

APPENDIX H

**RECORD OF PROCEEDINGS
FOR
DECEMBER 3, 2003 PUBLIC MEETING
AND
CORPS RESPONSES TO COMMENTS**

Page 1

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 PENA BLANCA,
 8 SANDOVAL, NEW MEXICO,

9 TRANSCRIPT OF PROCEEDINGS
 10 December 3, 2003
 11 6:30 p.m.
 12 Pena Blanca Center
 13 Pena Blanca New Mexico

16 FACILITATED BY: Bill Moye
 17 Chris Kenny

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

Page 2

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 Ron Kneebone
 10 Susan Shampine, Chief of Operations
 11 Cynthia Piirto, Outdoor Recreation Planner

12 COMMENTERS:

13 Gerald Leyba
 14 Richard Becker
 15 Pat Vester
 16 Jay Woods
 17 Maureen Johnson
 18 Sidney Dykhuizen
 19 Paul Johnson
 20 Ted Hewes
 21 J. A. Woods
 22 David Shultz
 23 Sheila Gibbens
 24 Patrick J. Montoya
 25 Jim Wagner, MRGCD
 Subhas Shah, MRGCD
 Richard Hansen, Game and Fish Department
 Lupe Garcia
 Ron Matsen
 Michael Davis, Albuquerque Journal
 Jose Otero

Page 3

1 PROCEEDINGS
 2 December 3, 2003

3 FACILITATOR MOYE: Let me just
 4 introduce myself. My name is Bill Moye, I have a
 5 company called the Star Group. We do management
 6 consulting and public participation, outreach,
 7 planning and all kinds of things like that. We are
 8 from Albuquerque. With me is Chris Kenny.

9 We are trying to make this work. We
 10 are trying to do something different tonight because
 11 we thought the room might be filled with all of these
 12 chairs. And instead of flip charting, we are going to
 13 put it on a word document and it will be projected on
 14 the wall so it will be easier for you to read.

15 And then we have some ground rules that
 16 we use to run meetings and they are up on the wall
 17 over there, I hope you can read them. The first one
 18 says respect the speaker. And that doesn't matter who
 19 has the floor. Really who has the floor, give them
 20 your full attention.

21 The second one says listen to learn.
 22 If you consider that everybody here has something of
 23 value to say. If you listen to it from that
 24 perspective, we may all gain something from that, and
 25 find we will call it the best solution to the

Page 4

1 situation that we are in.

2 The third one is honor time limits, and
 3 we haven't set a time limit yet except we have to be
 4 out of here by nine because we have to help them clean
 5 this place and remove the chairs and do all the other
 6 fine things we have to do by nine o'clock.

7 If we are done at 7:30, we are done at
 8 7:30, and if not we will continue until 9:00.

9 The agenda for tonight is that this is
 10 an EIS scoping meeting. And we are going to have a
 11 welcome and then the purpose of the meeting tonight is
 12 twofold. It gives some historical background of what
 13 is going on, we will talk about maybe some
 14 alternatives for mitigating the situation, and that is
 15 basically the purpose. It's two fold. So this panel
 16 will be here to present to you, some of the people on
 17 the panel will be here to present to you to tell you
 18 what is going on and then we are going to ask you for
 19 input.

20 We have a court reporter, Betty
 21 Lanphere, and she has a very special request of you.
 22 When you come up to speak, if you would state your
 23 name and what you have to say.

24 If you are interrupted in that speech,
 25 if you will restate your name, and it's just for court

1 reporting, so this is so we can say so and so said
2 something, and that's important in court reporting.
3 So like if you were saying something and someone
4 responded to you from the panel and then you wanted to
5 continue, just restate your name and continue what
6 your thought was.

7 Other introductions. Let me ask the
8 panel to introduce themselves and we will start with
9 Susan.

10 MS. SHAMPINE: Thank you,
11 Bill. My name is Susan Shampine, and I am Chief of
12 the Operations Division for the Albuquerque District
13 Corps of Engineers. I have been working with the
14 Cochiti Lake project now for about ten years. And I
15 missed the last meeting because I was over in Iraq so
16 I am excited to hear what all has transpired while I
17 was gone, and I will pass this on to Colonel Hurst.

18 LT. COL. HURST: Good evening, I
19 am Lt. Col. Dana Hurst. I am the Commander of the
20 Albuquerque District and I will be talking here once
21 we finish all the introductions.

22 MR. KNEEBONE: Good evening, my
23 name is Ron Kneebone. I am with the Corps of
24 Engineers. I guess I am over this line. I am project
25 manager for the project.

1 FACILITATOR MOYE: Thank you,
2 Susan. The rest of the agenda is we are going to have
3 a presentation, about 30 minutes of presentation by
4 two speakers. And then we are going to ask you to
5 help us to explore alternatives to mitigate the
6 current situation that will be explained during the
7 presentations, so that's where we are.

8 I am going to turn the microphone over
9 to the Colonel and he will talk to you about the
10 historical situations.

11 LT. COL. HURST: Thanks. For all
12 of you that, I see a lot of familiar faces who were
13 back at the August 28th meeting in Rio Rancho.

14 Just on an administrative note, I sent
15 personal letters to everybody who was at that meeting,
16 so if you didn't get a letter, either we didn't have
17 your name from the sign-in cards or we had difficulty
18 reading the address. And sometime at the end of the
19 meeting if you will leave a list of addresses, that
20 way I can make sure that you, that in fact you are
21 notified and aware of the latest developments with
22 regard to this EIS as we go along, and we are able to
23 maintain communications with you.

24 That was a concern at the last meeting
25 was how much notification in our ability to contact

1 MR. JAHNKE: I am Ernie Jahnke, a
2 biologist, working in the Environmental Resources
3 Section and I am preparing the Environmental Impact
4 Statement for this proposal.

5 MS. PIIRTO: Good evening, my name
6 is Cynthia Piirto and I am an Outdoor Recreation
7 Planner for the Albuquerque District.

8 MS. SHAMPINE: And, Bill, can I
9 introduce a couple of other people?

10 FACILITATOR MOYE: Oh, please.

11 MS. SHAMPINE: Just real quickly,
12 a couple of other key people. Douglas Bailey is our
13 manager out at, the Operations Manager out at Cochiti
14 Lake, so I am hoping some of you will get to know
15 him. He is responsible for management of the
16 project. And Mike Carey, who is our Chief of
17 Operations and Technical Support. Thank you.

18 And we do have other Cochiti staff
19 members here. Craig Lykens, a park ranger, our lead
20 park ranger there.

21 FACILITATOR MOYE: The tall guy.

22 MS. SHAMPINE: Yeah, the big tall
23 guy. Lead park ranger there at Cochiti Lake. And we
24 do have some other Corps employees here but I think I
25 will leave it at that.

1 the majority of the public.

2 Again, I am Lt. Colonel Dana Hurst. I
3 am the Commander of the Albuquerque District. I might
4 introduce one other gentleman, Richard Hansen. He is
5 sitting back here from the Game and Fish Department.
6 He is the Assistant Chief of the Fisheries Management
7 Division, so he's been providing some input to various
8 alternatives of whether the river would be able to
9 support the stocking program that is currently done at
10 the Al Black area and whether other areas would in
11 fact be suitable.

12 With this meeting the purpose is to
13 receive your input in order to, for us to try and
14 generate alternatives to recreational opportunity of
15 the cold water fishery by the proposed action to close
16 the Al Black area to the public. And again, the
17 action we are going to do is close the Al Black area
18 to the public and close fishing at that site.

19 To give you some history, back in
20 December of 2001, the Cochitis had verbally requested
21 to the Corps that we close the site, and we have a --
22 while we have an easement in perpetuity with the
23 Pueblo for operation and maintenance of the dam, there
24 are clauses within that MOU that allow the Cochitis to
25 ask for modifications to the easement that do not

1 affect the operation and maintenance of the facility
2 itself. And that is what they have come out and done
3 is requested that we close the outlet works to
4 recreation in accordance with the provisions of the
5 MOU that we have with them, and because it does not
6 affect how we operate and maintain the physical flood
7 control structure.

8 From December of 2001 to June of 2003,
9 the Corps, the Bureau of Indian affairs, the Cochiti
10 Pueblo, the Department of Game and Fish, we all went
11 out and were trying to find various alternatives, or
12 potential alternatives to replace the lost fishing
13 that would occur as a result of the closure. So a
14 long 18 month period that we were out looking around
15 for a different site.

16 We did come up with a potential
17 location and that site is in Pena Blanca here. We
18 believe that at the time that we had just completed
19 the environmental assessment, the NEPA document, and
20 we will be able to come up with a finding of no
21 significant impact as a result of the research and
22 study for that alternate site.

23 However, when we held the public
24 meeting in Rio Rancho back on August 28th, it was
25 pretty clear to me that at least what was presented

1 improve another existing site.
2 If not, the alternative that is on the
3 table is we are going to close the outlet works and
4 there will be no other sites opened or improved as we
5 go along.

6 We have spent a lot of time trying to
7 find alternative sites and locations and didn't really
8 engage the public. And there are probably a lot of
9 fishermen out there or folks that know of other sites
10 that may be suitable that we can go in and work an
11 agreement with, and that is suitable with the
12 residents who are directly around that area.

13 With that, and what I want to do is
14 turn it over to Ron Kneebone who is the project
15 manager for this, and he will cover again some of the
16 background and some of the alternatives that we have
17 already looked at.

18 MR. KNEEBONE: Thank you, sir.
19 Most of you folks who attended the last meeting have
20 received copies of the EA are familiar with much of
21 what I am going to say, or what I am going to
22 present. Basically what we are trying to do is to
23 elicit new information, new ideas from you folks, so
24 let me go through this again. The Colonel has
25 outlined this pretty well. The action is the closure

1 initially, and there was probably not enough
2 information in the environmental assessment that both
3 the fishermen as well as residents of Pena Blanca and
4 Sele were adamantly opposed to the alternate site of
5 Pena Blanca to replace some of the lost fishing that
6 would occur as a result of the closure.

7 As a result of that, I made a decision
8 that I would not be able to make a finding of no
9 significant impact, and we would move into the
10 Environmental Impact Statement process, and this is
11 the first step of that process that we are here at
12 tonight.

13 Additionally, we have received formally in
14 writing from the Cochitis, again I said back in 2001
15 was just a verbal request to us to close Al Black.
16 They have since come back formally requesting the
17 closure and modification of the easement to rescind
18 the recreation at that location.

19 That's what really brings us up to now,
20 and the purpose of this meeting is a scoping meeting.
21 We are here to ask you what possible alternative
22 solutions are out there to replace for the lost
23 recreation and fishing activities that were at the
24 Cochiti site or the outlet works site, and maybe we
25 can work with that and develop an alternative site or

1 of recreational fishing at the outlet works of Cochiti
2 Dam.

3 UNIDENTIFIED PERSON: What is the
4 reason for that? Are you going to provide an
5 explanation?

6 MR. KNEEBONE: As the Colonel,
7 mentioned, sir, that is at the request of Cochiti
8 Pueblo who owns the land. If we could hold questions
9 until we are done, we will get into new ideas and move
10 through this, then we will take all the questions that
11 you have.

12 Again, the action is closure of
13 recreational fishing. The no action alternative for
14 that is really not feasible because Cochiti Pueblo who
15 is the owner has the right to terminate recreational
16 activities in this particular location, so that is not
17 an alternative that we can pursue.

18 We have a variety of relocation options
19 that we have looked at so far. Those have been listed
20 in the EA. The initial location that we talked about
21 in the EA obviously was Pena Blanca, and we will
22 address some of those questions in a moment.

23 We received a variety of input from our
24 first public meeting. That material has been
25 incorporated into the draft EIS, and we have some

1 information if you desire. The relocation, second
2 relocation possibility that we looked at was the
3 Pueblo of Cochiti, relocation downstream of the outlet
4 works. The Pueblo has denied access for that on
5 pueblo lands.

6 Third location was in Sele across the
7 river on the west side. The real estate was too
8 complex in that there were too many real estate
9 landowners, too many parcels that we would have to
10 deal with. It would be prohibitively expensive in
11 terms of real estate acquisition, development of
12 access to do that, at least as we developed that so
13 far.

14 Other than that, we looked downstream on the
15 Rio Grande, on other Indian lands, other pueblos.
16 Santo Domingo, San Felipe, Santa Ana, all three tribes
17 declined the opportunity to develop fishing along the
18 river.

19 And a fifth location was then
20 downstream of the tribes, which was in Bernalillo. In
21 addition to the tribes not wanting to give up the real
22 estate or provide that location or those locations, as
23 we move further downstream it becomes harder, actually
24 impossible to duplicate the cold water fisheries that
25 we have here at the outlet works, so those become

1 unsatisfactory as we move further south.

2 A fifth relocation is to improve
3 fishing on the lake itself, to develop handicapped
4 access, provide new fishing areas up in the recreation
5 areas on the lake. Those again would not be cold
6 water fisheries, they would be warm water fisheries,
7 and would not be in kind area for the action.

8 The last alternative is to close the
9 area and provide no new recreational opportunities in
10 the area. Now, with that, that pretty much lists the
11 broad spectrum of what we have addressed so far, and I
12 would like to open it up and turn it over to Bill to
13 receive from you folks any ideas about alternatives we
14 haven't looked at. If possible, development at other
15 areas that could help us in this action. Thank you
16 very much.

17 FACILITATOR MOYE: I think the
18 question is up on the table. The reason we are here
19 tonight is I want to inform you of what is going to
20 be, and then the second is to get your input on what
21 possible alternatives do you recommend to mitigate the
22 closure of Al Black recreational area.

23 Yes, ma'am. I have a list of cards
24 here of people who signed up to speak, and I would
25 like you to speak to that issue as opposed to anything

1 else. And in order of the way they signed up, I
2 believe it's Gerald Leyba. Please state your name and
3 what alternative you would like to see.

4 MR. LEYBA: My name is Gerald
5 Leyba and I am very concerned about this situation
6 because we have a very -- my ancestors were the ones
7 that first settled in this Leyba Arroyo as you are
8 going to use it, that you want to use it for our
9 recreational area when we have no other way to get to
10 the bosque.

11 And the minute that bosque has been
12 opened, it was trashed out real bad as you probably,
13 if you have been along the bosque and have seen it.
14 It is a terrible situation.

15 We have our lands on the border, and
16 most of our lands are adjacent. Some of these lands
17 don't even have a boundary. They have the Rio Grande
18 and the Rio Grande moves from one side to the other,
19 and your land was up to the river, the description of
20 the properties, and then from the other side the same
21 way from Sele. Okay.

22 Over the years we have left the bosque
23 open and everybody pulled back when they put that
24 drainage in there, and pulled back their fences up to
25 that idea and no longer have we used the river as a

1 boundary.

2 Now, that you have the recreation area
3 up there, we don't have anyplace else to go. We are
4 going to be bounded on the west for us here and the
5 Seles from the east by recreation areas. That's
6 ridiculous.

7 FACILITATOR MOYE: I think in the
8 comments that were made by the Colonel and Ron
9 Kneebone that the Pena Blanca alternative I think has
10 been taken off the table unless somebody puts it back
11 on the table. Is that a fair statement?

12 MR. LEYBA: Our position is taken
13 off the table?

14 FACILITATOR MOYE: I am trying to
15 get clarification.

16 LT. COL. HURST: The Pena Blanca
17 alternative is still a viable alternative, and one of
18 the things that we wanted to hear, and maybe I will do
19 a show of hands at the end of this meeting, is from
20 the fishermen. Do you think the Pena Blanca
21 alternative is a viable alternative, because all we
22 heard at the previous one when it was not clear that
23 the outlet works would in fact close, that option was
24 off the table, and now that we have from New Mexico
25 Game and Fish their data that supports that the Pena

1 Blanca location would be suitable for stocking and
 2 they would continue to stock to the same schedule or
 3 relative schedule that they do at the outlet works.
 4 More definition at the Pena Blanca site
 5 could be a viable alternative is coming forward.
 6 There are still a lot of issues to address regarding
 7 that site. However, we have not closed the door on
 8 the Pena Blanca site, but we are looking for other
 9 alternatives that are out there.
 10 Again, if we can wade through and find
 11 another location that is more suitable, is well
 12 received by all the residents, the fishermen as much
 13 as it can be received and it's not, you know, totally
 14 controversial or more controversial than what we have
 15 at Pena Blanca. That is what we are here to gather
 16 tonight.
 17 Maybe we can find other alternatives
 18 that are out there.
 19 We will continue to pursue the Pena
 20 Blanca alternative as it is unless probably between
 21 these two meetings everybody in the audience says that
 22 site is not acceptable to us period, do not consider
 23 it, and if that is the case then I would probably not
 24 expend effort in looking at that site. But if I have
 25 a hundred fisherman tell me it's a good site to

1 continue to look at, and the residents saying, no,
 2 it's not, I still need to look, consider the
 3 alternative and come to define all the concerns in
 4 whether or not we could in fact use that site or not
 5 use that site.
 6 MR. LEYBA: Gerald Leyba again. I
 7 would say that is this telling us that we are going to
 8 be considered as a fishing area for recreation? And
 9 where are we going to put all of these people and how
 10 are we going to get to it and who is going to patrol
 11 it and who is going to take care of it?
 12 Have you got the manpower to patrol it
 13 day and night? Today, we have the game department
 14 come down in here telling us what to do. There is
 15 hunting and fishing down there all the time. There is
 16 hunting every morning at dusk, before daylight. You
 17 can stand out there and hear the shooting all over the
 18 place.
 19 We have got cattle right up against the
 20 river there that we graze, and if they come down and
 21 shoot these animals, who is going to pay for them, but
 22 the game department comes over here and doesn't do
 23 anything about controlling the thing.
 24 Nobody patrols it, and we are going to
 25 be the same thing now that we are trying to shove all

1 of this stuff, especially people. There is quite a
 2 few people from -- our towns are getting bigger and
 3 bigger, Albuquerque and Santa Fe, and there are people
 4 coming in from all over the world and New Mexico is
 5 getting way overcrowded and we don't need that,
 6 especially down here in a little place.
 7 We have kept this place for generations
 8 to try to stay away from the big cities, and here we
 9 are going to be infested with all of that stuff that
 10 is out there.
 11 A lot of these people are people that
 12 don't want to work in the first place. In the second
 13 place, they go to a lawyer, to a doctor and they get a
 14 statement that they are unable to work, but they are
 15 not kept from carrying their beer and their fishing
 16 rod all over the place and crossing the fences and
 17 shooting all over the place.
 18 And if you would come down here early
 19 in the morning before sunup and before daylight, you
 20 can hear the shooting all over the place down here.
 21 We are going to put up with all of that stuff and now
 22 you are trying to get us more of that kind of thing in
 23 here? I don't agree with it and I don't want it and
 24 most of these people are here for the same reason.
 25 And that's all I have to say. Thank you very much.

1 FACILITATOR MOYE: The next
 2 speaker to speak is Richard Becker.
 3 MR. BECKER: I am Richard Becker,
 4 I am President of the Albuquerque Wildlife Federation
 5 and I have copies of what I am going to be speaking to
 6 you for the benefit of the reporter.
 7 I am going to read this statement and
 8 then I am going to make additional comments based on
 9 what the Colonel has shared with us this evening.
 10 This is read, to the Department of the
 11 Army, Albuquerque District, Corps of Engineers,
 12 Albuquerque, New Mexico, from Richard W. Becker,
 13 President, Albuquerque Wildlife Federation.
 14 Dear sir: The following comments are
 15 submitted on behalf of the membership of the
 16 Albuquerque Wildlife Federation. We recognize that
 17 the purpose of this public meeting held in Pena
 18 Blanca, New Mexico on December 3, 2003, is for the
 19 purpose of soliciting input on the proposed
 20 development of the Pena Blanca site as a replacement
 21 for the existing Al Black recreation area below
 22 Cochiti Dam.
 23 We respectfully request that the Corps
 24 of Engineers and the Pueblo of Cochiti reconsider
 25 maintaining the existing Al Black recreation area.

1 We request that a different management
 2 format be considered. For example, an access fee
 3 could be charged for the privilege of using this
 4 facility. A minimal fee of \$2.00 per day will
 5 generate a hundred thousand or 120,000 per year or
 6 more based on the Army Corps of Engineer's estimate of
 7 the cost to be included in the environmental
 8 assessment draft.

9 These funds could be used to cover the
 10 cost of operation as well as generating additional
 11 income for the Pueblo of Cochiti. Over a ten year
 12 period, this could result in an estimated one million
 13 dollars or more enterprise. I will give you this when
 14 I conclude here.

15 I think the second comment I would make
 16 is that this gentleman here in going through the list
 17 of alternatives made reference to the fact that there
 18 was a site that I couldn't quite hear but it was too
 19 expensive because it sounded like it might involve
 20 buying private property or something else. To me that
 21 site needs to be evaluated. I think your figures are
 22 ridiculously low when you talk about \$300,000 to
 23 purchase the current Al Black site and 300,000 to do
 24 something in the Pena Blanca site. That is totally
 25 unrealistic.

1 that a federal agency does not have the authority to
 2 overturn an act of Congress because the money, the
 3 taxpayer's dollars, millions of dollars were used to
 4 build Cochiti Dam, to build the outlet works and to
 5 pay for the improvements of the Al Black area.

6 As far as we are concerned, you do not
 7 have the authority to act on this claim by Cochiti
 8 Pueblo. This can only be resolved by an act of the
 9 United States Congress.

10 We think that you are beyond the reach
 11 of your authority in even proposing this.

12 So I respect the rights of the
 13 residents here at Pena Blanca. As an avid fisherman,
 14 and as I stated earlier at the meeting in August, I
 15 have spent my career working at the Veterans Hospital
 16 and thank God there were some veterans at that meeting
 17 in Pena Blanca.

18 Here are some retired senior citizens,
 19 veterans, many of them from World War II, Korea, who
 20 were at that meeting, members of the Meadowlark Senior
 21 Citizens Fishing Club. Here are people, men and
 22 women, who, and Susan was in Iraq. She was doing her
 23 part, but here are people who have given so much for
 24 the privilege of having an outdoor recreational
 25 experience, and to me it's a travesty of justice to

1 It will probably end up costing two or
 2 three million. This is based on some impressions that
 3 I was given by some other people more knowledgeable
 4 than I am.

5 In terms of, I can tell you as a
 6 private property owner, and I share your concerns
 7 about the residents here of Pena Blanca. I am a
 8 sportsman. I live in Albuquerque. I have property in
 9 Catron County, and I understand what it's like to be
 10 invaded by people who trash the land, who are very
 11 disrespectful in the use of their firearms and commit
 12 other mayhem, so I have to say that from a
 13 sociological perspective I still don't think Al --
 14 this Pena Blanca site is a viable alternative even if
 15 the fishery data shows it.

16 And from my understanding of fisheries
 17 data, the warm temperature level here may sustain the
 18 fishery in the summer but every fisherman that I have
 19 talked to has said that the fish, regardless if they
 20 are stocked here are going to go upstream anyway to
 21 the cold water area. They are not going to stay in
 22 this reach. This is what I have been told.

23 The final comment I want to make is
 24 that in terms of possible legal action against this
 25 proposal, there is some of us that have the feeling

1 not provide, particularly our veterans, with an
 2 opportunity for part of their remaining years of life
 3 to enjoy an outdoor experience.

4 Having said that, I want to hear
 5 specifically later in writing, I want an assessment of
 6 this other alternative. If we are looking at cost to
 7 develop, how much money are we going to need to buy
 8 some additional property?

9 As a taxpayer and citizen, I might be
 10 willing to write to Senator Domenici to tell him to do
 11 it, but I personally don't think the Pena Blanca site
 12 is feasible. I think if we can not find another site
 13 on the river, the only thing that we are going to be
 14 left with is doing something on the lake, and that is
 15 a poorest last choice but probably in the end it's
 16 better than just rotting at home in a nursing home.
 17 Thanks.

18 MR. KNEEBONE: Can I just real
 19 quick talk about that. That was, once again, sorry
 20 about this microphone going in and out. I was talking
 21 about the west side of the Rio Grande by Sele. The
 22 landownership over there is more complicated. That is
 23 what I was getting at.

24 In essence there are several
 25 landowners, dozens of landowners that we would be

1 dealing with that essentially makes it a more complex
2 real estate issue. It does not forego the possibility
3 of developing over there, but it makes it more
4 complicated and less attractive offer for the Corps.

5 MR. BECKER: Life is very
6 complicated.

7 MR. KNEEBONE: True.

8 MS. SHAMPINE: It's essentially in
9 the same reach as the river.

10 MR. KNEEBONE: It's essentially
11 directly across the river is what we were talking
12 about.

13 FACILITATOR MOYE: The next person
14 I have signed up to speak is Pat Vesler.

15 MS. VESLER: Pat Vesler. I don't
16 find the Pena Blanca site acceptable for two reasons.
17 One is I have an organic farm, and by the time 400
18 cars go by each day it's not going to be organic, all
19 right, so you are going to put me out of business.
20 And I am not happy about that because I just bought
21 the property.

22 The second is I resent my tax dollars
23 going to buy another facility that may be turned over
24 to Santo Domingo. You will be in the same position
25 there possibly as you are now in Cochiti. I don't

1 District office represented? I understand that they
2 have been requested by the Corps to provide that site
3 through their facilities. They are in essence denying
4 that request. What are you going to do about that?

5 The Middle Rio Grande Conservancy
6 District doesn't think it's a good idea, we in Pena
7 Blanca don't think it's a good idea, and I think
8 probably everyone here can give you a vote in advance
9 that the Pena Blanca alternative is not an
10 alternative.

11 We asked several questions in the
12 August meeting that we haven't seen answers to. For
13 instance, who is going to maintain the Arroyo Leyba
14 Road, who is going to provide security, who is going
15 to run it? We have never heard anything like that.

16 I have also been asked to speak for the
17 Mainstream Bait Shop. Probably 50 percent of their
18 business is to fishermen who patronize the Al Black
19 area. If you close that, they are out of business,
20 just like Pat said. That Al Black area is their
21 livelihood.

22 I have a question also. Why can we not
23 have cold water fishing in the lake? Is it too warm?
24 It's not warm down in the pond. Can't you stock fish
25 there? I would basically like to see in writing the

1 like that situation so that is a separate reason I
2 don't like Pena Blanca being chosen.

3 The other question I have is why are we
4 still looking at Pena Blanca when we have heard
5 nothing about the data from Game and Fish. Where is
6 that data?

7 FACILITATOR MOYE: Thank you, Pat.

8 MR. KNEEBONE: I think we can
9 address that after we go through these.

10 FACILITATOR MOYE: The next
11 speaker is Jay Woods.

12 MR. WOODS: My name is Jim Woods
13 from Pena Blanca. I have a question. Do we have
14 Cochiti Pueblo people here? Do we have anyone
15 representing the pueblo? Why don't we have that?

16 I want to know why it is that they
17 think they have got to have that site. It doesn't
18 make sense to me. I know that you, Colonel told me
19 that it was a site that they considered to be, to have
20 some religious significance. I can't imagine what it
21 is about that half a rock that they demand. And if
22 you understand it, I would like to hear the
23 description of why they consider it to be of
24 significance.

25 Also, is the Middle Rio Grande Conservancy

1 reasons why the Pueblo of Cochiti wants that site in
2 detail. That's it.

3 LT. COL. HURST: Let me announce.
4 Some folks just came into the building. Jose Otero,
5 he's the Chairman of the Middle Rio Grande Conservancy
6 District. Subhas Shah, he is the Chief Engineer, and
7 forgive me.

8 MR. WEGLAND: Jim Wegland.

9 LT. COL. HURST: Jim, Wegland, he
10 is one of the board members with the Middle Rio Grande
11 Conservancy District, so we have them represented here
12 tonight also.

13 And again they were here again to hear
14 the discussions that are ongoing, and they have not
15 committed one way or another to allowing for the use
16 of the Pena Blanca site, but they are here to hear
17 firsthand what the residents think, what the fishermen
18 think, and they will make a decision from that, and
19 then we will address all the questions that are being
20 asked at the end of all the comments that are made.

21 And again, our focus, and I am
22 attempting as we go along, is the site, the outlet
23 works are going to be closed. We are looking for
24 potential solutions to provide recreational benefits
25 or fishing opportunities that we may not have

1 considered as of now. I am not trying to -- we need
 2 your input to come to a solution here.
 3 FACILITATOR MOYE: Thank you.
 4 Next speaker is Maureen Johnson.
 5 MS. JOHNSON: Maureen Johnson.
 6 Col. Hurst, with all due respect, you are asking us to
 7 move onto an alternative but you haven't given us any
 8 reason why we should accept your acceptance of the
 9 request and when you talk about requests, a request
 10 has an option of a yes or no. Why do we have to
 11 accept the yes?
 12 LT. COL. HURST: I would respond
 13 to that with all of them. It's the same question Mr.
 14 Woods had.
 15 MS. JOHNSON: You are telling us
 16 that we have to accept the request. We don't accept
 17 the request.
 18 The second question is what was the
 19 Cochiti Pueblo paid for the AI Black area? Next
 20 question, was the money returned to the people that
 21 paid for the AI Black area to the people that paid
 22 it? Why is the Corps of Engineers not giving as much
 23 respect to the people who paid for the AI Black area
 24 and to people who use the AI Black area as they are to
 25 the people who have taken, used and now deny these

1 MR. JOHNSON: My wife preempted me
 2 on a lot of my questions, but could someone here
 3 explain the AI Black area was already in operation
 4 when we moved here and I was just wondering what
 5 specifics of the use permit was. What was the wording
 6 when the pueblo granted the use for this area? I
 7 would like to find out that information.
 8 I would also like to know if the south
 9 side or the west side of the area is going to be
 10 closed also. That is the side that runs under the
 11 road that people go down to picnic and just walk along
 12 and so on. Is that area going to be closed also?
 13 Who is going to oversee the restoration
 14 project at the AI Black area with respect to the
 15 pueblo? Well, I assume it's all taking place.
 16 According to the Colonel he said that is a done deal,
 17 so who is going to take over that, oversee the
 18 restoration of the project and who will be in charge
 19 of the construction of the new fishing area? So
 20 that's the questions I would like answered. Thank
 21 you.
 22 FACILITATOR MOYE: Ted Hewes.
 23 MR. HEWES: My name is Ted Hewes,
 24 and I live in Pena Blanca about a quarter of a mile
 25 from what would be the new fishing site, and I operate

1 people.
 2 For those of you who speak in acronyms,
 3 help me. I think I have determined EIS to be
 4 Environmental Impact Statement. MOU?
 5 MR. KNEEBONE: Memorandum of
 6 Understanding.
 7 MS. JOHNSON: Memorandum of
 8 Understanding. Next question, could someone explain
 9 Memorandum of Understanding which I guess is the
 10 document that you have engaged in with the Cochiti
 11 Pueblo, and I live in Cochiti Lake so I know the lack
 12 of respect that we get from the pueblo to Cochiti for
 13 half a million dollars a year, so I don't know what
 14 they get for the AI Black area but I know what
 15 disrespect we get for that.
 16 Alternative sites. That's very
 17 interesting. I wouldn't even know where to begin
 18 except for people who like to fish and like the
 19 outdoors and have used this area and have not misused
 20 it as many of the pueblos have misused the lands and
 21 trashed. They have taken care of the AI Black area
 22 and shown respect for it, and I think they should
 23 receive respect in return. Thank you.
 24 FACILITATOR MOYE: Paul A.
 25 Johnson.

1 an organic farm, and I am very interested in
 2 preserving agriculture in the Pena Blanca area as well
 3 as agriculture throughout the State of New Mexico and
 4 along the Rio Grande River.
 5 Agriculture is presently under threat
 6 due to increased population, scarcity of water,
 7 drought, and now we have another threat that has
 8 surfaced here in Pena Blanca and that would be the
 9 relocation of the AI Black fishing site to Pena
 10 Blanca.
 11 If the fishing site is relocated to
 12 Pena Blanca, then that puts additional stress, as I
 13 think I just indicated, on our community, because I am
 14 convinced that there is nobody in the community that
 15 favors having fishing at the end of the Leyba Arroyo
 16 Road.
 17 I didn't come here prepared to discuss
 18 an alternative. I am not a fisherman but I love to
 19 watch people fish, and I have nothing against
 20 fishermen whatsoever. I have nothing against the
 21 Indians wanting to take control of property that is
 22 theirs.
 23 I do have something very much against
 24 people or the government or any entity trying to take
 25 control of a community like Pena Blanca, although that

1 property may not be long to the village of Pena
 2 Blanca, it's situated in the village of Pena Blanca
 3 and if the logic dictates that a tribe can have their
 4 property returned to them, which as I said I am
 5 willing to go along with, then why does it seem to
 6 defy logic to force a small community like Pena Blanca
 7 to withstand a fishing site that we do not want.

8 I can only respond to the little notice that
 9 was sent out when it says the purpose of these
 10 meetings is to explain and describe the proposed
 11 action, facilitate early identification resources that
 12 should be considered in the study and solicit and
 13 gather other pertinent information that will assist in
 14 the decision making process. And I think that Mr.
 15 Leyba, the first speaker, put his finger on a very
 16 important consideration, and that is the fact that
 17 people are shooting guns on that river, he said, I
 18 know he said early in the morning, and I would like to
 19 add during the evening and at all times during the
 20 day.

21 Somebody is going to get killed over
 22 there, and I don't know who wants to assume the
 23 responsibility of, I am certain the responsibility
 24 will not be legal or litigious, but it's a moral
 25 responsibility to be aware that you situated a

1 rifle less than a quarter of a mile from my house. So
 2 I do caution you that there is a distinct possibility
 3 that somebody is going to get hurt or killed.
 4 Livestock are always in jeopardy, and it certainly
 5 does detract and might even kill our agricultural
 6 community here if recreation is allowed in the area.

7 When I first received one of these fliers
 8 announcing this meeting, I mused that it might be
 9 interesting to have a place for people to fish at the
 10 northern end of Lake Cochiti. I don't know whether
 11 that is feasible or not but I can say that that would
 12 be the alternative that I would offer.

13 Pena Blanca has also offered another
 14 alternative to the environment. When last year we
 15 wrote a two and a half page document that has been
 16 circulated in many different quarters of the state,
 17 and on several, I would say one to two paragraphs of
 18 that document invited the silvery minnow to be
 19 rehabilitated in this area and I think that you might
 20 find there is a conflict between the silvery minnow
 21 and the fishing that may occur if this area is chosen
 22 as the site.

23 So I do hope, like all of my neighbors,
 24 that we are not considered any longer, or that we will
 25 not be considered as a site, and there are neighbors

1 recreational site in an area where even fully
 2 automatic gunfire is heard periodically, and shotgun
 3 fire and high velocity rifles are heard on a regular
 4 basis.

5 A policeman came by my house, I think
 6 it was last year, it could have been the year before,
 7 to ask me some questions. And we were standing on my
 8 irrigation ditch and he made the remark, What is all
 9 that gunfire?

10 And I said, Well, they do that all the
 11 time.

12 And he said, Well, that is really
 13 not... His voice tapered off and then all of a sudden
 14 we heard a whizzing sound go by, and he said that that
 15 was a bullet, and I just couldn't believe that I was
 16 standing there with the policeman at the time this
 17 occurred and he got in his car and drove over to
 18 investigate some people who were congregating where
 19 the present gate is on Leyba Arroyo Road.

20 Last week, I don't know if it was last
 21 week or the week before last, I found a seven
 22 millimeter cartridge, empty cartridge. The thing that
 23 is discarded after you shoot the bullet, the gun
 24 whatever it is, over in the Leyba Arroyo.

25 Well, that cartridge was ejected from a

1 from Sele and Pena Blanca that are not able to be here
 2 tonight because there is a religious festival over in
 3 Sele at this time and that poses a conflict for quite
 4 a few people. So thank you very much for your time.

5 FACILITATOR MOYE: Sheila Gibbens

6 MS. GIBBENS: Sheila Gibbens. I

7 live in Pena Blanca. I just want to thank you very
 8 much for coming up to Pena Blanca to have a meeting.
 9 We really appreciate that you came this far to meet
 10 with us about some of these issues.

11 I also want to thank the Middle Rio
 12 Grande Conservancy District for coming up and hearing
 13 our concerns.

14 I also want to mention that since the
 15 gate has been locked and people have key access now.
 16 The amount of reckless shooting and irresponsible
 17 behavior has really dropped off, and I think it's much
 18 safer, although some people still have concerns and I
 19 still have occasional concerns, but it's not like a
 20 daily concern that I had before where it was, I just
 21 felt it was so unsafe down there.

22 The morning shooting for the most part
 23 is duck hunting, and there is a great difference. I
 24 know since the gate is now closed between the type of
 25 duck hunters that are going down there now as compared

1 to where what it was before the gate, they put up the
 2 lock. When you had, you know, as people can testify,
 3 many people will testify that there was random
 4 shooting all day long and you had, Ms. Shampine, you
 5 had mentioned to me last year or a year and a half ago
 6 in our conversation, that any sign with bullet holes
 7 in it, and I invite you to look at Pena Blanca and you
 8 will see the only bullet holes in signs around town
 9 are the Children at Play sign on Arroyo Leyba Road.
 10 And that one has lots of bullet holes in it, all going
 11 toward residences and all going towards the road.

12 People have lost cattle here. There
 13 was a race horse that was killed, and some of you know
 14 that there have been people killed back in the
 15 bosque. Not residents of Pena Blanca but from the
 16 pueblos. So anyway that being said, I want to make
 17 some suggestions.

18 One of my concerns about the fishing at
 19 the lake is that it's a darn ugly area. It's not very
 20 inviting, and I am wondering if you couldn't use some
 21 of this money that you may be able to get getting
 22 fishing access into a more hospitable place. You
 23 could have, let's say, areas with shade that have
 24 platforms that potentially that were made of metal and
 25 could be on rollers or something that could be pulled

1 up out of the way and when you have a high level in
 2 the lakes, should that ever occur again, it's just not
 3 a user friendly place for many people and I think
 4 people would really appreciate you spending some money
 5 and increasing the recreational opportunities at the
 6 lake.

7 Make it a nicer place for people to go
 8 and families to go and a safer place. You know, you
 9 can have a lifeguard there. You can do all sorts of
 10 things.

11 In terms of fishing, I was wondering
 12 also about the north end of the lake or if possible
 13 maybe at the bridge, and this is very far up but is
 14 there a possibility of fishing over by Los Alamos,
 15 where the bridge to Los Alamos goes, or some place
 16 like that where you have moving water?

17 So those are pretty much my comments.
 18 I am sure I will have more, but anyway thank you very
 19 much and I will be glad to show you that sign I was
 20 talking about.

21 MS. SHAMPINE: I have seen it.

22 FACILITATOR MOYE: Patrick J.
 23 Montoya.

24 MR. MONTOYA: My name is Patrick
 25 Montoya, I am a farmer down here. I live right in

1 back of Jerry here and Mr. Leyba and I tend to agree
 2 with them. There is gunshots and everything else
 3 going on, and I think you should maybe put trees and
 4 shade up that lake a little bit so it would be
 5 comfortable to fish around there rather than move it
 6 down and destroy the land that our forefathers and
 7 ancestors have protected for so long.

8 I can remember when the bosque was
 9 opened down there and I went down and I thought there
 10 was a couple of mattresses there past Sheila's place,
 11 and there were about 200 ducks just laying there that
 12 some hunters had just shot and just left and shot for
 13 the hell of it.

14 If you are going to, you have somebody
 15 patrolling that place or something. You used to be
 16 able to go down there and fish for days and not see
 17 anybody and now it's garbage. Garbage. You have to
 18 have some environmental people go down there and try
 19 and clean it up a little bit and show a little
 20 responsibility and respect for the land around here.

21 And I think we don't have facilities
 22 around here, much less we are trying to fight to get
 23 water rather than provide water for a lot of
 24 transients that come over here in trailers and
 25 everything else to destroy the land that we have

1 worked our lives for, and that's about all I have to
 2 say.

3 My dad is the one who got Cochiti Lake
 4 built by the way, Colonel. He was a United States
 5 Senator.

6 FACILITATOR MOYE: Thank you very
 7 much, Pat.

8 FACILITATOR MOYE: May I request
 9 comments?

10 LT. COL. HURST: Is that the last
 11 one?

12 FACILITATOR MOYE: That's the last
 13 one I have. Do you have comments?

14 MR. WAGNER: Jim Wagner, I am with
 15 MRGCD. I live in Corrales, and I represent people
 16 here in Sandoval County. As you know, the Corps of
 17 Engineers have been locking the fishing site at Pena
 18 Blanca. Our staff has asked the Corps of Engineers
 19 not to use Middle Rio Grande Conservancy District
 20 property as a proposed fishing site.

21 We knew this would bring illegal
 22 activities in the bosque and destroy the environment.
 23 We will take official action on this matter on Monday
 24 in our regular board meeting, December 8th, and we
 25 will respect Pena Blanca property owners' concerns and

1 recommend not to use this site.
 2 The Corps of Engineers should find an
 3 alternate site methods to provide fishing activities.
 4 Thank you.
 5 LT. COL. HURST: I will go ahead.
 6 Some of the questions that were asked I will address
 7 some of them and then I will pass the mike down to
 8 Ernie.
 9 From the last meeting in our continued
 10 research regarding the various sites, we do have a lot
 11 of answers to many questions that were asked.
 12 The first question that was asked in
 13 several different ways. The memorandum of
 14 understanding was just a legal document we have to
 15 binding the easement that we have with the Pueblo of
 16 Cochiti. Again, the Pueblo of Cochiti, they own the
 17 land. The Corps of Engineers, which is the United
 18 States Government, has an easement to operate and
 19 maintain the flood control structure that is currently
 20 within this MOU, the Cochitis still retain the right
 21 to modify easements for, basically it says the right
 22 to have easements described above, and the above lists
 23 what the easements are, and terminated as to any land
 24 within the project area on which in the opinion of the
 25 Corps, easements are unnecessary for the operation and

1 if it was suitable. Basically for us to have
 2 acceptable mitigation of this closure, it would have
 3 to be a similar experience. It would have to be river
 4 fishing, cold water.
 5 Historically we have stocked the Pena
 6 Blanca site September and October, depending on the
 7 temperature, to right around the beginning of June.
 8 So we looked at this Pena Blanca site to see whether
 9 it was similar and it was, so we have identified that
 10 we would be capable of sustaining or stock into the
 11 area. I am trying to remember what else I was trying
 12 to say.
 13 MS. SHAMPINE: Can I interrupt? I
 14 think you misspoke and said you have been stocking the
 15 Pena Blanca site.
 16 MR. HANSEN: I am sorry,
 17 restocking Al Black.
 18 MS. SHAMPINE: So I just wanted to
 19 clarify that.
 20 MR. HANSEN: The Corps has asked
 21 us to become permanently involved in the EIS and the
 22 role of the department, and Middle Rio Grande
 23 Conservancy District has basically taken Pena Blanca
 24 off the table permanently, and we have been asked to
 25 assist the Corps in perhaps identifying additional

1 maintenance of the project.
 2 So the Cochitis do have that
 3 authority. Why they want to terminate it is not for
 4 me to go out and get them. Again, they have told us
 5 that it is the religious significance of the area.
 6 However, their request to terminate the easement is
 7 sufficient, and I don't need to get from the Cochitis
 8 details of that why.
 9 Let me just hit the other points.
 10 Several questions regarding fishing both at the lake
 11 and at the Pena Blanca site, and rather than me do it
 12 I will put Mr. Hansen on the spot and let him explain
 13 the data that the New Mexico Game and Fish took and
 14 what the suitability, what could be done up on the
 15 lake site as well as down in the Pena Blanca location,
 16 so I will call him up and put him on the spot here and
 17 actually I have two letters where he responds to
 18 this.
 19 MR. HANSEN: Richard Hansen, Department
 20 of Game and Fish. About a year and a half ago the
 21 Corps approached us about this issue and involved us
 22 in trying to identify potential mitigation and close
 23 this area.
 24 The only site identified was Pena
 25 Blanca, so I told them at first that we weren't sure

1 areas that might be able to support a similar
 2 fishery.
 3 Much comments were brought up why can't
 4 we use Cochiti as a mitigation. Cochiti is a fishery
 5 now and we don't consider closing one area and just
 6 putting stuff in an existing area as we are losing
 7 something.
 8 In addition, the clientele that use the
 9 Al Black area are not the same people that use the
 10 lake. Our surveys throughout the state indicate that
 11 we have two distinct clienteles. Those at the
 12 reservoirs and those fishing the rivers.
 13 There is overlap there but -- Also we
 14 have people who like to fish with trout. 70 percent
 15 of the people in the state fish with trout. That is
 16 not available in Cochiti.
 17 People ask why don't you stock trout in
 18 Cochiti. One thing that came up is temperature. That
 19 is not a huge issue. We could manage it similar as we
 20 do with cold water but the big thing about Cochiti
 21 Lake is you have a lot of big toothy fish and if we
 22 found another lake, Spring Lake [sic] that when you
 23 throw nice soft trout in to waters with the big toothy
 24 fish, the big toothy fish win so we don't feel that
 25 stocking trout in the Cochiti is a viable alternative

1 for us for cold water fishery. Is that all the issues
 2 that I was asked for?
 3 MR. KNEEBONE: The temperature
 4 issues.
 5 MR. HANSEN: Specific data for the
 6 temperature issues, I have heard a number of questions
 7 regarding water quality. One thing is temperature.
 8 You put thirsters which are a vapor locking piece of
 9 equipment in the river over the course of the summer
 10 and we compared that to both the Department's policy
 11 for stocking temperatures as well as biological
 12 constraints of the rainbow trout.

13 We found that this particular area is
 14 capable of supporting both our stocking during the
 15 whole stocking period that is below our stocking
 16 ceiling and the entire time period that was below the
 17 legal temperature for the rainbow trout. There has
 18 been questions about stocking brown trout in this
 19 particular reach, and the Department does not feel
 20 this is viable because of potential conflict with the
 21 silvery minnow.

22 I understand that there are brown trout
 23 out there but we don't think we should be
 24 supplementing their population. There is a concern
 25 about silvery minnow, I am not a silvery minnow

1 expert. I can support fisheries. If you are
 2 concerned about the silvery minnow, it's my
 3 understanding is that this is not a good silvery
 4 minnow habitat. Silvery minnow habitat is kind of
 5 degrading and you need more of a flood type kind of
 6 situation. Fish do move. We don't feel trout will go
 7 a whole lot further south. Currently we stop at
 8 Bernalillo ditches.

9 The ditches down by Los Lunas and all
 10 the other areas, we have not encountered any conflict
 11 between silvery minnow and rainbow trout.

12 There has been concern over other
 13 aspects of the water quality. People say why is it
 14 you measure temperature. It's our experience that in
 15 a flood water system pH is not a huge issue.

16 We have not had any record of large
 17 fish kills. If you see any, let us know, give us some
 18 documentation because we keep records for this area.
 19 That's all I have for you right now unless you have a
 20 question.

21 LT. COL. HURST: The last question
 22 regarding the Cochiti easement was how much did the
 23 Cochitis or do the Cochitis receive for the AI Black
 24 area. And the Cochitis do not receive anything for
 25 the AI Black area.

1 When the original easement and the map
 2 to your left or right pinned up on the walls, that is
 3 the total acreage of the easement. The pueblo
 4 received around \$142,000 for the easement in
 5 perpetuity for us to build the flood control structure
 6 there, but they do not receive, there is nothing that
 7 specifically states there is X for the outlet works
 8 and they currently receive nothing for the outlet
 9 works.

10 I think I have answered most of the
 11 questions that were asked. There were many that were
 12 very similar. I tried to group them all altogether,
 13 at this point and I will pass the mike back out toward
 14 the audience for additional questions or maybe more
 15 input for alternatives.

16 FACILITATOR MOYE: Comments?

17 MR. JAHNKE: I would just like to
 18 address the issue, the concern about not having
 19 received answers to your concerns. If you received a
 20 card from us, and I assume most of you have, we stated
 21 in there that the EIS will receive comments received
 22 during the public review of the draft environmental
 23 assessment circulated during August of 2003 and
 24 comments submitted at the Rio Rancho public meeting.

25 Now, the main reason why we are here

1 tonight is because of that meeting at Rio Rancho. We
 2 have heard you. What that particular meeting did was
 3 kick this hole issue into an Environmental Impact
 4 Statement.

5 So rather than go out at that point and
 6 individually address everyone's concerns, we have
 7 taken the concerns of that meeting and we have gone
 8 through that by category and have answered those
 9 issues that were raised. And those issues that were
 10 raised were also raised in individual letters, so in
 11 order to move this process forward, that is the way
 12 that we are addressing them and when you get the draft
 13 Environmental Impact Statement you will have your
 14 answers in that document.

15 Any specific questions I will be glad
 16 to talk to you individually.

17 MR. KNEEBONE: I just wanted to go
 18 through some of these issues, some of the questions
 19 raised quickly. We have gone through the easement
 20 stuff, the MOU explanation, cold water fishing at the
 21 lake.

22 In terms of the Corps having authority
 23 to do this, we are authorized under the Flood Control
 24 Act of 1984 and a variety of subsequent Acts to
 25 develop more flood controls, develop our reservoirs

1 and the activities associated with that including
2 environmental stewardship and recreation and a variety
3 of activities.

4 We did not require Federal or
5 Congressional authorization to open the Al Black
6 area. We opened that area for recreation. We do not
7 require specific authorization to close it.

8 Additionally, let me move through this
9 fairly quickly. In terms of who is in charge of
10 developing the new area and revegetation of the old
11 area, the Corps is in charge of those projects.

12 As far as I understand, we have
13 specific funding for those activities in this year's
14 appropriation. Personally, as project manager, I am
15 the individual who will be organizing and directing
16 those activities and I will give you, just to let you
17 know if you have your pencils out.

18 My name is Ron Kneebone, just like the
19 bend in your leg, K-n-e-e-b-o-n-e. My phone number is
20 342-3355 at the Corps of Engineers, and I welcome your
21 call at any time.

22 To go on, some of the questions and
23 some of the additional comments made were about
24 addressing the other area over at Sele. We are not
25 foreclosing any of the opportunities that we have

1 We can still do improvements and
2 provide for recreation and do all the things that you
3 folks have talked about. Fishing in the northern end
4 of the lake would be much more difficult than in the
5 current area because of its remoteness. Doesn't
6 necessarily make it impossible but it's something that
7 we can look at.

8 So what I am saying is, and what we are
9 trying to get at here is that the options are open.
10 We are not trying, we don't want to force this down
11 anybody's neck. That is not what we are here about.
12 What we would like to do is to develop a situation
13 that is acceptable to everyone that provides for
14 recreation.

15 We don't wish to terminate the
16 recreation opportunities of anyone in the community.
17 The Corps operates in a fashion that we are part of
18 this community. Our people take advantage of the
19 recreational opportunities that we have. They live
20 here, so what we want to do is to be part of that
21 community, and as part of that community to continue
22 to contribute to the quality of life here.

23 So one of the things that we want to
24 do, and this process is something that is going to go
25 on for sometime now, and as these ideas come up if you

1 looked at. They are less inviting in terms of the
2 Corps in terms of some of the expense. That does not
3 mean that they will be thrown out.

4 For example, we have been talking here
5 and I have been listening to you all speak to the
6 issue and we know, for example, that we can not
7 develop the fishing area on Cochiti Pueblo land or
8 Santo Domingo land.

9 Basically there is a space, and this
10 goes to the question about ownership of the property
11 here, and it would be whether or not it would be
12 turned over to Santo Domingo, and that is why we
13 selected the location we did. It's not on tribal
14 property.

15 The issue here, and we can address
16 there is a space that exists between Cochiti and Santo
17 Domingo, and you folks familiar with this area is
18 there anyplace along the river, either side, that
19 could be developed for fishing? That is one of the
20 questions that I am throwing out.

21 If not, there is also open is improving
22 the fishing on the lake. That is definitely an
23 opportunity. The reason we have switched to an EIS is
24 one of the major issues is that it does not replace in
25 kind the type of fishing that we have now.

1 have ideas, if you have specific recommendations, then
2 please give them to us, and that is pretty much, I
3 think, what I have to say right at the moment.

4 FACILITATOR MOYE: Thank you,
5 Ron.

6 MR. JOHNSON: Paul Johnson again.
7 I would like, being I guess the new kid on the block,
8 I was just wondering about a little history of the
9 area, and this gentleman named Al Black. Didn't he
10 raise money for some of this area, is that correct?

11 FACILITATOR MOYE: What is the
12 question?

13 MR. JOHNSON: Al Black, didn't he
14 go out and raise money for this area? No one knows.

15 MR. KNEEBONE: We will have to
16 find that out. I am not aware of that but it's
17 entirely possible.

18 MS. SHAMPINE: We haven't been
19 able to find any documentation.

20 MR. JOHNSON: Well, I think the
21 Albuquerque Journal had a thing in the paper stating
22 how much money he raised for this area? Who got that
23 money? Where is that money? Did the Pueblo get it,
24 did the Corps get it? As I say, I am probably the
25 newest one here.

1 MR. DYKHUIZEN: My name is Sid
2 Dykhuizen. The Meadowlark Senior Center is where Al
3 Black came from and he formed the plans for getting
4 that area, the fishing area, especially the
5 handicapped area, and as a result my understanding is
6 that he actually went to Congress and went through
7 Congress.

8 My understanding is that he went to
9 Congress to get Congress to help fund and to get that
10 recreation area developed. However, I am not the
11 authority on that, but I can get you the answer
12 because we have enough members in the fishing club who
13 are familiar with how that was put together and I will
14 be glad to do that and, Colonel, if you want that
15 information.

16 LT. COL. HURST: Sure, that helps
17 us.

18 MR. JOHNSON: Paul Johnson again.
19 One other question I was wondering also the west side
20 of the road at the spillway is going to remain open?

21 MR. KNEEBONE: No.

22 MR. JOHNSON: Everything will be
23 closed.

24 MR. KNEEBONE: Everything will be
25 closed, yes, sir.

1 not support -- they want the whole site closed period
2 and it's not about the money for them. So they are
3 not in it for a hundred thousand bucks or whatever.

4 It's again, it goes back to their
5 tribal council and their senior folks, it is about
6 their heritage. Similar to what we have heard here
7 tonight from the residents of Pena Blanca and the
8 heritage associated with you, they have that same.
9 Again, they want the site closed back again for their
10 religious activities. It's not about being able to
11 make a dollar here or a dollar there with that site
12 but we did ask to put the proposal before them about
13 closing only one site leaving the other site open, be
14 able to develop that and segregate it and the answer
15 that came back was no.

16 MS. GIBBENS: I know that one
17 thing that is very important for elderly especially,
18 or fishermen or handicapped fishermen is that they
19 have access to fishing, so I hope at the very least
20 you will provide suitable access on the lake for those
21 people and hopefully some shade for them. So anyway
22 those are my comments. Thank you.

23 FACILITATOR MOYE: Thank you.
24 Richard.

25 MR. BECKER: Richard Becker,

1 MS. GIBBENS: Sheila Gibbens of
2 Pena Blanca. I have a suggestion that I think David
3 Vester brought up at the August meeting, and that is
4 my understanding is that the sacred area to the
5 Cochiti Pueblo is on the south side of the fishing
6 area, the southeast side with the rock formation that
7 was and maybe remnants are still there.

8 What about proposing to the Pueblo that
9 the north side, the side facing the side where Cochiti
10 Lake is, remain open incorporating your proposal where
11 the income could potentially go to the tribe with the
12 Corps running it.

13 I don't know if that is acceptable but
14 just that would sort of hopefully kill two birds with
15 one stone but just offering a compromise to them so
16 they could get some income off of something that is on
17 their property and that they find onerous.

18 LT. COL. HURST: After Mr. Becker
19 made that proposal to us on August 28th, I met with
20 the Governor shortly thereafter and gave that proposal
21 to him as well as other alternatives and different
22 spins on --

23 MS. GIBBENS: And giving them
24 money.

25 LT. COL. HURST: One, they would

1 President of the Albuquerque Wildlife Federation. In
2 terms of your remark about the pueblo's reaction to
3 the proposal, one way of looking at it is that if they
4 need to take a long-term view, not just today,
5 tomorrow or the next 50 years.

6 You look at the tribal economy in New
7 Mexico now, and how many Indian casinos do we have?
8 Many.

9 What I am suggesting is that in terms
10 of long-term survival of this pueblo community here is
11 a good alternative to a casino.

12 Another comment is that tribal
13 administrations change. You look at the newspaper
14 accounts in New Mexico of politics among various
15 Native American tribes and it's very interesting, they
16 have problems as much as other types of politics.

17 I won't go any further than that but
18 tribal administrations change. People die off, and
19 the next 20 years there could be a major shift in
20 their thinking.

21 The thing that I am really concerned
22 about is, I am sorry, Mr. Kneebone's presentation. I
23 am very upset, and that is being polite, when I tell
24 you when it hits home to all of these hundreds, if not
25 thousands of senior citizens, particularly disabled

1 people, when the shock hits them that the Corps of
2 Engineers has closed the Al Black area you are unable
3 to find any reasonable alternative.

4 There is no mitigation. So there is no
5 fishing below this reservoir. The trauma I feel for
6 these veterans particularly who have lost or sustained
7 another loss, okay. You are going to have a lot of
8 protest letters and I will be one of those but I
9 recognize that you are part of the system. So don't
10 take this personally, but what I am getting at is that
11 I am taking a long-term view.

12 I am looking at what is this federal
13 agency do or not doing to help enhance the life
14 experience of people, particularly our older
15 veterans.

16 Now, you have said that the, that there
17 might be some place on the upper part of the reservoir
18 in that area but it might be difficult and it might be
19 expensive.

20 Let me tell you something. We are
21 spending billions of dollars to buy democracy and
22 freedom in Iraq and Afghanistan. I have a son-in-law
23 in the Air Force who's flying into Iraq often. His
24 life is on the line. I thought about this lady whom I
25 have known for many years as a friend. She risked her

1 time price of \$140,000 back in 1975 when the Corps
2 first obtained the easements to their property.
3 MS. JOHNSON: It wasn't a
4 religious area then?

5 LT. COL. HURST: Yes, it was.
6 MS. JOHNSON: It was. But
7 146,000 took that away?

8 LT. COL. HURST: No, it did not.
9 MS. JOHNSON: No, it did not. Do
10 you know who told you that? Are they going to give
11 the 146,000 back to the Meadowlark Senior Center?

12 And my last question is do you pretend
13 to sit there and say you override Congress? If you
14 find out that this gentleman is correct, and that this
15 was an act of Congress to create the Al Black Center,
16 do you presume to be more powerful than the Congress?
17 I would think about that.

18 FACILITATOR MOYE: Let this
19 gentleman make a statement.

20 MR. HEWES: My name is Clay Ted
21 Hewes, H-e-w-e-s. Mr. Becker mentioned something that
22 I thought could be very valuable not only for his
23 constituency but also for agriculture in Pena Blanca,
24 and that is that if access were provided to the
25 northern part of the lake where the Rio Grande enters

1 life over there.

2 This agency needs to come up with some
3 statistics, some diagrams, some maps. I will not sit
4 by and listen to a trivialization [sic] of a possible
5 alternative on the north part of the lake. I want to
6 see that explored in depth. I want that in the draft
7 environmental assessment, and I want you to be able to
8 tell Senator Domenici and Heather Wilson and Bingaman
9 how much it is going to cost to get that done. If
10 it's 5 million, 15 million, so be it. There is some
11 thing in life that you can not replace, and I can tell
12 you that there is going to be a lot of grief felt by a
13 lot of people when they can no longer come out and
14 visit this place. Thank you.

15 FACILITATOR MOYE: Yes, ma'am.
16 Maureen.

17 MS. JOHNSON: I still think my
18 questions have not been answered and can I get the
19 answers? A hundred and something thousand, to whom
20 did that go?

21 LT. COL. HURST: To the pueblo.

22 MS. JOHNSON: To the Pueblo. So
23 money isn't what matters?

24 LT. COL. HURST: The right for the
25 U.S. Government to obtain the easement was for a one

1 the body of the lake, that that is a suitable place,
2 then if a scenic highway would be -- it wouldn't be
3 highway but if a nice road were put into that area and
4 if that road along with Highway 22 were made one of
5 New Mexico's scenic byways, that would help qualify
6 Pena Blanca for certain agricultural easements and
7 other grants.

8 It would also be an asset to the lake
9 front, and satisfy the fishermen in the area, and I
10 think that the best person to find out about New
11 Mexico's scenic byways has her husband here, Sterling
12 Groven sitting at the back of the room. He could give
13 you, he or his wife could give you the correct title
14 of that byway situation. That's all I have to say.

15 MR. KNEEBONE: Just a couple of
16 comments. The reason they make me a project manager
17 is because people on both sides of the fence from the
18 public and from my own organization give me hell all
19 the time, and I have to deal with it and I am not
20 personally offended by it, so no problem there.

21 One of the issues I do want to beg your
22 pardon because I did not intend to trivialize any of
23 the options that we have been talking about. The idea
24 of fishing on the lake is not necessarily, has not
25 been ruled out, and that is not the issue we are

1 talking about. Actually it's what we have come to ask
2 for is input like that.

3 We can now begin to look at that as a
4 potential action on our part. It does not replace the
5 loss of the cold water fisheries in kind. This is the
6 reason that we have switched procedurally from the
7 environmental assessment to the Environmental Impact
8 Statement. It does not rule out that we're -- it does
9 not mean that we are going to do nothing at all. We
10 prefer not to.

11 What we want to get is as many options
12 as we can so that we can avoid that no development, no
13 recreation alternative, so those actions can be
14 pursued in the future, any of those. And I am still,
15 we have still talked about, and this is me throwing
16 this out to folks out here in terms of the area
17 between Cochiti and Santo Domingo, both sides of the
18 river? Are there any residents of Sele here, for
19 example? Do we know for a fact that we will meet the
20 same kind of resistance from the community in terms of
21 development in any other area than the end of Leyba
22 Arroyo?

23 MS. GIBBENS: Sheila Gibbens from
24 Pena Blanca. I am not from Sele but I am probably the
25 closest one to them. And as somebody mentioned today

1 Not one of them was in favor of it here nor there. I
2 think you are barking up the wrong tree when you try
3 to put something between the Cochitis and the Santo
4 Domingos. It just isn't going to work. I heard the
5 Colonel say the Al Black area will be closed
6 underlined, is that true?

7 LT. COL. HURST: Yes.

8 MR. WOODS: Why? I mean you have
9 said they can request the closure if it's not used or
10 is not for any maintenance or whatnot. It sounds to
11 me like you have a very heavy use for it and I don't
12 see that as something that is insignificant that can
13 be bypassed. It's there. I don't care what the
14 pueblo says.

15 Mr. Hansen indicated that they could stock
16 fish in that area. I can imagine that those trout
17 would be there maybe one day and they will be up at
18 the dam at the spillway. So I don't think there is
19 any question that you can take from Pena Blanca or
20 Sele. I think that that is a dying issue. I think
21 you better forget it, and the only other alternatives
22 as I see it from what I have heard is the lake or
23 above the lake. Look at those and be done with it, or
24 keep Al Black open.

25 MR. GARCIA: My name is Lupe

1 there is a religious festival over there.
2 Additionally there is some other things that have kept
3 some people from coming tonight.

4 I know one of the concerns certainly
5 would be the shooting, the safety issue. Fire. That
6 is a big issue, and I think you all need to address
7 that issue of making sure that there is adequate fire
8 protection and fire plans before you even approach
9 people from Sele about it.

10 The third issue is that the lake, I
11 mean the river is running so low that it's really poor
12 fishing because of the amount of seaweed there. It is
13 if somebody throws in a line, what they come back with
14 is a bunch of seaweed or whatever you call it. Weed.

15 There is not a lot of suitable deep
16 areas where we don't have this growth coming up now
17 that the river has been lowered which has been going
18 on for some years now, so that is an issue that I
19 think is a very basic issue. If fish may be, you
20 might be able to maintain some fish there but are they
21 catchable? Realistically are they catchable given the
22 environment? Okay.

23 MR. WOODS: Jim Woods from Pena
24 Blanca. I attended the meeting at Rio Rancho and at
25 that meeting there were quite a few people from Sele.

1 Garcia from Albuquerque, New Mexico. I wanted to
2 ask. Somebody here whoever is in charge there. We
3 have got the Tequila site and maybe I am pronouncing
4 it wrong. That is closed now, isn't it, at the side
5 of the Cochiti Lake?

6 MS. SHAMPINE: Totilla Peak.

7 MR. GARCIA: What is the reason
8 they closed that?

9 MS. SHAMPINE: It's closed just
10 seasonally.

11 MR. GARCIA: But I mean for what
12 reason?

13 MS. SHAMPINE: It's an operational
14 cost.

15 MR. GARCIA: Operational cost.
16 Costs too much money to operate, is that what you are
17 saying? You don't have the people that run it it cost
18 so much money?

19 MS. SHAMPINE: During the winter
20 months there is such little use of the area to--
21 during the winter months there is not enough use of
22 the area to justify the cost to maintain it and keep
23 it open.

24 MR. GARCIA: That is one
25 alternative there that I looked at that has been going

1 on for years. We used to fish there all hours of the
2 night. Little by little they closed it down to 9 to
3 six to nothing, and now just summers and we have got
4 the lake there.

5 We are paying for whatever amount of
6 money we pay for the lake. Honestly, I don't think
7 the Indians are going to give it back. No way, when
8 they take something they will sit on it and that is
9 what they are going to do.

10 I fish the lake almost once or twice a
11 week up and down. When the wind gets going I come
12 back to the spillway. You have to pull your boat out,
13 it's dangerous out there or go around to the east side
14 and try to fish that but that's not open and no place
15 you can go and you stay there too long they tell you
16 to leave so we have got that.

17 There is another place here at Pena
18 Blanca that belongs to the BLM. This gentleman is
19 sitting right back here and that is part of the
20 taxpayer's money there which we will not have to buy
21 no property nowhere.

22 We are paying taxes to use that
23 property which I understand the problems that the
24 people in Pena Blanca are having with it in their own
25 backyard because I used to fish it a lot.

1 And as far as the shooting that is
2 concerned, the back door shooting and trash is
3 horrible back there, I know that. I have picked up
4 many pickup loads of trash out of there out of the
5 back yard and as a matter of fact I see that lady
6 right there picking it up. She has seen all the trash
7 that I have taken out of there, but you can't stop it
8 and I have never seen nobody back there patrolling it
9 or stopping anybody and throwing trash they do do it.
10 By that but I think that would be the only place that
11 you could put for the fishermen without spending a
12 whole bunch of money, taxpayer's money. That is about
13 all I can say.

14 MR. MATSEN: My name is Ron
15 Matsen, and I have just two questions tonight and my
16 second question is going to depend on the answer to
17 the first question. So I want to pursue something
18 that Mr. Woods started on a few minutes ago and that
19 is does the Corps have to honor the request from the
20 Indians to close this area? You have no other
21 alternative? Can you not say no?

22 LT. COL. HURST: Within the legal
23 document the way it's written it does give an option.
24 However, we believe that it is not in the interests or
25 not a required part of the operation and maintenance

1 I understand the problems you are going
2 through in operations in livestock and gardens and
3 stuff, but I don't think there is any duck hunters in
4 there tonight that would --

5 I can't talk for them but I can talk
6 for the fishermen. The area back there is beautiful
7 for fishing. I went back there since they closed it
8 down and then there is a conservancy opened it back up
9 with a \$50.00 fee which I think is ridiculous.

10 I explained that was going to happen.
11 Another thing on that. The other Fish and Game
12 Department here we would fish in the lake, we put fish
13 in the river and the fish go down the river and they
14 benefit by selling a key for \$50.00. Take it back to
15 the Fish and Game Department for the stuff that people
16 go back there to fish on that we have to pay for this
17 opening of this gate. Duck hunting, same thing.

18 I can talk about Pena Blanca but it is
19 a beautiful place that should be kept as the bosque
20 and people using it as bathroom are trashing it that
21 would be my first opinion.

22 If you put anything else in there it's
23 a beautiful layout and hasn't been maintained. We
24 should try to preserve it as much as we can and keep
25 it as beautiful as we can.

1 of the facility to have that open and will in fact
2 honor the Pueblo's request to modify the easement and
3 close that to recreation.

4 MR. MATSEN: If that's the case,
5 what else can they close? It sounds to me like they
6 can close the whole dad-blasted Cochiti Lake area.

7 LT. COL. HURST: Again, the
8 comment was made back on August 28th it will just set
9 precedence, and there are no discussions of closing
10 other areas. The maps that we placed upon both walls
11 on the sides here, the areas in green, those are the
12 public use areas for which they can not request
13 modification to the easement.

14 The project area, the rest is in red
15 and that is the water surfaces of the lake itself, and
16 again there has been no request there. Again, their
17 focus is on this one piece of real estate which has
18 been a religious site for them for as long as they
19 have been around, and it has been documented, it's
20 been in the newspapers from back in 1975 of the
21 significance of that site.

22 Again, they made an attempt, chose to
23 open it in the first place. There was no obligation
24 to open that site to recreation ever. They made an
25 attempt and have provided and had an opportunity for

1 the past 30 years of providing that to the public, and
2 now with the tribal council they want to rescind the
3 easement for recreation and close that site.

4 MR. MATSEN: I would like to
5 continue on that. I know one thing you mentioned the
6 current tribal administration. Prior tribal
7 administration operated that area for-profit for about
8 eight or ten years and when they said they couldn't
9 make any money on it they turned it back and asked the
10 Corps to operate it.

11 So we had an administration at that
12 point that thought that was a reasonable place to make
13 money and apparently they didn't worry so much about
14 the religious significance.

15 I am just wondering about a future
16 administration here that doesn't care about that
17 either. Maybe we have just got a bunch of people here
18 now running the Cochiti Pueblo that wants to impose
19 some things on the public and do some things that a
20 lot of the Indians there don't agree with and future
21 administration may not agree with, and furthermore
22 just because they are not asking right now for more
23 closure doesn't mean they won't be asking for more
24 closures in the future.

25 Once they get this one under their

1 LT. COL. HURST: This is the
2 purpose of this two hours of the meeting is to ask the
3 public if they know of any other alternatives that
4 would be out there for us to explore.

5 Again, we have expended a lot of time
6 in coming up and looking at different alternatives
7 that were out there, came up with the Pena Blanca site
8 as a potential alternative. Again, there was a lot of
9 concern about that which brought us back to this point
10 of coming back out, scoping with the public, seeking
11 your input to any other alternatives that may be
12 available to make up for the lost recreational
13 opportunities that will occur with the closure of the
14 outlet works site, and we have heard a couple of
15 recommendations come from the public here tonight.

16 MR. WOODS: Jim Woods again, Pena
17 Blanca. Colonel, I heard you say that the out fall
18 and the recreation of the out fall is not a part of
19 maintenance or operation. Therefore, it is innate. I
20 think that is a misnomer. As I understand it, that
21 was created for recreation as well and one-third of
22 the water is kept there for that purpose, and
23 recreation is very important to Cochiti Lake, whether
24 it be upstream or downstream.

25 You can not discard that, and for you

1 belts they are liable to ask for the rest of that
2 lake. And I would also like to reference an article
3 in the Albuquerque paper where the Corps and the
4 pueblo have been given \$1.6 million to study the
5 future of Cochiti Lake. It looks to me like once this
6 is closed that is an open door to shut the rest of it
7 down. That is all I have to say.

8 FACILITATOR MOYE: Mike, did you
9 have a question?

10 MR. DAVIS: Yes, Michael Davis,
11 Albuquerque Journal. I have a quick question. If my
12 understanding is correct the Pena Blanca site is no
13 longer on the table. Mr. Shah, Mr. Wagner, you said
14 that the Middle Rio Grande Conservancy District is not
15 going to allow the Army Corps of Engineers to use that
16 site, is that correct?

17 MR. SHAH: My name is Subhas Shah,
18 S-u-b-h-a-s S-h-a-h. I am the chief engineer for the
19 district. We haven't taken official action. We are
20 going to take official action on Monday and we are
21 going to demand that this site be not used as an
22 alternate to Al Black site.

23 MR. DAVIS: That being the case,
24 what are you guys going to do? Do you have other
25 sites selected?

1 to just, without any input from anybody other than the
2 pueblo, you are saying we are going to close Al
3 Black. I heard tonight that there was legislation,
4 federal, United States, that passed the Al Black rec
5 area for use. You can't go around that.

6 MR. DAVIS: Mike Davis with the
7 Albuquerque Journal. Just to clarify something. If I
8 remember the newspaper clips correctly, it was not
9 Congressional approval that approved Al Black
10 recreation area. That was the Corps of Engineers.
11 What happened was an intergovernmental agreement and
12 federal appropriations but it didn't take force of law
13 to approve it.

14 MS. SHAMPINE: That's what I was
15 going to say. I just agree with what Mr. Davis just
16 said. That is my understanding of the situation.

17 FACILITATOR MOYE: Do you have a
18 comment, Ron?

19 MR. KNEEBONE: Just the same
20 thing. I have read all the authorizations for all the
21 dams that we operate in New Mexico. None of them have
22 mentioned specifically Al Black as part of that.
23 There is no specific congressional action to develop
24 the Al Black area. There were appropriations provided
25 to develop that but that was not part of this.

1 Again, to clarify. If you will notice
 2 the recreation areas were clearly defined as part of
 3 the original project area. Those areas did not, for
 4 recreation did not include the outlet works. That was
 5 developed later. That development could have as part
 6 of its original agreement by the pueblo that
 7 recreation could be terminated in that area at their
 8 request.

9 As the landowner, and I think any of
 10 you can respect that, as the landowner if you have the
 11 opportunity to change something, you have the right to
 12 exercise that opportunity. It's not public property.

13 MR. WOODS: Can you build a
 14 casino?

15 MR. BECKER: Richard Becker with
 16 the Albuquerque Wildlife Federation, and I appreciate
 17 the gentleman from the Journal being here to let the
 18 public know what is happening with our federal
 19 agencies.

20 I wanted to make two comments. I
 21 wanted to reinforce what Ron Matsen said about changes
 22 in tribal administration.

23 I have listened to that, and it's a
 24 very real thing and, you know, the decision that we
 25 are making, you know, when we are really old men and

1 I would move forward and look at what
 2 the cost estimates, a continuum of cost estimates for
 3 major improvements to recreation at Cochiti Lake, be
 4 that \$2,000 to 200 million. That is a stretch.

5 But the point is that you have an
 6 obligation. We are your employers. We pay your
 7 salaries. We are the taxpayers. You work for us, and
 8 I can tell you as a citizen and a taxpayer and someone
 9 who talks to his Congressman frequently, you know, I
 10 will be talking to them about this again, and I fully
 11 expect that in your Environmental Impact Statement
 12 that you will have identified about ten different
 13 options about how what it's going to cost to build a
 14 road to the northern part of the lake.

15 As far as, you know, your budget
 16 constraints and you can't provide the staff now, that
 17 is outrageous. You know, people, you are closing an
 18 area that could be used. It may not be well
 19 publicized. If we can't fish Al Black what the hell
 20 are we going to do? We will have to go to the east
 21 side of the lake. But my final point is that I feel
 22 that you should specifically contact Governor Bill
 23 Richardson.

24 You need to put him and/or Diane
 25 Dennish, the Lt. Governor, on your list. They need to

1 women in 20 years, let's just think back on this
 2 meeting tonight and see who was right.

3 The second point in terms of Mr. Hewes
 4 who was talking about the scenic byway concept on the
 5 northern part of the lake, as far as I am concerned
 6 and I will speak for myself. I can't speak for the
 7 wildlife federation, I haven't brought this before
 8 them to a vote but I think from what I have heard
 9 tonight and what I heard that based on the meeting in
 10 Rio Rancho that there is no option below the dam.

11 There is nothing down there that is
 12 going to satisfy the community or the fishermen, so
 13 the real question becomes you need to look at the lake
 14 itself in terms of cold water fishing and looks like
 15 you are going to have to look above the lake. There
 16 may be some reach in there, or some of us who are
 17 trout fishermen are just going to have to change our
 18 mind and go for bass and croppie and Blue Gil, but the
 19 point that was made about how important recreational
 20 fisheries can be for economies should not be
 21 underestimated.

22 And so I think that as you have a
 23 meeting tomorrow night which I will not attend because
 24 of other obligations, I think you need to be straight
 25 out with whoever attends that.

1 have a personal audience with your staff. You need to
 2 go over these alternatives with them. You need to
 3 support the economic development of this region as far
 4 as this part of New Mexico and because I know Bill
 5 Richardson is very interested in sustaining the
 6 economy of this state, and recreation certainly
 7 contributes to that. So I am very hopeful and will
 8 want to sit in on that meeting with Bill Richardson
 9 when you have that if at all possible offer my
 10 services. Thank you.

11 FACILITATOR MOYE: Mr. Paul
 12 Johnson.

13 MR. JOHNSON: Paul Johnson,
 14 Cochiti Lake. Getting back to the -- did we discuss
 15 an amount of money that the pueblo received for the
 16 use of this area?

17 MR. KNEEBONE: Yes, we did. They
 18 did not receive any money for the use of outlet work.

19 MR. JOHNSON: Oh, they didn't
 20 receive any money for that.

21 MR. KNEEBONE: No. They received
 22 \$146,000 as a one time payment for the entire project
 23 including the dam and the easement area for flood
 24 storage and recreational storage behind the dam.

25 UNIDENTIFIED PERSON: Have you

1 seen when that occurred?
 2 MR. KNEEBONE: That's when the
 3 project started. I think the actual payment was like
 4 1975.
 5 UNIDENTIFIED PERSON: That was
 6 1964. The dam was completed in '75.
 7 MR. KNEEBONE: We have to get
 8 that date but sometime between the ten year period '64
 9 to '75.
 10 MR. JOHNSON: Shouldn't that
 11 money be returned to the taxpayers?
 12 MR. KNEEBONE: Since that project
 13 still exists and will exist into the indefinite
 14 future, that project being the dam, its flood control
 15 activities, including the reservoir behind the dam,
 16 there is no reason to receive that back. There is no
 17 means to take it back. The project still exists.
 18 MR. JOHNSON: Wasn't --
 19 MR. KNEEBONE: The project still
 20 exists for its intended purpose.
 21 MR. JOHNSON: The project still
 22 exists. When this lake is gone wasn't the dam part of
 23 the spillway?
 24 MR. KNEEBONE: Yes.
 25 MR. JOHNSON: Well, why did they

1 they have authority over their land, why don't we have
 2 any say-so about our land?
 3 I do not understand that. We had to
 4 come here and fight for this property and our
 5 ancestors and these were the boundaries that were
 6 accepted at that time that the people from that side
 7 of the river where the boundary. The people from this
 8 side the river was the boundary. We all held back and
 9 we know that we needed the drains on each side of the
 10 river to make our land more productive, and everybody
 11 when this came about in 1932 I interpreted because my
 12 grandfather couldn't speak a word of English. I speak
 13 very little English. I speak whatever I have
 14 learned. This is just, I am a high school graduate
 15 and that is all, but I understand and could interpret
 16 for them.
 17 And this was being done in order to
 18 improve our properties, and it was for the
 19 Conservancy's sake that we did that because they put
 20 the river on a channel to have more water for the
 21 people down below so there wouldn't be so much lost
 22 water from Cochiti from here down to Mexico. And that
 23 is the reason it was done, and we agreed to all of
 24 that and we have a drainage going on each side of the
 25 river to take care of it.

1 receive an extra \$140,000?
 2 MR. KNEEBONE: They didn't receive
 3 an extra \$140,000, they received only \$140,000
 4 thereabouts for the entire project and the identified
 5 recreation areas that we have shown which did not
 6 include the outlet works.
 7 MR. JOHNSON: Thank you.
 8 FACILITATOR MOYE: Other
 9 questions. Mr. Leyba.
 10 MR. LEYBA: I am very upset about
 11 this situation that we have to concede to everything
 12 that anybody wants. First, I explained to you that
 13 these properties here extended on one side of the
 14 river to the river and the other side to the river.
 15 When the river changed the boundaries
 16 changed, and those were territorial days. I am no
 17 young kid. I am over 80 years old and I have seen all
 18 of these changes, and I have weathered and I can see
 19 that these people are claiming this is actually a land
 20 grant area, and we are still fighting for it and we
 21 probably will never get it. Lord knows.
 22 Every politician that goes in there
 23 says we are going to see that you guys are taken care
 24 of that you, this and that and the other, but never a
 25 thing has been done. Nothing has been done, and if

1 Now, what do we have? We have hunters
 2 going in there trying to bring rifles and their
 3 shotguns and everything else and trashing it all down
 4 until the conservancy closed that dam that goes into
 5 that, Leyba Arroyo that goes into the river and they
 6 just trash it down.
 7 I appreciate very much that this man
 8 that said that he was picking up all of this garbage
 9 down on the river and taking it out and getting rid of
 10 it. We would like to see more people like that. If
 11 that is the type of people we are going to have in
 12 this recreational area I wouldn't not mind having a
 13 million of them because they would clean up that
 14 place, but I don't see why we are not listened to, we
 15 are not considered when we are fighting this area yet
 16 and we are fighting for a clean place to live in and a
 17 place where we can say what people can come in and
 18 fish, I wouldn't care if they wouldn't just trash it
 19 all out or go fire their guns there.
 20 I had a horse killed in that Rio Grande
 21 there right inside drains. It fell in the drains
 22 after it was shot and it's buried there and that was
 23 my last saddle, and I sure don't like the idea of
 24 anybody coming down there and shooting all over the
 25 place. Our animals are all along the boundaries there

1 which we have now, but we are not concerned about all
2 of that. An animal is an animal, but they are going
3 to kill people one of these days. Thank you very
4 much.

5 MR. SHULTZ: My name is Dave
6 Shultz and I am a resident of Pena Blanca. I would
7 like to commend Mr. Shah for his statement that he
8 made earlier about the Middle Rio Grande Conservancy
9 District deciding not to allow the use of that area.

10 I think it's a wise choice and I would
11 like to commend you for making that decision and I
12 wholeheartedly support it.

13 I also would like to comment that a
14 gentleman made earlier that the only thing he thought
15 should be in that area are trash cans and perhaps an
16 outhouse. I think he's absolutely correct that any
17 further development like what was proposed in Rio
18 Rancho with that floating pier would destroy the
19 nature of the bosque in that area.

20 I realize that the Corps of Engineers
21 is in a tough spot. They are between the pueblo for
22 one thing and the fishermen who want something else.
23 Please don't cause the residents of Pena Blanca to be
24 collateral damage by making us part of the solution
25 and giving us your problem.

1 MR. OTERO: Jose Otero, Chairman
2 of the -- I want to compliment you for holding this
3 meeting and giving people a chance to get advice but
4 before I should have probably spoken up before the
5 Journal left. Mr. Shah doesn't make the decisions and
6 I don't make the decisions and neither does Jimmy
7 Wagner so I hope it doesn't come up on the front page
8 of the Journal tomorrow and says the Shah says he is
9 not going to allow.

10 FACILITATOR MOYE: He's still back
11 there by the door.

12 MR. OTERO: We don't need that.
13 We are going to take it up and I am for the Pena
14 Blanca people. They are our constituents and we don't
15 want to shove anything down their throats that they
16 don't want, but there is at least one board member
17 that doesn't agree with me.

18 So we are going to have to get this
19 before the board and the board will vote, I am pretty
20 confident that we will be the ones that decide.

21 I have to advise you if it comes out in
22 the paper tomorrow that Shah decided, the whole board
23 might turn against us and like I said, I am glad the
24 Journal is still here. I thought he left.

25 And I want to apologize. We have a

1 miscommunication. We heard the meeting was at 7:00
2 and we showed up at five minutes to seven so I am
3 sorry about that.

4 MS. JOHNSON: Maureen Johnson. I
5 just wonder if I could have one clarification. You
6 say that the 146,000 was paid at the inception of the
7 lake. I just want clarification of his answer that
8 the 146,000 was paid by the Corps of Engineers, that
9 is from the federal government to the pueblo as a one
10 time fee for creating the length of the dam and the Al
11 Black fishing area. Is that the way I understand your
12 answer?

13 MR. KNEEBONE: No, ma'am. The Al
14 Black fishing -- do you want to speak to it?

15 MS. SHAMPINE: Yes. The land that
16 the Al Black fishing area is on was part of that
17 parcel. The actual development, what limited
18 development is there happened at a later date, so the
19 handicapped accessible fishing pier itself was
20 developed afterwards but the land itself was all part
21 of the original agreement but recreation was not
22 assigned to that particular tract.

23 The recreation was assigned to those
24 areas in green on the map and those are located up on
25 the lake itself. Does that clarify your question?

1 MS. JOHNSON: Yes, that the --
2 developed the Al Black area.

3 MS. SHAMPINE: The Corps of
4 Engineers did with input and support from interested
5 citizens.

6 MS. JOHNSON: With money from the
7 Corps.

8 MS. SHAMPINE: Yes.

9 MS. JOHNSON: So the Corps paid
10 for it.

11 MS. SHAMPINE: Yes.

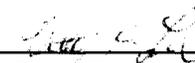
12 MS. JOHNSON: So no money came
13 from any other source?

14 MS. SHAMPINE: I personally can't
15 verify that. It was my understanding but I have not
16 found any documents. We tried to find documentation
17 that described the whole development in the Al Black
18 area, and I have not found that. That doesn't mean it
19 doesn't exist because I haven't gone through newspaper
20 articles but I am not aware of any private
21 contributions that went into it but I do know there
22 was a lot of personal interest and a lot of private
23 time that worked to the interest in developing the
24 area.

25 MS. JOHNSON: I just have one

1 other question. Mr. Kneebone, are you going to
 2 oversee the reclamation of the area, Al Black area?
 3 MR. KNEEBONE: Yes, ma'am.
 4 MS. JOHNSON: You will be
 5 expending your time for the \$300,000.
 6 MR. KNEEBONE: That is an initial
 7 estimate. We haven't come up with plans yet to give
 8 us --
 9 MS. JOHNSON: I understand but
 10 you will be the person in charge?
 11 MR. KNEEBONE: Yes, ma'am.
 12 MS. JOHNSON: Strictly as a Corps
 13 of Engineers employee?
 14 MR. KNEEBONE: Yes, ma'am.
 15 MS. JOHNSON: Will the pueblo
 16 have any input into spending that money?
 17 MR. KNEEBONE: Yes, ma'am.
 18 FACILITATOR MOYE: Any other
 19 comments or questions or alternatives?
 20 MR. KNEEBONE: Could I make one
 21 other comment? Real quickly the mention was made of
 22 the \$1.6 million in this year's appropriation. That
 23 is for special activities associated with the dam.
 24 As you know, we are in the middle of a
 25 drought here. Those activities are for a base line

1 study that will establish, for example, sediment
 2 content, water quality in the reservoir for whatever
 3 future operations that may be necessary as a result of
 4 decisions by the State, by the tribes, by the
 5 communities along the river, in terms of operation of
 6 the reservoir itself. Nothing to do with recreation
 7 at the lake per se.
 8 Part of the examination is to look at
 9 the interaction of the lake with the resources in the
 10 area which would include economic functions,
 11 recreation as well but not per se in terms of changing
 12 recreation at the lake but in terms of its impact and
 13 relationship to the economy here.
 14 FACILITATOR MOYE: Any other
 15 comments? Hearing none I would adjourn the meeting.
 16 It's 8:25, and there will be another meeting tomorrow
 17 night at the district headquarters and you are invited
 18 to that meeting. Thank you for coming.
 19 (Scoping meeting stood in recess at 8:30 p.m.)
 20 * * * * *
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2
 3 I, BETTY J. LANPHERE, RPR-CP-CSR, a Court
 4 Reporter and Notary Public, with offices in Santa Fe,
 5 New Mexico, DO HEREBY CERTIFY that the foregoing
 6 transcript is a complete and accurate record of said
 7 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 28th day of December, 2003.
 13
 14 
 15 _____
 16 Court Reporter
 17
 18
 19
 20
 21
 22
 23
 24
 25

DE-FVZ
Filed to R. Knebo

Simon E. Suina
Governor



Andrew Quintana
Treasurer

Vernon M. Garcia
Lt. Governor

P. O. Box 70
255 Cochiti Street
Cochiti Pueblo, NM 87072-0070
Phone: (505) 465-2244 Fax: (505) 465-1135

October 28, 2003

Lt. Colonel Dana R. Hurst
US Army Corps of Engineers
4101 Jefferson Plaza, N.E.
Albuquerque, NM 87109

RE: Termination of Recreation Activities at Al Black Recreation Area

Dear Lt. Colonel Hurst:

I would first like to thank you for your ongoing cooperation with the Pueblo de Cochiti on the many issues that are vital to our future. This letter is respectfully written to request your cooperation in the closure of the Al Black Recreation Area. Pursuant to *Article III.D of the 'Amended Easement Grant and Agreement' between the Pueblo de Cochiti and the U.S. Army Corps of Engineers signed the 31st of December, 1975*, the Pueblo de Cochiti is exercising its right to terminate the easement for recreation activities in the area of the Cochiti Dam outlet works. Specifically, we are terminating recreation in the area between Cochiti Dam and State Highway 22 on the north and south banks as well as the Rio Grande channel beyond Highway 22 to the West. The duration of the termination process is not specified in the easement agreement. We would like to consult with the Corps in setting a schedule for the ultimate closure of the area.

Thank you for your time and consideration in this matter. To initiate this process, please contact Mr. Jacob Pecos, Director of our Natural Resources department at (505) 465-0617/0123 or myself.

Sincerely,

Simon E. Suina, Governor
Pueblo de Cochiti

Cc: Tribal Administrator, Richard Pecos
DNRC Director, Jacob Pecos
Tribal Planner, Ray Trujillo
DNRC/Tribal File

AMENDED EASEMENT GRANT AND AGREEMENT

Whereas, the Pueblo of Cochiti, a corporate community of Indians residing on communally-owned lands in the County of Sandoval, State of New Mexico, hereinafter referred to as the PUEBLO, with the consent and approval of the Secretary of the Interior of the United States, or his authorized representative, hereinafter referred to as INTERIOR, pursuant to the ACT of Congress of February 5, 1948, 62 Stat. 17, 18 (1948), 25 U.S.C., Secs. 323, 324 (1964); and the Act of Congress of June 7, 1924, 43 Stat. 636 (1924), as amended, 25 U.S.C.A. Historical Note pp. 244, 250, 254, (1963), DID GRANT to the United States of America through the United States Army Corps of Engineers, United States Army Engineer District, Albuquerque, New Mexico, or its authorized representative, hereinafter referred to as the CORPS OF ENGINEERS, in CONSIDERATION OF THE SUM OF \$145,200.00 paid by the CORPS OF ENGINEERS, for use in connection with the construction, operation, and maintenance of the Cochiti Lake Project, Rio Grande Basin, New Mexico, as authorized by Title II, Sec. 203 of the Act of Congress of July 14, 1960, P.L. 86-645, 74 Stat. 480, 493 (1960), as amended, P.L. 88-293, 78 Stat. 171 (1964), certain easements, as defined and described in that certain Easement Grant and Agreement, executed on the 16th day of November 1965, by the Pueblo of Cochiti, approved on the same date by the United States Department of the Interior, and accepted and agreed to by the United States of America on the 3rd day of December 1965; bearing Contract No. DA-29005-CIVENG-66-16; filed for record on 24 January 1966, and recorded in Volume 18 Miscellaneous, at page 156, of the records of Sandoval County, New Mexico; and

Whereas, the parties desire and have agreed to amend said Easement Grant and Agreement to wit;

(1) To add to the Project Area 3 tracts comprising 12.19 acres for the relocated United Pueblos Road 90 and a 4th tract comprising 0.91 acres for a drainage ditch area, for a total of 13.10 acres.

(2) To delete from Public Use Area No. 1, one tract comprising 5.02 acres for inclusion in the Project Area.

(3) To delete from Project Area, one tract comprising 1.35 acres for inclusion in Public Use Area No. 1.

NOW, THEREFORE, said easements shall be defined and described as follows:

I. LANDS.

A. Project Area (325.90 Ac in Tr 101E-1 & 3456.59 Ac in part of Tr 101E-2)

3782.49 acres, more or less, in Sections 29, 28, 27, 32, 33 and 34, T. 17 N., R. 6 E., N.M.P.M., and in Sections 5, 4, 8, 9, 10, 17, 16, 15, 20, 21, 22, 28, 27, 33 and 34, T. 16 N., R. 6 E., N.M.P.M., all within the Pueblo of Cochiti Grant, as more fully described in Appendix "A" to Exhibit "A-1" attached to and hereby made a part of this AMENDED EASEMENT GRANT AND AGREEMENT, and being those areas colored red and labeled "Project Area" on Appendix "B" to Exhibit "A-1", a map prepared by the Department of the Army, United States Army Corps of Engineers, Office of the Albuquerque District Engineers, of the Cochiti Lake Project, attached to and hereby made a part of this AMENDED EASEMENT GRANT AND AGREEMENT.

No. 2) B. Public Use Area (156.33 Ac in Parcel No. 1 & 144.00 Ac in Parcel Balance of Tr 101E-2)

300.33 acres, more or less, in Sections 5, 4 and 3, T. 16 N., R. 6 E., N.M.P.M., all within the Pueblo of Cochiti Grant, as more fully described in Appendix "A" to Exhibit "A-1" and being those areas colored blue and labeled "Public Use Area" on Appendix "B" to Exhibit "A-1".

II. EASEMENTS

With the approval of INTERIOR, the PUEBLO grants to the CORPS OF ENGINEERS easements in perpetuity, subject to any existing easements, to construct, to operate and to maintain the Cochiti Lake Project, as shown on Appendix "B" to Exhibit "A-1" including:

A. The right to enter upon the lands described in Appendix "A" to Exhibit "A-1" with personnel and equipment engaged in pre-construction activities, construction work and subsequent operation, maintenance and periodic inspection of the project facilities, as shown on Appendix "B" to Exhibit "A-1", including, but not limited to, the Dam Structure, Spillways, Operation Headquarters, Employee Residences, Overlook Areas and other Related Structures, and such additional facilities as the efficient operation and maintenance of the Project may require.

B. The right, in perpetuity, to permanently, temporarily or intermittently overflow, flood and submerge land lying below an elevation of 5,465.5 feet above mean sea level within the Project Area as may be required for the construction and maintenance of a permanent pool and for flood control purposes; and the right, in perpetuity, to clear and remove any brush, debris and natural obstructions which, in the opinion of the CORPS OF ENGINEERS, may be detrimental to the operation of the Project.

C. The right to clear, borrow, excavate and remove soil, dirt and other materials from, and deposit waste material on lands within the Project Area; PROVIDED, HOWEVER, that the CORPS OF ENGINEERS will not engage in these activities outside the boundaries of the Project Area without the prior approval of the PUEBLO and INTERIOR.

D. The right to construct, operate and maintain bridges, channels, dams, levees, drainage ditches, roads, pipelines, water wells, other public utilities, railroads, landing fields and related facilities in the Project Area; PROVIDED, HOWEVER, that where feasible in the opinion of the CORPS OF ENGINEERS, public utilities will be made available to use by the PUEBLO on a cost-reimbursable basis; and PROVIDED, HOWEVER, that nothing in this paragraph shall impair any water rights of the PUEBLO.

E. The right to open the water areas of the Project Area and the Public Use Area to public use generally for boating, swimming, fishing and other recreational purposes, and the right to provide and maintain ready access to and exit from such areas along the shores of the Project for public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary.

F. The right to provide access roads to and through the Project Areas and the Public Use Areas for general public use of the overlook area and for the operation and maintenance of the project as the Secretary of the Army of the United States deems appropriate in the public interest. This will include the construction of the Tetilla Peak access road and the relocation and reconstruction of U.S. Pueblos Road No. 90 and New Mexico State Highway No. 22. Consent is hereby granted to the Secretary of the Army to convey or assign to the State of New Mexico the right-of-way required for the relocation of State Highway No. 22. Road maintenance by the CORPS OF ENGINEERS will be for those roads required to serve the CORPS OF ENGINEERS' administration, maintenance and quarters buildings, overlook areas, and for project access and maintenance, aside from State Highway No. 22 and United Pueblos Road 90. The PUEBLO shall maintain or cause to be maintained, all other roads constructed by the CORPS OF ENGINEERS on PUEBLO lands, including those inside the Public Use Area.

G. The right to construct within the Project Area and Public Use Area various public use facilities such as picnic tables, toilet facilities, boat ramps and similar facilities; PROVIDED, HOWEVER, that the CORPS OF ENGINEERS will permit the PUEBLO, under the supervision of INTERIOR, to operate and maintain said facilities under standards which will meet the responsibility of the CORPS OF ENGINEERS to provide recreational facilities of acceptable standards.

H. The right to deny access to the general public, or private organization or any person whatsoever during a national emergency declared by the President of the United States.

III. RETENTION OF RIGHT BY PUEBLO

The PUEBLO specifically retains rights and privileges as follows:

A. All right, privileges and uses of lands within the Project Area and the Public Use Area, which will not interfere with the easements heretofore granted to the CORPS OF ENGINEERS.

B. The right to charge the public reasonable admission fees to cover maintenance of public use facilities, constructed by the CORPS OF ENGINEERS pursuant to Paragraph II. G. above; PROVIDED, HOWEVER, that the PUEBLO will operate, maintain and be responsible for the public use facilities under the supervision of INTERIOR and in accordance with rules and regulations promulgated by the CORPS OF ENGINEERS.

C. The exclusive right to lease and develop the Project Area above the upstream face of the Dam and the Public Use Area for income-producing purposes, except for those project area lands required for CORPS OF ENGINEERS operation and maintenance requirements, subject to the applicable laws and regulations of INTERIOR pertaining to the leasing of Indian lands, and subject to the PUEBLO maintaining standards of construction, maintenance and operation of facilities, which will meet the responsibility of the CORPS OF ENGINEERS to provide recreational facilities of acceptable standards; PROVIDED, HOWEVER, that the PUEBLO will not construct or place structures of any type on lands within the Project Area below the upstream face of the Dam, nor on lands within the Project Area above the upstream face of the Dam below an elevation of 5,465.5 feet above mean sea level except with the prior approval of the CORPS OF ENGINEERS; and PROVIDED, HOWEVER, that any lease made pursuant to this paragraph shall be made expressly subject to the terms of this AMENDED EASEMENT GRANT AND AGREEMENT.

D. The right to have easements described in Paragraph II. above, terminated as to any land within the Project Area on which, in the opinion of the CORPS OF ENGINEERS, easements are unnecessary to the efficient operation and maintenance of the Project.

IV. ADDITIONAL PROVISIONS

A. The CORPS OF ENGINEERS hereby agree that they will not unreasonably withhold their consent or approval where such consent or approval is necessary under the terms of this AMENDED EASEMENT GRANT AND AGREEMENT.

B. The PUEBLO and INTERIOR hereby agree that they will not unreasonably withhold their consent or approval where such consent or approval is necessary under the terms of this AMENDED EASEMENT GRANT AND AGREEMENT.

V. WATER RIGHTS

Nothing in this AMENDED EASEMENT GRANT AND AGREEMENT shall be considered as a conveyance, sale or other transfer of the water rights of the PUEBLO.

VI. CONSIDERATION

This AMENDED EASEMENT GRANT AND AGREEMENT being of mutual benefit to the parties, the consideration provided for in the original Easement Grant and Agreement will remain in full force and effect.

VII. The original Easement Grant and Agreement will be superseded by this AMENDED EASEMENT GRANT AND AGREEMENT upon its execution by all parties.

IN WITNESS WHEREOF, the PUEBLO has executed this AMENDED EASEMENT GRANT AND AGREEMENT this 6th day of November 1975.

PUEBLO OF COCHITI

By Alayouis Pecos
Governor

Approved this 31st day of December 1975.

U.S. DEPARTMENT OF THE INTERIOR

By Louis Baker
Acting Superintendent
Southern Pueblos Agency
Bureau of Indian Affairs

Accepted and agreed to this 31st day of December 1975.

UNITED STATES OF AMERICA

By Paul C. McGraw
District Engineer
U.S. Army Engineer District
Albuquerque, New Mexico

A C K N O W L E D G E M E N T

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANDY VAL)

Before me, PHILIP R. ASHBY, a Notary Public in and for said County and State, on this 6TH day of NOVEMBER 1975, personally appeared ALOYSIUS PECCS, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same by authority of the Council of the Pueblo of Cochiti as free and voluntary act and deed of said Pueblo of Cochiti for the purposes and consideration therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Philip R. Ashby
Notary Public

My Commission Expires:

7-8-1978

That portion of the Pueblo de Cochiti Grant, Sandoval County, State of New Mexico, more particularly described as follows:

PARCEL NO. 1 - PROJECT AREA From the Southeast corner of Fractional Section 22, Township 16 North, Range 6 East, New Mexico Principal Meridian, North along the boundary of said section, a distance of 660 feet to the point of beginning; thence West 512.82 feet; thence North 660 feet; thence West 660 feet; thence North 660 feet; thence West 3,960 feet; thence North 1,320 feet; thence East 1,980 feet; thence North 660 feet; thence West 660 feet; thence North 990 feet; thence West 330 feet; thence North 330 feet; thence West 1,215 feet; thence South 220 feet; thence West 180 feet; thence North 220 feet; thence West 1,575 feet; thence North 1,320 feet; thence East 660 feet; thence North 330 feet; thence East 660 feet; thence North 400 feet; thence West 260 feet; thence North 590 feet; thence West 400 feet; thence North 1,000 feet; thence West 160 feet; thence North 320 feet; thence West 500 feet; thence North 1,320 feet; thence West 660 feet; thence N.0°02'02"E. along the East line of the $W\frac{1}{2}$ of Section 8, Township 16 North, Range 6 East, N.M.P.M., a distance of 975.76 feet to a point on the S.E. corner of Great Western Cities, Cochiti Lake Subdivision, Unit No. 7; thence N.0°01'33"E. along a line common to the Westerly boundary of the Corps of Engineers Cochiti Lake Project and the Easterly boundary of said Great Western Cities, Cochiti Lake Subdivision, Unit No. 7, a distance of 1,833.58 feet to a point; thence N.43°34'55"W., along said line common to the Westerly boundary of the Corps of Engineers Cochiti Lake Project and the Easterly boundary of Great Western Cities, Cochiti Lake Subdivision, Unit No. 7, a distance of 478.20 feet to a point; thence N.0°00'49"E. along a line common to said Westerly boundary of the Corps of Engineers Cochiti Lake Project and the Easterly boundary of Great Western Cities, Cochiti Lake Subdivision, Unit No. 16, a distance of 156.42 feet to a point on the Section line common to Sections 5 and 8, Township 16 North, Range 6 East, N.M.P.M.; thence continuing N.0°00'49"E. along said line common to said Westerly boundary of Corps of Engineers Cochiti Lake Project and the Easterly boundary of Great Western Cities, Cochiti Lake Subdivision, Unit No. 16, a distance of 1,240.07 feet to a point; thence S.89°54'49"E. departing from said common boundary line, a distance of 850 feet along a line parallel to and 1,240.07 feet North of the South boundary of said Section 5, Township 16 North, Range 6 East, N.M.P.M.; thence Southeasterly to a point 959 feet North of the South boundary of said Section 5 and 555 feet West of the quarter Section line of Section 5, Township 16 North, Range 6 East, N.M.P.M.; thence East along a line parallel to and 959 feet North of the South boundary of said Section 5, to the intersection of this line with a point at elevation 5,465.5 in the SE $\frac{1}{4}$ Section 5, Township 16 North, Range 6 East, N.M.P.M.; thence Northerly along a meandering line at elevation 5,465.5 through Sections 4 and 5, Township 16 North, Range 6 East and Sections 28, 29, 32 and 33, Township 17 North, Range 6 East, N.M.P.M., to the intersection of said meandering line with the North boundary of Pueblo de Cochiti Grant; thence East along the North boundary of said Grant to the intersection of said North boundary with a meandering line at elevation 5,465.5; thence Easterly along said meandering line through portions of Sections 27 and 28, Township 17 North, Range 6 East, N.M.P.M., to the intersection of said line with the East boundary of said Grant; thence South along the East boundary of said Grant to the intersection of said East boundary with a meandering line at elevation 5,465.5; thence Southerly along said meandering line through Sections 33 and 34, Township 17 North, Range 6 East, and Sections 4 and 9, Township 16 North, Range 6 East, to the intersection of said line with the East boundary of the Pueblo de Cochiti Grant at a point near the Northeast corner of Section 10, Township 16 North, Range 6 East, N.M.P.M.; thence South along the East boundary of said Grant to the point of beginning and containing 3,456.59 acres, more or less.

PARCEL NO. 2 - PROJECT AREA Beginning at the Southeast corner of the Pueblo de Cochiti Grant, Sandoval County, State of New Mexico; thence West along the South boundary of said Grant, a distance of 1,802.46 feet to a point on the South line of Section 33, Township 16 North, Range 6 East, N.M.P.M.; thence North to a point on the North line of said Section; thence West 330 feet; thence North 1,980 feet; thence East 330 feet; thence North 1,320 feet; thence East 1,849.32 feet to a point on the East boundary of the Pueblo de Cochiti Grant, also being the East boundary of Fractional Section 27, Township 16 North, Range 6 East, N.M.P.M.; thence South along the East boundary of the Pueblo de Cochiti Grant and the East line of Fractional Sections 27 and 34 to the Southeast corner of said Section 34 and the point of beginning, containing 325.90 acres, more or less.

PARCEL NO. 1 - PUBLIC USE All those portions of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4 and the S $\frac{1}{2}$ of Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 16 North, Range 6 East, N.M.P.M., lying above elevation 5,465.5 M.S.L., level datum being mean sea level, containing an area of 156.33 acres, more or less.

PARCEL NO. 2 - PUBLIC USE All those portions of the S $\frac{1}{2}$ of Section 3, the SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 and N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 10, Township 16 North, Range 6 East, N.M.P.M., lying above elevation 5,465.5, containing 144.00 acres, more or less.

Reconciliation of Appendix "A" and Appendix "B" to Exhibit "A-1"

Tract 101E-2 includes Parcel 1 of the Project Area and Parcels 1 and 2 of the Public Use Area.

Tract 101E-1 is identical with Parcel 2 of the Project Area.

***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 DECEMBER 3, 2003
AT
PEÑA BLANCA CENTER
PEÑA BLANCA, NEW MEXICO**

(Note: Pages and line numbers refer to the record of proceedings of the public meeting.)

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

Comments: Page 15, lines 4, 11, 15, 17, and 22; page 16, line 16; page 18, lines 8, 17, and 19; page 39, lines 8, 17, and 21; page 80, lines 1, 14, 18, and 23. These comments were concerned with the potential effects on the quality of life at Peña Blanca that may occur from the proposed recreation area due to increased traffic, noise, crime, privacy, the way of life, fire hazard, land values and property boundaries/rights.

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.

Drunks/alcohol use/safety/guns/homicides

Comments: Page 18, lines 6, 8, 12, 13, 14, 15, 16, 19, and 24; page 19, lines 14 and 18; page 33, lines 15 and 21; page 34, lines 5, 8, 10, 12, 20 22 and 25; page 35, lines 1 and 4; page 39, line 2; page 66, lines 1, 18 and 24; page 67, lines 1 and 3; page 80, lines 1, 14, 18, and 23. These comments involved concerns for the existing use of the Peña Blanca bosque area by alcoholic beverage drinkers, gun shooters, and the safety aspects associated with these activities.

Response: These comments have informed the Corps that the Peña Blanca bosque is a local alcoholic beverage drinking and 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. However, the Corps feels 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.

Management of site

Comment: Page 18, lines 9, 12, and 24. 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.

Comment: Page 27, line 13. This comment concerns who will be responsible for the maintenance and security of Arroyo Leyba Road.

Response: The Corps or a partnering agent would be responsible for the maintenance and security of the access road from the existing MRGCD gate off Arroyo Leyba Road to the recreation facility on the Rio Grande. Arroyo Leyba Road from Highway 22 to the MRGCD gate is a public road.

Authority to close Al Black

Comments: Page 20, line 23; page 21, lines 1, 2, 4, and 9; and page 67, lines 17, 20 and 21. These comments concern whether or not the Corps can tell the Pueblo “no” to their request to close the Al Black site.

Response: The reader is referred to page 56, line 15 of the August 28, 2003 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 Al 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.

Comments: Page 21, lines 15, 20, and 21; page 24, lines 4 and 6; page 57, line 16; page 58, lines 3, 5, 6, 9, and 10; and page 25, line 1 and 7. These comments concern analyzing other alternatives regardless of costs associated with them.

Response: The criteria for determining feasible alternative recreation sites are discussed in Section 2.03.1 in the Draft Environmental Assessment (DEA) and the Draft Environmental Impact Statement (DEIS). Under the National Environmental Policy Act (NEPA), all potential feasible alternatives must be investigated irrespective of their cost. The main focus of the December 3 and 4 public meetings was to solicit suggestions for alternative sites and facilities that would help replace the recreation resources lost from the closing of Al Black. As a result of the comment on page 58, line 5 of the December 3 Proceedings, the Rio Grande River north of the lake was investigated and discussed in

Section 2.03.6 of the DEIS. Four alternatives were eliminated from further consideration for reasons other than cost; consequently, no cost figures were compiled for those alternatives. Estimated construction and management costs are given in the DEIS for the agency and environmentally preferred alternatives.

Comments: Page 25, lines 22 and 24. This comment concerns whether or not the land in Peña Blanca that is considered an alternative may eventually be turned over the Santo Domingo Pueblo and then there would be the same problem.

Response: Only the MRGCD and private owners of the land under consideration at Peña Blanca have the option to turn their property over to the Santo Domingo Pueblo. This concern is not an issue within Corps' authority or the scope of the EIS.

Comments: Page 29, line 6; page 63, lines 8, 10, 13 and 24; and page 71, lines 20 and 25. These comments question why the Corps can't keep the site open since so many people want it kept open.

Response: The landowner (Cochiti Pueblo) is legally terminating the recreation easement at Al Black and respectfully requested the Corps' cooperation in this decision (see Cochiti Pueblo's October 28, 2003 and the Corps' December 3, 2003 response letters in Appendix A). According to the provisions of NEPA, the publicly controversial closure of Al Black is a Federal action that requires full public disclosure in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Information gathered through the NEPA public review process (scoping, circulation of the draft document for comment, public meetings, property rights, etc.) will be considered in the Corps' final decision on this matter.

Comments: Page 35, line 7 and 10; page 37, line 11; page 57, line 16; page 58, line 5; page 59, line 24; page 60, line 8; page 63 line 21; page 74, line 11 and 15; and page 75, line 7. These comments regard whether or not the northern end of Cochiti Lake could be considered for an alternative.

Response: Various sites on Cochiti Lake are being assessed for suitability for a public recreation area with universally accessible facilities. The entire lake, including the northern shoreline, is open for consideration. Site determination will be based on the criteria as described in Section 2.03.7 of the DEIS.

Comment: Page 37, line 18, 19 and 22; page 38, lines 1 and 7; page 39, line 3; page 55, line 16; and page 63, line 21. These comments concern using Cochiti Lake as an alternative, the lack of amenities (i.e. shade structures), how this makes the lake an unattractive alternative, and if these amenities could be added if this is an alternative.

Response: Cochiti Lake is the Corps' preferred location for an alternative recreation area to replace Al Black. All facilities would be universally accessible and shade structures would be provided to make it an attractive public use area (see section 2.03.7 of the DEIS) as suggested by individuals commenting during the public review of this proposed Federal action.

Comments: Page 54, line 8 and 13. This comment proposes an alternative where the north side of Al Black could remain open.

Response: It is the stated desire of the Pueblo that all public access to the Al Black Recreation Area be terminated in order to reconcile some of the adverse affects that Cochiti Dam has had on their way of life. The Corps' respects their decision and intends to comply with their request as landowner by mutual termination of the recreation easement at the site.

Comments: Page 64, line 24; and page 65, lines 1 and 2. These comments proposed tht the Tetilla Peak Recreation Area be opened year round and considered as an alternative.

Response: Tetilla Peak is one of the main sites being considered for a replacement recreation area on Cochiti Lake (see Section 2.03.7 in DEIS). The facility is open to the public during the high use months from April 1 through October 31. It is closed during the winter months from November through March because of low use that makes management of the area inefficient due to the 40 mile round trip from the Corps park headquarters at the Cochiti Lake Recreation Area. Recreation opportunities are open year round at the Cochiti Lake facility.

Comments: Page 65, lines 10, 11 and 12. These comments concern safety aspects of fishing on Cochiti Lake (i.e. high winds), and question whether it can be considered an alternative.

Response: A boat angler who, for safety purposes, prudently leaves the lake during high winds gave this comment. As discussed in Section 2.03.7 of the DEIS, protection from high winds is a consideration in selecting a recreation facility on the lake. As explained in the text, the proposed Tetilla Peaks site is protected from prevailing winds and should provide comfortable, wind-free fishing most of the time.

Comments: Page 65, lines 17 and 22. This comment regards using the BLM land at Peña Blanca as an alternative site.

Response: The Corps' Real Estate Section search of the county real estate records did not reveal any BLM riverside property ownership at Peña Blanca between the southern property line of the Cochiti Pueblo and the northern property line of the Santo Domingo Pueblo where they cross the Rio Grande.

Fishery

Comments: Page 22, line 17. This comment was concerned with the water temperatures at Peña Blanca.

Response: This concern is addressed in Section 2.03.2 of the DEIS and on page 1 of the Corps responses to comments received during the August 28, 2003 public meeting.

Comments: Page 22, lines 20 and 21. The respondent expressed concern that stocked fish would migrate upstream and out of the Peña Blanca reach of the river

Response: This concern is addressed in Section 2.03.2 of the DEIS.

Comments: Page 26, line 3. These comments were concerned with the capability for supporting a public fishery and the absence of data for Peña Blanca from the Department of Game and Fish.

Response: This concern is addressed in Section 2.03.2 of the DEIS and page 1 of the response to comments received during the August 28, 2003 public meeting.

Comments: Page 27, lines 22, 23 and 24. This comment questions whether or not cold water stocking of fish in the lake could be viable.

Response: The NMDGF has determined that stocking cold water fish in the lake is not viable. This comment is addressed in Section 5.07 of the DEIS.

Comments: Page 36, line 12. This comment expressed concern for conflict between the Rio Grande silvery minnow and the proposed fishing at Peña Blanca.

Response: This comment is addressed in Section 2.03.2 in the DEIS.

Comments: Page 62, lines 10, 12, 15, 19 and 21. 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 just upstream from the site. 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 2003 at this gage, a drought year, was 380 cfs on October 30 (Pers. Com. Don Gallegos, USACE Albuquerque Water Ops). 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 be enough water to support the natural population of brown trout and/or 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.

Authority to close Al Black

Comments: Page 23, lines 1, 6, and 10. The respondent questioned the right and/or the authority of the Cochiti Pueblo to request the Corps to close the Al Black Recreation.

Response: The reader is referred to Section 1.02 on page 3 of the DEIS and page 56, line 15 of the December 3 Proceedings. The Corps' Office of Counsel explains in the Proceedings 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 Al 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.

Traffic

Comments: Page 25, line 17. This comment concerned adverse impacts on organic farming 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: Elimination of the Peña Blanca site for an alternative recreation area removes this concern from further consideration. However, this traffic issue is addressed in the Corps response in the August 28, 2003 Proceedings.

Comments: Page 18, lines 9, 12, and 24. This comment concerns the amount of people that would come into the Peña Blanca site and how this could be managed.

Response: Pena Blanca is currently impacted by traffic through their community by people traveling on Highway 22 to visit 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 the river at Pena Blanca is paved to the MRGCD gate. The dirt road beyond the gate to the proposed fishing site could be paved to eliminate problems with road dust and muddy conditions.

Cochiti Pueblo

Comments: Page 26, lines 13, 16, and 21. These comments concerned why representatives from Cochiti Pueblo were not at any of the public meetings and why they aren't more involved.

Response: See page 51, line 20 – 25 of the December 4, 2003 Proceedings

Comments: Page 29, lines 18, 20 and 22; page 58, line 19; page 59, line 10; page 77, line 25; and page 83, lines 5, 7 and 11. These comments concern the amount of money that Cochiti Pueblo was paid for the Al Black site, if that money would be returned.

Response: The original cost for the Corps flood easement was approximately \$140,000 (see page 36, line 3 of December 3 Proceedings). The Al Black site is within this easement. Since the public have used the area for a public recreation site for over thirty years, the Corps would not request a pro-rated refund.

Fire

Comments: Page 62, line 5. This respondent 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 27, lines 3 and 5; and page 70, lines 11 and 13; and page 81, line 6. These comments questioned why the Corps is pursuing the use of the site (*sic* Peña

Blanca) 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 the 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. MRGCD did not inform the Corps that the property was not available until this public meeting (see page 70, line 17). Their January 23, 2004 letter (See Appendix A) confirmed this decision.

Finally, any replacement recreation area built by the Corps would not require an access fee.

Comment: Page 40, lines 14, 18, 21 and 23; and page 70, line 19. These comments concern the MRGCD requesting the Corps to not consider the Peña Blanca site as an alternative and stated the Board would take official action on this matter at their board meeting on December 8th, 2003.

Response: See previous response.

Precedence

Comments: Page 68, lines 4 and 6; page 69, lines 21 and 25; and page 70, line 5. These comments express concern for setting a precedent of closing other 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 words added).

Socio-economic effects

Comment: Page 27, line 16. This comment concerns the connection between the closure of Al Black and the resultant loss of business/livelihood for the Mainstream Bait Shop.

Response: See Section 3.03 of DEIS.

Duck hunting at site

Comment: Page 39, lines 8 and 14. This commenter stated he had found hundreds of ducks that had been shot and left in the bosque and questions how this can be controlled if it is developed as a fishing area.

Response: MRGCD authorizes duck hunting as a permitted use with their access permit at Peña Blanca. The human disturbance resulting from increased use of the area by fishermen and other recreationists at a Corps public facility probably would reduce the amount of ducks that would utilize the river at the site. Current hunting practices would also present a safety risk for other recreational users of the site. The NMDGF is responsible for enforcement and control of waterfowl hunting and its associated safety risks.

Aquatic vegetation at the site

Comment: Page 62, lines 10 and 12. This comment concerns the presence of "seaweed" in the river at Peña Blanca and its affects on fishing.

Response: The Corps acknowledges that aquatic plants may 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 or cooler months) and it is implemented when water temperatures are cold enough to be suitable for rainbow trout. For this reason, heavy algae growth would not be present when water temperatures are suitable for trout stocking (i.e. below 68 degrees fahrenheit). When assessing the suitability of the site for stocking, the NMDGF did not express any concern that algae may interfere with fishing for stocked trout.

Solid waste management

Comment: Page 39, line 15 and 17. The comment asks who will be responsible for removing the existing solid waste in the bosque at Peña Blanca.

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 all solid waste on their Peña Blanca riparian property.

Restoration of Al Black site

Comment: Page 31, lines 13 and 16; page 85, lines 1, 9, 12, and 15. These comments question restoration of the Al Black site; who would be responsible for the restoration of the Al Black site; and who would be responsible for constructing the new fishing area.

Response: Section 1.04 of the DEA and DEIS generally summarizes the proposed action and states, "...the site would be restored as prescribed by the Pueblo." Paragraphs B. of Section 2.02 of these documents 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 Corps would be responsible for this restoration and for construction of a new replacement recreation area.

Impact on bosque

Comment: Page 15, line 11; page 66, lines 18 and 23; page 80, line 1; and page 81, line 16. These comments concern the impacts that the construction of a recreation facility would have on the bosque.

Response: The DEA discusses the construction of the recreation facilities on page 13. 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 these are considered primary sites for the construction of the parking lot. Removal of invasive salt cedar 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 running throughout, and the existing use of the area by fishermen, hunters, undesirable persons, 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 unsightly aspects of dumping and would inhibit access to the area by undesirable persons now of concern to the community of Peña Blanca.

APPENDIX I

RECORD OF PROCEEDINGS

FOR

DECEMBER 4, 2003 PUBLIC MEETING

AND

CORPS RESPONSES TO COMMENTS

Page 1

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 PENA BLANCA,
 8 SANDOVAL, NEW MEXICO,

9 TRANSCRIPT OF PROCEEDINGS
 10 December 4, 2003
 11 6:00 p.m.
 12 Albuquerque District Corps of Engineers
 13 4101 Jefferson Plaza, N.E.
 14 Albuquerque, New Mexico

15 FACILITATED BY: Bill Moye
 16 Chris Kenny

17 REPORTED BY: Betty J. Lanphere, NM CCR #70
 18 Betty J. Lanphere & Associates, Inc.
 19 Post Office Box 449
 20 Santa Fe, New Mexico 87504

Page 2

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 Susan Shampine, Chief of Operations
 10 Ron Kneebone, Project Engineer
 11 Cynthia Plirto, Outdoor Recreation Planner

12 COMMENTERS:

13 Richard Muenzer 14
 14 Ron Matsen 19
 15 Sheila Gibbens 28
 16 Sidney Ryter 32
 17 Sidney Dykhuizen 32
 18 Douglas Bailey 50
 19 Sheila Gibbens 51
 20 Ron Matsen 52
 21 Dennis Trujillo 53
 22 Sidney Dykhuizen 57

Page 3

1 I N D E X

2

3 Page

4 1. Appearances 3

5

6 2. Commenters:

7 Richard Muenzer 15

8 Ron Matsen 20

9 Sheila Gibbens 29

10 Sid Ryter 33

11 Sid Dykhuizen 33

12 Douglas Bailey 51

13 Sheila Gibbens 52

14 Ron Matsen 53

15 Dennis Trujillo 54

16 Sid Dykhuizen 57

17

18 3. Reporter's Certificate 58

19

20

21

22

23

24

25

Page 4

1 P R O C E E D I N G S

2 December 4, 2003

3 FACILITATOR MOYE: Welcome.

4 Tonight we are here to talk about the Environmental
 5 Impact Statement scope of work relative to closure of
 6 Al Black, and we are also looking for information from
 7 you about potential alternative sites to the current
 8 Al Black site. Our agenda is this welcome. We are
 9 starting at six tonight.

10 There will be some presentations made
 11 by members of the panel here, and then we will go into
 12 public comment about 6:45. And then after you have
 13 had a chance to say what you want to say and hopefully
 14 offer alternatives to what is a way to mitigate the
 15 closure of Al Black, then any other questions that you
 16 have that we can get answered we are here to do that
 17 and hopefully get out of here before midnight. Is
 18 that good?

19 So that is kind of the agenda. We will
 20 adjourn when we are done, or nine o'clock, whichever
 21 comes first. The ground rules that we run our
 22 meetings by is respect the speaker. No matter who has
 23 the floor to speak, we will ask you to give them your
 24 full attention.

25 The next one is listen to learn. We

1 think everyone in the room has something of value to
2 say, so listen to what they are saying for the value
3 they might be trying to share with you and that is for
4 all of us.

5 Be tough on the issue, easy on the
6 person. Usually there are issues we can deal with and
7 we can fix those issues occasionally. When you start
8 dealing with a person, you are getting personal and
9 that doesn't help the issue and we get emotional about
10 it.

11 Last, but not least, if you have a cell
12 phone, turn it off or turn it to silent. That is
13 always a reminder to me? So any questions. So I am
14 going to turn it over to the Colonel but first we will
15 start with the panel. We'll start with you, Susan.

16 MS. SHAMPINE: My name is
17 Susan Shampine, and I am Chief of Operations Division
18 here in the Albuquerque District.

19 LT. COL. DANA HURST: I am
20 Lt. Col. Dana Hurst, I am the Commander of the
21 district.

22 MR. KNEEBONE: My name is Ron
23 Kneebone, [[I am a project manager here in
24 Albuquerque.

25 MR. JAHNKE: I am Ernie

1 Jahnke in the Environmental Resources Branch and I am
2 a biologist, with the District.

3 FACILITATOR MOYE: Betty.

4 MS. LANPHERE: I am Betty

5 Lanphere and I am the court reporter.

6 FACILITATOR MOYE: I am Bill

7 Moye with the Star Group.

8 MR. KENNY: I am Chris Kenny

9 with the Star Group.

10 FACILITATOR MOYE: Let me

11 just have a quick introduction of everybody else here.

12 It's a nice sized group.

13 MR. DYKHUIZEN: Sidney

14 Dykhuizen from the Meadowlark Fishing Club.

15 MR. MATSEN: Ron Matsen,

16 Meadowlark Fishing Club.

17 MR. MUENZER: Dick Muenzer

18 with the fishing club.

19 MR. MONTY: Mr. Monty.

20 MR. UDY: Lee Udy.

21 MR. TRUJILLO: Art Trujillo

22 with the fishing club.

23 MS. RYTER: Arlene Ryter

24 with the Meadowlark Fishing Club.

25 MR. RYTER: Sid Ryter,

1 Meadowlark Fishing Club.

2 MS. MIER: Joan Mier.

3 MR. BAILEY: Douglas Bailey,
4 the Operations Manager at Cochiti Lake.

5 MS. PIIRTO: Cynthia Piirto,
6 Outdoor Recreation Planner for the District.

7 MR. LYKENS: Craig Lykens,
8 Senior Park Ranger at Cochiti.

9 MR. HANSEN: Richard Hansen.

10 MS. SKALBECK: Kathy

11 Skalbeck.

12 MS. GIBBENS: Sheila

13 Gibbens.

14 MR. DENECKE: Ernest Denecke.

15 FACILITATOR MOYE: I am

16 going to turn it over to the Colonel. He will make a
17 brief presentation and then we will have the next
18 presentation.

19 Good evening, ladies and gentlemen, I
20 am Lt. Col. Dana Hurst. We don't have the mike here
21 so that everyone can hear.

22 What I am going to do was the purpose
23 of tonight's meeting is to receive your input in order
24 for us to look at or generate other alternatives to
25 the lost recreational benefits that will be incurred

1 by the closure of the outlet works of the dam, the Al
2 Black Recreation Facility as it's called.

3 In giving you a little history, back in
4 early June of 2001 the Corps began a series of
5 dialogues with the Cochiti Pueblo because relations
6 had been strained over the past 30 years or so.

7 As we had those dialogues what we found
8 out ultimately is that everything kept coming back to
9 the outlet works location, and what those were were
10 the religious significance of that area for the
11 Cochiti Pueblo as well as other pueblos within the
12 Middle Rio Grande Valley.

13 So in December of 2001 the Corps made a
14 verbal agreement with the pueblo that we would seek to
15 close the outlet works and look to find alternatives
16 to replace those lost fishing opportunities as a
17 result of the closure of those outlet works. So from
18 December of 2001 until June of 2003, nearly 18 months,
19 we worked with the pueblo, the Middle Rio Grande
20 Conservancy District, Game and Fish, other agencies to
21 try and find alternative locations to replace those
22 lost opportunities.

23 We did come up with one alternative.

24 Well, we came up with multiple alternatives. The one
25 alternative that we thought was viable was a location

1 in Pena Blanca. We completed an environmental
2 assessment at that time thinking that we could come up
3 with a, render a finding of no significant impact and
4 basically relocate the fishing activities from the
5 outlet works to Pena Blanca.

6 On August 28th of this year, we
7 conducted a public meeting for that environmental
8 assessment in Rio Rancho and found that we had fairly
9 staunch opposition to that idea from the fishermen as
10 well as the residents of Pena Blanca and the town of
11 Sele.

12 From that meeting I made the decision
13 that I did not think I would be able to render a
14 finding of no significant impact and the next step in
15 the process then is to go to an environmental impact
16 statement.

17 With that environmental impact
18 statement, the first step is to go back out to the
19 public or go to the public and seek input on what
20 alternatives are out and available that may be
21 alternate sites to make up for these lost recreational
22 opportunities.

23 Since I made that decision in October,
24 I received a letter from the pueblo formally
25 requesting that we close the outlet works to

1 MR. KNEEBONE: Welcome
2 again. My name is Ron Kneebone, I am project manager
3 for the project. What I will go through is the
4 reiteration of the alternatives that we have that the
5 Corps has addressed so far.

6 Those of you who have seen copies of
7 the previous environmental assessment will be familiar
8 with them but some of you may not. To go through
9 those, our first -- well, let me go through this in
10 kind of a different order than what I have got it
11 written down here.

12 We have the no action alternative which
13 was listed in the environmental assessment, no action
14 being not to close the facility. That opportunity or
15 that no action alternative is foreclosed by agreement
16 between the pueblo, the Corps of Engineers at the
17 Pueblo's request, so that is simply not possible any
18 more.

19 Obviously there is an alternative. If
20 we can not find suitable or supportable in terms of
21 public support any other type of fishing opportunity
22 anywhere, then under the environmental impact
23 statement that allows us to have no action, no
24 mitigation whatsoever for the closure.

25 In terms of potential relocations, we

1 recreation. We are choosing to honor that request
2 based on the easement agreements that we have.

3 We still have options open. The Pena
4 Blanca site, although it is not very favorable, with a
5 lot of people it is not a closed alternative, but we
6 are here to look at different options and maybe you
7 have because you may know of some sites that we just
8 don't know about or different locations to look at.

9 And, again, we are here to get your
10 ideas to come up with a solution to provide for these
11 lost opportunities. I recognize fully that there is
12 no way we will have an identical replacement for the
13 outlet works. There is no possible way to recreate an
14 identical set of features that the outlet works
15 currently provide.

16 However, we may be able to provide some
17 other opportunities for the public to be able to fish
18 and enjoy themselves and it may not even be cold
19 water, it may be within the lake itself but again we
20 are here tonight to hear your input to try and come up
21 with a good solution, again, that provides the
22 opportunities back to you for fishing.

23 With that, I will turn it over to Ron
24 who has some more details and some history and then we
25 will go ahead and get your input.

1 have looked at obviously Pena Blanca. We initially
2 believed that was a viable alternative. It still are
3 that the opinions of many of the concerns that were
4 raised can be addressed there. If not Pena Blanca,
5 there is a space, basically the space between Cochiti
6 Pueblo, the southern boundary of Cochiti Pueblo and
7 the northern boundary of Santo Domingo.

8 We did approach the Pueblo at Cochiti
9 about relocating downstream on pueblo land. They
10 denied that opportunity. They don't see that as
11 something they would like to see in their property in
12 the future.

13 We also looked at Sele on the west side
14 of the river. We had some discussion about that last
15 night. Sele as opposed to the Pena Blanca site is
16 composed of very small holdings, many multiple small
17 real estate holdings, the lands there, the real estate
18 issues would be fairly complex in acquiring sufficient
19 real estate to do a project. That is why it's viewed
20 less favorable upon the part of the Corps. Not
21 impossible, but just less favorable a site location
22 plus there were some access issues in terms of getting
23 people actually to the river on that side.

24 A fourth potential relocation is
25 downstream of those Cochiti and the Pena Blanca Sele

1 area at Santo Domingo or San Felipe or Santa Ana and
2 ultimately none of the tribes that we contacted - we
3 contacted all three tribes - were interested in
4 allowing opening up fishing along the river on their
5 property.

6 The next viable location would be south
7 of Santa Ana which is approximately at the bridge in
8 Bernalillo. As you know, as we would move further
9 down river it would become increasingly impossible to
10 recreate the cold water fishery conditions. Actually
11 it would be impossible to recreate the cold water
12 fishery conditions which makes it unsuitable for
13 mitigation in kind.

14 Last of all, and one of the things that
15 we are looking at more and more, is improved fishing
16 on the lake. One of the reasons that in the
17 environmental assessment it was not viewed favorably
18 is that it's not replacement or mitigation in kind
19 under the EIS because it allows us more flexibility.
20 In that respect, we are able to do improved fishing on
21 the lake as a mitigation activity but it's not in
22 kind, if you get what I am saying.

23 And with that, I think we are ready to
24 move on. That is the list of the alternatives we have
25 so far and what we are here today is to ask for input

1 for any additional ideas that might be brewing.
2 FACILITATOR MOYE: Thank you,
3 Ron? We have three people who signed up to speak and
4 if you come to speak, I put a little X on the floor
5 right up here. Please stand up here where Betty can
6 hear you and be sure to state your name and
7 everything.

8 Before you start to speak, if you would
9 state your name in full and make your presentation
10 with no time limit tonight. If you are interrupted or
11 you ask somebody a question and they answer it, and
12 you start all over again, please restate your name and
13 that will be very helpful to Betty.

14 The first person I have here is Sidney,
15 is it Ryter'?

16 MR. RYTER: Yes. I don't
17 know if I am out of order but what I would like to do
18 is ask some questions which to me have not been
19 answered. Is that allowable? I don't have any
20 proposals as such but I do have some questions that I
21 would like to have answers to.

22 FACILITATOR MOYE: Well, we
23 will try and do that. We have a small crowd.

24 MR. RYTER: Or we can do that
25 later.

1 FACILITATOR MOYE: We can do
2 that later and that would be better.

3 MR. RYTER: Okay.

4 FACILITATOR MOYE: So maybe
5 people will have statements and things like that and
6 we will do Q and A and you are welcome to make it at
7 that time. Richard?

8 MR. MUENZER: Richard
9 Muenzer. I am president of the fishing club at the
10 Meadowlark Senior Center.

11 FACILITATOR MOYE: Thank you.

12 MR. MUENZER: The last time
13 I appeared at your meeting at the high school at Rio
14 Rancho I described the fact that our club consists of
15 now about a hundred members. We have gotten twelve
16 new members in the last two or three months so we are
17 a very active club and are encouraged by our city
18 government and our county folks to be active seniors
19 in our senior years, and that is how we look at
20 ourselves. We are sportsmen, and we do this sort of
21 thing because we like to get out and keep focused in
22 our senior years and retain our health.

23 Our membership feels very sad and very
24 badly - I expressed this the last time - over the
25 prospect of losing this particular Al Black fishing

1 site. I mentioned at that time, and I would like to
2 give a few little extra details.

3 The site is named after Al Black who
4 was a member of our club, a very influential man who
5 was active in promoting sportsmanship and sports
6 activities throughout the state. He was a very good
7 friend of Governor King's, and he used to go up to the
8 Legislature with cadres of folks and sit in on
9 committee meetings and make things happen.

10 And one of the things he had make
11 happen was the Al Black fishing area, and specifically
12 the fact that it was, suited one of his great goals
13 which was to have access for the handicapped at areas
14 which this site has and has very well.

15 Mr. Black's son, John Black, is
16 currently the man who is the head of the realty
17 company that owns most of the west side of
18 Albuquerque. Mr. Black, John Black of the Wesley
19 Realty Company, recently negotiated with Rio Rancho to
20 allow us to annex the Quail Ranch which now puts the
21 borders and the property of Rio Rancho City on the
22 West Mesa and in Bernalillo County, so it's a quite a
23 renowned and famous and currently very active family,
24 and I thought I should give a few more details on the
25 Black family and why we feel very badly that an area

1 named after this man would be somehow wrested from
2 us.

3 The presentation at the Rio Rancho
4 school that night, we were amazed at the details that
5 we learned from the folks from Pena Blanca, the
6 feelings that they had, the details on the absolute
7 unworkability of that site. And one thing that caught
8 our notice the most was the fact that they talked
9 about an arrogance that existed between this Corps and
10 their dealings with the Cochiti people with the
11 history that it continued over a period of years, and
12 that concerned us.

13 The fact that we are now still hearing in
14 your brief presentation tonight that you are going to
15 turn to us for suggestions on alternative sites, I
16 think the whole emphasis of this is turned backwards.

17 I think we have folks that are
18 biologists, folks that are managers of the site,
19 people that work for the government out in these
20 areas, and I quite frankly think that the notice
21 should have been brought to us tonight on suggested
22 alternative sites.

23 So I really think you are asking urban
24 located people, sportsmen, a question that you have,
25 all in your extended work on paid wages, have not been

1 able to answer.

2 So we end up with a number of questions
3 like Mr. Sid that will talk later. I have some
4 questions but I don't expect answers from you but I
5 expect to let you know the questions that we do have
6 and we are going to seek the answers.

7 You have already answered the status of
8 a suitable alternative site and it sounds very
9 negative so we seem to have the answer to that
10 tonight.

11 We did hear a large volume of this
12 long-term discontent and disappointment conveyed that
13 night by the Pena Blanca folks, and I am going to
14 research that and get more details on that and find
15 out if indeed there is a Corps problem here dealing
16 with long-term arrogance that might be at the root of
17 this.

18 And I would like to know, where are the
19 Cochiti people in these discussions? We attended the
20 meeting in Rio Rancho and were there as local
21 sportsmen. The Pena Blanca people which were
22 representing an area that was the proposed alternative
23 site, but I haven't seen any of the Cochiti folks
24 here. There are three sources to this issue. You
25 have talked to them, we haven't, and I think we need

1 to and we need to involve the media and reaching out
2 to these people and finding out a little bit more
3 about what has happened, the past history and if there
4 isn't something that we can do.

5 Whatever happened to negotiated
6 settlements? We have three groups involved here. Why
7 could we not investigate a negotiated agreement
8 whereby all three groups might benefit in some way in
9 some workable negotiated compromise. I think we have
10 to look into that and we intend to.

11 So I feel that tonight the closing of
12 this unilateral decision to close this is what I am
13 hearing is totally, and I want you to know that that
14 is totally unacceptable to my hundred membership club,
15 and I am sure it is to relay to similar clubs in
16 Albuquerque and the environs, totally unacceptable, a
17 unilateral closing, and I think we will have to pursue
18 this further.

19 We have already met with our
20 Legislators, and they have asked us to come back to
21 them after attending some of these meetings so we will
22 go back to Jeff Bingaman and Pete Domenici, we will
23 ask them to pursue this so-called, what we see as a
24 violation of "in perpetuity" agreement that was bought
25 and paid for by taxpayer money and negotiated by very

1 renown people and families, and is now being wrested
2 from us.

3 When I was little, and you were given a
4 gift and someone took it back, and I hate to use the
5 term, but we called it Indian giving. In this
6 particular case it isn't even that. This was
7 something that was bought, financed, designed, built,
8 paid for, and is now being wrested from us, and I find
9 this unacceptable and I am going to encourage my folks
10 to get back in touch with our legislators, our
11 Attorney General, the U.S. Attorney and then connect
12 to their good offices with the related federal
13 departments in Washington to research this more
14 in-depth. Thank you.

15 FACILITATOR MOYE: Thank you,
16 Richard. Next person to sign up to speak was Ronald
17 Matsen.

18 MR. MATSEN: I am Ron
19 Matsen. I am thankful that the National Environmental
20 Protection Act, the NEPA act, gave me an opportunity
21 to speak on the issue of closing the Al Black
22 Recreation Area.

23 And first of all I would like to hit
24 the topic of alternative sites but what I am going to
25 say is strictly my opinion but that is based on 40

1 plus years of roaming around the southwest, and that
2 includes hunting and fishing and hiking and floating
3 on the Rio Grande River all the way from the source,
4 and selected locations all the way from the source in
5 Colorado down to Caballo Reservoir.

6 Those experiences also include several
7 fishing trips to the Pena Blanca area on the Rio
8 Grande, the alternate site that was proposed. Many
9 fishing trips to the Al Black Recreation Area and
10 several fishing trips to Cochiti Lake.

11 I can also make the observation that
12 the Al Black area is a very special area for fish
13 habitat. The water that comes out of the outlet is
14 well oxygenated, it's cool, and relatively constant
15 temperature because of the depth of Cochiti Lake and
16 the water is deep there. It's much deeper than other
17 places you find in the river. I don't know of any
18 other place from the Cochiti Dam down to Elephant
19 Butte where you find such conditions.

20 There is a wide variety of fish here
21 even though the only thing being considered here
22 tonight is the rainbow trout. After trout probably
23 the most popular species is catfish and the former
24 state record channel cat came from the Al Black
25 recreation area.

1 heard that the Al Black area is sacred.
2 However, the pueblo operated the dam
3 outlet as a for-profit enterprise from 1975 to 1984.
4 It must not have been so sacred then. The public
5 turned the operation of that concession back to the
6 Corps with a complaint that the Pueblo was losing
7 money on that operation.

8 Last night at Pena Blanca, Mr. Woods,
9 and then I asked Colonel Hurst if the troops, if the
10 Corps was obligated to close the Al Black area simply
11 because the Cochiti Pueblo requested that it be
12 closed.

13 Colonel Hurst answered that the Corps
14 was obligated to close the Al Black area if the
15 Indians requested it. And at that time he read
16 something from a Memorandum of Understanding or some
17 legal document that said something like if the land
18 wasn't essential to the Corps operation and the Pueblo
19 requested that it be closed to public access, it could
20 be closed.

21 About two years ago I submitted
22 requests for information under the Freedom of
23 Information Act to the Corps of Engineers, and I
24 received the original Memorandum of Understanding, I
25 received many addendums to the original Memorandum of

1 Outstanding specimens of walleye,
2 northern pike, large and small-mouthed bass, white
3 bass, croppie and sun fish have all been caught at the
4 Al Black Recreation Area.

5 Based on the fact that I don't know of
6 any other place on the Rio Grande River where you can
7 find these conditions, you can talk and talk and talk
8 about alternatives but there is no place that I know
9 of on the Rio Grande River or in the immediate area
10 that could be, could replace this.

11 I would like to talk a little bit now
12 about the motivation for closing the Al Black
13 recreation area. It seems like everybody on the
14 public side of the fence is puzzled as to why we are
15 going to do this.

16 Now, we heard another reason tonight
17 from Col. Hurst and that is to improve the
18 relationship between the Corps of Engineers and the
19 Cochiti Pueblo. Man, we are giving up a big thing
20 here to just improve that relationship. That is a big
21 sacrifice on the part of the public.

22 We have also heard that we have to
23 cooperate with the Indians and give them what they
24 want so that we can spend more money improving the
25 environment of the pueblo community, and we have also

1 Understanding, I received a copy of the easement and
2 perpetuity agreement that the Pueblo of Cochiti
3 granted to us for \$145,200, and I did not receive what
4 you read last night and I guess I feel that is
5 something that was missing, a very important thing
6 that was missing in the information that was supplied
7 to me.

8 After that answer I also asked what
9 else did the Cochiti Pueblo demand be disclosed to the
10 public, and I am not able to paraphrase the Colonel's
11 answer on that, and I am hoping maybe tonight he will
12 address that and give us all an explanation of that.

13 Last night I also mentioned an article
14 that appeared in August 22, 2003 Albuquerque Journal
15 where \$1.6 million is being given to the Corps and the
16 Pueblo to study the future of Cochiti Lake. I
17 speculated that this could also mean an end to
18 recreation at the lake.

19 Later Mr. Kneebone responded to this by
20 saying that recreation was not part of this study.
21 However, there is a quotation from this article
22 attributed to Dick Kreiner, Chief of Reservoir Control
23 for the Corps, that is very unsettling.

24 Quote: At the other end of the
25 spectrum, Cochiti could be drained and the water now

1 allocated for the recreation pool, 5,000 acre-feet per
2 year, could be used for the minnow. Recreation may
3 not be part of this study but recreation might sorely
4 be affected by this study.

5 I would like to try to pull a few facts
6 together from things I have been hearing about this.

7 First of all, when we went through our
8 introductions I didn't hear anybody from the Cochiti
9 Pueblo speak up. Is anybody here tonight from the
10 Cochiti Pueblo?

11 For the record, there were no Cochiti
12 representatives at the meeting last night either and I
13 think also last night that Mr. Woods mentioned that
14 none attended the August meeting.

15 Last night someone from the Corps
16 stated that a written request from the Pueblo to close
17 Al Black was received just a month ago, and tonight
18 Colonel Hurst mentioned that that was received in
19 October.

20 Prior requests were verbal and first
21 made in December of 2001 from what we heard last
22 night. I am puzzled by the nonattendance and the
23 delay in providing a written request if this is a
24 priority issue for the Pueblo.

25 Let's look at one other little fact

1 taken place or are about to take place but the Corps
2 issued the grant environmental assessment last August
3 and had the first meeting just before the Labor Day
4 weekend and now they are frantically working on the
5 draft of the environmental impact statement. What is
6 the rush?

7 Looks like the Corps wants to close the
8 Al Black area more than anyone else. Are there some
9 other considerations?

10 I have been told that the Al Black is
11 being closed because the Cochiti Pueblo would not redo
12 the power line easement to the Totilla Peak recreation
13 area until the Corps promised to close Al Black, and I
14 have been told that the Corps assumed the Al Black
15 could be closed by simply locking the gate and putting
16 up signs announcing the closure.

17 It was the Game and Fish Department
18 that informed the Corps they would have to go through
19 the NEPA process and it is the NEPA process that
20 allows us to make comments on this closure, however
21 futile they may be. The information comes from a Game
22 and Fish employee that I highly respect, and this was
23 discussed during a meeting Robert Ortiz and I had with
24 Ms. Shampine where she denied any connection between
25 the power line easement and the Al Black closure.

1 here. Last night representatives from the Middle Rio
2 Grande Conservancy District said they had not yet
3 officially addressed the use of the property at Pena
4 Blanca for an alternative site but they would do so at
5 a meeting next week on Monday.

6 Another little issue I would like to
7 address is that last night I obtained a copy of the
8 water temperature study by the Game and Fish to
9 determine if the proposed site at Pena Blanca was
10 suitable for stocking rainbow trout. The data that I
11 received goes to October 13th, which means to me that
12 this study was ongoing until very recently.

13 Now, in summary these three things I
14 would like to say, No. 1, the Cochiti representatives
15 have not attended any of the meetings and only a month
16 ago made a written request to close Al Black.

17 2. The Middle Rio Grande Conservancy
18 District won't issue an official ruling on whether the
19 alternate site at Pena Blanca can be used until next
20 week.

21 And the Game and Fish Department has
22 only very recently decided that the water temperature
23 at that alternative site at Pena Blanca is acceptable
24 for stocking rainbow trout.

25 Now, a lot of these events have just

1 It was also mentioned during Ms.
2 Piirto's visit with the Albuquerque Wildlife
3 Federation Board of Directors. The best I can recall
4 is that the power line easement process went as
5 follows: There was a 25-year power line easement
6 beginning about 1975 that expired about 2000. The
7 Corps made a cash offer to renew easement and the
8 Pueblo refused.

9 The Corps made a larger cash offer and
10 the Pueblo refused. Commercial power to the Totilla
11 Peak Recreation area was off for sometime. That power
12 is now restored.

13 I would just like to mention some
14 conclusions that if the Corps has its way the Al Black
15 area will soon be closed. This may be followed by
16 other loss of recreational opportunity at Cochiti
17 either from further requests by the Pueblo or by
18 recommendations from the \$1.6 million study.

19 Closing Al Black is a theft from the
20 American people because we paid for an easement in
21 perpetuity. We paid to build the dam and all the
22 facilities. We are paying for the operation and the
23 maintenance. Now we are being told that we have to
24 pay the cost of closing, demolition and restoration of
25 an area enjoyed during tens of thousands of person

1 visits per year, and that is why this action is a
 2 theft from the American people.
 3 FACILITATOR MOYE: Thank you,
 4 Ron. Did you want to add that in?
 5 UNIDENTIFIED SPEAKER: Do you
 6 want us to make copies so you can add that in?
 7 MR. MATSEN: Sure.
 8 FACILITATOR MOYE: While the
 9 copies are being made, Sheila.
 10 MS. GIBBENS: These people
 11 know me well by now. I am probably the sole resident
 12 of Pena Blanca --
 13 FACILITATOR MOYE: Sheila,
 14 please state your name.
 15 MS. GIBBENS: Sheila
 16 Gibbens. I wanted to reiterate, or just inform you if
 17 you haven't been to this area, that we are talking
 18 about what some of the issues are for the people of
 19 Pena Blanca.
 20 One, it's a rural community. We have
 21 little dirt roads and we are very concerned about the
 22 amount of traffic that it would bring and the change
 23 in the rural atmosphere and the feelings of safety
 24 that people have living there right now. When you
 25 have a hundred thousand cars coming through, people

1 Another factor is that this is an area
 2 that is between two pueblos. Pueblos are dry. There
 3 is a liquor store in town. The people who want to
 4 drink, of which there are unfortunately too many who
 5 drink excessively, come on down to this area where
 6 they drink and they party and they shoot off their
 7 guns.
 8 So if you want to come down and fish
 9 there, and you are certainly welcome to walk in, there
 10 is a gate you can walk through but be aware that it is
 11 not a safe area and never has been a safe area.
 12 In the last six years I know of two
 13 people that have been murdered back there. I know
 14 also of two people that have been run over by trucks
 15 and this is not a highly visited area.
 16 There are people with semiautomatic
 17 weapons down there, and I am not kidding, and more
 18 powerful powerful weapons than an AK-47, so that these
 19 are all issues that I am trying to bring up that need
 20 to get addressed because we certainly don't want any
 21 more people killed, and I don't see how one person
 22 living in a trailer down there who may be retired, is
 23 going to be able to protect us from these events.
 24 Another factor is that that river
 25 itself in the summer, by June it fills up with river

1 are concerned that their kids won't be able to walk
 2 home from school from the school bus.
 3 They are concerned about whether or not
 4 their house will be broken into. Not that you people
 5 certainly don't look like the type, I am not implying
 6 that any of you would, but I am just saying that when
 7 you have an unknown group of people coming in, some of
 8 these people are not going to go be perfect and may be
 9 engaged in activities that none of us would want to
 10 know anybody involved in. So that is one issue.
 11 There are organic farms there. They
 12 are concerned about the pollution and the trashing of
 13 the land that they value very much. Now Pena Blanca
 14 is a town that is almost 400 years old, so it has a
 15 very long proud history and people are passionate
 16 about that history and the town itself.
 17 The other thing that I wanted to
 18 mention, another factor is this town is at risk of
 19 fire. You all know if you live in this area what
 20 happens when the bosque catches fire.
 21 We have one fireman in town, one
 22 fireman during the day. Afterwards we may have like
 23 five at most, so if there was a fire you are talking
 24 about the potential of us losing our homes so we are
 25 very concerned about that.

1 weed, and I have a picture of what, and I want it to
 2 be passed around, what the river looks like. And this
 3 is looking right up toward where the recreation area
 4 is. It's on the right bank up here, and what the
 5 river looks like in the summer, and I don't see how
 6 unless you are a real skill angler fishermen that you
 7 can toss your line into these areas without getting it
 8 full of sea weed, so whether or not that's a concern
 9 that here we are potentially spending all of the
 10 taxpayer's money for an area for much of the year is
 11 not suitable for fishing.
 12 The fish may be there, or some fish may
 13 be there, but when you see how much weeds there is
 14 it's crazy. It's a shallow river. It's usually about
 15 like this deep. You can walk across it any time of
 16 the year. So there are also, there is a town across
 17 the river. They own the west side of the river so
 18 this is an area that is surrounded on three of its
 19 four sides by private property, so we are trying to
 20 get people to understand some of the issues that we
 21 are very very concerned about and have yet really to
 22 be addressed.
 23 The safety I think is a major major
 24 issue. The change in the quality of our life is
 25 another issue, so at any rate if you all have any

1 questions about things since I live right there, any
2 questions about the fishing back there, I will be glad
3 to tell you. I have lived back there seven years so I
4 really know a lot of fishermen and I know a lot about
5 the area. Thank you.

6 FACILITATOR MOYE: Thank you.
7 Sid, it must be your turn.

8 MR. RYTER: My name is Sid
9 Ryter, last name is spelled R-y-t-e-r, and I am a
10 member of the Meadowlark Senior Center Fishing Club,
11 and basically I have some questions, and I hope I can
12 get some answers.

13 I would like to know how the Corps
14 interprets the term "in perpetuity", No. 1.

15 No. 2, what happens to all the taxpayer
16 money that was spent developing Cochiti Dam and
17 improvements made to the Al Black recreation area?

18 No. 3, if there will be an alternate
19 site how do we know that it will be suitable, also
20 what assurance do we have that the site will ever be
21 funded by this Congressional approval. And also I
22 would like to see what with my own two eyes a copy of
23 the easement agreements information. Thank you.

24 FACILITATOR MOYE: Thank you,
25 Sid.

1 flood control facilities.

2 As far as the taxpayer dollars and the
3 number, it was roughly \$140,000 that the Cochitis were
4 paid for the easement to construct the flood control
5 facilities. If you look to your back rear, the
6 diagram there is the complete area of real estate that
7 the Corps received easement for, so, and I don't have
8 the acreage. I am guessing in the 4,000 acre range,
9 of which the areas in green were specified to be
10 public use areas, the areas in red were specified just
11 as project areas or flood control purposes.

12 Subsequent to the original documents,
13 and there have been some 30 modifications to the
14 original agreement or original easement agreements, we
15 entered an agreement to open and construct facilities
16 at the outlet works, the Pueblo initially agreed to
17 try and run that as a money-making operation. It
18 apparently did not make money.

19 In 1984, as Mr. Matsen pointed out, the
20 Pueblo turned that back to the Corps and we have run
21 that facility since.

22 As far as the taxpayer dollars, the
23 money was primarily all spent for the easement for
24 what's there and what there was, of course, money put
25 in for the latrine facilities and the handicapped pad

1 MR. DYKHUIZEN: My name is Sid
2 Dykhuizen. I have just a couple of questions. One is
3 a decision of such magnitude are not the people who
4 are going to be affected entitled to number 1, to see
5 a copy of the written letter from the Cochiti Pueblo;
6 and number 2, a copy of the MOU, Memorandum of
7 Understanding. Why can't we see a copy of that so
8 that we are solid in the fact that we are being dealt
9 with with the truth? And those are my two questions.
10 Those are it. Thank you.

11 LT. COL. HURST: I will get a
12 couple more copies of those made.

13 FACILITATOR MOYE: Anyone
14 else need to make a comment? Would you like to then
15 we will allow the panel or the Colonel and Ron to
16 respond.

17 LT. COL. HURST: I will start
18 with the copies and they are being made, so that one
19 is easy.

20 On definition of perpetuity, the
21 Webster's Dictionary is 'forever.' However, within
22 these agreements the Pueblos do retain rights to
23 modify easements with, or request modification of
24 easements that in the opinion of the Corps it's not
25 necessary for the operation and maintenance of the

1 for fishing access, but although we have an easement
2 in perpetuity for the flood control operations, it
3 does not mean that there is necessarily an easement
4 for fishing and public access at that site in
5 perpetuity. Again, public use areas that were
6 identified by project areas.

7 Alternate sites and suitability. The
8 New Mexico Game and Fish Department is a cooperating
9 agency with us in regard to looking for an alternative
10 site that could provide fishing opportunities and I
11 stated earlier there is no way we can exactly
12 replicate the outlet works.

13 We are trying to find an area that we
14 can improve or make suitable, provide handicapped
15 facilities for elderly fishermen or any fishermen that
16 have handicaps, so again access and those
17 opportunities are available for the public.

18 Our assurances of funding, there is
19 funding in this years appropriation bill for
20 construction of facilities and the exact amount isn't
21 clearly defined but it's at least \$300,000. I think
22 that answered both the Sidneys' questions as much as I
23 could answer once I get your documents.

24 MR. MUENZER: I wanted to
25 probe a little further one of your recommendations, I

1 think it was your suggested alternative ideas which
2 was No. 5, I think, to improve the fishing on the
3 lake. Basically our club of nearly a hundred now, we
4 are the shore line casters to put it simply. We have
5 fishing rods, casting rods, and we get into a van and
6 go out to a lake or a site.

7 Does fishing on the lake mean fishing
8 from a boat, in which case one or two or three of our
9 members have boats and can do that, but I would like
10 to know what you mean by fishing on the lake and it
11 might be one of these ideas that I am talking about
12 where we could have a negotiated compromise and
13 actually bring boats into the process whereby these
14 people with casting rods could get in boats and fish
15 on the lake. It might be one of those ideas that we
16 could compromise on, so I guess my question is your
17 fishing on the lake, will that involve boats, only
18 boats and the furnishing of boats?

19 LT. COL. HURST: We really haven't
20 explored all, you know, what fishing because we have
21 not really fully explored what all fishing on the lake
22 would entail.

23 A gentleman last night brought up the
24 idea that maybe expand the Totilla Peak site and
25 fishing on that side of the lake where he could

1 purpose, and the idea would be to create areas that
2 were fully compliant such as, instead of gravel, be
3 paved so people in wheelchairs and mobile scooter type
4 things can get around without trying to get through
5 gravel in essence.

6 So docks, essentially some people can
7 get a little further out into the water a little bit
8 deeper fishing, that type of thing. Also, I think
9 given what is available we may be able to develop more
10 than one area. It depends on kind of the input that
11 we get. We have, like as we say, we can develop
12 Totilla Peak and then down by the existing boating
13 area on the east side, not the north side.

14 MS. SHAMPINE: West side.

15 MR. KNEEBONE: West side,
16 whatever.

17 MS. SHAMPINE: I get confused.

18 MR. KNEEBONE: I always get that
19 confused. Anyway there were several opportunities or
20 suggestions last night. One that we really had not
21 entertained was looking in the far northern end of the
22 lake. That presents -- there is some access up there
23 that we could develop to get to the extreme northern
24 end of the lake that we have not really looked at at
25 all but the potential exists, so we are quite willing

1 actually drive down, and was actually good, but we
2 have not explored boats but these are the comments.

3 We are looking for ideas of different
4 ways that we can provide those opportunities, and that
5 is what we want to hear on these things, but because
6 we had, initially we were trying to find as like an
7 opportunity as possible, we really did not entertain
8 the on the lake fishing and explored in-depth because
9 we considered that not true mitigation for the closure
10 of the outlet works.

11 We have looked at it but not explored
12 it in detail from the environmental assessment which
13 we presented back in June.

14 MR. MUENZER: I would like to
15 suggest that it's an area that you might want to
16 investigate further.

17 LT. COL. HURST: Thank you.

18 MR. KNEEBONE: As project manager,
19 we did -- we have begun in the past three or four
20 weeks looking at that and all the facilities that we
21 looked at or we're contemplating on the reservoir
22 would all be shoreline areas, handicapped accessible,
23 truly handicapped accessible in terms of compliance
24 with the law, Al Black, although easy to get to is not
25 fully compliant with the law in many respects, and our

1 to contemplate those types of actions. Yes, sir.

2 MR. DYKHUIZEN: Sid Dykhuizen.

3 One of the thoughts I had as we were coming over, it
4 looks like the lake itself is probably the answer, but
5 I was wondering if there wasn't a possibility, going
6 back to Rich Becker's emotional presentation and
7 concern about senior citizens having an outdoor
8 experience, I was wondering if there isn't a
9 possibility instead of going through all of this land
10 development and what have you, if you couldn't get a
11 couple of pontoon boats where they could go out and
12 truly have a fishing experience and come in. Make
13 them compliant so that even guys with wheelchairs
14 could roll on to the pontoon boat, go troll the lake,
15 have to work out some details as far as reservations
16 are concerned, but I think most seniors just love the
17 outdoors and like to feel the tug of a fish once in a
18 while on the end of the line. And I don't think it
19 matters whether it's a catfish or what type of fish
20 but it's that whole experience, and I think that would
21 be a wonderful way and then we can sign another
22 agreement in perpetuity.

23 MR. KNEEBONE: Basically that

24 becomes I would think a liability issue. We will
25 check into it. Actually that's very good. That is a

1 brand new idea. I appreciate it. Thank you.
 2 FACILITATOR MOYE: Any other
 3 questions or comments?
 4 MS. GIBBENS: Sheila Gibbens of
 5 Pena Blanca. Bill, yesterday at the meeting in Pena
 6 Blanca you said at the beginning that we would have a
 7 vote among all the people in the audience. We didn't
 8 have the vote.
 9 MS. PIIRTO: The Colonel said it.
 10 LT. COL. HURST: I said I may ask
 11 everybody to stand up and say who wants fishing in
 12 Pena Blanca as a site. Is it still, do you think that
 13 is a viable option, although I don't really know that
 14 it's necessary.
 15 MS. GIBBENS: I think you know
 16 pretty much what everybody at the meeting felt. We
 17 were all saying uniformly so there was no vote. The
 18 other question that I have is is Pena Blanca still on
 19 the table?
 20 LT. COL. HURST: Yes.
 21 MS. GIBBENS: And if the Middle
 22 Rio Grande Conservancy District says we do not want
 23 this on our land, will that stop you?
 24 MS. SHAMPINE: I will dive in. In
 25 the EIS process as we pointed out earlier, this is a

1 trailer is not going to be able to stop that. Okay?
 2 The second thing is that will you
 3 address all the other concerns, such as the fire
 4 concern that we have, and how that will be handled.
 5 And you know the history. In my letter
 6 I gave the history of fire fighting in the area and
 7 who shows up and who doesn't show up to fight fires.
 8 Okay.
 9 I mentioned last night that I think the
 10 recreational facilities except for the ladies room and
 11 the men's room at the lake are God awful ugly, and one
 12 of the things that I feel that they could enhance is
 13 the experience of going to the outdoors and getting
 14 and providing some shade for people.
 15 I have mentioned many times the idea of
 16 putting up some pavilions where people can sit and
 17 watch. If they don't fish they can sit and enjoy
 18 watching the children playing in the water or
 19 whatever, but these could be made out of - I mentioned
 20 them last night - they could be made out of aluminum.
 21 They could be in a portable. You could do something
 22 like that to enhance the recreation for everyone there
 23 including a lot of the members of the Cochiti Pueblo
 24 who use the site all the time for fishing and frisbee
 25 playing, et cetera. So thank you very much.

1 scoping process so this is essentially the beginning
 2 of a new phase where we are throwing it all on the
 3 table trying to get as many ideas as we can and we
 4 will evaluate all of those and so yes, that makes it
 5 more problematic. It doesn't totally take it off the
 6 table and certainly that would be one of the things
 7 that would be considered when that alternative is
 8 considered against all of the other alternatives but
 9 that doesn't -- I mean --
 10 MS. GIBBENS: What do we have to
 11 do to get it taken off the table?
 12 LT. COL. HURST: I think
 13 ultimately the record, decision will be made --
 14 MS. GIBBENS: Excuse me, I know
 15 you all are passionate fishermen, I am sorry to do
 16 this to you, but I know the people of my town are very
 17 passionate, equally passionate about this issue.
 18 LT. COL. HURST: I think as we
 19 identify better alternatives that better suit the
 20 public need, that Pena Blanca would then come off the
 21 table as not the preferred alternative.
 22 MS. GIBBENS: When you write your
 23 environmental impact statement, will you address the
 24 issue of the shooting that goes down there all the
 25 time, because I think, you know, somebody living in a

1 FACILITATOR MOYE: Further
 2 questions or comments?
 3 MR. MUENZER: I am kind of excited
 4 about the idea that Sid mentioned that the lake may
 5 possibly be the answer. We hear that the Pena Blanca
 6 area is errant part of the year. Water is an issue
 7 downstream or the lack thereof. The lake is there and
 8 it may be the answer.
 9 As far as the pontoon boats, I wanted
 10 to give you some additional ideas in that area. We
 11 once a year go further than our routine trips in what
 12 we call overnight trips. And so we can go to lakes
 13 further away.
 14 I am thinking of the times that we have
 15 gone to Eagle Nest and we stay at a place up there and
 16 spend a couple of days, but there are private
 17 companies, private concessionaires that have pontoon
 18 boats, and on your liability issue I am sure they are
 19 covered by insurance, and it may be that the Indians
 20 wouldn't have to get out their canoes, we could just
 21 bring a concession in there and very easily have
 22 pontoon boats, I mean it could be done in the private
 23 sector and God knows we are in a private
 24 entrepreneurship, and I think that most people in
 25 government now would like the sound of, let's see if

1 we can do it privately, so I want you to know that we
2 do work with pontoon boats.

3 People are talented and they have the
4 equipment to locate fish and they clean the fish after
5 you catch it, and it's a wonderful experience but
6 these are concessions and they are available
7 privately. Thank you.

8 FACILITATOR MOYE: Sid No. 2.

9 MR. RYTER: I have two comments,
10 one is off the record.

11 The other thing is that I believe if
12 you are looking for someone to run the concession and
13 responsibly take care of it, I would be available. I
14 just think that even though it's my idea I like it.

15 FACILITATOR MOYE: You would run
16 it and put out the capital investment also?

17 MR. RYTER: No.

18 FACILITATOR MOYE: Just checking.
19 Anyone else have a comment? Yes sir.

20 MR. DENECKE: My name is Ernest
21 Denecke. I am a resident of Sele and I am a
22 landowner. I have a little farm across the river from
23 the proposed alternative site. I am not anti
24 fishermen. I enjoy fishing, I really enjoy fishing a
25 lot. However, I am against, because of the fire

1 I want to make clear that this is not
2 at the behest per se of Cochiti Pueblo or with any
3 vision towards the tribe itself and its future plans.

4 This is taking place in the larger
5 arena of the water politics in the state, the Rio
6 Grande Compact, the drought that we are in the midst
7 of.

8 There was a proposal by the Bureau of
9 Reclamation early last year, about this time last year
10 to completely drain Cochiti Lake and Cochiti Pueblo
11 blocked that attempt by Bureau of Reclamation.

12 The study is to establish the
13 parameters of the lake and what the impacts of changes
14 that are being proposed by individuals, not Cochiti
15 Pueblo nor the Corps of Engineers per se but other
16 outside entities in terms of the water politics and
17 the drought that is going on to give us information
18 about what those effects would be.

19 They are not goal directed in that some
20 answer will come from those studies. They are not
21 goal directed in that that there will be
22 recommendations for particular actions from those
23 studies and that data will then be available for
24 individuals and organizations and the various
25 communities to use to evaluate what impacts proposed

1 danger and because of the depth of the river, people
2 can walk across the river and I feel for the security
3 of my land and my cattle I don't want... When dogs
4 come on my property they get shot because they carry
5 disease. The same as coyotes. When wild animals come
6 on the property they get shot.

7 We can't live with the disease that
8 they carry and infect our herd, and Black Angus cattle
9 are expensive.

10 I don't have anything against coyotes
11 and dogs other than the fact they carry disease, and I
12 feel the security of my farm would be at risk if the
13 alternative fishing site were a reality.

14 So I just want to go on record as
15 saying I vote no for the alternative fishing site to
16 the Al Black Recreation area. Thank you.

17 MR. KNEEBONE: I had a couple of
18 things that I wanted to get back to I think that Mr.
19 Matsen was asking. One was the base line study.

20 Actually the Corps of Engineers has
21 been funded \$1.6 million this year. That is for a
22 study of the interaction of the reservoir with natural
23 resources in the area, including economics, cultural
24 resources, recreation. It's not strictly a part of
25 that but it's considered under the economics aspect.

1 changes might be to the area, to fill those data gaps
2 that we have.

3 MRGCD, as you know, the folks that were
4 here last night, the folks that were present at the
5 meeting last night from MRGCD were kind of their
6 executive folks. The MRGCD is actually governed by a
7 board that was meeting Monday, I believe, where they
8 will be taking up this issue about using the Al Black
9 area.

10 The executive group that was at the
11 meeting last night will be making the recommendation
12 that they will not support the development of fishing
13 or the alternative at Pena Blanca. Just to make that
14 clear.

15 We have asked, we have been trying to
16 get a decision from them on that for almost a year
17 now, and we are glad that they are finally doing it.
18 We went through the funding issue. The funding is
19 there. Is there something else, Mr. Matsen?

20 MR. MATSEN: One of my questions
21 was what is the rush? October 28th you got the letter
22 requesting from the Pueblo and you were working on the
23 DEA back in August. The DEA was done in August.

24 MR. KNEEBONE: Not particular
25 rush. We have been working on this for a couple of

1 years now. That is a long time for a project for the
 2 Corps. We are just moving forward to try to bring
 3 closure to the issue to bring satisfactory resolution
 4 to the problem, provide some mitigation to it.
 5 MR. MATSEN: I think my point was
 6 there has been all kind of data that hasn't been
 7 available but you guys have been going ahead and
 8 finishing documents and drawing conclusions and stuff
 9 like that.

10 MR. KNEEBONE: One of the
 11 individuals raised, I think it was you, sir, about the
 12 technical capabilities of the Corps being brought to
 13 bear on some of these issues and they have, and quite
 14 frankly the direction in which the Corps moved has
 15 ultimately -- there is some disagreement ultimately
 16 that the Pena Blanca site in terms of the fishery can
 17 be suitable. So basically we were waiting for some
 18 data. We commissioned that data and had it brought
 19 in.

20 In terms of rushing forward, it's an
 21 issue that has been around for actually how many years
 22 have you been dealing with the issue, Susan, prior to
 23 this?

24 MS. SHAMPINE: I think extensively
 25 for two years, you know.

1 the NEPA process, to gain input for that issue.
 2 Cochiti has been consulted, they
 3 provided their input, we know what their position is.

4 MR. MATSEN: Why did it take until
 5 October 28th for them to make an official request?

6 MR. KNEEBONE: We asked them in
 7 September. One, we were operating under the
 8 assumption that basically was a Corps decision. We
 9 knew it was there. We asked them only recently to
 10 make the official request to tie up that loose end,
 11 basically to terminate that easement.

12 MR. MATSEN: Trade for the power
 13 line easement.

14 MR. KNEEBONE: Trade for the power
 15 line. I know nothing about it. I have not heard
 16 anything. I will let operations folks handle that.

17 MS. SHAMPINE: We will let Douglas
 18 handle that.

19 MR. BAILEY: Douglas Bailey,
 20 Operations Manager, Cochiti Lake. I guess I can say
 21 that I personally negotiated and met with Cochiti
 22 Pueblo over the Totilla power line issue trying to
 23 seek resolution to it and at that time the closure of
 24 the Al Black area was not really even on the table or
 25 on the horizon. It had nothing to do with it. It had

1 MR. KNEEBONE: Goal directed. So
 2 it's more in the interest of bringing closure to the
 3 issue and providing some solution at moving on to do
 4 other issues.

5 I think, folks, you are correct in
 6 pointing out, and this is not at the behest of
 7 Cochiti, it's in terms of the arena of water politics
 8 in the state. The issue of draining the lake
 9 ultimately becomes one that is very real in the
 10 future, and that is something that is larger than all
 11 of us, and that is something that you all should be
 12 involved in. And you got a copy of the easement and
 13 you got a copy of the letter. Is there anything else
 14 we can get you in that respect?

15 MR. MATSEN: I had quite a few
 16 questions I had to make when I was talking.

17 MR. KNEEBONE: Which ones didn't
 18 we get to? Where are the Cochiti?

19 MR. MATSEN: That is one of them.

20 MR. KNEEBONE: The Cochiti are not
 21 a public entity, they are not involved other than the
 22 request for this decision and they are not required to
 23 either politic for or defend their decision.

24 We are the agency that is responsible
 25 to the public, and that is why we are here in terms of

1 to do with with the federal government and BIA issues
 2 over power plants and the necessity to negotiate those
 3 at a fair market value.

4 The problem is that the Totilla
 5 recreation area doesn't make widgets. It actually
 6 costs some money to operate the facility so it doesn't
 7 produce income, and so that the value that Cochiti
 8 Pueblo was initially asking the Corps of Engineers to
 9 pay would have literally closed the Totilla recreation
 10 area to pay for power, and through personal
 11 negotiation with them we resolved the issue and
 12 brought it back down to what we had been paying the
 13 Forest Service at the time, and so that we now have
 14 power back at Totilla for the foreseeable future but
 15 that was my negotiation with them on behalf of the
 16 Corps of Engineers.

17 MS. SHAMPINE: Thank you, Doug.

18 FACILITATOR MOYE: Sheila.

19 MS. GIBBENS: Sheila Gibbens.

20 This is just a comment, and that is that the Cochiti
 21 Pueblo is obviously very sensitive about what's
 22 happening to their land. And they have not, maybe
 23 perhaps in the past this whole dam was in essence
 24 forced on them, or there was so much political
 25 pressure on them to agree to it.

1 I hope given the past history and the
 2 resentment that they have, maybe rightly so, that you
 3 all make every negotiation that you have with the
 4 pueblo a win-win no matter what it takes. If we have
 5 to pay more for them but have them feel that they are
 6 buying into some vision for their future, because
 7 unless you have that they could then potentially close
 8 other sites, other areas, because it becomes a sacred
 9 site or whatever the issue is, but it's not just with
 10 the Cochiti Pueblo, it's with a lot of the pueblos.
 11 They have been pushed around a lot and they are very
 12 sensitive to that, so I hope that you all will
 13 approach them with a little bit of humility and allow
 14 them some opportunity to express themselves and to
 15 give input, which it sounds like you have, but perhaps
 16 you can think outside the box and give them
 17 opportunities where they will agree because it's in
 18 their interest, and their interest may change
 19 according to who the political leaders are at the
 20 pueblo. I know that's difficult but that is just how
 21 people are. Anyway that was just a comment.
 22 FACILITATOR MOYE: Thank you,
 23 ma'am. Yes.
 24 MR. MATSEN: Ron Matsen again.
 25 Sheila mentioned win-win, and I like win-win

1 Well, one of these days they will
 2 negotiate with Congress to be allowed to have liquor
 3 there, and that was their main thing there in
 4 Penasco. They didn't want liquor but in the few years
 5 I can just see these liquor establishments coming to
 6 the pueblo, to the Picuris Pueblo, and I think we
 7 shouldn't give in to all of those things. Thank
 8 you.
 9 LT. COL. HURST: Just back to
 10 readdress Mr. Matsen's comment in regard to urgency.
 11 And this process and negotiations and work with the
 12 pueblo has been going on for close to four years now.
 13 Really my predecessor, Lt. Col. Ray Midcalf, began the
 14 negotiations with the pueblo. It's now in its fourth
 15 governorship. It started with the prior, I believe,
 16 to Regis Pecos, and then Regis Pecos, and that is
 17 where the formal kind of the settlement or partnership
 18 agreement was initially begun with the Cochiti
 19 Pueblo.
 20 I carried it on with Andy Quintana and
 21 now Governor Swina. So there was a comment yesterday
 22 made about how the administration seems, opinions and
 23 things change with administrations.
 24 One thing that has been constant that I
 25 have seen through my dealings with Regis Pecos, Andy

1 situations too, but we are fishermen. People who use
 2 the Al Black area are really facing a tremendous
 3 loss. That is a facility, as I mentioned before, that
 4 is really unique, and I don't think it's worthwhile
 5 giving that up just to improve relations with the
 6 Cochiti Pueblo. You folks have agreements, contracts
 7 with those people. Why can't they be enforced?
 8 FACILITATOR MOYE: Any other
 9 comments or questions?
 10 MR. TRUJILLO: I'm Dennis
 11 Trujillo. I agree very strongly with what he just
 12 said, if this area that we are talking about becomes
 13 sacred now, it wasn't sacred a while back. What about
 14 the lake? One of these days they are going to say
 15 it's sacred so they are going to close the lake or do
 16 whatever they want to.
 17 I come from Penasco and I don't know if
 18 anybody knows where Penasco is. We have a pueblo
 19 there, Picuris. We used to in the 40's, in the early
 20 40's we used to have San Lorenzo, the 10th of August,
 21 fiestas, and we would get on very nice with them and
 22 go to their foot races and all of that, you know, and
 23 all of a sudden they said that they didn't want San
 24 Lorenzo to be in Penasco. They wanted it to be in
 25 their pueblo.

1 Quintana as well as Simon Swina is the same theme that
 2 that site is of significant importance to them and
 3 they want it closed.
 4 We have attempted to negotiate and work
 5 different options in trying to close off certain areas
 6 of the outlet works and restore them while still
 7 leaving a portion of the outlet works open to the
 8 general public, and the pueblo is still just adamantly
 9 opposed against that and wants to close the entire
 10 site.
 11 This has been documented since, as I
 12 pulled up newspaper articles and the huge file in
 13 reading all of this, that site have been of
 14 significant religious importance to the pueblo
 15 documented back to newspaper articles in 1975, and I
 16 am sure it has been there since the history of the
 17 pueblo being there, so this is not, and other sites
 18 that we were able to relocate and exhume for remains
 19 and other things as the dam was constructed, those
 20 items were curated and stored and this area, I mean it
 21 just sits there.
 22 So again it's not, it's still -- every
 23 time they drive by and again comments you know of
 24 people here, the Pena Blanca residents, say people
 25 throw trash and so forth. You know, the Cochitis have

1 those same concerns for that site that they have in
 2 trying to clarify some of those.
 3 FACILITATOR MOYE: Any other
 4 comments?
 5 MR. JAHNKE: Ernie Jahnke. I
 6 don't recall, Mr. Matsen, if this was on the record
 7 but we did speak about it off the record last night in
 8 considering alternatives available, we had a
 9 discussion about going above the lake on the river and
 10 what I am about to tell you now I learned today.
 11 It's I have some more investigation,
 12 but what I know about the river above the lake, some
 13 from experience and some from talking to the project
 14 managers out there, is that it's basically a canyon up
 15 there which in itself is not a problem but there is
 16 very little access to the area.
 17 What I know is that there is a road
 18 called Buckman Wells Road which is basically the
 19 primary access between there and the Otowi Bridge, and
 20 I understand that you get to that road by going near
 21 the Santa Fe Airport and then going west to the
 22 river.
 23 The considerations involved with
 24 picking a viable mitigation area include proximity to
 25 the site along with access. There is access there if

1 accessible. I mean you are not in a canyon. You can
 2 go down and he just wanted to suggest that as a
 3 possibility. It's 20 miles south of Taos along the
 4 Rio Grande.
 5 FACILITATOR MOYE: Just as you
 6 come into the gorge, the canyon?
 7 MR. DYKHUIZEN: Someone said it's
 8 called the box.
 9 MR. TRUJILLO: Pilar.
 10 MR. JAHNKE: Declining that, you
 11 think it would be feasible for the membership to
 12 travel there?
 13 MR. DYKHUIZEN: We have gone to
 14 Eagle Nest before. It isn't as close as Cochiti but I
 15 am just suggesting as Mr. Muenzer said, is I really
 16 feel like it's your job to --
 17 MR. JAHNKE: We are trying to find
 18 solutions to this.
 19 MR. DYKHUIZEN: If I had my pick I
 20 would have a pontoon.
 21 MR. RYTER: Sid Ryter. I just
 22 want to introduce a little philosophy. I think it was
 23 our great President Abraham Lincoln that believed that
 24 we should always look for the greatest good for the
 25 most people.

1 anybody wants to go through that. It's a bad road
 2 from what I understand. It takes a little traveling
 3 to do.
 4 From what I understand too, it would
 5 probably be quicker for people from Albuquerque to go
 6 and fish on the Jemez River than to get to that spot
 7 if there was anything in there.
 8 I have also been told that the cold
 9 water fishery is basically above Espanola so what we
 10 have, we may have a temperature problem in any area
 11 that we might consider between Espanola and the upper
 12 portion of the lake, but I want you to know that this
 13 is now part of an alternative that we will be looking
 14 at and considering in the document, and I appreciate
 15 your comments on that because basically this is what I
 16 have been looking for any other ideas that I may have
 17 overlooked because we want to close all the loops.
 18 Thank you.
 19 MR. MATSEN: Thank you.
 20 FACILITATOR MOYE: Sid Dykhuizen.
 21 MR. DYKHUIZEN: I am going to
 22 speak on behalf of one of our members who took ill and
 23 wasn't able to be here tonight but he had a
 24 suggestion, and that is he is 20 miles south of Taos.
 25 The river there is a federal area and it's

1 I don't know if I am quoting him right
 2 but we are faced with a situation that no one is going
 3 to be completely happy but I think what we need to do
 4 is to consider the number of people who are going to
 5 be affected and what is going to be good for the
 6 greatest amount of the people.
 7 LT. COL. HURST: Thank you.
 8 FACILITATOR MOYE: Any other
 9 comments?
 10 LT. COL. HURST: My last closing
 11 comments, if you did not receive one of these cards in
 12 the mail that told you of these public meetings
 13 because I think everybody here looks familiar that you
 14 were at the Rio Rancho meeting.
 15 When you signed in we took down your
 16 address and my intent is to keep you informed of what
 17 is going on, so if you did not get one of these and
 18 you had already signed in and signed on one of these
 19 cards from Rio Rancho then we had your address in
 20 error, and if you just corrected it with us I will
 21 make sure that as we get more information and get
 22 ready to publicize that information that you are
 23 informed of what is going on and if we have other
 24 public meetings you are able to attend those.
 25 FACILITATOR MOYE: I would like to

Page 61

1 thank you all for being here tonight. I appreciate
2 your input and I am sure we will have other meetings
3 and it will be nice to see you there.

4 (Hearing stood in recess.)

5 * * * * *

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 62

1 REPORTER'S CERTIFICATE

2
3 I, BETTY J. LANPHERE, RPR-CP-CSR, a Court
4 Reporter and Notary Public, with offices in Santa Fe,
5 New Mexico, DO HEREBY CERTIFY that the foregoing
6 transcript is a complete and accurate record of said
7 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 20th day of December, 2003.

13
14 _____
15 Court Reporter
16
17
18
19
20
21
22
23
24
25

***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 DECEMBER 4, 2003**

**AT
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE, NEW MEXICO**

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

Project impacts on the way of life in Peña Blanca

Comments: Page 19, line 11; Page 30, lines 20 and 24; page 31, lines 3, 11, 13, 17, 19, 21, and 22; page 32, lines 1, 2, 3, 8, 12, 13, 16, and 24; page 33, lines 4, 12, 14, 15, 23, and 24; page 43, line 22; page 44, lines 1 - 25. These comments were concerned with the potential effects on the quality of life at Peña Blanca from 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. Also see page 3 of responses to August 28, 2003 Proceedings.

Cochiti Pueblo

1. **Comments:** Page 19, line 18; page 20 line 6; page 26, lines 7, 9, and 11; page 27, line 13. These comments concerned why representatives from Cochiti Pueblo were not at any of the public meetings and why they aren't more involved.

Response: See page 51, line 20 – 25 of these Proceedings.

2. **Comment:** Page 20, line 24; page 23-24, lines 21 – 7; page 34, line 13. These comments concerned the potential for violations of the "in perpetuity" agreement for the Al Black site and what this "in perpetuity" agreement actually means.

Response: See Corps responses under "Authority to close Al Black" and "Precedence" in Proceedings of August 28, 2003 on page 7 and the last paragraph of Section 1.02 of the draft EIS.

3. **Comment:** Page 24, line 21; page 25, lines 1 and 8; page 26, lines 15, 20 and 22; page 35, lines 2 and 7. These comments question when the request from the Cochiti

Pueblo to close the Al Black site was actually received by the Corps and how come it is was not made available to the public even when information was requested.

Response: The Pueblo's formal letter requesting termination of the recreation activities is dated October 28, 2003 and is included in Appendix A of the draft EIS. Since its receipt, this letter has been available through written request under the Freedom of Information Act.

4. **Comment:** Page 28, lines 10 and 21; page 29, lines 3, 7, 9, 11, and 12. These comments concern questions over a power line easement granted to the Corps from the Pueblo.

Response: Doug Bailey, Operations Manager at Cochiti Lake, responded to this issue starting on page 52, line 19 of these Proceedings.

Alternative Sites and Suitability

1. **Comment:** Page 22, lines 11, 13, 16, 18, 20, and 22; page 23, lines 1 and 5. These comments concerned the fact that there is not a true alternative to the Al Black fishing area as it offers unique fishing conditions not found anywhere else on the Rio Grande.

Response: Concur. The draft EIS acknowledges the uniqueness of the coldwater fishing opportunity at Al Black and the fact that this portion of the recreation resources at the facility it is not replaceable within the geographic scope of the draft EIS. See also Section 5.07 of the DEIS.

2. **Comment:** Page 41, lines 8 – 23. This comment concerns utilizing pontoon boats that are made handicap-accessible as one alternative that has not yet been considered.

Response: Per the recreation easement that the Corps has with Pueblo de Cochiti, the Pueblo has the right of first refusal on any proposed concession development on the lake. Should the Pueblo decline to pursue a pontoon concession on the lake, the Corps could pursue an outside concessionaire via competitive bidding. Based on long-standing principles of fairness, advertising is intended to give all qualified persons equal opportunity to compete for use of the property, to secure for the Government the benefits which flow from competition, and to prevent charges that Government employees have shown favoritism, collusion, or fraud in authorizing use of public property. Although there is a provision to seek a waiver of competition for unsolicited concession offers, such waivers are rare and are difficult to obtain. In addition, no unsolicited offers have been received to place a pontoon concession on the lake.

The Corps did research an existing concession, Eagle Nest Marina on Eagle Nest Lake, located in northeastern New Mexico. They offer pontoon rentals with or without a guide. This service is available from April to November

Fishery

1. **Comments:** Page 27, lines 6, 10 and 21; page 28, lines 1 and 17. 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. 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. (See also this concern in the August 28, 2003 Proceedings response under Comment 4 on page 2.)

Socio-economic Impacts

1. **Comment:** Pages 25-26, lines 19 through 4. This comment speculates on how a proposed study of Cochiti Lake could affect the recreational aspects of the lake.

Response: See response beginning on page 47 beginning on line 19.

2 **Comment:** Page 29, lines 19, 21, 22, 23; page 30, line 1; page 34, line 15. This comment concerns the costs incurred for the easements for Al Black recreation site from its beginning to the costs taxpayers must incur to close it down and restore it.

Response: The original cost for the Corps flood easement was approximately \$140,000 (see page 36, line 3 of these Proceedings). Estimated costs to close the Al Black Recreation Area, to include removal of existing facilities and site restoration were included on Page 45 of the draft Environmental Assessment. Removal of facilities was estimated at \$20,000 and restoration of the site was estimated at \$264,000 for a total of \$284,000.

Establishing a replacement area at Pilar, NM

Comment: Page 59, lines 21-25 and page 60, lines 1-9. This comment is a recommendation that a replacement recreation area be established on the Rio Grande at Pilar, NM twenty miles south of Taos, NM.

Response: As stated under Section 2.03.1 of the draft EIS, a major consideration in finding and selecting a replacement recreation site is close proximity to the existing Al Black facility. This is to insure that the new recreation area would be close enough for regular visitors to the new facility to use on a frequency similar to their existing daily usage level at Al Black. Anglers from Albuquerque, NM would have to travel approximately 120 miles to get to the Rio Grande at Pilar, NM. This distance is beyond the scope of analysis of the EIS and is not considered a feasible viable alternative for investigation.

final