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Shortage and Tension on the Upper Río Grande: Protecting Endangered Species During Times of Drought—The Role of the Bureau of Reclamation, A Brief Overview of Relationships in the Upper Río Grande Basin

In the Upper Río Grande Basin, from the headwaters to Fort Quitman, Texas, the United States Bureau of Reclamation (Reclamation or Bureau) has interests in four major water projects, each with its specific authorization:

1. The Closed Basin Project—pumps groundwater in southern Colorado to assist the state of Colorado in making its deliveries as required by the Río Grande Compact.
2. The San Juan Chama Project—diverts a portion of the state of New Mexico's apportionment from the Colorado River Basin to the Río Chama.
3. The Middle Río Grande Project—provides for the delivery of water and management of sediment through the middle reaches of the Río Grande, to the headwaters of Elephant Butte Reservoir. This project assists in water delivery to the Middle Río Grande Conservancy District, helps the state of New Mexico make its water deliveries as required by the Río Grande Compact, and assists the federal government in meeting its delivery obligations to Mexico.
4. The Río Grande Project—assists in assuring the delivery of water to water users downstream of Elephant Butte Dam and above Fort Quitman, including deliveries to Mexico.

These projects are briefly mentioned to establish the pivotal role Reclamation has in Upper Río Grande Basin water management. The interests of the Bureau are broad and its relationships are many.

The Bureau acutely recognizes its responsibilities to those water user entities with which it has contractual relationships, while at the same time taking very seriously its trust responsibilities to the Native American

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governments, of which there are many. Likewise, Reclamation has obligations not only to comply with Federal and State environmental law, but also to do whatever possible to ensure environmental values are maintained or improved. As one can see, the Bureau of Reclamation is in a unique and challenging position. To be at all successful, it needs to continue to seek balance and fairness while carrying out the agency's responsibilities.

1996 WATER MANAGEMENT EVENTS

Water management events during 1996, as they related to the endangered Río Grande silvery minnow, have been discussed in earlier articles in this issue of the Journal. Although the story is compelling and has moments of true drama, it will not be retold in this article. However, it must be understood that during the Río Grande silvery minnow crisis of 1996 all of the players were operating within the existing legal and institutional environment, which, by the way, remained the same one year later. The principal legal realities for Reclamation were the following:

1. our Congressional authorizations,
2. the Endangered Species Act,
3. contractual relationships with water users,
4. the Rio Grande Compact.

Reclamation's policy guidelines were ostensibly simple: Stay out of court, and seek equitable balances.

If there is one theme that came out of our experiences in 1996, it is the theme of collaboration and balance. In the 90s, these are too often used platitudes, in the author's estimation. However, during this crisis the many interests, including Reclamation, had to implement these platitudes to succeed. All players, yes "all," came to the table with some level of commitment to seeking balanced solutions through collaboration. It was not very graceful, but it was successful. How can it be said that it was successful? The successes from these efforts include the following:

1. Irrigators, although inconvenienced at times, received their full allotment of water.
2. More river, not less, was kept wet as compared to the mid-April crisis.
3. New Mexico exceeded its water delivery requirements to downstream water users.

So where are we now? Are we ready for the next drought? First, let me say that Mother Nature contributed mightily to this success. Mid-

irrigation season rains relieved much of the pressure to secure even more supplemental water to augment the river flows through the middle valley. On the heels of the irrigation season, which ended October 31, 1996, the key players reconvened to initiate actions to address some of the many problems identified during the previous six months. A result of this effort was the White Paper entitled "Water Management Strategies for the Middle Río Grande Valley" (prepared by representatives from Reclamation, the United States Fish & Wildlife Service, the Corps of Engineers, the New Mexico Interstate Stream Commission, the Middle Río Grande Conservancy District, and the City of Albuquerque). The White Paper outlines "alternative courses of action to satisfy...water needs that merit further investigation by agencies and entities which have a stake in water management for the [middle Río Grande] valley." Five categories of activities are briefly discussed:

1. acquisition of water,
2. conjunctive groundwater and surface-water use,
3. upstream water management,
4. water use efficiency increases,
5. water rights administration.

The players are still meeting. Progress is being made on some of the fronts; resources are being mustered to address some others. The point to make here is, however, that the key players are working together to continue to foster an environment where they can continue to seek balances through collaboration. All of the players are continuing to *create* their own collective future rather than having the future *dictated* to them.

If a multiple-year drought were to start next year, would all of us be ready? No. Many of the solutions require true institutional changes. However, we would collectively be much better prepared, based upon:

1. our experiences in working together last year,
2. progress we have made in modifying that which we could modify,
3. additional investments in data collection, communications, and analyses,
4. the fact that we did succeed last year.

Our chances for enhanced success will improve with every passing year as long as we do not become complacent, and as long as we all are committed to seeking balanced solutions.