

RIO GRANDE MANAGEMENT: THE VIEW FROM UPSTREAM

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Just before World War I, a Frenchman names Clemenceu said, "War is too important a matter to be left to the Generals." In the last two years, in the Rio Grande Basin, we have learned that water management is too important to be left to the managers.

The Rio Grande is managed by a fraternity of professional water managers in the U.S. Corps of Engineers, the U.S. Bureau of Reclamation and the State Engineer Office, together with the Rio Grande Compact commissioners. They manage the river on behalf of the consumptive users, like the Albuquerque Water Resources Department, the Elephant Butte Irrigation District (EBID) and the Middle Rio Grande Conservancy District (MRGCD). These people are the system of Rio Grande management. Together, they determine how the water will flow, where and how long it will be held, what will happen to rivers and facilities and what initiatives will go to Congress. They are constrained by law and compact, but they exercise a great deal of discretion.

The last two water years have seen extremely high runoff in the Rio Grande Basin, with spills at Elephant Butte and one yet to come in March. Nevertheless, the fraternity has managed the Rio Grande as if we were in the clutches of a drought. They have clung to flood-water at Abiquiu and Cochiti in May through September only to spill it the next March. Whether this was truly flood control, or whether water was being held at Abiquiu and Cochiti for the benefit of the Elephant Butte irrigators, is the subject of litigation in New Mexico v. Hodel, et al., currently on appeal to the 10th Circuit Court of Appeals on the issue of federal jurisdiction.

Viewed from outside the fraternity, the Rio Grande appears to be managed strictly for the benefit of consumptive users. Other considerations, such as recreation, fish and wildlife, national monuments, archeological sites, and so forth, are honored in the breach if at all.

Let me give an example of single-purpose management. In June 1985, immediately after a "paper spill" occurred and New Mexico's debt to Texas was eliminated, the U.S. Bureau of Reclamation shut the gates at El Vado Dam, at the request of the Middle Rio Grande Conservancy District. On June 12, the natural flow went from 1,400 cubic feet per second (cfs) to a trickle of less than 100 cfs. The motivation, of

course, was to maximize storage at El Vado for the district. The basis, I would expect, was little more than a telephone conversation between representatives of the bureau and the district. Of course, 50 cfs provides very little support either for a trout or for a boat. The flow was increased somewhat after objections were made. As usual, however, considerations of wildlife or recreation were honored only in the breach.

Let me give a second example which is the normal mode of management. On April 4, 1986, immediately after floodwaters finally had been evacuated from Abiquiu Dam by the U.S. Corps of Engineers, the U.S. Bureau of Reclamation opened the gates at El Vado Dam. The flow in the Rio Chama then jumped to 4,500 cfs during a sensitive time for trout fry when radical fluctuations in the river need to be avoided. The motivation? Albuquerque Water Resources wanted to take delivery of 30,000 acre-feet of San Juan-Chama water. Because Albuquerque had no beneficial use for the water, and had already stored to the legal capacity at Abiquiu Dam, Albuquerque arranged with the Middle Rio Grande Conservancy District to store the surplus water at El Vado. Because El Vado was already full, the district asked the bureau to dump 30,000 acre-feet of district water, to make room for the Albuquerque water. If this were done before April 1, the water would have to flow on down to

Texas, under the requirements of the Flood Control Act of 1960. If it were done after April 1, it could be captured at Abiquiu by the corps and held there, under authority of flood control. That's what was done, and the water is still there, at Abiquiu, in October.

For the fraternity of water managers, and their consumer clients, both these events were causes for rejoicing. They had successfully manipulated flows so as to maximize the water storage that was retained in Rio Grande reservoirs after the spring runoff in 1985 and 1986. They could pat each other on the back and congratulate each other for a job well done.

Meanwhile, on Labor Day of 1986, 200 people, including Congressman Manuel Lujan, boated the Rio Chama. They ended their trip at the take-out, which used to be on the Rio Chama but for the last two years has been encroached on by the rising waters of Abiquiu Reservoir. As Lujan and the others tried to unload gear off their boats, they stumbled and slid through two feet of silt in the river and mud on the bank, courtesy of the extra storage at Abiquiu Dam.

Meanwhile also, the Ghost Ranch, which owns private lands surrounding Abiquiu Reservoir, watched as their lands were inundated for a second year. Farmers in the Chama Valley below Abiquiu Dam, and residents of Espanola, watched with misgiving as a dam within a major regional fault zone,

originally intended to protect them, accumulated more and more water storage.

Examples could be multiplied of management on the Rio Chama and Rio Grande which is oriented strictly to downstream benefits. Those of us who are interested in upstream values -- recreation, riparian habitat, private lands, fishing, wilderness, acequia farming, archeological and paleontological sites, and cultural values -- must simply recognize that we are not part of the system for managing the Rio Grande. We are on the outside looking in. We can complain, we can write to our congressmen, we can attend hearings, we can even sue, but we are not part of the system. We are referred to collectively by Steve Reynolds as "the rafters" and "the environmentalists."

Bob Findling of the New Mexico Department of Natural Resources has described very well the growing importance of recreation and tourism in New Mexico's economy. Frank Ward of the agricultural economics department at New Mexico State University has estimated that an acre-foot of water in the Rio Chama can be worth up to \$1,100 for recreational purposes, far more than its agricultural value. Recreation is a growth industry in New Mexico, particularly in northern New Mexico, and one that depends greatly on protecting river environments. If New Mexico were to sacrifice the scenic areas that make it the "Land of Enchantment," we would have

little to build on in the north. Nevertheless, the only way that recreationalists or environmentalists or residents of Rio Arriba County can have any impact on river management is to band together in a coalition, like the Rio Chama Preservation Trust, and oppose the bureau, the corps and the state engineer through litigation, legislation and community organization.

The fraternity of water managers has a set of beliefs that govern water management in the Rio Grande (and indeed throughout the arid West). These beliefs are so obvious to the fraternity that they are not even considered beliefs. They are simply truth.

A few of these obvious truths that appear to dominate Rio Grande water management are:

1. The purpose of water management is to maximize supply, because water is good, and more water is better. What could be more obvious?
2. The more storage the better. How could you possibly have too much (or even enough) water storage?
3. Consumption of water in New Mexico is bound to increase.
4. The cheaper the water the better.
5. Water conservation is only for droughts.
6. Water that is not diverted and consumed is wasted.

7. Recreation, wildlife and tourism are mere luxuries.
8. Upstreamers must divert their water or lose their rights.
9. Water management is a technical matter that should be kept out of "politics".
10. Nature serves no particular purpose, and needs to be re-engineered.

And so on. The power of these propositions is obvious--so long as they are not looked at with a critical eye.

The philosophy of the Rio Grande managers comes out of the past. It emphasizes supply, storage, consumption, and engineering. It conceives of rivers as little more than plumbing. It harkens back to the old reclamation ideal of government projects providing cheap water that would make the desert bloom. It is not a philosophy that looks to our realistic future. It pays no heed to recreation, to tourism, to the design of nature, to traditional cultural values, or to public participation. It boils water policy down to a simple matter of maximizing supply for unlimited consumptive use.

Basic to this concept of maximizing supply is the assumption that wanting more water or storage is the same as needing it. The fraternity wants water projects to be as

cheap as possible so that the question of real economic need never arises.

The controversy regarding Abiquiu Dam is a good example of this assumption. There is a lot of surplus water in the Rio Grande system right now, San Juan-Chama water as well as native water. This creates a desire for more storage at Abiquiu, so that water will not escape beyond Fort Quitman. Last summer, the Albuquerque District of the U.S. Corps of Engineers accommodated this desire by pointing out that space at Abiquiu could be converted from flood control to permanent storage. Great interest was forthcoming from those burdened with a water surplus, specifically the Albuquerque Water Resources Department and the EBID. The fraternity of water managers encouraged this interest.

Unfortunately, cost has reared its ugly head. To begin with, it would cost some \$40 million to condemn private lands, relocate roads, "mitigate" destruction of archeological sites and wildlife habitat, and so forth. Furthermore, the Water Supply Act of 1958 and U.S. Army Corps of Engineers policy require that water users who wish to take over flood control space reimburse the United States for the original cost of that space, updated to current prices. This would bring the total price for 467,000 acre-feet of new storage at Abiquiu to about \$85 million, or about \$20 per acre-foot per year.

This price tag has been very effective in distinguishing want from need. For water that is needed and can be devoted to a beneficial use, \$20 per acre-foot might be an attractive price (about half the price Albuquerque is paying for San Juan-Chama water). But for storage that is merely wanted to prevent water from going downstream, that use produces no reasonably foreseeable economic benefit, not even \$10 is an attractive price. (Albuquerque has come to that conclusion and has so informed the U.S. Army Corps of Engineers.)

The response by the fraternity has been to promote the possibility of lowering the price. The attitude is that storage is a good thing, so more storage is better, and if cost stands in the way of storage, then we must find a way to lower the cost. This action will present a dilemma for Sen. Domenici, who has been the chief proponent in Congress of requiring local interests to bear the cost of federal water projects to ensure that a real economic interest is being served. Sen. Domenici appears to understand that the purpose of an economic price is to distinguish between what someone wants and what they actually need.

In this debate over Abiquiu Dam, the only interest that appears to matter to the fraternity is that of the downstream users. It is a curious phenomenon that in water management, by and large, the benefits are downstream and

the impacts are upstream. Traditionally, it requires very little in the way of downstream benefits to override any amount of upstream impact. If an impoundment or structure or flow regime will benefit a municipality or irrigation district, then the fraternity will seek a way to do it. Upstream impacts on farmers, landowners, fishermen, businessmen, boaters, local taxpayers and so forth are not part of the equation. They may have to be dealt with in some manner if the outcry is great and persistent. They may present a political or a legal problem to be overcome. They may be the subject of an Environmental Impact Statement (EIS), or a hearing, or mitigation, or a study, or a reassuring letter to a congressman. They are not, however, an ingredient in the original decision whether the initiative should proceed.

Bob Findling described very well the dedicated effort of the U.S. Bureau of Reclamation, the U.S. Army Corps of Engineers and the State Engineer Office to preserve the "Elephant Butte minimum recreation pool," as it was sometimes styled. Findling suggests that the purpose of that body of water was not in fact recreation, but rather protection of the EBID from legal liability in years when they might be forced to draw down the reservoir to the point of a fish kill and a public health problem. That reasoning would explain the persistence with which the fraternity

worked to protect that pool from spilling last summer, moving the pool from Elephant Butte to Abiquiu (without authority) and then to Cochiti (without authority). If the pool were indeed for recreation, it would hardly have been the object of such attention and ingenuity.

It doesn't seem likely to me that the attitudes of the fraternity will change. They come out of the past, out of traditional alliances and strategies that have produced water projects.

How, then, will it be possible to put upstream impacts on a par with downstream desires in the formulation of water policy? How can we give an effective voice to those whose environment and way of life would bear the brunt of a water project or management policy? How can we preserve the recreation, the fisheries, the scenic values that are essential to New Mexico's economic future, when these things mean little to the technicians who control our rivers?

This, I believe, is the big issue in Rio Grande management: how to get away from the simplistic obsession with "developing our water resources" and move to a system that accommodates a wider range of economic, social and ecological needs.

I would suggest the following measures:

First, make the EIS into a real planning tool, rather than just a whitewash and a target for litigation. It

would, I suppose, be unrealistic to try to remove the EIS process from the corps or the bureau and lodge it with an impartial agency. At the least, though, the EIS should be reviewed for minimum standards by the federal Council on Environmental Quality, and reviewed for substance by the governor or appropriate state agency.

Second, impose a more rigorous pricing system in which a price is placed on all the upstream impacts and the beneficiaries of the project are required to pay the cost. This is the only way to ensure that the benefit really justifies the cost. If, for example, people downstream from a dam have misgivings about the safety of the site, then the beneficiaries of water storage should pay for a thorough and independent analysis of the site and the structure that will reassure local people. If the water storage will take away or damage a recreational resource, or grazing lands, then let the beneficiaries pay a price that truly reflects the value that is being taken from others.

Third, give the "county of impact" the right to say "no" to the project. This option would require the beneficiaries to negotiate with those who bear the burden. It would allow the Rio Arriba County commissioners to calculate the cost of impact and to recover that cost from the beneficiaries. It would make the county of impact a necessary co-sponsor of the project.

Fourth, obtain state legislation to make instream flow for recreation and for fish and wildlife a beneficial use of water in New Mexico. This designation would enable Albuquerque, for example, to make beneficial use of its surplus San Juan-Chama water for the recreational benefit of its citizens.

Fifth, develop a true water policy-making body for the state of New Mexico that is responsible to the governor. The present anomaly, in which the state engineer operates unilaterally to speak for the state of New Mexico on all issues of water management and development, is attributable to the personal characteristics of Steve Reynolds, but it is also attributable to the lack of any appropriate institution to play that role. One would hope to see the new governor establish a Division of Water Resources within the Department of Natural Resources that could develop a state-wide plan and prepare options for the governor.

Sixth, re-examine the role of the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers. Now that the cost/effective projects are built, should we maintain federal agencies that will continue to generate new projects? Shouldn't the water resources job be done at the state level? The era of re-engineering natural systems is over. The era of subsidized water for agriculture is drawing to a close. We are entering the phase of repairing

the damage done in the past, of desalting rivers and detoxifying drainage basins. The state of Florida is about to spend \$100 million to undo what the corps did to the Kissimmee River and the Everglades. The state of California is beginning the task of restoring the salmon fishery that was wiped out by the damming of the Trinity River. As Governor Lamm of Colorado said recently:

"Ours is not a shortage of water but a shortage of imagination. We must take that same determination and intelligence that built Hoover Dam and other magnificent reservoirs and complex irrigation systems throughout the West and apply them to reshaping our laws and institutions to cope with an era of better management and to living within our limits".