

POLICY 2013-ENG14

POLICY SUBJECT: Use of Project Water for Native Vegetation Habitat Restoration Sites in Elephant Butte Irrigation District.

DATE APPROVED: June 12, 2013

PURPOSE: To provide guidelines and criteria for classification of native vegetation riparian habitat as water righted acres within EBID's boundaries.

BACKGROUND: EBID and International Boundary and Water Commission entered into a Memorandum of Understanding to cooperatively exercise their governmental authority to promote a conservation program within the Rio Grande Canalization Project that results in restoration of native vegetation riparian habitat. Lands not previously eligible for water rights may now be reclassified as water righted lands for habitat restoration as defined here and subject to the terms of EBID Policy 2003-ENG12, as amended May 9, 2012.

Water Righted Lands for Habitat Restoration

1. Lands which are generally well suited for restoration of native vegetation riparian habitat shall be eligible for reclassification as EBID water-righted lands subject to the following provisions:
 - i. Lands must be capable of or have a history of growing native trees, shrubs, hydrophytes, and grasses;
 - ii. Lands may show evidence of salinization (alkalinity) provided they are generally well suited for successful cultivation of the native plants to be restored;
 - iii. Lands may show evidence of a shallow water table provided they are generally well suited for successful cultivation of the native plants to be restored;
 - iv. Lands may receive water from existing irrigation facilities or through alternative methods;
 - v. Lands must be within EBID boundaries. The boundaries may be expanded by following the process set forth by statute; and,
 - vi. Lands which may be utilized by a listed or candidate species under the Endangered Species Act must be covered at all times under an Incidental Take Statement issued by the U.S. Fish and Wildlife Service under the Endangered Species Act and contained within a Biological Opinion, Conference Opinion, or similar document issued by the Service.

2. Project water that is used to support native plant survival and growth on water-righted restoration sites shall be considered irrigation, the designated purpose of the Rio Grande Project and EBID.
3. All lands for which a restoration project increases net evapotranspiration over baseline conditions shall have EBID water rights. The baseline for calculating whether the restored plant community will increase net evapotranspiration is the pre-restoration project site condition or, if applicable, the March 2009 USIBWC Conceptual Restoration Plan, Rio Grande—Caballo Dam to American Dam, New Mexico and Texas. For sites where restoration activities increase net evapotranspiration, the entire site shall be water righted. No temporary water transfers out of these sites will be allowed but temporary water transfers in will be allowed.
4. Upon successfully satisfying land reclassification criteria, the reclassified land shall be subject to applicable fees and/or assessments on an equal basis with other EBID constituents.
5. Water-righted restoration sites will receive an equal allotment per acre with other EBID district water-righted lands, sharing pro rata in shortages as required by law. EBID water deliveries to water-righted restoration sites shall receive Project water during the same irrigation period as other EBID water righted lands as determined by the EBID Board of Directors.
6. No aquaculture or exposed groundwater habitat is authorized under this Policy.