

Chapter 1 Purpose and Need for Action

1.1 Introduction

In order to improve the status and contribute to the recovery of the Rio Grande Silvery Minnow (RGSM) and the Southwestern Willow Flycatcher (SWWF), two federally endangered species, the Bureau of Reclamation has engaged in a Supplemental Water Program (Program) during the past decade. In February 2003, Reclamation and the U.S. Army Corps of Engineers (USACE) issued a Programmatic Biological Assessment (BA) of the Bureau of Reclamation's Water and River Maintenance Operations, Army Corps of Engineers' Flood Control Operation and Non-Federal Actions on the Middle Rio Grande, New Mexico, March 1, 2003 – February 28, 2013. In March 2003, the U.S. Fish and Wildlife Service (USFWS) issued Biological and Conference Opinions (BiOp) on the Effects of Actions Associated with the Programmatic BA. The Reasonable and Prudent Alternative includes components of the Program which USFWS has deemed necessary to avoid the likelihood of jeopardizing the continued existence of the RGSM and the SWWF.

This Supplement to the Programmatic Supplemental Water EA (PEA), completed in 2001 by Reclamation, is intended to serve three purposes. This document will update the elements of the Program, the existing environmental conditions as well as the environmental consequences of the Program for the identified resources. As a result, the other contents of the PEA are incorporated by reference into this Supplement. The second purpose of this document is to disclose information and impacts associated with the ongoing Low Flow Conveyance Channel (LFCC) Pumping Project. Last, the Supplement discloses additional specific information on the water leasing program. This EA shall serve as the appropriate documentation for future leasing activities by Reclamation for the benefit of the RGSM and the SWWF.

1.2 Proposed Action

The current Program consists of four components: leasing of available San Juan Chama (SJ-C) water from willing water contractors, concurrence with waiver requests, the pumping and conveyance of water from the LFCC to the Rio Grande including the operation of an outfall near Escondida, and the implementation of water conservation practices by water contractors and municipal and industrial (M &I) users. The extension of the Program for an additional five-year period through March 2011 is the federal action which requires this new review of the Program under the National Environmental Policy Act (NEPA).

1.3 Purpose and Need

The need for Reclamation's action is to fulfill elements of the RPA for the 2003 BiOp issued by the USFWS on the Effects of Actions Associated with the Programmatic Biological Assessment of Bureau of Reclamation's Water and River Maintenance Operations, Army Corps of Engineers' Flood Control Operation and Non-Federal Actions on the Middle Rio Grande, New Mexico. The purpose of the federal action is to provide supplementary water over an additional five-year period (2006 – 2011) to the Rio Grande between Cochiti Dam and Elephant Butte Reservoir, with emphasis on the reaches below Isleta Dam which historically are prone to drying during the summer months. A goal of the Program is to provide continuous flows in the Middle



Rio Grande from Cochiti Dam downstream to Elephant Butte Reservoir. However, due to environmental conditions and the availability of water, the attainment of this goal has been extremely difficult in the past and there have been periods of river drying in parts of each year since 1996 despite the implementation of the Program.

1.4 Relevant Statutes, Regulations and Other Plans

Rio Grande and Low Flow Conveyance Channel Modifications Draft Environmental Impact Statement (EIS)

As mentioned in the 2001 PEA, Reclamation is evaluating alternatives to realign the LFCC and the Rio Grande system to the west side of the Middle Rio Grande Valley below San Marcial. This EIS is still in progress and has not been completed. The Program has and will proceed independently of any alternative that may be selected in the LFCC Channel Modifications EIS.

Temporary Channel into Elephant Butte Reservoir

Reclamation has excavated a temporary channel through what was the Elephant Butte Reservoir delta. This project, jointly performed by Reclamation and New Mexico Interstate Stream Commission (NMISC), combined with subsequent phases in 2002 and 2004 effectively delivers water and sediment from the Tiffany, San Marcial, and upper delta areas into the reservoir pool. The project area is in the delta zone of the reservoir's headwaters, approximately 45 miles south of Socorro, New Mexico, and 30 miles north of Elephant Butte Dam in Sierra County. The project begins approximately 11.0 miles south of the Burlington, Northern and Santa Fe Railroad Bridge near San Marcial, New Mexico, and extends for a maximum distance of 7.0 miles downstream. The Section 404 Permit continued through February 28, 2006 and all work associated with the project, including enhancement activities, has been completed. Major channel excavation work on the project was completed in July 2004 and the last enhancement feature associated with this project was completed in December 2005. The spring 2005 runoff washed out a portion of the access road to the Temporary Channel in the north. The 404 permit was extended to the time frame given above to allow the repair of this road. The access road repairs, as well as maintenance activities along the channel are currently ongoing.

Upper Rio Grande Basin Water Operations Review and EIS

The long-term operations of the Rio Grande system, including the LFCC, is being reviewed and analyzed in an EIS prepared by Reclamation, the Corps, and the NMISC. The focus of this analysis is coordinating river operations within existing federal authorities to ensure that water contracts, compacts, and federal obligations are met efficiently. The environmental impacts concerning possible changes in water operations were assessed and analyzed, and the results are available for public review in the form of a Draft EIS. The Notice of Availability for the Draft EIS was released on January 20, 2006, providing for a 90-day public comment period. Following receipt of public comments and agency response, the Final EIS is expected to be released in the fourth quarter of 2006. All activities would be fully coordinated and be consistent with the environmental review for the Program as well.



Silvery Minnow Habitat Designation

In February 2003, the U. S. Fish and Wildlife Service designated 157 river miles as critical habitat for the endangered RGSM along the last remaining inhabited portion of its range in New Mexico. The Middle Rio Grande from Cochiti Dam to the utility line in Socorro County, marked on the USGS Paraje Well 7.5 minute quadrangle (1980), east of the Bosque Well is considered crucial habitat to the survival of the RGSM. The 300-foot riparian zone on both sides of the river is included except when the river is bounded by levees; then the designation also includes the levee. A portion of the tributary Jemez River that runs from Jemez Canyon Reservoir to its confluence with the Rio Grande was also designated.

During the past several years, river flows have been maintained in collaboration with the Bureau of Reclamation's voluntary supplemental water program. The designation of RGSM habitat was not affected by the amount of supplemental instream flow.

Southwestern Willow Flycatcher Designation

Critical habitat for the flycatcher was designated in October 2005 (Fish and Wildlife Service 2005) and includes the following river reaches in the Middle Rio Grande: from Taos Junction Bridge (State Road 520) in Taos County, downstream for 45.9 km (28.5 mi.) to the upstream boundary of the San Juan Pueblo in Rio Arriba County; from the southern boundary of the Pueblo of Isleta in Valencia County, downstream to the overhead powerline crossing of the Rio Grande near Milligan Gulch, immediately north of the pool of Elephant Butte Reservoir in Socorro County, excluding lands within the Sevilleta and Bosque del Apache National Wildlife Refuges.

Elephant Butte and Caballo Reservoir Resource Management Plan (RMP) Environmental Impact Statement

Reclamation issued a final EIS for this Resource Management Plan in February 2002 and the Record of Decision was signed a year later. The selected alternative was characterized by multi-purpose emphasis which provided for a variety of uses including expanded developed recreation areas, improved primitive recreation areas and wildlife management areas. The RMP EIS encompasses areas in Sierra and Socorro Counties which are also covered in this Supplement.

Programmatic Biological Assessment (BA) of the Bureau of Reclamation's Water and River Maintenance Operations, Army Corps of Engineers' Flood Control Operation and Non-Federal Actions on the Middle Rio Grande, New Mexico, March 1, 2003- February 28, 2013 and the USFWS issued Biological and Conference Opinions (BiOp) on the Effects of Actions Associated with the Programmatic BA

The BA analyzes the effects of the above proposed actions on federally protected species occurring in or near the Rio Chama watershed and the Rio Grande, including all tributaries, from the Colorado/New Mexico state line downstream to the headwaters of Elephant Butte Reservoir. This BA, written in February 2003, focuses on the Rio Grande silvery minnow (*Hybognathus amarus*), the southwestern willow flycatcher (*Empidonax traillii extimus*), and the bald eagle (*Haliaeetus leucocephalus*). Reclamation and the Corps submitted the BA to the USFWS Service

pursuant to Section 7(a)(2) of the Endangered Species Act (ESA). This BA incorporated by reference and summarized applicable and relevant portions of the BA submitted to the U. S. Fish and Wildlife Service on June 6, 2001, which was completed shortly after the PEA for the Program. Reclamation and the USACE made a determination of “may affect, likely to adversely affect” for the silvery minnow and willow flycatcher and “may adversely modify proposed critical habitat” for the silvery minnow and “may affect, not likely to adversely affect” for the bald eagle.

After reviewing the current status of the RGSM and the SWWF, the environmental baseline for the action area, including current and expected drought conditions, the effects of the proposed water operations and river maintenance activities, and the cumulative effects, the USFWS concluded that water operations and river maintenance of the Middle Rio Grande, as proposed in the February 2003 BA, are likely to jeopardize the continued existence of the RGSM and the SWWF and adversely modify critical habitat of the RGSM.

The USFWS developed the Reasonable and Prudent Alternative (RPA) to the March 1, 2003, through February 28, 2013, water operations and river maintenance proposed action that they believed would avoid jeopardy to the RGSM and the SWWF and also avoid adverse modification to RGSM critical habitat. Several elements of the RPA, i.e. the use of the LFCC and the provision of river flows under different water years, are closely associated with the release of supplemental water from the Program (Element B). The USFWS concurred with Reclamation’s determination of “may affect, is not likely to adversely affect” the bald eagle.

The 2003 BiOp, issued by the USFWS serves as the ESA consultation vehicle for the Program extension until 2011 (Parody, personal communication).

Middle Rio Grande Bosque Biological Management Plan

The Plan was released in 1993 and numerous projects have been implemented through the present. In June 2005, a review and update document was published in cooperation with the Middle Rio Grande Bosque Initiative and the Bosque Improvement Group.

Middle Rio Grande Endangered Species Act Collaborative Program

The Collaborative Program has been in existence as an interim program since 2000. Projects have been funded since 2001 through the present to benefit endangered species in the Middle Rio Grande, including habitat restoration, science research, and water management activities, some of which are related to the Program. Plans and or issue papers for each of the major categories of activities have been completed and are available to the general public. A Programmatic EIS (PEIS) is presently being prepared and the draft public document is anticipated to be issued in 2007. Elements of the Program will be discussed in the PEIS, as well as water acquisition strategies and impacts and other options discussed in Chapter 2.3, Alternatives Considered but Eliminated from Further Study.

Socorro County Regional Water Planning

The Socorro Sierra Regional Water Plan, prepared for the Socorro Soil and Water Conservation District was completed in December 2003. In addition, two other regional water plans (Jemez y Sangre and Middle Rio Grande) which encompass the MRG have been completed and accepted by the NMISC since the issuance of the PEA in 2001. Program activities that have been implemented have been coordinated with strategies identified in the Water Plans.

