

# Nature Conservancy puts hold on Gila River diversion project

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SILVER CITY – The Gila River diversion project has run into a snag: The Nature Conservancy, which owns the land at the proposed site, won't grant access to the property.

Anthony Gutierrez, executive director of the New Mexico entity that is managing the project, said the setback is minor and the group's board already has selected a new site to study.

Opponents of the diversion – who want the project to be abandoned in favor of using a smaller pot of available money on conservation projects – say the setback may cause the entity to miss key deadlines for an environmental review.

Under the 2004 Arizona Water Settlements Act, New Mexico has access to potentially \$140 million in federal money to pursue a diversion and storage project on the river, Gutierrez said. Or, \$66 million would be available for conservation and other infrastructure projects in four southwestern New Mexico counties.

The 2004 act settled a dispute between New Mexico and Arizona over water from the Colorado River. It gives New Mexico the right to take an annual average of 14,000 acre-feet of Gila River water over any consecutive 10-year period, in exchange for delivery of what is known as Central Arizona Project water to users in Arizona.

The Central Arizona Project is a 336-mile-long system of aqueducts, tunnels, pumping plants and pipelines that is the largest resource of renewable water supplies in Arizona.

Under the Arizona Water Settlements Act, the board charged with creating a New Mexico unit of the Central Arizona Project is known as the CAP entity and is made up of elected officials, irrigators and water managers in Catron, Grant, Hidalgo and Luna counties.

That board, in conjunction with the Interstate Stream Commission, last July opted to pursue a project to divert and store water on the Gila River near the U.S. Geological Survey's gauge site, and it expanded its contract with the engineering consulting firm AECOM to perform a feasibility study.

"Technically, that was the most viable place to put a diversion," Gutierrez said. "That's why we wanted to investigate it. We approached The Nature Conservancy, but they said, 'We need to see a design and how it would look and what the function of it would be.' So that's what we did."

Given the number of steps required and agencies involved, it took months to approve a scope of work for the contractor, and months to complete the proposed design at a total cost of roughly \$300,000, Gutierrez said.

The CAP entity and AECOM presented their work to The Nature Conservancy in February.

"We were surprised at how long it took for them to ask permission," said Martha Cooper, field representative of the conservancy's southwestern New Mexico program. "We wanted to receive a formal request from them in order to evaluate the impacts. I think what they had much earlier would have been adequate."

The Nature Conservancy – which co-owns the property at the site with the state under the Natural Lands Protection Act – sent a letter to Gutierrez in April denying the CAP entity and AECOM access to the land.

Former Interstate Stream Commission Director Norm Gaume, an opponent of the diversion project, said the CAP entity should have known it would run into obstacles with the conservancy at that site, given that the Bureau of Reclamation flagged the Natural Lands Protection Act as an issue in a 2015 study.

“The report was very clear about the problems with the gauge site,” Gaume said.

The Natural Lands Protection Act “specifically prohibits any action that would negatively impact the ecological value of the property,” the conservancy said in the letter obtained by the Journal.

The setback was enough to prompt Darr Shannon, chairman of the CAP entity, to say at an April meeting: “Weren’t we supposed to have something to the Bureau of Reclamation so they could begin the NEPA process? I feel like we’re flailing. Not failing, but flailing here.”

A diversion project must go through an environmental review under the National Environmental Policy Act, or NEPA, by 2019.

“At this point, it is very questionable whether they are going to make the schedule,” said Allyson Siwik, executive director of the Gila Conservation Coalition, which opposes the project. “It may be that they failed already.”

Gutierrez said that’s not the case. The CAP entity last month selected a new site downstream of the gauge site, this time at the Upper Gila Diversion.

The conservancy owns property up and down the river, and project designers will most likely have to work with the group no matter where they plan a diversion, including at the latest proposed site, he said.

Gutierrez said he is confident the conservancy will consider the new site, because farmers already have created their own – often problematic – “push-up dams” that channel water into ditches. The dams are washed out in floods and have to be bulldozed into place again, he said.

“They still have that concern downstream where they have the push-dams and it has a large impact to the ecology in three different locations,” Gutierrez said. “So they are still interested in remedying that by what we are trying to design. We’ve been in communication with them again.”

The Nature Conservancy said in its letter, “Our top conservation priority in New Mexico is protecting the long-term sustainability of the Gila River ecosystem” but didn’t rule out approving a project.

The organization also wrote that it would support “cost-effective and well-engineered” alternatives “to meet realistic agricultural and municipal water needs in southwest New Mexico.”