

Date: 04/16/1999 1:54 PM
Sender: Jim Rorabaugh
To: David Harlow; Tom Gatz
Priority: Normal
Subject: Fwd[2]:FH Consultation/Draft MOA

Dave, Tom:

I would like to amend my comments to make the following recommendation. I think we (Dave) should call the General next week to determine if they are willing to commit to something much closer to the draft RPAs than what we see here in the MOA. If not, then we should cancel the meeting and tell them we will issue a draft jeopardy/adverse mod BO (assuming we can get the Region to go along with it.) Unfortunately I will be camping with Ray Bransfield in the East Mojave Monday, Tuesday, and Wednesday. So I will not be around to discuss the consultation or strategies.

:Jim

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Subject: Fwd:FH Consultation/Draft MOA
Author: Jim Rorabaugh
Date: 04/16/1999 9:36 AM

Dave, Tom:

The Fort would like to have Dave sign the attached MOA next week at our meeting. I think that is a really bad idea. My understanding is that the intent of the MOA was to amend the Fort's proposed action to the extent needed to avoid a jeopardy/adverse modification BO. It doesn't even come close. The only somewhat substantive commitment by the Fort is to reduce net water use by 600 acre feet; however, they don't say for sure how this will be done and implementation is "subject to available funding."

It is clear that the Fort does not take us seriously. In talking to Jim Hessil, they believe they have made enough political inroads with our Washington and Regional offices that we the Field Office will roll over and accept whatever the Fort proposes. If we sign on to this agreement and then regurgitate the same weak commitments in a non-jeopardy BO, we are sure to be sued and we will lose because all the credible hydrologists and biologists will testify against us. Remember that Southwest Center has already filed a 60-day NOI.

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As I have said before, to remove jeopardy/adverse modification, I believe the Fort needs to do the following:

a. Reduce water use by an amount equal to that which can be attributed to the Fort (5,720 acre feet). Reduction needs to occur rapidly enough so the cone of depression does not further impact the river.

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b. Substantial assistance (\$, technical assistance) to other water users in the basin to develop and implement a water resources plan that will balance the water budget in the San Pedro subwatershed before significant adverse

effects to river baseflow manifest.

c. Fire planning, recreational controls, and other measures described in the draft RPAs to reduce threats to water umbel populations on-post.

d. Monitoring of effects to water umbel and flycatchers

e. Additional funding to made available for off-post habitat management for the umbel and flycatcher to compensate for increased recreational impacts and likely ongoing effects to baseflow.

I think we should give them one last chance at the meeting next week to make substantive commitments to accomplish the above measures. If they are not willing to come most or all of the way on these, we need to issue a draft jeopardy/adverse modification BO. Without that, they may never take us seriously.

:Jim

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Subject: FH Consultation/Draft MOA
Author: <hessilj@HUACHUCA-EMH1.ARMY.MIL>
Date: 04/15/1999 3:35 PM

Jim R.,

Attached is the latest version of our draft MOA (in WP 6.0) for your review.

We would appreciate any comments/recommendations that Dave, Tom or you have

ASAP. Ideally, we would like to have a final draft completed by next Wed

(April 21) and sign the MOA on the 23rd. Please let me know if you believe

it is feasible.

I'm sorry I didn't get this to you sooner, but I was having computer

problems. If you have any problems opening the document, please let Tom or

I know ASAP. I should be in all day tomorrow (6am - 2:30pm) to answer any

questions you may have.

<<Bomoa.wp>>

Thanks,

Jim H.

