

# Chapter



## Public Involvement, Consultation, and Coordination

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### **5.1 Cooperating Agencies**

The joint lead agencies (JLA) responsible for preparation of this Environmental Impact Statement (EIS)—U.S. Bureau of Reclamation (Reclamation), U.S. Army Corps of Engineers (Corps), and New Mexico Interstate Stream Commission—invited Federal agencies and local, State, and Tribal governments with appropriate expertise or jurisdiction in the planning area to participate in the National Environmental Policy Act (NEPA) process as cooperating agencies. Cooperating agencies signed formal agreements to commit resources to assist in this Water Operations Review (Review) and EIS. The cooperating agencies are:

- Bureau of Indian Affairs
- U.S. Fish and Wildlife Service (FWS)
- New Mexico Department of Agriculture
- New Mexico Environment Department (NMED)
- Ohkay Owingeh Pueblo

Technical experts from the JLA, cooperating agencies, and other interested agencies and organizations worked together in technical teams and an Interdisciplinary NEPA Team to develop the technical aspects of the EIS. Project oversight and responsibility is the function of the Executive Committee, composed of local managing officials for the JLA (Figure 1-1). The Steering Committee facilitated coordination, information exchange, and technical guidance, with no formal decision-making role. More than 30 agencies and organizations contributed staff time in support of the Steering Committee and/or technical teams, in addition to the resources contributed by the cooperating agencies. Significant resources were invested by the New Mexico Department of Game and Fish (NMDGF), the U.S. Section of the International Boundary and Water Commission (USIBWC), Middle Rio Grande Conservancy District (MRGCD), City of Albuquerque, Rio Grande Restoration, City of Santa Fe, University of New Mexico, New Mexico State University, Sandia National Laboratories, New Mexico Water Resources Research Institute, and others.

### **5.2 Public Involvement**

In preparation for broad-based public involvement, a Public Involvement Plan was finalized on September 30, 2000. Part of the implementation of the Public Involvement Plan included a market survey to solicit input from over 400 stakeholders in order to understand their issues and perceptions of the JLA, the NEPA process, and the Review and EIS. The survey was also used to obtain preferences for publicizing scoping meetings, information dissemination, and to gather stakeholder contact information to establish a mailing list. Additional public outreach efforts included newsletters, presentations to interested groups upon request, briefings for tribal governments, workshops and tours, press releases, public meetings to discuss progress, and establishment of a Website with meeting information and notes (<http://www.spa.usace.army.mil/urgwops/default.asp>). All regularly scheduled technical team and Interdisciplinary NEPA Team meetings, as well as Steering Committee meetings, continue to be open to the public.

### 5.2.1 Public Scoping

The Notice of Intent (NOI) to prepare this EIS was published in the *Federal Register* on March 7, 2000. A news release announcing the NOI was sent to federal, tribal, state, and local officials; agency representatives; conservation organizations; news media; and others. The NOI and press releases to local newspapers also announced that a series of public scoping meetings would be conducted to obtain input on issues that should be considered in the EIS. Notice of the meetings was sent to approximately 400 individuals. The meetings were held in Colorado, New Mexico, and Texas in the evenings on the following dates and locations in 2000.

June 28, Alamosa, Colorado	September 20, Santa Fe, New Mexico
June 29, Taos, New Mexico	September 27, El Paso, Texas
July 26, Española, New Mexico	October 17, Las Cruces, New Mexico
August 9, Chama, New Mexico	October 18, Socorro, New Mexico
August 17, Albuquerque, New Mexico	

Project managers from each of the JLA were in attendance and one project manager gave a brief slide presentation on the goals and objectives for the Water Operations Review at each meeting. Each technical team was represented and staff was available to answer questions. Notes were taken at the meetings to document oral comments and are a part of the public record with the written comments. Interested or affected individuals, organizations and agencies were encouraged to submit written comments to the JLA to be most effectively considered. A total of 76 people, excluding members of the JLA, attended the public scoping meetings. Over 190 comments were documented from the written and oral comments submitted during and after the meetings.

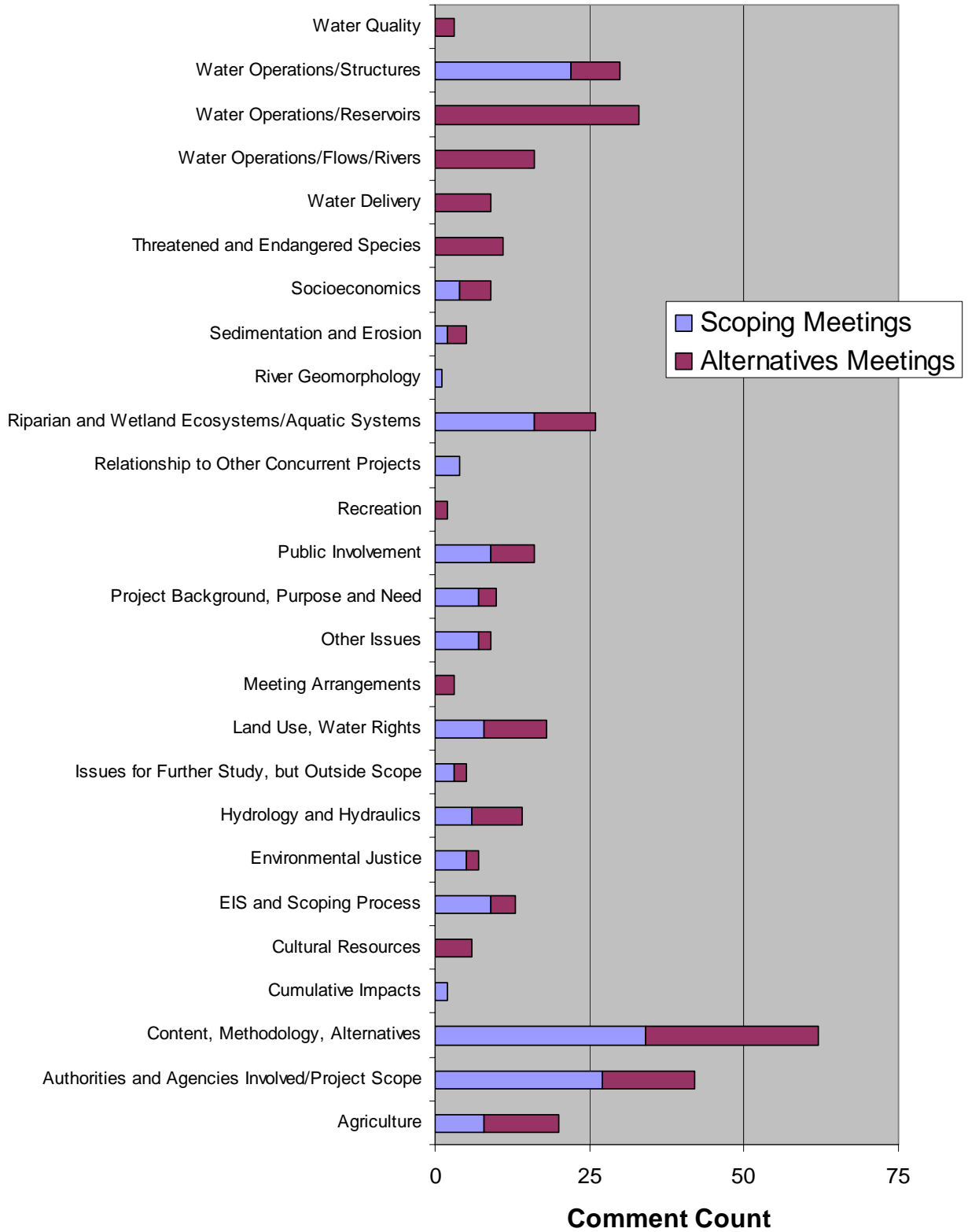
All comments were reviewed and categorized according to their content. Questions and comments were passed along to the appropriate technical team for consideration. The report on the public scoping meetings (Appendix E) summarizes the categories and includes individual comments.

The main categories of comments received are shown in Appendix E and summarized in **Figure 5-1**. Because some comments were assigned to more than one category, the total of the comments categorized is greater than the total number of comments received.

### 5.2.2 Public Input for Alternatives Development

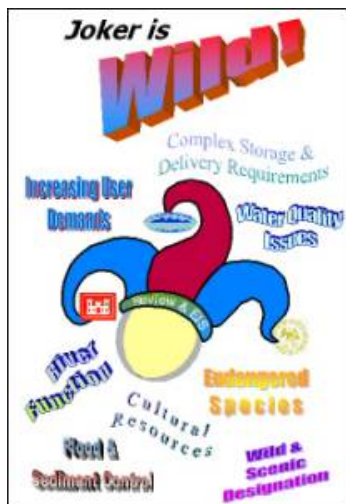
During the scoping process in 2000, meeting attendees expressed an interest in learning about the alternatives before they were finalized and analyzed in the EIS. In response, the JLA invited interested stakeholders to participate in the Review and EIS by identifying possible alternatives to be considered that would reflect the full range of operating flexibilities for water management along the upper Rio Grande. In addition to a Steering Committee meeting, 10 public meetings were held to discuss possible components of the alternatives and the strategy for developing them further in accordance with NEPA. The meetings on these draft alternatives were announced to more than 600 individuals and entities and publicized in the media. Attendance at the meetings ranged from 1 to 55 persons. The meetings were held on the following dates and locations in 2002.

January 15, Las Cruces, New Mexico	March 20, Santa Fe, New Mexico
January 16, El Paso, Texas	April 16, Española, New Mexico
February 5, Truth or Consequences, New Mexico	April 17, Abiquiu, New Mexico
February 6, Socorro, New Mexico	May 14, Alamosa, Colorado
March 19, Albuquerque, New Mexico	May 15, Pilar, New Mexico



**Figure 5-1. Comments Received during Public Scoping and Alternatives Meetings, Grouped by Category**

Possible operational changes were discussed at the meetings, including ranges in reservoir water storage, channel capacity, flow bypass, and timing of waivers for carryover storage. The possible operational changes were explained using a playing card analogy to describe current operations and proposed draft operations changes. The cards “we hold” were described as the current operations (No Action) at each of the facilities. The cards “we want to play” were described as the components of the draft alternatives, the possible changes to water operations at specific facilities or in particular reaches of the river. Uncertainty was represented by two “wild” cards: one for variability of weather and runoff; the other, a “joker,” to symbolize unplanned issues that may affect water management.



All comments were reviewed and categorized according to their content. The public input was used to help the technical teams formulate the alternatives to be analyzed in this EIS. Comments from the alternatives meetings are also summarized in Figure 5-1, grouped by main category. Some comments were assigned to more than one category, so the total of the comments categorized is greater than the total number of comments received.

### 5.2.3 Public Review of the Draft EIS

The draft EIS was made available for a 90-day public review and comment period, which began on January 20, 2006. The Notice of Availability was published on January 20, 2006 in the *Federal Register*, Volume 71, Number 13, page 3323. During this public review period, the JLAs hosted two workshops for interested Pueblo and Tribal leaders and technical staff, as well as eight public meetings at locations similar to those held previously during the project. The public meeting dates and locations were in the Notice of Availability of the EIS published in the *Federal Register* and in local and regional newspapers. The public meetings were held on the following dates and locations in 2006.

February 21, El Paso, Texas	March 1, Santa Fe, New Mexico
February 22, Las Cruces, New Mexico	March 2, Española, New Mexico
February 23, Socorro, New Mexico	March 8, Abiquiu, New Mexico
February 28, Albuquerque, New Mexico	March 9, Alamosa, Colorado

Approximately 150 copies of the draft EIS were mailed to agency representatives, Pueblos and Tribes, and interested stakeholders who had expressed an interest in receiving a copy. In addition, over 200 letters were sent to others on the Review mailing list to notify them of the availability of the draft EIS and enabled them to request a copy if they wished. The draft EIS was posted on the project Website (<http://www.spa.usace.army.mil/urgwops/default.asp>) and copies were distributed to selected public libraries in the planning area.

The initial distribution of the draft EIS or the draft EIS plus appendices were sent to the Congressional delegation, 16 different federal agencies, 22 Pueblos or Tribes, 25 different state agencies or organizations under state authority, 4 local government agencies, and 8 stakeholder organizations. **Figure 5-2** shows portions of the comment form that was available at public meetings and to download from the Website. Note that the deadline for comments shown on the form was extended for 30 days by request during the comment period.

**Upper Rio Grande Basin  
Water Operations Review**

The Bureau of Reclamation, U.S. Army Corps of Engineers, and New Mexico Interstate Stream Commission (Joint Lead Agencies) invite you to participate by submitting comments on the draft environmental impact statement (EIS) that is currently available for public review.

Your input will assist the Joint Lead Agencies in evaluating the adequacy of analysis and in identifying issues or information needed to develop the Final EIS. This will assist the agency leaders in making appropriate decisions following the Final EIS.

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**Comments must be received or postmarked by  
March 21, 2006**

**Submit your comments to:**  
 Valda Terauds, ALB-707  
 Bureau of Reclamation, Albuquerque Area Office  
 555 Broadway NE, Suite 100  
 Albuquerque, NM 87102  
 Telephone: 505-462-3584  
 Facsimile: 505-462-3593  
 E-mail: [rioreview@uc.usbr.gov](mailto:rioreview@uc.usbr.gov)

A comment form can be downloaded or comments may be submitted electronically using a link at:  
<http://www.spa.usace.army.mil/urgwops/drafeis.htm>

**Upper Rio Grande Basin  
Water Operations Review**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

Comments, names, and addresses are generally made available for public review.  
 Individuals wishing to have their name/address withheld from public disclosure should check this box.

Page #	Line #s	Comments

**Figure 5-2. Example of the Comment Form Provided for the Draft EIS**

Comments on the draft EIS and responses are included in Appendix F of this final EIS. On March 24, 2006, the EPA published their rating of the draft EIS (*Federal Register*, Volume 71, Number 57, page 14892) which stated that the agency lacks objections (LO) to the selected alternative.

### **5.3 Consultation with U.S. Fish and Wildlife Service**

The Fish and Wildlife Coordination Act (16 U.S.C. §§ 661-667e, March 10, 1934, as amended 1946, 1958, 1978 and 1995) (FWCA) requires consultation with the U.S. Fish and Wildlife Service (FWS) and the state wildlife resource agency where the "waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted . . . or otherwise controlled or modified" by any agency under a Federal permit or license. The purpose of this process is to promote conservation of wildlife resources, and to provide for the development and improvement of such resources in connection with the agency action (Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service, <http://laws.fws.gov/lawsdigest/fwcoord.html>).

Coordination with the FWS under the FWCA has included Planning Aid Letters, the most recent dated November 17, 2005 (see the end of Appendix L for a copy). A Coordination Act Report was prepared by the action agencies and has undergone internal review by the FWS. The Coordination Act Report, dated August 2006 (at the end of Appendix L), includes an estimate of the wildlife benefits or losses that will occur as a result of the proposed action and a description of conservation measures that should be adopted to obtain maximum overall project benefits.

Coordination and consultation under Section 7 of the Endangered Species Act will be conducted with the FWS in connection with proposed future actions to implement the preferred alternative. For the Corps, such future actions may include revisions to reservoir water control manuals and to existing water management agreements with the City of Albuquerque. For Reclamation, future actions may include modifications to the Low Flow Conveyance Channel.

## 5.4 Tribal Consultation and Coordination

Since the beginning of the Water Operations Review process, even before the NOI to develop an EIS was published, the JLA have recognized the sovereignty of tribes and pueblos that may be affected by changes in water operations and the Federal agency responsibility to protect Indian trust assets. The JLA discussed and planned for ways to encourage participation by the tribes and pueblos in the affected area, while recognizing the confidentiality of their resource data. Those targeted for specific outreach activities include the Navajo Nation and its chapters near the Rio Grande, Alamo and To'Ha'ji'lee; the Jicarilla Apache Tribe; the Mescalero Apache Tribe; and the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Ysleta del Sur, Zia, and Zuni.

In July 1999, a letter from the commanding officer of the Corps was sent to tribes, pueblos, and state and federal agencies to invite participation as formal cooperating agencies. The Ohkay Owingeh Pueblo was the only Native American group to formally become a cooperating agency. In the Fall of 1999, a letter from the Reclamation Area Manager was sent to all tribes and pueblos to outline the scope of the proposed project and to open government-to-government consultations regarding potentially affected Indian trust assets, cultural resources, and any other pertinent issues. Other options for participation in the Review and EIS listed in the letter included involvement in the technical teams, Steering Committee, and Interdisciplinary NEPA Team either as full participants or as observers. The JLA has been open to suggestions from the pueblos and tribes on other ways that they would be interested in participating in the process.

Review project managers actively sought Native American involvement in the Water Operations Review by providing interactive briefings to tribal councils and pueblos governments, as well as to gatherings such as the All Indian Pueblo Council, the Eight Northern Indian Pueblos Council, Inc., and the Ten Southern Pueblos Governors Council, Inc. to provide information and gather input on the Review. Many of these briefings were arranged with the assistance of the co-chair of the Cultural Resources Technical Team who was designated as the Ohkay Owingeh Pueblo representative to that team. When technical teams needed information or input from a pueblo along the river, letters were sent from the Cultural Resources Technical Team to request information, feedback, or reviews of specific technical data. Technical teams considered pueblo water quality standards in the effects analysis where standards exist.

All Tribes and Pueblos received an advance copy of the DEIS, and were contacted to arrange consultation meetings to discuss the document and potential impacts on tribal lands. Workshops to discuss the findings of the draft EIS and to obtain comments were hosted by the Ten Southern Indian Pueblos Council in Albuquerque on February 16, 2006, and by the Eight Northern Pueblos Council, Inc. at Ohkay Owingeh Pueblo on February 17, 2006. **Table 5-1** provides a brief summary of the number of briefings, letters, and teleconferences that were held with tribal groups between the beginning of 2000 and the issuance of this Final EIS.

**Table 5-1. Contacts with Tribal and Pueblo Officials and Groups by Year**

Year	Contact Type	Number of Contacts
2000	Meeting	2
2001	Meeting	12
	Teleconference	2
2002	Correspondence	46
	Meeting	5
	Teleconference	1
2003	Correspondence	12
	Meeting	2
	Teleconference	1
2004	Correspondence	21
	Meeting	1
	Teleconference	0
2005	Correspondence	0
	Meeting	2
	Teleconference	0
	Government to Government Consultation	7
2006	Tribal Workshops	2
	Government to Government Consultation	1

Formal government to government consultations were conducted by the Executive Committee members of the JLA who are the decision makers for this EIS. The meetings were scheduled at the convenience of the Pueblo and Tribal leaders to provide information on the Review and EIS, and to obtain input from them related to the project. The JLA provided aerial photography and site-specific model data generated for analysis when available, in order to facilitate comments from the government leaders and council members on the EIS. **Table 5-2** lists the Pueblos and the dates of formal consultation.

**Table 5-2. Government to Government Consultations**

Pueblo	Date
Santa Ana	June 14, 2005
Cochiti	June 16, 2005
Santa Clara	June 21, 2005
San Idelfonso	June 30, 2005
Ohkay Owingeh	July 6, 2005
Santo Domingo	July 12, 2005
Nambe	July 26, 2005
Sandia	March 14, 2006

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