

APPENDIX F

MEMORANDUMS OF UNDERSTANDING

John M. Bowannie
Governor
Marcello Suina
Lt. Governor



Andrew Quintana
Treasurer
Mary Lewis
Secretary

BOX 70
COCHITI, NEW MEXICO 87041
Telephone: 505-465-2244

June 11, 1984

Colonel Julian E. Pylant, District Engineer
Corps of Engineers
Post Office Box 1580
Albuquerque, N.M. 87103

Dear Mr. Pylant:

In the Amended memorandum of understanding between the Corps of Engineers and the Pueblo de Cochiti, dated December 17, 1975, as amended May 24, 1982, the Pueblo conditionally agreed to take responsibility for operating and maintaining the public use area of the outlet channel area of the Cochiti Lake Dam. See paragraph B3, page II, of 1975 agreement. Paragraph 13 of 1982 Amendment.

The principle conditions upon which this agreement was predicated were set out at part III, paragraph 6 of the 1965 agreement, and provided that the Pueblo's responsibilities would be defined and carried out in accordance with "the Corps of Engineer's master plan and management program to be mutually agreed upon between the parties....". Neither a master plan nor a management program have ever been approved by the pueblo.

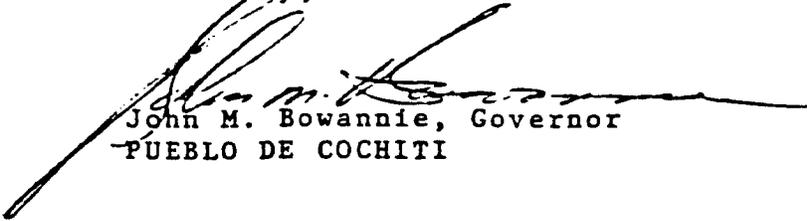
Since sometime in 1975, the Pueblo has been operating and maintaining the public use facilities in the outlet channel area. In so doing, the Pueblo has sustained losses of over \$13,000.00. The problem is primarily that recreational users of the area are too few to generate sufficient funds for the Pueblo to maintain and operate the area on even a break even basis.

In view of the above, the Pueblo hereby requests that the Corps of Engineers agree to a further amendment of the original memorandum of understanding. A proposed amendment (modeled after the 1982 amendment relieving the Pueblo of operation and maintenance responsibility for the larger public use areas north of the dam) is enclosed. The proposed amendment would put responsibility for operation/maintenance of the outlet channel area

public use area on the same footing as the main public use areas north of the dam, for the same reasons.

I would appreciate your reviewing the enclosed amendment and advising me of the Corps' position on it at your earliest convenience. The Pueblo would like to secure execution of this amendment by the end of June 1984. By copy of this letter I am requesting that the BIA also approve this amendment and so advise the Corps in writing.

Sincerely,



John M. Bowannie, Governor
-PUEBLO DE COCHITI

JB/ev

Encl.

cc: Omar C. Bradley
United Pueblos Southern Agency

Chris Mosebach
Corps of Engineer, Cochiti Lake

SECOND AMENDMENT TO THE
AMENDED
MEMORANDUM OF UNDERSTANDING
BETWEEN
CORPS OF ENGINEERS
AND
PUEBLO DE COCHITI

Contract No. DACW47-76-C-0009

The Amended Memorandum of Understanding, dated 17 December 1975, between the Corps of Engineers and the Pueblo de Cochiti, as amended May 24, 1982, is hereby amended as follows.

1. The Pueblo agrees:

- A. To transfer to the Corps of Engineers the operation and maintenance of the public use areas described in paragraph B3 of Part II of the Amended Memorandum of Understanding. This includes the public area, entry-way and facilities within the outlet channel area.
- B. To give up all rights to revenues generated by recreational usage of the outlet channel area.

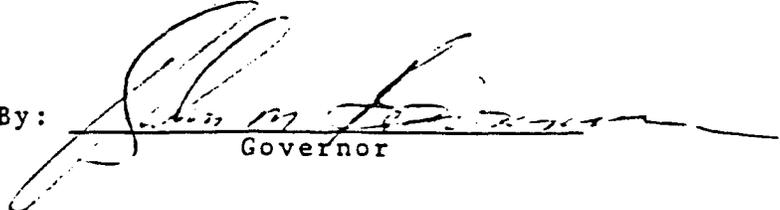
2. The Corps of Engineers agrees:

- A. To operate and maintain the public use areas described in paragraph 1A. herein at no cost to the Pueblo.
- B. If the Corps of Engineers elects to lease or otherwise contract for operation of all or any part of the public use areas described in paragraph 1A. herein to a concessionaire or concessionaires, the Corps of Engineers agrees that before it enters into any concession or lease agreement with a third party, it will offer the same agreement to the Pueblo for its acceptance or refusal. If the Pueblo fails to accept the agreement within 60 days (calendar days) after it has been received, the Corps of Engineers can consider that the offer is refused by the Pueblo, and the Corps of Engineers will be free to award the lease or other agreement to the third party concessionaire.
- C. To cooperate with and assist the Pueblo to recruit and place qualified members of the Pueblo to the greatest extent possible whenever job vacancies occur.

3. The provisions of the Amended Memorandum of Understanding dated 17 December 1975, as amended May 24, 1982, will remain in full force and effect except as amended herein.
4. Nothing in this Amendment shall be construed as altering the existing rights and powers of the Pueblo de Cochiti or of the Corps of Engineers with respect to approval or disapproval of future hydroelectric or other development of the outlet channel area, provided that the Corps of Engineers shall have the right to continue and upgrade the outlet channel area for existing recreational uses without further approval of the Pueblo.
5. Dated this 12 day of JUNE, 1984.

PUEBLO DE COCHITI

APPROVED: Department of the
Interior
Bureau of Indian
Affairs

By: 

Governor

Dated: _____

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

By: _____
Superintendent
Southern Pueblos Agency
Bureau of Indian Affairs

By: _____
JULIAN E. PYLANT
Colonel, EN
District Engineer
U.S. Army Engineer District, Albuq.
Contracting Officer

FIRST AMENDMENT TO THE
AMENDED
MEMORANDUM OF UNDERSTANDING
BETWEEN
CORPS OF ENGINEERS
AND
PUEBLO DE COCHITI

CONTRACT NO. DACW47-76-C-0009

The Amended Memorandum of Understanding, dated 17 December 1975, between the Corps of Engineers and the Pueblo de Cochiti is hereby amended as follows:

1. The Pueblo agrees:

A. To transfer to the Corps of Engineers the operation and maintenance of the public use areas described in paragraphs B1. and B2. of Part II of the Amended Memorandum of Understanding. This includes the public use areas on the west side and on the east side of the reservoir.

B. To continue to operate and maintain the Outlet Channel Area described in paragraph B3. of Part II.

2. The Corps of Engineers agrees:

A. To operate and maintain the public use areas described in paragraph 1A. herein at no cost to the Pueblo.

B. If the Corps of Engineers elects to lease all or any part of the public use areas described in paragraph 1A. herein to a concessionaire or concessionaires, the Corps of Engineers agrees that before it enters into any concession lease agreement with a third party, it will offer the same agreement to the Pueblo for its acceptance or refusal. If the Pueblo fails to accept the agreement within 10 days (calendar days) after it has been received, the Corps of Engineers can consider that the offer is refused by the Pueblo, and the Corps of Engineers will be free to award the lease agreement to the third party concessionaire.

C. To cooperate with and assist the Pueblo to recruit and place qualified members of the Pueblo to the greatest extent possible whenever job vacancies occur.

3. The provisions of the Amended Memorandum of Understanding dated 17 December 1975 will remain in full force and effect except as amended herein.

4. Dated this 24th day of May, 1982.

APPROVED: Department of the
Interior
Bureau of Indian
Affairs

Date 5-25-82

BY Samuel R. Montoya
Superintendent
Southern Pueblos Agency
Bureau of Indian Affairs

PUEBLO DE COCHITI

BY Jose G. Ramirez
Governor

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

J. E. Pylant
JULAIN E. PYLANT
Lieutenant Colonel, EN
District Engineer
U.S. Army Engineer District, Albuquerque
Contracting Officer

AMENDED
MEMORANDUM OF UNDERSTANDING
BETWEEN
CORPS OF ENGINEERS
AND
PUEBLO DE COCHITI

CONTRACT NO. DACW47-76-C-0009

THIS MEMORANDUM OF UNDERSTANDING, made and entered into this 17th day of December, 1975, by and between the Department of the Army, Corps of Engineers, under the authority of Section 4 of the Act of Congress approved 22 December 1944, as amended (75 Stat. 11951, 16 U.S.C. 460d) hereinafter referred to as the "Corps of Engineers," and the Pueblo de Cochiti, a community of Pueblo Indians residing in New Mexico, acting by and through its Governor and Tribal Council, hereinafter referred to as the "Pueblo."

PART I

EXHIBITS, PLANS AND MAPS

The following Exhibits are attached hereto and made a part of this agreement:

1. Exhibit A-1. Amended Easement Grant and Agreement with Appendix "A" (land description of project areas and public use areas) and Appendix "B" (Map), Contract No. DACW47-76-C-0008.
2. Exhibit B-1. Easement Grant covering that portion of UP Road No. 90 situated between the south boundary of the Pueblo de Cochiti Grant and State Highway No. 22 with Appendix A (Map).
3. Exhibit C-1. Quitclaim Deed from the United States of America to the Pueblo of Cochiti dated December 8, 1975 with Appendix A (Map).
4. Exhibit D-1. Real Estate Project Map (Revised September 1975) Cochiti Lake Project, New Mexico.
5. Exhibit E-1. Drawing showing location of facilities to be constructed under Part II.

PART II

A. The Corps of Engineers hereby agrees, subject to availability of funds, to construct, operate, and maintain the project facilities as shown on Exhibits D-1 and E-1 consisting of the following:

1. West Side of Reservoir.

(a) Operations Area, Visitors Center and Trails and Operators Quarters including access roads thereto and parking areas, all on project area land. Areas (A), (B), (C), (R), and (T) as shown on Exhibit D-1.

(b) Overlook Area, including overlook, comfort station, parking area and access road thereto, all on project area land, and access road to public use facilities to the limit of Corps of Engineers, control, operation and maintenance as shown on Exhibit E-1. Areas (D), (M), (R), and (T) as shown on Exhibit D-1.

(c) The trail leading from the overlook referred to in paragraph 2(f) of Part III, to the Lake edge, area AA. as shown on Exhibit D-1.

(d) Water supply system with well, elevated storage tank, chlorinator, and distribution system, all on project area land, to provide service to the overlook area, operators quarters, operations area, and visitor center. Area (O) as shown on Exhibit D-1.

(e) Water supply line to point W on the project area-public use boundary to deliver potable water to the Cochiti Recreation Area as shown on Exhibit E-1.

(f) Sewage collection, treatment and disposal facilities, all on project area land, to provide service to the overlook area, operators quarters, operations area and visitors center, as shown on Exhibit E-1.

(g) The Corps of Engineers will control, operate and maintain Project Area lands above the upstream face of the dam to the upstream limit of Corps of Engineers control, operation and maintenance shown on Exhibit E-1.

(h) The project facilities described above, except for Visitors Center and Trails, are completed. Visitors Center and Trails shall be constructed by July 1978.

2. East Side of Reservoir.

(a) Overlook Area, including overlook and trail, comfort station, parking area, and access road thereto from Pueblo de Cochiti Grant boundary, all on public use and project area lands. Areas (E), (N), (S), and (U) as shown on Exhibit D-1.

(b) The Corps of Engineers will control, operate and maintain public use and project area lands adjacent to and on which the facilities described in subparagraph A2(a) above are located within the limits of Corps of Engineers control, operation and maintenance as shown on Exhibit E-1.

(c) The project facilities described in subparagraph A2(a) above shall be constructed by July 1978.

3. Outlet Channel Area.

(a) Service roads and parking areas, all on project area land, for public access to the outlet channel reach on project area land, as shown on Exhibit E-1.

(b) Gage house and gaging station for outlet channel, on project area land, as shown on Exhibit E-1).

B. The Corps of Engineers further agrees, subject to availability of funds, to construct public use facilities as shown on Exhibits D-1 and E-1 consisting of the following:

1. West Side of Reservoir.

(a) Boat launching ramp, parking and access road thereto, all on project area land. Areas (F), (R) and (T) as shown on Exhibit D-1.

(b) Cochiti Recreation Area, all on public use land except for portion of access road.

(1) Picnic areas. Areas (H) as shown on Exhibit D-1.

(2) Camping area. Area (K) as shown on Exhibit D-1.

(3) Comfort stations and sanitary dump station. Areas (M) and (V) as shown on Exhibit D-1.

(4) Access and loop roads. Areas (T) as shown on Exhibit D-1.

(5) Water distribution system from a point W on the project area-public use boundary, as shown on Exhibit E-1. Water Supply and service to any facilities, other than those constructed by the Corps of Engineers.

herein, will be the responsibility of the Pueblo.

(6) Sewage collection system and connection to the existing sewage disposal system serving the Pueblo's Cochiti Lake Development, as shown on Exhibit E-1.

2. East Side of Reservoir.

(a) Boat launching ramp, parking and access road thereto, on project area and public use lands. Areas (G), (S) and (U) as shown on Exhibit D-1.

(b) Tetilla Peak Recreation Area, all on public use land.

(1) Picnic area. Area (J) as shown on Exhibit D-1.

(2) Camping areas. Areas (L) as shown on Exhibit D-1.

(3) Comfort stations and sanitary dump station. Areas (N) and (W) as shown on Exhibit D-1.

(4) Access and loop roads. Areas (U) as shown on Exhibit D-1.

(5) Water supply system with well, storage tank, chlorinator, access road thereto, and distribution system to provide service to the recreation area facilities and overlook area. Areas (P) and (Z) as shown on Exhibit D-1.

(6) Sewage collection, treatment plant, and access road thereto to provide service to the recreation area facilities and overlook area. Areas (Q) and (Y) as shown on Exhibit D-1.

3. Outlet Channel Area.

Comfort station (vault toilet) on project area land. Area (X) as shown on Exhibit D-1.

4. Public use facilities described above for the west side of the reservoir and outlet channel area shall be constructed by July 1976 and for the east side of the reservoir shall be constructed by July 1978.

C. The Corps of Engineers further agrees, subject to the availability of funds, to cause to be constructed, operated, and maintained electrical services to electrical service points A, B, C, D, E, F, and G as shown on Exhibit E-1. The electrical services are to be an extension of the existing Public Service Company of New Mexico line located west of UP 90 as shown on Exhibit E-1.

1. The Corps of Engineers further agrees to construct, operate, and maintain electrical service from service points A, F, and G to those project and public use facilities described in paragraph A and subparagraph B3 above. Demand and energy charges for electrical services to the project and public use facilities described in paragraph A and subparagraph B3 above will be paid for by the Corps of Engineers.

2. The Corps of Engineers further agrees to construct electrical service from service points B, C, D, and E to those public use facilities described in subparagraphs B1 and B2 above. Maintenance, demand and energy charges for electrical services to the public use facilities described in subparagraphs B1 and B2 above and any service not included in the initial installation and maintenance agreement with the electric service supplier will be paid for by the Pueblo.

D. The Corps of Engineers further agrees:

1. To grant to the Pueblo, use of the public use facilities described in subparagraphs B1, B2 and B3 above, to be used, operated and maintained in conjunction with related recreational facilities, as set forth in Part III, to be constructed by the Pueblo, all at no cost to the Corps of Engineers.

2. To authorize placement by the Pueblo of related recreational facilities in the Project Areas above the upstream face of the dam, as shown on Exhibits D-1 and E-1, below elevation 5465.5 subject to approval by the Corps of Engineers of detailed plans of these facilities and location thereof.

3. To cooperate with the Pueblo in further recreational development of the Project, pursuant to the provisions of an approved Master Plan to be prepared jointly by the Corps of Engineers, the Bureau of Indian Affairs and the Pueblo de Cochiti, and which may be amended from time to time as required.

PART III

In recognition of the general benefits accruing to the area and the Pueblo by construction of the Project, the Pueblo agrees:

1. To conform to such rules and regulations as may be prescribed by the Corps of Engineers pursuant to standard procedures of the Secretary of the Army governing public use of the area, and to comply with the provisions of the above-cited act of Congress. The Pueblo will make and enforce such rules and regulations as are necessary and within its legal authority in exercising the operation of the rights herein authorized and for the protection of the properties in the project and public use areas. It is understood and agreed that this provision shall not change the mutual rights and obligations provided for in the Easement Grant and agreement.

2. To construct, operate, and maintain the following public use facilities as shown on Exhibit D-1:

a. A marina to be situated so that it will be operated as an integral unit with the west side boat launching ramp. Area (1) as shown on Exhibit D-1.

b. A country store or a market to be located in the Pueblo's Cochiti Lake development. Area (2) as shown on Exhibit D-1.

c. A concessions facility to be located in the general vicinity of the Tetilla Peak Recreation Area. Area (3) as shown on Exhibit D-1.

d. A swimming pool located in the Cochiti Recreation area on the west side of the Reservoir or, in lieu thereof, a swimming beach located at site on either the west side or the east side of the Reservoir approved by the Corps of Engineers.

e. A riding stable located in the Pueblo's Cochiti Lake development. Area (6) as shown on Exhibit D-1.

f. An overlook, including parking area and access road thereto. This facility will be open to the general public without access or user fees. Area (7) as shown on Exhibit D-1.

3. The marina will be constructed by July, 1976. The country store or market, and concessions facility will be constructed July, 1978.

4. It is understood and agreed that, subject to reasonable user fees, the marina, swimming pool, or swimming beach and the riding stable will be available to the general public.

5. That no fee for fishing will be charged anglers fishing the lake area proper above the upstream face of the dam and no access or user fee will be charged persons wishing to reach the lake via overlooks and trails for such purposes as bank fishing, swimming, hiking, and nature study. Persons wishing to utilize the public use facilities, excluding those project facilities operated and maintained by the Corps of Engineers and the overlook operated and maintained by the Pueblo, may be subject to entrance and user fees.

6. That it shall operate and maintain the public use facilities described in paragraph B of Part II, at no cost to the Corps of Engineers, in accordance with the Corps of Engineers' Master Plan and management program to be mutually agreed upon between the parties and which plan may be amended from time to time as may be necessary.

7. To cooperate with the Corps of Engineers in providing the facilities and services necessary to meet the continuing public demand for use of the area for public park and recreational purposes, either directly or through concession leases with the third parties.

8. To obtain approval of the Corps of Engineers for all admission or user fees as may be charged for entrance to or use of the public use facilities described in paragraphs B-1 and B-2, of Part II, paragraph 2 of Part III and the outlet channel area.

9. That all structures shall be constructed and landscaping accomplished in accordance with plans approved by the Corps of Engineers.

10. To obtain and carry, and to require each lessee and each contractor of the Pueblo to obtain and carry a public liability insurance policy in an amount sufficient to protect the Corps of Engineers, the Pueblo, and lessees and contractor of the Pueblo, from any liability for personal injuries or property damage occurring within the Corps easement described in Exhibit A-1. The minimum insurance coverage will be as follows:

Employers' Liability Insurance	\$100,000.00
Comprehensive General Liability Insurance:	
Bodily Injury	\$50,000.00 per person
Bodily Injury	\$100,000.00 per accident
Comprehensive Automobile Liability Insurance:	
Bodily Injury	\$50,000.00 per person
Bodily Injury	\$100,000.00 per accident
Property Damage	\$5,000.00 per accident

PART IV

A. Nothing in this Memorandum of Understanding will be construed as obligating the Corps of Engineers in any contract or undertaking for the future payment of money in excess of appropriations authorized by law.

B. If for any reason the Corps of Engineers is unable to complete all the public use facilities on the west side of the reservoir by July 1976, the completion dates of facilities to be constructed by the Pueblo on the west side will be extended for the same period that it takes the Corps of Engineers to complete. If for any reason the Corps of Engineers is unable to complete all the public use facilities on the east side of the reservoir by July 1978, the completion dates of facilities to be constructed by the Pueblo on the east side will be extended for the same period that it takes the Corps of Engineers to complete.

C. Nothing in this Memorandum of Understanding will be construed as obligating the Pueblo in any contract or undertaking for the future payment of money in excess of amounts authorized and approved by the Bureau of Indian Affairs.

D. This Memorandum supersedes the Memorandum of Understanding made by the Corps of Engineers and the Pueblo de Cochiti on November 16, 1965.

PUEBLO DE COCHITI

APPROVED: Department of the
Interior
te: DEC 31 1975 Bureau of Indian
Affairs

By Louis B. Olsen
acting Superintendent
Southern Pueblos Agency
Bureau of Indian Affairs
Approved under authority
of 10 BIAM 4, Albuquerque
Area Redelegation of
Authority Order 2, Sec. 2.11

By Alvarado Pecos
Governor

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

Robert G. MacLennan
ROBERT G. MacLENNAN
Colonel, CE
District Engineer
U. S. Army Engineer District, Albuquerque
Contracting Officer

RM
L3

APPENDIX G

RECORD OF PROCEEDINGS

FOR

AUGUST 28, 2003 PUBLIC MEETING

AND

CORPS RESPONSES TO COMMENTS

1 DEPARTMENT OF THE ARMY
2 ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
3 ALBUQUERQUE, NEW MEXICO 87109-3435

4 IN THE MATTER OF THE RELOCATION
5 OF THE AL BLACK RECREATION
6 AREA AT THE COCHITI DAM OUTLET
7 WORKS TO PENNA BLANCA,
8 SANDOVAL, NEW MEXICO,

9 TRANSCRIPT OF PROCEEDINGS
10 August 28, 2003
11 6:30 p.m.

12 Rio Rancho High School Performing Arts Center
13 301 Loma Colorado
14 Rio Rancho, New Mexico

15
16
17 FACILITATED BY: Bill Moye
18 Chris Kenny

19
20
21 REPORTED BY: Betty J. Lanphere, NM CCR #70
22 Betty J. Lanphere & Associates, Inc.
23 Post Office Box 449
24 Santa Fe, New Mexico 87504
25

1 FACILITATOR MOYE: I would like to
2 welcome you to our meeting tonight on the
3 Environmental Assessment public comment, and I just
4 wanted to give you this quick addenda and then I am
5 going to turn this over to the Lt. Colonel.

6 The agenda is basically 6:30 we are
7 going to do some introductory talks. It should take
8 about 20 minutes - that's our plan.

9 At 6:50 we want to have public comment,
10 and I know it looked like maybe 12 or 15 people signed
11 up to make a comment at the microphone. We would
12 appreciate you coming to the microphone to do that.
13 Once that's concluded, and I will try to figure out
14 how much time we have for that, and I will announce
15 that, when we get to that point. We will open it up
16 for just general questions and answers and we will
17 adjourn at 9:00 tonight because we have to get out of
18 the auditorium.

19 My name is Bill Moye, and I have a
20 company called Star Group. We do a lot of public
21 meetings of this nature around the country and we are
22 out of Albuquerque. I am not part of the Engineers.

23 With that, I am going to turn it over
24 to the Colonel and he will introduce everyone one up
25 here.

1 A P P E A R A N C E S

2 PANEL FOR THE CORPS OF ENGINEERS:

3 Lt. Colonel Dana Hurst, Chair
4 District Engineer and Commander
5 Department of the Army
6 Albuquerque District, Corps of Engineers
7 Albuquerque, New Mexico 87109-3435

8 Ernie Jahnke, Biologist
9 Dick Kreiner, Acting Chief of Operations
10 Darrell Riekenberg, Legal Counsel
11 Cynthia Piirto, Outdoor Recreation Planner

12 COMMENTERS:

13 Richard Becker
14 Dick Muenzer
15 Fred Rivera
16 Lorenzo Armijo
17 Raymond Sisneros
18 Sidney Dykhuizen
19 Len Skulley
20 Gregory Bergmark
21 J. A. Woods
22 David Schultz
23 Sheilla Gibbens
24 Michael Sloane
25 Roy Rivera
Ernest Denecke

1 LTC. HURST: Good evening. I am
2 Lt. Colonel Dana Hurst. I am the District Engineer
3 and Commander of the Albuquerque District, U.S. Army
4 Corps of Engineers. Thank you for being here
5 tonight.

6 This meeting is being held to receive
7 your comments on the Corps' proposal to relocate the
8 Al Black Recreation Area from Cochiti Dam Outlet Works
9 to Pena Blanca, New Mexico. For this purpose, all
10 statements will be recorded for the public record.

11 Before I proceed, I would like to
12 recognize the following individuals, and from the
13 cards in back as you signed in, I just recognize
14 Thomas Swisstack as a House of Representatives state
15 official and he is sitting towards the rear back
16 there. Anyone else that came in?

17 The Corps of Engineers is responsible
18 for flood control and other water resources activities
19 in New Mexico. Cochiti Dam and lake was authorized by
20 the Flood Control Act of 1960.

21 Secondary purposes of the project
22 include recreation and fish and wildlife habitat. The
23 Pueblo of Cochiti granted easements to the Corps for
24 construction, operation and maintenance of portions of
25 the project on their lands. Various Pueblo-Corps

1 agreements define the use of the management of the
 2 project land owned by the Pueblo.
 3 The Corps would build public use
 4 facilities at various locations, including the outlet
 5 channel area, and the Pueblo would operate and
 6 maintain these amenities.
 7 In an agreement signed June 12, 1984
 8 the Pueblo transferred the operation and maintenance
 9 of the public facilities to the Corps. This included
 10 the public recreation area and the outlet works which
 11 was subsequently renamed AI Black Recreation Area.
 12 In November of 2001, the Pueblo, Bureau
 13 of Indian Affairs and the Corps agreed to initiate the
 14 process to modify the easement provisions pertaining
 15 to the recreation area. Specifically, under the
 16 proposal, a recreation easement would be rescinded by
 17 the Corps but the Corps would retain the original dam
 18 operation and maintenance easement.
 19 Public access would no longer be
 20 allowed, and all public oriented facilities and other
 21 amenities that have no bearing on the operation and
 22 maintenance of the outlet works would be removed.
 23 As a result of this agreement, the
 24 Corps is proposing to move the AI Black Recreation
 25 Area to a down stream location of the Rio Grande at

1 individuals owning property adjacent to the Pena
 2 Blanca site and to others who have expressed an
 3 interest in this action.
 4 Public hearings like this provide an
 5 opportunity for everyone to express their views and
 6 present evidence to make sure that all available
 7 information bearing on the public interest is before
 8 the Corps when a decision is made on the proposed
 9 relocation of the AI Black Recreation Area.
 10 At this time I would like to introduce
 11 members of my staff that I have brought with me to
 12 help me evaluate the comments and to assist me in
 13 arriving at a decision.
 14 The first person to my left is Ernie
 15 Jahnke. Ernie is a biologist, and he is responsible
 16 for preparing the NEPA compliance document.
 17 To his left is Dick Kreiner. He is
 18 currently my Acting Chief of Operations while my
 19 current chief is currently serving in Iraq. To his
 20 left is Darrell Riekenberg who is my chief counsel,
 21 and to Darrell's left is Cynthia Piirto. She is the
 22 Outdoor Recreation Planner within our Operations
 23 Division.
 24 And out at the front desk when you came
 25 in, Greg Lykins. He is the lead ranger at Cochiti

1 Pena Blanca, New Mexico.
 2 Full public access would be allowed for
 3 fishing and other recreational activities. Facilities
 4 would include a parking lot, a universally accessible
 5 fishing pier and toilets.
 6 The National Environmental Policy Act,
 7 NEPA, of 1969 is our basic national charter for
 8 protection of the environment. All federal actions
 9 such as the proposed relocation of the AI Black
 10 Recreation Area must comply with the provisions of
 11 NEPA.
 12 For this purpose, the Corps has
 13 prepared a Draft Environmental Assessment entitled
 14 Relocation of the AI Black Recreation Area at the
 15 Cochiti Dam and Outlet Works to Pena Blanca, New
 16 Mexico.
 17 The Draft Environmental Assessment
 18 gives the details of this proposed federal action.
 19 Furthermore, NEPA procedures require that
 20 environmental information is available to the public,
 21 to public officials and citizens before decisions are
 22 made and before actions are taken. To this end, the
 23 Draft Environmental Assessment has been circulated for
 24 review and comment from 1 August through September 2nd
 25 of 2003 to federal, state and local officials,

1 Dam.
 2 You have already met our independent
 3 facilitator for the meeting, Bill Moye, and in a
 4 minute I will turn the meeting over to him after we
 5 have Dick Kreiner and Cynthia present some more
 6 information.
 7 As you came in, there are attendance
 8 cards that were at the back, and this is to record who
 9 comes to the public meeting so we have an official
 10 record. It also tells me if you desire to make an
 11 oral statement or present written material. If you
 12 haven't filled out a card, please do so. However,
 13 it's strictly voluntary.
 14 If you indicated on your attendance
 15 card that you would like to make an oral statement,
 16 you will be given an opportunity to do so shortly.
 17 As I mentioned, the reason for this
 18 public meeting tonight is to receive comments and
 19 information regarding the Corps' proposal to relocate
 20 the AI Black Recreation Area.
 21 For the record, this hearing is being
 22 convened at 6:30 p.m. on August 28, 2003, at the Rio
 23 Rancho High School Performing Arts Center, 301 Loma
 24 Colorado in Rio Rancho, New Mexico.
 25 The announcement of this meeting was

1 included in the notice of availability of the Draft
 2 Environmental Assessment published as a legal notice
 3 in the Albuquerque Journal, The Santa Fe New Mexican
 4 and the Bernalillo Observer on August 1, 2003. In
 5 addition, post cards advising of the availability of
 6 the Draft Environmental Assessment and the date of
 7 location of this meeting, was mailed July 10th, 2003,
 8 to individuals who had expressed an interest in
 9 receiving a copy of the Draft Environmental
 10 Assessment.

11 Copies of the Draft Environmental
 12 Assessment were also sent to federal, state and local
 13 agencies, individuals owning property adjacent to the
 14 Pena Blanca site and area postmasters.

15 Finally, public meeting information was
 16 placed on the Corps' web site along with an electronic
 17 copy of the assessment during the public review
 18 period.

19 Decisions with respect to the findings
 20 of the final environmental assessment will be based on
 21 our evaluation of the public interest. Your comments
 22 at this public hearing, your letters, agency comments
 23 and the information contained in the Environmental
 24 Assessment will be used to arrive at a decision that
 25 is based on the level of effects that this proposal

1 history of Cochiti Dam and our relations with the
 2 Pueblo of Cochiti. And he will be followed by Cynthia
 3 Piirto.

4 MR. KREINER: Thank you, Colonel.
 5 I am just going to just elaborate a little bit more on
 6 some of the information that is contained in the
 7 Environmental, Draft Environmental Assessment. In
 8 that document there is reference to a reconciliation
 9 effort that took place between the Corps and the
 10 Pueblo, and that process ended about a year ago.

11 What that reconciliation, what it was
 12 intended to do is develop a better working
 13 relationship between the Pueblo of Cochiti and the
 14 Corps of Engineers. Right from the start with the
 15 construction of the Cochiti Dam there was a sacred
 16 area that the Cochiti Pueblo felt was damaged, and it
 17 is in the vicinity of where the current Al Black
 18 Recreation Area is.

19 After the dam was constructed and the
 20 rec pool was put in there, the Pueblo started
 21 receiving high water as a result of the recreation
 22 pool, and much of their agricultural lands directly
 23 below the dam were rendered unirrigable [sic].
 24 Actually, they were flooded out. They couldn't farm
 25 those lands, and it took about 20 years for the Corps

1 would have on human environment.
 2 Consideration will be given to the
 3 protection, conservation and utilization of important
 4 resources. Benefits which reasonably may be expected
 5 to accrue will be balanced against the reasonable
 6 foreseeable detriments, especially with respect to
 7 public recreation.

8 Let me emphasize that our purpose in
 9 being here tonight is to hear from anyone who is
 10 concerned about this project. I encourage you to
 11 identify any areas of concern you may have.

12 The record of this public hearing will
 13 remain open for ten days until September 8, 2003, and
 14 will be available at the Albuquerque Corps of
 15 Engineers District's Environmental Resources Branch
 16 Office, Room 319, 4101 Jefferson Plaza, N.E., and
 17 those addresses and e-mails are on the sheets of paper
 18 that are in the back along with the sign-in cards.

19 The record, as I mentioned, will remain
 20 open for ten days, so if you have a written statement,
 21 you can submit it at this time or you can send it to
 22 the Corps within the next ten days. Either way, it
 23 will be included as part of the public record.

24 At this time I want to turn it over to
 25 Dick Kreiner who will provide a little more on the

1 to get funding to put in the subsurface drain system
 2 so that the seepage that was coming from under the dam
 3 was not flooding out their fields. And now their
 4 lands are back in agricultural production and they are
 5 functioning the way they were prior to the
 6 construction of the dam, but the point I wanted to
 7 make is that there was a long fairly rocky history
 8 between the Corps of Engineers and the Pueblo of
 9 Cochiti.

10 So this reconciliation effort was
 11 designed to develop a better working relationship
 12 between the two, and this request by the Pueblo to
 13 relocate or actually close the Al Black area came out
 14 of this reconciliation effort, so again just a little
 15 bit of background why the Corps is proposing this
 16 particular action.

17 I am going to turn it over to Cynthia
 18 and she will give you a little bit more information on
 19 the proposal.

20 MS. PIIRTO: I think I am pulling
 21 an Elizabeth Dole. Before I start, I would like to
 22 recognize Sterling Logan with MRGCD who came in as we
 23 were beginning and whose hand is up there.

24 Basically I have been asked to just
 25 give a brief explanation of the proposed site. As you

1 entered the facility, you had two separate posters in
2 the lobby. If you didn't have an opportunity to look
3 at these posters up close, feel free to take time
4 after the meeting to do so, but for those of you who
5 did not have that opportunity I just want to give a
6 brief explanation.

7 If you have read the EA, or have heard
8 of or are familiar with the EA at all, you know that
9 there were several alternatives considered, and maybe
10 some of the alternatives are not even documented in
11 the EA because they were not viable, but the site of
12 Pena Blanca we thought was the best viable site for an
13 alternative to closure of Al Black.

14 And this illustration simply gives a
15 general location within the area of the Village of
16 Pena Blanca. Accessing the Arroyo Leyba Road and
17 accessing along the levy to the river.

18 So this illustration is simply to give
19 you a general idea of the location of this proposed
20 site.

21 The other illustration that we have
22 provided tonight, there are two sets, we will leave
23 these up here after the meeting, and you can also look
24 at the set outside, gives a very preliminary
25 conceptual plan of what we would like the fishing

1 This is your meeting to give comments and we
2 appreciate your comments.
3 Second, is please respect the speaker
4 and the listener. Kind of like you look around when
5 people are speaking and sometimes their eyes get
6 glazed over, the audience does, it's time to quit
7 talking, so respect the listener and the speaker.

8 Give them your full attention no matter who has the
9 floor.

10 The third thing I would like to go by
11 is be tough on the issues that are on the table before
12 us and be easy on the people. They are typically not
13 people problems, they are issues that we have to deal
14 with.

15 Last but not least, listen to learn,
16 and that's a value that everybody in this room has
17 something of value to say, so if we give them our full
18 attention we might learn something. That would be
19 really nice to do.

20 So then the last one is if you have a
21 cell phone or pager or all of those kinds of devices,
22 please turn them off so we don't disrupt the meeting.
23 Those are my ground rules.

24 Betty, over here, is a court reporter
25 and she is taking down all of this information and

1 access area to look like.

2 As was stated in the opening remarks,
3 it is an area that will be fully universally
4 accessible with universally accessible parking, with
5 designated universally accessible parking with a
6 universally accessible vault toilet and a universally
7 accessible fishing pier.

8 The illustration, as I said, is very
9 preliminary. I would like to encourage you all this
10 evening or after you leave this meeting tonight, in
11 the coming days I strongly encourage you to comment on
12 what you would like to see in the design for this site
13 and ideas for how you would like to see this area
14 arranged. It is very important for us to have public
15 comment on that. That's it in a nutshell. I will be
16 available to answer specific questions about the
17 site.

18 FACILITATOR MOYE: Thank you,
19 Cynthia. I would like to recognize Callie Gnatkowski
20 from Senator Domenici's office way back there in the
21 dark. You are welcome to move up. This is just like
22 church. Just the first few rows for us and everybody
23 can use the rest.

24 Just for starters, let me tell you
25 about the ground rules. No. 1, is participate fully.

1 somewhere, I think down here, are some guidelines.
2 Says for people who come up to the microphone to
3 speak.

4 First, you would state your name in
5 full, I am Bill Moye. Now she knows who you are and
6 that has been put in there. You can't all say Bill
7 Moye, you have to say your name.

8 Secondly, if you get interrupted
9 somehow in your speaking or making comments, please
10 restate your name because whoever is at the lectern is
11 going to get an opportunity to state their name and
12 also get reprimanded for interrupting you, and so on
13 and so forth, whatever. So that's kind of how we are
14 going to proceed. That's the formal part of the
15 process.

16 There are 15 of you signed up to
17 speak. That's slightly less than half. If each one
18 of you took five minutes or less, that would give us
19 about 45 minutes for Q and A at the end of that so
20 that some of you may have questions that you would
21 like to have answered along with the comments you
22 might present. So if we can allow that time then that
23 would be great, I think. Thanks for all of those
24 other people who don't have comments at this time.

25 Any questions for me? So I have three

1 little signs up here. One says you have a minute
2 left, then you have 30 seconds and the other is "thank
3 you," that's a hint, so you should be trying to
4 conclude by then.

5 I didn't introduce Chris Kenny. Chris
6 Kenny is my associate and cohort in crime, and he is
7 going to help chart some of your comments. We are
8 going to try to capture some of the key issues that we
9 think are key issues. Don't feel bad if we miss it,
10 it is totally in the record. Betty will have it
11 captured for the Corps of Engineers.

12 On that note, the first person to sign
13 up was Richard Becker, Ph.D. So if you would come to
14 the microphone and state your name.

15 DR. BECKER: I am Dr. Richard
16 Becker. I am president of the Albuquerque Wildlife
17 Federation. I want to make a few introductory
18 comments and then I am going to read a letter that I
19 will give you copies of.

20 I have been a clinical social worker
21 for the V.A. Medical Center for most of my adult
22 life. I had the privilege and honor of working with
23 veterans in most of our major wars, and I know some of
24 them are here.

25 And the reason I bring that to our

1 attention is because of these guys, these men and
2 women that we have the privilege tonight of living in
3 a society of a country where we can have a dialogue
4 between the citizens and our government agents, and I
5 want to thank these guys and these people for the
6 service to their country.

7 I have a son-in-law in the Air Force
8 who is now in Iraq, so I have a personal stake in what
9 is going on here and over there as well. But this I
10 am going to read the comments. These are from the
11 Albuquerque Wildlife Federation.

12 The Albuquerque Wildlife Federation and
13 the New Mexico Wildlife Federation are opposed to the
14 closure of the Al Black Recreation Area. We have
15 reviewed the Draft EA document and are most dismayed
16 that your proposed closure of Al Black and the
17 relocation to the Pena Blanca site. To say that there
18 is no significant human impact is ludicrous when
19 60,000 people, or more, annually use this site.

20 Most troubling in this proposal are the
21 following items:

22 The lack of documentation or data from
23 the New Mexico Department of Game and Fish as to the
24 actual capability of the Pena Blanca site to support a
25 public fishery.

1 The lack of documentation or data from
2 any fishery surveys conducted by the U.S. Fish and
3 Wildlife Service or from a private contractor.

4 Presenting only the possibility of
5 acquiring the Pena Blanca site through a negotiating
6 process with the Middle Rio Grande Conservancy
7 District, when in their letter (contained in the
8 appendix) the conservancy district recommends finding
9 a different site.

10 Indicating the need for a congressional
11 appropriation of \$600,000 to complete the Al Black
12 restoration and new project development at Pena
13 Blanca, when there is no guarantee that such funding
14 will be made available in the future, if ever.

15 There is no proposed time line for
16 implementing these projects.

17 Finally, we are troubled by the fact
18 that this public meeting was scheduled before a major
19 holiday that falls on a weekend, Labor Day, and that
20 no further meetings have been scheduled. In
21 particular, no meetings have been scheduled with the
22 residents of the Pena Blanca area.

23 With respect, Richard Becker.

24 FACILITATOR MOYE: Dick Muenzer.

25 MR. MUENZER: Good evening, I am

1 Dick Muenzer, and I am the current president of the
2 Meadowlark Senior Center Fishing Club in Rio Rancho.

3 In addition to my personal opinion that
4 we are about to lose an excellent viable
5 taxpayer-purchased fishing site in exchange for a
6 profit and as yet not-fully-researched or financed
7 alternative, I want to express the feelings of the 85
8 members of our fishing club regarding the prospect of
9 the closing of an excellent working recreation area
10 named after and dedicated to one of our most active
11 and cherished club members, the late Mr. Al Black.

12 Our key issue is that we are about to
13 lose a wonderful fishing reality for a promised
14 nonreality. I recall meeting Mr. Black only once at
15 the Cochiti Spillway dedication ceremonies hosted by
16 this very Corps of Engineers the day the site was
17 named for him.

18 Mrs. Black continued to attend our
19 December banquets even after her husband's death.
20 However, some older timers who knew him better knew
21 him as a political activist and a confidante of
22 Governor Bruce King on environmental issues and they
23 described his great ability in championing
24 environmental and sports issues all the way to the
25 floor of the round house in Santa Fe. Al would gather

1 a cadre of club members and hit the legislative
2 committee meetings in force in his effort to better
3 the lives of senior citizens and sporting
4 enthusiasts.

5 What was his most favorite cause?
6 Undoubtedly it was his drive to have equal access to
7 sporting activities for the handicapped. It is thus
8 no coincidence that the Cochiti basin site is rated as
9 one of the best handicapped accessible fishing sites
10 in New Mexico.

11 I don't see anything here in this dream
12 or portrait that will cover what we all currently have
13 at the current site.

14 Some of our club members are here this
15 evening in opposition of the closing of a very popular
16 and accessible Al Black recreational area by its
17 original developers. We feel it's unwarranted and
18 unwise considering the fact that at this time of
19 regional trout productive fishing sites and angling
20 opportunities have become very scarce in New Mexico.

21 We are here tonight to urge the Army
22 Corps of Engineers and the Cochiti Pueblo to
23 reconsider their proposal and to allow the Al Black
24 Recreation Area to remain open. Not only because it
25 appears to be irreplaceable, but also because it

1 opened up to the public to any and everybody.
2 The impact that it would have to the
3 community, the impact it would have on the privacy of
4 the community is tremendous. It's not a play thing,
5 it's not something very simple.

6 To a lot of us it would be outrageous.
7 It would kill our way of life, our community. We are
8 against that. The majority of us are against that,
9 and whatever we may have to do to put a stop to it we
10 will do it.

11 Cochiti Pueblo may not want you at the
12 outlet but certainly the people from Sile don't want
13 you there either, and a lot of people from Pena Blanca
14 don't want you there. They want to be kept private.

15 There is a lot of history attached to
16 the Pena Blanca area. The proposed site that you are
17 talking about there used to be a crossing for a
18 stagecoach. There used to be a crossing for that.
19 That came to a stop some years back but the evidence
20 is still there, the Abverdero, that's what it was. It
21 was a road for that stagecoach.

22 There was on the other side, on the
23 opposite side there was a reciprocating place where
24 people could come across the river. It was a road to
25 Ft. Wingate. It was recognized as that during the

1 continues to honor the memory of our friend Mr. Al
2 Black, champion of accessible sporting activities for
3 the handicapped, and staunch supporter of AB outdoor
4 activities for our growing senior population. I thank
5 you for allowing me to speak.

6 FACILITATOR MOYE: Frederick
7 Rivera.

8 MR. RIVERA: My name is Fred
9 Rivera, I am a resident of Sile, New Mexico. That's
10 straight across the river from the proposed site. The
11 people in that area live there because it's exclusive
12 and some people don't like the idea of somebody else
13 having an exclusive area. They see somebody that has
14 an exclusive area and they say it's acquired, but by
15 whatever means, Mr. Kreiner, I salute you for the
16 wonderful work that you have done for the Corps of
17 Engineers.

18 I have talked with you for many years,
19 I have never met you before but I have talked with you
20 many many times and you know how I feel about that.
21 You know how I feel about that. You know how the
22 people in the area at Pena Blanca feel about that.
23 They feel that area there is an area that was
24 exclusively for their well-being, for their
25 recreation, and now it's being proposed that it be

1 beginning of the American era.

2 Now, when these things stopped the
3 people in Sile says, okay, those that are not
4 satisfied with what has happened can leave, and they
5 did, but those that wanted to stay they stayed because
6 it is a private thing. It's a community thing.
7 Privacy. You need to recognize that. Thank you.

8 FACILITATOR MOYE: Thank you,
9 Fred.

10 MR. SHELBY: You may substitute
11 Mike Sloane for me.

12 MR. SLOANE: My name is Mike
13 Sloane, and I am Chief of Fisheries for the New Mexico
14 Department of Game and Fish. I have a statement here,
15 I guess, a letter that I will hand to you after. The
16 Department has a few concerns about this proposal.

17 Some of them have been mentioned so far
18 and I will go through what we have.

19 Currently we don't have any
20 understanding of the fishery in that location. We
21 have thermistors to test the temperature to determine
22 whether we can or cannot stock similar to what we are
23 currently stocking the Al Black with at this point.

24 We can't commit to a similar stocking
25 so we have concerns about loss of recreational

1 opportunity that we do stocking.
 2 We have some concerns about
 3 Southwestern Willow Flycatchers if surveys have been
 4 done and the type of habitat potential nesting in the
 5 area, those sorts of questions that weren't addressed
 6 in the EA.

7 We have a great concern over the actual
 8 property control and access. We note that in the EA
 9 the Middle Rio Grande Conservancy District does not
 10 actually come forward and agree to any type of
 11 access. We also understand the Middle Rio Grande
 12 Conservancy charges a fee on all of their properties
 13 for access and we don't know whether that fee would be
 14 applied to anglers going to this particular site. If
 15 there would be a fee, that would be a major constraint
 16 on recreational opportunity.

17 We have concerns over the design and
 18 whether it's adequate for the number of anglers that
 19 are expected to use the site over who would maintain
 20 any access roads, on the quality of those roads, and
 21 whether they are sufficient to handle the amount of
 22 traffic.

23 We also note that in the EA it doesn't
 24 indicate whether residents who directly own the travel
 25 corridor have been involved in the scoping process.

1 understand something is going on right across your
 2 place there, so I understand he doesn't want to buy it
 3 any more because of what is going on so this has put a
 4 burden on me. I thought I had a buyer but now I
 5 don't. It seems like I don't have a buyer because of
 6 this proposed site.

7 Anyway, this place has been open for
 8 the public a long time. About a year ago the Middle
 9 Rio Grande Conservancy District they put a gate there
 10 on Leyba's, Arroyo Leyba Road and that took the burden
 11 away from us because there was traffic, drunks and
 12 this and that going up and down the road, the acequia
 13 road. Acequia Road is where I live and my neighbors,
 14 there is about five neighbors that live in the same
 15 road and they are all very relieved because the
 16 conservancy shut that place to the river because that
 17 traffic is not there no more.

18 This is mostly drunks that go out to
 19 the river and throw their bottles and the garbage in
 20 our area and now it's pretty quiet. I enjoy the
 21 neighborhood much much more because that traffic isn't
 22 there no more but once they open something like this I
 23 think we are going to get more traffic than what we
 24 ever had before, but my concern is I can't sell my
 25 property now because of this situation coming up.

1 Traffic is likely to increase substantially and
 2 construction will likely cause additional
 3 inconvenience and it would appear that there could be
 4 a significant impact on quality of life for local
 5 residents.

6 We do agree that if the Al Black has to
 7 be closed that mitigation is necessary. We agree that
 8 there is potential that the Pena Blanca site could
 9 offer an aesthetically pleasing fishing location but
 10 we are not sure that it would be equivalent to the
 11 fishing opportunities provided by the Al Black site.
 12 That summarizes our comments.

13 FACILITATOR MOYE: Thank you, Mr.
 14 Sloane. Next is Lorenzo Armijo.

15 MR. ARMIJO: I am very hard of
 16 hearing and I know there has been a lot of talking
 17 going on tonight and I can't hear what's been said.

18 My name is Lorenzo Armijo, I am a
 19 lifetime resident of Pena Blanca. My property
 20 boundaries this proposed site right here, and for a
 21 long time I have been trying to sell my property
 22 because of my age. I can't farm any more, my back
 23 bothers me a lot and I finally found a buyer, but just
 24 a week ago when this thing came up the buyer called me
 25 on the phone and he said let's put it off because I

1 Thank you very much.

2 FACILITATOR MOYE: Thank you,
 3 Lorenzo. Raymond Sisneros.

4 MR. SISNEROS: Good evening,
 5 folks. My name is Ray Sisneros, I am a resident of
 6 Pena Blanca. Lorenzo is my father-in-law. We live
 7 off of Acequia Road. I wasn't going to come and speak
 8 here tonight. My daughter was supposed to come in
 9 here and talk on behalf of our grandchildren.

10 Our big issue with this proposal is
 11 simply a safety issue. We as parents in the community
 12 and living off of Acequia Road which borders the
 13 Conservancy District there, we are really tired of
 14 getting up at four in the morning and hearing
 15 gunshots. Bullets going over our home all the time.

16 Hearing the Sandoval County Sheriff's
 17 Department at two in the morning with their sirens
 18 blasting hauling down to the river. Yeah, there is a
 19 fight going on. There is a shooting. They found
 20 somebody dead. Then you go drive down there in the
 21 morning and the whole place is trashed. It's ugly
 22 down there.

23 When that gate was put up. Let me tell
 24 you, every person that lives in that Acequia Road was
 25 really happy. Changed the whole neighborhood. This

1 proposal here I live in it. I am a teacher, I deal
2 with the Pueblo day in and day out. I know the
3 circumstances about the religion and what is going on,
4 I respect it. I wish Al Black would stay open.

5 By the way folks, I recognized a smirk
6 up there when I got up here. I am also a summer
7 ranger at Cochiti Lake. This proposal here, my
8 biggest concern is the impact it's going to have with
9 my grandchildren. That area will not sustain 60,000
10 people coming in, you know, to use that area. It
11 won't take it. I live there, folks I can tell you
12 right now.

13 I don't care how nice or pretty a plan
14 you put down there, the impact, one of them is my
15 grandchildren will move out of the area. I know they
16 will. We have a way of life down there. Freddie
17 mentioned it, my father-in-law mentioned it, and we
18 stay there because we like that way of life. This
19 proposal drastically changed that.

20 I am sorry to see Al Black go too. I
21 think it's one of the best fishing areas in the
22 State. I wish the Corps would work a little bit
23 better with the Pueblo but I don't think that's a
24 possibility any more either. I live in it and I am
25 pretty close to the tribal officials too. I went to

1 am concerned that it doesn't seem like a very thorough
2 job of home work was done concerning alternate sites.
3 The bottom line is what I would like to
4 see on behalf of our fishing club is that the Al Black
5 Recreation Area be kept open and viable until such
6 time that there is a functional alternative in place.

7 Because other than that, it's just, it seems to me
8 that you would be cutting off a very viable,
9 especially viable because of its handicapped
10 facilities that a lot of our senior citizens who have
11 handicaps and can take advantage of.

12 Some of the finest fishing. As you
13 well know, you can park right next to the, almost next
14 to the dam if you are handicapped, and it's very
15 accessible to them. It's very safe. It's real. You
16 have rest rooms that are handicapped worthy, and just
17 seems that until you can provide something else, it
18 appears to me that the battle is as was originally
19 stated, is between the Corps of Engineers and the
20 Cochiti Pueblo.

21 I am representing part of the public,
22 not part of the government, and it just seems to me, I
23 don't know what the issues are between the Corps of
24 Engineers and the Pueblo, but I would hate to see the
25 public affected, especially as a public citizen and

1 school with them, they are my friends, and I talk to
2 them about it too and they want it back.

3 And I see that, and so you folks know
4 it, that's a reality. They want that back and it's
5 theirs. I don't have an answer for a proposal right
6 now. I haven't really thought about it. Maybe better
7 develop the lake itself. I would like to sit down
8 with you guys. I know all of you, but right now this
9 proposal as an individual resident of Pena Blanca, a
10 father, a grandfather I can't buy it. The changes
11 that I would have to go through and my family and my
12 grandchildren would have to go through are
13 unacceptable. I can't buy this proposal. It really
14 disturbs me right now. Thank you.

15 FACILITATOR MOYE: Thank you
16 Raymond. Sidney Dykhuizen.

17 MR. DYKHUIZEN: My name is Sid
18 Dykhuizen. I have just been a resident of New Mexico
19 for two years, but upon coming to the Rio Rancho area
20 I joined the Meadowlark Senior Center Fishing Club.
21 We have had many a wonderful time there at the Al
22 Black Recreation Area.

23 And, first of all, I did put in to get
24 a copy of the report and it never was mailed to me. I
25 finally got a copy from someone else, but secondly, I

1 taxpayer for many many years, a good chunk of that
2 money went into building the facility to begin with,
3 and just to throw it down the tubes doesn't make
4 sense. Thank you.

5 FACILITATOR MOYE: Thank you,
6 Sid. We have Len Skulley.

7 MR. SKULLEY: My name is Len
8 Skulley. You will have to excuse the way I talk. If
9 you don't understand me just ask me, just ask me and I
10 will try to repeat myself. I had a stroke and I am
11 handicapped as you can tell.

12 I am a native New Mexican who lives in
13 Albuquerque. I sure don't want to be able to go to an
14 area that I cannot access. I am a veteran and it
15 would be a great detriment to try to go to an area
16 like that that you have proposed when the area Al
17 Black is accessible for people like me.

18 I also belong to the Senior, Meadowlark
19 Senior Center Fishing Club but that's neither here nor
20 there. I like to fish, and for us senior citizens
21 that this new area isn't very well accessible, and you
22 all will be in my shoes one of these days, so remember
23 that.

24 There is an old saying if it ain't
25 broke don't fix it, so why don't you all just leave

1 well enough alone, because I don't want the people
2 from Pena Blanca getting mad at me when I want to go
3 fishing.

4 And I can respect those people. They
5 have been there a long time as well as I have. The
6 river where you propose the site, I hope that you are
7 not fishing for trout. If you went down there,
8 because when the river goes dry you ain't going to
9 catch nothing but sand, and the river does go dry
10 regardless of what you all think.

11 That lake will never go dry and it will
12 support the fish, and that's the American pastime and
13 recreation, and it's one thing that's especially dear
14 to my heart now that I am a senior citizen. Something
15 that I can do. And please don't take this away from
16 me. Thank you.

17 FACILITATOR MOYE: Thank you,
18 Len. Gregory Bergmark.

19 MR. BERGMARK: My name is Greg
20 Bergmark. And I may soon be living in Pena Blanca. I
21 owned property there for several years, and I have a
22 few things here to present that some of us got
23 together who live and own property in Pena Blanca
24 agreed upon, and I will give those paper items to you
25 tonight or later, but there was three items here that

1 No. 2 reason to keep the Al Black
2 Recreation Area in its present location would be it is
3 the most convenient area for the general public and
4 has the least possible impact on local residents in
5 terms of additional traffic, security, privacy, noise
6 and serious fire hazards.

7 The third reason is the present
8 location has already been proven satisfactory to the
9 entire general public. Thank you.

10 FACILITATOR MOYE: Thank you,
11 Greg. Jim Woods

12 MR. WOODS: Good evening, my name
13 is Jim Woods and I live in Pena Blanca as well. I am
14 a retired civil engineer, architect, land surveyor and
15 although I say retired I tried it three times and it
16 hasn't stuck yet, but we love Pena Blanca. We love
17 the quiet peacefulness. My house lies immediately
18 adjacent to the road. I am totally against letting
19 loose 60,000 people running through there and bringing
20 back the drunks that used to go back.

21 My wife was in a serious accident right
22 out of our property by some drunken people and it
23 wouldn't happen again. It is not going to change.
24 What you are doing is just bringing back an old sore
25 spot for all of us.

1 I thought was pretty important.

2 One of the things that hasn't been
3 discussed is there is the alternative I think in
4 Section 201 in Alternative No. 1 No Action. Is that
5 available action? It's my understanding that's part
6 of what is being considered, no action? Yes? You are
7 nodding.

8 LTC. HURST: Yes.

9 MR. BERGMARK: I have three
10 reasons here which I put together and you talked about
11 several of us. That that alternative, no action, is
12 the best alternative, and the one major reason which I
13 think you all might agree on is the present Al Black
14 recreation area is by far the safest option for public
15 use in terms of potential serious forest fires in the
16 dry bosque which densely surrounds the proposed
17 location at Pena Blanca.

18 As was recently experienced in
19 Albuquerque, it was public mischief that started the
20 conflagration and it cost the public dearly. For this
21 reason alone, the public should remain at the present
22 location.

23 And a question,, who will be
24 responsible for increasing the fire danger to the
25 bosque for its destruction? That is a question.

1 I want to ask Mr. Williams, MRGCD if he
2 got a copy of my E-mail that I sent to Karen Hill?

3 MR. GROGAN: Sorry, my name is
4 Sterling Grogan and I am with MRGCD, and I have not
5 seen any E-mail from Karen Woods.

6 MR. WOODS: I'm sorry, let me read
7 into the record. My name is Jim Woods again. I want
8 to read an E-mail that I sent to the Middle Rio Grande
9 Conservancy District. I have been pretty close to it
10 lately about the silvery minnow issues, irrigations
11 and all of that.

12 Speaking of the silvery minnow, if you
13 start stocking fish in the Pena Blanca area, predator
14 fish, that's just going to make it worse. I mean
15 right now one of the big problems of the silvery
16 minnow they have the problem is because of predator
17 fish, not so much because of drought.

18 I want to read this E-mail I sent to
19 the Corps of Engineers. I said, Perhaps I missed it
20 but I have not seen anything in the Middle Rio Grande
21 Conservancy District meeting and minutes regarding the
22 Corps of Engineers' proposal to relocate the Al Black
23 Recreation Area, presently located at the outfall of
24 the Cochiti Dam, to the west end of Pena Blanca, on
25 the Rio Grande to assess the Arroyo Leyba Road.

1 I now have a copy of their
 2 Environmental Assessment for moving the area and
 3 notice that the Corps of Engineers has had
 4 communications with the Middle Rio Grande Conservancy
 5 District. I also notice that Subhas Shah, the chief
 6 engineer, has taken a somewhat negative view against
 7 this proposal. And rightfully so, for all the reasons
 8 we have been talking about.

9 I would like to take this opportunity
 10 to let him and the Board know what most, if not all,
 11 of the people in Pena Blanca, feel. First of all we
 12 feel that it is ridiculous to spend our tax dollars to
 13 recreate something that already exists.

14 Instead why not spend less tax dollars
 15 to upgrade the present facility if you want to spend
 16 the money, and leave it where it is.

17 It's my understanding that the Corps of
 18 Engineers has already committed to turning the Al
 19 Black over to the Cochiti Pueblo. I don't believe
 20 this is right or legal.

21 Second, we are totally against the
 22 extra traffic that the facility will create adding
 23 security problems and noise. I live on the Arroyo
 24 Leyba Road as do other residents, and will be
 25 immediately affected. Who is going to pay the extra

1 are most affected. Supposedly the Corps has attempted
 2 to communicate with everyone except the community
 3 affected, and that goes to what I said before. I am
 4 about finished.

5 Although I have a whole lot more I want
 6 to say.

7 MS. VESTER: He can have my
 8 minutes.

9 MR. WOODS: Let me read the main
 10 questions we have as the public in Pena Blanca. That
 11 more meetings be scheduled in order to engage all
 12 parties and issues surrounding the proposed project,
 13 that what has been stated in the proposed documents as
 14 disputed property be described and explained in
 15 writing. Why is it disputed property, to include
 16 disputed property which may affect the proposal. That
 17 the inevitable disturbance that will be caused with
 18 daily human insurgents on the riparian and wildlife
 19 habitat, that it be studied and reported by agencies
 20 and organizations qualified to do so.

21 This will determine consequential
 22 changes in effect. I am cutting this as short as I
 23 can.

24 That the actual traffic numbers at
 25 existing Al Black facility over the years of

1 cost of security, road maintenance? Who is going to
 2 rebuild Arroyo Leyba Road when it fails? The
 3 assessment states that there will be no negative
 4 impact on social and economic conditions. This is
 5 ridiculous. The people at Pena Blanca are directly
 6 affected.

7 What I want to know is why didn't the
 8 Corps of Engineers come to the people of Pena Blanca,
 9 one at a time, if necessary, at least hold a meeting
 10 there. They didn't choose to do that, did you?

11 Third, just because the Cochiti Pueblo,
 12 I understand that you are doing a lot of damage
 13 control, but somehow we forget that they signed away
 14 their rights back in 1965, was it? And now they want
 15 to take it all back. You don't do that with
 16 contracts.

17 Why is it that our American mind set
 18 says we have to bow to everything a Pueblo says. I
 19 for one am getting kind of tired of hearing them whine
 20 about the things the white man has done to them. They
 21 live in the eighteenth century and we're now in the
 22 twenty-first century. Why don't they get on the ball
 23 and catch up.

24 Fourth, we at Pena Blanca, feel that we
 25 have completely been ignored by the Corps, although we

1 operation, and what do you really feel with the
 2 traffic study will it do to Pena Blanca? It needs to
 3 be made clear in writing who is to run this facility
 4 and who is going to be responsible for it. Should the
 5 facility be approved, and who will redress problems
 6 and complaints. Is that going to be the Corps? Are
 7 they going to be there full-time?

8 That it be made clear in writing how
 9 the existing permanent easement at the Al Black area
 10 of Cochiti Lake granted to the U.S. public via the
 11 United States Government can be given away without
 12 U.S. public input and consent. That all consequences
 13 of the proposed project be studied and disclosed as to
 14 the effects on privacy. I am concerned about privacy
 15 at my location as my neighbors are.

16 We have had a lot of bad memories of
 17 things there. The security, peace and quiet. Other
 18 existing characteristics of what is a rural
 19 community. This should include consequences known to
 20 be encountered with the inevitable increase and
 21 presence of vehicular traffic and people from outside
 22 the community.

23 That our people be provided by your
 24 counsel with a comprehensive list of measures and
 25 objects that we as affected citizens have in order to

1 reject this project should it be found to be
2 detrimental to the common interests or the integrity
3 of the circumstances surrounding the proposed site.
4 We don't want to have to go out and hire attorneys but
5 we will.

6 FACILITATOR MOYE: David Schultz.
7 MR. SCHULTZ: My name is David
8 Schultz and I am a long time resident of New Mexico,
9 and relatively recent resident of Pena Blanca. I live
10 on Arroyo Leyba Road so I am directly affected by this
11 proposed site. I was one of the people that was not
12 notified of this meeting and not contacted for my
13 input, so I appreciate the opportunity to speak at
14 this time.

15 I have a mere 39 points that I would
16 like to address, and since I have only five minutes I
17 will not attempt to do that, but I would like the
18 record to show that I gave those 39 points to Dick
19 Kreiner earlier tonight, and he assured me they would
20 be included in the public record.

21 I was hoping to ask some embarrassing
22 questions of the Corps of Engineers, but it's pretty
23 clear that you are not answering any questions and you
24 are just here to listen to our comments, so I will
25 restrict my comments to a couple.

1 environmental and cultural impact of this proposal.

2 Thank you.

3 FACILITATOR MOYE: Pat Vester.

4 MS. VESTER: I gave my minutes to

5 Jim Wood.

6 FACILITATOR MOYE: Mike Sloane.

7 MR. SLOANE: I spoke already,

8 thank you.

9 FACILITATOR MOYE: Is it Sheila

10 Gibbens?

11 MS. GIBBENS: I am going to give
12 you a letter that contains not all of my comments but
13 most of them. I live in the Pena Blanca bosque. My
14 property is adjacent on two sides to your proposed
15 area.

16 I have lived there for the last seven
17 years and I know very well what some of the problems
18 are. Pena Blanca is a very proud town. It is almost
19 400 years old. There are people there who have lived
20 there generation after generation after generation,
21 and they very much love their town, and they love the
22 bosque.

23 I also feel very strongly that the
24 proposal purposely appears to have avoided discussing
25 any real substantive issues and, in fact, there was a

1 Richard Becker started out the meeting
2 by saying that he had problems with the fallacy of the
3 Environmental Assessment because it lacked data, and I
4 found the same lacked.

5 There are conclusions reached without
6 substantial data, and I believe you left out data that
7 would -- I believe you have left out data that would
8 contradict the conclusions.

9 If you take a look at the proposed site
10 in this pretty picture here and compare it to the
11 existing bosque, it is ludicrous to say there is no
12 environmental impact.

13 The bosque is dense. You can barely
14 move through it in many places, and here you have got
15 this graded area that completely destroys the
16 character of the bosque.

17 To say sending somewhere between
18 60,000, which some people have used, the latest figure
19 says there is 70,000 people that visited the Al Black
20 site. That means there will be 140,000 vehicles going
21 past my doorway. To say that there is no impact is
22 just not credible. And I believe that the finding was
23 an expedient so that the Corps of Engineers could
24 avoid going through the EPA, and they would probably
25 come quickly to the conclusion there is significant

1 manipulation of fact. I find that I feel it's a very
2 irresponsible proposal for the following reasons.

3 One, there is a huge, unlike what your
4 EA says, there will be a huge impact on the local
5 community especially on the roads of Arroyo Leyba,
6 Acequia Road and Abverdero Road. All of the
7 landowners in that area except for one that I know
8 about, are against the proposal. They know what this
9 will do to their property values. They know what this
10 will do to their way of life.

11 I also have a lot of other comments to
12 make. One, the proposal does not mention that this
13 proposal is that three of the four sites are
14 surrounded by private property. That's not
15 mentioned.

16 None of the adjacent landowners that I
17 know about have received, although we were supposed to
18 receive it according to a letter from the Army Corps
19 of Engineers, we did not receive any of the report.
20 And we had to request it, those of us who even knew
21 about this proposal.

22 There are many people in town who still
23 don't know about it.

24 Fire. One of the main issues that has
25 been mentioned. Pena Blanca is listed by the state

1 fire marshal as one of the 25 most at risk towns in
 2 the state for catastrophic fire. In there today we
 3 have one fireman there who happens to work in town.
 4 If a fire breaks out, who is going to help us?
 5 Cochiti Lake? They will help, all two or three of
 6 them.

7 This is a major, obviously a major
 8 concern. Putting up a sign that bans fire doesn't
 9 work. There have been illegal fires there all the
 10 time. Only when they close the gate and as they have
 11 right now, totally locked it and said nobody can enter
 12 because of the fire danger, have there been no fires,
 13 but last year my place almost burned down because
 14 somebody lit an illegal fire, left it, and only by
 15 God's grace did I come home and find it that it had
 16 spread and started to burn the bosque.

17 Alcohol use. The reality is that we
 18 are between two dry pueblos where drinking is not
 19 allowed. The only liquor store 20 miles away is the
 20 nearest other one, so everyone buys their liquor,
 21 including the people in town, in Pena Blanca, and they
 22 go. If they are serious drinkers, they go into the
 23 bosque and drink and party with their friends. This
 24 is an ongoing problem, you have heard it referred to
 25 by many of our neighbors.

1 taken north of the property, of my property where the
 2 fishing area will be.
 3 You will also get copies of these
 4 pictures so you can see what the river looks like
 5 now.

6 I mentioned the dry shooting. At this
 7 I am concerned because you don't hold a meeting in our
 8 town. You only give us five minutes to talk about
 9 issues that affect our life, affect our safety and
 10 affect everything that we live for.

11 There have been four people killed back
 12 in the Pena Blanca bosque, two in the last six years.
 13 One, two years ago. These are cases where there was
 14 one was handled by the BIA and three by the Sandoval
 15 County Police. They are all due to alcohol and
 16 fighting where people get murdered, and that's again,
 17 there are many accidents, people being run over by
 18 cars. Even though very few people come there. We are
 19 talking about the traffic. You are looking at 50 to
 20 180,000 vehicles depending on whether or not you have
 21 70,000 people there or the high at Al Black 112,000
 22 people.

23 Liability. Who is going to pay? I
 24 have ponds. People climb over my fence line, they
 25 fish on my ponds, they are dangerous to fish on, and I

1 One of the other issues is shooting of
 2 guns. These people and many other people who don't
 3 live in Pena Blanca, come down to the bosque and shoot
 4 guns. They have no idea that there are people living
 5 on the other side of the river, and so there is a
 6 large number of irresponsible gun users. There are,
 7 on the other hand, since the conservancy gate went up,
 8 the duck hunters that come down there are very
 9 responsible. That's my observation.

10 This is one of the prime duck hunting
 11 areas left. People come as far as Los Lunas to do
 12 duck hunting here and your proposal is right in the
 13 same area that 2,000 feet of river bed that you are
 14 talking about where the duck hunters go. They are all
 15 north of my property.

16 Another issue is fishing. I want to,
 17 would you pass that around, Tara. You all who love
 18 fishing should see what the river looks like now, and
 19 you want to when you see this picture that you are not
 20 going to catch any fish. What you are going to catch
 21 is a lot of seaweed. The seaweed is there because the
 22 river is running so low, it's there from about June
 23 all the way through to December, and if it clears out
 24 maybe January.

25 So please look at that picture. That's

1 am concerned about my liability. How do I keep these
 2 people out from hurting themselves and possibly suing
 3 me?

4 Just as a summary, I have a lot of
 5 other things, about the stress on the local
 6 resources. We have one fireman in town, one
 7 ambulance, we service the pueblos. We service I-25
 8 accidents, et cetera.

9 In summary, please listen to our
 10 voices. Many of us have lived here all of our lives.
 11 They, and I know the area and its problems well. We
 12 are not exaggerating. Please listen and understand
 13 that opening an area like the Pena Blanca bosque
 14 without very carefully evaluating the risks and
 15 consequences is not in the public's best interests.
 16 We know you are most anxious to get rid of the legal
 17 responsibility incumbent on you by your decision to
 18 close the sterling basin. Unless you have a heck of a
 19 lot more money, the Pena Blanca bosque is not the
 20 place to open to the public. Thank you.

21 FACILITATOR MOYE: Thank you. Roy
 22 Rivera.

23 MR. RIVERA: My name is Roy
 24 Rivera, I am a resident of Sile. I was born and
 25 raised in Sile and I went out of Sile in order to make

1 a living and now that I am retired I am back in Sile
 2 again. That's where I want to be.
 3 I have, throughout my life I have been
 4 involved with the goings on of the different pueblos,
 5 the residents and anything in the communities of both
 6 Pena Blanca and Sile, Cochiti and Santo Domingo. Most
 7 of the officers right now in the Pueblo of Cochiti and
 8 also in Santo Domingo, and Santana are former students
 9 of mine, and I know why they are treating you, the
 10 Corps, the way they are and it comes down, boils down
 11 to arrogance on the part of the Corps. They know it
 12 all. You are the engineers. And you can tell people
 13 what to do, and honestly this is about the third time
 14 that I have been involved in this.

15 The first one was when the dam was
 16 made, constructed. That whole canyon in there is full
 17 of religious sites for Cochitis and they were promised
 18 access to the religious sites.

19 This dam is going to be only for flood
 20 control period, and the council's, members, all of
 21 them agreed this is something that we need but it was
 22 not done that way. A lot of it was flooded. They had
 23 no access to the religious sites. They were promised
 24 that the, the way the river came down was not going to
 25 be changed. It was changed. The Corps did it because

1 am a veteran, a combat veteran of the Korean war and
 2 21 years service with the military retired from the
 3 Air Force. And I have three more kids in the service
 4 that are in the service now, all lieutenant colonels.
 5 Okay, I am a little surprised that this
 6 action came about. When I read this in the paper,
 7 that was the first I was aware of it, and then it came
 8 as a surprise because usually you hear about things
 9 like this. However, I didn't hear anything and I was
 10 wondering, I said is this another issue where you open
 11 your throat and swallow the goat? Is somebody going
 12 to come around and say what do you think of this?

13 Well, the things that have been brought
 14 up here tonight, the issue of fire is certainly a very
 15 very valid issue. I have seen fire in the bosque and
 16 it happens. It happens very very easily. And who is
 17 going to put these fires out? We need fire protection
 18 probably more than we have existing.

19 This is certainly an invasion of the
 20 residents privacy. My land goes to the rivers edge.
 21 Now there is going to be people, you are suggesting
 22 that there will be people fishing on the other side.
 23 There is dogs come across the river, there is dogs
 24 abandoned. We have problems with dogs attacking our
 25 livestock now and I can visualize how this problem

1 they are engineers and they lie to the Pueblo.
 2 Then they start putting water in there,
 3 impounding water in there and it started boiling out.
 4 We had meetings, and here I was involved again, and I
 5 told them there is gravel bars that come through there
 6 and the water comes down the gravel bars. And I was
 7 asked, are you an engineer. No, I'm not an engineer
 8 but I have common sense.

9 And it boiled down to the fact that
 10 they had to put in the drainages to get rid of the
 11 drainages that was coming down the gravel bars and
 12 ruining the farms in Pena Blanca and Cochiti and now
 13 you are dealing with another generation.

14 This is about the third generation that
 15 you are dealing with, and this generation is a little
 16 smarter. Some of them have degrees just like you do,
 17 so be honest with them and don't be so arrogant. Be
 18 honest with them and be honest with us. Thank you,
 19 all of us. Roy Rivera.

20 FACILITATOR MOYE: Thank you,
 21 Roy. Earnest Denecke.

22 MR. DENECKE: My name is Ernest
 23 Denecke, and I am a resident of Sile. I own 24 acres
 24 there in Sile and lived there for 15 years. And as
 25 the first gentleman who spoke alluded to veterans, I

1 will be getting bigger.

2 If people abandon their animals at the
 3 fishing site, you are going to have them living in the
 4 bosque and we will have more problems just by virtue
 5 of the fact that we have more density of population,
 6 people coming into the bosque. It's private now.
 7 It's not molested by drunks, people that don't respect
 8 the area. I just don't see anything good.

9 Now, what benefit does this proposed
 10 change provide? I haven't heard anything positive in
 11 all of this discussion as to what benefit this
 12 proposed change will provide.

13 Another consideration is land value. How
 14 will this affect land values. One man spoke about
 15 this, the thought of this proposal has affected the
 16 sale of his property. Well, maybe there is something
 17 that should be looked at here very carefully.

18 Another thought that came to my mind is
 19 how do you restore the existing AI Black site to its
 20 original condition? There is an awful lot of concrete
 21 in that out float that I don't think you could remove
 22 it all for the 600 some thousand dollars that I saw
 23 mentioned in the newspapers. But just how do you
 24 propose to restore this site to its original
 25 condition, and what was its original condition?

1 UNIDENTIFIED PERSON: You ain't
 2 going to believe it.
 3 MR. DENECKE: Another thing that
 4 I was looking for any favorable comments. I haven't
 5 heard one positive comment from the people attending
 6 this meeting.

7 And another question, why is this
 8 meeting being held in Rio Rancho and not in Pena
 9 Blanca? It's difficult for the people of Pena Blanca
 10 to make a trip down to Rio Rancho and to even find
 11 this place. As a property owner, I feel as though I
 12 have been slighted and overlooked by not being
 13 formally notified in writing that there is a proposed
 14 change that may affect my property.

15 You know, you know who the property
 16 owners are. Why don't you send letters to the
 17 property owners with a proposal? Your proposed
 18 change, your proposed fishing site, and let the people
 19 review just exactly what is proposed so that they can
 20 sit down, maybe have a neighbor meeting, neighbors
 21 get-together and talk this thing over. Well, how is
 22 this going to affect all of us.

23 The only notification, formal
 24 notification, which is the proper notification, has
 25 been via an article in the newspaper that I saw a

1 really knew what the hell that place looked like
 2 before you started putting your engineering program
 3 together.
 4 You took three tribes and probably \$18
 5 million just so it wouldn't leak and then you turn
 6 around and made the dam. Now, I cannot see how you
 7 can justify that kind of millions of dollars going
 8 down the tube and then turn around and actually think
 9 that the people of Pena Blanca are sportsmen or
 10 fisherman like myself would settle for a \$600,000
 11 place. You know, we are fishing in a million dollar
 12 place right now, and you haven't given us any reason
 13 why we should give it up as far as I am concerned.

14 The fact that you have your back side
 15 in a little bit of trouble with the Pueblo, it
 16 probably had nothing to do with you people sitting up
 17 there right now, but you have to understand if the
 18 moon is just right and the stars are just right, a
 19 holy site can be established overnight. Forgiven
 20 that, and I hope it doesn't sound like a pragmatist
 21 thing because I didn't mean it that way. You have not
 22 justified all the things that have gone on to that
 23 list to pull it out, and I would like to have an
 24 answer on that. Thank you very much.

25 FACILITATOR MOYE: Who wants to

1 couple of weeks ago that came out. Had it not been
 2 for that I would have had no knowledge that this
 3 proposed action was in the mill. And that is about
 4 all I have. Thank you.

5 FACILITATOR MOYE: Not to be
 6 defensive about the five minutes, but just to explain
 7 in case you didn't hear me earlier. I tried to keep
 8 it to about five minutes and people were very good and
 9 some were two minutes and so on.

10 It's so that we would have this time
 11 for Q and A, because I heard you say you would like to
 12 have questions answered and so on and so forth, so
 13 when you do have a question, you need to come up to
 14 the microphone, my name is. And here is my question.

15 This gentleman can come up and there is
 16 a lady in that back row that was by Ernest. That's
 17 you. Why don't you come up to the other microphone
 18 and it might expedite this.

19 MR. JANNUZZI: I am J. J.
 20 Jannuzzi, Rio Rancho, New Mexico, I am a sportsman and
 21 I hate to see what you are going through in the Pena
 22 Blanca area. And if you ever did make it Pena Blanca
 23 I wouldn't go there. They deserve better than that.

24 Now, I lived in Los Alamos when you
 25 guys started that project. I don't think any of you

1 answer that? I think there was a question in there if
 2 I can repeat your question if I can get it right.
 3 What is the justification for --

4 MR. JANNUZZI: The question is,
 5 you know, 20 or 30 years I lived in Los Alamos at the
 6 time you built the dam and I know what you guys went
 7 through, okay, and there was a piece in heaven for a
 8 while until someone got a hair that didn't belong.

9 I want to know why you can justify all
 10 of the millions of dollars that went into that lake
 11 and in that dam and pull out because if the dam was
 12 signed for perpetuity, that means forever. Why can't
 13 they change their mind and why are we letting them
 14 change their mind? Thank you.

15 MR. RIEKENBERG: I will take a
 16 shot at addressing that, sir. Yes, several people
 17 have mentioned the fact that the Pueblo at Cochiti
 18 granted the Corps of Engineers an easement back in
 19 1965, and then it was amended slightly in 1975 to
 20 account for slightly different changes in legal
 21 descriptions of the property, but the Pueblo did
 22 retain some rights in that easement.

23 They did retain the right to terminate
 24 any part of the easement concerning any lands in the
 25 project area that were not necessary, and this was the

1 term that's used in the easement, "not necessary to
2 the efficient operation and maintenance of the
3 project." So it is a perpetual easement but it's
4 not. It can be amended, and, in fact, the Pueblo did
5 retain the rights to terminate parts of the easement
6 if it wasn't necessary for the Corps to operate and
7 maintain Cochiti Lake Project. And for the record, my
8 name is Darrell Riekenberg, district counsel.

9 MR. SCHULTZ: My name is Dave
10 Schultz. Why did we put the Al Black site in there if
11 you didn't have rights to do that? That's a question.

12 MR. RIEKENBERG: This is Darrell
13 Riekenberg. Yes, we did have the rights to put it in
14 there and the Cochiti Pueblo permitted us to do that
15 at that time. As Dick Kreiner mentioned, they have
16 requested that this site, which has religious
17 significance to them, be closed and as much as
18 possible restoration work be undertaken at that site.

19 We certainly had the right in 1989 or
20 1990 to improve that site and to make it a handicapped
21 accessible recreation area at that time.

22 FACILITATOR MOYE: Is that an
23 answerable question or a rhetorical question?

24 MR. SCHULTZ: No, that was a
25 question. I asked a question. My name is Dave

1 Blanca and in Sile, and there is adequate facilities
2 for this kind of meeting, or even in Bernalillo.
3 Why? I would like to know why we have, you have been
4 so arrogant. Why? Why have you not notified the
5 people that are mostly going to be impacted, adversely
6 impacted by this proposed site?

7 FACILITATOR MOYE: Sounds like you
8 have three questions.

9 MS. DENECKE: Yes, I would like
10 some answers.

11 MS. PIIRTO: I can address your
12 question regarding the site. My name is Cynthia
13 Piirto. When we, in determining a suitable site for
14 the meeting, we were looking for something, for a site
15 somewhere between Cochiti and Albuquerque for the
16 purpose of accommodating not only people from Pena
17 Blanca but for users of the site in Albuquerque, and
18 we did look in Bernalillo and we were not successful
19 in finding a site that we thought would accommodate as
20 many people as we thought would show. So I --

21 MS. DENECKE: I would like to
22 volunteer our farm in the future. It will accommodate
23 all of these people and it would be a place where
24 people know where it is and where they will come and
25 they will state their comments to you.

1 Schultz and as you can tell I am a little irritated.
2 And I am irritated because it seems like the reason we
3 are here is because of irresponsible acts on the part
4 of the Army Corps of Engineers, and now you are trying
5 to make the people of Pena Blanca pay for your
6 mistakes and I don't appreciate that. You are an
7 employee of me. I pay your wages. I pay taxes and
8 you are doing a crappy job.

9 FACILITATOR MOYE: This lady has a
10 question. You can be next.

11 MS. DENECKE: I am Rozella
12 Denecke, and I am a resident of Sile also, and our
13 property is directly across the river from your
14 proposed site.

15 And my question for anyone on the panel
16 is why weren't the residents that are going to be
17 mostly affected, the residents of the Pena Blanca and
18 Sile, why were they not given the courtesy of
19 notifying them of this proposal? We had to read about
20 it in the paper. Had we not gotten the paper, had we
21 not read that particular section of the paper, we
22 would never have known about this.

23 Second question is why was this meeting
24 scheduled here on a Labor Day weekend in Rio Rancho
25 when the people that are mostly affected live in Pena

1 FACILITATOR MOYE: What is your
2 name?

3 MS. DENECKE: Rozella Denecke.
4 And hopefully you will take all of these comments and
5 truly truly understand the impact that something like
6 this is going to have on the people that are, would be
7 adjacent to this proposal.

8 First of all, you don't have the
9 funding. I have seen the river. Every day of the
10 year we see that river, and unless you excavate and
11 make a lake there and stock it with fish, you are not
12 going to be able -- the fishermen that are here, yes,
13 you will accommodate the Rio Rancho fishermen. I am
14 sure they are very grateful for that. You didn't
15 accommodate us. We couldn't even find this place.
16 That's why we are -- in any event, you are not going
17 to be able to fish there. There isn't any water there
18 most of the time. What are you going to stock it
19 with? I mean I could wade across the river from that
20 site to our property. I can wade across from our side
21 of Sile to Pena Blanca. It wouldn't even come up to
22 my knees so how -- I don't think you have done your
23 home work as far as stocking it with fish and doing
24 everything that you are proposing to do.

25 The fire hazards, the security, the

1 diminished property values, the impact it's going to
2 have on all the residents. My neighbor, her cows go
3 to the river to get their water. What do you think
4 this is going to do to her livestock if you have
5 60,000 people there shooting guns, drinking. That's a
6 nice target, why don't we just shoot a cow.

7 FACILITATOR MOYE: You had two
8 other questions. I think she answered one.

9 MS. DENECKE: Yes, the location
10 between Cochiti and Albuquerque. Well, I think you
11 got the Rio Rancho crowd. Now, the other --

12 MS. PIIRTO: Labor Day weekend.

13 MS. DENECKE: I can assure you
14 that I had no intent in diminishing the turnout for
15 this meeting by scheduling it for this date.

16 MS. DENECKE: Why weren't the
17 property owners advised of this? You know, when a
18 neighbor wants to build an addition to his house, he
19 has to go before the city council or county council.
20 All of the adjacent residents that are impacted by
21 this change are notified, and they are notified
22 usually by registered mail so that you know you have
23 notified them. That is the proper and considerate and
24 it should be the legal way to do it.

25 MS. PIIRTO: Once again my name is

1 there in the area?

2 It's really inconsiderate of you. I
3 mean that's a mild word, to put this kind of project
4 and the negative adverse impact on the adjacent
5 property owners. And not just the ones who live
6 across the river in Sile, and not notify them of
7 something like this. It's egregious is what it is.
8 If you are responsible for it, I would like to get put
9 on your mailing list so I am notified of every meeting
10 that has to do with this project.

11 So do you have a list, a mailing list
12 or maybe we can all sign up and we will be notified?

13 MS. PIIRTO: You are on the list
14 now. If you registered tonight, yeah, you are on the
15 list.

16 I'm sorry, I don't mean to pass the
17 question but regarding stocking, did someone want to
18 address that.

19 MR. JAHNKE: I am Ernie Jahnke,
20 and I did the NEPA compliance for this project. We
21 did have our real estate people do a record search to
22 get the names of the immediate adjacent property
23 owners in Pena Blanca to the site, and we did send
24 letters and a copy of the Environmental Assessment to
25 them.

1 Cynthia Piirto. I will say that we did mail out
2 approximately close to 700 postcards to individuals
3 who had shown an interest in this project and I am
4 sorry that the adjacent landowners or residents of
5 Pena Blanca didn't have an opportunity to request --

6 MS. DENECKE: We have to request
7 a postcard before you send it to us? That's not the
8 way it should work.

9 MS. PIIRTO: No, it's an omission
10 on our part. We should have notified adjacent
11 landowners individually and the residents of Pena
12 Blanca, but as I said, we did make an effort in
13 mailing out close to 700 postcards to folks who had
14 shown an interest in this project and to notify them
15 of this meeting and its location of date and time.

16 MS. DENECKE: Did any of you get
17 a postcard from this lady?

18 UNIDENTIFIED CITIZENS: (Answering
19 no).

20 UNIDENTIFIED SPEAKER: Yes, the
21 Rio Rancho Club.

22 MS. DENECKE: The Rio Rancho Club,
23 okay, the Rio Rancho Club, but they can go back to
24 their homes in Rio Rancho and live peacefully and just
25 go fishing but what about the people that live right

1 We, of course, are limited in time as
2 far as who we can notify. We tried to make a general
3 announcement by sending a copy of the Environmental
4 Assessment to the postmaster of Pena Blanca posting it
5 in the post office.

6 Generally that travels by word of mouth
7 too. We did as Col. Hurst said, put legal notices in
8 three of the local newspapers. And I know when this
9 issue first came up a year and a half ago we did send
10 out a press release and there was an article in the
11 paper at that time.

12 This time we have also sent out a press
13 release to the various newspapers. If you didn't get
14 a notice, we wish you did but we tried our best to
15 notify everybody that we could. The turnout tonight I
16 think a lot of people have heard about it and I don't
17 know what else we could do in a general way to let
18 people know.

19 MS. DENECKE: Well, I would
20 suggest that the next meeting you hold is in Pena
21 Blanca or near Pena Blanca, and not way out here to
22 accommodate the people from Albuquerque, because I
23 don't know that there are that many except the fishing
24 clubs, okay? The people that are going to be affected
25 are the ones that you need to get their input. I mean

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1 these are the people that are going to be affected.
 2 Mostly negatively.
 3 MR. JAHNKE: We did receive a
 4 petition and there were about 4 or 500 names on it,
 5 and in order to limit the cost of the publishing of
 6 the EA, we did send out postcards to all of the
 7 individuals on these petitions and requested if they
 8 were still interested, please notify us and we would
 9 be glad to send them a copy of the Environmental
 10 Assessment. Out of the hundreds of names, I believe
 11 we had about twelve responses. I don't know what else
 12 we can do.

13 MS. DENECKE: It wasn't from the
 14 people in Pena Blanca. They would have been here.
 15 Most of them would have been here if it had been held
 16 in a place that was accessible to them. And I think
 17 that is what you need to consider in the future. We
 18 are familiar with Albuquerque but we couldn't find
 19 this place. We are not familiar with Rio Rancho, and
 20 this is a very bad location to have hosted this
 21 meeting.

22 FACILITATOR MOYE: Yes, sir, your
 23 name.

24 MR. WOODS: James Woods again,
 25 and I am at the mike. I did want to say that we have

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1 a very large community center in Pena Blanca that's
 2 available to you, I am sure. Please take advantage of
 3 it.

4 MR. RIVERA: My name is Fred
 5 Rivera. Three questions that came up that should be
 6 answered. There is a question about disputed
 7 property. You were talking about disputed property.
 8 Does this give you the right to just go ahead and grab
 9 it? That's my question.

10 FACILITATOR MOYE: Would somebody
 11 like to answer that question?

12 MR. RIVERA: That is one of them.

13 FACILITATOR MOYE: Can we just
 14 take them one at a time?

15 MR. RIVERA: Sure.

16 FACILITATOR MOYE: He said
 17 something about disputed property, does that give you
 18 the right to take property.

19 MR. JAHNKE: We understand that
 20 there may be a dispute of the property but we have
 21 been in contact with MRGCD since the onset of this
 22 proposal. And as you saw from the Environmental
 23 Assessment, they have been noncommittal, but we met
 24 with them prior to releasing the public notice on this
 25 and asked them if we could get any kind of commitment

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1 and they said that they could not, did not want to do
 2 that at that time but they did want us to go forward
 3 with public review. So we have. And that issue still
 4 has not been settled.

5 MR. RIVERA: The other question
 6 is regarding these disputed properties, have you
 7 researched the boundaries of the properties on the
 8 west side of the river? That would be a bunch of
 9 properties that would bound the proposed site.

10 MR. JAHNKE: That's on the Sile
 11 side.

12 MR. RIVERA: On the Sile side.

13 MR. JAHNKE: This is Ernie Jahnke
 14 again. Yes. Our real estate folks did that because
 15 in looking for a suitable replacement area we were, we
 16 had to go beyond the boundaries of both pueblos. It
 17 turned out on the map as you are well aware there is
 18 this out parcel between the two pueblos, so we
 19 researched all of the property ownership that our real
 20 estate people told me that most of the property owners
 21 on the west side were members of the Cochiti Pueblo.

22 MR. RIVERA: That's not true,
 23 that's not accurate. Another thing too, those
 24 properties on the west side go to the middle of the
 25 river, all of them go to the middle of the river

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1 including some tracts that belong to Santo Domingo
 2 Pueblo. Have you contacted them?

3 MR. JAHNKE: Yes, we have talked
 4 with the Santo Domingo Pueblo about this proposal and
 5 we will further research the issues, the property
 6 ownership issues. I am telling you what I was told.

7 MR. RIVERA: Another question.
 8 Still Fred Rivera. When Cochiti Dam came in ponding
 9 came in and there is different varieties of ponding.

10 I know because I research a lot of that work and it's
 11 almost an impracticality to deal with. Do you propose
 12 to spend money on a situation that's fruitless? Shame
 13 on you guys.

14 FACILITATOR MOYE: Sir?

15 DR. BECKER: I am Richard Becker,
 16 I am president of the Albuquerque Wildlife Federation
 17 and I have got several questions. First of all, I
 18 want you to give us a date tonight when you can meet
 19 in Pena Blanca. Tell us. When can you do this in
 20 Pena Blanca? Can you give us a date tonight? Do you
 21 have a calendar?

22 LTC. HURST: We will not have a
 23 date until it's clear to me that this draft EA, there
 24 is a lot of home work and a lot of issues that have
 25 been raised by the audience tonight. There is a lot

1 of home work we need to go back and do so that we can
2 schedule a subsequent meeting and we will look for
3 Pena Blanca as the location to schedule that meeting
4 and be able to come back with more hard definitive
5 answers or look at different alternatives as this may
6 not even be a suitable or viable alternative.

7 DR. BECKER: Another point. Rod
8 Mattson, who is a member of the Albuquerque Wildlife
9 Federation. Rod issued to our attention many months
10 ago, and since then referred to the list to the 700
11 petitioners that had signed on to express their
12 interest in being notified.

13 I can tell you that my impression from
14 Ron Mattson was that everybody that signed on that
15 list fully expected, because they were on the list, to
16 get a copy of the EA document. They all had been led
17 to believe that.

18 Now, whether that was accurate or not
19 but that's what we were led to believe. So the idea
20 of sending out a postcard, and you only got twelve
21 responses, it's understandable that people would say
22 why in the hell should I do that because I was
23 supposed to get this EA because I signed on to the
24 list.

25 The other thing I want to say is what really

1 water?
2 And the other final question I have
3 here is that it's been suggested to me by people well
4 versed in fisheries biology is that the way the river
5 flows from out of Cochiti through that stretch of the
6 river, that any stocking program that the Game and
7 Fish Department was to initiate, it's very likely that
8 any fish placed there would not stay there but they
9 would migrate up river, you know, to the Cornell Black
10 area. So if the fish wouldn't stay there, it wouldn't
11 be a viable fishery. So do you have a comment on
12 that?

13 MR. JAHNKE: This is Ernie Jahnke
14 again. You are right. I mean they would migrate, but
15 the stocking program I don't think guarantees that
16 they are going to stay in one place wherever they
17 stock the fish.

18 MR. RIKER: My name is David
19 Riker. I am a resident of Pena Blanca, and I live on
20 Main Street. I just want to know what on earth are we
21 going to do when a fire starts down there. I have
22 seen two big fires in the last eleven months. I live
23 right next door to the post office. Just a few weeks
24 ago the school has burned. With our small fire
25 department there was nothing they could do.

1 troubles me for one thing is the timeliness of this
2 public meeting, and it's not clear what the sense of
3 urgency is. Frankly you have invested a lot of money
4 and I know that you at least from your perspective are
5 sincere on what you are doing.

6 On the other side of the fence, you
7 know we are very much against this but, you know, the
8 basic flaw in this to me is with any EA whether it's
9 this project or anything else, why bother to even
10 conduct a meeting like this or even publishing an EA
11 until you have the documentation from the Game and
12 Fish, Fish and Wildlife Service that shows that in
13 fact this stretch of the river is a viable fishery.
14 You have nothing to base that on at this point in
15 time.

16 Game and fish is my understanding is
17 doing water temperature studies but that won't be
18 completed until the end of September and October.
19 This is the end of August. Why are we having this
20 meeting now? Why wasn't it scheduled for November or
21 December when that data should be known and we would
22 all have an idea of what it encompassed.

23 Now, given the pictures that were
24 circulated, who in the hell wants to fish there when
25 you have got all of that moss and that low flow

1 The last time there was a fire in the
2 bosque I looked out my window and there was snow on
3 the ground and 60 foot flames in the air. We can't
4 deal with it. We are not equipped to deal with fire
5 and allowing or letting thousands of people come into
6 our small sleepy little village would just be an
7 invasion. Someone is going to start fire. Some kid
8 barbecuing a hot dog, it is going to happen, and it
9 will all go. My name is David Riker. Thank you.

10 FACILITATOR MOYE: Yes, ma'am.

11 MS. GIBBENS: My name is Sheila
12 Gibbens. I am the person who lives down in the bosque
13 right by your proposed area within a quarter of a mile
14 or in some cases exactly adjacent within 50 feet of
15 your proposed area.

16 One of the things that hasn't been
17 brought up here but the residents of Pena Blanca and
18 the Middle Rio Grande Conservancy District have had to
19 deal with for a long time is the trashing of the
20 bosque. There are, up until the Conservancy was nice
21 enough to bury the two refrigerators dumped right at
22 my gate, it is a continuing problem. The dumping of
23 tires, debris, construction material. This happens
24 during the day by the way when the gate is open. This
25 is not a nighttime activity, just to let you know.

1 So, people, I wanted to bring you the
 2 cost of trash removal in Pena Blanca is for a full
 3 pickup load \$10.00. It's very expensive for people.
 4 A lot of the people come from other areas other than
 5 Pena Blanca to dump in the bosque, so that's how with
 6 your \$30,000 budget the same as what you paid at the
 7 Al Black area, how are you proposing to keep this 40
 8 acre area clean? Thank you.

9 FACILITATOR MOYE: Anybody want to
 10 take that?

11 UNIDENTIFIED PERSON: Is there an
 12 answer to that?

13 FACILITATOR MOYE: I have asked,
 14 thank you.

15 MS. PIIRTO: The proposal is not
 16 for utilization of 43 acres, it's for utilization of
 17 maybe two at most for development, and I just want to
 18 make the point that the numbers in the EA regarding O
 19 & M maintenance of the site are for trash removal and
 20 for maintaining vault toilets.

21 MS. GIBBENS: Sheila Gibbens
 22 again. Does that mean then you would not be
 23 responsible for cleaning up the 43 acres? The reality
 24 is that there are many many roads in the bosque.
 25 Anyone who has been down there knows it's a war in the

1 solutions or look at again different alternatives if
 2 in fact this alternative turns out to may not be a
 3 viable alternative. Thank you.

4 MR. PEREZ: My name is Marty
 5 Perez, and I am -- first of all state one thing, I am
 6 against the changing from the Al Black area to the
 7 area of Pena Blanca. I am a retired recreation
 8 administrator. I am a fishing enthusiast and yes, I
 9 have spent my life with quality of life projects.

10 I think the Al Black area if you take
 11 away the quality of life in quotes, the recreation
 12 area from the users whether it be, continue to 70,000
 13 a year, you are going to have comments that you have
 14 heard tonight and some of the comments are from
 15 residents, and I think that they weren't fully
 16 informed that things were happening and they may be
 17 living in the dark ages because you have to read, you
 18 have to listen and you have to interact with people to
 19 make your own life a full life.

20 I moved here from Texas back in March
 21 and I have enjoyed fishing. I was away from fishing
 22 for some 17 years doing recreation for other people,
 23 and now I am trying to do it for myself and I got
 24 carried away with things for other people, but I like
 25 recreation and I just thought just from listening here

1 groves. Anyone who goes off the main track, which is
 2 going to happen unless you put fencing up, is going to
 3 then have access. And indeed in your EA you talk
 4 about the availability and your pictures show people
 5 adjacent to my property, so it does appear like -- and
 6 the reality is people are going to go wherever. They
 7 are not just going to stay in that small little one
 8 acre plot. They are going to go up and down the river
 9 looking for the best fishing. That's a reality. So
 10 just to say it's only one acre is totally
 11 disingenuous. And you still haven't answered the
 12 question about who handles the trash, and I mean burnt
 13 cars, the tires. You will see there is quite a lot.
 14 The Middle Rio Grande Conservancy District recently
 15 within three years spent \$12,000 to clean up one area
 16 of the bosque in the Pena Blanca area.

17 LTC. HURST: Thank you for that.
 18 At this time we will have to go back and thoroughly
 19 research who would be liable as well as how that would
 20 work and then we would be able to provide that
 21 information at a subsequent meeting to you. We don't
 22 have that answer right now.

23 And that's the purpose of this meeting
 24 is to get as many comments and issues from you so that
 25 we can go out, work those issues and come up with

1 that certainly you have already gotten the message
 2 that a lot more data has to be done, a lot more inputs
 3 from people. Hopefully your successive meetings in
 4 the future. Right now people think this was a done
 5 deal between the Corps and the Cochiti, so it's a done
 6 deal. It's under the table, behind closed doors. I
 7 hope it isn't that because your reputation is probably
 8 going to be tarnished even more than it has.

9 I would like to say too to those
 10 people, it's Sheila, Jim and Ernest and another lady
 11 here, for the people that really matter, we fishermen
 12 are the real people that matter too.

13 We are the ones that are recreating, so
 14 don't distinguish us from your land ownership. Go to
 15 waste management if you want to, Sheila, find out what
 16 you can do about the trash, but they are not going to
 17 answer it, okay?

18 So the thing is what I would like to
 19 say is that I have never been a drinker. I don't
 20 drink, I enjoy fishing, and your idea, you assume all
 21 fishermen are drinkers. And I don't think you need to
 22 because I enjoy fishing for just the pure enjoyment.
 23 I went fishing yesterday and caught my limit, and had
 24 a great time. I wish everyone of you guys could do
 25 that because people that I fish with are truly

1 enjoying the recreation facility, so thank you.
 2 FACILITATOR MOYE: Did you have a
 3 question with that? That was just a comment.
 4 MR. PEREZ: That was just a
 5 comment.
 6 FACILITATOR MOYE: Yes sir.
 7 MR. BERGMARK: My name is Greg
 8 Bergmark again, and I would like to clarify some
 9 things that he had talked about.
 10 As it stands now, the easement that's
 11 in the possession of the Army Corps of Engineers, the
 12 U.S. Government or the people of the U.S. proper, that
 13 according to your documents the options are still open
 14 that you can do no action on this Al Black Recreation
 15 Area. That is Option 1, Section 201, correct?
 16 LTC. HURST: That's correct.
 17 MR. BERGMARK: So nothing in fact
 18 has actually been done yet insofar as changing this
 19 location or giving the easement away?
 20 LTC. HURST: The only thing that
 21 has been done at this time is there has been an
 22 initial agreement to look between the Corps of
 23 Engineers and the Cochiti Pueblo, to look at a
 24 proposal to close the recreation site and an
 25 alternative to provide mitigation or an alternative

1 Cochiti Dam. As local citizens of the proposed area
 2 at or near Pena Blanca to be affected, we respectfully
 3 request the following:
 4 1. That more meetings be scheduled in
 5 order to engage all parties and issues surrounding the
 6 proposed project.
 7 2. That what has been stated in the
 8 proposal documents as, quote, disputed property be
 9 described and explained in writing to include all
 10 disputed property which may affect Al Black proposed
 11 relocation site.
 12 3. That the inevitable disturbance --
 13 FACILITATOR MOYE: Greg, they are
 14 going to enter that into the record. Do you want it
 15 to be entered into the record? You don't need to read
 16 it because other people have comments, I think. You
 17 are welcome to read it.
 18 MR. BERGMARK: It's not necessary
 19 to read it into the record? You will record it into
 20 the record?
 21 FACILITATOR MOYE: It will be
 22 recorded. Just save you the reading of that.
 23 MR. BERGMARK: Thank you and I
 24 guess I can't think of anything other than that I
 25 believe the present location has excellent fishing

1 site for that recreation is being proposed in Pena
 2 Blanca. And the information being gathered here is
 3 where we are trying to go back and do the home work,
 4 get the initial data we need to build or make a valid
 5 sound decision regarding this.
 6 MR. BERGMARK: Someone mentioned
 7 earlier that Santo Domingo had been consulted, and, of
 8 course, the Cochiti and Santo Domingos are well
 9 familiar with each other over a thousand year period
 10 or more, so their concerns, the Cochitis have their
 11 concerns, I am sure that the Santo Domingos have their
 12 concerns, so to move it from one end of concern to
 13 another end of a similar concern may be a concern.
 14 That's a comment.
 15 Also, I would like to read this into
 16 the record. I think you may have this up there right
 17 now, I don't know. It's something that several of us
 18 agreed to bring here this evening. That's to the U.S.
 19 Corps of Engineers and others involved in proposed
 20 change to the Al Black Recreation Area at Cochiti
 21 Dam. As Local citizens of the proposed area --
 22 FACILITATOR MOYE: Is this it?
 23 MR. BERGMARK: That's it. To
 24 U.S. Corps of Engineers and others involved in the
 25 proposed change to the Al Black Recreation Area at

1 already and it's convenient fishing and the fish like
 2 it there. Thank you.
 3 FACILITATOR MOYE: Yes sir.
 4 MR. SCHULTZ: My name is Dave
 5 Schultz. I am a resident of Pena Blanca and seriously
 6 affected by this proposal. I have a hypothetical
 7 question for you or more of an operational question
 8 for you.
 9 Today if I walk down to the bosque,
 10 which is just a short distance from my home, I run
 11 into a gate that's locked and has a sign on it by the
 12 Middle Rio Grande Conservancy District that says the
 13 bosque is closed because of fire hazard. And that
 14 sign and that lock has been up for several months.
 15 Let's assume that this site that you
 16 propose was open this past spring and is operational.
 17 Would that gate be locked today if you were running
 18 that site at that location? That was a question.
 19 MR. KREINER: Dick Kreiner. The
 20 question as I understand it would be with respect to
 21 the fire hazard.
 22 MR. SCHULTZ: Yes, would the site
 23 be closed because of the fire hazard with a locked
 24 gate as it is now? You propose a locked gate to keep
 25 people out of there during nighttime hours. Would

1 that gate be locked today if you are running it rather
2 than the Middle Rio Grande Conservancy District?

3 MR. KREINER: If the fire hazard
4 was significantly high enough I suspect it would.

5 MR. SCHULTZ: You know what the
6 situation is today. Would you have it locked today or
7 not?

8 MR. KREINER: I don't know. These
9 would be the type of things that would be addressed in
10 a management plan, and what I hear you saying is that
11 you want the gate locked if there is significant fire
12 hazard.

13 MR. SCHULTZ: We are in a drought
14 that's the worst in 50 years. We have had two
15 significant bosque fires and you can't make up your
16 mind tonight whether you are going to lock that gate
17 or not? Can you make up your mind whether or not to
18 lock the gate tonight or not?

19 MR. KREINER: All I can tell you
20 is if there is a significant fire hazard the gate
21 would be locked just as it is with the Rio Grande
22 Conservancy District.

23 MR. SCHULTZ: Where have you been
24 today? You know what the situation is in New Mexico.
25 You know what the dryness of the bosque is. Why can't

1 LTC. HURST: Again, we will take
2 your comments, go back and research those and be able
3 to provide answers at a subsequent meeting as we go
4 along in the documents. Again, the purpose of the
5 meeting was to gather as much information from you,
6 your issues, your concerns, that we can go back and
7 research those and provide subsequent information to
8 the public regarding this proposal.

9 MR. SHIELDS: My name is William
10 Shields and I am a new resident. And my concern is
11 you seem to have two issues going here. One is the
12 loss of a good fishing asset, the other is creating a
13 new one. My concern is for the future.

14 My grandchildren, their grandchildren
15 lost access to a skill or practice fishing. We need
16 to build more and not lose what we have.

17 If the Indians, and I am not trying to
18 be prejudicial, if the Indians can renege on a promise
19 or modify something created years ago in this
20 instance, how many more do we stand to lose to
21 posterity through the Corps and the Pueblo and maybe
22 even other states?

23 I am not sure how they can back out of
24 an agreement, and I understand that this is religious
25 reasons, but as I understand we flooded a lot of

1 you decide whether you want to lock that gate or not?

2 FACILITATOR MOYE: May I ask, are
3 you trying to make him wrong? He gave you an answer
4 as part of his process.

5 MR. SCHULTZ: He gave me an
6 answer.

7 FACILITATOR MOYE: They have a
8 process, he probably would have studied it two months
9 ago and come up with either a conclusion to leave it
10 open or leave it closed. I don't know. But he has
11 given you a good answer.

12 MR. SCHULTZ: I don't think it
13 was a very good answer.

14 FACILITATOR MOYE: It's not the
15 answer that the Middle Rio Grande Conservancy District
16 gave.

17 MR. SCHULTZ: I think that a
18 trained engineer based on the conditions in the bosque
19 could make that decision at this point. Okay.

20 FACILITATOR MOYE: I don't
21 disagree with that.

22 MR. SCHULTZ: Then who can make
23 that decision? Who will make that decision if it's
24 not a trained engineer? Lt. Col. Hurst, would that
25 fall in your bailiwick.

1 religious land. Does the Corps intend to come out of
2 other agreements and close other fishing access?
3 That's a question. Do you plan to close other fishing
4 access places?

5 LTC. HURST: This is the only
6 location that is currently being looked at for
7 closure. There are no other locations that I am aware
8 of that are affected.

9 MR. SHIELDS: I want us to all
10 think about that because there is only a limited
11 number of usable access that I have seen. This is a
12 beautiful state and I moved here, one of the reasons I
13 liked this state was the fishing even though it's
14 limited, but it has to be protected and managed
15 properly. Or my grandchildren and everybody else's
16 grandchildren will lose that.

17 So if the Corps sets a precedence right
18 now in yielding, and believe me religious things are
19 very touchy, I understood that, but if you set
20 precedence now of giving that away, I don't care
21 whether you try to replace it or not, if you give it
22 up I am afraid we will lose others down the road.
23 Just doesn't look like the ball will stop rolling
24 downhill. Is the Corps prepared to address possible
25 future losses based on the legal decision here? Go

1 ahead.
 2 MR. RIEKENBERG: Darrell
 3 Riekenberg. The Pueblo would not be able to terminate
 4 the easement on any part of the project property that
 5 would have an effect on the operation and maintenance
 6 of the reservoir. For example, they can't on their
 7 own terminate the flowage easement that allows us to
 8 impound the lake there, flood the --

9 MR. SHIELDS: Let me clarify. I
 10 am not talking about this particular Pueblo, I am
 11 talking about all of them. Any other people that have
 12 agreements with the Corps that have established
 13 fishing access or public access, I will say public
 14 access for recreation, if you back out now of this
 15 Black whatever it is, what is to stop you from
 16 shutting down 20 more six months from now or
 17 whatever?

18 MR. RIEKENBERG: Each project
 19 would have to be looked at individually. Each one
 20 would have their own documents that would affect as to
 21 how they would be handled.

22 MR. SHIELDS: Would there be a
 23 legal precedent so that if you shut down the Al Black
 24 area that would help shut down other areas for other
 25 reasons, maybe not even religious, would there be a

1 approximately 4,000 acres to the American taxpayer.
 2 The acreage was to encompass Cochiti Dam, Cochiti Lake
 3 and the recreational facility. The taxpayers also
 4 paid the bill for construction of the dam and the
 5 recreational facilities.

6 There was no legal reason to close any
 7 of this area to the public. The Cochiti Pueblo
 8 operated the concession at the dam outlet from 1975 to
 9 1984 as a for-profit business. Since 1984 the Corps
 10 has run that concession.

11 Now the Pueblo wants the dam outlet
 12 area closed to the public. The Environmental
 13 Assessment gives cultural considerations as the reason
 14 the Indians want the public out. The newspaper
 15 article said the area is sacred to the Indians.

16 Did the area just become sacred or was
 17 it operated for a not for-profit business in spite of
 18 being sacred? The Corps wants to close the Al Black
 19 Recreation Area dam outlet and relocate it to appear
 20 in a parking lot to be constructed on the Rio Grande
 21 River several miles downstream of the dam outlet.

22 This is unsatisfactory for the
 23 following reasons: The new location is owned by the
 24 Middle Rio Grande Conservancy District, and is already
 25 available to the public. Trading an area already

1 precedence of the shutting of the public access to Al
 2 Black?

3 MR. RIEKENBERG: As I said, we
 4 would have to look at each one. I wouldn't view this
 5 as a precedent that would allow us to just close down
 6 any site without any for it. Only if we have a legal
 7 authority to do that, and if the real estate documents
 8 that we had, the easements permitted that.

9 MR. SHIELDS: We may find in the
 10 future that we have accessed public access to places
 11 that are grave yards, and I tell you what, I don't
 12 know about your religious things, all I ask is look at
 13 this and I vote for don't change it, maintain the
 14 status quo. Thank you.

15 FACILITATOR MOYE: Thank you.

16 MR. ZAINTZ: My name is Lou
 17 Zaintz. I am a member of the Meadowlark Fishing
 18 Club. I hadn't planned on speaking but I feel I have
 19 to have my voice heard.

20 First of all, it's obvious to me and
 21 everybody else that nobody agrees with the Corps of
 22 Engineers, that's No. 1.

23 And No. 2, I really sympathize with the
 24 people that live in Pena Blanca. In 1965 the Cochiti
 25 Pueblo sold an easement in perpetuity for

1 available to the public for the current Al Black area
 2 is a net loss to the public, and the new location will
 3 not support the numbers of trout and other fish that
 4 are now found at the dam outlet.

5 The EA does not prepare or mention the
 6 water depth, the water temperature, oxidization of the
 7 new site versus the dam outlet.

8 The New Mexico Game and Fish Department
 9 is currently monitoring water temperatures at the new
 10 site and will not know until October if trout can
 11 survive there during the summer.

12 Why is the EA being released before the
 13 study is completed? The new site may be deemed as an
 14 unsuitable stocked trout by the New Mexico Game and
 15 Fish Department. Therefore, there may not be any
 16 replacement fishing after the loss of taxes to the dam
 17 outlet.

18 The MRGCD has closed public vehicle
 19 access to the area of the new site because of trash
 20 dumping. It is open to foot traffic. Vehicular
 21 access is only by payment of a yearly fee plus a key
 22 deposit. There was no certainty that the MRGCD will
 23 grant public vehicle access to the proposed site. The
 24 Corps does not give a schedule to either close the dam
 25 outlet or construction of the new site. However, from

1 earlier discussion with the Corps it is expected that
 2 the dam outlet will be closed immediately.
 3 Construction of the new site requires
 4 Congressional approval. No funding has been allocated
 5 for the construction of the new site. The new site
 6 will not be constructed for several years at best and
 7 there is no assurance that it will ever be built.

8 The new site is not an improvement in
 9 recreational quality as stated in the EA. The cost of
 10 this frivolity as estimated by the Corps is estimated
 11 to be \$622,000 to again be paid by the American
 12 taxpayer.

13 Not only do we lose a recreational
 14 facility that accommodates up to a hundred thousand
 15 persons per visit per year, but also we are to foot
 16 the bill. In summary, the public is to give up a
 17 popular recreation area that we have paid for. In
 18 return the public is to get a phony pier and a parking
 19 lot in another river location that may never be funded
 20 or built. And if built, the new location may not
 21 support trout during the summer months, and under the
 22 best circumstances will not support anything close to
 23 the density of the fish at the dam outlet. This
 24 exchange has cost the taxpayer another \$622,000. How
 25 can this action be called anything but theft. Thank

1 MR. KREINER: This is Dick
 2 Kreiner, if I might just address some comments, sir.
 3 The dam was initially designed as a dry reservoir.
 4 Congress later authorized the permit recreation pool
 5 as a separate Congressional action.

6 MS. GIBBENS: Sheila Gibbens of
 7 Pena Blanca again. First of all, I want to address
 8 your comment. There are many fishermen who do not
 9 drink, and I do not mean to point the finger at you
 10 but there are many who do and the issue in the Pena
 11 Blanca area is not the use of alcohol, rather the
 12 abuse of alcohol. And the dangerous behaviors that
 13 those people who drink too much do to themselves and
 14 the risk to the community and other people. That's
 15 what my concern is and that's what I am trying to get
 16 across to you. That there is a real issue of alcohol
 17 use and putting up a sign saying "no alcohol use" will
 18 not do it. We all know that.

19 My question is that if you do not spend
 20 the money at the Pena Blanca site or find an
 21 alternative at Sile, what is your obligation if you do
 22 go ahead and close Al Black in terms of finding an
 23 alternative site for people, especially people for
 24 universally handicapped areas. Thank you.

25 MR. RIVERA: Can I answer this

1 you.
 2 FACILITATOR MOYE: By my watch,
 3 it's about 8:53 and this meeting will close at 9:00,
 4 so if we can make these two the last two questions or
 5 comments. Thank you.

6 MR. RIVERA: Roy Rivera again
 7 from Sile. I wish the Cochitis were here so that they
 8 could defend themselves but I can speak from the
 9 experience I had in the involvement prior to 1965.

10 The promise was made by the Corps of
 11 Engineers that the lake, the dam would not hold a
 12 permanent lake, only the water that would be necessary
 13 to divert for irrigation and it was strictly a flood
 14 control dam. That was what sold the Cochitis on the
 15 idea. No recreation was planned, no fishing was
 16 planned, nothing was planned.

17 Here again you people are not being
 18 honest with the public. There is people over here
 19 that think that we, the United States Government, and
 20 people of the United States have a right and we are
 21 going to give it up. We are not giving anything up.
 22 We never had it and you people know it. This is why
 23 you are looking for an alternate place.

24 Tell the people the truth. Don't be so
 25 arrogant. We all make mistakes.

1 question? Roy Rivera again. You said separate
 2 Congressional action established the recreation area
 3 and the fishing area. Let me tell you what the
 4 separate Congressional action did. It promised the
 5 Cochitis that they were going to give them some land
 6 in exchange for the land that they had taken for the
 7 lake and on the same field they included land for the
 8 Santo Domingos, the Zias, the Santanas, Aquimos, and
 9 everybody and his dog because of politics. Do you
 10 think that this is being honest?

11 MR. KREINER: Dick Kreiner. I
 12 don't know the history of that, sir.

13 LTC. HURST: To answer your
 14 question, within the process of NEPA at the
 15 Environmental Assessment, there cannot be a finding of
 16 no significant impacts, then either the issue could be
 17 dropped or it could go to an environmental impact
 18 statement, in which case it could be looked at to
 19 close the outlet works with no alternatives, or no
 20 action alternative could be taken.

21 Again, we are getting the comments from
 22 the public, gathering as much data and concerns and
 23 issues that are out there being able to feed those in
 24 and see where we go for the next step, set up
 25 subsequent meetings to this, and we hear you in Pena

1 Blanca, or the locations where the predominance of the
2 people are and we go from there.

3 MS. GIBBENS: Do you have a legal
4 responsibility to find another area, do you have to
5 spend the money? Do you understand my question?

6 LTC. HURST: Yes, I understand the
7 question.

8 MR. RIEKENBERG: We have a legal
9 responsibility to look at various alternatives and try
10 to find another site and if we can not find an
11 alternative site that results in no significant
12 impacts under NEPA then, our only choices are as the
13 Colonel said. Either no action or close the site
14 without an alternative issue site.

15 MS. GIBBENS: But would you spend
16 it at Cochiti Lake?

17 MR. RIEKENBERG: We don't have
18 the money to spend right now if that's what you are
19 asking.

20 MS. GIBBENS: So why are we
21 here?

22 MR. RIEKENBERG: Because we're
23 early in the NEPA process. It's called a Draft
24 Environmental Assessment so we are getting the
25 information that we need to go forward.

1 it that you are speaking of, the constituency that you
2 are speaking of?

3 LTC. HURST: The constituency are
4 the pueblos.

5 MR. BERGMARK: Thank you.

6 FACILITATOR MOYE: Thank you,
7 Greg. I am going to turn this over to the Lieutenant
8 Colonel to close this meeting thank you very much for
9 letting us participate in sharing of information.

10 LTC. HURST: I want to thank you
11 all for coming tonight. It's tough being on the hot
12 seat with the questions. Obviously this is a very
13 contentious issue with three competing interests at
14 stake.

15 One, is the desire of the pueblos to
16 close the outlet works to the general public and keep
17 those for their religious activities. And the second,
18 the concerns of the citizens in Pena Blanca and the
19 impacts that alternative sites at that location may
20 have upon those folks in Pena Blanca. And the last,
21 recreation opportunities of fishermen and what would
22 happen if a site was closed or a different site was
23 selected.

24 Three big competing demands out there.
25 Again, this is early on in the environmental or NEPA

1 FACILITATOR MOYE: Is this a quick
2 question?

3 MR. BERGMARK: My name is
4 Bergmark. Just to further clarify that the number 1
5 option alternative, no action is just as viable and
6 likely as any other action. Yes, that is a question.

7 LTC. HURST: The no action
8 alternative is a viable alternative.

9 FACILITATOR MOYE: Sir --

10 MR. BERGMARK: To follow up, I
11 don't recall whether it was in the document or not.
12 Is there a necessity in priority? In other words, if
13 you can not find another alternative that that would
14 be a higher priority to take no action rather than
15 close the facility as a negative action?

16 LTC. HURST: If we are not able to
17 find a viable alternative to beyond the no action
18 alternative, there is still a constituency out there
19 that feels and has the desire to close those outlet
20 works, and again they are part of the public and we
21 must look at those comments from that group of people
22 and take those into consideration. And we would be
23 looking at the pursuit of the closure of the outlet
24 works with no alternative site.

25 MR. BERGMARK: To clarify, who is

1 process. We are out there to solicit your comments
2 and your issues and take those back, start doing the
3 home work that the staff worked to address these
4 issues and answers, and we will schedule a subsequent
5 meeting.

6 I don't have a time frame at this
7 point. Again, we have heard your concerns, we will
8 look at the location in Pena Blanca. Again, there is
9 trade-offs where that is but we will look at that
10 location and again we will be a little better in our
11 date selection. As this date was picked, one has
12 bounced around my calendar and I didn't put together
13 that Monday is a holiday, so we will look at making it
14 where it doesn't give the perception that it is not
15 scheduled around a holiday where it makes it
16 inconvenient for people who may be on vacation.

17 Again, thank you for coming. I
18 appreciate your comments. They are very helpful and
19 it will help us in addressing them in this NEPA
20 document. Thank you.

21 (Meeting recessed at 9:05 p.m.)

22 * * * * *

REPORTER'S CERTIFICATE

1
2
3 I, BETTY J. LANPHERE, RPR-CP-CSR, a Court Reporter
4 and Notary Public, with offices in Santa Fe, and
5 Albuquerque, New Mexico, DO HEREBY CERTIFY that the
6 foregoing transcript is a complete and accurate record
7 of said proceedings as the same were recorded by me
8 stenographically and were reduced through
9 computer-aided transcription to print by me or under
10 my supervision.

11 DATED at Santa Fe, New Mexico, this
12 30th day of August, 2003.

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14 _____
15 Court Reporter
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***RELOCATION OF AL BLACK RECREATION AREA AT THE
COCHITI DAM OUTLET WORKS TO PEÑA BLANCA, SANDOVAL
COUNTY, NEW MEXICO***

**RESPONSES TO PUBLIC COMMENTS RECEIVED DURING
PUBLIC MEETING AUGUST 28, 2003
AT
RIO RANCHO HIGH SCHOOL PERFORMING ARTS CENTER
RIO RANCHO, NEW MEXICO**

(Note: Pages and line numbers refer to the Record of Proceedings of the public meeting in Appendix E of the draft EIS.)

Fishery

1. **Comments:** Page 18, line 22; page 19, line 1; page 24, line 19; page 70, line 11; page 88, line 5. These comments were concerned with the capability for supporting a public fishery and the absence and the need for water quality data at Peña Blanca.

Response: A representative from the New Mexico Department of Game and Fish (NMDGF) met with Corps staff on-site March 27, 2002 to assess the desirability and feasibility of establishing a recreation area and stocking fish at Peña Blanca. While reacting positively to the proposal, the NMDGF representative stated that summer water temperature data would have to be assessed to determine if the site would support their current stocking schedule. This was confirmed in NMDGF's December 4, 2002 letter (see Appendix A). They were particularly concerned with water temperatures during June, September, and October. NMDGF installed two temperature probes in the Rio Grande at Peña Blanca from June into October 2003 inclusive. The analysis of the data will be discussed in the DEIS.

The U. S. Fish and Wildlife Service also recommended collecting water quality data in the Rio Grande at Peña Blanca (see letter response letter dated August 29, 2003, Appendix A). During coordination meetings, conversations, and in their letter of March 27, 2002, the NMDGF expressed no concerns about water quality relative to stocking fish at Peña Blanca. When specifically queried on the issue, a NMDGF representative stated that there has never been a pH problem on the Rio Grande below Cochiti Dam and that water temperature at the site was the primary concern for stocking fish (personal communication between R.Hansen, NMDGF, and E. Jahnke, Corps). When advised of this, the USFWS accepted this explanation (personal communication between E. Jahnke and John Branstetter, USFWS, 9/18/03). If NMDGF had requested water quality or any other data (i.e.. water depths) at Peña Blanca and/or the Outlet Works, the Corps would have collected it to their specifications.

2. **Comment:** Page 36, line 12. This comment expressed concern for predation by stocked fish on the Rio Grande silvery minnow.

species. The US Fish and Wildlife Service (USFWS) determined that one of the possible causes for the decline in the silvery minnows abundance includes the introduction of non-native competitor/predator species. The USFWS has informally expressed their objection to stocking brown trout at Peña Blanca because of potential predation on the RGSM (Personal Communication with John Branstetter, USFWS, 9/03). Although the NMDGF occasionally stocks brown trout at the Outlet Works, the Corps would request that brown trout not be stocked at Peña Blanca under any potential stocking program. As stated in their (NMDGF) letter dated October 30, 2003, they will formally consult on this matter with the USFWS under Section 7 of the Endangered Species Act for a final determination on this matter.

3. Comment: Page 60, line 9. The respondent was concerned about the potential lack of water depth at Peña Blanca and the effect on stocked fish.

Response: The closest Rio Grande flow gage to Peña Blanca is upstream at from the site at the Below Cochiti gage. Since the construction of Cochiti Dam, the lowest flow recorded at this gage was 67 cfs in 1978, a severe drought year. The lowest flow recorded up to November at this gage in 2003, a drought year, was 380 cfs on October 30. The NMDGF did not express any concerns with water depths at the site with respect to stocking rainbow trout. Even at wading depths (a condition that would probably seem desirable to most trout fishermen), there appears to always have been enough water to support a put-and-take fish-stocking program at Peña Blanca. The decision not to stock at any given time due to a concern for water depths would be up to the NMDGF.

4. Comments: Page 70, line 16; page 88, line 8. These comments were concerned with the collection of water temperatures at Peña Blanca through October and the release of the Draft Environmental Assessment (DEA) in August before the data had been analyzed.

Response: The water temperature data information is a crucial component of the decision making process for the proposal to relocate the Al Black Recreation Area to Peña Blanca. Consequently, no decision on the feasibility of using the area would be made until the water temperature data was collected through the prescribed time period and analyzed by NMDGF. As stated by NMDGF in their December 4, 2002 letter (see Appendix A), "I can not at this time state that stocking would continue at the Peña Blanca site. Our staff will have to deem water quality parameters (*i.e. water temperature, ed. note*) sufficient for continuation of current stocking strategies. If water quality parameters were insufficient, an alternative stocking strategy would have to be identified." Their letter of October 30, 2003 (Appendix A) detailed their sampling effort and the conclusion that water temperatures at Peña Blanca would support a trout stocking program under their management at the site.

Other decision-making information was also being collected at the time of the public meeting but that did not prevent the NEPA process from moving forward. For example, the Corps felt that it was prudent and necessary to secure a commitment for the Peña Blanca property from MRGCD before circulating the proposal for public comment. Even so, the Corps circulated the DEA in August 2003 when MRGCD recommended proceeding with the public review without their assurance that the property would be available. In contrast to the recommendation to delay the public meeting until the water

quality data had been collected and analyzed, many individuals at the public meeting expressed dissatisfaction that the hearing had not been held much sooner in order to give them the opportunity to express their opinions on the proposal. The Corps also regrets that the public meeting was not held much earlier.

5. Comment: Page 71, line 4. The respondent expressed concern that stocked fish would migrate upstream and out of the Peña Blanca reach of the river

Response: See Section 2.03.2 of the DEIS.

Project impacts on the way of life in Peña Blanca/Sile

Comments: Page 23, line 2 and 11; page 29, line 13; page 35, line 16; page 40, line 16; page 51, line 19; page 52, line 13; page 60, line 25. These comments were concerned with the potential effects on the quality of life at Peña Blanca that the proposed recreation area due to increased traffic, noise, crime, privacy, the way of life, fire hazard, and land values.

Response: The Corps acknowledges these concerns by the residents of Peña Blanca. These quality of life factors, the controversy associated with the Corps' proposal to establish a recreation area at Peña Blanca, and other information compiled during the public review of the draft Environmental Assessment were factors considered in the decision by the Corps to prepare an Environmental Impact Statement.

Local involvement in the NEPA process

Comments: Page 25, line 23; page 38, line 7 and 25; page 39, line 11; page 44, line 16; page 51, line 5; page 58, line 15; page 61, line 16; page 66, line 1; page 68, line 18. These comments were concerned that many individuals in Peña Blanca were not personally notified of the proposed project, why a meeting was not held in Peña Blanca; lack of notification to adjacent property owners, and having to read about the proposal in the paper rather than by personal contact.

Response: The Corps acknowledges that every individual in Peña Blanca was not personally notified of the proposed project and proposed meeting. Our notification process realistically relies on mass media notifications and as many individual notifications as possible. Standard procedures for coordination under the National Environmental Policy Act (NEPA) prescribe that Federal State, local agencies, affected Indian tribes, and any person, organization or agency requesting a copy receive the document. Public involvement includes a public notice of related hearings, public meetings, and the availability of environmental documents. For these purposes, a Notice of Availability of the DEA was published in the legal section of the *Albuquerque Journal*, the *Santa Fe New Mexican*, and the *Rio Rancho Observer* on August 1, 2003. Due to the prohibitive cost of mailing a copy of the DEA to our entire mailing list, a postcard notification announcing its availability was sent. Interested recipients were advised to request that a copy be sent to them by mail or, alternatively, that an electronic copy was available on the Corps web page. The notice also contained information on the time, date, and location of the Rio Rancho public meeting held August 28 2003. Over 700 copies of the postcard were mailed. Copies of the DEA were sent to Federal, State,

local agencies, Indian tribes, local postmasters (including Peña Blanca), and everyone responding to the postcard notification. The Corps Real Estate Section searched the Bernalillo County tax records for the names and addresses of property owners abutting the proposed recreation site on the MRGCD bosque property. By letter, these individuals received a copy of the DEA, the public meeting information, and were invited to comment on the proposal.

The original press release announcing the proposed action was discussed in local newspaper articles approximately 18 months prior to the August 2003 release of the DEA. While the Corps intended to follow-up with a public meeting and circulation of the DEA much sooner, coordination delays were encountered with the Pueblo de Cochiti, obtaining real estate information, negotiating with MRGCD on the availability and use of their Peña Blanca property, and internal delays compiling the document itself. The Corps realizes and regrets that the citizens of Peña Blanca felt ignored in this process. The Corps was also unaware of the existence and availability of the Peña Blanca community center as a meeting place. The Corps has responded to these concerns by scheduling public meetings in Peña Blanca on December 3, 2003 and in Albuquerque on December 4, 2003. The proceedings and additional information gathered at that meeting are now incorporated into the Draft Environmental Impact Statement.

Funding/fee/cost

Comments: Page 19, line 10; page 25, line 11; page 37 line 12; page 37, line 25. These comments focused on costs associated with the proposed project including the “unguaranteed” \$600, 000 for constructing the project, whether or not a fee to fish would be charged, spending tax dollars to build something that already exists, and the extra costs for security and road maintenance.

Response: As stated in the Draft Environmental Assessment (DEA), the document would be used as the decision document to request Congressional funding for closing the existing recreation area and constructing an alternative recreation area. Because the location of the property was outside of the existing limits of the Cochiti and, therefore, not in the Corps’ annual operating budget, a separate request for the money would have to be presented to Congress for approval and authorization. For this reason, the Corps concurs with the comment that the estimated dollar amount for the project would not be guaranteed funds until legislative approval was granted. Just as there are no day use fees currently accessed at the Al Black Recreation Area, there would be no fees accessed for use of the proposed fishing site at Peña Blanca. Routine operation and maintenance costs for the proposed site would be similar to those currently incurred at the Al Black Recreation Area and would be part of the Cochiti Lake’s annual operating budget.

Traffic

Comments: Page 26, line 1; page 27, line 11; page 37, line 21; page 39, line 24; page 42, line 17; page 44, line 3. These comments were concerned adverse impacts that would be caused by an increase in traffic in Peña Blanca that would result from locating a recreation area in the Rio Grande bosque adjacent the town.

Response: Pena Blanca is currently impacted by traffic through their community by those traveling on Highway 22 to access the Al Black Recreation Area. Traffic currently passing through Pena Blanca as well as those accessing the Al Black Recreation Area by way of Highway 16 would have an impact on a portion of Arroyo Leyba Road. The section of Arroyo Leyba Road that would be used to access a fishing access in Pena Blanca is paved to the MRGCD gate. An access road to the proposed fishing site could be paved to eliminate problems with road dust and muddy conditions.

Drunks/alcohol use/safety/guns/homicides

Comments: Page 27, line 11; page 28, line 10; page 35, line 20; page 45, line 17; page 46, line 1; page 47, line 11; and page 61 line 5; and page 91, line 12. These comments involved concerns for the existing use of the Peña Blanca bosque area for drinking, increased numbers of alcoholic drinkers brought to the area traveling to the recreation area, the fact that the area is now an attractive spot to drink as it is isolated and lies between two pueblos, and that it is now used by gun shooters.

Response: These comments have informed the Corps that the Peña Blanca bosque is a local alcoholic beverage drinking, a gun shooting area, and considered by some individuals as an unsafe place. The Corps is also aware that the existing MRGCD gate on the access road is only open to vehicles of persons having paid for a permit and who have received a gate key from that agency. Although acknowledging there would be an increase in daytime traffic to the proposed recreation facility, provisions to minimize these problems both day and night would be addressed in the standard management procedures and restrictions associated with all Corps recreation areas. The site would be a day use area accessible dawn to dusk with routine patrols by Corps rangers or another partnering agency. While the Corps acknowledges that a recreation facility would bring greater daytime traffic to the area, it submits that the provisions to secure the property at dusk may reduce illegal use of the area by persons now causing safety and other undesirable behavior concerns.

Fire

Comments: Page 34, line 23; page 44, line 24; page 45, line 1; page 60, line 25; page 71, line 20; page 72, line 1; page 80, line 22. These comments expressed concerns about increased fire risk caused by users of a public recreation area in the bosque and about who would help fight a fire that might break out in the area since there is no local fire station.

Response: As a Federal partner in the prevention of wild fires, the site would automatically be closed when warranted by the MRGCD. Open fires within the day use area would be prohibited and strictly enforced.

MRGCD

Comments: Page 19, line 4; page 25, line 7; page 36, line 8; page 36, line 20; and page 88, line 18. These comments questioned why the Corps is pursuing the use of the site when MRGCD recommended looking for another location for the recreation facility,

would MRGCD allow access to the site, and whether or not the Corps would charge an access fee.

Response: Correspondence between the Corps and MRGCD can be found in Appendix A. The Corps issued a press release in February 2002 announcing the possible closure of the Al Black Recreation Area. A February 24, 2002 article in the Albuquerque *Journal* presented the known details at that time of the proposed action. In satisfying the NEPA requirement to conduct an alternatives analysis, which in this case involved identifying potential relocation areas for the Al Black Recreation facility, sites on the Rio Grande in close proximity were investigated. On April 17, 2002, the Corps met with MRGCD to discuss the possibility of relocating Al Black to their property on the Rio Grande bosque at Peña Blanca. MRGCD stated they were receptive to the proposal provided someone would police and manage the area and facilities. They further requested that the Corps survey the west side of the river for any other alternative locations. The DEA details this analysis. Upon conclusion of the alternatives analysis survey, the Corps sent a November 7, 2002 letter to MRGCD formally requesting their permission to describe the Peña Blanca property in the DEA as an alternative replacement location for Al Black and to include a proposed site design for the facility in the document. MRGCD's December 20, 2002 response letter raised issues about management of the site and suggested the Corps continue to look elsewhere for suitable recreation property. The Corps responded by letter dated March 31, 2003 explaining that the alternatives analysis confirmed that the Peña Blanca property was suitable to establish a replacement recreation area in the event Al Black was closed and that the concerns expressed by MRGCD would be addressed in a management plan for the facility. As MRGCD did not respond to this information, the Corps met with them June 23, 2003 to again discuss the possibility of obtaining a commitment to use the property so that the DEA could be released for public review and a public meeting could be scheduled to present the proposal to the public. MRGCD recommended that Corps commence with the public review and ascertain how the proposal would be received. On this basis the Corps proceeded with the public review without MRGCD's agreement to use the property.

Real estate issues Al Lopez

Comments: Page 39, line 14; page 66, line 6; page 67, line 5; and page 67, line 22. These comments concerned the disputed nature of the MRGCD property at Peña Blanca and the ownership of the property on the west side of the river opposite Peña Blanca.

Response: During the April 17, 2002 meeting, MRGCD advised the Corps that they own and maintain Leyba Arroyo and had deeds to their bosque property. As previously stated, they were willing to turn over the bosque property of interest to the Corps provided we would police it. MRGCD also gave the name of an individual who was claiming ownership of some of their property in that area. During the June 23, 2003 meeting with MRGCD, they stated that they did not know if the title was clear to the Peña Blanca property of interest and suggested the Corps do a title search to confirm rightful ownership.

The Corps determined that ownership of the non-pueblo land on the west bank of the river at Peña Blanca was in the hands of many private individuals and that it was divided

into numerous tracts. The record will be corrected to remove any reference to the acreage being owned by the Cochiti Pueblo. The numerous owners would make negotiating a recreation easement/lease very difficult at that location even if access to the river were available from the county road that runs through Cochiti and Santo Domingo Pueblos. For these reasons, the Corps determined from the outset (see discussion in DEA) that Sile, NM was not a viable relocation site for the replacement of the AI Black recreation area.

Authority to close AI Black

Comments: Page 38, line 13; page 40, line 8; page 56, line 13; and page 86, line 24, page 87, line 6. These comments questioned the right and/or the authority of the Cochiti Pueblo to request the Corps to close the AI Black Recreation.

Response: The reader is referred to page 56, line 15 of the proceedings. The Corps' Office of Counsel explains that the Cochiti Pueblo retained certain rights in their easement granted to the Corps for the use of their property. This included the right to terminate any part of the easement concerning any lands in the project area that were, and this was the term that's used in the easement, "not necessary to the efficient operation and maintenance of the project." So it is a perpetual easement, but the easement may be modified by terminating portions that meet specific criteria. In this respect, the Cochiti Pueblo has requested that the AI Black Recreation Area site, which has religious significance to them, be closed to the public. Their authority and right to do this is legally defensible under the terms and conditions of the easement granted to the Corps at the site. The Corps is complying with the Pueblo's request as landlord of the property.

Precedence

Comments: Page 84, line 1; page 84, line 17, and page 85, line 19. These comments express concern for setting a precedent of closing other fishing areas established by similar agreements with the Corps.

Response: The Corps' Office of Counsel responded to this concern on page 85, beginning on line 2 and then again beginning on line 18, and on page 86, line 3. In summary, each project would have to be looked at individually. This action is not a precedent that would allow us to close down any site without any *legal reason* (italicized works added).

Flycatcher

Comment: Page 25, line 2. The commenter had concerns about the Southwestern Willow Flycatcher, if surveys have been done, and the type of habitat potential nesting in the area as those sorts of questions weren't addressed in the EA.

Response: The flycatcher is discussed in the DEA under Section 3.08 Endangered and Protected Species and on page 40 in the "Effects" section of the document. The assessment concluded that there would be no effect on the bird or its critical habitat due to the absence of preferred habitat including still or slow moving water, the absence of saturated soils, and the absence of preferred vegetation morphology a minimum of 10 meters wide. Informal coordination was initiated with the US Fish and Wildlife Service

under the Endangered Species Act with a request for their concurrence on this determination.

Socio-economic effects

Comment: Page 38, line 2. The commenter stated that the conclusion that there would be no negative impacts on social and economic conditions is ridiculous.

Response: The Corps economist that compiled the socio-economic assessment relative to the impacts associated with closing Al Black and relocating it to Peña Blanca responds that the economics analysis is accurate as stated. However, the Corps acknowledges the social impact concerns of the citizens of Peña Blanca as discussed under “impacts to way of life,” “traffic,” “drunks, alcohol use,” “safety, guns, homicide,” and “fire.” They will be factors considered in the overall analysis of the project impacts in arriving at a final decision for the proposed action.

Parking/access road

Comment: Page 25, line 17. The concern involves the adequacy of the proposed recreation facility design at Peña Blanca for the number of anglers that are expected and who would maintain any access roads and the quality of the road and its ability to handle the traffic.

Response: The proposed design for the proposed fishing access site is preliminary and additional parking could be incorporated into the plan. Construction and maintenance of the access road and parking would be the responsibility of the Corps or a partnering agency.

Duck hunting at site

Comment: Page 46, line 16. This comment concerns the current use of the bosque at Peña Blanca by duck hunters.

Response: MRGCD authorizes duck hunting as a permitted use with their access permit on their bosque properties. Increased use of the area by fishermen and other recreationists at a Corps public facility probably may reduce the amount of ducks that would utilize the river at the site. Hunting would also present a safety risk. These issues will be discussed in the DEIS and would be considered in any negotiations for use of the property as a no-fee public recreation area.

Aquatic vegetation at the site

Comment: Page 46, line 16. The concern is for the presence of “seaweed” in the river at Peña Blanca from June through December or January and its affects on fishing.

Response: The Corps acknowledges that heavy aquatic plant growth can adversely affect fishing success. Aquatic algae are water-temperature dependant and present in the Peña Blanca reach during the warm summer months. The NMDGF considers their stocking program as seasonal (winter) and implemented during water temperatures cold enough to be suitable for rainbow trout. As such, algae would be minimal or absent and not be a

problem for trout anglers. When assessing the suitability of the site for stocking, the NMDGF did not express any concern that algae may interfere with fishing.

Liability of adjacent landowners

Comment: Page 47, line 23. The concern was for liability incurred by property owners adjacent the recreation site from strangers who enter their property and getting hurt.

Response: The Corps' Office of Counsel responds that, with any property ownership, regardless of its location, there are responsibilities related to potential liability. A complete analysis of New Mexico tort law is impractical with this response, and the result will depend on the facts of each case. Generally, however, if landowners know of an unsafe condition on their property, they have the responsibility to take reasonable measures to either correct the hazard or, if that is impractical, prevent access to the property. If a landowner knows that there are frequent trespassers, then there is generally a greater duty to correct the hazard. The duty on the part of landowners to take reasonable measure to prevent injuries applies to persons that are either invited or illegally present with the property lines. It should be noted that injuries are often the result of an individual's own negligence; it does not necessarily mean that there was a hazardous or unsafe condition on the property.

Solid waste management

Comment: Page 74, line 11. The comment references handling of solid waste, i.e., who will be responsible for removing the existing solid waste on the MRGCD land?

Response: Although a developed fishing access site would only incorporate a small portion of the approximate 43 acres of MRGCD land, the Corps would be willing to work with MRGCD and any other partnering organizations to remove the solid waste that currently exists.

Restoration of Al Black site

Comment: Page 52, line 18. The comment questions restoration of the Al Black site and what is considered the original condition.

Response: The third paragraph of Section 1.04 of the generally summarizes the proposed action and states "...the site would be restored as prescribed by the Pueblo." Paragraphs B. and C. of Section 1.02 of the DEA give specifics on what will be done with the existing physical facilities and the known improvements to the site after their removal. The Pueblo has requested these actions, and further restoration work may be required. The words "original condition" have been removed from the text and replaced with "more natural conditions" to reflect the nature of the surrounding area not disturbed by the physical features of the dam.

Management of site

Comment: Page 40, line 3. This comment inquires as to who is to run the proposed facility at Peña Blanca and who is going to be responsible for it.

Response: The Corps or a partnering agency would manage the site to include routine patrols, custodial cleaning of vault toilets, trash removal and routine maintenance items. The site would be restricted to day use only with gates open dawn to dusk.

Impact on bosque

Comment: Page 42, line 13. This comment is concerned with the impacts that the construction of a recreation facility would have on the bosque.

Response: The DEA discusses the construction of the recreation facilities in Section 2.03.2. The Corps is committed to minimizing disturbance as much as possible in this effort. Protecting the natural condition of the bosque at the site is of aesthetic importance to recreationists. There are many areas that have little, if any, understory vegetation and the open areas without overstory trees are considered primary sites for the construction of the parking lot. Removal of invasive saltcedar and Russian olive may be necessary but, as the DEA describes, valuable overstory cottonwood trees would be avoided. The bosque in this area has been highly disturbed by levee construction on its eastern edge, the installation of property line fencing on the north and south boundary lines of the MRGCD controlled acreage, a honeycomb of dirt roads runs throughout, and by the existing use of the area by fishermen, hunters, and other members of the public. As Section 3.14 of the DEA discusses, the area also contains numerous small illegal dumpsites. One of the reasons MRGCD installed a gate with a lock is to arrest the dumping that has been occurring over the years. The Corps would remove all the dumped material and provide for trash disposal and removal as part of its management program at the proposed facility. The Corps feels that most of the adverse affects to the bosque have occurred or are occurring as a result of ongoing human activity.

Recognizing that an increase in human activity is likely to occur if a recreation facility its constructed, the level of increase would not add significantly to the human disturbances now taking place. Management of the area would eliminate the unsitely aspects of dumping and would inhibit access to the area by undesirable persons now of concern to the community of Peña Blanca.