minor (-)		
		-1000	to	-50	major (-)		

Further details on the impacts of each of the discrete actions are provided in the following sections.

6.4.2 Effects of Heron Dam Operations under the SJC Project

6.4.2.1 Approach to the Analysis of Reclamation's Actions under the SJC Project

URGWOM runs were used to evaluate Reclamation's Heron Dam operations under the SJC Project. In this analysis, Reclamation's Heron Dam operations include deliveries to all contractors, whether or not those contractors have completed ESA consultations for the delivery and use of their SJC Project water. Entities that have separate ESA consultations for their use of SJC Project water include the city of Santa Fe and Santé Fe County (for the Buckman Direct Diversion Project) and ABCWUA (for the Albuquerque Drinking Water Project).

Without Reclamation's release of SJC Project water from Heron Reservoir, the MRGCD would not have access to its annual allocations of SJC Project water, and the ABCWUA would not have supplies for its drinking-water diversion project. Also, no deliveries would be made to offset evaporative losses from the Cochiti Recreation Pool, and there would be no "Letter Water" deliveries to offset impacts of ground water pumping on MRGCD irrigators and the Compact.

As shown on table 32 (shown later in this discussion) and described above, the effects of Reclamation's Heron Dam operations are evaluated by comparing a simulation of the Proposed Water Management Actions to a simulation of when the only aspects of the Proposed Water Management Actions that are included are El Vado Dam operations and MRGCD diversions (i.e., Heron Dam operations are turned off). The simulations when Heron Dam operations are turned off specify no importation of water from the San Juan Basin, no new allocations of SJC Project water to contractors, and no releases of SJC Project Water at Heron Dam.

Note that under the initial conditions for these model runs, some SJC Project water is already in storage by the MRGCD, the ABCWUA, and other contractors at El Vado and Abiquiu Reservoirs. For the analysis, these stored waters are used to meet standard demands, but no new SJC Project water is available once these supplies are depleted. All SJC Project water initially in Heron Reservoir is retained and gradually evaporates. In general, these runs do not include the Supplemental Water Program that is evaluated as a conservation measure. Supplemental Water available under initial conditions is used as long as supply lasts, but no additional SJC Project water is made available for lease to the Supplemental Water Program.

6.4.2.2 Effects of Reclamation's Heron Dam Operations under the San Juan-Chama Project

Reclamation's operations of Heron Dam under the SJC Project result in augmented flows below Cochiti Dam as a result of ABCWUA deliveries to its surface-water diversion and MRGCD deliveries of its SJC Project water allocation to irrigators in the MRG. While increased flows are evident below Cochiti Dam and at Central Avenue, much of the additional flow is diverted at the ABCWUA diversion or at MRGCD diversions at Cochiti, Angostura, or Isleta.

Figure 70 compares flows below Cochiti Dam and the Cochiti diversions with and without Reclamation's operations of Heron Dam. Both curves summarize hydrologic conditions compiled from all of the synthetic hydrologic sequences. This comparison indicates that Heron Dam operations increase flows during low flow periods downstream from Cochiti Dam as a result of the additional supply for ABCWUA and MRGCD irrigators.

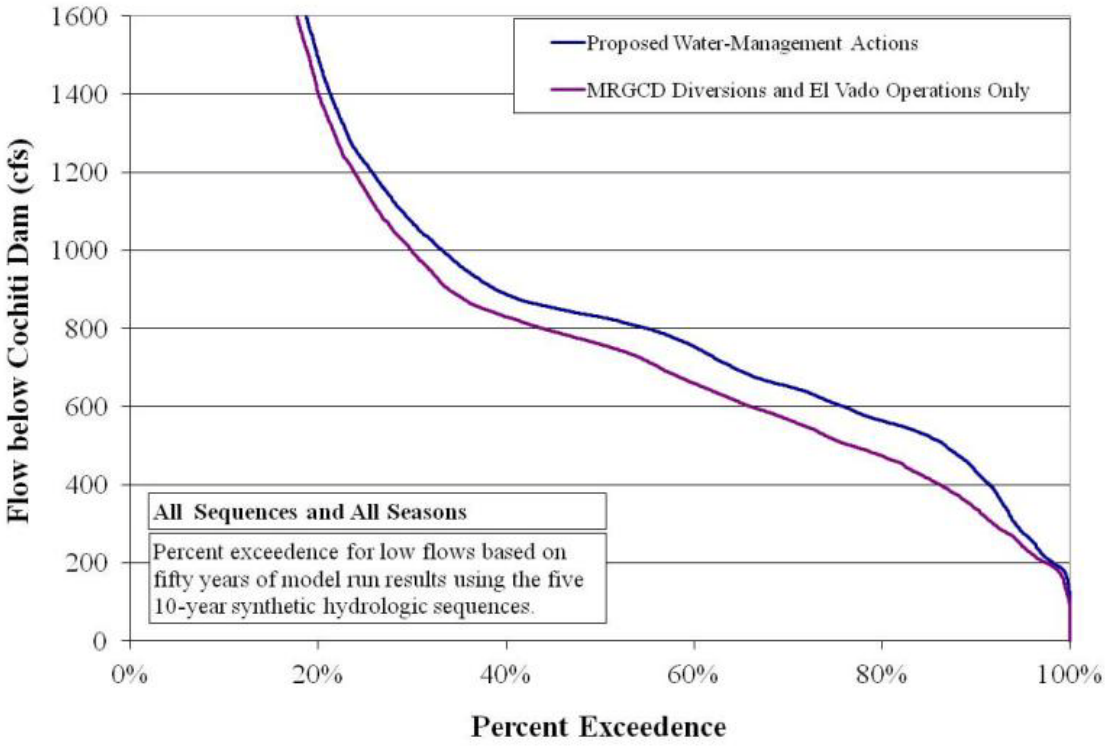

Figure 70. Relative effect of the Heron Dam operations on flows downstream from Cochiti Dam and Diversion.

Figure 71 shows that the benefit of flow augmentation by SJC Project water is less pronounced at the Central Avenue gage, since this gage is located downstream from the ABCWUA's diversion for its drinking water project and, therefore, does not get the benefit of flows of SJC Project water to that diversion. The benefit of Reclamation's Heron Dam operations at Central Avenue is due to the MRGCD's SJC Project water deliveries to Isleta diversion. This graph does not indicate a significant incidence of drying at the Central Avenue gage with or without Reclamation's Heron Dam operations.

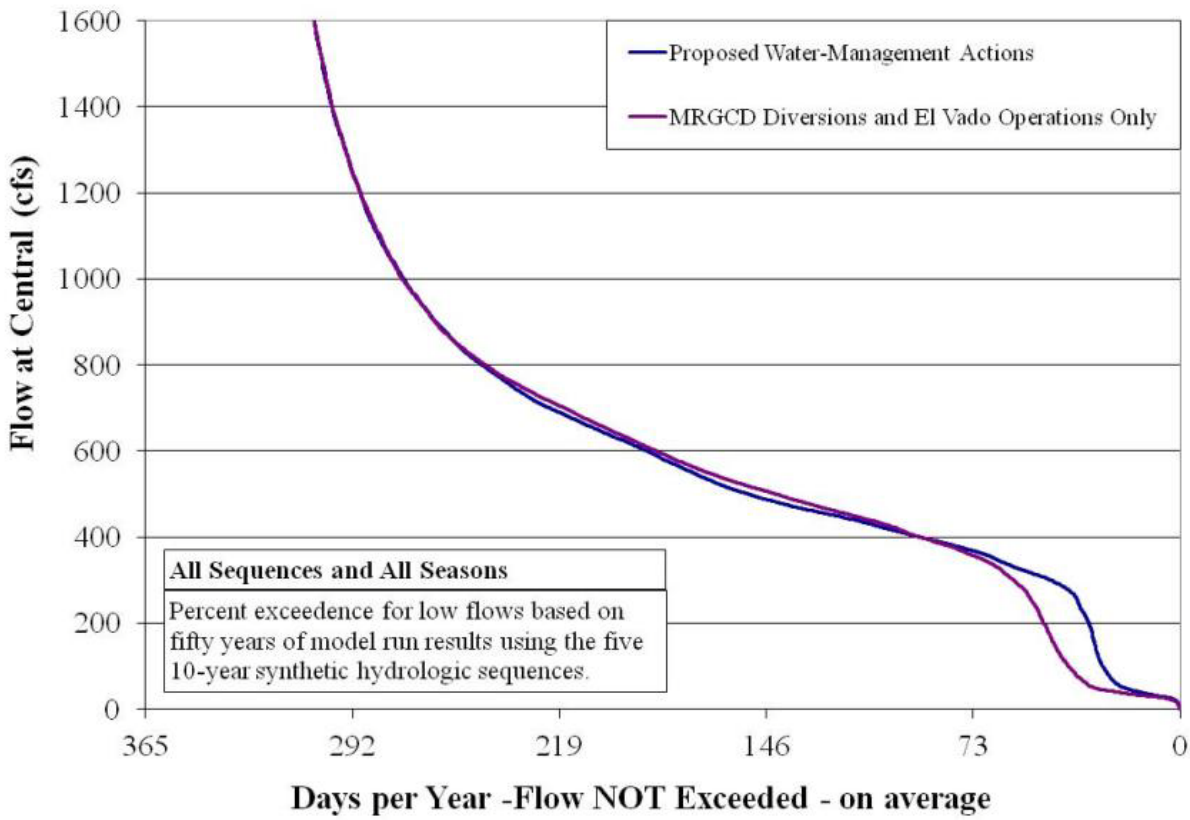

Figure 71. Relative impact of the Heron Dam operations at the Central Avenue gage.

The positive impacts of SJC Project water are most apparent during dry conditions when the MRGCD has depleted its native supplies and is operating using SJC Project water. MRGCD's use of SJC Project water, which constitutes an average of about 7% of its diversions (including Letter Water allocated to the MRGCD), helps to reduce the amount of time that MRGCD is in shortage operations. Since there is a greater chance of critically low flows in the Albuquerque and Isleta Reaches during shortage operations, Reclamation's SJC Project operations help to maintain flows in these reaches during critical

periods. Flow exceeds 300 cfs more frequently with Heron Dam operations than without. Hence, SJC Project releases increase flows at Central Avenue during times of shortage.

Other uses of SJC Project water, such as that by Santa Fe's Buckman Direct Diversion or the Cochiti Recreation Pool, are upstream of Cochiti Dam and do not affect flows in the MRG. Many contractors use their SJC Project water to provide an offset to MRGCD irrigators and the Compact for depletions caused by ground water pumping, as administered by the Office of the State Engineer's Letter Water program. Letter Water deliveries to the MRGCD typically are stored in El Vado Reservoir and used to supplement MRG irrigation along with the remainder of the MRGCD's SJC Project allocation. Letter Water deliveries to the Compact typically are released in the winter. SJC Project releases are not of sufficient magnitude to significantly impact the size of the spring snowmelt runoff peak in the MRG.

Downstream from the Isleta Diversion Dam, there is essentially no difference in flows between simulations with and without Heron Dam operations, since Isleta Diversion Dam is the furthest-downstream point of diversion for any significant amount of SJC Project water.

6.4.2.3 Effect of Heron Dam Operation on Silvery Minnow

Prior to reaching the upstream boundary of silvery minnow critical habitat, there are three major dams (El Vado, Abiquiu, and Cochiti) downstream from Heron Dam. The importation of SJC Project water provides more water to meet MRG water demands. Model results indicate that SJC Project water delivered during low flow periods of the irrigation season is detectable in the MRG until Isleta Diversion Dam and may help maintain continuous flow within the Angostura Reach. There are very few detectable geomorphic or water quality effects within silvery minnow critical habitat from the operation of Heron Dam. Table 32 presents the effects of Heron Dam operation on the life history elements and critical habitat PCEs of silvery minnow. Delivery of Letter Water to Elephant Butte may have a more noticeable effect downstream during the late fall and winter.

Figures 72 and 73 show the stepped down effects of the various components of the Proposed Water Management Actions on two of the most important elements for silvery minnow recruitment, the magnitude and duration of spring high flows and the timing of the onset of low flow conditions. There is little impact from Heron Dam operation on the magnitude and duration of high flow events. There is also little impact on the timing of the onset of low flows. The Supplemental Water Program, which is not considered in this graph, helps manage the recession of runoff.

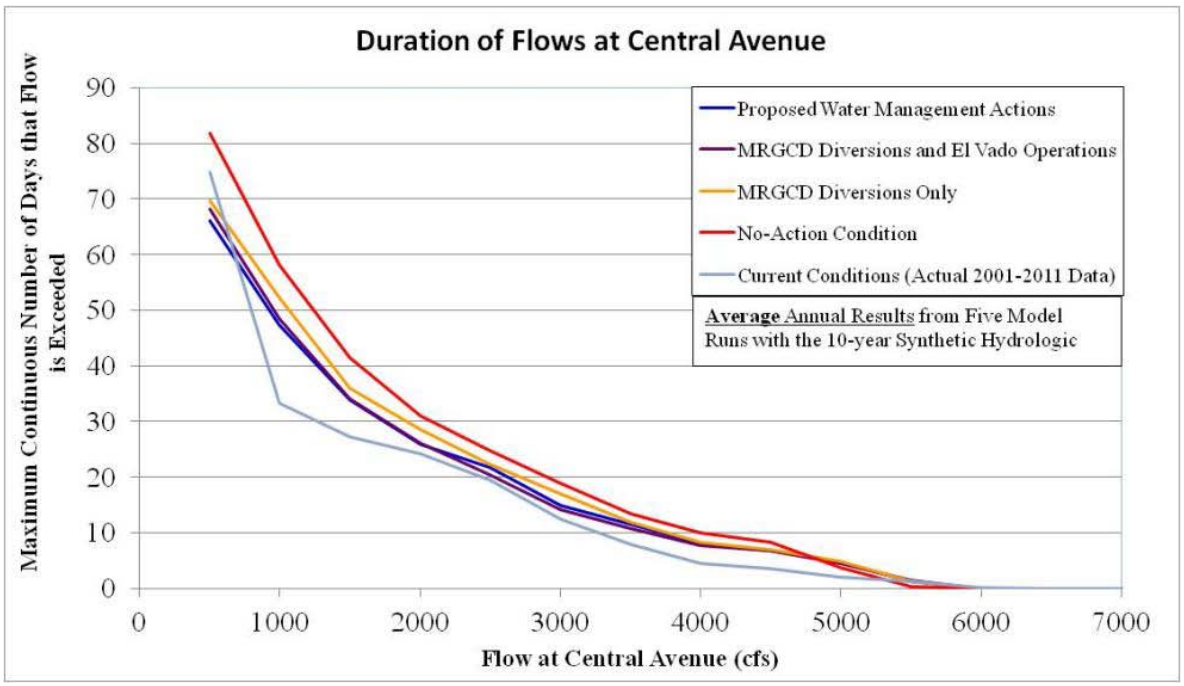

Figure 72. Modeled average annual results of maximum number of continuous high flow days from five model runs with the 10-year synthetic hydrologic sequences at San Acacia gage, Rio Grande, New Mexico.

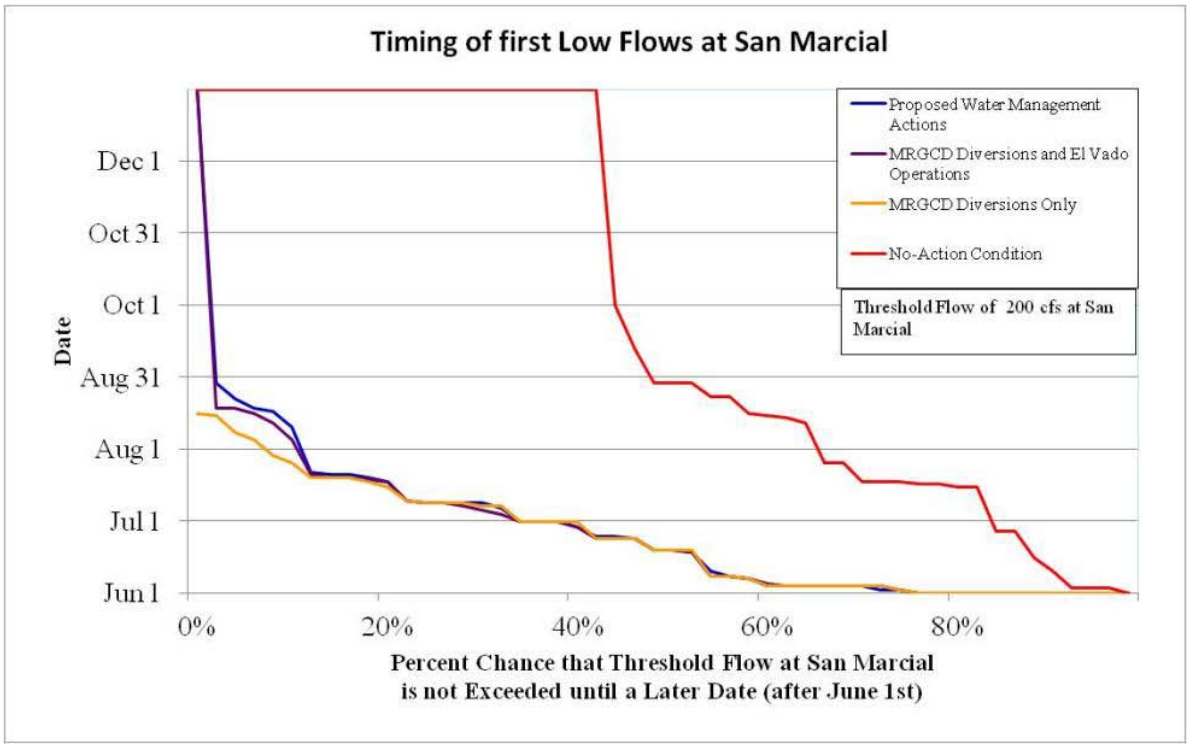

Figure 73. Modeled average annual results of the relative percentage of time low flow (< 200 cfs) begins prior to June 1 at San Marcial gage, Rio Grande, New Mexico from five model runs with the 10-year synthetic hydrologic sequences.

Table 32. Effect of Heron Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Spring (April–June)	Timing of the Rio Chama peak spring runoff does not normally coincide with the Rio Grande peak. Channel capacity of the Rio Chama below Abiquiu is limited. The anticipated effect on the hydrograph within occupied habitat during spring runoff is minor. **Direct and Indirect – *Heron operations are not likely to adversely affect silvery minnow spawning or recruitment.***				The anticipated effect on the hydrograph within occupied habitat during spring runoff is minor. **Direct and Indirect – *Heron operations are not likely to adversely affect adult silvery minnow.***
Summer (June–Sept)			Heron Dam operations increase flows during low flow periods below Cochiti Dam till Isleta Diversion Dam. Much of this water is utilized at the ABCWUA diversion. Model runs indicate that this water helps maintain perennial flow within the Angostura Reach. Thus, **Direct and Indirect – *Heron Dam operations are beneficial to silvery minnow during summer and fall periods.***		
Fall (Sept–Nov)					
Winter (Dec–March)					Water releases for contractors generally occur in November and December. These releases provide higher flows through the MRG that are of sufficient magnitude and generally stable. **Direct and Indirect – *Operations are not likely to adversely affect winter survival of adult silvery minnow.***

Table 32. Effect of Heron Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Critical Habitat PCEs					
Hydrologic Regime					
A hydrologic regime that provides sufficient flowing water with low to moderate currents capable of forming and maintaining a diversity of aquatic habitats.	***Direct and Indirect – Heron Dam operations are not likely to adversely affect*** the hydrology and maintenance of silvery minnow habitats within the MRG. There may be some beneficial effects due to decreased chances of drying in the Angostura Reach.				
Presence of a diversity of habitats for all life history stages		There is ***not likely to be an adverse effect*** on geomorphology or silvery minnow habitats in the MRG from Heron Dam operations. Vegetation encroachment and channel narrowing caused by water delivery is anticipated to be negligible.			
Sufficient flows from early spring (March) to early summer (June) to trigger spawning	Timing of the Rio Chama peak spring runoff does not normally coincide with the Rio Grande peak. Channel capacity of the Rio Chama below Abiquiu is limited. There is little effect on the hydrograph within occupied habitat during spring runoff. **Direct and Indirect – *Operations are not likely to adversely affect silvery minnow critical habitat for spawning.***				
Flows in the summer (June) through fall (October) that do not increase prolonged periods of low or no flow	Heron Dam operations increase flows during low flow periods below Cochiti Dam. Much of this water is utilized at the ABCWUA diversion. Model runs indicate that this water helps maintain perennial flow within the Albuquerque Reach. Thus, **Direct and Indirect– *Heron Dam operations are beneficial to silvery minnow critical habitat during summer and fall periods*.**				

Table 32. Effect of Heron Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Constant winter flow				Water releases for contractors generally occur in November and December. These releases provide higher flows through the MRG that are of sufficient magnitude and generally stable. **Direct and Indirect – *Heron operations are not likely to adversely affect winter critical habitat.***	
Unimpounded stretches of river with a diversity of habitats and low velocity refuge areas					
River reach length	The actual length of wetted river within each reach changes depending on channel sinuosity. Low flow conditions are supplemented by the operation of Heron Dam. Sinuosity changes depending on geomorphology and discharge levels. Sinuosity of the thalweg may increase during low flows and increases the length of the river but also may promote vegetation growth on point bars within the river channel. The operation of Heron Dam ***is not likely to adversely river reach length.***				
Habitat "quality" in each reach and refugial habitats.	Habitat quality in each reach is dependent on the structure and diversity of available habitat. Channel trends throughout the MRG are towards a more simplified channel due to vegetation encroachment. Base flow levels from the proposed actions drive the vegetation encroachment within the channel. The quantity of suitable habitat within each reach also changes at different flows; this relationship is not linear in most sections of the river and is dependent on channel shape . The Proposed Action ***may have indirect effects that adversely affect silvery minnow critical habitat***.				
Substrate of sand or silt					
Substrates of predominantly sand or silt	Heron Dam is on Willow Creek, a small tributary of the Rio Chama. El Vado, Abiquiu, and Cochiti Dams capture sediment downstream prior to water entering critical habitat. There is ***no effect*** on sediment transport in the MRG from Heron Dam operations.				
Water quality					
Temp >1˚ - <30 ˚C DO > 5 mg/L pH (6.6-9.0)	Water temperature, DO, and pH within the reservoir are not likely to have any effect on these parameters within critical habitat. However, increased water availability in the MRG during low flow periods is likely to maintain water quality within the described range. **Direct and Indirect – *Heron Dam operations are beneficial to silvery minnow critical habitat during summer and fall periods.***				
Other contaminants	All chemical parameters were well below levels of concern in Heron; however there is a listing for mercury in fish tissue. It is unknown how contaminants in this reservoir affect water quality in critical habitat, but it is likely a minor factor. **Direct and Indirect – *Heron Dam operations are not likely to affect silvery minnow critical habitat.***				

6.4.2.4 Effect of Heron Dam Operation on Flycatcher

The effect of Heron Dam operation on flycatchers is minimal and results in an increased amount of water in the river at times of lowest flows which may help maintain and establish vegetation. However, Heron Dam operations essentially have no impact on overbank flow conditions that are essential for flycatcher recruitment. Figures 74 and 75 display those model results comparing Central to San Marcial gages during the flycatcher territory establishment period. The result of minimal difference between actions is also evident in the late irrigation season.

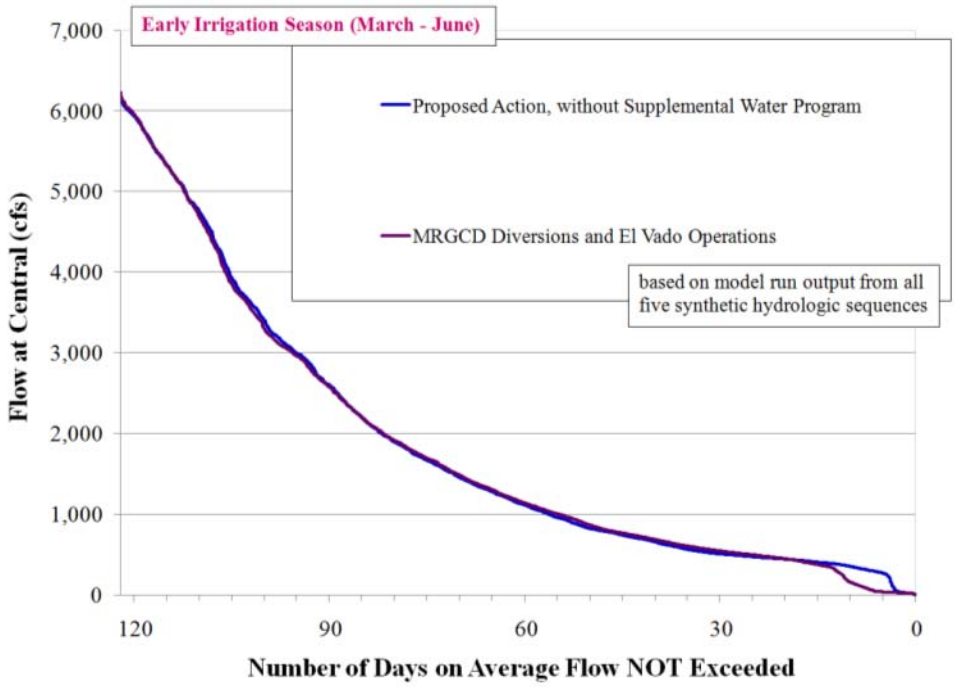

Figure 74. Relative comparison of flows at Central gage considered Proposed Action with no Supplemental Water Program compared to MRGCD diversions and El Vado Operations during the flycatcher territory establishment period.

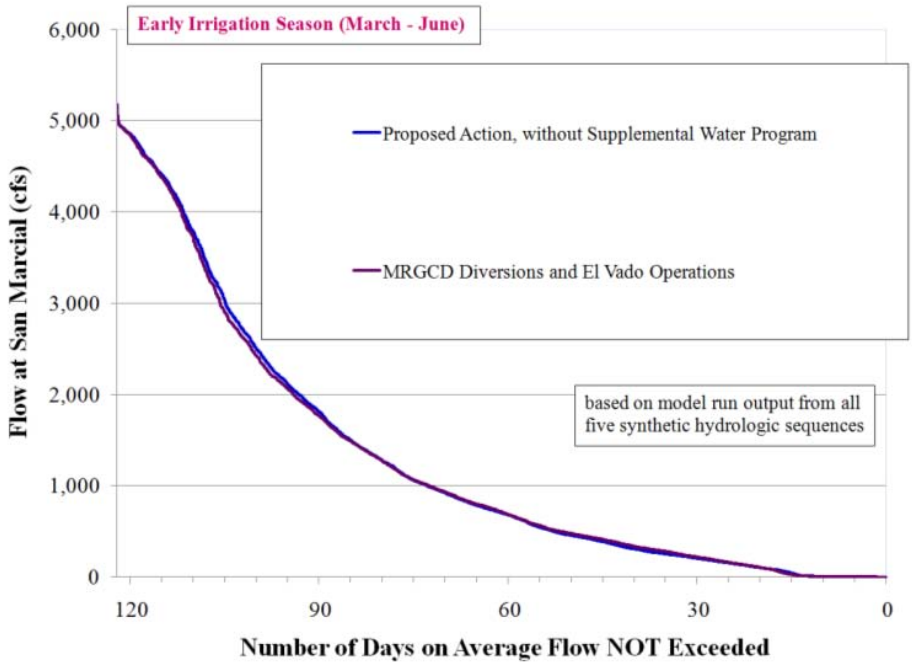

Figure 75. Relative comparison of flows at San Marcial gage considered Proposed Action with no Supplemental Water Program compared to MRGCD diversions and El Vado operations during the flycatcher territory establishment period.

It is also important to review information from the hydrological effects section. Due to the 1,800-cfs channel capacity on the Rio Chama below Abiquiu Reservoir and the normal release schedule from Heron Reservoir, Heron Dam operations for the SJC Project have essentially no impact on the occurrence of recruitment or overbank flows in the MRG.

There is a minimal difference in potential overbank flooding occurrence during early irrigation season due to the operation of Heron Dam (table 33). This difference is largely inconsequential, especially when considering that these areas often require even more than the 4,700 cfs for flooding, and areas where flycatchers occupy are typically along the rivers' edge and, thus, within the 50-meter distance to water where 94% of flycatcher nests are located. For late irrigation season, from July–October, this comparison indicates no difference in the potential days of flooding (table 34).

Table 33. Effect of Heron Dam operation on the potential days of overbank flooding events during early irrigation season and flycatcher territory establishment. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with all Proposed Actions	Number of days flows reach 4,700 cfs with all Proposed Action	Percent of the time flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions
Central	10.20%	12	9.8%	12
San Acacia	7.10%	9	6.8%	8
San Marcial	3.10%	4	2.2%	3

Table 34. Effect of Heron Dam operation on the potential days of overbank flooding events during late irrigation season and flycatcher nesting period. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with all Proposed Actions	Number of days flows reach 4,700 cfs with all Proposed Action	Percent of the time flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions
Central	1.8%	2	1.7%	2
San Acacia	1.8%	2	1.7%	2
San Marcial	1.7%	2	1.7%	2

For the reach below San Acacia gage, modeling indicates that the Proposed Action would meet the 1,400 cfs required for inundation within the BDANWR area and would meet overbank flows 36.1% of the time in the MRGCD diversions and El Vado operations sequence and 36.3% in the Proposed Action sequence. There would be no difference in potential overbank flows by Heron Dam operations (table 35). For late irrigation season, from July–October, there is a very small increase in the probability of 1,400-cfs flows at the San Acacia gage due to the operation of Heron Dam. These results indicate minimal difference in potential overbank flooding during that time period (table 36). Table 37 presents a summary of the effects of Heron Dam operations on flycatchers in the MRG.

Table 35. Effect of Heron Dam operation on the potential days of overbank flooding events during early irrigation season and flycatcher territory establishment in the reaches from Arroyo del las Cañas to RM 78

Gage Location	Percent of the time flows reach 1,400 cfs with all Proposed Actions	Number of days flows reach 1,400 cfs with all Proposed Actions	Percent of the time flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions
San Acacia	36.30%	44	36.1%	44

Table 36. Effect of Heron Dam operation on the potential days of overbank flooding events during late irrigation season and flycatcher nesting period in the reaches from Arroyo del las Cañas to RM 78

Gage Location	Percent of the time flows reach 1,400 cfs with all Proposed Actions	Number of days flows reach 1,400 cfs with all Proposed Actions	Percent of the time flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions
San Acacia	6.2%	8	5.8%	7

Table 37. Effect of Heron Dam operations on life history elements and PCEs of flycatchers

Life History Element	**Migration** (April–June and July–September)	**Arrival to Territories/ Territory Establishment/Nest Building** (May–July)	**Egg Laying/ Incubation/ Nestling/ Fledgling** (June–August)
Breeding Season (April to September)	The Proposed Action would **not likely adversely affect** flycatcher stopover locations during migration because flycatchers will use habitat that is less suitable during this time and farther away from water sources.	The Proposed Action may ***indirectly affect flycatcher habitat on a negligible level***. Because the Proposed Action when compared to MRGCD Diversion and El Vado Dam Operation would ***increase flows in the river.*** At times of lower flows, it would ***minimally increase the overall water available for vegetation*** and could cause an increase in plant health. This ***could potentially and beneficially affect flycatcher habitat,*** particularly in periods of drought. This action would not affect the potential for overbank flows and likely would have no affect on territory recruitment. However, it should be noted that the increase in water between the two scenarios is a relatively small amount.	Territory recruitment at this stage is no longer an issue as flycatchers are more invested in their territories and less likely to abandon nests should conditions dry or decline in value. However, if vegetation does not have adequate water resources, canopy cover likely will decrease and predation and/or parasitism likely would be more prevalent. Because the Proposed Action would result in a little more water in the system, there would be an decreased possibility of vegetation not having adequate water to maintain health and, thus, ***would beneficially affect flycatcher habitat and potential nest success,*** again particularly in times of drought.
Critical Habitat PCES			
Riparian Vegetation	Riparian habitat in a dynamic successional environment to be used for nesting, foraging, migration, dispersal and shelter. Dense tree or shrub vegetation in close proximity to open water or marsh areas. With an increase in the water amount reaching flycatcher suitable habitat patches, the Proposed Action could ***potentially beneficially affect flycatcher riparian vegetation***.		
Insect Prey Populations	A variety of insect prey populations found in close proximity to riparian flood plains or moist environments. The minimal difference between the No Action and the Proposed Action ***would have no affect the insect prey populations***. It is also important to note that a dry river does not impact insect populations when ponded water and adjacent drains are present.		

6.4.3 Analysis of Effects of El Vado Dam Operations Under the Middle Rio Grande Project

6.4.3.1 Approach to Analysis of Effects of the Operation of El Vado Dam Under the Middle Rio Grande Project

Impacts of El Vado Dam operations were evaluated comparing URGWOM simulations of the Proposed Water Management Actions of when Heron Dam operations are turned off to another set of URGWOM simulations of when both Heron Dam operations and El Vado Dam operations are turned off.

In the runs for which El Vado Dam operations are shut off, native inflows are not stored for use within the MRGCD. SJC Project water is not stored for use by MRGCD water rights holders when native Rio Grande flows drop below demand. MRGCD non-Indian irrigators would have available any native and SJC Project water present in El Vado Reservoir under initial conditions, but no additional native and SJC Project water would be stored beyond that required to meet prior and paramount water needs.

6.4.3.2 Effects of El Vado Dam Operations under the Middle Rio Grande Project

Operation of El Vado Dam and Reservoir involves storage of water from the Rio Chama during springtime peak flows, and calls for and use of that stored water in the MRG in times of low flow. El Vado Dam operations, therefore, result in decreased peak flows on the Rio Chama and decreased in flows in the MRG associated with the Rio Chama runoff peak, which generally occurs prior to the main stem spring runoff peak. These actions also result in an increase in flows in the Rio Chama and the MRG during low flow periods, primarily in the summer.

Figure 76 compares flows at the Central Avenue gage for two sets of model simulations: one including El Vado Dam operations and one without these actions. The difference between the two curves on figure 76 indicates the effects on flows at Central Avenue of El Vado Dam operations. Storage at El Vado Reservoir results in a small (about 5-day-per-year) decrease in the number of days with flows above 800 cfs but also causes a minor increase in the number of days per year that flows are above 100 cfs at Central Avenue.

In most years, operation of El Vado Dam does not significantly affect the spring runoff peak in the Rio Grande, since these operations affect the flows on the Rio Chama, and the Rio Chama spring runoff peaks are typically earlier in time and smaller than those on the main stem Rio Grande. In the rare years in which the Rio Chama spring runoff peaks coincide with the main stem runoff peaks, El Vado Dam operations have a greater effect; however, the effects of the Rio Chama runoff are still limited due to the 1,800-cfs channel capacity on the Rio Chama below Abiquiu Reservoir. Therefore, El Vado Dam operations have a minimal impact on the peak spring discharges in the MRG.

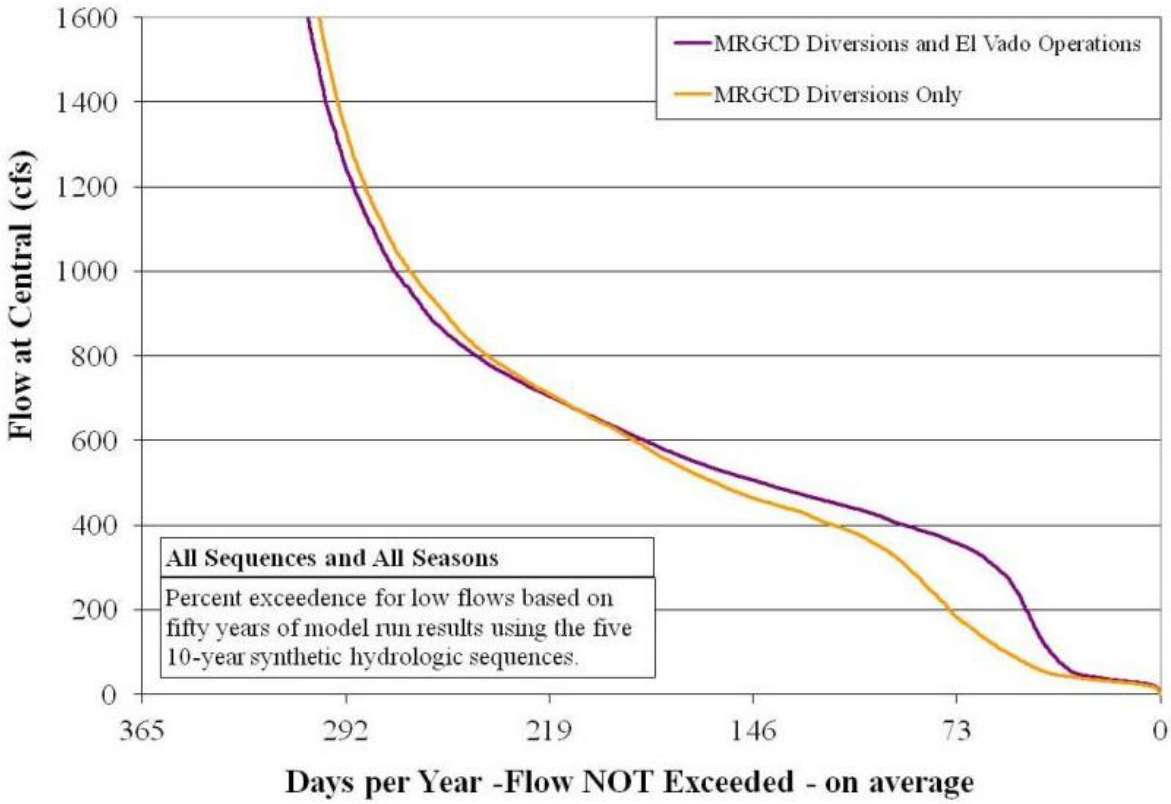

Figure 76. Relative comparison of flows at Central Avenue gage with and without El Vado operations, for the calendar year.

Reclamation releases available water from storage in El Vado Reservoir at the request of the MRGCD to meet the MRG irrigation demand during periods when the natural flow is insufficient to meet these demands. This release of stored water reduces the occurrence of critically low flows and drying, especially in the Cochiti Dam and Albuquerque Reaches, and increases river flows during those periods. This effect may be evident even when Article VII restrictions under the Compact are in effect, since under Article VII restrictions, native water that was stored at El Vado Reservoir prior to the initiation of Article VII restrictions may still be released.

Model results indicate that river drying in the reaches downstream from Isleta Diversion Dam would occur with or without El Vado Dam operations. However, without El Vado Dam operations, river drying in the MRG would be more frequent and more prolonged, especially during times when the daily MRGCD irrigation demand cannot be met by the natural flow of the river. These effects are magnified in the lower reaches of the MRG. Without the release of stored water from El Vado Reservoir, model results indicate that the MRGCD would be in shortage operations, where MRGCD has no storage water to meet demand for some portion of almost every irrigation season. During shortage operations, diversions at Angostura typically are increased to allow the limited

river flow to be used as efficiently as possible and ensure that water is delivered to the Six MRG Pueblos, and to non-Indian irrigators as well if sufficient water is available. Under shortage operations, river drying could be expected in the Albuquerque Reach as well as in the Isleta and San Acacia Reaches. Without El Vado Dam operations, river drying would be expected to increase below the Isleta Diversion Dam, as shown in figure 77.

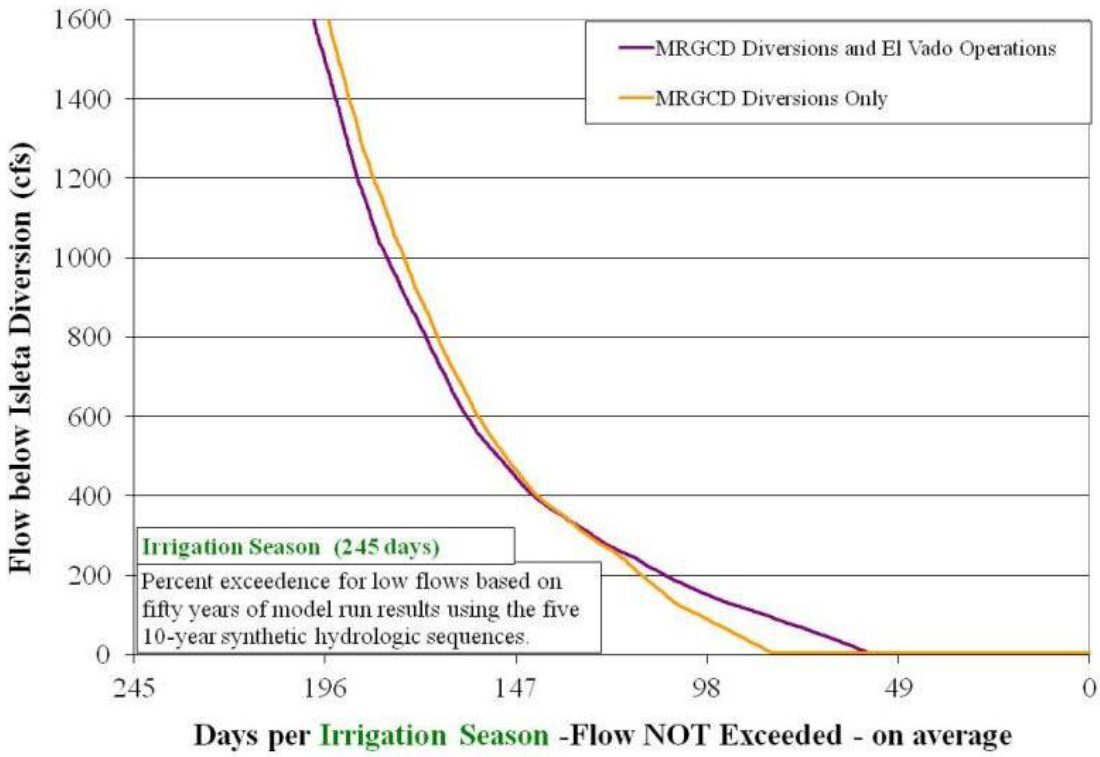

Figure 77. Relative comparison of flows below Isleta Diversion during the irrigation season with and without El Vado operations.

The effect on flows of Reclamation's El Vado Dam operations is less in the San Acacia Reach, downstream from the MRGCD's downstream-most diversion point from the Rio Grande. Still, due to return flows to the river and variations in demand, model simulations indicate that Reclamation's El Vado Dam operations decrease the duration of river drying below San Acacia Diversion, as indicated by the flow exceedence curves in figure 78.

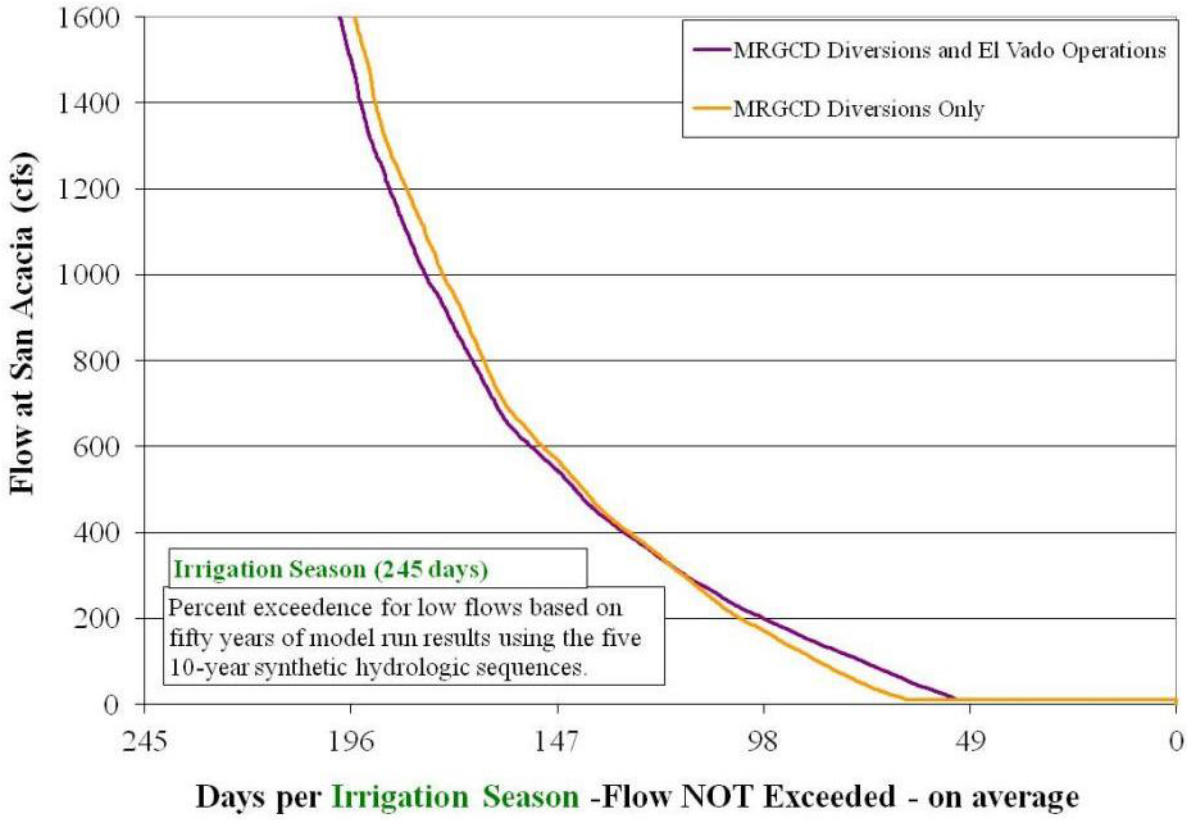

Figure 78. Relative comparison of flows downstream from San Acacia Diversion during the irrigation season, with and without El Vado operations.

6.4.3.3 Effects of El Vado Dam Operations on Silvery Minnow

The modeled effects of El Vado Dam indicate that the storage of springtime peak flows from the Rio Chama causes a slight decrease in the duration and magnitude of spring flows within silvery minnow habitat. The decrease in duration is more noticeable when springtime discharge is low to moderate (less than 4,000 cfs at Central Gage). The modeled difference in the magnitude of discharge during runoff caused by El Vado storage is less than 200 cfs. This stored water is later released for irrigation purposes. The release of this water decreases the duration of drying that would be predicted without this management action below Isleta Dam and San Acacia Dam.

There are two major dams between El Vado Dam and the upstream boundary of silvery minnow critical habitat. Any effects to sediment transport caused by operation of El Vado are masked by Abiquiu and Cochiti Dams. Additionally, the effect of operations on other geomorphic trends within occupied habitat is minor due to the limited difference in high flows from operations. Similar to Heron, El Vado water quality surveys in 2007 determined that all physical and chemical parameters were well below levels of concern except for dissolved oxygen. This

report questioned the low DO readings and thought it might be due to equipment malfunction. Regardless, the low DO in El Vado is unlikely to have effects down into silvery minnow critical habitat.

El Vado has recently had positive microscopy test results for quagga mussels though the presence has not been confirmed. The long-term indirect effects downstream from potential quagga mussel establishment in El Vado are difficult to predict for the MRG. Quagga mussels do not appear to be increasing to any extent in the Ohio and Mississippi Rivers, even after being present in these rivers for over a decade. In contrast, numbers in the Colorado River system have continued to increase since the quagga mussel was first reported (Nalepa 2008). It is predicted that high levels of suspended sediment and high inorganic: organic particle ratios may limit, or possibly prevent, mussel expansion in the main stem portions of the Colorado River (Kennedy 2007). However, changes in water quality (i.e., dissolved nutrients, phytoplankton, and zooplankton) in infested reservoirs may impact food web structure or trophic linkages in the downstream riverine ecosystem. A summary of the effects of El Vado Dam on silvery minnow is presented in table 38.

Table 38. Effect of El Vado Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

<table>
<tr><th></th><th>Spawning</th><th>Eggs</th><th>Larval</th><th>Juvenile</th><th>Adult</th></tr>
<tr><td>Spring (April–June)</td><td colspan="3">Timing of the Rio Chama peak spring runoff does not normally coincide with the Rio Grande peak. Channel capacity of the Rio Chama below Abiquiu is limited. During most years, there is limited effect on the hydrograph within occupied habitat during spring runoff. This effect is more pronounced in years with low runoff conditions in the Rio Grande drainage. Though the impact on silvery minnow spawning and recruitment is anticipated to be minor, the Direct and Indirect effects of El Vado operations are likely to adversely affect silvery minnow spawning and recruitment.</td><td></td><td>There is little information on how spring flows are related to adult survival of silvery minnow. The small differences in the spring hydrograph from El Vado operations are not likely to (directly or indirectly) adversely affect adult silvery minnow.</td></tr>
<tr><td>Summer (June–Sept)</td><td></td><td></td><td colspan="3" rowspan="2">El Vado Dam releases increase flows during low flow periods below Cochiti Dam to Isleta Diversion Dam. The majority of this water is diverted by MRGCD at their diversions. Model runs indicate that this water helps maintain perennial flow within the Albuquerque Reach and decreases drying in the Isleta Reach. Thus, Direct and Indirect – El Vado Dam operations are beneficial to silvery minnow during summer and fall periods.</td></tr>
<tr><td>Fall (Sept–Nov)</td><td></td><td></td></tr>
</table>

Table 38. Effect of El Vado Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Winter (Dec–March)					Water releases for contractors and Compact deliveries generally occur in November and December. These releases provide higher flows through the MRG, which are of sufficient magnitude and generally stable. **Direct and Indirect – *El Vado operations are not likely to adversely affect winter survival of adult silvery minnow.***
Critical Habitat PCES					
Hydrologic Regime					
A hydrologic regime that provides sufficient flowing water with low to moderate currents capable of forming and maintaining a diversity of aquatic habitats.	***Direct and Indirect – El Vado Dam operations are not likely to adversely affect the hydrology and maintenance of silvery minnow habitats within the MRG.*** There may be some beneficial effects due to decreased chances of drying in the Angostura and Isleta Reaches during low flow periods.				
Presence of a diversity of habitats for all life history stages		There is ***no direct effect*** on geomorphology or silvery minnow habitats in the MRG from El Vado Dam operations. Water delivery with low base flow levels may have long-term impacts by encouraging vegetation encroachment and channel narrowing and ***indirectly, may likely adversely affect critical habitat***.			

Table 38. Effect of El Vado Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Sufficient flows from early spring (March) to early summer (June) to trigger spawning	Timing of the Rio Chama peak spring runoff does not normally coincide with the Rio Grande peak. Channel capacity of the Rio Chama below Abiquiu is limited. There is little effect on the hydrograph within occupied habitat during spring runoff. **Direct and Indirect – *El Vado operations are not likely to adversely affect silvery minnow critical habitat for spawning*.**				
Flows in the summer (June) through fall (October) that do not increase prolonged periods of low or no flow	El Vado Dam releases increase flows during low flow periods below Cochiti Dam. The majority of this water is diverted by MRGCD at their diversions. Model runs indicate that this water helps maintain perennial flow within the Albuquerque Reach and decreases drying in the Isleta Reach. **Direct and Indirect – *El Vado Dam operations are beneficial to silvery minnow critical habitat during summer and fall periods*.**				
Constant winter flow				Water releases for contractors generally occur in November and December. These releases provide higher flows through the MRG that are of sufficient magnitude and generally stable. **Direct and Indirect – *El Vado operations are not likely to adversely affect winter critical habitat for silvery minnow.***	
Unimpounded stretches of river with a diversity of habitats and low velocity refuge areas					
River reach length	Currently, diversion dams are in place; no new cross channel structures are proposed. The actual length of wetted river within each reach changes depending on channel sinuosity. The sinuosity changes depending on geomorphology and discharge levels. Sinuosity of the thalweg may increase during low flows that increases the length of the river but also may promote vegetation growth on point bars within the river channel. The lack of flood stage flows also changes the potential that the river will move outside its current channel. The Proposed Action ***is not likely to adversely river reach length.***				

Table 38. Effect of El Vado Dam operation (3.2.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Habitat "quality" in each reach and refugial habitats.	Habitat quality in each reach is dependent on the structure and diversity of available habitat. Channel trends throughout the MRG are towards a more simplified channel due to vegetation encroachment. Base flow levels from the Proposed Actions drive the vegetation encroachment within the channel. The quantity of suitable habitat within each reach also changes at different flows, this relationship is not linear in most sections of the river and is dependent on channel shape. The Proposed Action ***may have indirect effects that adversely affect silvery minnow critical habitat***.				
Substrate of sand or silt					
Substrates of predominantly sand or silt	Abiquiu and Cochiti Dams capture sediment downstream from El Vado prior to delivered water reaching critical habitat. There is ***no effect*** on sediment transport in the MRG from El Vado Dam operations.				
Water quality					
Temp >1˚ - <30 ˚C	Water temperature, DO, and pH within El Vado Reservoir are not likely to have any effect on these parameters within critical habitat. However, increased water availability in the MRG during low flow periods is likely to maintain water quality within the described range. **Direct and Indirect – *El Vado Dam operations are beneficial to silvery minnow critical habitat during summer and fall periods*.**				
DO > 5 mg/L					
pH (6.6-9.0)					
Other contaminants	All chemical parameters were well below levels of concern in El Vado; however recent quagga mussel tests indicate that mussels may be present. It is unknown how quagga mussels in this reservoir may affect water quality in Critical Habitat but establishment within the main stem seems unlikely. **Direct – *El Vado Dam operations are not likely to affect silvery minnow critical habitat.* Indirect – *El Vado Dam operations are not likely to affect silvery minnow critical habitat* due to the unknown impacts from quagga mussels and unlikely establishment of mussels in the main stem.**				

6.4.3.4 Effect of El Vado Dam Operation on Flycatcher

Model results indicate a very minor change when comparing El Vado Dam operations with MRGCD diversions compared with MRGCD diversions alone. The main difference is noticed during the late irrigation season and farther north where the El Vado Dam operations maintain a more water within the channel during low flows (figure 79) and may beneficially supply additional ground water to support vegetation. Conversely, earlier in the season, by storing additional water in El Vado Reservoir when the river is experiencing higher flows, this action has a negative impact on the potential for overbank flows though El Vado operations alone have a very minimal impact on the occurrence of recruitment or overbank flows in the MRG.

Hydraulic modeling predicts on average that there is a minimal difference in potential for overbank flooding occurrence during early irrigation season for El Vado Dam operations. This difference is largely inconsequential, particularly when considering these areas often require even more than the 4,700 cfs for flooding, and areas where flycatchers occupy are typically along the rivers' edge and, thus, within the 50-meter distance to water where 94% of flycatcher nests are

located (table 39). The same comparison for the late irrigation season from July–October using the MRGCD diversion and El Vado Dam operations sequence indicates no difference in the potential days of flooding (table 40).

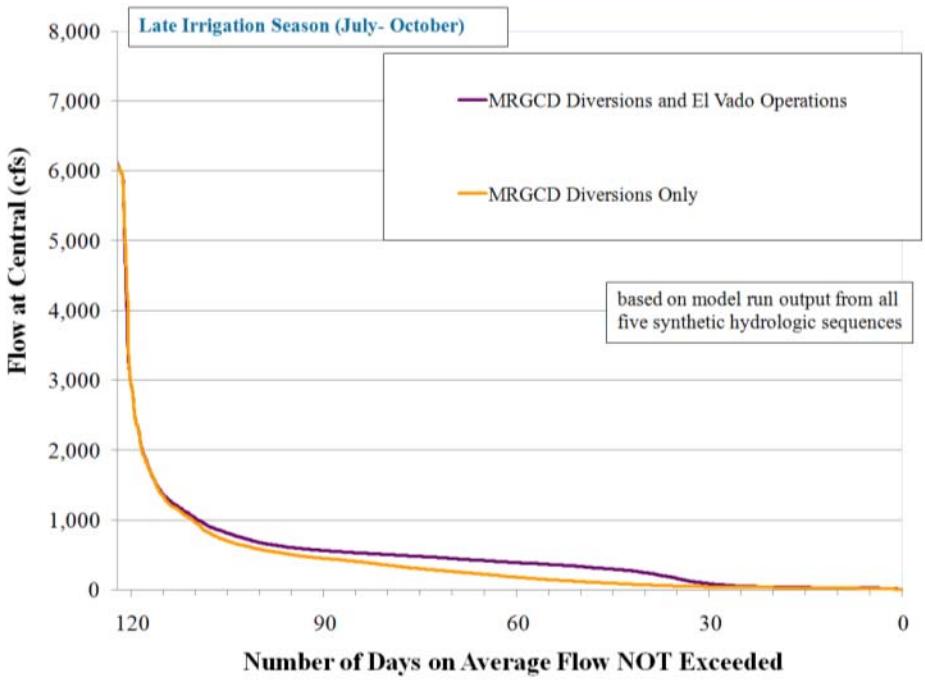

Figure 79. Relative comparison of flows at Central Avenue gage with and without El Vado operations during the flycatcher breeding period.

Table 39. Effect of El Vado Dam operation on the potential days of overbank flooding events during early irrigation season and flycatcher territory establishment. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions	Percent of the time flows reach 4,700 cfs with MRGCD diversions only	Number of days flows reach 4,700 cfs with MRGCD diversions only
Central	9.8%	12	10.4%	13
San Acacia	6.8%	8	7.2%	9
San Marcial	2.2%	3	2.9%	4

Table 40. Effect of El Vado Dam operation on the potential days of overbank flooding events during late irrigation season and flycatcher nesting period. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 4,700 cfs with only El Vado Dam operation and MRGCD diversions	Percent of the time flows reach 4,700 cfs with MRGCD diversions only	Number of days flows reach 4,700 cfs with MRGCD diversions only
Central	1.7%	2	1.8%	2
San Acacia	1.7%	2	1.7%	2
San Marcial	1.7%	2	1.7%	2

For the reach below the San Acacia gage where 1,400 cfs, required for inundation within the BDANWR area, would meet overbank flows 36.1% of the time with MRGCD diversions and El Vado operations sequence and 39.0% of the time with MRGCD diversions alone sequence (table 41). This 4-day difference would be more substantial than other reaches, but territories within this area are found along the river and are typically within 50 m of water as long as the river is wet, which would be the majority of time in the March–June time period.

Table 41. Effect of El Vado Dam operation on the potential days of overbank flooding events during early irrigation season and flycatcher territory establishment in the reaches from Arroyo del las Cañas to RM 78

Gage Location	Percent of the time flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions	Percent of the time flows reach 1,400 cfs with MRGCD diversions only	Number of days flows reach 1,400 cfs with MRGCD diversions only
San Acacia	36.10%	44	39.0%	48

From July–October at the San Acacia gage, flows would be approximately 1,400 cfs for 7 out of 123 days or 5.8% of the time in the MRGCD diversions alone sequence, or 7 days and 5.8% of the time with MRGCD diversions and El Vado Dam operations. These results indicate no difference in potential overbank flooding during that time period (table 42).

Table 42. Effect of El Vado Dam operation on the potential days of overbank flooding events during late irrigation season and flycatcher nesting period. This includes the reaches from Arroyo del las Cañas to RM 78.

Gage Location	Percent of the time flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions	Number of days flows reach 1,400 cfs with only El Vado Dam operation and MRGCD diversions	Percent of the time flows reach 1,400 cfs with MRGCD diversions only	Number of days flows reach 1,400 cfs with MRGCD diversions only
San Acacia	5.8%	7	5.8%	7

A summary of the effects of El Vado Dam on flycatchers is presented in table 43.

Table 43. Effect of El Vado Dam operations on life history elements and PCEs of flycatchers

	Migration (April–June and July–September)	**Arrival to Territories/ Territory Establishment/Nest Building** (May–July)	**Egg Laying/ Incubation/ Nestling/ Fledgling** (June–August)
Breeding Season (April–September)	The Proposed Action would **not likely adversely affect** flycatcher stopover locations during migration because flycatchers will use habitat that is less suitable during this time and farther away from water sources.	The Proposed Action may ***indirectly affect flycatcher habitat on a negligible level***. Because the El Vado Dam operation would decrease the potential of overbank flooding but would increase the water available to vegetation at times of lower flows, overall, this would increase the potential for vegetation health, and ***could potentially beneficially affect flycatcher habitat,*** particularly in periods of drought. The benefit of maintaining the vegetative health outweighs the potential of initial territory recruitment via overbank flooding, particularly because most flycatcher habitat is along the river and within 50 meters of water anyway. However, it should be noted that the decrease in water between the two scenarios is an extremely small amount.	Territory recruitment at this stage is no longer an issue, as flycatchers are more invested in their territories and less likely to abandon nests should conditions dry or decline in value. However, if vegetation does not have adequate water resources, canopy cover will likely decrease and predation and/or parasitism would likely be more prevalent. Because the Proposed Action would result in a little more water in the system at times of low flows and increased plant stress, there would be an decreased possibility of vegetation not having adequate water to maintain health and, thus, ***would beneficially affect flycatcher habitat and potential nest success,*** again particularly in times of drought.

Table 43. Effect of El Vado Dam operations on life history elements and PCEs of flycatchers

	Migration (April–June and July–September)	**Arrival to Territories/ Territory Establishment/Nest Building** (May–July)	**Egg Laying/ Incubation/ Nestling/ Fledgling** (June–August)
Critical Habitat PCES			
Riparian Vegetation	Riparian habitat in a dynamic successional environment to be used for nesting, foraging, migration, dispersal and shelter. Dense tree or shrub vegetation in close proximity to open water or marsh areas. With an increase in the water amount reaching flycatcher suitable habitat patches, the Proposed Action could ***potentially beneficially affect flycatcher riparian vegetation***.		
Insect Prey Populations	A variety of insect prey populations found in close proximity to riparian flood plains or moist environments. The minimal difference between the No Action and the Proposed Action ***would not affect the insect prey populations***. It is also important to note that a dry river does not impact insect populations when ponded water and adjacent drains are present.		

6.4.4 Hydrologic Effects Analysis of Non-Federal Proposed Action: MRGCD Diversions

The MRGCD diverts water for its irrigation works at Cochiti Dam and operates diversion structures at Angostura, Isleta, and San Acacia. The MRGCD typically diverts and delivers water from March 1–October 31 each year, although in recent years, delivery of irrigation water to the Six MRG Pueblos has continued through November 15. Diversions impact river flows up to the capacity of MRGCD diversions, or until the river dries. River flows are subsequently augmented, especially in the Albuquerque and Isleta Reaches, by return flows from drains and MRGCD wasteways.

Irrigation demand correlates closely with climatic conditions and the physiologic properties of agricultural crops. Demand is highest during the months of May, June, and July, tapering off in August and September. From March through mid-June, natural flows in the Rio Grande are generally greater than MRGCD consumptive needs. Therefore, during this early part of the irrigation season, much of the water diverted by the MRGCD is returned directly to the Rio Grande through wasteways and drains in the Cochiti Dam, Albuquerque, and Isleta Reaches. However, after the end of the spring snowmelt runoff, naturally occurring flows often drop precipitously and are generally less than the consumptive needs of the MRGCD. During the peak growing season, most water diverted is consumed by crops, and return flows are minimal.

At this time, the MRGCD augments the natural flow of the Rio Grande, up to its consumptive needs, with releases of stored water from El Vado Reservoir. The tail water from MRGCD diversions is delivered to the Bosque del Apache National Wildlife Refuge.

6.4.4.2 Approach for Analyzing Impacts of MRGCD Diversions

In the next step of this action-by-action analysis, MRGCD diversions for non-Indian irrigators and the Six MRG Pueblos were removed from the model, and the model was run without MRGCD diversions, El Vado Dam operations, and Heron Dam operations. The results of these runs, for the five hydrologic sequences, were then compared to the previous set of runs, in which El Vado Dam operations and Heron Dam operations were turned off, but MRGCD diversions were still operating. The comparison provides an assessment of the effects of the MRGCD diversions on river flows.

There are no historical data for years in which there were no diversions during the irrigation season; and, therefore, URGWOM is not calibrated for these conditions. For this reason, the model is not able to accurately predict river drying under these conditions. Analyses based on past river flows have suggested that river drying still would be expected during dry periods even with no diversions (Flanigan et al. 2004). However, Reclamation's modeling analyses suggest that this drying likely is mitigated by return flows to the river from riverside and interior drains. Under the No Action condition, this water would be returned to the river and would not be diverted for irrigation further downstream. The amount of anticipated drying under the No Action scenario is presented in table 19 using an adjusted methodology.

Because of the uncertainty in the degree of river drying under the modeled No Action condition, graphs are provided in this effects analysis that present the difference in flows between model runs. These graphs depict the effects of proposed actions in terms of relative changes to flow, rather than the absolute flows. In this draft, the original graphs, which present a comparison of the flows with and without the Proposed Action being evaluated, also are presented. MRGCD diversions were simulated in the URGWOM planning model according to a set of demand curves for each diversion, which was developed by the MRGCD in cooperation with the NMISC. These demand curves are provided in appendix 5.

6.4.4.3 Hydrologic Effects of MRGCD Diversions

Figure 80 presents a relative comparison of the flows that could be expected downstream from Cochiti Dam with and without MRGCD diversions during the irrigation season. Figure 81 presents this comparison through flow exceedence curves for the URGWOM simulation with the MRGCD diversions operating and for the No Action condition. The difference between the two lines indicates the relative impact of the diversions at Cochiti Dam. At times when the flow of the river downstream from Cochiti Dam are 200 cfs with the diversions operating, approximately 130 cfs of additional flow could be expected, on average, if the diversions were not operating. Similarly, at times when flows are above 100 cfs with irrigation diversions operating, model runs indicate approximately a 75- to 150-cfs increase could be expected below Cochiti Dam and the Cochiti diversions

if the MRGCD diversions were not operating. This graph shows these differences for the irrigation season. There is essentially no impact of MRGCD diversions during the nonirrigation season.

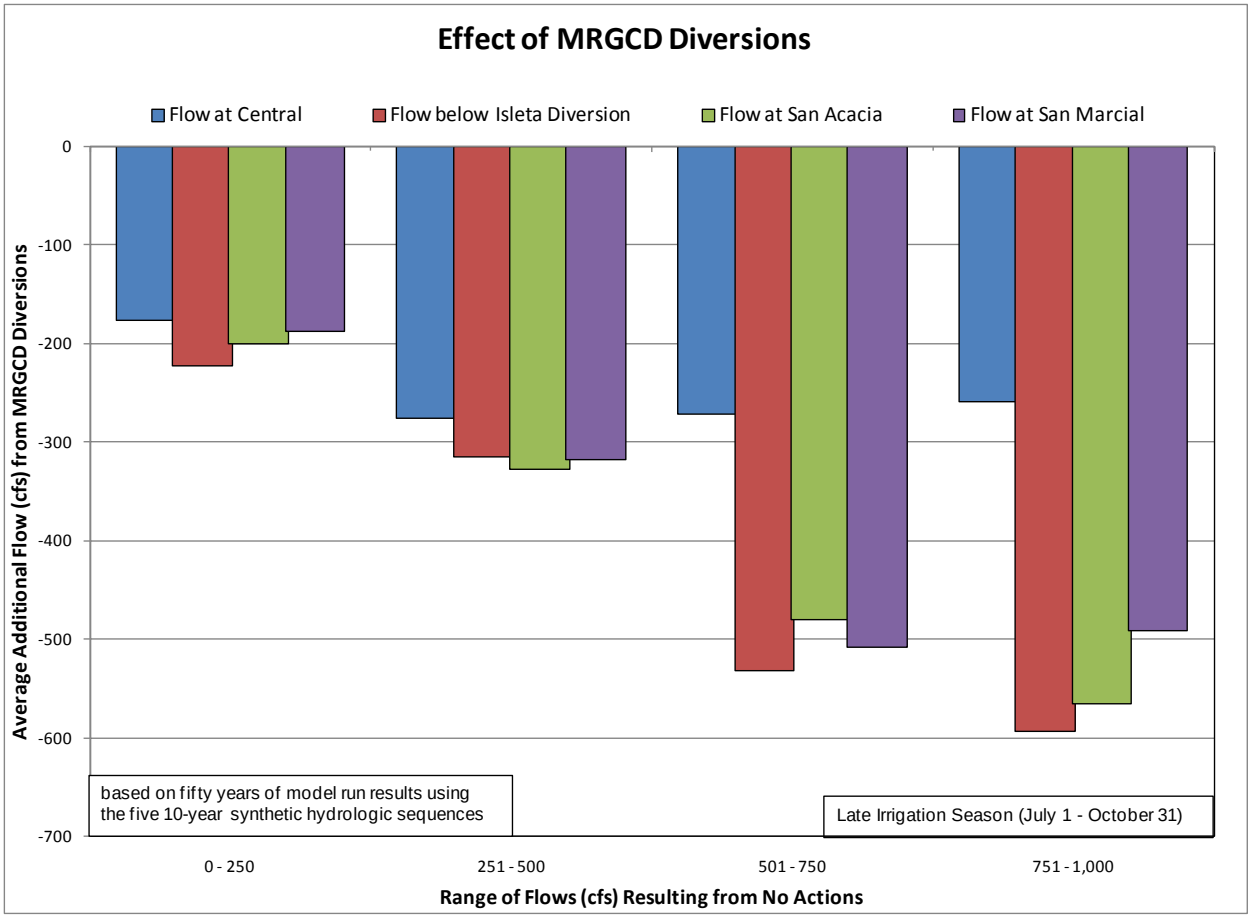

Figure 80. Flow reductions resulting from MRGCD diversions during low flow conditions, late irrigation season.

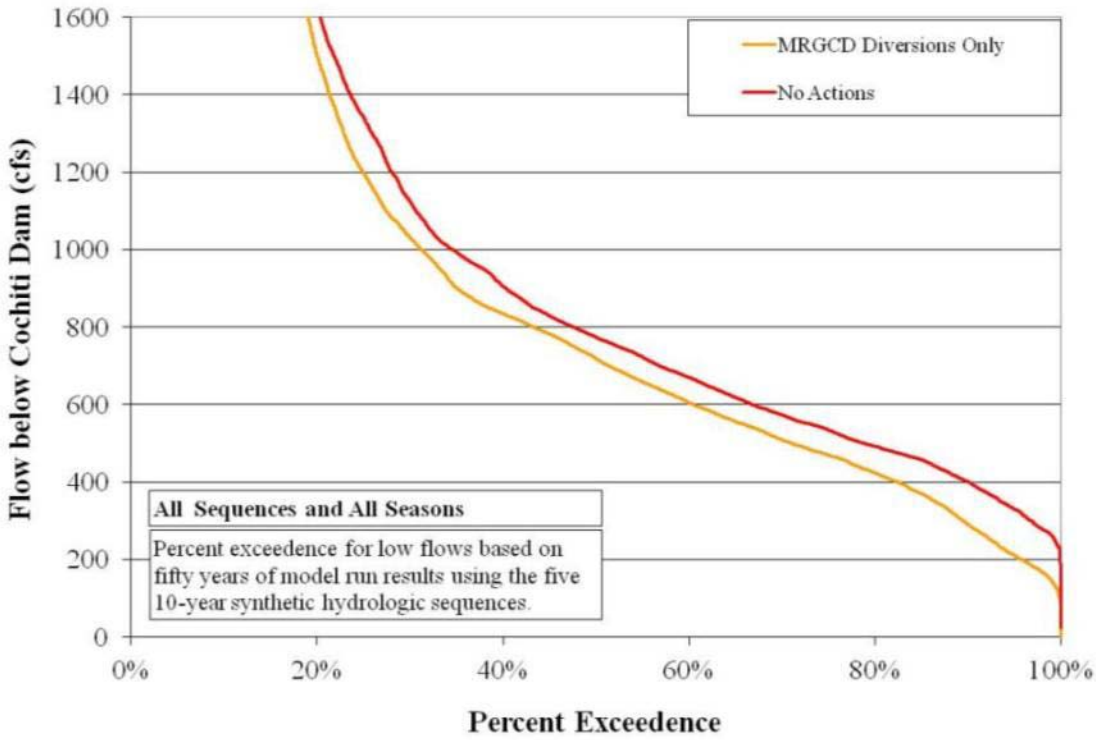

Figure 81. Relative comparison of flows downstream from Cochiti Dam with and without MRGCD diversions, for the calendar year.

Figure 82 compare the flows at the Albuquerque/Central Avenue gage with and without MRGCD diversions. The additional flows without MRGCD diversions are more significant at Central Avenue than they are downstream from Cochiti Dam and Diversion, since the river at Central Avenue is impacted by the diversions at Angostura in addition to the diversions at Cochiti. However, due to return flows from the Cochiti Division, the difference is not equal to the total of the diversions at Cochiti and Angostura. Without MRGCD diversions, flows at Central Avenue could be 200 cfs higher at most flows. When the flows with MRGCD diversions are between 100 and 500 cfs, the difference is larger—additional flows of up to 300 cfs could be expected if the Cochiti and Angostura Diversions were turned off. These conditions could reflect times in which the MRGCD is in shortage operations, and diversions at Angostura are increased to ensure delivery of water to the MRG Pueblos.

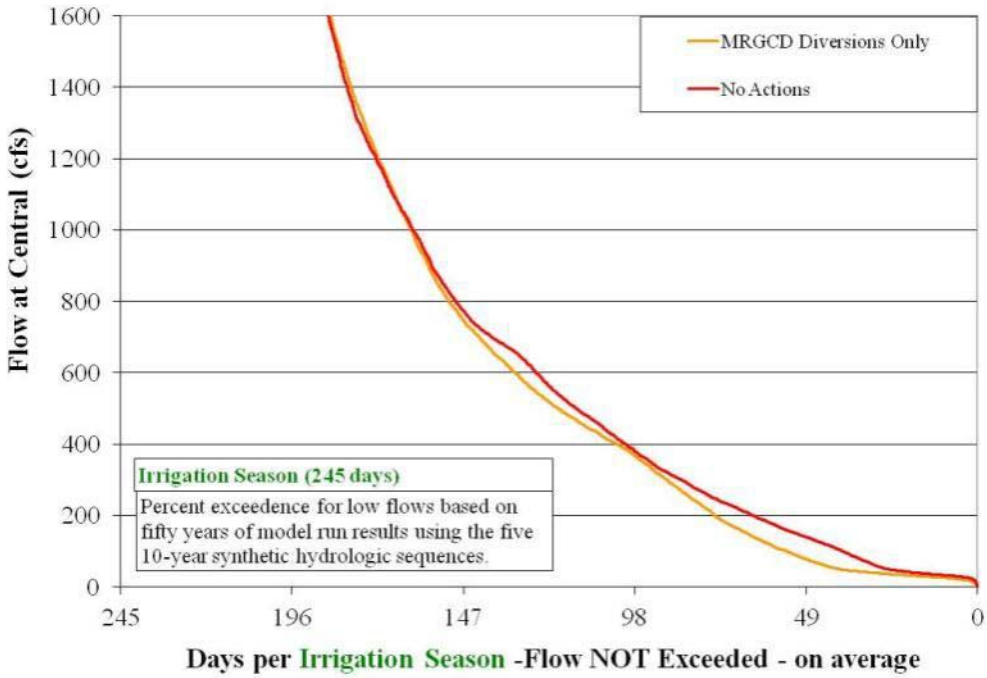

Figure 82. Relative effect of MRGCD diversions at the Central Avenue gage during the irrigation season.

Modeling indicates that additional flows are expected below San Marcial during the irrigation season if the MRGCD diversions were turned off. Below the Isleta Diversion structure, the additional river flows that could be expected without MRGCD diversions are typically in the range of 500 cfs. The additional river flow that could be expected below the San Acacia Diversion and at San Marcial would be between 400–500 cfs. The expected additional flows are lower at the locations downstream from the San Acacia Diversion due to conveyance losses. It is important to note that these differences are only apparent during the irrigation season. During the nonirrigation season, when the diversions would not be operating anyway, there is no effect from turning them off.

6.4.4.4 Qualitative Evaluation of the Effects of MRGCD's Proposed Actions

As quantified in section 6.2, the MRGCD diverts a large portion of all water moving to and through the MRG. In the process, its operations have distinct and measurable effects on water flow and distribution and, therefore, on the habitat of the listed species. MRGCD effects may be positive or negative and, in some cases, may be both depending on the timing of events.

6.4.4.4.1 MRGCD Operations

The operation of the MRGCD mimics the predevelopment pattern in which springtime floods are spread across the flood plain and a gradual drying out of the

flood plain follows through the summer and fall. Though this process is now artificially controlled, and depletions have been shifted from natural vegetation to agricultural crops, water consumption occurs within the historic flood plain of the river.

The cycling (or recycling) of water throughout the MRGCD results in a pattern of dry and wet areas. Near points of diversion, the Rio Grande is typically drier. Further downstream, return flows are collected, and ground water levels generally increase. Where return flows re-enter the river, wet areas are created, often producing continuous flow downstream for several miles. Even where return flows do not directly enter the Rio Grande, increased ground water levels tend to overcome evaporative/riparian loss and produce additional wet areas in the river. This pattern simulates the predevelopment conditions in the MRG of an intermittently flowing river with scattered swamps, sloughs, and oxbows.

In the MRGCD's Socorro division, water remaining after satisfying agricultural consumptive demand finds its way, either as surface flow or ground water, to the LFCC. Reclamation then pumps this water, as required and available, from the LFCC back to the Rio Grande to support species habitat.

The MRGCD's diversions from the Rio Grande during the baseline period were about 350,000 AFY. These proposed diversions are significantly lower than the amount diverted in previous decades, and the reduced diversions help to increase flow below diversion dams at times when natural flow is greater than MRGCD demand. When natural flow is less than MRGCD demand, these reduced diversions decrease the requirement for augmentation through releases from El Vado Reservoir. This, in turn, has the effect of conserving MRGCD's supply, prolonging the time during which MRGCD is in normal operation. Normal MRGCD operation decreases the need for Supplemental Water for listed species. In addition, the reduced diversions result in smaller MRGCD releases from storage, which, in turn, results in a decreased need for water to be replaced into storage. This minimizes the impact of springtime storage in El Vado on Rio Grande flows.

As discussed in section 3, Reclamation operates El Vado Reservoir in coordination with the MRGCD. El Vado Dam operations include storage, bypass of natural flows, and release of stored water. The effect of the storage operation is to reduce the magnitude and/or duration of runoff flow on the Rio Chama. Storage may occur, and flows may be reduced, at any time of the year, but typically storage takes place between April 15–June 1. Due to the Corps' re-regulation at Abiquiu Reservoir and limited channel capacity below Abiquiu Dam, the influence of storage at El Vado on peak MRG discharge typically is minimized. Abiquiu channel capacity and the Corps' re-regulation also may moderate the impact of El Vado Reservoir storage on the duration of high spring flows in the MRG.

The release of stored water from El Vado, when requested by MRGCD, affects the Rio Grande during periods of low natural Rio Grande flow. When natural flow is insufficient to meet irrigation demand, the MRGCD relies on stored water from El Vado to augment natural flow. At times, natural flow above Cochiti Reservoir can be quite small (< 150 cfs), and virtually all water movement to and through the MRG may be due to release of stored water. The routing of this water increases flow between upstream reservoirs on the Rio Chama and MRGCD diversion structures. Typically, the increased flow extends downstream to the Isleta Diversion. At times, water is routed as far downstream as San Acacia and, therefore, keeps the Isleta Reach of the river wet. More typically, water used for irrigation in the San Acacia Reach is diverted at Isleta and routed to the San Acacia division via irrigation infrastructure rather than through the river.

While there can be exceptions when naturally occurring flow is very near or equivalent to MRGCD demands, in general, the effect of storage and release from El Vado is to moderate the MRG flows. The snowmelt runoff volumes are slightly reduced, while the extent of drying is considerably reduced. In the case of drying, the effect is not felt below San Acacia Dam, since MRGCD requests releases of water only up to its needs, and return flows from Socorro Division are delivered to the LFCC and the BDANWR instead of the Rio Grande.

Another effect of storage and release of water from El Vado is the reduced need for Supplemental Water for listed species. MRGCD's movement of water to its diversion points in the MRG increases the flow in the river to those points, so that Supplemental Water releases are not required to keep those reaches wet (although Supplemental Water still may be needed to support flows downstream from the diversion points). MRGCD may reduce diversions or cease calling for the release of water from El Vado Reservoir before the scheduled end of the irrigation season to save water for subsequent irrigation seasons, resulting in carryover storage in El Vado. Carryover storage increases the likelihood that the MRGCD will be in full operation during the subsequent irrigation season(s), decreasing Supplemental Water requirements in the future, although it may increase Supplemental Water requirements during the current season.

6.4.4.4.2 MRGCD Water Diversions and Returns

As detailed in section 6.1.3, the water that the MRGCD diverts consists of natural flows of the Rio Grande and its tributaries, native Rio Grande water released from El Vado Reservoir, and imported water from the SJC Project. The MRGCD's permit with the NMOSE, as well as the Compact, allows MRGCD to divert up to 100% of the available natural flow in the MRG.

The MRGCD's diversions from the Rio Grande have the effect of reducing river flows. During times of high flows, the effect may be slight. During times of lower flow, the effect may be significant and may lead to additional river drying.

During those low water times, Reclamation, in coordination with the MRGCD, releases stored water from El Vado Reservoir (if available) to augment the natural flow of the Rio Grande to the level required for MRGCD diversion works to function. This normally results in continuous flow in the MRG from Cochiti Dam to Isleta Diversion Dam.

The MRGCD can serve all of its irrigators downstream from the Isleta Diversion Dam at times when there is no flow in the river to the San Acacia Diversion Dam by recycling return flows from the Belen Division. Under these conditions, while the effect of MRGCD diversion is to reduce flow, it reduces flow from a rate that would be considerably less, possibly zero, in the absence of releases from El Vado (Flanigan, 2004). Flows from MRGCD drains and wasteways have the positive effect of increasing Rio Grande flow in the reaches downstream from the outlets.

The MRGCD follows shortage operations at times when the natural flow is insufficient to meet the full irrigation demand, and there is not sufficient water in storage at El Vado to make up the difference, or the MRGCD chooses not to release available water in storage to make up the shortfall, but to preserve supplies for the following year. At these times, diversions occur only for the needs of the lands with prior and paramount water rights on the Six MRG Pueblos. During such times, the effect of MRGCD diversions is to reduce flow, possibly to zero, below the Diversion Dams.

MRGCD's diversions (and diversions for the BDANWR) from the LFCC may potentially conflict with Reclamation's LFCC pumping program (a component of the Supplemental Water Program) during low flow periods. As discussed in section 3, the MRGCD is comprised of four divisions, and the physical layout of the MRGCD has an effect on water movement in the MRG. Each division begins with a diversion point (the Diversion Dam). The upper three divisions return excess water directly to the Rio Grande. The lower most division returns its excess water to the BDANWR and the LFCC.

Cochiti Dam and the MRGCD's three diversion dams effectively separate the MRG into four distinct river reaches, through which water and fish can move downstream but not upstream. Cochiti and Angostura Diversion Dams form barriers to the upstream migration of fish. Isleta Diversion Dam, on the other hand, may only be a partial migration barrier depending on the elevation of the checked upstream surface and the gate settings. Channel incision directly below the San Acacia Diversion Dam has caused a more complete separation of the upstream and downstream reaches at that location.

The re-use of water into and out of MRGCD canals has the effect of reducing flow in the Rio Grande below the Diversion Dams but increases the flow where return flows are discharged. Management of the MRGCD in four distinct divisions decreases the total amount of water required by the MRGCD to operate

its system significantly below the amount that would be required if the MRGCD had only a single diversion point. The recycling of carriage water adds efficiency to system operation and decreases the amount of water that Reclamation and the MRGCD must release from storage to support irrigation. Carriage water re-use can increase carryover storage, which increases the proportion of time during which MRGCD is in normal operation and, therefore, decreases the amount of time that the river must be kept wet through the release of Supplemental Water by Reclamation.

6.4.4.5 Effects of MRGCD Water Management Actions on Silvery Minnow

The main source of water for MRGCD diversions is natural flow Rio Grande water (section 6.2). Smaller amounts of the water used for MRGCD operations come from storage at Abiquiu and El Vado Reservoirs and SJC project water. The first diversion of water is taken at Cochiti Dam. In most years, the amount of water diverted at Cochiti Dam is less than or similar to the amount diverted at the Angostura Dam (figure 36). The majority of the diversions occur at Isleta Dam. Only a small fraction is taken from San Acacia Dam. In model runs, the impact of diversions is more noticeable in the downstream reaches below Isleta Diversion Dam.

During spring runoff, duration of peak flows is decreased due to MRGCD diversions. Model runs predict that operations decrease the number of continuous days that discharge exceeds 3,000 cfs on an average of 2 days at Central, 6 days below Isleta and San Acacia Dams, and 3 days at San Marcial. The difference is more pronounced at lower flow thresholds. Model runs indicate that diversions also cause low flow conditions in the lower river (i.e., < 200 cfs at San Marcial) to begin at an earlier date (figure 73). The number of high flow days and date of onset of low flow have a strong relationship to October CPUE of silvery minnow.

Similarly, the number of low flow days and drying that are predicted for each reach is increased by diversion operations. Low flow conditions that may be expected to have drying are predicted in all reaches with the MRGCD diversion only scenario. The modeled mean number of days annually that flow is less than 100 cfs in the Angostura Reach increases by over 40 days with MRGCD diversions. Drying can cause direct mortality for silvery minnow due to desiccation or being stranded into isolated pools with low water quality. There is some evidence that if flows are decreased gradually, many silvery minnow can move with the water and find refugial habitats. Low flow conditions also put silvery minnow at greater risk of predation since the amount of cover that is offered by deeper water is decreased. Sediment transport is minimal during extremely low flow periods, thus, visibility is high, and fish are concentrated. Additionally, poor water quality conditions and other stressors may reduce body condition for those fish that survive in isolated pools, which may have indirect effect to their survival later in the year.

Both the decrease in peak flow and lower base flows that are present with diversion operations have effects to the geomorphic condition of silvery minnow habitat. The current geomorphic trends of vegetation encroachment and channel simplification are driven by high flows and base flow conditions. The MRG has often developed a two-stage channel, which is large enough to reflect the common high flows and, then inside, that is a smaller channel that reflects the common low flows. This is also evident in habitat specific studies that indicate that, under current conditions, habitat availability for silvery minnow does not increase linearly with flow increases (Bovee 2008). Decreases in peak flows and lower base flows result in a reduction in available wetted habitat at both stages in the MRG. The diversion dams also alter sediment transport as well as the ability of the river to move within the flood plain, which affects habitat quality for silvery minnow.

Irrigation season typically runs March 1–October 31; Pueblo deliveries may continue through November 15. Impacts from diversions are not present during the winter since irrigation is shut down. There are impacts due to the presence of the diversion year round. San Acacia and Angostura Dams are thought to be complete barriers to upstream fish passage. Barriers may have long-term genetic effects on the population by preventing upstream movement of fish. There is likely a population level effect as well, especially in the uppermost reaches when population levels of silvery minnow are low and much of the reproductive effort is lost to downstream reaches. There is some thought that Isleta Dam may be passable by silvery minnow under certain gate configurations. Silvery minnow of all life stages may become entrained into the irrigation system, especially as eggs and larvae. The magnitude of entrainment in the past several years has been minor due to MRGCD modifying its operations during peak egg production periods; this is proposed to continue as a conservation measure. Outflows from drains may provide some refuge for silvery minnow during low flow periods or areas of low velocity habitat during high flows.

The summary of MRGCD effects is presented in table 44.

Table 44. Effect of operation of MRGCD diversions (3.3.1) on life history elements and PCEs of silvery minnow

	Spawning	Eggs	Larval	Juvenile	Adult
Spring (April–June)	The duration and magnitude of spring runoff in the MRG is decreased by MRGCD operations. The decrease to the duration of inundation of overbank habitats, which is related to spawning and recruitment of silvery minnow, is anticipated to be minor. Eggs and larvae may be entrained into the irrigation system; but with modified management during peak egg production, this is expected to be minor. **Direct and Indirect – *Operation of diversions is likely to adversely affect silvery minnow spawning and recruitment.***				There is little information on how spring flows are related to adult survival of silvery minnow. Decrease in the spring hydrograph from MRGCD operations is anticipated to be minor. Adult entrainment into the irrigation system is likely rare. ***Direct and Indirect – The operation of diversions are not likely to adversely affect adult silvery minnow.***
Summer (June–Sept)			MRGCD diversions increase the number of low flow days and drying especially in the Isleta and San Acacia Reaches. Drying can cause mortality in silvery minnow, put them at risk for predation, and may reduce their fitness when concentrated for long periods in isolated pools. Releases from drains and outfalls may provide areas of refuge for silvery minnow during low flow periods. **Direct and Indirect – *Diversions are likely to adversely affect silvery minnow in summer and fall periods.***		
Fall (Sept - Nov)					
Winter (Dec–March)					MRGCD does not divert water in the winter. **Direct – *Diversions have no direct effect to winter survival of adult silvery minnow.* Indirect – Body condition of fish may be reduced going into winter months due to increased low flow periods.**

Table 44. Effect of operation of MRGCD diversions (3.3.1) on life history elements and PCEs of silvery minnow (continued)

	Spawning	Eggs	Larval	Juvenile	Adult
Critical Habitat PCES					
Hydrologic Regime					
A hydrologic regime that provides sufficient flowing water with low to moderate currents capable of forming and maintaining a diversity of aquatic habitats.	***Direct and Indirect – Diversions are likely to adversely affect the hydrology and maintenance of silvery minnow critical habitat within the MRG***. The current geomorphic trends of vegetation encroachment and channel simplification are driven by high flows and base flow conditions. There is little effect from MRGCD diversions on the duration and magnitude of channel altering flows (> 5,000 cfs). Increased low flow periods due to diversion operations reduces available wetted habitat. The formation of a two-stage channel within the MRG set by the high and low flow condition causes habitat availability for silvery minnow to not increase linearly with flow increases and is set to base flow levels. Drain outfalls may provide backwater and refuge habitats.				
Presence of a diversity of habitats for all life history stages					
Sufficient flows from early spring (March) to early summer (June) to trigger spawning	Silvery minnow are known to spawn with very small flow increases. However, the Proposed Action may cause minor decreases in high flows, especially in years with limited spring runoff; **Direct and Indirect – MRGCD *operations are not likely to adversely affect silvery minnow critical habitat for spawning of silvery minnow.***				
Flows in the summer (June) through fall (October) that do not increase prolonged periods of low or no flow	MRGCD diversions increase the number of low flow days and drying especially in the Isleta and San Acacia Reaches. Releases from drains and outfalls may provide areas of refuge for silvery minnow during low flow periods. **Direct and Indirect – *MRGCD operations are likely to adversely affect silvery minnow critical habitat during summer and fall periods.***				

Table 44. Effect of operation of MRGCD diversions (3.3.1) on life history elements and PCEs of silvery minnow (continued)

	Spawning	Eggs	Larval	Juvenile	Adult
Constant winter flow					MRGCD diversions are not operated during the winter. **Direct and Indirect – *MRGCD operations are not likely to adversely affect winter critical habitat for adult silvery minnow.***
Unimpounded stretches of river with a diversity of habitats and low velocity refuge areas					
River reach length	San Acacia and Angostura Dams are thought to be complete barriers to upstream fish passage. There is some thought that Isleta Dam may be passable by silvery minnow under certain gate configurations. ***Diversion Dams directly adversely affect river reach length within critical habitat.*** The sinuosity changes depending on geomorphology and discharge levels. Sinuosity of the thalweg may increase during low flows, which increases the length of the river but also may promote vegetation growth on point bars within the river channel. The lack of flood stage flows also changes the potential that the river will move outside its current channel. The Proposed Action ***is not likely to indirectly adversely river reach length.***				
Habitat "quality" in each reach and refugial habitats.	Ongoing geomorphic trends will continue under the current operations. The formation of a two-stage channel within the MRG set by the high and low flow condition causes habitat availability for silvery minnow to not increase linearly with flow increases and is set to base flow levels. Drain outfalls may provide backwater and refuge habitats. Drying within the San Acacia and Isleta Reaches decreases habitat quality and quantity. Habitat quality in each reach is dependent on the structure and diversity of available habitat. Channel trends throughout the MRG are towards a more simplified channel due to vegetation encroachment. Base flow levels from the Proposed Actions drive the vegetation encroachment within the channel. The quantity of suitable habitat within each reach also changes at different flows; this relationship is not linear in most sections of the river and is dependent on channel shape. The Proposed Action ***may have indirect effects that adversely affect silvery minnow critical habitat. Diversions are likely to adversely affect habitat quality within the reaches of critical habitat.***				
Substrate of sand or silt					
Substrates of predominantly sand or silt	Diversion Dams alter sediment transport within the MRG. The ongoing trends will continue within the reaches above and below Diversion Dams. ***Diversions are likely to adversely affect sediment transport within critical habitat.***				
Water quality					
Temp >1˚ - < 30 ˚C DO > 5 mg/L pH (6.6-9.0)	Water temperature, DO, and pH within the MRG may be affected during low flow conditions especially in intermittent areas. **Direct and Indirect – The operation of Diversions is likely to adversely affect water quality due to increased low flow periods.**				
Other contaminants	Drain and irrigation return water has the potential to have poor water quality, but recent studies (Buhl 2011) found no elevated levels of contaminants in the tested wasteway water. River water entering the irrigation canal system can carry high nutrient concentrations, but concentrations of nitrate, ammonium, and phosphate re-entering the river from these tributary return flows are consistently low (Zeglin and Dahm 2006). The operation of MRGCD diversions reduces the amount of water that is available to dilute contaminants that are introduced to the river from outside sources. This lack of dilution may have ***indirect effects but is not likely to adversely affect silvery minnow.***				

6.4.4.6 Effect of MRGCD Water Management Actions on flycatcher.

Within the MRG, there is a decrease in the amount of water in the river brought on by diversions. This decreases in the possibility of overbank flooding, and increases the potential for drying the river. This action also has the potential for affecting ground water levels that would have impacts to native vegetation health. Figures 83–86 demonstrate the relative difference between the predicted flow exceedence curves with MRGCD diversions and in the No Action scenario at Central and San Marcial.

Using the previously described analysis, it is predicted that, on average, MRGCD diversions would decrease overbank flooding by 1–3 days during the early irrigation season (March–June) when compared to No Action and would decrease in the overall water availability. This difference is minor, particularly when considering many areas often require more than the 4,700 cfs for flooding, and areas where flycatchers occupy are typically along the rivers' edge and, thus, within the 50-meter distance to water where 94% of flycatcher nests are located (table 45).

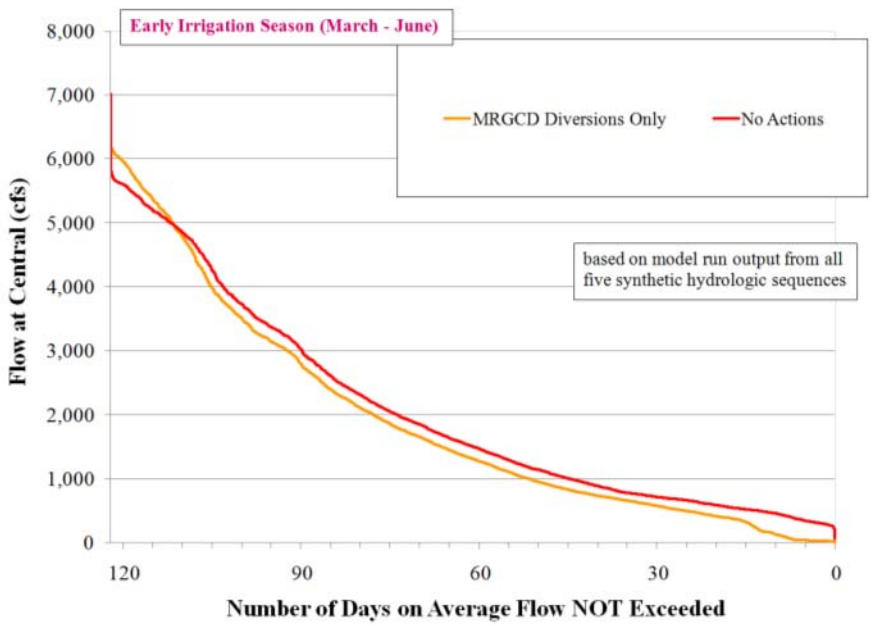

Figure 83. Relative comparison of modeled flows at Central gage considered Proposed Action of MRGCD diversions compared to No Action during the flycatcher territory establishment period.

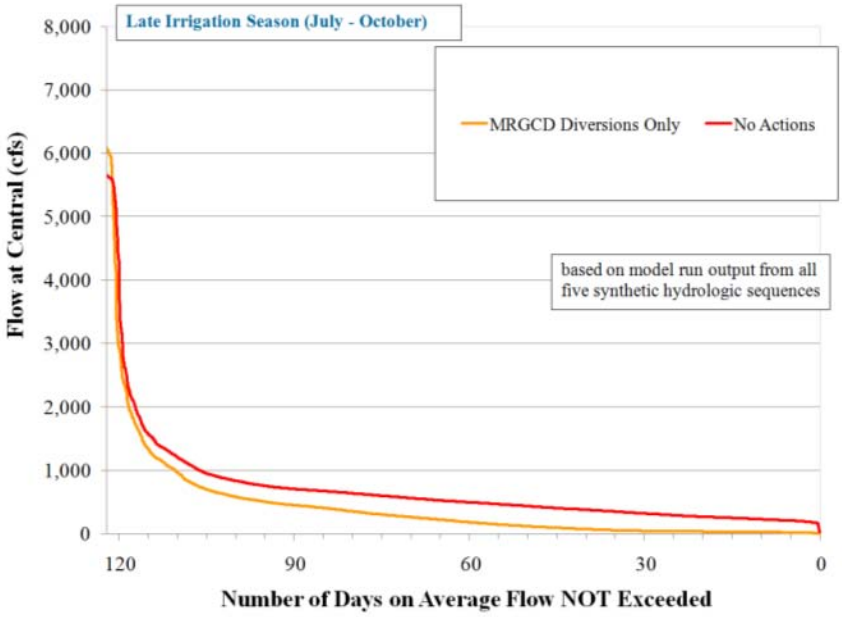

Figure 84. Relative comparison of modeled flows at Central gage considered Proposed Action of MRGCD diversions compared to No Action during the flycatcher breeding period.

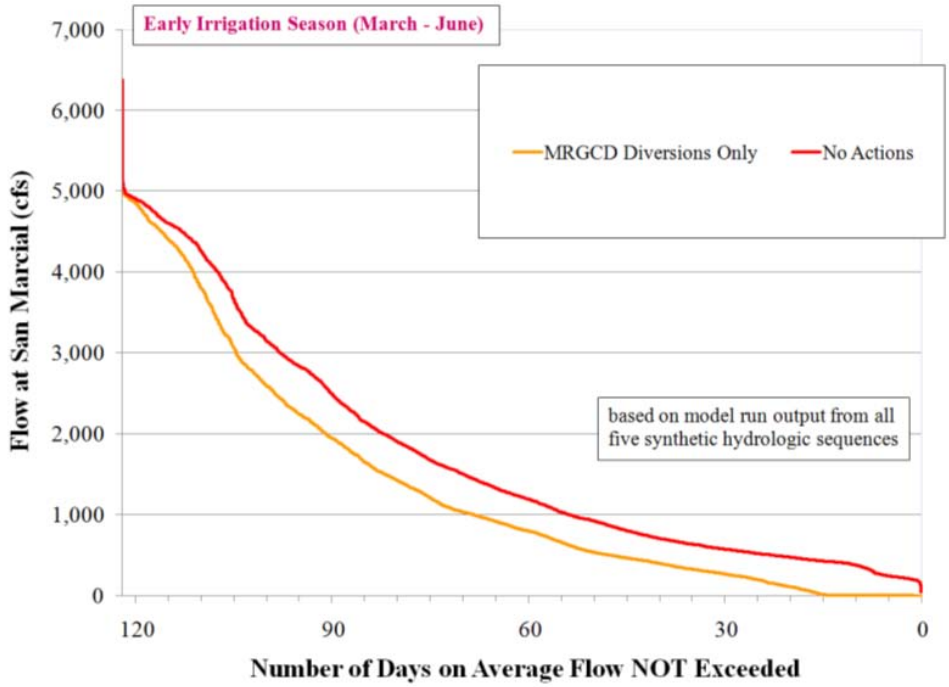

Figure 85. Relative comparison of modeled flows at San Marcial gage considered Proposed Action of MRGCD diversions compared to No Action during the flycatcher territory establishment period.

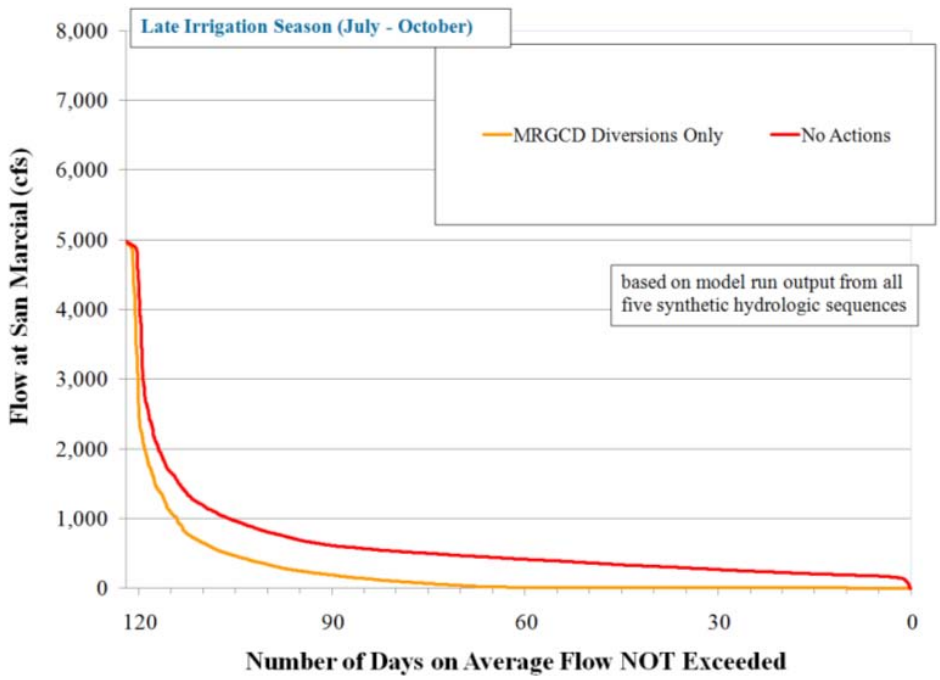

Figure 86. Relative comparison of modeled flows at San Marcial gage considered Proposed Action of MRGCD diversions compared to No Action during the flycatcher breeding period.

Table 45. Effect of MRGCD diversions on the number of potential days of overbank flooding events during early irrigation season (March–June) and flycatcher territory establishment. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with MRGCD diversions only	Number of days flows reach 4,700 cfs with MRGCD diversions only	Percent of the time flows reach 4,700 cfs with No Action	Number of days flows reach 4,700 cfs with No Action
Central	10.2%	13	11.30%	14
San Acacia	7.2%	9	10.00%	12
San Marcial	2.9%	4	4.40%	5

The same comparison but using results from the late irrigation season from July–October with No Action indicates flows would be approximately 4,700 cfs at the Central, San Acacia, and San Marcial gages 2% of the time. With MRGCD water management actions, the potential overbank flooding decreases slightly. There is not a significant difference between overbank flooding with the No Action versus the MRGCD action scenarios (table 46). For reaches below the San Acacia gage at the 1,400 cfs required for inundation within the BDANWR area, flows under the Proposed Action would meet overbank flows 45% of the time in the No

Action sequence and 39% of the time in the MRGCD diversions alone sequence. This 7-day difference would be more substantial when compared to the other reaches (table 47). The time period during late irrigation from July–October at the San Acacia gage indicates a 6-day difference in flows above 1,400 cfs and potential overbank flooding. Though this time period is less important in regard to territory establishment, it would be important for vegetative health and nest success during July and August (table 48). Table 49 presents a summary of the MRGCD Water Management Actions on flycatchers.

Table 46. Effect of MRGCD diversions on the number of potential days of overbank flooding events during late irrigation season (July–October) and flycatcher nesting period. This includes all reaches from Albuquerque to RM 62 with the exception of the reaches near the BDANWR.

Gage Location	Percent of the time flows reach 4,700 cfs with MRGCD diversions only	Number of days flows reach 4,700 cfs with MRGCD diversions only	Percent of the time flows reach 4,700 cfs with No Action	Number of days flows reach 4,700 cfs with No Action
Central	1.8%	2	2.2%	3
San Acacia	1.7%	2	2.4%	3
San Marcial	1.7%	2	2.3%	3

Table 47. Effect of MRGCD diversions on the number of potential days of overbank flooding events during early irrigation season and flycatcher territory establishment for reaches from Arroyo del las Cañas to RM 78

Gage Location	Percent of the time flows reach 1,400 cfs with MRGCD diversions only	Number of days flows reach 1,400 cfs with MRGCD diversions only	Percent of the time flows reach 1,400 cfs with No Action	Number of days flows reach 1,400 cfs with No Action
San Acacia	39.0%	48	45.00%	55

Table 48. Effect of MRGCD diversions on the number of potential days of overbank flooding events during late irrigation season and flycatcher nesting period for reaches from Arroyo del las Cañas to RM 78

Gage Location	Percent of the time flows reach 1,400 cfs with MRGCD diversions only	Number of days flows reach 1,400 cfs with MRGCD diversions only	Percent of the time flows reach 1,400 cfs with No Action	Number of days flows reach 1,400 cfs with No Action
San Acacia	5.8%	7	10.5%	13

Table 49. Effect of MRGCD Proposed Action on life history elements and PCEs of flycatchers

	Migration (April-June and July–September)	**Arrival to Territories/ Territory Establishment/ Nest Building** (May–July)	**Egg Laying/ Incubation/Nestling/ Fledgling** (June–August)
Breeding Season (April–September)	The Proposed Action would **not likely adversely affect** flycatcher stopover locations during migration because flycatchers will use habitat that is less suitable during this time and farther away from water sources.	The Proposed Action may ***indirectly affect flycatcher habitat on a negligible level***. Because the Proposed Action, when compared to No Action, would decrease the potential of overbank flooding and decrease the overall water available for vegetation, this could cause a decline in territory recruitment and canopy cover/plant health/seed establishment and ***could potentially adversely affect flycatcher habitat,*** particularly in periods of drought. However, it should be noted that the decrease in water between the two scenarios is a relatively small amount.	Territory recruitment at this stage is no longer an issue as flycatchers are more invested in their territories and less likely to abandon nests should conditions dry or decline in value. However, if vegetation does not have adequate water resources, canopy cover likely will decrease and predation and/or parasitism likely would be more prevalent. Because the Proposed Action would result in less water in the system, there would be an increased possibility of vegetation not having adequate water to maintain health and, thus, ***could adversely affect flycatcher habitat and potential nest success,*** again particularly in times of drought.
Critical Habitat PCES			
Riparian Vegetation	Riparian habitat in a dynamic successional environment to be used for nesting, foraging, migration, dispersal, and shelter. Dense tree or shrub vegetation in close proximity to open water or marsh areas. With a decrease in the water amount reaching flycatcher suitable habitat patches, the Proposed Action could ***potentially adversely affect flycatcher riparian vegetation***.		
Insect Prey Populations	A variety of insect prey populations found in close proximity to riparian flood plains or moist environments. The minimal difference between the No Action and the Proposed Action ***may affect, not likely to adversely affect the insect prey populations***. It is also important to note that a dry river does not impact insect populations when ponded water and adjacent drains are present.		

6.5 Evaluation of Conservation Measure – RIP

The conservation measure presented to offset effects of the described Proposed Actions of Reclamation and MRGCD as well as other participants is the formation of a RIP. The associated implemention of actions that assist in the recovery of the species and provide compliance with Sections 7 and 9 of the ESA for water development and water management related activities in the MRG.

The objectives of the RIP are to:

- Promote the conservation and contribute to the recovery of the endangered species in the Program area.
- Assist in attainment of Endangered Species Act compliance for all parties with the concurrence of the Service.
- Encourage water development and management activities consistent with State and Federal laws and mandates.

For the purposes of the RIP and Section 7 consultations, it is assumed that:

1. The RIP will produce a list of actions that can be implemented to assist in the recovery of the species.
2. The funding will be available to implement these actions.
3. Participants will take appropriate steps to implement those actions.
4. Actions will be implemented in accordance with the developed schedule.

Once the RIP is implemented, annual work plans will be developed that will define specific projects and commitments of participants. The Service will determine if sufficient progress towards recovery is achieved for the Program on an annual basis and if progress toward recovery has been sufficient for the Program to serve as a reasonable and prudent alternative or measure.

The Draft Action Plan identifies specific actions and tasks that the RIP will undertake to alleviate jeopardy and strive toward recovery of the listed species in the Program area. The actions described address many of the threats described in the recovery plans for silvery minnow and willow flycatcher (Service 2010, Service 2002). Table 50 summarizes actions as described in the draft of the action plan (appendix 8) and the associated threats that would be addressed by these actions. The development of alternative water management strategies will be contained in the Water Management Plan (WMP) for the middle Rio Grande (MRG). The WMP will be a companion plan to the RIP Action Plan and Long Term Plan, and will contain the suite of water management tools available to meet the needs of listed species and water users.

Table 50. Description of actions outlined in draft RIP Action Plan and threats addressed by these actions

Action	Description of RIP Action	Threats Addressed
Silvery Minnow		
1.1	Create habitat for spawning and larval rearing	• Prevention of overbank flooding. • Altered preferred habitat. • Reduced flows, which may limit the amount of preferred habitat and limit dispersal of the species. • Confined flood flows. • Establishment of stabilizing vegetation. • Elimination of meanders, oxbows, and other components of historic aquatic habitat. • Reduction of inundated floodplain areas where young can develop. • Geomorphological changes to the river channel.
1.2	Provide spring-time hydrologic (flow) conditions sufficient to produce minnow spawning and larval fish survival	• Risk of 2 consecutive below-average flow years, which can affect short-lived species. • Altered flow regimes. • Prevention of overbank flooding. • Altered preferred habitat. • Stored spring runoff and summer inflow, which would normally cause flooding. • Reduced flows, which may limit the amount of preferred habitat and limit dispersal of the species. • Reduction of inundated floodplain areas where young can develop. • Confined flood flows.
2.1	Provide viable wetted habitats during summer and fall that can be shown to improve survival and recruitment of minnow during main channel drying events.	• Annual dewatering of a large percentage of the species' habitat. • Risk of 2 consecutive below-average flow years, which can affect short-lived species. • Increase in contaminant concentrations during low flows, which may exacerbate other stresses. • Altered flow regimes. • Prolonged summer low flow. • Reduced flows, which may limit the amount of preferred habitat and limit dispersal of the species.

Action	Description of RIP Action	Threats Addressed
2.2	Provide hydrologic (flow) conditions in summer, fall, and winter to support survival in all years.	• Annual dewatering of a large percentage of the species' habitat. • Risk of 2 consecutive below-average flow years, which can affect short-lived species. • Increase in contaminant concentrations during low flows, which may exacerbate other stresses. • Altered flow regimes. • Prolonged summer low flow. • Reduced flows, which may limit the amount of preferred habitat and limit dispersal of the species.
2.3	Increase reach boundary connectivity.	• Fragmented habitat. • Prevention of species' dispersal.
3.1	Plan and evaluate minnow propagation and augmentation program.	• Reduced population numbers and potential loss of genetic diversity. • Risk of 2 consecutive below-average flow years, which can affect short-lived species.
3.2	Develop, support, and maintain propagation and rearing facilities for minnow.	• Reduced population numbers and potential loss of genetic diversity. • Risk of 2 consecutive below-average flow years, which can affect short-lived species.
3.3	Rear and maintain minnow in captivity.	• Reduced population numbers and potential loss of genetic diversity. • Risk of 2 consecutive below-average flow years, which can affect short-lived species.
3.4	Augment wild populations as necessary.	• Reduced population numbers and potential loss of genetic diversity. • Risk of 2 consecutive below-average flow years, which can affect short-lived species.
4.1	Identify and prioritize specific science activities that address overall Program goals.	Prioritizing management actions.
4.2	Conduct minnow research critical to the RIP.	Prioritizing management actions.
4.3	Determine the viability of minnow populations.	Prioritizing management actions.
4.4	Develop and implement monitoring programs with sufficient reliability, precision, and accuracy for RIP needs.	Prioritizing management actions.
4.5	Establish and maintain a Database Management System for RIP needs.	Prioritizing management actions.

Action	Description of RIP Action	Threats Addressed
5.1	Support the development of additional wild self-sustaining populations of minnow.	• Reduced population numbers and potential loss of genetic diversity. • Risk of 2 consecutive below-average flow years, which can affect short – lived species.
5.2	Rear and maintain minnow in captivity in order to augment wild populations as necessary (Actions 3.3 and 3.4).	• Reduced population numbers and potential loss of genetic diversity. • Risk of 2 consecutive below-average flow years, which can affect short-lived species.
Willow Flycatcher		
1.1	Create habitat conducive to territory establishment and nesting success.	• Habitat loss and modification. • Changes in abundance of other species. • Vulnerability of small populations.
1.2	Create hydrologic conditions conducive to territory establishment and nesting success.	• Habitat loss and modification. • Changes in abundance of other species. • Vulnerability of small populations.
2.1	Assess, identify, and prioritize specific science activities that address overall Program goals.	Prioritizing management actions.
2.2	Conduct flycatcher research critical to the RIP.	Prioritizing management actions.
2.3	Determine the viability of flycatcher populations.	Prioritizing management actions.
2.4	Develop and implement monitoring programs with sufficient reliability, precision, and accuracy for RIP needs.	Prioritizing management actions.
2.5	Incorporate flycatcher data into the RIP Database Management System.	Prioritizing management actions.
3.1	Support the development of other populations of flycatcher.	• Vulnerability of small populations.
Rip Management Elements		
1.1	Facilitate Program planning and management.	Prioritizing management actions.
1.2	Provide ongoing Program management.	Prioritizing management actions.
1.3	Implement priority Program projects.	Prioritizing management actions.

The following sections present an evaluation of specific conservation measures that have been proposed by Reclamation and MRGCD to offset the impacts of MRG water operations that will be incorporated into the RIP. Conservation

measures analyzed for this BA include Reclamation's Supplemental Water Program and the conservation measures of the MRGCD under the Environmental Baseline, which the MRGCD has proposed to continue under a new consultation as well as several new measures. Additional conservation measures have been proposed by MRGCD, the details of which are currently being coordinated between Reclamation and MRGCD. Theses additional proposed measures are attached in appendix 9.

6.5.1 Reclamation's Supplemental Water Program

Reclamation's Supplemental Water Program, as proposed, and its effectiveness in offsetting the impacts of Reclamation's Proposed Action and those of Reclamation's non-Federal partners have been evaluated through URGWOM modeling. Reclamation's Supplemental Water Program is intended to benefit the listed species and includes the following actions:

- Supplemental water acquisition.
- Storage of acquired water in Rio Chama reservoirs and release to benefit listed species and assist in compliance with flow requirements.
- SJC Project storage waivers for contractors who have agreements to lease water to Reclamation (if there is a benefit to the United States).
- Pumping and conveyance of water from the LFCC to the Rio Grande.

Reclamation expects the water available for lease from all sources to decline from the average of 28,990 AFY that has been available under the 2003 BiOp to an average of 13,050 AFY over the 10-year analysis period for this BA. The primary source of water in the Supplemental Water Program is Reclamation's lease of annual water allocations from willing SJC Project contractors. However, SJC Project water available for lease has decreased because SJC Project contractors, including the ABCWUA (which has historically provided the largest amount of SJC Project lease water to the Program), are using more of their water for its intended purpose. The water that was available over the past decade also included significant amounts of credit water relinquished under the Compact and leased to Reclamation by the State of New Mexico under the terms of the Conservation Water Agreement and Emergency Drought Water Agreement.

Reclamation's model runs include 38,696 AF of EDWA water available for storage and lease to the Supplemental Water Program at the beginning of the 10-year analysis period. This number includes 19,196 AF of Emergency Drought Water for ESA in storage as an initial condition plus an unused allocation for storage of an additional 19,500 AF. However, the analysis does not assume that any additional credit relinquishment water becomes available. Reclamation continues to seek more water for its Supplemental Water Program.

6.5.1.1 Approach to Analysis of Reclamation's Supplemental Water Program

To evaluate the effectiveness of the Supplemental Water Program as a conservation measure, model simulations of the Proposed Water Management Actions and the Supplemental Water Program have been compared to simulation of the Proposed Water Management Actions without the Supplemental Water Program. Also, the simulations that include the Supplemental Water Program were performed using two sets of companion runs—one using the available supply of Supplemental Water and one using a hypothetical unlimited supply of Supplemental Water. In the model runs, the Supplemental Water is used to meet the flow requirements of the 2003 BiOp. In both sets of runs, there is no prioritization to the releases of Supplemental Water; if a release is needed to meet the flow requirements, the water is released until the Supplemental Water supply runs out.

6.5.1.2 Analysis of the Supplemental Water Program

The Supplemental Water Program provides water to support the habitat requirements of listed species in the MRG during periods of low flows, when the flow augmentation provided by the release of irrigation water from El Vado Dam and the operation of the San Juan-Chama Project is insufficient to maintain flow or meet flow targets. The Supplemental Water Program delays and decreases the duration of drying, which decreases mortality of silvery minnow and may have some impact on maintaining vegetation for flycatchers. The impact of this Supplemental Water varies from year to year depending on the type of water year and the amount of Supplemental Water available. The modeling runs for the use of Supplemental Water used the 2003 BiOp requirements as an example of how the water can be used to augment flows in the system and benefit the species.

The following graph breaks down the modeled uses of water acquired, stored, and released from upstream reservoirs under the Supplemental Water Program (figure 87) to meet 2003 BiOp requirements. Please note that no water is used in the model to control rates of drying after river rewetting, since this was not a BiOp requirement (and is typically performed through gradual ramp-up of MRGCD diversions). Reclamation is not proposing to continue these operations under the current Proposed Action but this information may guide the prioritization of Supplemental Water use into the future.

Traditionally, the largest use of Supplemental Water has been to maintain flows of 100 cfs or greater at the Central Avenue Gage. Water to meet this target is typically released after the recession from the spring snowmelt runoff, typically after June 15. The second largest use was to maintain continuous flows during the early irrigation season, between March 1 and June 15. The impact of both of these categories of releases can be seen at Central Avenue.

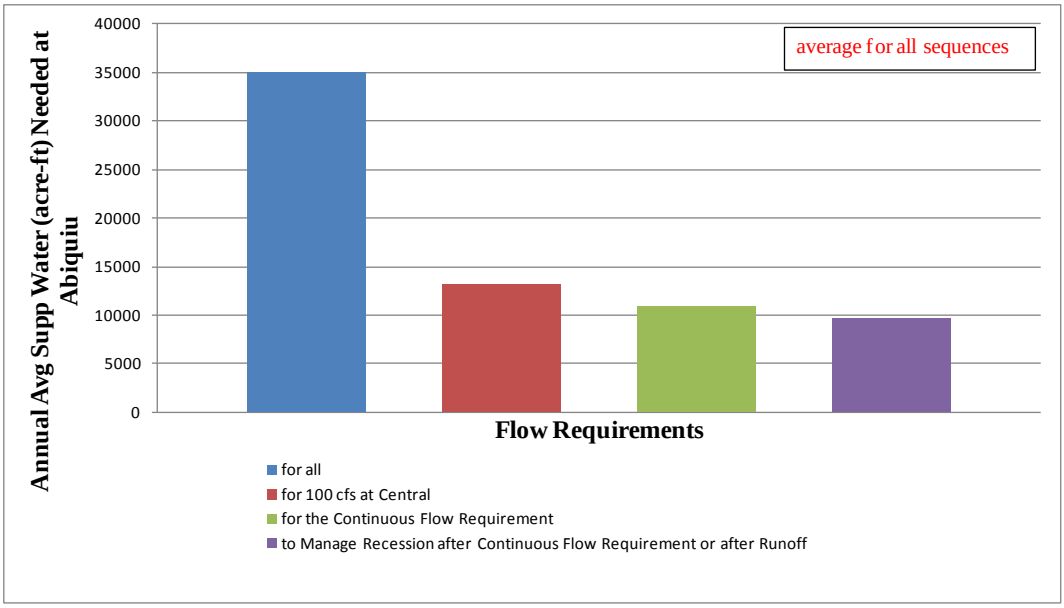

Figure 87. Uses of Supplemental Water in URGWOM simulations.

Figure 88 is a "box and whisker" plot that summarizes the impact of the Supplemental Water Program on flows at the Central Avenue Gage during the entire irrigation season, March 1–October 31. These impacts have been broken down according to ranges of low flows that would occur without the Supplemental Water Program, 0–100 cfs, 101–200 cfs, and 201–300 cfs, respectively. The impact of the Program, as indicated by the grey box, which shows the 25–75% range of probability, is primarily positive in these ranges. The "whiskers" in this plot show some apparent negative impacts in the lowest-probability portions of the distributions. These effects result from time lags and operational rules within URGWOM and do not indicate any real likelihood of negative impacts from the Supplemental Water Program. The "boxes" indicating the middle 50% show the greatest impact of the Supplemental Water Program, up to 50 cfs, in the range of flows 101–200 cfs during the irrigation season. The whiskers also show a low probability of flows below 200 cfs being supplemented by an additional flow of greater than 250 cfs.

Downstream of Central Avenue in Albuquerque, the Supplemental Water Program has the greatest impact during the early irrigation season, March 1–June 15. This period represents the time in which the 2003 BiOp has required continuous flows in the MRG during dry years. As defined in the 2003 BiOp, during dry years, benefits of Supplemental Water are not realized after June 15 in lower reaches that do not have flow targets, since Supplemental Water will, by agreement with the MRGCD, be diverted for irrigation at the dam below the downstream-most flow targets.

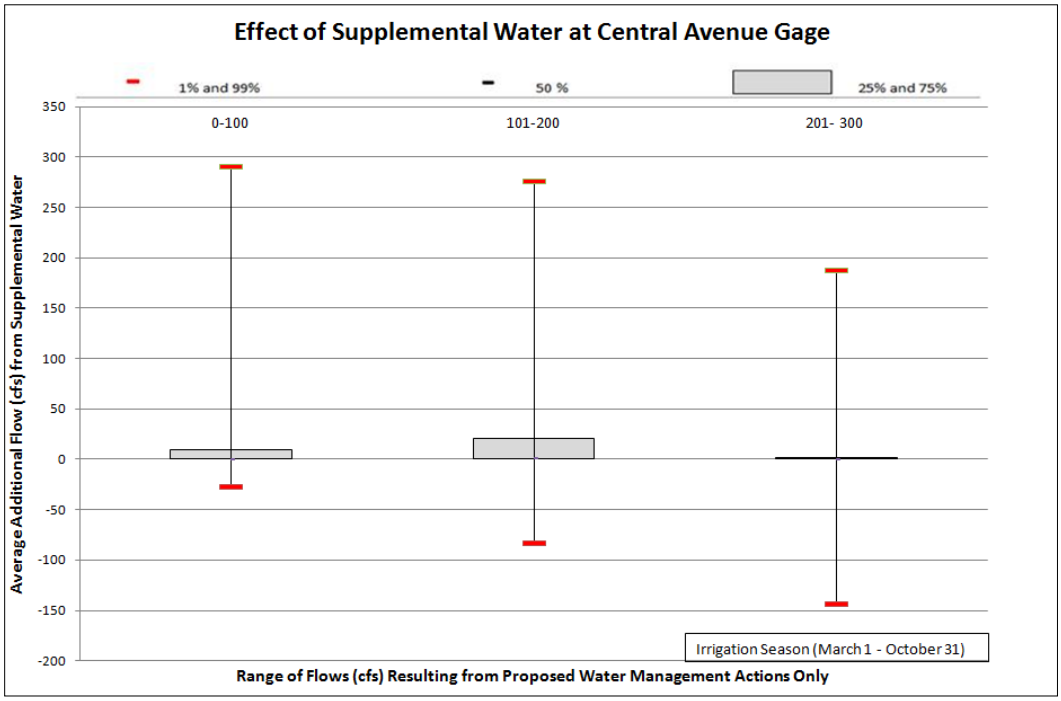

Figure 88. Impact of Supplemental Water on flows of 300 cfs or less at the Central Avenue Gage as compared to the Proposed Action.

Figure 89, below, presents the additional flow provided by the Supplemental Program at key locations downstream of Central Avenue (Isleta, San Acacia, and San Marcial) during this time period. These curves show that, at these locations, the greatest impacts of Supplemental Water, including release of water from upstream reservoirs and pumping from the LFCC to the river, is at the lowest flows, generally when flows would be below about 120 cfs. The Supplemental Water Program provides up to 80 cfs of additional flow at each of these locations under these conditions.

Figure 90 presents the impact of Supplemental Water on low flows during the early irrigation season at these same locations, Isleta, San Acacia, and San Marcial, in the form of a "box and whisker" plot, as was used to display the impact of Supplemental Water at Central Avenue. These probability distributions were created by filtering for days with flows below thresholds for each reach in which downstream drying might be expected. The grey boxes, which indicate the middle 50% of probabilities, show a consistent benefit of the Supplemental Water Program of up to 130 cfs at Isleta, 15 cfs at San Acacia, and 115 cfs at San Marcial. The benefits at Isleta and San Acacia are primarily provided by releases from upstream reservoirs. The benefits at San Marcial are primarily provided by pumping from the LFCC to the river.

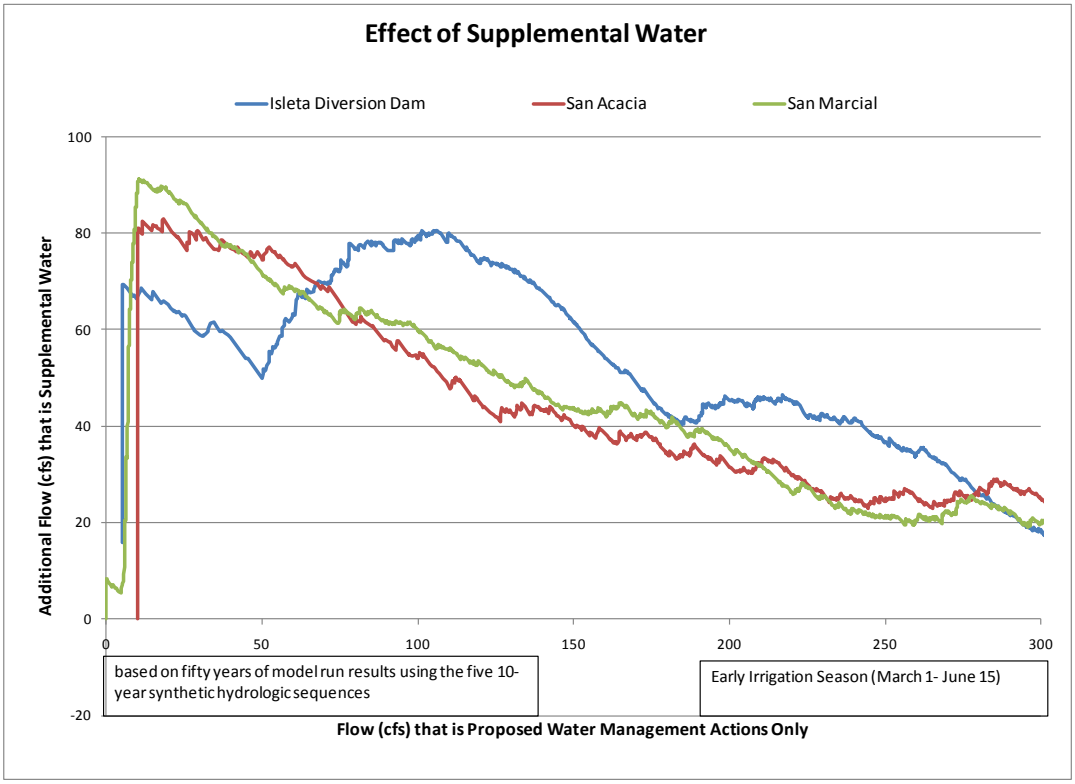

Figure 89. Graph showing the impact of Supplemental Water on flows of 300 cfs or less at Isleta, San Acacia, and San Marcial as compared to the Proposed Action.

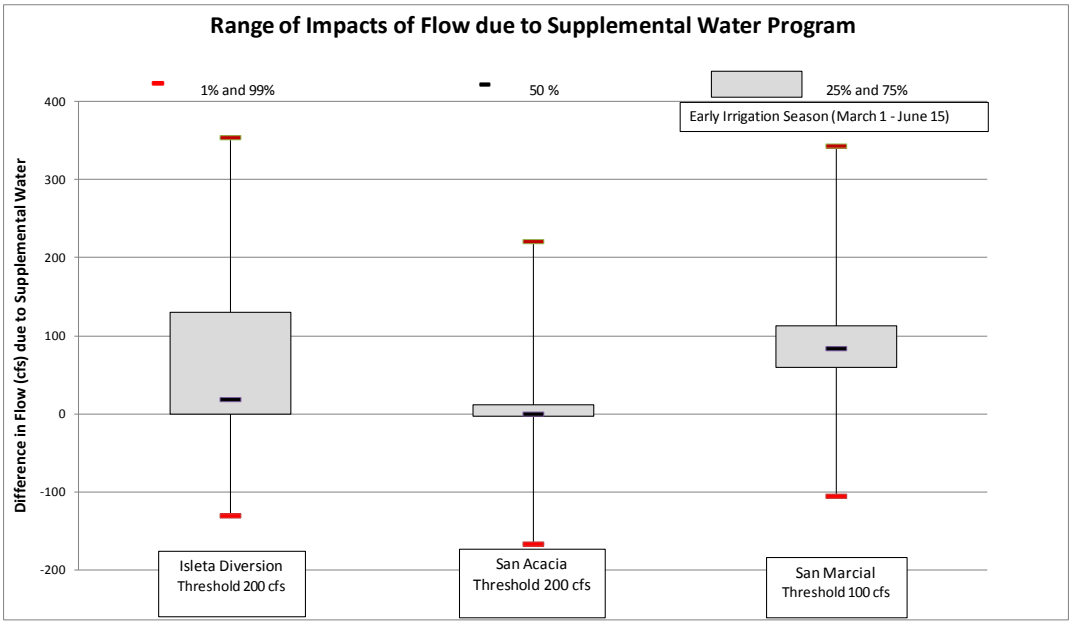

Figure 90. "Box and whisker plot" showing the impact of Supplemental Water on low flows at Isleta, San Acacia, and San Marcial during the early irrigation season compared to the Proposed Action.

The need for Supplemental Water can be very high at times when MRGCD is in shortage operations. Under these shortage operations, diversions at Angostura are increased to meet the remaining water needs of the Pueblos, as far south as Isleta. Increased diversions at Angostura yield higher flows to the Albuquerque Drain that outfall to the river just above the Isleta diversion and are re-diverted there as they are available. Diversions at both Isleta and San Acacia continue as water remains available; but under these shortage operations, water is not specifically conveyed to these diversion structures.

During MRGCD shortage operations, ABCWUA would be using ground water to meet drinking water needs. When the MRGCD is in shortage operations, it typically increases Angostura Diversions, which results in greater potential for river drying in the Albuquerque Reach. Under these conditions, water released from storage under Reclamation's Supplemental Water Program is the primary source for flows in the river and habitat for the silvery minnow. The SJC Project water released under Reclamation's Supplemental Water Program, as available, further helps to reduce river drying when MRGCD is in shortage operations. Water from the Supplemental Water Program also contributes to a reduction in drying of the Isleta and San Acacia Reaches.

In the San Acacia Reach, the frequency and duration of river drying also would be increased by the lack of Reclamation's program of pumping water from the LFCC to the river. Without these pumping operations, increased river drying can be expected below each pump site. River drying would occur more often by 8% of the time (33 more days per year on average).

Recruitment and overbank flows in the MRG occur based on hydrologic conditions, but it should be noted that Supplemental Water is likely not of sufficient volume to provide recruitment or overbank flows and has not been modeled for these purposes. Cochiti deviations have the potential to significantly help to increase the frequency of recruitment or overbank flows. Without deviations, it is possible that overbank flows would not occur at all within the next 10 years under conditions represented by the driest hydrologic sequence. Under the wettest hydrologic sequence, up to 4 years without overbank flows could be expected.

6.5.2 Effects of the MRGCD's Proposed Conservation Measures

ESA compliance is a requirement of MRG Project operations; and through inclusion in this BA, the MRGCD recognizes the need to continue to cooperate with Reclamation to perform joint future compliance efforts and to conserve water for use during drought years. As part of a broader Water Management Plan among the water managers, as included in the RIP Action Plan, the MRGCD will negotiate a water management agreement with Reclamation, which will include planning for all types of water years. One of the major elements will include

development of a Drought Management Pool that will be "last to use" to assist in managing the system for both irrigation and in-river conditions during critically dry years. This section presents hydrologic and biological analyses of the flow-related conservation measures proposed by Reclamation's non-Federal partner, the MRGCD, to the extent that these measures lend themselves to such analysis. The conservation measures evaluated in this section include measures that were undertaken by the MRGCD under the 2003 BiOp as well as proposed new measures.

6.5.2.1 Measures to Enhance Coordination

Though it is difficult to quantify, these measures provide an invaluable tool for water managers and biologists who ultimately reduce the overall take of the species by ensuring that water operations are coordinated efficiently with the larger group. Additionally access to the river for species monitoring and management activities, such as fish salvage, also reduce the take numbers and aid in information gathering.

6.5.2.2 Water Management Related Measures

1. *Maintenance of Perennially Wetted Habitat Through Releases from Drain Outfalls and Wasteways*

As a general practice, the MRGCD will manage its diversions and return flows to the Rio Grande in a way that supports new habitat areas and other designated sites, consistent with tasks identified in the RIP Action Plan and in the MRGCD's Water Management Agreement with Reclamation. The MRGCD will identify key target areas where water can be returned, especially during critically dry periods, to maintain wetted habitat for silvery minnow when drying is occurring elsewhere in the river.

Under this conservation measure, the MRGCD will deliver water to drain outfalls and wasteways to better meet the needs of RGSM. These releases will provide discrete wetted sections that will serve as refugia for RGSM, with possible Southwestern willow flycatcher benefit. This conservation measure will include the following elements:

- During critical, low water periods, the MRGCD will manage the release rates for consistency to create refugial habitat.

- As needed, and in coordination with Reclamation and the Service, the MRGCD will manage these returns flows to assist the Service with its RGSM rescue efforts.

- Details (timing, locations, quantity of water) of these releases will be described in the RIP Action Plan and in the MRGCD's Water Management Agreement with Reclamation.

- This action could increase wetted habitat for silvery minnow during critical low flow periods, which would decrease mortality of silvery minnow. This action may also help maintain vegetation for flycatcher.

2. Maintenance of Wetted Habitat Downstream from Diversion Structures

Under certain conditions, by mutual agreement, and contingent on water being physically present, MRGCD will take actions to maintain a small discharge, not to exceed 8 cfs (normal gate leakage) downstream from both the Isleta Diversion Dam and the San Acacia Diversion Dam. It is estimated that, in the Isleta Reach, this amount of water could maintain approximately 200 yards of wetted habitat. In the San Acacia Reach, channel degradation below the dam has made the river better able to maintain water. Ground water inflow also occurs at this location. Therefore, the dam leakage likely will provide a greater length of wetted habitat, potentially up to a quarter of a mile. Ground water inflow may continue the wetted habitat further downstream.

3. Management of Diversions During Peak Egg Production To Minimize Incidental Entrainment of Silvery Minnow Eggs.

As needed, and in coordination with Reclamation and the Service, the MRGCD will minimize or temporarily suspend diversions during periods of peak egg production to minimize incidental entrainment of eggs and larvae into irrigation canals. This measure has been successful in the past at minimizing egg entrainment. Few eggs are collected during monitoring within the canal system.

4. Acceptance of Conveyance Losses for Supplemental Water

Under the 2003 BiOp, the MRGCD accepted conveyance losses of Supplemental Water. The MRGCD proposes to continue this practice under a new consultation. This conservation measure includes the following elements:

- During normal MRGCD operations, MRGCD will convey Reclamation's Supplemental Water as far as the Isleta Diversion Dam without incurring any consumptive losses. MRGCD will bear all losses to Reclamation Supplemental Water through Cochiti and Angostura Reaches.

- MRGCD will divert Reclamation's Supplemental Water as necessary at the Diversion Dams, leaving an equivalent amount of native Rio Grande water undiverted, if necessary, to meet flow targets. This water accounting exercise provides that the Supplemental Water Program's SJC Project water is fully consumed within the MRG, which is consistent with the intent of the SJC Project to provide for beneficial use of Colorado River water in New Mexico.

- During normal MRGCD operations, the MRGCD will allow a flow of native Rio Grande water equivalent to 50% of Reclamation's Supplemental Water arriving at Isleta Diversion Dam to pass through the San Acacia Diversion after an appropriate time delay. The MRGCD will bear a variable portion of losses to Reclamation's Supplemental Water, dependent on rates of flow and time of year.

In exchange for bearing the losses to Reclamation's Supplemental Water, Reclamation has, over the past 15 years, allowed the MRGCD to divert for irrigation all water remaining in the river downstream from the downstream-most flow target. This feature is also part of the proposed conservation measure under this new consultation. The following analysis compares the amount of water that the MRGCD provides to the Supplemental Water Program to the amount that the MRGCD receives from the Program. This analysis is based on the 2003 BiOp flow targets, which are used in the modeling analyses as example flow targets.

If the amount of water in the Supplemental Water Program is sufficient to meet the flow targets throughout the year (as it has been over the past decade), modeling analyses indicate that this exchange leads to a contribution from MRGCD of about 5% of the total Supplemental Water Released. This situation is broken down below in table 51, as determined from URGWOM simulations of Proposed Water Management Actions with an Unlimited Supply of Supplemental Water.

Table 51. Simulation of Proposed Water Management Actions with Unlimited Supply of Supplemental Water

		Isleta (for 100 cfs at Central dry-year summer flow target)			San Acacia (for continuous flow for average- and wet-year flow requirements)		
Sequence (10-year)	*Additional* Supplemental Water Released under Proposed Action over 10 years.	Supplemental Water Losses Covered by MRGCD	Additional Diversions with Supplemental Water	Net Impact on MRGCD	Supplemental Water Losses Covered by MRGCD	Additional Diversions with Supplemental Water	Net Impact on MRGCD
10 perc	239,712	35,871	15,367	20,504	-1,276	810	-2,086
30 perc	274,430	46,158	13,542	32,616	2,898	1,273	1,626
50 perc	187,087	21,245	17,056	4,189	2,879	1,152	1,727
70 perc	324,494	39,688	30,619	9,069	12,271	2,089	10,182
90 perc	385,282	47,250	43,649	3,601	16,227	2,924	13,304
min	187,087	21,245	13,542	3,601	-1,276	810	-2,086
avg	282,201	38,042	24,047	13,996	6,600	1,650	4,950
max	385,282	47,250	43,649	32,616	16,227	2,924	13,304
total	1,411,005	190,212	120,233	69,979	32,999	8,248	24,752
Total as Percent of Additional Supplemental Water Released		13%	9%	5%	2%	1%	2%

In most years of most sequences of URGWOM simulations of the Proposed Water Management Actions, Reclamation does not have sufficient Supplemental Water to make it through the year. Therefore, the MRGCD provides water to the Program through its acceptance of conveyance losses, but it does not receive the benefit of the use of Supplemental Water for irrigation during periods for which drying is allowed in the Isleta and San Acacia Reaches, since at those times, the Program is usually out of water. Therefore, in the simulations of the Proposed Water Management Actions with the projected supply of Supplemental Water, the exchange results in a contribution from the MRGCD of about 22% of the total amount of Supplemental Water released, as is shown in table 52.

Table 52. Simulation of Proposed Water Management Actions with projected supply of Supplemental Water

		Isleta (for 100 cfs at Central dry-year summer flow target)			San Acacia (for continuous flow for average and wet year flow requirements)		
Sequence (10 years)	Supplemental Water Released under Proposed Action over 10 years	Supplemental Water Losses Covered by MRGCD	Supplemental Water Diverted by MRGCD	Net Impact on MRGCD	Supplemental Water Losses Covered by MRGCD	Supplemental Water Diverted by MRGCD	Net Impact on MRGCD
10 perc	84,582	19,271	191	19,080	2,898	29	2,869
30 perc	84,198	27,497	2	27,495	6,213	-88	6,301
50 perc	70,919	14,140	1,158	12,981	428	313	116
70 perc	84,413	15,730	686	15,045	104	185	-81
90 perc	79,460	13,169	2,569	10,601	147	589	-442
min	70,919	13,169	2	10,601	104	-88	-442
avg	80,714	17,962	921	17,040	1,958	205	1,752
max	84,582	27,497	2,569	27,495	6,213	589	6,301
total	403,572	89,808	4,606	85,202	9,789	1,027	8,762
Total as Percent of Additional Supplemental Water Released		22%	1%	21%	2%	0%	2%

5. *Management of Diversions at Angostura Diversion Dam during MRGCD shortage and conservation operations*

During MRGCD shortage/conservation operations and when the ABCWUA has agreed to suspend diversions of native Rio Grande water, the MRGCD will reduce diversions at Angostura Diversion Dam to the minimum practical rate of flow required to meet irrigation demand within the Albuquerque division, as occurred during the fall of 2011. Diversion rates needed to serve the Albuquerque Division are typically less than 200 cfs. Any additional water available in the river will remain in the river as far as Isleta Diversion Dam.

6. Borrow/Payback during Travel Time for Supplemental Water

Under certain conditions, by mutual agreement and to prevent delay, when Reclamation has begun releasing Supplemental Water, but that water has not yet reached its intended destination, the MRGCD will assist Reclamation to achieve intended rates of flow at target locations. A simple analysis of this exchange of water indicates that, if 100 cfs is released from Abiquiu under the Supplemental Water Program and it takes 2 days for that water to reach Central Avenue, MRGCD would loan approximately 400 AF of water to the Supplemental Water Program to meet a target flow at Central Avenue. This provides more flexibility in water management and reduces take of silvery minnow.

6.6 Interrelated and Interdependent Actions

In addition to activities authorized, funded, or carried out by Federal agencies, Section 7 consultation regulations also require agencies to analyze the effects of interrelated and interdependent actions along with the direct and indirect effects of the proposed action. Interdependent actions are those having no independent utility apart from the Proposed Action (defined in 50 CFR §402.02). Interrelated actions are those actions that are part of a larger action and depend on the larger [proposed] action for their justification (defined in 50 CFR §402.02). The Proposed Action model runs also include the interrelated and interdependent actions of the Corps and the New Mexico State Engineer as described below (see table 53).

6.6.1 The Corps Actions Related to the SJC Project

Reclamation has determined that the following components of the Corps' actions are interrelated and interdependent with Reclamation's actions:

1. Storage of SJC Project water in Abiquiu Reservoir.
2. Use of SJC Project water to offset evaporation and other depletions occurring at the Cochiti Reservoir recreational pool.

6.6.1.1Storage for SJC Project Contractors at Abiquiu Reservoir

The Corps stores up to approximately 180,000 AF of SJC Project water in Abiquiu Reservoir pursuant to agreements with SJC Project contractors. The contractors take ownership of their SJC Project water upon release from Heron Dam by Reclamation and can elect to deliver this water to Abiquiu Reservoir for storage.

As discussed in the following Effects Analysis, the transport of SJC Project water within the Rio Grande Basin is beneficial to listed species and designated critical habitat because it increases both the discharge rate and volume above that of

natural flow. Water stored by non-Federal entities in Abiquiu Reservoir also has been used, at their discretion, to offset ground water depletions or has been made available for purchase or lease by others, including Reclamation for its Supplemental Water Program. Reclamation expects these uses to continue in the future.

No listed species or designated critical habitat occurs between Heron Dam and Abiquiu Dam; therefore, the discretionary storage of SJC Project water in Abiquiu Reservoir will have no effect on the silvery minnow, flycatcher, or designated critical habitat of these species. The related release of such water—at the discretion of other entities—is benign or beneficial to the minnow, flycatcher, and their designated critical habitat. There is no effect on Pecos sunflower.

6.6.1.2 Use of SJC Project Water for Cochiti Recreation Pool Replacement Water

The Corps uses SJC Project water at the end of spring runoff and during the winter months to replace water that has evaporated from the Cochiti Recreation Pool. The elevation of the recreation pool increases approximately 1 to 1.5 feet with partial delivery of replacement water, and up to 3 feet after all replacement water is delivered in a given year. The Corps follows recommendations from a multi-agency biological advisory group to maximize the benefits of the replacement water to the wetlands in the delta area of Cochiti Lake (Allen et al. 1993). The use of water for the recreation pool does not change the hydrograph downstream from Cochiti Dam.

The Rio Grande silvery minnow does not occur between Heron Dam and Cochiti Lake, nor does designated critical habitat for this species.

Designated critical habitat for flycatcher does not occur between Heron Dam and Cochiti Lake. Flycatchers are known to use the river corridor upstream of Cochiti Lake during spring migration (Reclamation 2010) and are presumed to be similarly present during fall migration. The annual replenishment of evaporation losses at Cochiti Lake maintains existing riparian and wetland habitat immediately upstream of the permanent pool. Therefore, the use of recreation pool replacement water would have no effect on flycatcher. This action may have an indirect, beneficial effect by maintaining riparian habitat used by migrating flycatchers. There is no effect on Pecos sunflower.

6.6.2 The New Mexico State Engineer's Actions Related to the SJC Project

For each ground water pumper with SJC pumper water that needs or chooses to release SJC Project water for offset, the NMOSE provides Reclamation with letters describing, the volume of SJC Project water that must be released by Reclamation or MRGCD and a deadline to do so. The depletions are described by

the NMOSE as cumulative effects on Elephant Butte Reservoir (and, therefore, to New Mexico's deliveries under the Compact) and cumulative effects on the Rio Grande in the MRG due to depletions above and/or below the Otowi gage.

Depletions that occur during the irrigation season when MRGCD is releasing stored water to meet demand are considered effects on the MRG and are replenished by exchange of the SJC Project water in storage to MRGCD, which holds that water for release when needed to meet demand. As such, it provides an offset of the ground water pumping effects on the river system. Depletions that occur outside of the irrigation season are considered effects on Elephant Butte Reservoir. The required amount of SJC Project water is generally released to the Rio Grande in the winter for delivery to Elephant Butte Reservoir.

6.7 Summary Effects Analysis of Proposed Water Management Actions

6.7.1 Summary of the Effects of Reclamation's Actions

The analyses show that Reclamation's ability to affect the timing and distribution of flows in the MRG is extremely limited. Reclamation's actions affect only imported SJC Project water and the portion of the native flows of the Rio Chama, a tributary to the Rio Grande, that are stored in El Vado Reservoir. Reclamation has no ability to affect the flows of the Rio Grande main stem that comprise a strong majority of the flow in the MRG.

Although Reclamation's discretionary actions have limited impact on flows in the MRG, model simulations demonstrate that these limited influences are, on the whole, positive, as measured by the ability to maintain summertime flows in the MRG. Additionally, since Reclamation's storage of water in the springtime only diminishes flows of the Rio Chama in the reach between El Vado Dam and Abiquiu Reservoir, Reclamation's actions have very little influence on the size and timing of the spring snowmelt runoff. The primary spring runoff , which has been correlated with the spring spawn of the minnow, comes from the main stem of the Rio Grande and is larger, longer in duration, and later in time than the runoff from the Rio Chama. Flows on the Rio Chama are limited to 1,800 cfs by the Corp's flood control operations at Abiquiu Dam; and, therefore, the Rio Chama on its own, with or without operation of Reclamation's Projects, cannot cause a flow in the MRG of greater than 1,800 cfs.

The water that the MRGCD diverts consists of the natural flows of the main stem of the Rio Grande and its tributaries, as well as native Rio Grande water released from El Vado Reservoir and imported SJC water from Reclamation's SJC Project. About 90% of the flows in the MRG are composed of natural flow that is native to the basin and has not been regulated by reservoirs. These natural flows provide 79.2% of the MRGCD's diversion demand, which is used to meet the needs of the

Six MRG Pueblos, MRGCD irrigators, and BDANWR. Only 5.9% of the MRGCD diversion demand is met with water released from storage at El Vado Reservoir. Reclamation's operation of Heron Dam under the SJC Project accounts for approximately 6.7% of the MRGCD diversion demand.

6.7.2 Summary of the Effects of MRGCD's Water Management Actions

The MRGCD's permit from the New Mexico Office of the State Engineer to divert flows of the Rio Grande allows the MRGCD to divert up to 100% of the available natural flow in the MRG. The MRGCD has been diverting flows from the Rio Grande, to serve irrigated acreages at and above the current level since the early 1930s. The MRGCD system replaced a pre-existing, acequia-based diversion and irrigation system that had been in place for hundreds of years, with a maximum irrigated acreage of 180,000 acres in the late 1800s.

These diversions have the effect of reducing Rio Grande flows during the irrigation season. During times of high flows, the impact may be minor. During times of lower flow, the effect may be significant and may result in river drying. However, it should be noted that, in most years, the natural flow of the Rio Grande is insufficient to sustain riparian evapotranspiration and open water evaporation of the MRG, so that drying likely would occur in the absence of MRGCD diversions. During those times, MRGCD submits requests to Reclamation to release stored water from El Vado Reservoir (when available) to augment the natural flow of the Rio Grande to the level required for MRGCD diversion works to function. During full irrigation system operations, this results in continuous flow as far downstream as Isleta Diversion Dam. The MRGCD can supply irrigation water to all of its members with no flow downstream from the Isleta Diversion Dam, since the needs of the Socorro Division (otherwise served by the San Acacia Diversion Dam) can be met by return flows from the Belen Division, transported between divisions using the Unit 7 Drain, a State drain, as a conveyance.

The effect of MRGCD diversions is to reduce flow in the Rio Grande downstream from those diversions during the irrigation season. However, the effect of operations of El Vado Reservoir, which support these diversions, is to increase flows upstream of those diversions during the same time period. Significant river drying could still occur in the MRG without the combined effects of El Vado operations and irrigation diversions. Flows from MRGCD drains and wasteways can increase flows in critical reaches, especially in the Albuquerque and Isleta Reaches.

6.7.3 Summary of Effects on Silvery Minnow

The Proposed Action includes operation of Heron Dam, El Vado Dam, and MRGCD Diversion Dams as well as interrelated and interdependent actions of the Corps. The Proposed Action has adverse effects to spawning and recruitment due to decreased peak flows and juvenile and adult survival due to low flows and drying. There is little difference between the Proposed Action and No Action scenarios in the duration of flows high enough to have channel altering capacity, so there is little direct effect to current silvery minnow habitat features within the MRG.

Reclamation's Proposed Action is specific to storage and later release of water from SJC Project water from Heron Reservoir and native Rio Chama water from El Vado Reservoir. The water then passes through two other reservoirs, operated by the Corps, prior to reaching occupied silvery minnow habitat. Stored SJC Project water is released for contractors as additional water to the Rio Grande and is beneficial to the silvery minnow.

MRGCD operations of existing diversions have a more direct effect on silvery minnow by decreasing the amount of water in the river during irrigation season. The decrease of water in the river leaves less wetted habitat for silvery minnow at both high and low flows, and ultimately decreases the population size that inhabits the river. Additionally, diversion structures cause fragmentation of silvery minnow population and habitat.

A summary of the action by action analysis is listed below.

Reclamation's Operation of Heron Dam:

- Provides a potential benefit to silvery minnow and designated critical habitat by adding imported water to the system and decreasing the likelihood of summer drying especially in the Angostura Reach upstream of Isleta Diversion Dam.

Actions by Reclamation and MRGCD Related to the Operation of El Vado Dam:

- Limited decrease in duration and magnitude of spring peak flow in silvery minnow designated critical habitat may adversely affect silvery minnow spawning and recruitment.

- Provides a potential benefit to silvery minnow and silvery minnow designated critical habitat by releasing stored water later in the irrigation season and decreasing summer drying.

MRGCD's Water Management Actions:

- Diversions decrease the amount of water within the river during the irrigation season, which may adversely affect the silvery minnow and their designated critical habitat by reducing the amount of wetted habitat.

- Diversions also create barriers to upstream movement of fish and affect the geomorphology of the river, which is likely to adversely affect silvery minnow and their designated critical habitat.

- Flows from MRGCD drains and wasteways can increase flows in critical reaches, especially in the Albuquerque and Isleta Reaches.

6.7.4 Summary of Effects on Flycatcher

Overall, Reclamation's Proposed Actions of storage and release of water from Heron and the combined operation of El Vado Reservoirs by Reclamation and MRGCD is mainly beneficial or likely to not adversely affect flycatchers or flycatcher critical habitat. The MRGCD proposed actions, however, are generally more negative in nature as the process of diverting water within the river during irrigation season removes water from the river system where flycatchers establish territories. A summary of the action-by-action analysis is listed below:

Reclamation's Operation of Heron Dam:

- Provides a potential benefit to flycatchers and flycatcher designated critical habitat by decreasing summer drying.

Actions by Reclamation and MRGCD Related to the Operation of El Vado Dam:

- Provides a potential benefit to flycatchers and flycatcher designated critical habitat by decreasing summer drying.

MRGCD's Water Management Actions:

- Diversions decrease the amount of water available for riparian vegetation used by flycatchers, which may adversely affect the species and their designated critical habitat.

- These diversions also decrease the amount of potential inundation of overbank habitat, which has effects for territory establishment of flycatchers.

6.7.5 Summary of Effects on Pecos Sunflower

- The Proposed Action is beneficial to Pecos sunflower within the La Joya WMA due to delivery of water.

- Reclamation's Proposed Action is specific to storage and later release of San Juan Chama water from Heron is not likely to adversely affect Pecos sunflower.

- The combined Reclamation and MRGCD operation of El Vado Reservoirs that is specific to storage and release of water is not likely to adversely affect Pecos sunflower and may have some beneficial effects due to delivery of water to the La Joya Waterfowl Management Area.

- MRGCD activities have a direct effect on the Pecos sunflower through beneficial delivery of water to the La Joya Waterfowl Management Area.

- The newly established, Rhodes population may be affected by actions that decrease overbank flows such as storage and diversion of spring flows, but effects of the Proposed Action are minimal and not likely to adversely affect Pecos sunflower.

6.7.6 Summary of Effects of Conservation Measures.

Conservation measures have been developed to attempt to mitigate the effects of the described actions, especially by adding additional water to the river during low flow periods as well as the deviation program developed by the Corps to enhance high flow events. Other conservation actions will be more fully developed in the RIP. The RIP is intended to identify and implement actions that assist in the recovery of the species and provide compliance with Sections 7 and 9 of the ESA for water development and water management activities in the MRG. For the purposes of the RIP and Section 7 consultations, it is assumed that:

1. The RIP will produce a list of actions that can be implemented to assist in the recovery of the species.
2. The funding will be available to implement these actions.
3. Participants will take appropriate steps to implement those actions.
4. Actions will be implemented in accordance with the developed schedule.

The Service will determine if progress toward recovery has been sufficient for the Program to serve as a reasonable and prudent alternative or measure.

7. Cumulative Effects Analysis

Cumulative effects are effects of future non-Federal (State, local governments, or private) activities on endangered and threatened species or critical habitat that are reasonably certain to occur within the action area of the actions subject to consultation. This cumulative effects analysis considers those non-Federal activities that may occur in the foreseeable future. The effects of non-Federal actions included in this BA as proposed actions and analyzed in the direct and indirect effects sections are not included in the cumulative effects analysis.

The following section shows a potentially dire water supply outlook for the MRG: the climate is projected to become warmer and dryer; population growth is projected to increase; and the current demand for water in the MRG outstrips the variable supply. Therefore, water management in the MRG will only become more challenging.

7.1 Future Changes in Climate and Hydrology

In future years, more pronounced changes are anticipated in the climate in the MRG Basin, including greater increases in average temperature, earlier snowmelt runoff, and even greater hydrologic variability. Projected changes in the climate and hydrology of this region were summarized in the Secure Water Report (Reclamation 2011), which Reclamation recently published and delivered to Congress, as required by the 2009 Secure Water Act. The projections summarized in that report were developed from the World Climate Research Programme Coupled Model Intercomparison Project3 (WCRP CMIP3) climate projections, which were bias-corrected and spatially downscaled to this region (http://gdo-dcp.ucllnl.org/downscaled_cmip3_projections). The results suggest that average temperatures throughout the Rio Grande Basin may increase steadily during the 21st century. The basin-average mean-annual temperature is projected to increase by 5–6 °F during the 21st century (figure 91). The range of annual variability widens through time.

There is significant disagreement among the climate projections regarding the likely change in annual precipitation over the region. However, the combined mean from numerous projections suggests that mean-annual precipitation, averaged over the MRG Basin may gradually decrease during the 21st century. The projections also suggest that annual precipitation in the MRG Basin will remain quite variable over the next century (figure 91). The character of precipitation within the MRG Basin is expected to change in such a way that there are more frequent rainfall events and less frequent snowfall events.

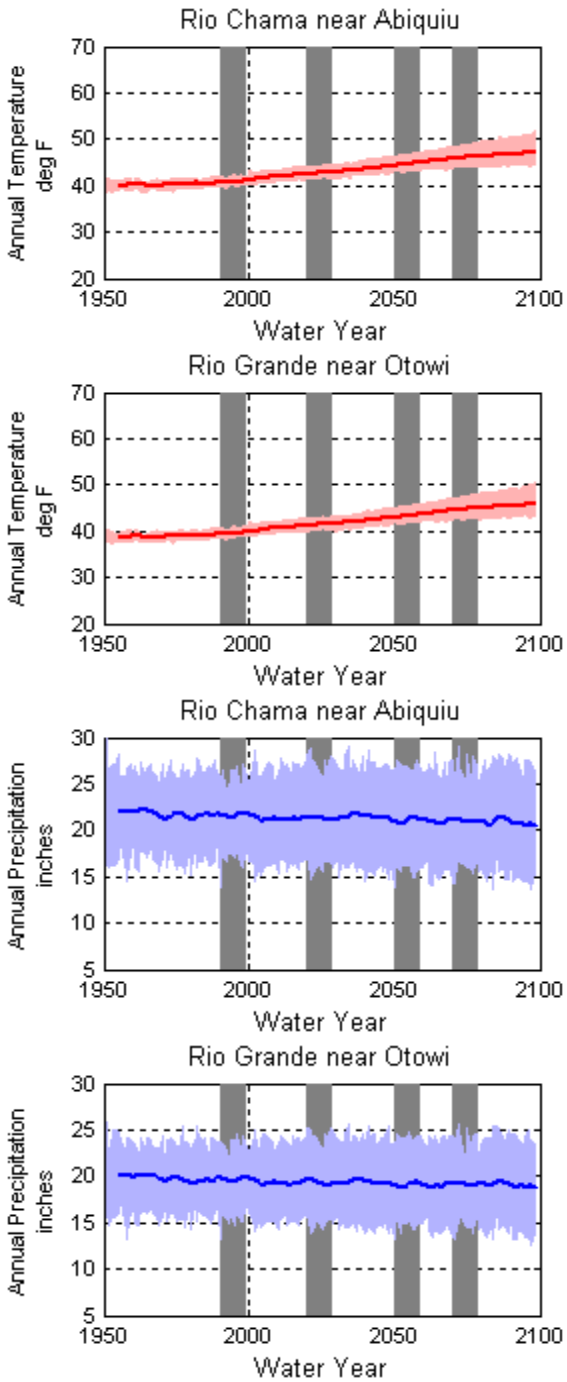

Figure 91. Simulated annual climate averaged over Rio Grande sub-basins.

Warming is expected to diminish the accumulation of snow during the cool season (i.e., late autumn through early spring) and the availability of snowmelt to sustain runoff to the MRG during the warm season (i.e., spring through early summer). Although increases or decreases in cool season precipitation could offset or amplify changes in snowpack, it is apparent that the projected warming in the Rio Grande Basin tends to dominate projected effects. Snowpack decreases are expected to be more substantial over the lower-lying portions of the basin where baseline cool season temperatures are generally closer to freezing thresholds and more sensitive to projected warming. Changes in climate and snowpack within the MRG Basin will change the availability of natural water supplies. These changes may be to annual runoff or to runoff seasonality. For example, warming without precipitation change would lead to increased evapotranspiration from the watershed and decreased annual runoff. Increases or decreases in precipitation (either rainfall or snowfall) would offset or amplify the effect. Results suggest that annual runoff changes generally are consistent throughout the basin, although local variations associated with elevation and baseline climate are evident. For example, annual runoff reductions in the Rio Chama at Abiquiu, draining the northwestern reaches of the basin, are projected to be somewhat less than reductions found at river locations draining the northern and eastern portions of the basin. However, at all locations, decade-mean annual runoff is projected to steadily decline through the 21st century, responding to both slight decreases in precipitation and warming over the region (figure 92).

The seasonality of runoff also is projected to change in the MRG in such a manner that, over time, winter flows increase and spring flows decrease. Warming would be expected to lead to more rainfall and runoff, rather than snowpack accumulation, during the winter. Conceptually, this change would lead to increases in the December–March runoff and decreases in the April–July runoff. As can be seen on figure 92, this concept is supported by results for the December through March seasonal runoff in the Rio Chama at Abiquiu, as projected mean winter runoff increases for the 2020s, 2050s, and 2070s.

However, for the three locations shown on the Rio Grande (Rio Grande at Lobatos, Rio Grande near Otowi, and Rio Grande below Elephant Butte), mean seasonal runoff changes during December through March generally follow mean annual runoff changes, without this shift from April-through-July to December-through-March runoff. However, at all four of the locations shown on figure 92, mean April-through-July runoff is expected to decline; and these declines are expected to become greater in magnitude over the course of the 21st century.

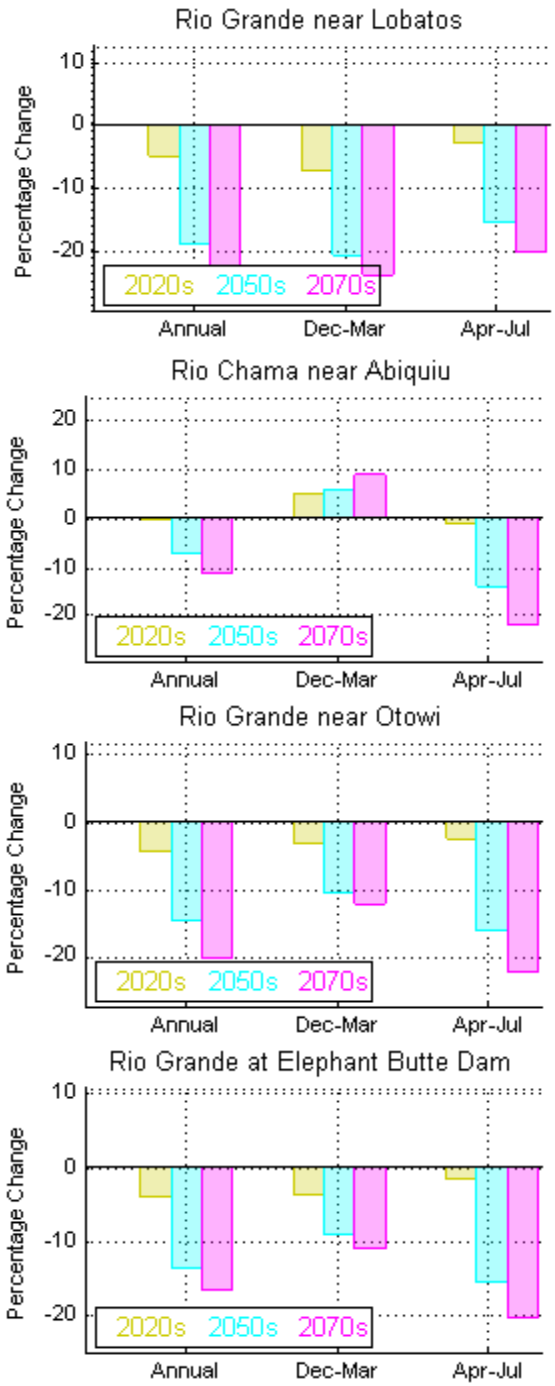

Figure 92. Simulated changes in decade-mean runoff for several sub-basins in the Rio Grande Basin.

Changes in the magnitude of flood peaks also are expected in the MRG (table 53), although there is less certainty in the analysis of these types of acute events than there is for changes in annual or seasonal runoff. Annual maximum week runoff (the maximum weekly average flowrate) and minimum week runoff (the minimum weekly average flowrate), as metrics of acute runoff events (figure 93), indicate that annual maximum week runoff may gradually decline during the 21st century. Results are generally consistent across the sub-basins shown. These results suggest that future flood events in the Rio Grande may be smaller in magnitude than those experienced in the 1990s, although the streamflow variability is expected to continue to be large. These changes have implications for flood control and ecosystem management. However, it is important to note that there is a high degree of variability among model simulations suggesting there is a high degree of uncertainty in this flood metric.

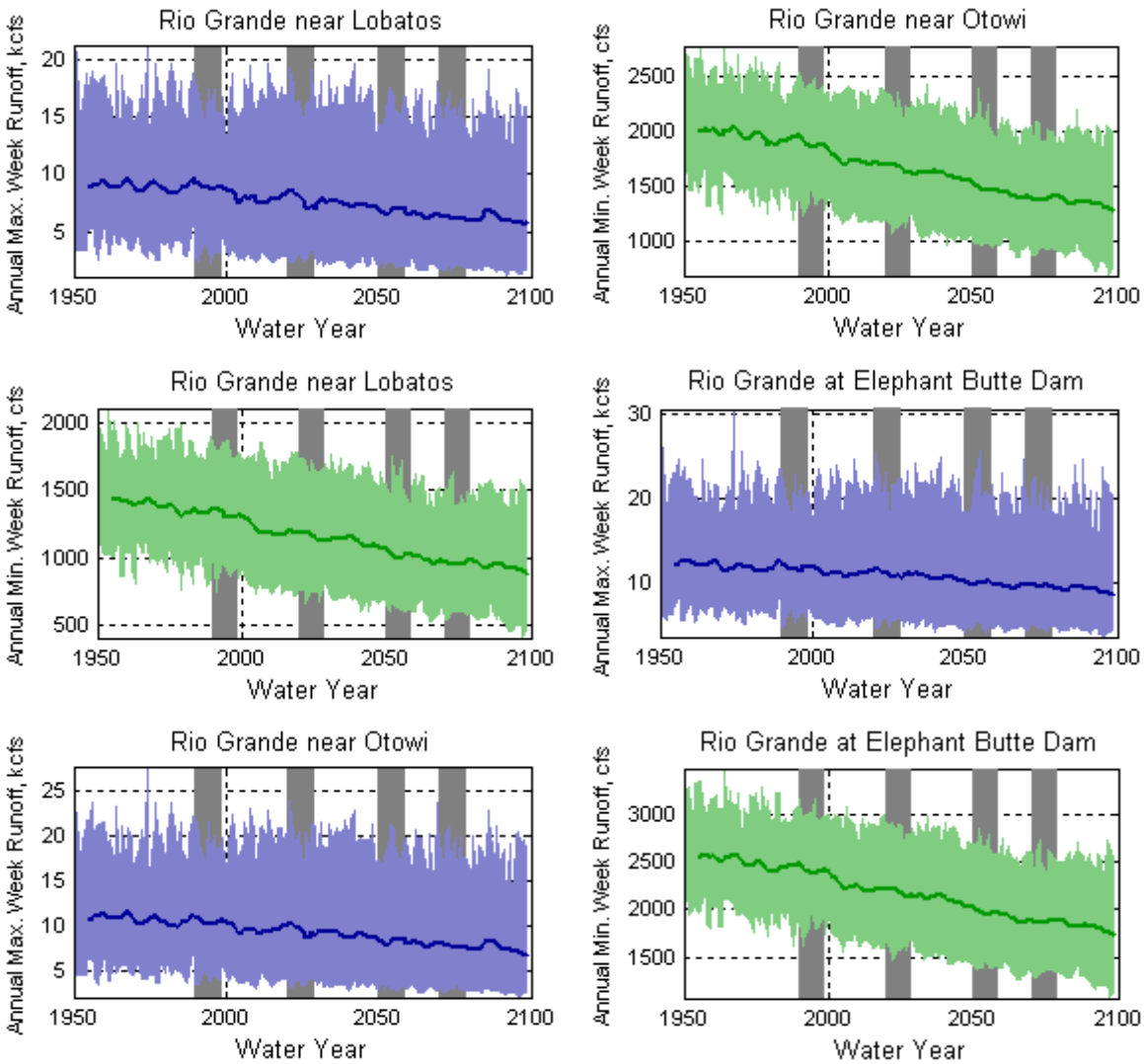

Figure 93. Simulated annual maximum and minimum week runoff for several sub-basins in the MRG Basin.

Table 53. Summary of simulated changes in decadal hydroclimate for several sub-basins in the MRG Basin

Hydroclimate Metric (change from 1990s)	***2020s***	***2050s***	***2070s***
Rio Chama near Abiquiu			
Mean Annual Temperature (°F)	1.9	3.8	5.3
Mean Annual Precipitation (%)	-1.1	-2.3	-2.5
Mean April 1 Snow Water Equivalent (%)	-47.6	-61.4	-68.2
Mean Annual Runoff (%)	-0.2	-7.3	-11.0
Mean December-March Runoff (%)	4.8	5.5	8.6
Mean April–July Runoff (%)	-1.3	-13.9	-21.7
Mean Annual Maximum Week Runoff (%)	-4.3	-9.5	-14.9
Mean Annual Minimum Week Runoff (%)	-12.1	-19.2	-23.9
Rio Grande near Otowi			
Mean Annual Temperature (°F)	1.9	3.7	5.2
Mean Annual Precipitation (%)	-1.5	-2.5	-2.4
Mean April 1 Snow Water Equivalent (%)	-48.5	-63.8	-72.9
Mean Annual Runoff (%)	-4.4	-14.4	-19.9
Mean December–March Runoff (%)	-3.1	-10.4	-12.0
Mean April–July Runoff (%)	-2.5	-15.9	-21.8
Mean Annual Maximum Week Runoff (%)	-9.3	-20.3	-25.3
Mean Annual Minimum Week Runoff (%)	-11.7	-21.6	-26.3
Rio Grande below Elephant Butte Dam			
Mean Annual Temperature (°F)	1.9	3.7	5.1
Mean Annual Precipitation (%)	-0.9	-2.3	-1.9
Mean April 1 Snow Water Equivalent (%)	-72.4	-80.7	-85.3
Mean Annual Runoff (%)	-4.1	-13.5	-16.4
Mean December–March Runoff (%)	-3.6	-8.9	-10.9
Mean April–July Runoff (%)	-1.6	-15.4	-20.0
Mean Annual Maximum Week Runoff (%)	-6.1	-15.7	-18.8
Mean Annual Minimum Week Runoff (%)	-9.6	-18.2	-22.4

Annual minimum-week streamflows also are projected to decline during the 21st century (figure 85). These results suggest that future low flow periods in the Rio Grande may be drier still. However, there is a high degree of variability among model simulations, suggesting that there is a high degree of uncertainty in the magnitude of this trend. Nevertheless, nearly all projections show an overall decrease in low flow values.

7.2 Regional Water Planning: Projected Impact of Population Growth and Water Demand on Water Supplies

Historically, land use in the MRG region depended solely on surface water; however, the shift from being a dominantly rural population to being a dominantly urban population has resulted in increased ground water consumption and reduced aquifer recharge. The continued growth of human population and water-based industry in the MRG affects the availability of all water supplies, both ground and surface water - native and imported.

In New Mexico, the surface waters of the Rio Grande have been considered fully appropriated since the Compact was consummated, and the NMOSE does not allow new Rio Grande surface water appropriations (NMOSE 2000). As discussed in section 5, the NMOSE conjunctively manages surface and ground water resources within the Rio Grande Basin because ground water diversions from aquifers hydrologically connected to the Rio Grande affect the fully appropriated surface flow (NMOSE 2000). Therefore, an increase of water use in any one sector requires a reduction or transfer of use from another sector if the water supply balance is to be maintained.

Under New Mexico law, a "disconnect" exists between land use planning and water rights administration. State statutes delegate land use decisions to cities and counties, while water rights administration is delegated to the NMOSE. The New Mexico Subdivision Act requires that the NMOSE advise whether, in its opinion, an adequate supply exists for new larger subdivisions that are outside of municipal jurisdictions (NM Stat. § 47-6-1 et seq.). A finding that the supply is not adequate, however, does not prevent county government approval of the subdivision (Land and Water 2011).

In 1987, the New Mexico Legislature[28] recognized the State's need for water planning and created the State's regional water planning program to balance current and future water needs for a region. Just upstream of the MRG and within the action area of this BA is the Jemez y Sangre Planning Region (Embudo to upstream of Cochiti Reservoir), which includes Española, Los Alamos, Santa Fe, and surrounding areas. The MRG is contained in two of the State's 16 water planning regions: the Middle Rio Grande Planning Region (downstream from Cochiti Dam to Soccorro) and the Socorro and Sierra Planning Region (Socorro to below Caballo Dam). Unfortunately, water plans are not commonly implemented

[28] In 2003, the New Mexico Legislature mandated that the State develop a State Water Plan to provide a blueprint for the State to move forward into the 21st century with 21st century techniques and technologies applied to conserve and to increase the supply of water. NM Stat. § 72-14-3.1 (2011).

because they are not supported by appropriate regulations, development decisions, or in conformity with the plans; and they become outdated (Land and Water, 2011).

7.2.1 The Jemez y Sangre Planning Region

The 2003 Jemez y Sangre Regional Water Plan (JyS Plan) includes the Rio Arriba, Los Alamos, and Santa Fe Counties and all or part of eight Pueblos. The JyS Plan states that demand for water may exceed available supply during years of average precipitation and that demand exceeds supply during drought years.

The region's surface water supply for agricultural use comes primarily from the Rio Grande and the Rio Chama. The city of Santa Fe receives approximately 40% of its supply from dams in the Santa Fe River watershed above the city (JyS Plan). As discussed in Section 5, Environmental Baseline, of this BA, the city of Santa Fe and Santé Fe County have initiated, under the Buckman Project, direct use of their 5,605 AFY allocation of SJC Project and native Rio Grande water to supplement their other water supplies and have been diverting water from the Rio Grande since January 2011. Ground water is the primary supply for municipal and industrial uses and provides a small amount for agricultural use (JyS Plan).

The city of Santa Fe and areas of Santa Fe County close to the city are among the fastest growing areas in the State. The population of the region nearly doubled from 1970 to 2000; however, population growth is projected to slow during the first half of this century. The population is projected to increase from about 160,000 in 2000 to about 360,000 by 2060, and nonagricultural demand for water in 2060 is projected to be 31,500 AFY greater than current demand. Agricultural use is on a decline in the region; therefore, the increased demand for nonagricultural use potentially could be met. However, the amount of wet water currently in agricultural use is uncertain because water diverted for agricultural use is not measured or monitored, and the water rights in the region have not been adjudicated (JyS Plan).

The JyS Plan found that the projected supply and demand gap cannot be entirely eliminated through conservation or growth management. Moreover, the available SJC Project water would only meet 40% of the projected gap in the best case scenario. Additionally, reductions in agricultural uses and the elimination of all outdoor watering may be detrimental to public welfare. Some of the JyS Plan recommendations for remedying the supply shortfall are as follow:

- Create advisory boards.
- Adjudicate water right.
- Restore watershed.

- Manage storm water to enhance recharge.
- Conduct pilot cloud seeding project.
- Evaluate establishing critical management areas to protect ground water resources.
- Develop conjunctive use strategies.
- Appropriate flood flows.
- Require wastewater reuse.
- Encourage rainwater collection.
- Line ditches.
- Remove sediment in Santa Cruz Reservoir and investigate Nambe Reservoir.
- Repair leaks in water systems.
- Consider aquifer storage and recovery of excess water.
- Pursue increased storage capacity in Abiquiu Reservoir.
- Pursue water conservation.
- Pursue growth management to reduce demand.
- Limited use of domestic wells (JyS Plan).

7.2.2 The Middle Rio Grande Planning Region

The 2004 MRG Regional Water Plan (MRG Plan) comprises Sandoval, Bernalillo, and Valencia Counties, the Six MRG Pueblos—and an area covering more than 5,000 miles. More than half of New Mexico's population makes its home in the MRG planning region, and it is the largest urban water user in the State. The MRG region averages just 9 inches of rain per year and relies on surface and ground water to supply the industry, agriculture, environment, and people of the region. Surface water supplies include the Rio Grande, Rio Jemez, the Rio Puerco, and the SJC Project. Surface flows are augmented by pumped ground water in the form of 'return flows' of treated sewage, and there is an ongoing exchange between surface water and the shallow aquifer. As discussed in Section 5, Environmental Baseline, of this BA, until 2008, the city of Albuquerque's and Bernalillo County's potable water supplies were provided exclusively from ground water. Population in the region had grown by 21% since 1993 and continues to expand by about 15% each decade, which will result in even greater deficits in the future, unless some conservation actions are taken (MRG Plan).

On average, water use in the region exceeds its renewable supply by approximately 55,000 AFY, which was being supplied by nonrenewable ground water. If no remedial actions are taken, the consumptive use by the region could result in a 150,000 AFY deficit by 2050 (figure 94) (MRG Plan).

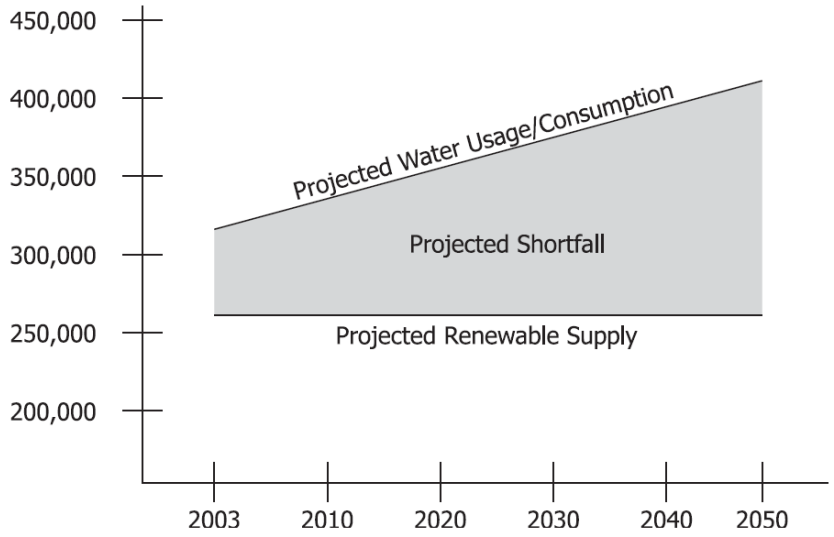

Figure 94. Projected MRG water supply shortfall (MRG Plan).

The following are some of the MRG Plan recommendations for remedying the supply shortfall:

- Establish a domestic well policy.
- Outdoor conservation programs.
- Rainwater harvesting.
- Conversion to low flow appliances.
- Urban water pricing.
- Greywater reuse.
- Treated effluent re-use.
- Growth of parks and golf courses.
- Watershed management plans.
- Water banking.
- Land use management and planning.
- Measure all water uses.
- Upgrade agricultural conveyance systems.

- Level irrigated fields.
- Implement upstream surface water storage.
- Implement upstream aquifer water storage.
- Implement aquifer storage and recovery for drought.
- Develop new water supplies through desalination.
- Investigate the potential for importing water (MRG Plan).

7.2.3 The Soccoro-Sierra Planning Region

The 2004 Soccoro-Sierra Regional Water Plan (SS Plan) includes Socorro and Sierra Counties, the latter of which is outside the action area for this BA, and covers an area of approximately 11,000 square miles. In 2004, the population in the region doubled over the last 30 years to 31,400 and was expected to increase 70%, reaching 60,000 persons in 2040. Surface water supply for the region includes the Rio Puerco, Rio Salado, and ungaged tributaries east and west of the Rio Grande; and the region has significant supplies of ground water. The SS Plan determined that demands from both human and natural processes deplete scarce water supplies, and demand outstrips supply by approximately 77,900 AFY. Results of modeling indicated that, in a low flow year, the supply falls short of meeting demand by 194,000 AF (SS Plan).

The following are some of the SS Plan recommendations for remedying the supply shortfall:

- Improve the efficiency of surface water irrigation conveyance systems.
- Improve onfarm efficiency.
- Control brush and weeds along water distribution systems and drains.
- Control nonreservoir surface water evaporation by reducing surface water in engineered and natural locations.
- Require proof of sustainable water supply for approval of new developments.
- Encourage retention of water within the planning region.
- Remove exotic vegetation (i.e., salt cedar, Russian olive) on a wide scale.
- Manage watersheds to increase yield and improve water quality.
- Develop economic potential for non-native species removal, harvest, and product output by local industries.

- Make water rights a noncondemnable resource.
- Improve reservoir management for better coordination of flows with demand.
- Identify and protect areas vulnerable to contamination.
- Adopt and implement local water conservation plans and programs, including drought contingency plans.
- Facilitate interregional water management decisions, public participation, and funding (SS Plan).

7.2.4 The MRG Water Assessment, the Water Budget, and Water Conservation

In 1997, Reclamation authored a report that assessed how human manipulation of the hydrologic system, in association with changing land use, has affected water resources in the MRG (Reclamation 1997). The Water Assessment was Reclamation's contribution to a multiagency effort, led by the city of Albuquerque, to better understand and to protect the aquifer in the MRG. The report found that meeting demands on the hydrologic system created by urbanization, agriculture, and other emerging needs will require adept and expedient regional cooperation for planning and implementing new approaches to land and water resource management. It presented that no magic bullet exists to solve the problem, that business as usual could result in gridlock, and that regional partnerships between competitors, along with innovative solutions were needed to meet the region's future water resource needs (Reclamation 1997).

In 1999, the Action Committee of the Middle Rio Grande Water Assembly published the Middle Rio Grande Water Budget (where water comes from, goes, and how much), Averages 1972–1997 (Water Budget 1999). The purpose of the Water Budget was to inform a broad audience of people interested in the MRG's water resources, with the hope that a well informed public would improve public input and water stewardship. Most significantly, the Water Budget found that a wet water deficit of 70,000 AFY (Water Budget 1999). See table 54.

Table 54. Middle Rio Grande water budget annual surface-water and ground water averages (rounded) for 1972–1997 (Water Budget 1999)

		Amount (Native Water) (1000 ac-ft)	Annual Variability (1000 ac-ft)
Annual Surface-Water Inflow			
Rio Grande native water at Otowi Gage ("Otowi Index")		1,100	297-2,170
San Juan-Chama Project imported water reaching Otowi Gage		55	2-150
Tributary inflow (the rios Santa Fe, Galisteo, Jemez, Tijeras, Puerco, Salado)		95	
Ungaged tributaries		unknown	
Storm-drain inflow from Albuquerque		5	
Municipal Wastewater inflow (pumped from groundwater)		70	
Discharge from shallow aquifer to surface system	*Otowi to San Acacia*	220	
		1545	
Annual Surface-Water Outflow			
Recharge to shallow aquifer	*Otowi to San Acacia*	295	
Open-water evaporation (incl.from farm fields)	*Otowi to San Acacia*	60	±30
Irrigated agriculture and valley-floor turf	*Otowi to San Acacia*	100	±30
Riparian ET, irrig. agric. & open-water evap.	*Combined below San Acacia*	100	80-180
Elephant Butte evaporation		140	41-228
Surface-water outflow from Elephant Butte Dam to downstream users		**850	300-1,435
		1545	
Groundwater Recharge(+) & Discharge(-)			
SHALLOW AQUIFER (underlying Rio Grande flood plain)			
Recharge {from surface wtr & percolation from irrig)	*Otowi to San Acacia*	+295	
Septic-tank return flow (from pumping)	*Otowi to San Acacia*	+ 10	
Inflow from deep aquifer	*Otowi to San Acacia*	+ 50	
Riparian evapotranspiration (all non-crop ET)	*Otowi to San Acacia*	- 135	
Discharge to surface-system drainage ditches	*Otowi to San Acacia*	- 220	
		0	
DEEP AQUIFER			
Deep groundwater inflow (from north & west)		+ 40	
Mountain-front & tributary recharge	*Otowi to San Acacia*	+110	
Groundwater pumped (all wells)	*Otowi to San Acacia*	- 170	
Consumed (that is, evaporated)	90		
Municipal wastewater to river	70		
Septic-tank return flow to shallow aquifer	10		
Outflow to shallow aquifer		- 50	
Groundwater mined from aquifer	*Otowi to San Acacia*	- 70	

7.2.5 Local Government Water Conservation Efforts

Local governments, specifically the County and city of Santa Fe and Santé Fe County, the city of Albuquerque, and the County of Bernalillo (ABCWUA), have undertaken substantial efforts to reduce use of and conserve water.

Santa Fe's longstanding water conservation and drought management programs have been successful in declining total annual water diversions (29%) to serve a growing number of customers (14%) since 1995. The annual water diversions shrunk to 9,226 acre-feet in 2010, compared with 12,737 acre-feet in 1995, while the number of customers served increased to approximately 79,244 people in 2010, from an estimated 67,839 in 1995. Santa Fe's water customers reduced

their water use by 38 percent from 1995 to 2010. Per person usage dropped from 168 gallons per capita per day (gpcd) in 1995, to 104 gpcd by the end of 2010. Santa Fe has reduced its per capita water demand levels by implementing a comprehensive set of ordinances that require its citizens and businesses to comply with water conservation requirements. Santa Fe's low per capita per day water production statistics are among the lowest in New Mexico and the Southwestern United States (Santa Fe Conservation Plan, 2010). Santa Fe has implemented many of the recommended water conservation measures contained in the Jemez y Sangre Regional Water Plan, and Santa Fe's water conservation successes and the construction of the Buckman Direct Diversion project have significantly contributed to the closing of the 40-year supply shortfall 'gap' in the Santa Fe subregion. (Santa Fe Conservation Plan 2010).

ABCWUA has made substantial progress in its water conservation program, shifting from among the highest municipal water users in the Southwest to among the lowest. The conservation program has achieved a 44% overall water reduction in per account use over the last 16 years through a combination of public information, rate restructuring, in-school education, rebate incentives, landscape ordinances, and other programs. In 2010, the ABCWUA achieved a reduced average peak use that was 21% less than prior to the start of the conservation program, despite a population increase of more than 150,000 people. Per person usage dropped from 250 gpcd when the program began in 1995, to 157 by the end of 2010. When re-use water is deducted, usage actually drops to 154 gpcd, and ABCWUA is on track to reach 150 gpcd by 2014 (Authority Conservation Plan, 2012).

7.3 Water Rights Transfers and Offsets

As discussed in Section 5, Environmental Baseline, water rights are alienable private property rights that can be conveyed like other property rights, and water right owners in the MRG continue to transfer their water rights subject to the approval of the NMOSE. Demand for water in the MRG outstrips supply. Municipal and industrial uses of water are increasing; and because no new water is available, entities seeking water must acquire it from other uses and transfer it to new uses. In the MRG, as with other places in the Western United States, cities and towns have relied on ground water supplies and the transfer of water from irrigation use to municipal and industrial use.

Future changes in use of water rights in the MRG can impact flows in the Rio Grande in several ways. The movement of water from a place of use with a downstream point of diversion to a place of use with an upstream point of diversion can result in decreased flows in the intervening reach. Additionally, formally irrigated fields must be maintained to avoid revegetation with phreatophytic vegetation, such as salt cedar, which may consume as much or

more water than the previous crops. Also, monitoring is required to ensure that the lands previously appurtenant to the transferred water rights do not continue to receive water deliveries.

7.4 Pueblo Water Rights

The Pueblos hold water rights that are recognized and protected under Federal law, including but not limited to aboriginal time-immemorial water rights. With respect to the Six MRG Pueblos, a certain portion of their water rights are statutorily recognized under the Acts of 1928 and 1935. However, these Acts of Congress may not establish the full extent of the water to which these Pueblos may be entitled. Section 5, Environmental Baseline, of this BA includes the junior, un-adjudicated uses of water by non-Pueblo water users and recognizes the existence of unquantified, aboriginal water rights held by the Six MRG Pueblos. At such time when the full extent of the Pueblos' water rights are quantified, through water rights settlement or otherwise, and applied to beneficial use, junior water uses may be curtailed pursuant to New Mexico water law.

7.5 Conclusion

The regional water plans for the MRG estimate a substantial additional water demand in 40–50 years in the municipal and industrial sector. If that increase is only accommodated through the transfer of water rights, about 57,000 acres of such rights would need to be transferred (Schmidt-Peterson 2007). Estimates of the total amount of land currently irrigated within the MRGCD are between 50,000 and 65,000 acres, and the claims to the water is likely much greater than the actual amount of wet water, particularly during drought. (Sandia Report 2004).

The degree to which the stakeholders in the MRG can work together to take remedial actions and return the hydrology of the basin to balance is uncertain. The efforts of the Collaborative Program/RIP participants both collectively and individually will help determine how well equipped the water managers will be to cope with future water conditions.

The long-term biological effects of future development in the MRG are uncertain. It is likely that less and less water will be available for the river and the species that depend on it. Less water in the river will have the greatest impacts on silvery minnow since they must carry out their entire life cycle within the waters of the MRG.

8. Composite Effect of Proposed Water Management and Maintenance

The type of lotic and riparian habitats that develop on the MRG are dependent on the interrelationship between the flow of water, the movement of sediment, and the variable character and composition of the channel boundaries over both time and space. These habitats are temporarily and spatially dynamic. The channel boundaries are influenced by the sediment erosion and depositional patterns present in the channel's bed forms, plan form patterns, and its cross section shape. Vegetation establishment and its life stage development process also effects the channels boundaries and morphology. The complexities of the fluvial and riparian processes are confounded by ongoing natural and anthropogenic actions. The river's morphology and habitat respond to these actions with varying physical and biological feedback relationships. Anthropogenic and natural occurrences in the environment have effects that interact with the proposed Water Management and Maintenance Actions to shape the river. Examples of these may include fires and runoff from upland areas, water management actions in Colorado, invasive species, and natural climate oscillations.

Since flow magnitude, frequency, and duration and sediment supply are important drivers of the morphological changes on the MRG, it is important to look at the effects of the proposed actions on these drivers. The water management actions, as described in the Part I – Water Management report for the Joint Biological Assessment of Bureau of Reclamation and Non-Federal Water Management and Maintenance Activities on the Middle Rio Grande have some effect on flow magnitude, flow duration, and a limited effect on sediment supply. The effects are primarily from the initial storage of water and the timing of the release of the stored water from El Vado Reservoir and diversion of water from the river and the flood control actions of the Corps at Cochiti Reservoir. The maintenance actions, as described in the Part II- Maintenance report for the Joint Biological Assessment of Bureau of Reclamation and Non-Federal Water Management and Maintenance Activities on the Middle Rio Grande may influence the sediment supply in a particular reach, especially if activities are designed to destabilize established vegetation in the active river corridor. The amount of influence is dependent on whether the river flow mobilizes the sediment in these destabilized areas. Assuming the river mobilizes sediment, particles may be transported as either wash or bed material load. Only the bed material load (typically particles greater than 0.0625 mm in size) has an influence on the character and composition of the channel boundaries, bed form habitats, and its pattern. The maintenance activities described in this BA do not directly affect the flow magnitude and duration. The flow magnitude and duration are driven by seasonal precipitation (spring snowmelt runoff and monsoonal thunderstorm events) and operational

factors. Maintenance activities, as described, provide for the effective safe passage of flows through the system.

The interactions between water operation and maintenance actions are ancillary compared to the very complex relationships that form the current habitat types on the MRG. These complex relationships make the quantification of the effects of these interactions difficult. The most significant effect of maintenance, including river maintenance, LFCC maintenance, drain maintenance, and MRGCD maintenance, on water management is the ability to decrease water losses between the river reaches. Water management scenarios describing future conditions assume that the baseline flow conveyance losses and gains are constant, and these are predicated on the ability to continue to perform maintenance activities. Another significant effect of the maintenance is to maintain the resiliency of the overall system to pass peak flows with minimal impacts to water delivery and riverside infrastructure.

The effects of water management on maintenance are more complicated. The lack of channel resetting flows is driven primarily by the current dry hydrological cycles, while other continuing trends are influenced, to a limited degree, by water management actions for hydrologic connectivity measures. The constant low flow conditions promote the continuation of some of the observed major current geomorphic trends on the MRG (e.g., channel narrowing) due to vegetation encroachment. The lack of channel resetting events discourages natural disturbances that may promote greater diversity in the channel boundary habitat through establishing variable vegetation age classes and the availability of bed substrates that can shift and move with the river flows, creating variable depth and velocity habitats.

Flood control via reservoir operations on the river reduces the magnitude and duration of the peak flows at the highest flow levels to protect public safety. During high flow periods, additional river and MRGCD maintenance activities may occur to protect infrastructure from damage caused by channel erosion or flooding. The MRG system and its function can be impaired if either localized or reach scale problem areas develop that necessitate flood control regulation. These types of problem areas may result from the lack of maintenance, reach channel instabilities, or public infrastructure threatened by its close proximity to the river. These problem areas significantly limit the ability of the channel to self-regulate or reset itself.

The proposed water management also may have some potential for temporarily storing early spring runoff flows for later timed release to enhance a spring runoff hydrograph during low flow years near the mean annual peak flow but this is limited due to the small relative volume from the Rio Chama. Deviation actions from the Corps may have a greater potential to benefit the river, especially if the magnitude and duration are sufficient to rework the channel. This initially may result in an increase in the amount of river maintenance activity, especially

emergency work, but may result in less river maintenance work over the long term if the channel resetting events occurred with enough frequency to avoid establishing well armored channel boundaries.

The release of stored water during nonflood periods, both for irrigation and to keep the river wet, provides more water in the river system during dry periods. These stored flow releases promote the encroachment of vegetation and limit its desiccation in the active channel. This effectively armors the channel banks and narrows the active channel width. In reaches where the sediment transport capacity is greater than the sediment supply, the channel response may include channel deepening and/or velocity increasing. This would tend to decrease the variability along the channel boundaries and also may cause a decrease in the amount of overbanking flows for flood flows. This process also may encourage bend migration by selectively armoring bars and islands through establishing woody vegetation, leaving the historical flood plain bank less hydraulically rough and, thus, more susceptible to erosion compared to the other surfaces.

In reaches where the sediment transport capacity is less than the sediment supply, the channel response may include the continued reduction of sediment transport capacity, potentially leading to sediment accumulation (aggradation) and, in some areas, sediment plugs. This also would tend to decrease the variability along the channel boundaries and also may cause an increase in the amount of overbanking flows for flood flows.

River maintenance activities, a subset of the proposed maintenance actions, historically have focused on symptoms of the observed geomorphic trends on the MRG. The objective of the proposed river maintenance action of using reach strategies is to address the causes of the observed geomorphic trends. The intention is that this effort will have a long-term effect of creating a more ecologically viable option that minimizes the amount of required river maintenance in the future because it is working better with the current understanding of the MRG.

While the effect of water management activities on river habitat conditions is continuous and is present throughout the action area, specific maintenance actions have sporadic temporal effects that may be localized or have reach-wide effects depending on the scope of the project. Long term effects for the species and their habitat are generally negligible though, it is difficult to predict the magnitude of the effect these maintenance measures have due to the complexity of the interactions of actions on the river, the river responses, and also the variability in the amount and frequency of maintenance work. Typically, maintenance activities to protect infrastructure and maintain drains and diversions have only local effect to habitats. The main short-term effect of maintenance activities is the direct disturbance of species and their habitat during construction, with negligible long-term effects on species and their habitats.

Based on the information and analysis of effects presented in this biological assessment, the following determinations were made for the silvery minnow, Southwestern willow flycatcher, Pecos sunflower, and interior least tern.

8.1 Rio Grande Silvery Minnow

The Composite Proposed Action comprised of Reclamation and non-Federal water management and maintenance actions of the Middle Rio Grande Project **are likely to adversely affect the silvery minnow**. The proposed actions are also **likely to adversely modify designated critical habitat for the silvery minnow.**

The most significant direct effects to silvery minnow include increased drying and disturbance due to construction activities. Indirect effects include modification of habitat by water operations and maintenance activities. Critical habitat is affected by the decrease in wetted habitat and increase in the number of low flow days, which has impacts on habitat quality and quantity as well as water quality. Less significant is the small decrease in the magnitude and duration of spring high flows that could affect annual recruitment of silvery minnow. Maintenance activities will be designed with a priority to avoid direct impacts to silvery minnow and critical habitat. The formation of the RIP is anticipated to facilitate actions that will be needed to mitigate for these actions and improve the status of the silvery minnow. The RIP will identify specific management activities, monitoring, and research that will be used to evaluate and improve management decisions and will allow for flexible water management while also moving toward the recovery of the species.

8.2 Southwestern Willow Flycatcher

The Composite Proposed Action comprised of Reclamation and non-Federal water management and maintenance actions of the Middle Rio Grande Project **are likely to adversely affect the willow flycatcher**. The proposed actions **are also likely to adversely modify designated critical habitat for the willow flycatcher**.

Specific effects to flycatchers include the decrease in available water for established riparian vegetation and a small decrease in the amount of overbank flooding that would occur without the action. Long-term effects include establishing new vegetation within the current channel width that may benefit birds in the short term but may have long-term negative effects if this vegetation causes the flood plain to become disconnected from the river. Maintenance activities will be designed with a priority to avoid direct impacts to flycatchers and suitable habitat. The RIP will identify specific management activities, monitoring, and research that will be used to evaluate and improve management

decisions and will allow flexible water management while also moving toward the recovery of the species.

8.3 Pecos Sunflower

The Composite Proposed Action comprised of Reclamation and non-Federal water management and maintenance actions of the Middle Rio Grande Project are **beneficial to the Pecos sunflower on La Joya Wildlife Management Area** due to delivery of water through the irrigation system on which they depend. The newly established Rhodes population of Pecos sunflower is not likely to be adversely affected due to the small magnitude of the changes to overbank flows high enough to inundate this population. Maintenance activities will be designed with a priority to avoid direct impacts to Pecos sunflower.

8.4 Interior Least Tern

The Composite Proposed Action comprised of Reclamation and non-Federal water management and maintenance actions of the Middle Rio Grande Project of the Middle Rio Grande Project will have no effect on the interior least tern.

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