

Gila diversion group plans scope, seeks power

Written by Benjamin Fisher on July 6, 2018

As the U.S. Bureau of Reclamation and the New Mexico Interstate Stream Commission continue their roadshow of National Environmental Policy Act public scoping meetings around the region, the New Mexico Central Arizona Project Entity approved a few more changes in a confirmation that the joint lead agencies can proceed with their analysis. The CAP Entity also officially requested authority from the U.S. secretary of the Interior to construct, operate and maintain their planned diversions of the Gila and San Francisco rivers.

The confirmation package is a sort of last-minute update of the CAP Entity's proposed action — the list of project components they want the joint leads, Reclamation and the ISC, to analyze in their ongoing environmental impact statement, via the NEPA.

In the recent past — including at the first scoping meeting last week in Albuquerque — Reclamation officials, contractors and even CAP Entity Executive Director Anthony Gutierrez have bemoaned what have become the CAP Entity board's consistent tweaks and changes to the project plan. On Tuesday, though, Gutierrez said the changes to the plan are minimal and would not add to the cost.

"The maps we have provided haven't necessarily changed the scope of work for the N.M. Unit," he said. "We were asked by the joint leads to identify potential users of this water. In that, we had to identify how the water is going to get there. To that, we are looking at a lot of existing infrastructure. We don't foresee having to fully reconstruct a ditch if there is a historic ditch there. One of the reasons being that there is habitat in that area."

Gutierrez said the CAP Entity's engineering contractors Stantec (formerly Occam-Engineers Inc., just Engineers Inc. before that) were able to improve the maps that had been used up to this point.

"Stantec identified the floodplain a little better, removed any lands below the Bill Evans diversion," he said. "The reason for that is Freeport-McMoRan have said in the past that they did not want their infrastructure connected to any part of this analysis."

CAP Entity attorney Pete Domenici said that in addition with the changes, he wanted to see something new provided at the future NEPA scoping meetings — like the one today from 4 to 7 p.m. at the Wild Horse Pass Casino in Chandler, Ariz. He wanted a list of component costs.

"One of the questions that came up several times was, looking at these same maps, 'What are the cost estimates of the various components?'" Domenici said. "Previously, we had cost estimates. That was very helpful in discussing with people, 'What is your project going to look like?' It is still not clear to the public if those funds are coming from the construction fund of the AWSA. There were statements yesterday that this board is making obligations to the people of this part of the state — even though I think we've been very careful to not do that and keep within the constraints of the construction fund."

"We already do have cost estimates for the proposed action," Gutierrez said. "They were included in our last statement to BOR."

But, Gutierrez and Stantec President Dave Maxwell said those costs won't necessarily be up-to-date because those are the parts of the plan that could still change the most.

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“We have previously completed most cost estimates associated with this project,” Maxwell said. “There have been some new components that have been added since. We need to do some work on the Pleasanton westside ditch and some on the Riverside ditch. One of the problems is that this project keeps evolving. It evolves every month. We can provide the estimates probably by the next meeting, but we need to recognize that a lot of things are probably going to change. The diversion and the yield model analysis that is going on now could show that some of the components aren’t needed.”

“We have also identified utilizing a lot of existing infrastructure which would drive the cost down,” Gutierrez said. “The [Gila Basin Irrigation Commission] is investigating different types of diversion structures, for example. It could also change based on where we get our lining from. The ponds and lining are the most expensive portion. They are going to change. But I think they will change for the better. A good, comprehensive cost estimate will come in the next couple of months.”

Domenici, though, said the CAP Entity should give the public something at these meetings regarding cost, to better their image.

“At these scoping meetings upcoming, the best cost info available is what we’ve already submitted,” he said. “It might behoove us to have that available. Every time we change something, if we don’t go back to reiterate that the cost estimates are there, we lose the momentum we have of saying we’ve refined the project and reduced the cost.”

“We cut the cost way down,” said CAP Entity board Chairwoman Darr Shannon. “Maybe we should take those costs to the scoping meetings you go to, Mr. Gutierrez, so you can verify that we do know the cost. We have to make sure the misinformation doesn’t get out of control. We don’t want anyone to be misinformed and think ‘They don’t know what it’s going to cost.’”

Gutierrez eventually agreed, although he said he wasn’t sure if the joint leads would want different information at later meetings than was available for the folks in Albuquerque. Domenici said the leads and contractor took down contact information from attendees.

San Francisco Soil and Water Conservation District representative Howard Hutchinson said CAP Entity representatives should also stress the good adding water rights to lands without them could be.

“There is probably an additional 15,000 acres of land and private property there and above there without water rights,” he said. “When you’re looking at a cost benefit analysis, you tack an acre-foot of water to a piece of land that has none, you go from \$425 per acre to \$10,000 an acre. We’re talking about significant and major beneficial economic benefit to the San Francisco Basin. When Grant and Hidalgo County start looking at private lands without water rights, I am certain you’re going to find a lot of private land without rights.”

The CAP Entity board also approved a move to request authorization to construct, operate and maintain the New Mexico Unit diversion project once it is designed, and should the Interior secretary give it the OK. There were some concerns, though, that this may be jumping the gun.

“We have a pending economic development plan,” said Dave McSherry, city of Deming representative. “A lot of what we’re going to get out of the economic development and business plan will inform us on whether we can do the operation and maintenance.”

Domenici and Gutierrez, though, said that time is of the essence, especially since the CAP Entity’s operation and maintenance standards would differ from Reclamation’s – who would operate and maintain the New Mexico Unit if the CAP Entity did not take over. Gutierrez mentioned, for example, a Reclamation regulation that requires a large service road along the bank of any ditch.

“If we don’t do this fairly soon, there is potential that we start designing toward BOR maintenance standards,” Domenici said. “By statute, we own all of the components that are built. It is more seamless, I think, that we are going to construct, operate and maintain. To do something different creates confusion. And some of the BOR standards are pretty onerous and something we probably would not want.”

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The board approved the request, to the surprise of Gutierrez, who only expected discussion on Tuesday.

The board also announced that New Mexico Attorney General Hector Balderas had responded to a claim by Norm Gaume – former ISC director and outspoken opponent of the diversion – that the CAP Entity had violated the Open Meetings Act, finding no violation. Gutierrez said that, in addition to regularly making these claims – some of which were deemed valid by Balderas – he is also running the agencies involved ragged with Inspection of Public Records Act requests. Gutierrez said that he and other officials had compiled every communication between them for a full eight months in response to an IPRA request filed on Gaume’s behalf. And, Gutierrez said that even after the many hours of work that took the agencies, neither Gaume nor anyone else had come by to collect the records, which had been provided in both hard and digital copies.

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