

**Statement of Kristopher Schafer, P.E.**  
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**U.S. Army Corps of Engineers, Albuquerque District**

**WATER AND NATURAL RESOURCES MEETING**  
**AUGUST 2, 2011**

The U.S. Army Corps of Engineers (Corps), and the U.S. Bureau of Reclamation (Reclamation) are preparing to re-consult with the U.S. Fish and Wildlife Service (Service) over the effects of reservoir operation, river maintenance, and related activities on the endangered Rio Grande silvery minnow and the Southwestern Willow Flycatcher in the middle Rio Grande.

Over the last decade, the Corps and Reclamation have submitted joint Biological Assessments (BAs) to the Service outlining the effects of our routine operations on listed species and their critical habitats. Both agencies are currently operating under the Biological Opinion (BO) issued by the Service in 2003 that outlines the activities that the agencies are required to take to mitigate effects of their operations on listed species and critical habitats. This BO expires in March of 2013. The Corps and Reclamation are in the process of preparing revised BAs for the Service so that new BOs can be issued for future operations.

Several aspects of the current 2003 BO have been problematic for the Corps:

1. The 2003 BO designated Reclamation as the lead agency. This makes it difficult for the Corps to direct or predict the consultation process, schedule, and staffing requirements.
2. The 2003 BO lacks agency-specific determination of effects, and some of the mitigative elements in the 2003 BO are a shared responsibility between the Corps and Reclamation. This makes it very difficult to develop and defend precise budgets for carrying out our compliance responsibilities.
3. Because the 2003 BO applies to both the Corps and Reclamation, changes in activities by either agency require both agencies to reinitiate the consultation process with the Service. On occasion the Corps has had to re-consult when its own operations had not changed. The cost of these re-consultations has been significant, and directly detracts from funding that would otherwise be available for compliance and species recovery activities.

In preparation for the upcoming consultation, the Corps has worked with Reclamation and the Service on ways to eliminate these shortfalls under the scenario of a multi-agency BO. However, specific remedies have not been identified. Therefore, the Corps decided to prepare and submit its own BA, and will request a Corps-specific BO from the Service.

The Corps has remained in step with Reclamation in terms of the schedule for preparing their respective BAs, and has endeavored to work with Reclamation on a common environmental baseline to support both documents.

The Corps' BA addresses its operation of four reservoirs (Abiquiu, Cochiti, Galisteo, and Jemez Canyon), and includes the following Proposed Actions:

1. Discretionary flood control operations
2. Delivery of Carryover Flood Water
3. Storage of San Juan-Chama water at Abiquiu Dam
4. Delivery of Cochiti Recreation Pool Replacement Water
5. Maintenance Actions

The Corps has circulated a preliminary draft of its BA to numerous entities for review, and is currently considering the comments and suggestions generated from that review. We anticipate submitting the BA to the Service and initiating consultation in the fall of 2011.

Despite our decision to seek an agency-specific BO, the Corps intends to remain fully engaged with the Middle Rio Grande Endangered Species Collaborative Program, and is committed to supporting the goal of long-term recovery of the species. We believe that with the issuance of an agency-specific BO, our future funding will be more certain, allowing the Corps to better serve the needs of listed species along the Rio Grande.