

New Mexico Unit Agreement Questions and Answers

Q: Why is the Secretary of the Interior entering into the New Mexico Unit Agreement with the New Mexico Central Arizona Project Entity?

A: The 2004 Arizona Water Settlements Act (AWSA) (Section 212(c) of P.L. 108-251) requires the Secretary of the Interior to execute the Agreement within one year of receipt of written notice from the State of New Mexico that it intends to consider building the New Mexico Unit (Unit). On November 24, 2014, the New Mexico Interstate Stream Commission provided that notice to the Secretary of the Interior on behalf of the State of New Mexico.

Q: Why is Principal Deputy Assistant Secretary Gimbel signing the document? Why isn't Secretary of the Interior Sally Jewell signing the agreement?

A: Principal Deputy Assistant Secretary Jennifer Gimbel has been delegated authority to sign this agreement on behalf of the Secretary. As Principal Deputy Assistant Secretary for Water and Science, Gimbel oversees the Bureau of Reclamation, the Interior agency that developed the Central Arizona Project and will lead the evaluation of the Unit.

Q: Does the Agreement authorize design and construction of the Unit?

A: No. The New Mexico Unit Agreement establishes a framework for federal participation in evaluating the Unit. This Agreement does not provide the federal approvals that may be needed for actual construction of the Unit; these federal approvals will be considered in the future after the thorough evaluations called for in the Agreement.

Q: Can the Secretary stop the diversion on the Gila River from occurring?

A: Today's agreement is the result of a decision by the State of New Mexico to move forward in evaluating a potential diversion project. Today's agreement is not a green light for the proposed project or any other water management alternative. Rather, it is a procedural step that lays the foundation for further evaluation. The Secretary of the Interior does not have the discretion to deny signing the agreement to further evaluate the Gila River Water Project – the discretion to approve or not approve a project occurs during the environmental review process pursuant to applicable laws and policies.

Q: What is the significance of the November 23, 2015, deadline?

A: Today's deadline is a statutory deadline, required under the Arizona Water Settlement Act. The law requires the Secretary of the Interior to enter into an agreement with the State of New Mexico through its designated Central Arizona Project Entity regarding the possible construction of a diversion unit on the Gila River. This requirement was triggered after the

State of New Mexico notified the Department in November 2014 of its intent to exercise its option under law to utilize water in the Gila River and to construct a diversion unit.

Q: What does today's action do and why is Reclamation taking this action today?

A: Today's action does not constitute a final decision on construction of a diversion dam along the upper region of the Gila River. Rather, it is procedural step, required under law that triggers environmental reviews under the National Environmental Policy Act. Under the National Environmental Policy Act, the Bureau of Reclamation is designated as the lead agency to ensure compliance with federal environmental laws as the State of New Mexico and other relevant state and federal parties move forward in identifying alternatives to making water available for use in New Mexico.

Through the National Environmental Policy Act process, the Bureau of Reclamation, working with the New Mexico Interstate Stream Commission, as co-lead under the 2004 AWSA, Tribes, and other federal and non-federal cooperating agencies, will assess all possible impacts and necessary mitigation efforts for each alternative identified. The process will include extensive dialogue with and input from stakeholders and the general public. Once the process concludes, as required under law, the Secretary of the Interior will issue a Record of Decision regarding a final alternative for the project as soon as December 2019 but no later than December 2030.

Q: When will environmental compliance activities begin on the New Mexico Unit?

A: Per the AWSA, the environmental review under the National Environmental Policy Act, Endangered Species Act, and other applicable environmental acts and regulations including National Historic Preservation Act compliance activities will commence upon execution of the New Mexico Unit Agreement.

Q: How can I get involved?

A: Environmental review under the National Environmental Policy Act compliance has public participation requirements that present opportunities for the public to formally participate in the New Mexico Unit evaluation process.

Q: When and what alternatives will be included in the environmental compliance review process?

A: The environmental review process will include the early development of a full-range of alternatives to meet water supply needs in Southwestern New Mexico, which will inform the CAP Entity, Interior, and the public as the analysis proceeds.

Q: What kinds of analyses will be included in the environmental compliance review process?

A: As part of the environmental compliance process, New Mexico Unit alternatives will be analyzed under the Federal Principles, Requirements, and Guidelines for Water and Land Related Resources Implementation Studies. The Bureau of Reclamation is committed to objectively conducting the full-range of required analyses, including but not limited to those related to economic, ecologic, hydrologic, recreation, and ecosystem services considerations.

Q: What about the costs of the New Mexico Unit? And who will pay for it?

A: As part of the Federal decision making process, economic feasibility and financial capability will be considered. Per the agreement, all costs incurred in excess of maximum federal funding made available in the AWSA (up to \$128 million, as indexed, depending on various factors described in Section 212 of the AWSA) shall be the responsibility of the New Mexico Central Arizona Project entity.

The agreement also calls for cost-benefit analysis of all alternatives in accordance with Federal Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies.

Q: What was the purpose of the Value Study performed by the Bureau of Reclamation?

A: The purpose of the Value Study was to better develop and compare New Mexico Unit Alternatives at a pre-appraisal level, develop technically sound alternatives that can be constructed in phases, and investigate ways to reduce costs.

Q: What was the scope of the Value Study performed by the Bureau of Reclamation?

A: The scope of the study addressed alternatives that allowed for the following:

- Ability to divert and convey up to 350 cubic feet per second of water from the Gila River upstream of the Cliff-Gila Valley in New Mexico, store a Phase 1 target volume of 13,000 acre-feet of water in side canyon(s) of the Cliff-Gila Valley, and deliver water for agricultural and environmental purposes.
- Expandability from Phase 1 to future phases to provide an overall project storage of 46,000 acre-feet, with conveyance features to the Mimbres Basin.

The results of the study will be used to refine further studies and to help define actual proposed project features that may later be formulated into alternatives considered as part of the environmental compliance process. Although, the Value Study focused on diversion alternatives, which is what a Unit would consist of, diversion and non-diversion alternatives will be considered in the environmental compliance process.