



# United States Department of the Interior

BUREAU OF RECLAMATION  
Upper Colorado Region  
Albuquerque Area Office  
555 Broadway NE, Suite 100  
Albuquerque, NM 87102-2352

IN REPLY REFER TO:  
ALB-184  
ENV-7.00

**AUG 31 2015**

Mr. Wally Murphy  
Field Supervisor  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna Road NE  
Albuquerque, NM 87113

Subject: Submission of Revised Joint Biological Assessment for Bureau of Reclamation, Bureau of Indian Affairs, and Non-Federal Water Management and Maintenance Activities on the Middle Rio Grande, New Mexico (Cons. #02ENNM00-2013-F-0033)

The Bureau of Reclamation submits this revision (enclosed) to its July 31, 2012, Biological Assessment (BA) submitted to the U.S. Fish and Wildlife Service (Service) and amended on January 15, 2013, and August 8, 2013. While formal consultation was initiated on February 22, 2013 per your letter of February 25, 2013, with this final BA submittal Reclamation requests the formal consultation period for issuance of a Biological Opinion (BO) begin again upon receipt of this memo.

This BA includes Reclamation's, the Bureau of Indian Affairs' (BIA), the Middle Rio Grande Conservancy District's (MRGCD), and the State of New Mexico's (State) water management actions taken in the Middle Rio Grande (MRG), as well as State actions in the Upper Rio Grande in New Mexico. The addition of the BIA proposed actions in this BA occurred through a May 21, 2015 letter (enclosed) received from the BIA requesting to be included in the consultation. The BA also includes Reclamation's River and Infrastructure Maintenance and Restoration Program, other Reclamation MRG Project maintenance actions, including the Delta Channel, and the MRGCD's and State's proposed maintenance actions. The BA provides descriptions of specific measures to offset adverse effects and provide conservation benefits for listed species and critical habitat (defined in the BA as Offsetting Measures and Conservation Measures, respectively) proposed by Reclamation, BIA, the MRGCD, and the State, including establishment of a Recovery Implementation Program (RIP).

The BA analyzes effects on listed species in the action area: the Rio Grande silvery minnow (*Hybognathus amarus*; silvery minnow), the Southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher), the yellow-billed cuckoo (*Coccyzus americanus*; cuckoo), the New Mexico meadow jumping mouse (*Zapus hudsonius luteus*; jumping mouse), the Pecos sunflower (*Helianthus paradoxus*, sunflower), and the interior least tern (*Sternula antillarum athalassos*, tern).

Starting in 2009, Reclamation, the MRGCD, the State, and other Collaborative Program participants began taking steps toward development of a RIP, which would include an adaptive management-based approach designed to address scientific and management uncertainty and make progress towards recovery of endangered species. On July 18, 2013, the Collaborative Program's Executive Committee (EC) endorsed the foundational documents for the RIP, and updates to the Program Document have been ongoing during 2015. Formal commitment to participate in the RIP will occur once an agency executes the RIP Cooperative Agreement, which is expected to occur after the Service issues the final BO for this consultation.

While Reclamation fully anticipates that all parties to this consultation will formally commit to participate in the RIP, if any one should choose not to do so, commitments described in this BA are still intended to facilitate coverage for the proposed actions under the new BO.

In support of the proposed measures in the BA that offset adverse effects and provides conservation benefits for listed species and critical habitat, Reclamation is proposing a new approach of River Integrated Operations using Adaptive Management (RIO). The RIO approach would take into account the four focus areas that the Service has identified as necessary to improve the status of the silvery minnow. These focus areas include: (1) A draft Hydrologic Objective (HO) developed by the Service, (2) habitat restoration, (3) river reconnectivity, and (4) conservation water storage. The use of a defined Adaptive Management (AM) process is supported by AM policy within the Department of the Interior. Development of a defined AM process for the MRG, integrated with ongoing AM efforts in the basin, will help to reduce uncertainties over time and improve our collective understanding of how to achieve sustainable management of the MRG.

Reclamation's proposed operation of the San Juan-Chama Project (SJC Project) is described in this BA and includes only the release of SJC Project water from Heron Reservoir, the storage and release of SJC Project water from El Vado Reservoir, and MRGCD storage and release of SJC Project water in Abiquiu Reservoir. Due to the beneficial effects from these actions for listed species and critical habitat, and the absence of adverse effects, as SJC Project water is additional non-native water in the system, Reclamation would not normally include these actions in a request for formal consultation. However, Reclamation is requesting informal consultation and concurrence from the Service on SJC Project actions in this BA as part of the larger programmatic consultation, for efficiency and to provide a more holistic view of management actions in the MRG basin.

The BA consists of the following parts: (1) Part I includes the introduction, action area, and foundational information that applies for all proposed actions; (2) Part II includes Reclamation's, BIA's, MRGCD's, and the State's specifically-described programmatic water management actions and their anticipated effects; (3) Part III includes a programmatic description of Reclamation's River and Infrastructure Maintenance and Restoration Program as well as State and MRGCD restoration and maintenance activities and their anticipated effects; (4) Part IV includes Reclamation's, BIA's, MRGCD's, and the State's proposed measures to offset adverse effects of the Proposed Actions on the silvery minnow and provide conservation benefits for listed species and critical habitat; and (5) Part V provides the BA's overall determination of effects to Endangered Species Act (ESA) listed species, as required by section 7, and various procedural considerations related to this consultation. The procedural considerations included in Part V address a framework for streamlined ESA compliance for future tiered consultations. Reclamation looks forward to developing the details of this process collaboratively with the Service during the consultation. Part V also includes a proposal for a 15-year timeframe for this programmatic consultation; a proposal for an option to extend this programmatic consultation beyond the initial 15-year term; and the role of the RIP as a Conservation Measure to address multiple species and river system considerations and to facilitate ESA compliance.

This letter and enclosures can be found on the Reclamation website at <http://www.usbr.gov/uc/albuq/envdocs/ba/MRG/index.html>.

We look forward to working cooperatively with the Service through this ESA consultation process, including identifying an appropriate timeframe for completion of the BO. Reclamation will also support the Service's analysis needs during the course of this consultation, including providing additional data if it becomes available. Please direct any questions to Ms. Leann Towne of my staff at 505-462-3579.

Sincerely,



Jennifer Faler  
Area Manager

Enclosures – 2

cc: Mr. William Walker  
Regional Director  
Bureau of Indian Affairs  
1001 Indian School Road, NW  
Albuquerque, NM 87104

Mr. Christopher Banet  
Trust Resources and Protection Manager  
Bureau of Indian Affairs  
1001 Indian School Road, NW  
Albuquerque, NM 87104

Lt. Col. Patrick Dagon  
U.S. Army Corps of Engineers  
4101 Jefferson Plaza, NE  
Albuquerque, NM 87109

Ms. Michelle Shaughnessy  
Assistant Regional Director  
U.S. Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, NM 87102

Mr. Ryan Ward  
New Mexico Department of Agriculture  
P.O. Box 30005  
Las Cruces, NM 88003

Mr. Matthew Wunder  
New Mexico Department of Game & Fish  
3841 Midway Place NE  
Albuquerque, NM 87109

Ms. Deborah Dixon  
Director  
New Mexico Interstate Stream Commission  
P.O. Box 25102  
Santa Fe, NM 87504-5102

Mr. Steve Farris  
New Mexico Attorney General  
P.O. Drawer 1508  
Santa Fe, NM 87504-1508

Mr. Mike Hamman  
Chief Engineer  
Middle Rio Grande Conservancy District  
P.O. Box 581  
Albuquerque, NM 87103

Mr. John Stomp  
Chief Operating Officer  
Albuquerque Bernalillo County Water  
Utility Authority  
P.O. Box 568  
Albuquerque, NM 87103

Mr. Matt Schmader  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103-1293

The Honorable Leroy Arquero  
Governor  
Pueblo of Cochiti  
P.O. Box 70  
Cochiti, NM 87072

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The Honorable E. Paul Torres  
Governor  
Pueblo of Isleta  
P.O. Box 1270  
Isleta, NM 87022

The Honorable Phillip Perez  
Governor  
Pueblo of Nambe  
Route 1, Box 117-BB  
Santa Fe, NM 87506

The Honorable Joseph M. Talachy  
Governor  
Pueblo of Pojoaque  
78 Cities of Gold Road  
Santa Fe, NM 87506

The Honorable James Mountain  
Governor  
Pueblo of San Ildefonso  
Route 5, Box 315-A  
Santa Fe, NM 87506

The Honorable Lawrence Montoya  
Governor  
Pueblo of Santa Ana  
2 Dove Road  
Santa Ana Pueblo, NM 87004

The Honorable Luis Romero  
Governor  
Pueblo of Taos  
P.O. Box 1846  
Taos, NM 87571

The Honorable E. Paul Torres  
Chairman  
All Pueblo Council of Governors  
2401 12<sup>th</sup> Street NW  
Albuquerque, NM 87103

Mr. Gil Vigil  
Director  
Eight Northern Indian Pueblos Council  
P.O. Box 969  
San Juan Pueblo, NM 87566

The Honorable Daniel Coriz  
Governor  
Pueblo of Kewa  
P.O. Box 99  
Santo Domingo Pueblo, NM 87052

The Honorable Earl Salazar  
Governor  
Ohkay Owingeh, New Mexico  
P.O. Box 1099  
Ohkay Owingeh, NM 87566

The Honorable Ronald Tenorio  
Governor  
Pueblo of San Felipe  
P.O. Box 4339  
San Felipe Pueblo, NM 87001

The Honorable Francisco I. Lujan  
Governor  
Pueblo of Sandia  
481 Sandia Loop  
Bernalillo, NM 87004

The Honorable J. Michael Chavarria  
Governor  
Pueblo of Santa Clara  
P.O. Box 580  
Espanola, NM 87532

The Honorable Milton P. Herrera  
Governor  
Pueblo of Tesuque  
RR 42, Box 360-T  
Santa Fe, NM 87506-2632

Mr. Joshua Madalena  
Director  
Five Sandoval Indian Pueblos  
1043 Highway 313  
Bernalillo, NM 87004

Mr. Robert Berrens  
Director, Water Resources Program  
MSC 05 3060  
1 University of New Mexico  
Albuquerque, NM 87131

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Ms. Janet Jarratt  
Assessment Payers of the MRGCD  
P.O. Box 2688  
Los Lunas, NM 87031

(w/o encl to each)