

## **Appendix C - PUBLIC INVOLVEMENT**

Mailing List for Draft EA

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LETTERS RECEIVED IN RESPONSE TO THE SCOPING LETTER

FOR UPDATING THE WATER CONTROL PLAN AT ABIQUIU RESERVOIR

USACE received letters from the following agencies responding to the scoping letter.





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
ALBUQUERQUE DISTRICT  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE NM 87109-3435

November 16, 2022

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

Ms. Valentine  
RGCC Engineer Advisor for Texas  
Texas Water Development Board

Dear Ms. Valentine,

The U.S. Army Corps of Engineers (USACE), Albuquerque District is seeking comments regarding an update to the current Water Control Plan (WCP) at the Abiquiu Dam and Reservoir.

### **Background**

The USACE Albuquerque District is updating the current WCP at the Abiquiu Dam and Reservoir Project, Rio Arriba County, New Mexico. Section 337 of the Water Resources Development Act (WRDA) of 2020 authorized USACE to simultaneously retain both Rio Grande system water and San Juan-Chama Project water at Abiquiu Reservoir up to elevation 6230 ft NGVD29.

### **What Is Being Proposed?**

USACE is updating the Abiquiu WCP to comply with the new authorization contained in Section 337 of WRDA 2020 (Pub. L. No. 116-260, Division AA). The proposed action is to update the Abiquiu WCP to allow for storage of Rio Grande system water and San Juan-Chama Project water up to elevation 6230 ft NGVD29. The maximum elevation could be less than 6230 ft NGVD29 depending on the acquired real property interests of entities requesting such storage.

### **Why Have I Received This Letter?**

The purpose of this scoping letter is to inform you about the proposed changes to the Abiquiu WCP, and provide the opportunity to communicate any issues, concerns, problems, and suggestions. We request any information you may have that may overlap with the proposed changes, such as existing conditions, studies, environmental justice, Environmental Assessments, and Environmental Impact Statements. This information will assist USACE with determining the scope of issues to be discussed in the Environmental Assessment (EA) for updating the Abiquiu WCP. Comments received, including contact information, such as names and addresses, will be part of the public record and available for public inspection.

### **Comment Submittal**

Please send written comments and questions to Dr. Michael Porter, U.S. Army Corps of Engineers.

Dr. Michael Porter  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109  
[abiquiu.wcp.2023@usace.army.mil](mailto:abiquiu.wcp.2023@usace.army.mil)

Please include “Abiquiu Water Control Plan Update” in the subject line of the email or letter. Indicate whether or not you would like to receive further correspondence from USACE electronically. Please provide initial comments on the Water Control Plan by December 20, 2022.

Sincerely,



Danielle Galloway, Chief  
Environmental Resources Section



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
ALBUQUERQUE DISTRICT  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE NM 87109-3435

November 16, 2022

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

Mr. Schmidt-Petersen  
Director  
New Mexico Interstate Stream Commission

Dear Mr. Schmidt-Petersen,

The U.S. Army Corps of Engineers (USACE), Albuquerque District is seeking comments regarding an update to the current Water Control Plan (WCP) at the Abiquiu Dam and Reservoir.

### **Background**

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Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109  
[abiquiu.wcp.2023@usace.army.mil](mailto:abiquiu.wcp.2023@usace.army.mil)

Please include "Abiquiu Water Control Plan Update" in the subject line of the email or letter. Indicate whether or not you would like to receive further correspondence from USACE electronically. Please provide initial comments on the Water Control Plan by December 20, 2022.

Sincerely,



Danielle Galloway, Chief  
Environmental Resources Section



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
ALBUQUERQUE DISTRICT  
4101 JEFFERSON PLAZA NE  
ALBUQUERQUE NM 87109-3435

November 16, 2022

Planning, Project and Program Management Division  
Planning Branch  
Environmental Resources Section

Mr. Timothy J. Seamon  
Rio Chama Acequia Association  
PO Box 687  
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Dear Mr. Seamon,

The U.S. Army Corps of Engineers (USACE), Albuquerque District is seeking comments regarding an update to the current Water Control Plan (WCP) at the Abiquiu Dam and Reservoir.

### **Background**

The USACE Albuquerque District is updating the current WCP at the Abiquiu Dam and Reservoir Project, Rio Arriba County, New Mexico. Section 337 of the Water Resources Development Act (WRDA) of 2020 authorized USACE to simultaneously retain both Rio Grande system water and San Juan-Chama Project water at Abiquiu Reservoir up to elevation 6230 ft NGVD29.

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Dr. Michael Porter  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109  
[abiquiu.wcp.2023@usace.army.mil](mailto:abiquiu.wcp.2023@usace.army.mil)

Please include “Abiquiu Water Control Plan Update” in the subject line of the email or letter. Indicate whether or not you would like to receive further correspondence from USACE electronically. Please provide initial comments on the Water Control Plan by December 20, 2022.

Sincerely,



Danielle Galloway, Chief  
Environmental Resources Section



## RIO GRANDE COMPACT COMMISSION

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December 19, 2022

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Dr. Michael Porter  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

### **Re: Request for Comments – Updates to the Abiquiu Dam and Reservoir Water Control Plan**

Dear Dr. Porter:

This letter is in response to the letter of November 16, 2022, from Danielle Galloway, Chief of the Environmental Resources Section, seeking comments regarding the U.S. Army Corps of Engineers' (USACE) proposed updates to the current Abiquiu Dam and Reservoir Water Control Plan (WCP). The planned revisions to the WCP would allow the USACE to retain both native Rio Grande water and San Juan-Chama Project in Abiquiu Reservoir up to an elevation of 6230 feet NGVD29. Your letter provided the opportunity to communicate any issues, concerns, problems, and suggestions regarding the proposed actions.

We understand that these revisions are being made to comply with Section 337 of the Water Resources Development Act (WRDA) of 2020 (Pub. L. No. 116-260, Division AA) which amends previous laws governing Abiquiu Dam and Reservoir to allow storage of both native Rio Grande water and San Juan-Chama Project water up to elevation 6230 feet NGVD29, "to the extent that the necessary real property interests have been acquired..." In addition, Section 337 directs that the 1986 contract be amended between the United States and the Albuquerque

Bernalillo County Water Utility Authority and new agreements made for storage of 29,100 acre-feet and that the WCP and operations plan for Abiquiu Reservoir be amended as necessary. However, limitations were placed on the proposed actions making the storage of native Rio Grande system water in Abiquiu Reservoir subject to the provisions and resolutions of the Rio Grande Compact Commission.

Since Abiquiu Dam and Reservoir were first authorized in Section 203 of the Flood Control Act of 1948, Pub. L. No. 81-828, and in all subsequent laws, including WRDA of 2020, the USACE has been instructed to operate Abiquiu Reservoir in conformity with the Rio Grande Compact as administered by the Rio Grande Compact Commission. This means that, regardless of changes to the USACE's WCP for Abiquiu Dam and Reservoir, any change with respect to the actual storage or operation of native Rio Grande system water in Abiquiu Reservoir would require advance approval by adoption of a resolution by the Rio Grande Compact Commission pursuant to Article XII of the Compact. Formal action by the Rio Grande Commission requires unanimous consent from the Rio Grande Compact Commissioners.

Currently, New Mexico is in a debit status on its Compact obligations, with accrued debits over 140,000 acre-feet., Texas will not agree to the storage of native Rio Grande water in Abiquiu Reservoir for release to non-Prior and Paramount (P&P) water users in the middle Rio Grande. Storing native Rio Grande water for use in New Mexico for non-P&P water uses before the debit water owed to Texas is replaced violates the 1938 Rio Grande Compact. The Rio Grande Compact is federal law which absolutely binds the actions of the USACE.

Because the proposed changes to the Abiquiu Dam and Reservoir would potentially make it easier to store native Rio Grande water contrary to Texas's objections, I want to formally state our opposition to these actions.

Any further guidance to the USACE related to Abiquiu Reservoir to comply with the WRDA 2020 should include the requirement that no changes in storage and operation of native Rio Grande water in Abiquiu Reservoir and Dam shall be made without the passage of a unanimous resolution by the Rio Grande Compact Commission.

If you have questions or would like to discuss these issues, please contact me.

Sincerely,



Robert S. Skov  
Texas Rio Grande Compact Commissioner



cc: LTC Patrick Stevens V, U.S. Army Corps of Engineers  
Jennifer Faler, U.S. Bureau of Reclamation  
Mike Hamman, New Mexico Commissioner  
Kevin Rein, Colorado Commissioner  
Rolf Schmidt-Peterson, New Mexico Interstate Stream Commission  
Suzy Valentine, Rio Grande Compact Commission  
Priscilla Hubenak, Office of the Attorney General for Texas  
Oscar David "Jay" Ornelas, El Paso County Water Improvement District No. 1  
Dr. Patrick Sullivan, Elephant Butte Irrigation District  
Craig Cotton, Colorado Department of Water Resources  
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Chris Shaw, New Mexico Interstate Stream Commission

# NEW MEXICO INTERSTATE STREAM COMMISSION

## COMMISSION MEMBERS

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GREGORY CARRASCO, Commissioner  
AARON CHAVEZ, Commissioner  
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December 20, 2022

**Submitted Electronically to:** [abiquiu.wcp.2023@usace.army.mil](mailto:abiquiu.wcp.2023@usace.army.mil)

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U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

## **Re: New Mexico Interstate Stream Commission Comments on Abiquiu Water Control Plan Update**

The New Mexico Interstate Stream Commission (NMISC) hereby submit comments (Comments) pursuant to the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370h (NEPA). These Comments address the U.S. Army Corps of Engineers (USACE) November 16, 2022, request for comments on USACE plans to update the Water Control Plan (WCP) for Abiquiu Dam and Reservoir. The WCP is being updated based on Section 337 of the Water Resources Development Act (WRDA) of 2020, which authorized USACE to simultaneously retain both Rio Grande system and San Juan-Chama Project water at Abiquiu Reservoir. The NMISC supports the update to the WCP (WCP update) for Abiquiu Dam and Reservoir and will be happy to assist in reviewing the draft WCP update and working alongside the USACE during its development.

The NMISC is charged with administration of all interstate water compacts for New Mexico, as well as protecting, conserving, and developing the waters and stream systems of the State. NMSA 1978, § 72-14-3 (1943). In the Rio Grande basin, the NMISC performs numerous activities that may be affected by modification of the Abiquiu Dam and Reservoir WCP update, including monitoring water operations of the U.S. Bureau of Reclamation (Reclamation) and the USACE, conducting annual accounting of native Rio Grande and San Juan Chama Project water (SJCP), and assessing and determining Rio Grande Compact (Compact) compliance.

It is our hope that these comments will assist USACE in developing the WCP update that provides maximum flexibility in water operations and management. When developing the WCP update, the NMISC would like the USACE to address: (1) the effect of storage of native water in Abiquiu on Rio Grande Compact administration, accounting, and deliveries; (2) the impact of the storage of native water in Abiquiu on administration of State water law and management on the Rio Chama and Rio Grande systems; and (3) the impact of storage of native water in Abiquiu

for management of threatened and endangered species on the Rio Chama and Rio Grande systems. The NMISC requests that USACE review our letter regarding Scoping for the Pending Abiquiu Deviation Request, dated, February 21, 2022, which includes additional information and requests, in part, from the 2007 Upper Rio Grande Water Operations Review.

### **Potential Impact to Rio Grande Compact Administration**

First and foremost, the WCP update for Abiquiu Dam and Reservoir must address any impacts of native water storage to the administration of the Rio Grande Compact (Compact) and must comply with any resolutions of the Rio Grande Compact Commission. See Act of May 31, 1939, ch. 155, 53 Stat. 785 (the full text of the Compact). Specifically, as Abiquiu Reservoir is a post-Compact reservoir (constructed after 1929), it must be operated within the framework of Articles VI, VII, and VIII of the Compact. Regarding Article VI, USACE is requested to work with the NMISC to evaluate the potential retention of New Mexico Accrued Debit water. Similarly, regarding Article VII, USACE is requested to evaluate the potential impact of native water storage at Abiquiu Reservoir on the timing of compact storage restrictions and on possible storage of some of New Mexico's relinquished credit water. Regarding Article VIII, USACE is requested to evaluate the potential release of any retained debit water. The NMISC requests the WCP update consider these Compact operations and administration effects at a minimum in coordination with the NMISC.

Further, NMISC requests that the WCP update address potential impacts on Compact and State water administration due to possible storage of native water in Abiquiu by Reclamation for the purpose of meeting their tribal trust responsibilities to the six middle Rio Grande pueblos. Additionally, the WCP update should provide maximum flexibility for other native storage operations such as conservation storage for Rio Chama irrigators, or for Compact credit water management.

The NMISC also requests the USACE address how they will determine the maximum space available for native water in combination with SJCP water. The Upper Rio Grande Water Operations Model (URGWOM) should be used to account for native and SJCP water separately and to quantify evaporation of native water separately from evaporation of SJCP water. The USACE should also consider how any native water stored under the new authorization is treated in the reservoir during flood control operations.

During the development of the WCP update, USACE should seek feedback from both NMISC and Reclamation. NMISC requests that the USACE provide a report to the Engineer Advisers and the Rio Grande Compact Commission at their annual meetings detailing development of the WCP update.

### **Potential Impact to State Water Law Administration**

The NMISC requests that the USACE coordinate with NM Office of the State Engineer (NMOSE) staff to ensure that storage of native water in Abiquiu Reservoir in the long-term and while El Vado Dam is under repair does not impair State water rights administration, the direct

flow needs of State water users, and the efficient release of native water stored in Abiquiu Reservoir. Reservoir operations should be conducted to minimize depletions in the Middle Rio Grande and that water should be conserved to the greatest extent practicable.

Please note, that storage of native water in Abiquiu is subject to the State of New Mexico's administration of senior native surface water rights on the Rio Chama below Abiquiu Reservoir. Due to the complexity of the administration process the NMISC requests that the USACE coordinate with NMOSE staff. Also note that an NMOSE storage permit(s) is required to store native water in Abiquiu.

The NMISC notes that a WCP update for Abiquiu Dam and reservoir might affect water management activities undertaken by the NMOSE. Therefore, the NMISC request that the USACE coordinate with NMOSE staff and the Lower Chama Water Master on the WCP update. In addition to coordination, the NMISC request that the USACE continue to adhere to all current reservoir operation requirements for maintaining minimum bypass flows and flow target triggers for protection of irrigation rights and other acequia infrastructure downstream of Abiquiu. The bypass of native inflows for downstream senior acequias and the Pueblo of Ohkay Owingeh under the WCP update should better address the quantification and pass through of native tributary inflow directly into Abiquiu and should include direct precipitation on the reservoir. Additionally, the WCP update should address the native inflow accounting issues that are caused by SJC operations.

### **Water Management for Threatened and Endangered Species**

The NMISC requests that any modification of the WCP and the storage and release of native water not impair Endangered Species Act (ESA) critical habitat needs for listed species, including for the Rio Grande Silvery Minnow (RGSM). In our letter to USACE dated February 21, 2022 (see attached), NMISC provided detailed comments related to native water storage in Abiquiu related to the 2007 Environmental Impact Statement and Record of Decision for Upper Rio Grande Water Operations Review. NMISC asks that USACE review that information and incorporate as needed in the WCP update.

The WCP update should include evaluating the potential of using native water in Abiquiu Reservoir for enhancing the spring snow melt peak flows on the mainstem of the Rio Grande for creating favorable conditions for spawning of the endangered RGSM, for sediment management, and in creating favorable habitat for species of concern.

## Conclusion

We thank you for this opportunity to provide input on the development of the updated Water Control Plan for Abiquiu Dam and Reservoir. The NMISC looks forward to working with the USACE to address the above-mentioned concerns. I am also interested in receiving further correspondence on this topic in electronic format at [page.pegram@ose.nm.gov](mailto:page.pegram@ose.nm.gov). If you have any further questions regarding this matter, please do not hesitate to contact me by email or at 505-695-5622.

Sincerely,



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Page Pegram, Rio Grande Basin Manager  
New Mexico Rio Grande Compact Engineer Adviser

cc: Mike A. Hamman, P.E., N.M. State Engineer, RG Compact Commissioner  
Rolf Schmidt-Petersen, Director, NMISC  
Hannah Riseley-White, Deputy Director, NMISC  
Ramona Martinez, NMOSE District 6 Manager  
Chris Shaw, Rio Grande Basin Attorney, NMISC  
Nat Chakeres, NMOSE General Counsel  
NMISC files

Enclosure: NM ISC Commission Comment on Scoping for the Pending Abiquiu Deviation  
Request letter dated February 21, 2022

# NEW MEXICO INTERSTATE STREAM COMMISSION

## COMMISSION MEMBERS

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February 21, 2022

**Submitted Electronically to:** [abiquiu.deviation.2022@usace.army.mil](mailto:abiquiu.deviation.2022@usace.army.mil)

Dr. Michael Porter  
U.S. Army Corps of Engineers  
Albuquerque District  
4101 Jefferson Plaza NE  
Albuquerque, NM 87109

## **Re: New Mexico Interstate Stream Commission Comment on Scoping for the Pending Abiquiu Deviation Request**

The New Mexico Interstate Stream Commission (NMISC) hereby submit comments (Comments) pursuant to the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370h (NEPA). These Comments address the scoping request by the U.S. Army Corps of Engineers (USACE) for comments on a pending deviation from the current water control plan (WCP) at the Abiquiu Dam and Reservoir to store and release native Rio Grande water that would normally be stored at El Vado Reservoir (Temporary Deviation). The NMISC requested in a letter dated December 15, 2021, that the USACE begin the process for obtaining the Temporary Deviation. The NMISC supports the Temporary Deviation and believes the ability to replace the native storage operation that would have occurred at El Vado Reservoir during this repair period is urgent.

The NMISC is charged with administration of all interstate water compacts for New Mexico, as well as protecting, conserving, and developing the waters and stream systems of the State. NMSA 1978, § 72-14-3 (1943). In the Rio Grande basin, the NMISC performs numerous activities which may be affected by a Temporary Deviation, including monitoring water operations of the U.S. Bureau of Reclamation (Reclamation) and the USACE, conducting annual accounting of native Rio Grande and San Juan Chama Project water (SJCP), and assessing and determining Rio Grande Compact (Compact) compliance.

It is our hope that these comments will assist USACE in evaluating the effects of a Temporary Deviation of the WCP for Abiquiu Reservoir.

The following are the main Temporary Deviation issues that the NMISC would like the USACE to address: (1) the potential for the storage of native water in Abiquiu to impact Compact administration, accounting, and deliveries; (2) the potential for the storage of native water in

Abiquiu to impact administration of State water law; and (3) the potential for the storage of native water in Abiquiu to cumulatively impact water management on the Rio Chama and Rio Grande systems. The NMISC also offers additional information from the 2007 Upper Rio Grande Water Operation Review.

### **Potential Impact to Rio Grande Compact Administration**

First and foremost, the USACE must address any impacts to the administration of the Rio Grande Compact (Compact). See Act of May 31, 1939, ch. 155, 53 Stat. 785 (the full text of the Compact). As outlined herein, the NMISC request the USACE address the effects a Temporary Deviation may have on Compact administration. Pursuant to the Compact, the storage of native water in Abiquiu Reservoir must not negatively affect the timing of Art. VII, and any additional depletions resulting from the storage of native water in Abiquiu should be offset. The NMISC request the USACE consider these Compact administration effects and coordinate with NMISC staff to address them.

The NMISC requests the USACE consider whether the Temporary Deviation will require USACE to determine the maximum space available for native water in combination with SJCP water. The Upper Rio Grande Water Operations Model (URGWOM) should be used to account for native and SJCP water separately and to quantify evaporation of native water separately from evaporation of SJCP water. The USACE should consider how native water is treated in the reservoir during flood control operations. The USACE should collaborate with both NMISC and Reclamation to ensure accurate accounting and administration of the Rio Grande Compact during the proposed deviation.

The NMISC requests that the USACE report the details of the temporary storage of native water in Abiquiu Reservoir operation to the Engineer Advisers and the Rio Grande Compact Commission at the annual Compact Commission meeting.

### **Potential Impact to State Water Law Administration**

The NMISC request that the USACE coordinate with NM Office of the State Engineer (NMOSE) staff to ensure that the Temporary Deviation to store native water in Abiquiu Reservoir while El Vado is under repair does not impair State water rights administration, the direct flow needs of State water users, the efficient release of native water stored in Abiquiu Reservoir, that reservoir operations be conducted to minimize depletions in the Middle Rio Grande and that water is conserved to the greatest extent practicable.

Please note, that storage of native water in Abiquiu is subject to the State of New Mexico's administration of senior native surface water rights on the Rio Chama below Abiquiu Reservoir. Due to the complexity of the administration process the NMISC requests that the USACE coordinate with NMOSE staff. Also note that an NMOSE storage permit is required to store native water in Abiquiu, and that the Middle Rio Grande Conservancy District has submitted an application for such a permit.

### **Potential Impact to Overall Water Management**

The NMISC notes that a Temporary Deviation might affect water management activities undertaken by the NMOSE. Therefore, the NMISC request that the USACE coordinate native water storage and release operations with NMOSE staff, including the Lower Chama River master. In addition to coordination, the NMISC request that the USACE continue to adhere to all current reservoir operation requirements for maintaining minimum bypass flows and flow target triggers for protection of irrigation rights and other acequia infrastructure downstream of Abiquiu.

The NMISC requests that any modification of the WCP and the storage and release of native water not impair Endangered Species Act (ESA) critical habitat needs for listed species, including for the Rio Grande silvery minnow.

### **Upper Rio Grande Water Operation Environmental Impact Statement**

The NMISC suggests that the 2007 Environmental Impact Statement (EIS) and Record of Decision (ROD) for the Upper Rio Grande Water Operation Review has information relevant to the pending deviation request and should be used to analyze the issues considered in the planned Environmental Assessment. As a reminder, the NMISC repeats relevant information and conclusions from that EIS here.

The focus of the EIS was to evaluate then current water operations of the Upper Rio Grande basin, identifying operational flexibilities and developing an integrated operational plan. The EIS analyzed a range of native Rio Grande basin storage volumes in Abiquiu Reservoir to evaluate the reservoir's capability. The EIS served the purpose of allowing tiering for any subsequent required NEPA compliance related to implementing specific actions stemming from the actions and alternatives analyzed in the EIS.

Based on the evaluation, the USACE determined that the programmatic-level analysis was not sufficient to implement native storage. In the future the USACE agreed that it would evaluate the specific proposals for such storage. Any decision to implement native storage will be based, in part, on the following: determination of available space in lieu of San Juan-Chama contractors' needs; storage permit from the New Mexico State Engineer; coordination and negotiation regarding storage easements with the Albuquerque Bernalillo County Water Utility Authority; proposal-specific impact analysis; re-allocation of storage space and revision of the Abiquiu Dam and Reservoir water control plan; and specific compliance with environmental laws and regulations. Each joint agency issued its own record of Decision regarding its actions.

The NMISC supported implementation of preferred alternative E-3. Preferred Alternative E-3 included among other actions, that the NMISC would work with the USACE, Reclamation and other agencies or entities to implement native water storage in Abiquiu for Rio Grande Compact management purposes and environmental and other benefits in the middle valley (see NMISC Record of Decision, July 2007 Estevan Lopez, Director)



The Reclamation decision was to implement the elements of Preferred Alternative E-3 associated with extending the waiver date of San Juan-Chama project water at Heron Reservoir and to continue operating the Low Flow Conveyance Channel (LFCC) without diversions from the Rio Grande. Reclamation agreed to also refine and implement improved communication and coordination of water operations at other federal facilities. (See Reclamation Record of Decision, 2007)

The USACE decision was to not change current operations at facilities under its jurisdiction. However, the USACE would support future operational changes, contingent on the results of additional NEPA analysis and documentation. The safe channel capacities downstream from Abiquiu and Cochiti Dams would remain at 1,800 cfs and 7,000 cfs, respectively. Storage of native flows in Abiquiu would not be implemented until additional analyses are completed and NEPA documentation conducted tiered from the Final EIS in accordance with NEPA and Council on Environmental Quality regulations. (See June 29, 2007 Record of Decision, Lieutenant Colonel B.A. Estok)

## **Conclusion**

We thank you for this opportunity to provide scoping comments for the EA on the pending deviation request. The NMISC looks forward to working with the USACE to ensure the deviation complies with the Rio Grande Compact and State water law rules and regulations. I am also interested in receiving further correspondence on this topic in electronic format at [page.pegam@state.nm.us](mailto:page.pegam@state.nm.us). If you have any further questions regarding this matter, please do not hesitate to contact me by email or at 505-695-5622.

Sincerely,



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Page Pegram, Rio Grande Basin Manager  
New Mexico Rio Grande Compact Engineer Adviser

cc: Mike A. Hamman, P.E., N.M. State Engineer, RG Compact Commissioner  
Rolf Schmidt-Petersen, Director, NMISC  
Ramona Martinez, NMOSE District 6 Manager  
Chris Shaw, Rio Grande Basin Attorney, NMISC  
Nat Chakeres, NMOSE General Counsel  
NMISC files

**From:** [AT&T Yahoo Mail](#)  
**To:** [Porter, Michael D CIV USARMY CESPK \(USA\)](#)  
**Cc:** [Tim Seaman](#); [Sam Garcia](#); [Darel Madrid](#); [Seth Fullerton](#); [Mustafa Chudnoff](#)  
**Subject:** [Non-DoD Source] River Bank Erosion  
**Date:** Monday, February 20, 2023 11:44:34 AM

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Greetings Mr. Porter:

As part of the EA process I wanted you to be aware of the serious river bank erosion that is occurring on several properties along the main stem of the lower Rio Chama below Abiquiu Dam and the confluence of the Rio Grande. There is also scouring of our diversions which is causing some of our acequias to incur annual maintenance costs from the high sustained releases of stored water to meet the irrigation requirements of the SJ-Chama contractors, MRGCD and AWA. The costs to stabilize the banks and diversions is very costly to land owners and acequias. I would like to see this get addressed in this EA to see how we can mitigate these concerns.

Carlos Salazar  
RCAA Treasurer and Land owner on the Acequia de Rio Chama in Medanales, NM.