

Comments by Jim Brooks, U.S. Fish and Wildlife Service (USFWS), Retired
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Silver City, New Mexico

I retired from USFWS in January 2014 where I worked as a supervisory fish biologist for about 29 years on federal water project impacts to fishes protected under the Endangered Species Act (ESA) in New Mexico and throughout the Southwest. I neither speak for USFWS, nor can I predict the outcome of any future decisions by USFWS on the upper Gila River, but I know and understand the federal environmental review process that requires use of the "best available scientific information".

In this case, "best available" requires that any information used undergo peer review. In the case of the upper Gila River, scientific peer review should include an independent and outside review process with reviewers selected by all affected parties. This has not yet occurred for the upper Gila River studies. In my professional opinion any decision by ISC will be under additional scrutiny during subsequent federal regulatory review due to the lack of review of ISC funded studies. This is particularly true for the diversion alternative which poses the greatest environmental change of all alternatives under discussion.

A rigorous and open process for peer review of any ISC funded study needs to be completed to fully address environmental impacts of the diversion alternative. These reports are without credibility until they have been reviewed and revised in an independent and rigorous scientific review process.

Results of ISC funded study reports, without any outside and independent peer review, have been presented to the Commission and the public in numerous ISC meetings. Conversely, the Flow Needs Assessment report prepared by TNC was publically critiqued at the ISC meeting 10 November 2014 in Albuquerque by ISC paid private contractors. This is especially troubling because ISC staff participated in the TNC workshop that produced the report and provided no reviews or comments to TNC in spite of having six months to do so. It should be made clear that private contractors who were paid by ISC and furnished their comments only to ISC do not represent a scientific peer review process. The differences in presentation of ISC funded study results and the public critique of the TNC report suggest that a double standard is in use by ISC when considering technical information.

Peer reviewed and credible reports offered by ISC will help to avoid lengthy debate of the merits of the various studies during the ESA compliance process and will be fundamental to fully understanding potential negative impacts if the diversion alternative is selected. As it currently stands, ISC funded studies do not represent the best available scientific information. Selection of the diversion alternative would be without scientifically credible justification.

Thank you for the opportunity to speak with you today.