



— BUREAU OF —
RECLAMATION

Taos Indian Water Rights Settlement Mutual-Benefit Projects NEPA Compliance Public Scoping Report

Mission Statements

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Acronyms and Abbreviations

Full Phrase

ASR	aquifer storage and recovery
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EIS	environmental impact statement
IWRS	Indian Water Rights Settlement
NEPA	National Environmental Policy Act
Projects	mutual-benefit projects
Reclamation	U.S. Department of the Interior, Bureau of Reclamation
Settlement Act	Claims Resolution Act of 2010
Settlement Agreement	Taos Pueblo Indian Water Rights Settlement
U.S.	United States

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Chapter 1. Introduction

Purpose of the Scoping Report

The purposes of this scoping report are to provide an overview of the Taos Indian Water Rights Settlement (Settlement Agreement) mutual-benefit projects (projects), to document the scoping process, and to discuss the findings from the process. The findings include an overview of identified issues that will be addressed in the programmatic environmental assessment (EA).

Scoping is a collaborative public involvement process implemented early in the National Environmental Policy Act of 1969 (NEPA) process to identify the concerns of high importance to the public. The goal of public scoping is to determine the extent of issues to be addressed and to identify potentially significant issues related to the proposed action, so they can be analyzed appropriately in the programmatic EA. The U.S. Department of the Interior, Bureau of Reclamation (Reclamation) is using the information collected during scoping to understand and identify the issues to be analyzed under each alternative in the programmatic EA. Scoping helps ensure that potential issues are identified early and are properly studied, that issues that are not significant do not consume time and effort, and that the proposed action and alternatives are balanced, thorough, and implementable.

Project Overview

Project Background

The Settlement Agreement resolved water rights claims in the Taos Valley involved in the general stream adjudication in the U.S. District Court, entitled *State of New Mexico ex rel. State Engineer v. Abeyta and Arellano*, Nos. 69cv07896 BB and 69cv07939 BB (District of New Mexico filed Feb. 4, 1969). Congress approved, ratified, and confirmed the Settlement Agreement in the Claims Resolution Act of 2010 (Title V of Public Law 111-291; Settlement Act). The U.S. District Court approved the Settlement Act and Settlement Agreement through a partial final decree on February 11, 2016, that is final and non-appealable. The parties to the Settlement Agreement with the Pueblo were the Taos Valley Acequia Association and its 55 member acequias, the Town of Taos, the El Prado Water and Sanitation District, the 12 Taos Area Mutual Domestic Water Consumer's Associations, the State of New Mexico, and the United States.

Section 507 of the Settlement Act authorizes and directs Reclamation to provide financial assistance in the form of grants for parties to the Settlement Agreement to plan, permit, design, engineer, and construct the projects in accordance with the Settlement Agreement. Reclamation's obligation to provide financial assistance is the reason it must perform NEPA compliance analysis (see Section 509(e)(2) of the Settlement Act). To satisfy this requirement, Reclamation is preparing a

programmatic EA to analyze the projects as a whole. The goal is to support and streamline any future, site-specific, NEPA compliance analyses for individual projects, as needed.

The programmatic EA will comply with NEPA (42 United States Code 4321 et seq.), the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations [CFR] 1500–1508), the Department of the Interior’s NEPA regulations (43 CFR 46), Executive Order 13807, and other relevant federal and state laws and regulations.

The projects would include a stream gage, mitigation wells, water supply wells, and, for the Arroyo Seco Arriba Project, aquifer storage and recovery (ASR) wells or one or more surface storage reservoirs, as described below.

Stream Gage

To help implement the Settlement Agreement and the water sharing provisions of Article 8, a stream gage would be installed on the Rio Lucero at the diversion of the Acequia Madre del Prado (Settlement Agreement, Section 6.1.4).

Mitigation Wells

The new mitigation wells authorized in Article 7 of the Settlement Agreement would extract groundwater during irrigation season from a deep aquifer connected to the Rio Grande¹ and discharge certain amounts into surface tributaries to the Rio Grande (identified in Settlement Agreement, Section 7.3.3.1.9), which are fed by springs and runoff from the Sangre de Cristo Mountains. The water would be available for diversion from the surface tributaries for irrigation use by acequias (Settlement Agreement, Section 7.3.3.1.7).

Water Supply Wells

The El Prado Water and Sanitation District and the Town of Taos would apply for permits from the New Mexico Office of the State Engineer and drill new water supply wells into a deep aquifer under Article 6 of the Settlement Agreement to provide groundwater production capacity necessary to satisfy the purposes outlined in Sections 6.2.5, 6.3.1.4, and 6.3.1.5 of the Settlement Agreement. The wells would be connected to the existing municipal water distribution systems for the El Prado Water and Sanitation District and the Town of Taos. This extraction and pumping could occur year-round.

Arroyo Seco Arriba Project

The Arroyo Seco Arriba project, as authorized by Article 6 of the Settlement Agreement, allows for water storage in the form of either ASR wells or one or more surface storage reservoirs. The water would be diverted during times of higher flows and stored for use by the Acequia Madre del Rio Lucero y del Arroyo Seco during the irrigation season.

¹ The Taos Regional Water Plan describes this connection between the deep aquifer and the Rio Grande (NMOSE 2016).

Description of the Project Area and Area of Analysis

The project area is in the Taos Valley, at the western base of the Sangre de Cristo Mountain Range in Taos County, New Mexico. The area of analysis for the programmatic EA consists of 40-acre grid cells in the Taos Valley where the project wells have been authorized to be located and the 9-acre water pipeline and electrical line route identified by the El Prado Water and Sanitation District to service two of its wells authorized under the Settlement Agreement. The 40-acre grid cell locations were informed by the results of the New Mexico Office of the State Engineer Taos Area Calibrated Groundwater Flow Model (Attachment 3 to the Settlement Agreement; NMOSE 2006; 2012). The grid cells are used as the area of analysis because most of the project planning, designing, and engineering to determine the exact locations of wells and associated facilities has not yet been done.

While a 40-acre grid cell provides flexibility in well and infrastructure siting, the actual footprint of each project is expected to be much less than 40 acres. Additionally, in some instances, the Settlement Agreement allows parties to plan the final location of certain projects outside of the 40-acre grid cells; further NEPA analysis would need to be performed for such locations if identified and proposed.

Overview of the Public Involvement Process

Public involvement is a vital part of the NEPA process. It facilitates environmental disclosure and provides the opportunity for those affected by project actions to take part in the decision-making process. Guidance for implementing public involvement under NEPA is codified in 40 CFR 1506.6, ensuring that federal agencies make a diligent effort to involve the public in the process. Additional information on Reclamation's requirements for public involvement can be found in Reclamation's NEPA Handbook at https://www.usbr.gov/nepa/docs/NEPA_Handbook2012.pdf (Reclamation 2012).

Public involvement is being conducted throughout this NEPA process; however, the public has specific opportunities to comment during three phases, as follows:

- Phase 1—Public scoping before NEPA analysis begins, to inform the scope of issues and alternatives addressed in the programmatic NEPA document; this occurred during the October 7 to November 20, 2019, scoping period and is summarized in this scoping report
- Phase 2—Public review of and comment on the draft programmatic NEPA document (public comment period anticipated in early spring of 2020)
- Phase 3—Final programmatic NEPA document to be made available to the public, anticipated in late spring of 2020

This scoping report documents the results of phase 1 of the public involvement process, including a description of the issues raised.

Description of the Scoping Process

Reclamation is following the public involvement requirements documented in the CEQ regulations implementing NEPA (40 CFR 1501.6 and 1501.7 for public involvement and scoping, respectively). Reclamation solicited comments from relevant tribes, agencies, and the public; it then organized and analyzed all comments received to identify the issues that it will address during the NEPA analysis process. These issues help define the scope of analysis for the programmatic NEPA document.

As part of the scoping process for this project, Reclamation hosted two public meetings to identify public concerns, at the Sagebrush Inn and Suites in Taos, New Mexico. Reclamation advertised these meetings in newspaper advertisements; meetings and advertisement materials are described in the sections below.

Newspaper Advertisements

Reclamation announced the scoping meetings via advertisements in two newspapers, as shown in **Table 1**, below. An example of the newspaper advertisement is in **Appendix A**.

Table 1. Newspaper Advertisements

Newspaper	Publication Date (2019)
<i>Taos News</i> (Print)	October 17
<i>Taos News</i> (Digital)	October 17
<i>The Santa Fe New Mexican</i>	October 13–17

Scoping Meetings

Reclamation designed the two public scoping meetings to provide the public with opportunities to become involved, to learn about the proposed action, to meet with Reclamation and team members from other agencies, and to offer comments. The locations of the scoping meetings and the number of attendees who chose to sign in are provided in **Table 2**, below.

Table 2. Scoping Meetings at the Sagebrush Inn and Suites in Taos, New Mexico

Dates	Number of Attendees Signed In
October 21, 2019	104
October 22, 2019	47

Scoping meetings began in an open house format to encourage participants to discuss concerns and questions with Reclamation. Attendees signed in at the door and were encouraged to visit four informational stations with posters and handouts, to ask questions, and to make comments. Attendees had the option of completing a comment form at the meeting or of taking a comment form with them and submitting it via mail or email at a later date.

Thirty minutes following the meeting start, Reclamation gave a brief presentation to provide background on the Settlement Agreement and NEPA compliance and an overview of the scoping

process. A sign-up sheet was provided for attendees to provide oral comments. After the presentation, attendees were called forward, in the order that they had signed up to comment. Each attendee had 2 minutes to comment, while a Reclamation staffer took notes.

A commenting station allowed attendees to submit written comments. Reclamation encouraged them to submit written comments, in addition to their oral comments, to ensure all their points were captured in their own words.

The map and presentation from the scoping meetings can be found on the Reclamation website (<https://www.usbr.gov/uc/envdocs/ea/Taos/index.html>), and all materials from the scoping meetings are included in **Appendix A**.

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Chapter 2. Scoping Results

Method of Comment Collection and Analysis

Through public scoping meetings, letters, and emails, Reclamation collected comment submissions about the issues that should be considered in the programmatic EA. Reclamation reviewed all the submissions to identify comments stating specific issues or concerns. Each substantive comment was categorized, based on the topic or topics discussed. (Substantive comments are those that provide specific, detailed information about the effects of the project and issues that should be considered for analysis in the programmatic EA.) During the development of the programmatic EA, Reclamation is taking into consideration the issues brought forward in these comments.

Reclamation evaluated all submissions received on or before November 20, 2019, and documented them in this scoping summary report. Once received, each submission was read and broken down into specific comments. These comments were then organized into issue topics and were included in issue statements and comment summaries (**Summary of Public Comments Received**).

Reclamation categorized submissions and comments by type (**Table 3**), commenter affiliation (**Table 4**), and issue topic (**Figure 1**). The comments were then organized in a Microsoft Excel table, using assigned category codes.

Identical comments were organized as a group; however, this does not reduce the importance of the individual comments.

Reclamation cannot and does not guarantee the accuracy of assertions in comments provided by the public. The purposes of this summary of scoping results are to document the comments and to provide an overview of the issues raised but without verifying the accuracy of submitted comments at this stage of the process.

Table 3. Submission Type Codes

Code	Comment Type	Number
CFC	Comment form	23
EMC	Email	112
RMC	Regular mail	38
VMC	Voicemail	1
Total		174

Table 4. Commenter Affiliation

Commenter Affiliation	Number
Local government agency	1
Business/commercial sector	5
Organization (nonprofit, citizens group, ditch association)	11
Individual (no affiliation)	157
Total	174

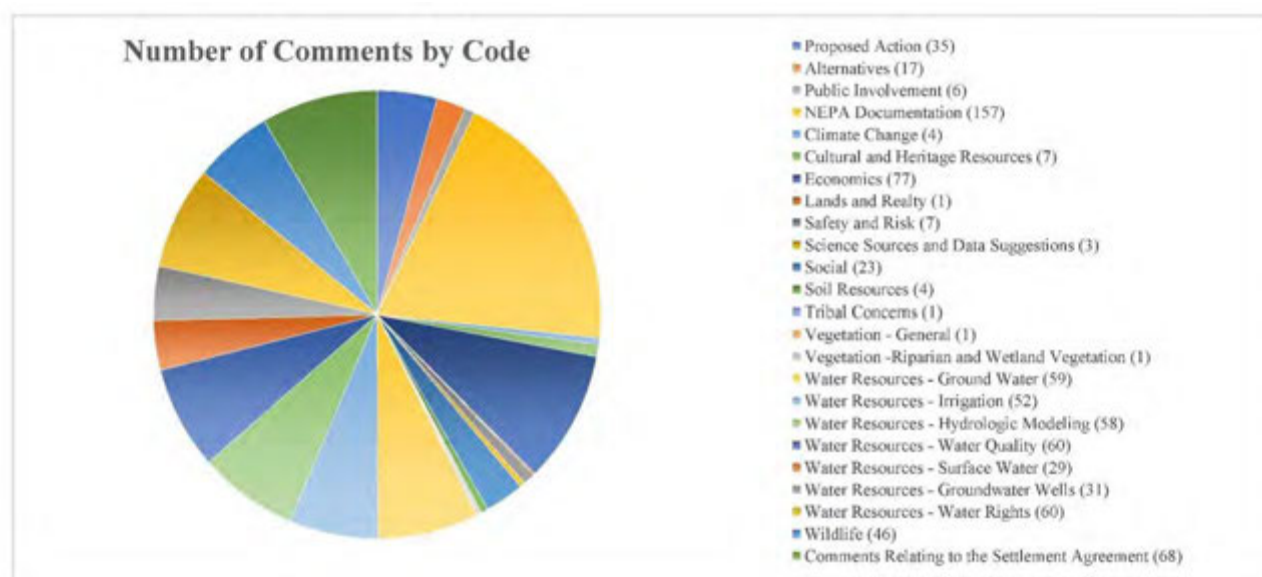


Figure 1. Number of Comments by Code

Oral Comments Submitted at Public Meetings

Additionally, scoping meeting attendees had the option of providing oral comments. While these comments were not transcribed, Reclamation staff documented them in notes at the scoping meetings. These notes are summaries of the oral comments received from 45 attendees, but they are not considered verbatim testimony.

The main issues identified in the oral comments are the following:

- Would a full environmental impact study be conducted, including a cumulative impact study, in order to evaluate the environmental, social, and economic impacts of implementing the Settlement Agreement?
- Would other alternatives be considered, including capping well production, so that mitigation wells are unnecessary?
- What are the impacts of implementing the Settlement Agreement on the following:
 - Private wells and individual water right holders
 - Surface water sources, including streams and wetlands

- Groundwater sources, including deep and shallow aquifers
- Water quality of surface water, groundwater, and irrigation water
- Soils used for agriculture
- Cultural resources and historic uses
- Who would pay for the operation, maintenance, and treatment costs of wells and treatment facilities?
- Would the implementation of the Settlement Agreement result in the privatization of water or unsustainable development and urban growth? Who would actually benefit from the proposed wells?
- Would the programmatic NEPA document fully account for the effects of climate change?

Substantive comments from these oral comments were incorporated into the comment summaries in *Project Issues*.

Summary of Public Comments Received

Reclamation received 820 written comments from 174 submissions during the public scoping period. One of the emailed comments was a petition, with a total of 53 signatures. Of the total comments received, Reclamation determined 807 of them to be substantive. **Figure 1** provides a breakdown of the number of comments received for each issue topic.

Project Issues

NEPA

Issue Statement: Would Reclamation initiate a full environmental impact statement?

- Commenters requested a moratorium on all drilling and associated activities until Reclamation completes a full, comprehensive environmental impact statement (EIS) for all 14 potential projects together; the purpose would be to evaluate the potential environmental, economic, and cultural impacts from implementing the Settlement Agreement.
- Commenters feel that there is no environmental precedent for using deep aquifer mitigation wells to replenish surface water; also, intermingling different subterranean geoforations is not well understood in the Taos Valley, so a full EIS is necessary to determine potential impacts from the proposed wells.

Issue Statement: Would Reclamation include a comprehensive cumulative impact study in the programmatic NEPA document?

- Commenters requested that Reclamation complete a cumulative impact study on the proposed action's ecological, biological, and anthropological (human) effects, especially in the long term.
- Commenters asserted that Reclamation must determine both the indirect and cumulative impacts of the entire comprehensive proposal, including the proposed mitigation wells, through the EIS process.

- For the 14 possible projects, commenters inquired about whether Reclamation will draft an overall project management plan, or whether it will evaluate each of the projects individually on a piecemeal basis. If the approach is piecemeal, commenters inquired about how Reclamation would determine and analyze the cumulative impacts of the project.

Issue Statement: What agencies will be involved in the NEPA process and in implementing the Settlement Agreement?

- Commenters inquired about which agencies Reclamation will consult during the NEPA process.
- Commenters inquired about whether the proposed wells would require oversight from the New Mexico Environment Department (NMED) or permits from the National Park Service. In particular, they requested that the NMED should ensure that there are protective measures in place if adverse impacts on surface water and groundwater should occur as a result of these projects.
- Commenters asserted that Reclamation should thoroughly consult with the NMED during the development of the programmatic NEPA document.

Public Involvement

Issue Statement: How will Reclamation better involve members of the public, agencies, and acequias in the NEPA process?

- Commenters requested that Reclamation hold more public meetings with a different format, such as in-person meetings with question and answer sessions. Commenters requested that all members of the public be invited to these public meetings.
- Commenters feel that more educational efforts by Reclamation to inform the public on the Settlement Agreement would result in better implementation of it.
- Commenters requested that Reclamation include and involve elder community members in Hispanic and Puebloan communities more in the NEPA process. Additionally, they expressed concern that Reclamation is not fully listening to or involving acequia community members in the process.
- Commenters requested a website where the community can be fully informed of proposed projects and evaluate maps related to the proposed projects.
- Commenters recommended that Reclamation include the entities in the Taos Valley that have a direct responsibility for administering, or the potential for administering, water use in the Taos Valley in the NEPA process. These entities include Taos County, the El Valle de Los Ranchos Water and Sanitation District, representatives of the private well owners in the Taos Valley, and representatives of the Acequia Madre del Rio Lucero y Arroyo Seco.

Proposed Action

Issue Statement: What are the details of the proposed action?

- For the 14 possible projects, commenters inquired about what the further NEPA analysis would consist of once the project locations are determined.
- Commenters inquired about how Reclamation can assure the public that the mitigation wells are solely for offset from supply wells.

- Commenters requested that the three wells that were already implemented through categorical exclusions be accounted for in the programmatic NEPA document.

Alternatives

Issue Statement: What alternatives are being considered?

- There is concern that Reclamation's decision to limit the alternatives to either a no action alternative or full implementation of the Settlement Agreement is inadequate and that it negates any public input regarding the project's need, feasibility, or sustainability.
- Commenters noted that the alternatives in the programmatic NEPA document should provide adequate detail, given the interaction between shallower wells, deep mitigation wells, and surface water. There is concern that this amount of detail cannot be adequately developed when 12 of the 14 projects have indeterminate locations.
- Commenters advocated for the following alternatives:
 - A no action alternative, in which no federal dollars are appropriated for the projects
 - One that focuses on implementing conservation measures and strategies, including relying more on acequias for aquifer replenishment, rather than relying on the proposed mitigation wells
 - One that only leases or borrows existing water from another community, such as the Taos Pueblo, in lieu of implementing the Settlement Agreement
 - One that caps aquifer pumping below levels that trigger the need for mitigation wells and also caps pumping from existing wells
 - One that either shuts down El Prado Water and Sanitation District wells or caps these wells
 - One that would not include any drilling

Water Resources—Water Quality

Issue Statement: How would implementation of the Settlement Agreement affect water quality?

- There is concern regarding the potential effects of mixing deep well water with shallow aquifer water on the health and ecology of the Taos water supply, wildlife, residential/business well water, agriculture, human health, and livestock.
- There is concern that if deep well water used for irrigation infiltrates the shallow aquifer, water quality could be affected; this is because arsenic, fluoride, and other toxic minerals could infiltrate well water.
- Commenters requested that Reclamation conduct radon testing before it drills wells.
- Commenters requested that the programmatic NEPA document include further protection protocols to address arsenic in deep aquifer water beyond what is currently outlined in the Settlement Agreement.

Issue Statement: How would deep aquifer and well water be treated?

- There is concern that water from supply wells and mitigation wells would contain heavy metals and other contaminants that would require costly treatment. Commenters noted that this treatment may have negative ecological impacts on streams, acequias, and agriculture.

- Commenters noted that deep aquifer water may not be suitable for human consumption or agricultural use, due to naturally occurring, nonpotable, toxic water in the deep aquifer. Commenters pointed out that deep aquifer water may need to be treated before it can be used.
- Commenters suggested that Reclamation be required to build water treatment facilities to treat deep aquifer and well water before recharging acequias and shallow water systems.
- Commenters inquired about the water treatment standards for deep well water before discharge.
- Commenters expressed concern that mixing deep well water with shallow aquifer water would contaminate water sources. They requested that Reclamation not initiate further work until a mitigation plan for contamination and funding for such mitigation is in place. Additionally, commenters asserted that no work should proceed until appropriate facilities to treat and dispose of contaminants are designed and approved.

Water Resources—Water Rights

Issue Statement: How would implementation of the Settlement Agreement affect existing water rights?

- There is concern that the proposed wells would affect existing water rights. Commenters requested that Reclamation ensure that there would be no loss to existing domestic well water and water rights from implementing the Settlement Agreement.
- Commenters asserted that existing domestic water rights should be protected and not contaminated from potential mixing of deep well water with shallow aquifer water.
- Commenters requested that Reclamation ensure under the proposed action that the water rights for agricultural needs are protected.
- There is concern regarding potential water leasing and to whom this water would be leased.
- Commenters expressed concern that pumping from the Rio Lucero/Rio Pueblo mitigation well may stop the flow of water in the Rio Pueblo at the Anderson Ditch point of diversion, which could interfere with water rights.
- There is concern that the New Mexico Office of the State Engineer has allocated more water than is available and has issued permits that would affect existing water rights holders.

Issue Statement: How would implementation of the Settlement Agreement affect acequia users' water rights?

- Commenters expressed concern that implementing the Settlement Agreement, particularly the proposed water delivery pipelines, would interfere with existing acequias, which they feel would be in violation of New Mexico law regarding acequias. Specifically, commenters inquired about whether the addition of pumped well water/deep aquifer water into acequias would affect their legal status.
- Commenters expressed concern that implementing the Settlement Agreement, particularly drilling wells, would cause the springs that feed acequias to dry up, interfering with acequia users' water rights.

Water Resources—Groundwater

Issue Statement: How would implementation of the Settlement Agreement affect groundwater?

- Commenters feel that implementing the Settlement Agreement would negatively affect the quality and availability of the groundwater.
- Commenters were concerned about the potential effects that drilling deep water supply wells and mitigation wells may have on groundwater, aquifers, and water table levels.
- Commenters feel that there is a lack of scientific data about the potential impacts on the quantity and quality of the groundwater sources in the region. They noted that geology in the Taos Valley is complex, so assessing connectivity and groundwater impacts may be difficult.
- Commenters inquired about whether Reclamation would have a mitigation plan in place if water drains down the cracks created from drilling into the bedrock.
- Commenters inquired about whether Reclamation would have a contingency plan in place if contaminated water from the deep aquifer is released into its upper layers.
- There is concern that the drawdown effect would ultimately deplete the upper aquifer in the Taos Valley.
- Commenters questioned whether the use of the water supply wells and mitigation wells would deplete the aquifer at a rate such that the water cannot be replaced.
- Commenters inquired about what research has been conducted to address aquifer recharge and what effects recharge would have on water quantity and quality.
- There is concern that the proposed projects do not adequately provide for aquifer recharge, which could increase the availability of water to the Settlement Agreement parties and the ecosystem.

Water Resources—Groundwater Wells

Issue Statement: What are the environmental consequences of drilling mitigation wells?

- Commenters inquired about the environmental consequences of drilling mitigation wells.
- They expressed concern that the proposed wells might reduce the amount of water available in various other water sources, including streams and groundwater wells.

Issue Statement: Would Reclamation consider relocating some of the proposed wells?

- Commenters recommended that Reclamation, in the programmatic NEPA document, use accurate geological information to evaluate the dynamics of the water tables and geologic features in the area. They noted that understanding the underlying features in the area would help Reclamation determine the best locations to place water supply wells.

Issue Statement: How would drilling the proposed wells affect existing private wells?

- Commenters expressed concern that drilling the proposed wells would negatively affect existing private wells and private well water rights due to contamination. They inquired about whether Reclamation would compensate private well users if private well water becomes contaminated.
- There is concern that implementing the Settlement Agreement would completely dry up all wells and water beds above it, threatening the Taos water supply.

- There is concern that the total quantification of water in the Settlement Agreement does not include the private use of water through private wells in the Taos Valley.
- Commenters inquired about whether the proposed pumping would create a drawdown on smaller, private domestic wells tapped into the same aquifer, including creating cones of depression or cascading well scenarios.
- There is concern that drilling the proposed mitigation wells would result in the drying up or depletion of tributary waters that feed private wells.
- Commenters requested that the programmatic NEPA document include an inventory of unregistered wells in the Settlement Agreement area and that it include a method for determining whether individuals are using more water than their residential or irrigation wells are permitted for.

Water Resources—Surface Water

Issue Statement: How would implementing the Settlement Agreement affect the Rio Grande?

- Commenters questioned how expanded pumping of the aquifer would affect springs along the Rio Grande. They asserted that, in the event that any of the 14 potential projects result in a decrease of water to the springs that feed the Rio Grande or its tributaries, this could be construed as a new “diversion” from a listed Wild and Scenic River. Commenters inquired about how Reclamation would avoid these adverse impacts.
- Commenters asked how the programmatic NEPA document would ensure that the Rio Grande does not experience depletions and negative ecological impacts from implementing the Settlement Agreement.

Issue Statement: How would implementing the Settlement Agreement affect surface water?

- Commenters expressed concern about the potential ecological effects of drilling the proposed wells and installing the proposed pipelines on surface water, including streams, springs, and in-stream flows. There is concern that discharging deep well water into streams would negatively affect the ecology of these streams.
- Commenters inquired about how using deep aquifer water would affect the flow of natural springs that supply streams and rivers in the area.
- Commenters expressed concern that the large volume of water from the proposed wells may draw down the shallower reservoirs beyond the recharge capability of surface streams.
- Commenters inquired about what studies have been conducted on the ecological impacts of implementing the Settlement Agreement, particularly on how stream chemistry may be affected.
- Commenters asserted that the amount of additional water from pumping the Rio Lucero/Rio Pueblo de Taos mitigation well is not sufficient to help with irrigation in low water years.
- Commenters inquired about whether drilling the proposed wells would increase drought conditions.
- Commenters expressed concern regarding the impacts on flooding by implementing the Settlement Agreement.

Issue Statement: How would implementing the Settlement Agreement affect acequias?

- There is concern that the proposed mitigation wells would negatively affect acequias and acequia recharge.
- Commenters asserted that Reclamation must evaluate current acequia recharge and how the shallow water aquifer would be affected by a changed regime in acequia source, flow, and use. Commenters asserted that deep water mining would likely affect shallower wells as a cone of depression is created, which could interfere with acequias and communities that rely on shallow domestic wells.
- Commenters inquired about how the proposed projects would improve and protect the water conservation effectiveness of acequias in the Taos Valley, which promote sustainable water recharge for the Rio Grande River.

Water Resources—Hydrology Modeling and Monitoring***Issue Statement: What hydrologic modeling would be used to advise project designs and to analyze impacts?***

- Commenters asserted that the existing hydrologic model used by the parties during the Settlement Agreement process is outdated, inadequate, and inaccurate. Commenters requested that Reclamation use more updated, comprehensive, accurate, and robust hydrologic computer models to more accurately depict the potential impacts of the proposed withdrawals and mitigation deep wells on Taos Valley's water sources.
- Commenters requested that Reclamation provide further information on the hydrologic models that it would use to calculate the impact of the proposed wells on the shallow aquifer of the Taos Valley.
- Commenters inquired about whether the hydrologic modeling considered climate change scenarios. They asserted that Reclamation should update the hydrologic modeling to incorporate the potential impacts of climate change and to include scenarios with and without water conservation measures.
- Commenters requested that Reclamation modify the boundaries of the hydrologic modeling to include the full basin, including the ski basin.
- Commenters requested that the hydrologic model include measurements of the age of the water being accessed in the deep aquifer.
- Commenters requested audits of all water users in the Settlement Agreement area, so that the depletion predictions of the hydrologic model are verified. They also asked for an assessment of nonresident water use and the seasonal effects of water use in the Taos Valley.

Issue Statement: How would water levels and use be monitored?

- Commenters requested that the programmatic NEPA document include provisions for monitoring water use of the proposed projects and all other projects in the Settlement Agreement area. They noted that, as the proposed projects are installed, there should be reliable quantitative information on the direct and indirect effects on all domestic and irrigation wells in the area.
- Commenters recommended that the programmatic NEPA document include an inventory of the current amount of water depletion from individual residential/domestic and agricultural wells.

- Commenters suggested that Reclamation use meters to monitor ongoing water levels throughout the area. They also suggested that Reclamation use high resolution magnetic equipment to acquire accurate geological, fault, and basalt structure information on the surrounding area.
- Commenters requested that Reclamation develop a plan to monitor surface water flows to compare to baseline conditions. They inquired about how this data would be documented in the programmatic NEPA document and by which agency.
- Commenters requested that Reclamation adequately explain in the programmatic NEPA document the San Juan Chama allocation of water and how these allocations fit into the maximum buildout scenario of imported water under the projects.

Soil Resources

Issue Statement: How would implementing the Settlement Agreement affect soils?

- Commenters requested that, in the programmatic NEPA document, Reclamation evaluate the impacts of implementing the Settlement Agreement on soils.
- Commenters inquired about how irrigating with deep well water would affect the health of soils used to grow crops for human and livestock consumption.

Vegetation—General

Issue Statement: How would implementing the Settlement Agreement affect vegetation?

- Commenters requested that, in the programmatic NEPA document, Reclamation evaluate the impacts of implementing the Settlement Agreement on vegetation.

Vegetation—Riparian and Wetland Vegetation

Issue Statement: How would implementing the Settlement Agreement affect wetlands?

- There is concern that there would be negative environmental consequences on surrounding wetlands from implementing the Settlement Agreement.

Wildlife

Issue Statement: How would implementing the Settlement Agreement affect terrestrial and aquatic wildlife?

- Commenters expressed concern that implementing the Settlement Agreement would negatively affect wildlife and their habitats. Specifically, there is concern that mixing deep well water with surface water may affect stream ecology, which could harm both terrestrial and aquatic species.

Climate Change

Issue Statement: How would Reclamation consider and incorporate climate change into the programmatic NEPA document?

- Commenters requested that the programmatic NEPA document evaluate effects of climate change in the area.
- There is concern that the hydrology modeling underlying the Settlement Agreement is flawed and does not adequately incorporate the effects of reduced snowpack, early runoff, and drought on water sources caused by climate change.
- Commenters expressed concern that the proposed mitigation wells would interfere with efforts by local utilities to reduce demand for fossil fuel use in the area.

Tribal Concerns

Issue Statement: How would tribal concerns be considered in the planning process?

- There is concern regarding the adequacy of tribal consultation, consent, and involvement in implementing the Settlement Agreement and in the NEPA process.
- Commenters requested that Reclamation involve the Taos Pueblo leaders more when implementing the Settlement Agreement.

Cultural Resources

Issue Statement: How would implementing the Settlement Agreement affect cultural resources?

- Commenters emphasized the cultural importance of acequias in the Taos Valley and stated that interfering with acequia water rights is a violation of acequia users' rights to practice their religion under the Freedom of Religion Act.
- There is concern regarding the impacts of implementing the Settlement Agreement on historical culture, uses, and artifacts in the area. Commenters requested that the programmatic NEPA document include a detailed overview of the cultural and historic resources in the settlement area.
- Commenters noted that the NEPA process must include an extensive archaeological and cultural survey.
- Commenters questioned how the proposed projects would protect and avoid impacts on archaeological sites in the area, such as those near the Rio Chiquito Ditch.

Social Considerations

Issue Statement: How would the proposed project affect local and regional populations?

- Commenters expressed concern that implementing the Settlement Agreement would result in increased, unsustainable urban and residential development and growth, which would cause negative impacts on surrounding land and local communities. They requested that the programmatic NEPA document include an evaluation of the effects of this potential population growth.

- Commenters expressed concern regarding how implementation of the Settlement Agreement would affect the community of Taos Valley. There is concern that implementing the Settlement Agreement would not align with the sustainable development goals of local communities and would instead prevent or interfere with those goals.
- Commenters requested that, in the programmatic NEPA document, Reclamation develop water budgets showing high- and low-growth models and the effects of not constructing the individual proposed projects.
- Commenters requested that Reclamation guarantee that the water from the proposed wells would not be used to further develop the Taos Valley in ways that harm the environment and its cultural identity.
- Commenters suggested that the programmatic NEPA document evaluate the projected population growth potential that may result from implementing the Settlement Agreement.
- Commenters asserted that the programmatic NEPA document must address the sustainability of the Settlement Agreement over 50, 100, and 200 years, in terms of water availability, well maintenance, and continuation of the acequia tradition.
- There is concern that the traditional acequia communities would be negatively affected culturally, financially and physically by the proposed mitigation wells.
- Commenters expressed concern that drilling wells would affect water tables, which would affect residents' livelihoods.
- Commenters inquired about how long the proposed supply wells can provide water and maintain continued growth in the Taos Valley. They asserted that the programmatic NEPA document must provide information on the short-term versus long-term projections of water availability and aquifer recharge under the Settlement Agreement and its alternatives.

Issue Statement: Who would benefit from the proposed action?

- Commenters requested that Reclamation commit to implementing the Settlement Agreement for the benefit of Taos area residents.
- There is concern that drilling the proposed wells would benefit developers and satisfy short-term goals, rather than benefit local communities and their long-term needs.
- Commenters expressed concern that the Settlement Agreement is being implemented in order to prepare for future, larger-scale urban and commercial developments in the Taos Valley.
- Commenters inquired about whether the proposed projects would benefit tribes in the area.
- Commenters inquired about whether Reclamation would distribute water from the proposed projects to other areas in New Mexico outside the Taos Valley.
- Commenters asked whether the proposed wells would become vulnerable to outside interests when water needs become greater downstream.

Economic Considerations

Issue Statement: What would be the costs of operating and maintaining the proposed mitigation wells?

- Commenters inquired about the costs of operating, insuring, and maintaining the proposed mitigation wells. They questioned whether the acequias, mutual domestic associations, and Taos Valley community can handle these costs. Commenters inquired about whether and

how these projected costs have been calculated and requested that the programmatic NEPA document include a detailed long-term cost analysis.

- Commenters expressed concern that the maintenance of the proposed wells would be too great of an economic burden on the Taos Valley community, both in terms of labor and costs.
- Commenters questioned whether Reclamation has calculated the costs of maintenance of the proposed wells and pipelines over their presumed lifetimes.
- Commenters inquired about the economic impacts of installing and maintaining the proposed pipelines. They questioned whether the cost of inspecting and maintaining the proposed pipelines would fall to the recipients of the water, the acequia associations, or the mutual domestic associations.
- Commenters inquired about whether Reclamation has assessed the economic value of recreational activities on surface streams in the Taos Valley.

Issue Statement: Who would pay for the projects?

- There is concern regarding which entities would pay for operating a plant to treat deep well water. Commenters inquired about who would bear the financial burden of water quality treatments and what compensation would be offered to these responsible parties.
- Commenters requested further information about what would happen if the State of New Mexico and federal funding runs out before all project elements are complete.
- If there is no money in the Settlement Agreement to pay for the proposed action, commenters inquired about whether individuals would have to pay the upfront costs to implement the Settlement Agreement and then continue paying for future water use.
- There is concern that if residents cannot afford to pay for implementing the Settlement Agreement, larger corporations would finance these costs, which could result in the privatization of water.
- Commenters inquired about who would be able to buy the rights to use and maintain the wells if funding for the wells were to run out.
- Commenters inquired about how operation and maintenance costs, including possible treatment costs, would be funded in the future and what entities would be responsible for the long-term maintenance of the proposed wells.
- There is concern about the financial assurance for the project if costs were to escalate or remedial measures were required.
- Commenters requested that Reclamation ensure that it would not impose financial burdens on domestic associations from the proposed projects.

Issue Statement: Would Reclamation conduct an independent feasibility study?

- Commenters requested that Reclamation conduct an independent feasibility study that includes the following:
 - Cost of drilling the proposed wells
 - Cost of the proposed El Prado Water and Sanitation District Water Plant and pipeline infrastructure
 - Cost of maintenance and utilities to run the El Prado Water and Sanitation District Water Plant

- Projected cost of the proposed projects, including cost inflation, to residents and landowners after government funding ends
- Connection costs to homeowners and landowners per acre-foot per year of water that the El Prado Water and Sanitation District would charge

Public Health and Safety and Risk Factors

Issue Statement: Would implementing the Settlement Agreement risk public health and safety?

- Commenters expressed concern that mixing deep well water with shallow aquifer water would contaminate private well and acequia water, resulting in negative impacts on human health.
- Commenters pointed out that it is unknown what effects deep drilling and heavy pumping may have on geological features in the Taos Valley. There is concern that deep drilling may cause earthquakes, which could negatively affect the town of Los Alamos and contaminate area water sources. Commenters inquired about what plans Reclamation would put into place to compensate citizens and governments in the event of property and personal damage related to seismic shifts.
- Commenters noted that drilling the proposed wells without proper studies could result in uncertain impacts, such as bringing radon to surface waters or creating fissures in some areas.
- There is concern that the treatment of deep well water would generate hazardous waste, which may be dangerous and expensive to dispose of.
- Commenters inquired about how wells and pipelines would be inspected and maintained in order to minimize safety risks and potential hazards.
- Commenters requested that Reclamation reconsider the proposed well locations, specifically for the Rio Lucero/Rio Pueblo mitigation well, as this location is close to the Rio Grande Rift eastern fault zone and could risk public safety and result in negative impacts on river flows and domestic wells.

Lands and Realty

Issue Statement: How will the proposed projects impact property owners?

- There is concern that property owners are being forced to give up their land, either through required easements or through condemnation for property owners who refuse to sell their property.

Comments Relating to the Settlement Agreement

Issue Statement: Will Reclamation revisit the terms of the Settlement Agreement?²

- Commenters felt that the proposed projects are not a feasible or effective solution for the Taos Valley's long-term water needs and would be unable to meet the goals of the Settlement parties. Consequently, they asserted that the parties to the Settlement Agreement must reconvene and negotiate in an attempt to agree on modified or alternative projects or measures to the proposed projects, in accordance with the requirements of the Settlement Agreement.
- Commenters asserted that local communities currently do not need the water from the proposed projects, so Reclamation could defer implementation of the Settlement Agreement until the water is needed.
- Commenters feel that the Settlement Agreement was promulgated without adequate representation from the acequias and domestic water associations.
- Commenters feel that the Settlement Agreement failed to adequately address or consider climate change. Commenters questioned whether the Settlement Agreement is still viable or well-informed given recent scientific information regarding climate change.
- Commenters asserted that the acquisition of El Prado Water and Sanitation District's water rights under the Settlement Agreement was done without free, prior, and informed consent by all the water rights holders in District 1 and 4 in violation of the Fifth and Fourteenth Amendment to the United States Constitution. Commenters requested that Reclamation provide documentation regarding how and why it was determined that the El Prado Water and Sanitation District was entitled to a drastic increase in water consumption under the Settlement Agreement.

Public Provided Data and References

In addition to comments relating to the NEPA process and issues, some commenters provided various technical data, information, and studies that were considered during the Settlement Agreement negotiations or that were incorporated directly into the Settlement Agreement. These commenters requested that Reclamation consider these sources of information and use them during the NEPA process.

Commenters also provided various scientific articles for Reclamation to consider. References and resources provided in comments were coded as such and were saved and sent to appropriate resource specialists to be considered for inclusion in the analysis.

The following list includes the various technical data, information, and studies suggested or provided by the public as part of this scoping process.

² Reclamation cannot change the terms of the Settlement Agreement; these comments are summarized in this section for documentation purposes.

- Cheny Walters Echols, Inc. 2005. Preliminary Engineering Report Water System Improvements, El Prado Water and Sanitation District
- Hydrosience Assoc., Inc. 2008. El Prado Water and Sanitation District, 40-year Water Development Plan
- New Mexico Bureau of Geology and Mineral Resources. Open File Reports 501, 505, 544, and 581
- New Mexico Geological Society. 2004. 55th Annual Fall Field Conference Guide, “Geology of the Taos Region.” Brister, Bauer, Reed, editors
- Parmenter, Robert. 2009. “Applying Hydrology to Land Management on the Valles Caldera National Preserve.” Southwest Hydrology. 2009. Internet website: https://www.fs.fed.us/rm/pubs_other/rmrs_2009_parmenter_r001.pdf
- Reclamation (US Department of the Interior, Bureau of Reclamation). “Analysis of Taos Valley Stream Discharge Measurements and Canal Seepage.” 2001.
- Reclamation. “Summary of Discharge Measurements Performed on Taos Valley Streams and Canals in 1983, 1989, 2000, and 2001. 2002.
- Smith, Olson, and Mitchell. 2004. “Taos Valley Stream Discharge Measurements and Acequia Seepage Analysis”
- State of New Mexico, Interstate Stream Commission, Office of the State Engineer. 1997. “Historical Water Supply on the Arroyo Seco and Rio Lucero Taos, New Mexico”
- State of New Mexico, Interstate Stream Commission, Office of the State Engineer. 2016. John Shomaker & Assoc. Taos County Regional Water Plan
- Tetra Tech, Inc. 2003. Rio Grande Seepage Study Report, prepared for the US Bureau of Reclamation
- *United States of America et al. Abeyta Water Rights Adjudication*. 2012. Settlement Agreement Among the United States of America, Taos Pueblo, the State of New Mexico, the Taos Valley Acequia Association and its 55 Member Acequias, the Town of Taos, El Prado Water and Sanitation District, and the 12 Taos Area Mutual Domestic Water Consumers’ Associations. Attachment 03 Part I – Groundwater Model Attachment; Attachment 03 Part II – Groundwater Model.
- USGS (US Geological Survey). 1993. Lynn A. Garrabrant. Water-Resources Investigations Report 93-4107, “Water Resources of Taos County”
- USGS. Open-File Report 2004-1229A and Open-File Report 2007-1248.

Chapter 3. References

- NMOSE (New Mexico Office of State Engineer). 2006. Attachment 3 to the Settlement Agreement. Part I: Documentation of OSE Taos Area Calibrated Groundwater Flow Model T17.0, by Peggy Barroll, PhD and Peter Burck, CGWP, NMOSE. January 11, 2006.
- _____. 2012. Attachment 3 to the Settlement Agreement. Part II: Development of the T17sup.M7 Superposition Version of the Taos Area Groundwater Model, and Water Rights Administration under the Taos (Abeyta) Settlement; by Peggy Barroll, PhD, NM OSE. April 16, 2012.
- Reclamation (U.S. Department of the Interior, Bureau of Reclamation). 2012. Reclamation's NEPA Handbook. February 2012. Internet website: <https://www.usbr.gov/nepa/>.

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Appendix A

Scoping Materials

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Appendix A. Scoping Materials

The public scoping outreach included newspaper advertisements and public meeting handouts, posters, and presentations. The official comment period was from October 7 through November 20, 2019.

This appendix includes the following scoping materials. (Note: Materials presented at the scoping meetings were current with the proposed action as of December 2019.)

Handouts

- Project Overview
- Frequently Asked Questions
- Comment Form

Posters

- NEPA Process
- How to Submit Your Comments
- Area of Analysis for the Programmatic Environmental Assessment
- Preliminary Resource Topics for Analysis

Presentations

- Public Scoping Meetings Overview

Newspaper Advertisements

- Public Scoping Meetings Newspaper Ad

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Project Overview

The Abeyta Settlement Agreement resolved water rights claims in the Taos Valley involved in the general adjudication entitled *State of New Mexico ex rel. State Engineer v. Abeyta and Arellano*, Nos. 69cv07896 BB and 69cv07939 BB (D.N.M. filed Feb. 4, 1969). Congress approved, ratified, and confirmed the Abeyta Settlement Agreement in the Claims Resolution Act of 2010 (Title V of Pub. L. 111-291). The Court approved the Settlement Act and Abeyta Settlement Agreement through a Partial Final Decree that is final and non-appealable.

The Settlement Act authorizes and directs the Bureau of Reclamation (Reclamation) to provide financial assistance in the form of grants for parties to the Abeyta Settlement Agreement to plan, permit, design, engineer, and construct Mutual-Benefit Projects. This authorization to provide financial assistance is the reason Reclamation must perform National Environmental Policy Act (NEPA) compliance. The Mutual-Benefit Projects are described in Article 6 of the Abeyta Settlement Agreement and involve groundwater wells, water storage, and a stream gage at a surface water diversion.

The parties entered the Abeyta Settlement Agreement to: (a) to avoid the cost and uncertainty of litigation; (b) to provide finality with respect to the quantification of Taos Pueblo's water rights; (c) to provide an opportunity for non-Pueblo irrigators in the Taos Valley to preserve their Acequias and for other non-Pueblo water rights owners to protect, develop, and maintain their water uses while establishing a means by which the Pueblo may put its decreed right to beneficial use; (d) to restore, preserve, and protect the Taos Pueblo Buffalo Pasture; and (e) to foster cooperation among all Taos Valley residents regarding the allocation and use of water supplies. Articles 3 and 6 of the Abeyta Settlement Agreement describe the mutual benefits of entering the Abeyta Settlement Agreement, including the "Mutual-Benefit Projects."

Congress authorized the Mutual-Benefit Projects to: (1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and (2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba. Settlement Act, Section 507(a). The Buffalo Pasture is the natural wetland located to the north and west of the Pueblo's traditional village area. This wetland is a critical Pueblo cultural resource on which its members have relied since time immemorial and which it continues to use for cultural and traditional purposes.

Mutual-Benefit Project wells would be located within a 40-acre area, or grid cell, specified in the Abeyta Settlement Agreement. These locations were informed by the results of the Office of the State Engineer Taos Area Groundwater Flow Model (Attachment 3 of the Settlement). The Mitigation Wells would be generally located as indicated by circles around 40-acre grid cells in Attachment 10 to the Abeyta Settlement Agreement. Abeyta Settlement Agreement, Article 7.3.3.1.9. While a 40-acre grid cell or circle is identified for projects to provide flexibility in well and infrastructure siting, the actual footprint of each project is expected to be much less than 40 acres. Additionally, in some instances, the Abeyta Settlement Agreement allows parties to plan the final location of the Mitigation Wells or certain projects outside of 40-acre grid cells, and a further NEPA analysis would need to be performed for such locations once identified and proposed.

Table 1, below and continuing on the next page, lists the Mutual-Benefit Projects and the current status of each project. As shown in the table, the exact location is not yet known for most of the projects. Additional NEPA analysis and other environmental compliance, including permitting by the Office of the State Engineer, will be required before wells are drilled and put into production (see **Figure 1** on last page).

Table 1. Mutual-Benefit Projects Summary Table

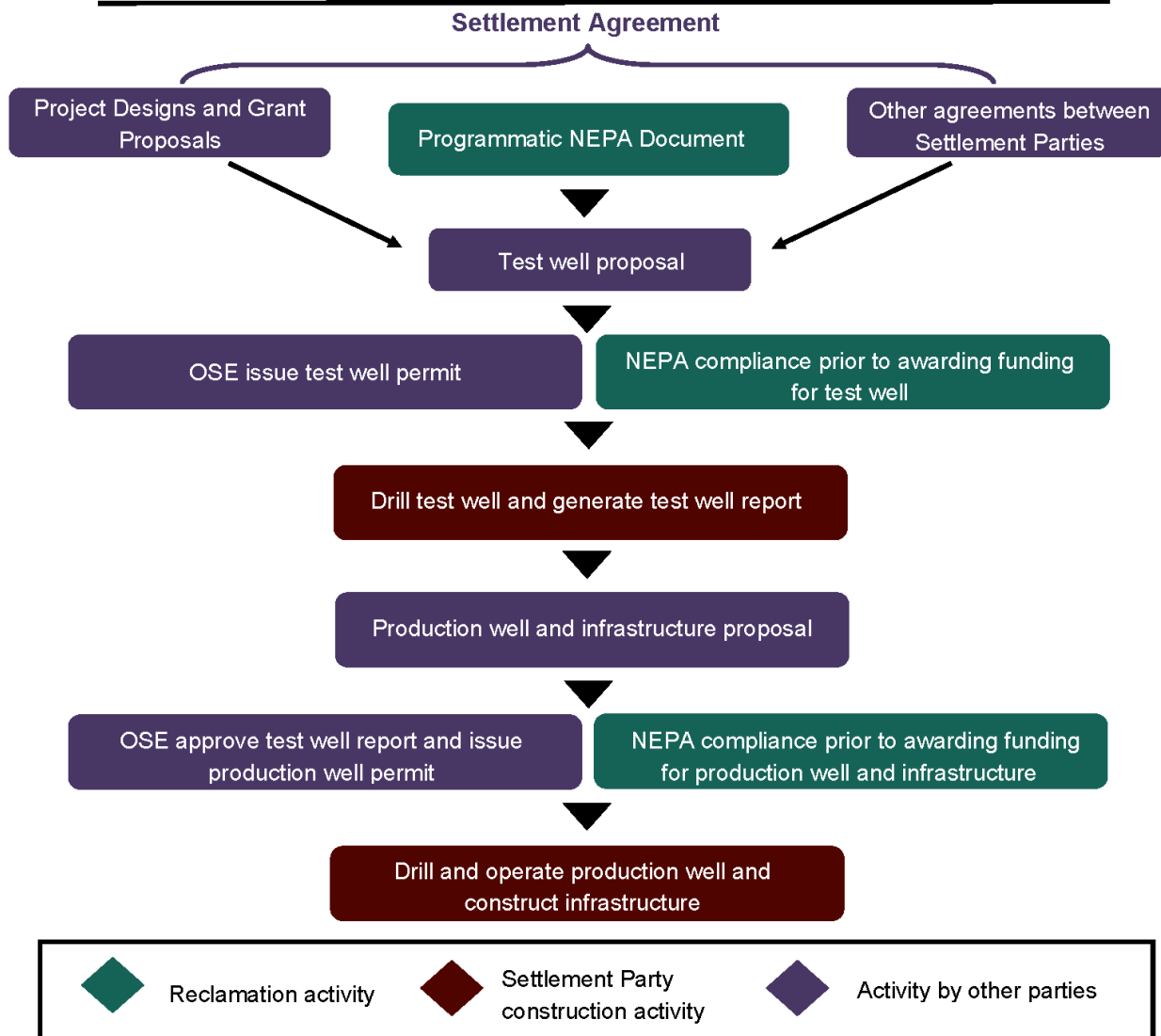
PROJECT	OWNER/OPERATOR/INSTALLER (IF DESIGNATED BY SETTLEMENT AGREEMENT)	CURRENT STATUS
Arroyo Seco Arriba Project (ASR Wells #1 and #2) ¹	Acequia Madre del Rio Lucero y del Arroyo Seco	Location within grid cell not determined
Arroyo Seco Arriba Project (Surface storage reservoir) ¹	Acequia Madre del Rio Lucero y del Arroyo Seco	No specific area is designated by the Settlement Agreement
Acequia Madre del Prado Stream Gage	Acequia Madre del Prado	A specific location is designated by the Settlement Agreement
Mitigation Well A: Rio Hondo	Upper Arroyo Hondo MDWCA	Location within grid cell not determined; has two grid cells designated by the Settlement Agreement
Mitigation Well B: Rio Lucero/Rio Pueblo de Taos	Upper Ranchitos MDWCA	Location within grid cell not determined
Mitigation Well C: Rio Fernando de Taos	Town of Taos	Location within grid cell not determined

Table 1. Mutual-Benefit Projects Summary Table (cont'd)

PROJECT	OWNER/OPERATOR/INSTALLER (IF DESIGNATED BY SETTLEMENT AGREEMENT)	CURRENT STATUS
Mitigation Well D: Rio Grande del Rancho	Llano Quemado MDWCA	Location within grid cell not determined
Mitigation Well E: Rio Chiquito	Acequia Madre del Rio Chiquito, Acequia del Monte	Location within grid cell not determined
Bataan Well	Town of Taos	Location within grid cell not determined
Rio Pueblo Well	Town of Taos	Location within grid cell not determined
Rio Pueblo Well	Town of Taos	Location within grid cell not determined
Klauer Well	Town of Taos	Location within grid cell not determined
National Guard Well	Town of Taos	Location within grid cell not determined
Camino del Medio Well	Town of Taos	Well has been drilled; needs to be equipped
Rio Grande Well	EPWSD	Initial well site abandoned; secondary site to be proposed
Midway Well #1 and #2	EPWSD	An initial test well has been drilled and test pumping completed; the initial well did not meet the well capacity authorized by the Settlement; a supplementary well is being drilled to meet the authorized capacity

¹ These are the two options for the Arroyo Seco Arriba project, and no details have been developed for which option would be selected or how it would be developed. The reservoir has no potential location identified.

Figure 1. Illustration of Mutual-Benefit Project Compliance Processes



Frequently Asked Questions

What is the Abeyta Settlement Agreement?

- ▶ The Abeyta Settlement Agreement resolved the general adjudication of water rights entitled *State of New Mexico ex rel. State Engineer v. Abeyta and Arellano*, Nos. 69cv07896 BB and 69cv07939 BB (D.N.M. filed Feb. 4, 1969). Congress approved, ratified, and confirmed the Abeyta Settlement Agreement by enacting the Settlement Act as Title V of the Claims Resolution Act of 2010 (Dec. 8, 2010). The President signed the Settlement Act into law. The Court approved the Settlement Act and Abeyta Settlement Agreement through a Partial Final Decree that is final and non-appealable. The Secretary of the Interior then published notice in the *Federal Register* on October 7, 2016 that the Abeyta Settlement Agreement had become enforceable.

Who are the Parties to the Abeyta Settlement Agreement?

- ▶ The parties to the Abeyta Settlement Agreement were parties in the general adjudication litigation: the United States (acting solely in its capacity as trustee for Taos Pueblo), the Taos Pueblo, the State of New Mexico, the Taos Valley Acequia Association and its 55 member ditches, the Town of Taos, the El Prado Water and Sanitation District, and the 12 Taos Area Mutual Domestic Water Consumers Associations. See Article 1 of the Settlement Agreement.

Why did the Parties execute the Abeyta Settlement Agreement?

- ▶ The parties entered the Abeyta Settlement Agreement to: (a) to avoid the cost and uncertainty of litigation; (b) to provide finality with respect to the quantification of Taos Pueblo's water rights; (c) to provide an opportunity for non-Pueblo irrigators in the Taos Valley to preserve their Acequias and for other non-Pueblo water rights owners to protect, develop, and maintain their water uses while establishing a means by which the Pueblo may put its decreed right to beneficial use; (d) to restore, preserve, and protect the Taos Pueblo Buffalo Pasture; and (e) to foster cooperation among all Taos Valley residents regarding the allocation and use of water supplies. Articles 3 and 6 of the Abeyta Settlement Agreement describe the mutual benefits of entering the Abeyta Settlement Agreement, including the "Mutual-Benefit Projects."

Congress authorized the Mutual-Benefit Projects to: (1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and (2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba. Settlement Act, Section 507(a). The Buffalo Pasture is the natural wetland located to the north and west of the Pueblo's traditional village area. This wetland is a critical Pueblo cultural resource on which its members have relied since time immemorial and which it continues to use for cultural and traditional purposes.

What is the Bureau of Reclamation's (Reclamation's) Role?

- ▶ The Settlement Act authorizes and directs Reclamation to provide financial assistance in the form of grants to settlement parties to "plan, permit, design, engineer, and construct the Mutual-Benefit Projects" in accordance with the Settlement. The Mutual-Benefit Projects are described in Article 6 of the Settlement Agreement. Reclamation does not construct the Mutual-Benefit Projects. The federal financial assistance includes National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.; NEPA) compliance costs. See Article 10.1 of the Settlement Agreement.

Reclamation is required to comply with NEPA by analyzing the effects of the Mutual-Benefit Projects on the natural and human environment. Reclamation is drafting a programmatic NEPA document that will provide general analysis of the Mutual-Benefit Projects as a whole to support and streamline future site-specific NEPA compliance for individual projects.

The NEPA document will analyze two alternatives: 1) implementation of the Mutual-Benefit Projects described in the Abeyta Settlement Agreement and Reclamation granting of funds, and 2) the No Action Alternative, or no granting of funds.

What is NEPA? What does NEPA require?

- ▶ NEPA requires in Section 101, 42 U.S.C. § 4331(b) that “it is the continuing responsibility of the Federal Government to use all practicable means consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources . . .” In other words, Reclamation must be environmentally aware by looking at the relationship its planned actions, projects, and programs have with the human environment now and in the future.

NEPA requires full disclosure of the potential effects of major actions proposed by Federal agencies and accompanying alternatives, impacts, and possible mitigation. NEPA also requires that environmental concerns and impacts be considered during planning and decision-making so that steps may be more easily taken to correct or mitigate the impacts of an action.

NEPA does not, among other things, prevent environmental impacts from occurring. NEPA compliance requires only that impacts and potential mitigation be disclosed before decision-making. NEPA does not require that potential mitigation be implemented.

How can the public be involved in the NEPA process?

- ▶ Reclamation is providing opportunities for public involvement at different stages of the NEPA process. These opportunities include the scoping period and public review and comment period for the draft programmatic NEPA document. During the scoping period, the public will have the opportunity to attend two scoping meetings and submit comments to identify for Reclamation any potential issues that they feel should be analyzed in the programmatic NEPA document. During the public comment period for the draft programmatic NEPA document, the public will have an opportunity to provide comment on the analysis of those issues selected for inclusion.

What is included in the analysis area for the programmatic NEPA document?

- ▶ The primary focus of this analysis will be on the 40-acre grid cells where certain projects have been authorized to be located. These locations were informed by the results of the Office of the State Engineer Taos Area Groundwater Flow Model (Attachment 3 of the Abeyta Settlement Agreement). While a 40-acre grid cell is identified for projects to provide flexibility in well and infrastructure siting, the actual footprint of each project is expected to be much less than 40 acres. Additionally, in some instances, the Abeyta Settlement Agreement allows parties to plan the final location of the Mitigation Wells or certain projects outside of 40-acre grid cells, and a further NEPA analysis would need to be performed for such locations once identified and proposed.

How many wells will be drilled under this project? Who are the new wells for?

- ▶ The Abeyta Settlement Agreement authorizes 14 Mutual-Benefit Projects for eight different settlement parties. However, the total number of wells to be drilled for each project described in the Abeyta Settlement Agreement will be determined during their respective well drilling and construction process (depending on whether the initial well meets the required flow capacity).

The “Mitigation” Well System authorized in the Abeyta Settlement Agreement, specifically, is to provide the following benefits, (1) limit future reliance on acquisition and retirement of water rights from Acequias to preserve those systems; (2) facilitate Pueblo acquisition of water rights, consistent with Articles 5 and 8.6 of the Abeyta Settlement Agreement and Section 505 of the Settlement Act, by reducing competition therefore; and (3) provide a means for critically needed and sustainable groundwater development in the Taos Valley. See Article 3.5 of the Settlement Agreement.

What kind of wells will be drilled? What are their purposes?

- ▶ The Settlement Agreement authorizes drilling, use, and maintenance of water supply wells, “mitigation” wells, and, for the Arroyo Seco Arriba Project, deep aquifer storage and recovery (ASR) wells or a surface storage reservoir. All wells authorized by the Settlement Agreement are water wells; therefore no well would be drilled using hydraulic fracturing. Hydraulic fracturing, or fracking, is used in developing oil and gas wells.

What is the estimated cost of this project? Who will be responsible for those costs?

- ▶ Articles 6 and 10 of the Abeyta Settlement Agreement describe funding of various aspects of the Mutual-Benefit Projects as well as which party will be responsible for certain portions of that funding. This includes the drilling, pumping, and maintenance of the wells listed in the Abeyta Settlement Agreement.
-

What kinds of resources, uses, or other issues will be analyzed in the programmatic NEPA document?

- ▶ Reclamation will identify the issues to be analyzed under this programmatic NEPA document after it receives input from the public and from other stakeholders during the scoping period. Issues likely to be analyzed under the programmatic NEPA document at this time include, but are not limited to, those related to cultural resources, socioeconomics, biological resources, and environmental resources.

What is the timeline for this NEPA process?

- ▶ Public scoping has now begun and will conclude on November 20, 2019. Reclamation plans to publish a draft programmatic NEPA document in the winter of 2019, with public comment occurring early in the spring of 2020 and the release of the final programmatic NEPA document later in the spring of 2020. All timelines are preliminary and may change as the process moves forward.

I have a question/concern about the contents and the nature of the Abeyta Settlement Agreement (funding, adjudication of rights, validity of and updates to the model, enforcement and oversight of the settlement, etc.). Where can I get more information?

- ▶ These scoping meetings relate solely to the analysis under NEPA; not the terms of the Abeyta Settlement Agreement itself. The NEPA analysis cannot revisit the required contents of the Abeyta Settlement Agreement. The Utton Transboundary Resources Center is planning to hold a future meeting (separate from this NEPA process) to address concerns and comments relating to the Settlement Agreement. For more information on the Abeyta Settlement agreement, visit the New Mexico Office of the State Engineer webpage at the link below.

Relevant links for more information:

New Mexico Office of the State
Engineer Abeyta Settlement Webpage:



URL: https://www.ose.state.nm.us/Legal/settlements/Taos/Taos_IWRS.php

Reclamation NEPA Handbook:

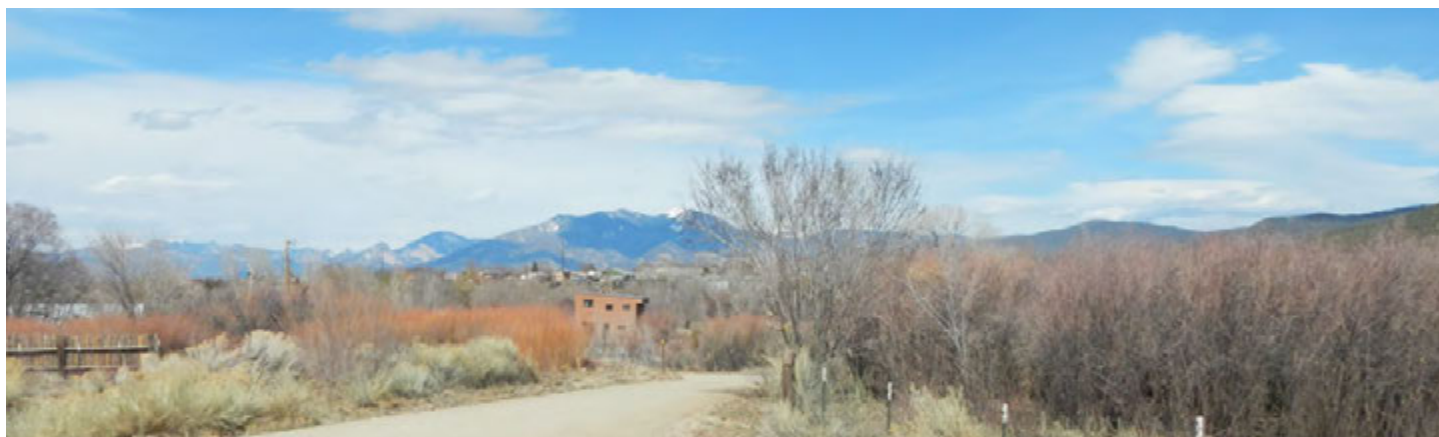


URL: https://www.usbr.gov/nepa/docs/NEPA_Handbook2012.pdf

The Abeyta Settlement Agreement:



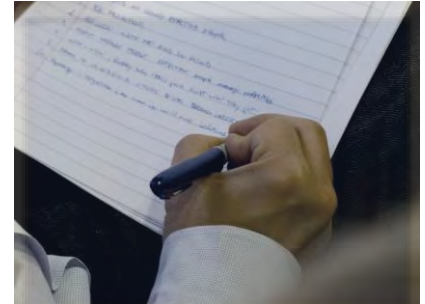
URL: https://www.usbr.gov/nepa/docs/NEPA_Handbook2012.pdf



What is Scoping?

The scoping process is an opportunity for the public to identify topics to be covered in the Taos IWRS Mutual-Benefit Projects, Programmatic Environmental Assessment (PEA) and to provide recommendations to the U.S. Bureau of Reclamation (Reclamation). Your input may help Reclamation identify the following:

- Relevant topics to be analyzed in the PEA
- Potential mitigation measures for anticipated impacts of the Mutual-Benefit Projects
- People or organizations who are interested in the PEA process
- Data gaps and information needs
- New data or information



Why Public Comments Are Important

Public comment periods offer the opportunity for you to be involved in the decision-making process and to offer your thoughts on the impacts of implementing the projects. This is an opportunity for you to offer data that the agencies can use in their analysis of the environmental effects of the proposed alternatives, as well as possible mitigation of potential harmful effects of such actions.

The National Environmental Policy Act "... is intended to help public officials make decisions that are based on the understanding of environmental consequences..." (40 Code of Federal Regulations, Subpart 1501[e]). To achieve this, the PEA considers the effects of the proposed federal actions on economic, cultural, and natural resources in the project area. Members of the public have valuable information about places and resources they consider important and the potential effects proposed federal actions may have on those places and resources.

When are
Comments due?

November 20th, 2019

Making the Most of Your Comments

While every comment received will be considered, the most useful ones are those that provide *specific, detailed information* about the effects of the proposed project and issues that should be analyzed in the PEA. For example, if a comment states that an action will have "negative environmental effects," further explanation of the relevant causes and environmental effects will help us refine and focus our impact analysis. Comments that are solution oriented and provide specific examples will be the most helpful. (Please note that commenting is not a form of "voting" on the Taos IWRS Mutual-Benefit Projects.)

Helpful comment:



The analysis needs to consider the impacts of land acquisition on local communities and economies.

Unhelpful comment:



Stop taking our water!

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: _____

Name: _____

Organization (if applicable): _____

Email Address: _____

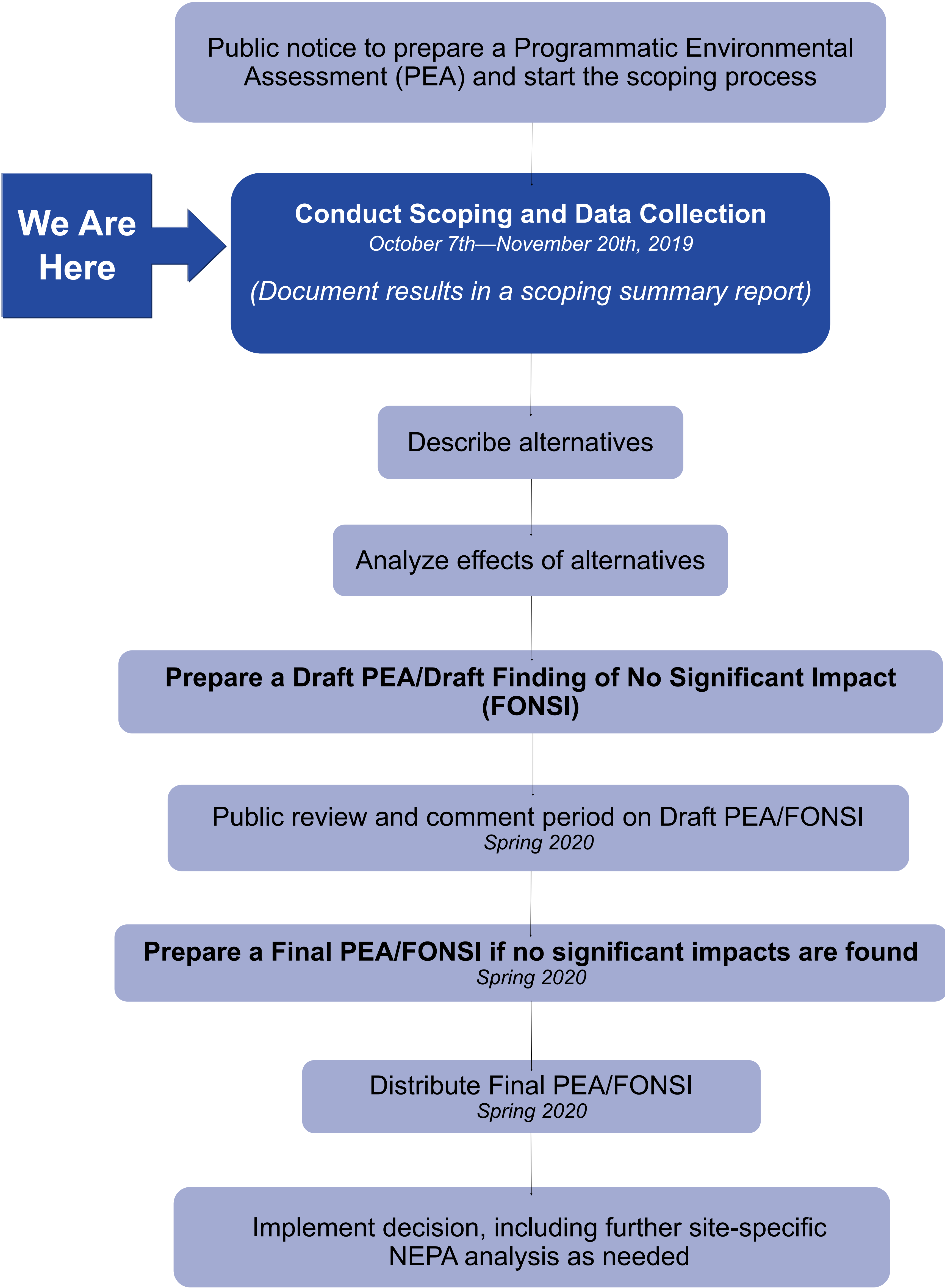
Street Address: _____

City/State/Zip: _____

Comments:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

NEPA Process



We Want to Hear From You! How to Submit Your Comments:



In Person at Scoping Meeting



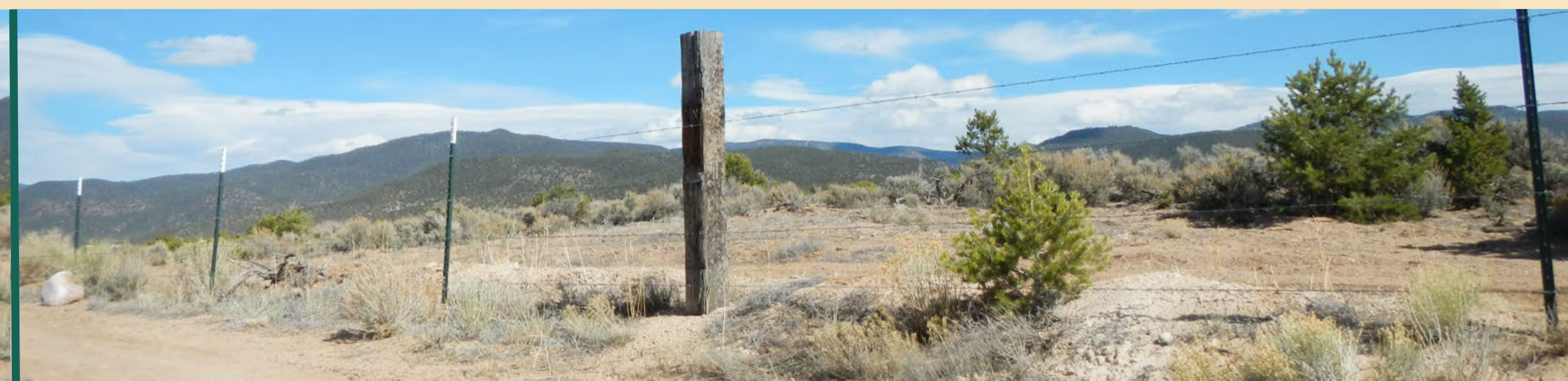
Email: BOR-sha-AAOTaosNEPA@usbr.gov



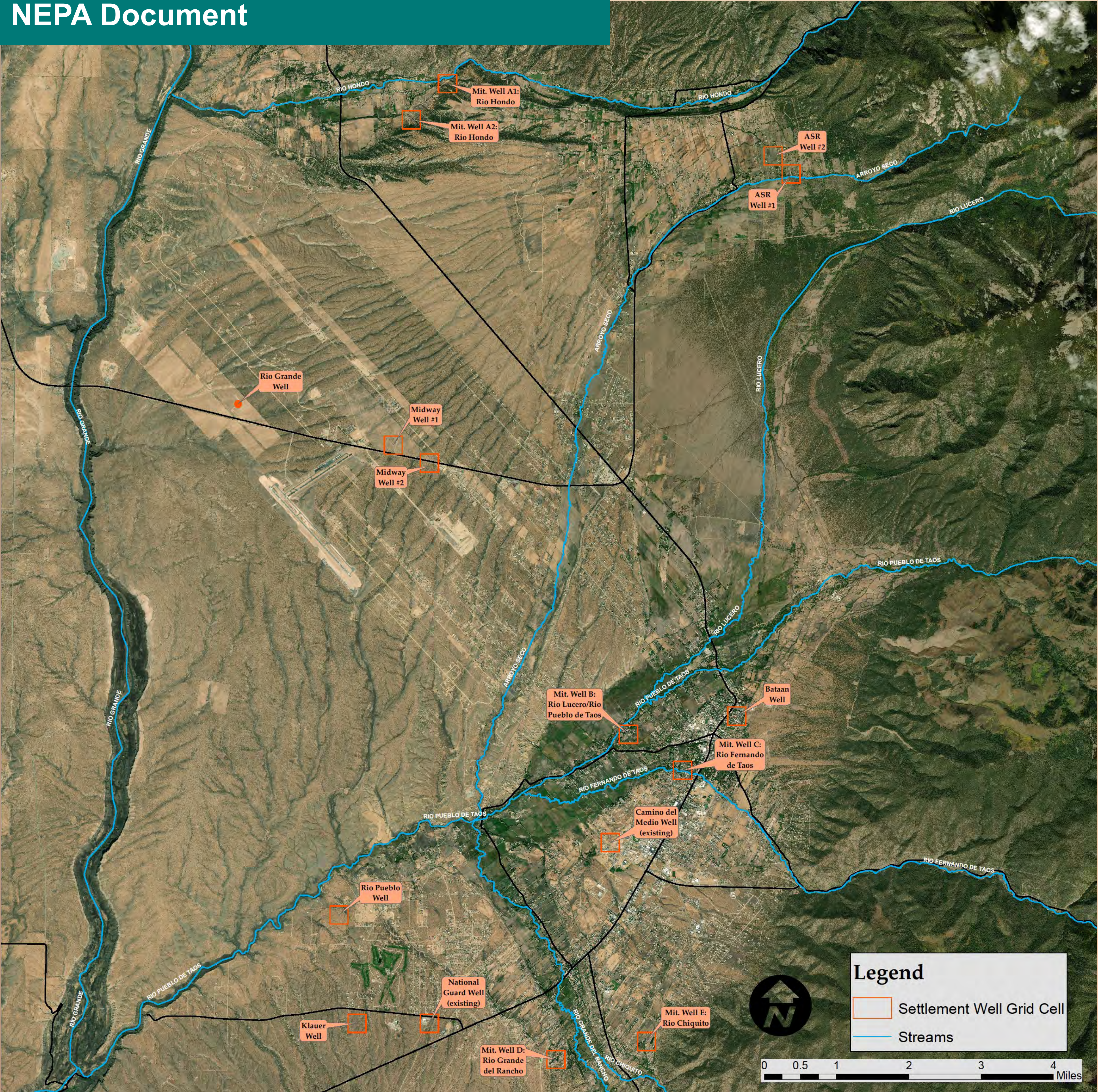
U.S. Postal Service to:
Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102



**Comments should be submitted
by November 20th, 2019**



Area of Analysis for the Programmatic NEPA Document



Note: The orange polygons show the areas that will be assessed.

The area of analysis for this NEPA compliance is made up of the 40-acre grid cells where the mutual-benefit project wells have been authorized to be located. These locations were determined by the results of the Office of the State Engineer Taos Area Groundwater Flow Model (Attachment 3 of the Settlement). While a 40-acre grid cell is identified for projects to provide flexibility in well and infrastructure siting, the actual footprint of each project is expected to be much less than 40 acres. Additionally, in some instances, the Abeyta Settlement Agreement allows parties to plan the final location of the Mitigation Wells or certain projects outside of 40-acre grid cells, and a further NEPA analysis would need to be performed for such locations once identified and proposed.

Preliminary Resource Topics for Analysis

Water

Groundwater,
Surface Water, Water Supply



Vegetation

Plant Communities, Invasive
Species, Habitat



Fish and Wildlife

Special Status Species,
Aquatic Species



Cultural Resources

Archaeology, Historic Structures,
Cultural Traditions



Land Use

Agriculture,
Recreation, Conservation



Social and Economic Conditions

Environmental Justice, Employment,
Economic Activity



TAOS INDIAN WATER RIGHTS SETTLEMENT MUTUAL-BENEFIT PROJECTS NEPA COMPLIANCE

Public Scoping Meetings

October 2019

WELCOME AND AGENDA

- ▶ Sign-in and Open House
- ▶ Introductions
- ▶ Project Overview Presentation
- ▶ Opportunity for Oral Commenting
- ▶ Open House and One-on-one Discussions

MEETING OBJECTIVES

- ▶ Get your input to help us determine the scope and important issues for analysis in the programmatic National Environmental Policy Act (NEPA) document
- ▶ Provide you with information about:
 - ▶ Project background
 - ▶ The NEPA process
 - ▶ How you can be involved and informed

- ▶ Taos Indian Water Rights (Abeyta) Settlement Agreement approved by Congress in Claims Resolution Act of 2010
- ▶ Summary of Settlement Agreement purposes:
 - ▶ Avoid cost and uncertainty of litigation
 - ▶ Legally quantify Taos Pueblo's water rights
 - ▶ Provide an opportunity to preserve Acequias and protect, develop, and maintain water uses
 - ▶ Restore and protect Taos Pueblo Buffalo Pasture
 - ▶ Foster cooperation on water allocation and use in the Taos Valley

PROJECT BACKGROUND

- ▶ Abeyta Settlement Agreement, Article 6, authorizes 14 Mutual-Benefit Projects
 - ▶ Water supply wells
 - ▶ Mitigation wells
 - ▶ For Arroyo Seco Arriba Project aquifer storage and recovery (ASR) wells or surface reservoir(s)
- ▶ 40-acre grid cells show general area of project locations
 - ▶ Specific locations or sites not yet identified for most projects
 - ▶ Actual project areas expected to be much smaller

PROJECT BACKGROUND (CONT.)

- ▶ **Settlement Parties** plan, design, and construct Mutual-Benefit Projects
- ▶ **New Mexico Office of the State Engineer** issues well permits and other required permits
- ▶ **U.S. Bureau of Reclamation** (Reclamation) provides funding through grants

WHO'S WHO IN THE ABEYTA SETTLEMENT?

- ▶ Title V of Claims Resolution Act of 2010 authorizes and directs Reclamation to provide grants for settlement parties to plan, permit, and construct the Mutual-Benefit Projects
- ▶ Reclamation is not constructing any Mutual-Benefit Projects and is not the project manager
- ▶ In providing the grants, Reclamation must comply with NEPA

RECLAMATION'S ROLE IN THE ABEYTA SETTLEMENT

- ▶ Programmatic NEPA document will analyze general effects of funding and constructing the Mutual-Benefit Projects within certain 40-acre grid cells
- ▶ This analysis will streamline and support future NEPA compliance
- ▶ Will also analyze a “no action” alternative, meaning no federal funding assistance
- ▶ NEPA analysis will not re-open the provisions of the Abeyta Settlement Agreement
- ▶ This programmatic NEPA document is one of many NEPA analyses that Reclamation will complete before wells are put into production

THE PROGRAMMATIC NEPA ANALYSIS

Figure 1. Illustration of Mutual-Benefit Project Compliance Processes





Public Scoping and Data Collection (Oct. 7-Nov. 20, 2019)



Describe and Analyze Effects of Alternatives



Draft Programmatic Environmental Assessment (PEA)/Draft Finding of No Significant Impact (FONSI)



Public Review and Comment Period on Draft PEA/FONSI (Spring 2020)



Final PEA/FONSI if no significant impacts found (Spring 2020)



Distribute Final PEA/FONSI (Spring 2020)



Implement decision, including further site-specific NEPA and permitting

THIS PROGRAMMATIC NEPA PROCESS

- ▶ What topics are of greatest concern to you?
- ▶ Are there additional topics that should be considered
- ▶ What measures do you think would help reduce or avoid impacts?
- ▶ Can you suggest any information resources?

PROVIDING YOUR COMMENTS

- ▶ The scoping comment period closes November 20, 2019
- ▶ Comment at the meetings via comment card or oral commenting
- ▶ To provide comments after the meetings:
 - ▶ Email: BOR-sha-AAOTaosNEPA@usbr.gov
 - ▶ Mail: Bureau of Reclamation

Attn: Rebecca Braz

555 Broadway NE, Suite 100

Albuquerque, NM 87102

SUBMITTING COMMENTS

- ▶ Sign up to provide oral comments at the sign-in station
- ▶ Attendees will be called in the order they signed up
- ▶ Speaking time is limited to three minutes
- ▶ We will take notes of comments
- ▶ To ensure accurate characterization of your comment, we encourage you to also submit a written comment tonight or during the comment period

PROVIDING ORAL COMMENTS

Thank you for your interest
in the Taos Indian Water
Rights Settlement Mutual-
Benefit Projects NEPA
Analysis!





Taos Indian Water Rights Settlement Mutual Benefit Projects NEPA Compliance: Public Scoping Meetings

The U.S. Department of the Interior, Bureau of Reclamation, is preparing a Programmatic Environmental Assessment to analyze the effects of implementing the Taos Indian Water Rights Settlement Mutual Benefit Projects. While this analysis will examine the effects of project construction and operation, it will not reopen the terms of the settlement agreement. Reclamation is seeking input from the public during a 30-day public scoping period, from October 7th to November 6th, 2019.

Reclamation invites the public to attend the following public scoping meetings. Meeting attendees will have the opportunity to learn about the NEPA process and provide comments. Each meeting will be held from 4:00 to 7:00 p.m.

- **October 21, 2019**, at the Sagebrush Inn & Suites, 1508 Paseo Del Pueblo Sur, Taos, New Mexico
- **October 22, 2019**, at the Sagebrush Inn & Suites, 1508 Paseo Del Pueblo Sur, Taos, New Mexico

Written comments are due by 11:59pm on November 6th, 2019.

Submit written comments to:

Bureau of Reclamation
Attention: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Email: BOR-sha-AAOTaosNEPA@usbr.gov

Appendix B

Scoping Comments

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From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:02 AM
To: Katie Patterson <katie.patterson@empai.com>; Megan Stone <megan.stone@empai.com>
Subject: Fw: Parciante Concerns about Mitigation Wells proposed In Taos Valley

From: Abeille K <abeillekaelin@hotmail.com>
Sent: Wednesday, November 20, 2019 5:26 PM
To: NEPA, Taos
Cc: yotut@hotmail.com; Andres Kaelin; abeillekaeln@hotmail.com
Subject: [EXTERNAL] Parciante Concerns about Mitigation Wells proposed In Taos Valley

To Rebecca Braz and to Who It May concern,

I am writing you a personal letter.

I do not believe Mitigation Extraction Wells , and the extraction and input model, are the solution, in Taos Valley.

We need more information . It is critical at this time, to protect these non-tributary waters, at all costs, for future generations.

I am Abigail Kaelin, and have been an active participating Parciante on the Acequia Madre y Rio del Lucero Ditch in Taos Valley , for the past 28 years. I consider it my responsibility to protect and steward our water, throughout this entire Taos Valley.

I am fully aware that I am a stakeholder in our future. I have raised my family here, have been growing my own foods, and using my land for agricultural purposes, and annually provide the land with waters

from our Acequia. My family and I have been active with our community, and Acequia Partciantes, in the study of the Abeyta Settlement, as well as the details of Acequia Bylaws of New Mexico. Our concerns have become overwhelming, to survive as a community, dependent upon these precious diverted stream waters. On behalf of my family and community, I consider it urgent that I fully exercise my legal rights to protect the Acequia System and the clean available waters of the future.

About 6 years ago I initiated a lengthy conversation with our head Acequia Commissioner at the time, to discuss my concerns and questions relating to our Acequia issues, as well as the implementation of the Abeyta Settlement.

I was told point blank that the details of the Abeyta Settlement were

- 'None of my business'

- that this Commissioner, the creator and head of the Taos Valley Acequia Association, had worked 30 years on this Settlement, was taking care of everyone's best interest, and did not have to give me any information, much less thorough answers to my questions and concerns.

I continue to consider this a breach and threat to my principles and values, and a threat to Democratic process, leading to inappropriate actions. I demand that greater consideration be undertaken at this time.

I no longer just ask, or request, or hope for proper attention to be paid to the multiple concerns and potential consequences of the proposed Mitigation Wells.

* Rather, I DEMAND a thorough investigation to reconsider, specifically, the implementation of mitigation extraction wells, and the accompanying details to that decision, as laid out in the Abeyta Settlement, as to the effects throughout the Taos Valley as well as in my own neighborhood. We stand to lose even out priority use of Acequia waters flowing from Taos Pueblo. a mitigation well in our neighborhood, would also involve the disturbance of historical and ancestral waterways, immediately ending our legal priority access to any water from the Taos Pueblo. Furthermore, I believe what is at stake here, is The well-being and thriving of future generations in our environment, for the people, animals, plants, and soils, already in the stressing context of current Climate Change (as detailed in 2016 Report).

At this time I do not believe that this outdated proposal of Mitigation Extraction Wells has a viable current model, nor that it is taking into consideration the true risks to our well being. And I demand as well, full transparency about water leasing that may be affecting these proposals.

Without the appropriate study, further information, and full disclosure, the solution for this situation, at this time, to provide protection and appropriate action, seems to be:

- to rightfully refuse the implementation of a mitigation well in our Acequia, located at the top of the valley, which will certainly bankrupt this Acequia, as well as our community.

- to propose to Lease our water from the Pueblo, in a future time of need.

-to do whatever is necessary to protect our water availability and pristine quality as it stands at this time

- demand appropriate and thorough feasibility studies.

In-depth information is Urgently needed and must be made publically available.

Such as:

-a comprehensive and cumulative Feasibility study for the environment, for each site, as well as on the whole valley project, with a public monitoring of any mitigation well activity currently underway.

-With an eye to the real dangers of disturbing and depleting shallow aquifers in the fragile and extremely unique geological strata of Taos Valley

-With an eye to archaeological sites wildlife habitat etc

-With an eye to the highest beneficial use of water, which is agricultural

- With an eye to a very current and up to date examination of the unlicensed and unregulated use of non- tributary waters, and risks to quantity and quality of water

- with an eye to satisfactory solutions

Thank you ,
Respectfully submitted,
Abigail Kaelin

54 Geronimo Lane
El Salto,
Arroyo Seco, NM 87514

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:08 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Taos Public Scoping Comment
Attachments: BOR Scoping Statement.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **Trudy** <tgsa@q.com>
Date: Sat, Nov 16, 2019 at 10:54 PM
Subject: [EXTERNAL] Taos Public Scoping Comment
To: Bureau of Reclamation <BOR-sha-AAOTaosNEPA@usbr.gov>

Please find, attached, a PDF copy of my Scoping Comment.

Thank You,
Trudy Abrams,
Board Member, El Prado Water & Sanitation District

Trudy Q.S. Abrams
Tumerudi, 1441 Fresquez Road
El Prado NM 87529-5003

Home Phone: 575-758-3878
Cell Phone: 505-554-9397
E-Mail: tqsa@qq.com

To: Bureau of Reclamation
<BOR-sha-AAOTaosNEPA@usbr.gov>

Also mailed via USPS to
Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque NM 87102

Date: November 14th 2019
Re: **Taos NEPA Public Scoping Comment**

I've lived in El Prado for ten years and am a member of the Board of El Prado Water & Sanitation District (EPW&SD, the District), one of the parties in the Abeyta Settlement Agreement. I retired as a Chemical Engineer in 1997, from a position as Manager of a basin wide Groundwater Protection Program in southwest Ohio, which I helped design and implement. I have worked in a number of other professions in the U.S. and in East Africa, but have always considered myself an environmentalist and a teacher.

I note that the population of the U.S. has tripled in my lifetime, and while the population of New Mexico has not changed that dramatically, there has still been roughly a 78% increase in the population of Taos County over the past 80 years. That, and other pressures such as climate change, increase the need to manage and share water resources equitably.

Believing as I do that a safe, convenient and affordable water supply, along with safe, convenient and dependable waste removal, are essential for the health of a population and the environment, I am delighted to be a part of the District. I support the Abeyta Settlement and recognize the hard work and long years it took to get to this point. I also note that the words "Settlement" and "Agreement" imply less than complete accord in any agreement or settlement, and that therefore compromise was necessary. Continual evaluation and possible tweaking of both the Agreement itself and how it is being implemented may be expected. Whether as a teacher, research scientist or engineer, I acknowledge doing all of those in every job I have ever done.

What I want to emphasize here is that, in spite of expected self interest, and understandable or even willful ignorance, no project can be successful unless *facts* are differentiated from rumor, fear, and incomplete knowledge. I have attended several neighborhood association meetings on the Abeyta Settlement, and am proud that John Painter, our Abeyta Project Manager, and Christine Dimas, our General Manager, were able to clear up some misconceptions and concerns. However, at the recent NEPA public meeting, while a number of the speakers displayed familiarity with the Settlement and voiced valid concerns and a willingness to work towards better results, it seemed that uninformed positions and emotional theater still drive most of the opposition. More educational efforts may help smooth implementation and ensure success as the Agreement ages.

Our hydrologist, Maryann Wasiolek of Hydrosience Associates, Inc., has submitted her Scoping Comments, delineating the progress made thus far in implementing the Settlement. I can do no better than to commend her work, echo her thoughts and her list, and ask you to add my experienced "Hear, Hear!"

Thank you,
Trudy Abrams

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:08 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Request for Full EIS

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **thislifeisagift** <thislifeisagift@protonmail.com>
Date: Fri, Nov 15, 2019 at 8:47 PM
Subject: [EXTERNAL] Request for Full EIS
To: BOR-sha-AAOTaosNEPA <BOR-sha-AAOTaosNEPA@usbr.gov>

To whom it may concern:

The Abeyta Settlement (Taos Pueblo Indian Water Rights Settlement) is a complicated matter that deserves our protracted and thoughtful investigation before its implementation.

I am requesting that a full and comprehensive Environmental Impact Study (including examining cumulative impacts) be conducted for each and every well, and all the projects in total as well, including the infrastructure included for the projects such as pipelines, pumping stations and treatment plants.

This is a massive, majority Federally-Funded project, that will have drastic impacts on the longevity and health of our watershed, including impacts to springs, aquifers, tributaries, the Rio Grande as a whole and rooted cultural traditions.

With such expanded pumping of our aquifer, how will this pumping impact springs along the Rio Grande and overall aquifer stability?

How will these pumping projects create drawdown on smaller, private domestic wells tapped in to the same aquifer, including creating cones of depression or cascading well scenarios?

There are so many unexamined aspects to these projects at this point, including a limited understanding of a very complex hydro-geological structure, according to Paul Bauer.

Please, I urge the BOR and all Federally responsible parties, to conduct a thorough and comprehensive EIS, in accordance with NEPA, before moving forward with any further implementation.

Most of the original data and models are based on outdated hydro-geologic models/data and we need an updated understanding of how these unprecedented withdrawals will impact watershed health and vitality, thus ensuring a healthy and whole watershed system far into the future.

Another great concern is how traditional acequia communities will be impacted (culturally, financially and physically) by these proposed mitigation wells, and how mixing mineral-rich deep aquifer water

with surface water will impact riparian ecosystems and overall stream health.

With all due respect,

Jeffrey M. Allen, II
1200 Camino de la Cruz
Taos, NM 87571

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

NOV 18 2019

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Pauline C. Aluyta
PO Box 1173
Rancho de Taos, NM 87557

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:08 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL]

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **susan ammann** <susanammann@outlook.com>
Date: Sat, Nov 16, 2019 at 11:10 AM
Subject: [EXTERNAL]
To: BOR-sha-AAOTaosNEPA@usbr.gov <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca Braz-

I am a concerned citizen of Taos County and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. **I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells.** An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA

standards.

2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?

3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.

5. Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?

6. If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?

7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Susan Ammann

Taos, NM

Sent from [Mail](#) for Windows 10

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 7:55 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] El Prado Water and Sanitation District Public Scoping Comment Card
Attachments: Public Scoping Comment Card_11192019104656.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

From: Anne Amos <anne@c-w-e.com>
Sent: Tuesday, November 19, 2019 10:50 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] El Prado Water and Sanitation District Public Scoping Comment Card

Please see attached

Anne T. Amos
Cheney-Walters-Echols, Inc.
909 W. Apache
Farmington, NM 87401
anne@c-w-e.com
505-327-3303
FAX 327-1471

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secured or error-free as information could be intercepted, corrupted, lost, destroyed, received late or incomplete, or could contain viruses. The sender therefore does not accept liability for any errors or omission in the contents of this message, which arises as a result of e-mail transmission. If verification is required, please request a hard-copy version from the sender.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/19/19

Name: ROBERT ECHOLS

Organization (if applicable): CHENEY WATERS ECHOLS, INC.

Email Address: robert@c-w-e.com

Street Address: 909 W. APACHE

City/State/Zip: EDMINGTON, N.M. 87401

Comments: THIS SETTLEMENT AGREEMENT PROVIDES LONG-TERM
WATER USES FOR THE EPWSD AND AT THE SAME
TIME PROTECTS ALL OTHER PARTIES WITH THEIR WATER
RIGHTS ISSUES

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

NOV 12 2019

Bureau of Reclamation
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Attention: Rebecca Braz

Please suspend the implementation of Abeyta Settlement actions until a complete and thorough NEPA EA/EIS is finished. I ask for and would expect to see the NEPA decision has been made available and published and any appeals have been adjudicated.

The overriding atmosphere of this whole Abeyta Settlement has felt like contentious bullying and feels like secrecy. Once some of the Abeyta Settlement plans have been put in place it will possibly be too late to save our precious water. Please make sure of the ensuing results before any further procedures are undertaken. You will not regret leaving a legacy of caution rather than jumping in before we know what could happen.

A concerned citizen,



Anita K Anderson

106 Siler Road
Taos, NM 87571

From: Katie Patterson
Sent: Wednesday, October 30, 2019 2:41 PM
To: Megan Stone
Subject: FW: [EXTERNAL] Input on Scoping

Follow Up Flag: Follow up
Flag Status: Flagged

Katie Patterson, JD

EMPSi Environmental Management and Planning Solutions, Inc.
3005 Center Green Drive, Suite 205
Boulder, CO 80301
tel: 303-495-2975 main: 303-447-7160 fax: 866-625-0707
www.EMPSi.com Twitter: EMPSInc Facebook: EMPSi

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From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Friday, October 25, 2019 3:50 PM
To: Katie Patterson <katie.patterson@empsi.com>; David Batts <david.batts@empsi.com>
Subject: Fwd: [EXTERNAL] Input on Scoping

Scoping comment received today.

----- Forwarded message -----

From: Michael Andrews <7laughs@newmex.com>
Date: Fri, Oct 25, 2019 at 9:46 AM
Subject: [EXTERNAL] Input on Scoping
To: Michael Andrews <7laughs@newmex.com>, <BOR-sha-AAOTaosNEPA@usbr.gov>

I attended the Public Scoping Meeting for the Taos Indian Water Rights Settlement Mutual-Benefit Projects NEPA Compliance. I provided verbal input at that time, but I am also submitting these formal written comments.

My greatest concern is that the proposed Environmental Assessment for individual wells will understate the cumulative environmental and sociological impacts of the total project. It is essential that an overall EIS be completed to evaluate cumulative, long-term impacts of the proposed actions. I believe that breaking a project into small elements to minimize the cumulative impacts is called "piecemealing", where the individual elements may not have major impacts, while the overall project may have significant cumulative impacts. An EIS on the overall scope of the project would evaluate these cumulative impacts of all proposed elements of the project.

It seems to me that the NEPA process should have been initiated before or during the Abeyta Settlement. The drilling of the wells becomes a de facto result that can not be evaluated in the cumulative impacts of an EIS. It is important to stop further development pending completion of an EIS, especially considering the large volumes of water that will be produced by these wells. This water is not currently needed for local communities and the wells could be deferred until the water is needed. It is possible that the large volume of water from these wells may draw down the shallower reservoirs beyond the recharge capability of surface streams.

It also is important to evaluate the mixing of water from deep water aquifers and water from shallow aquifers that are used for domestic wells since some deep water aquifers may have contaminants and high salinities. This is also an issue for discharging water from deep water aquifers into surface waters since there would be an inordinate cost to clean up the water from the deep aquifers if they are contaminated. The water from the deep water aquifers could damage the fields used for agricultural production, again, if they are contaminated. The water quality of produced water from the deep water aquifers needs to be evaluated for multiple locations.

I appreciate the opportunity to provide input to this Scoping Process and would like to be informed of future public forums on these questions.

Michael Andrews
PO Box 577
Arroyo Seco, NM 87514

575-770-4321

7laughs@newmex.com

Sent from my iPad

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: _____
Name: _____
Organization (if applicable): _____
Email Address: _____
Street Address: _____
City/State/Zip: _____

Comments:

To avoid full chaos in this community
you must do a full EIS

22

Because this is far longer than the allotted 3 minutes: There was mention of mutually beneficial projects yesterday - This is the reality of one of these Abeyta Settlement projects that was finalized before it was ever a proposal.

My Talpa Valley field was surveyed winter 2017 / 2018 with no notification and I was told it was for a proposed pipeline. Two months later a card was stuck in my gate. A few days later I was told by El Valle that the pipeline was finalized, all public meetings were tokens, I was too small to sue them.

Just having the public meeting, this public meeting, finishes the state and federal requirement. The meeting such as this one - is an end unto itself. They already know all the arguments and have already thrown them all out. The state of NM, the department of Homeland Security in charge of floodplains - positions are that as long as El Valle has the paperwork and permits, as long as they are in compliance with their loan - the state and government have met their responsibility - end of story - none of the rest of it matters.

All valid historical and environmental concerns were thrown out years ago before any of the public was made aware of these projects.

They knew ahead of time that the FONSI would be approved. They knew ahead of time all permits would be granted.

A new infrastructure is being put in. Construction has not yet begun. The plan is to run a pipeline through 4 miles of farm lands for the entire length of the Ranchos / Talpa valley. - NOT along the road as is being advertised. I only know this because my farm property along the Rio Chiquito 300 feet away from the existing road is being condemned.

The state says it is for human health yet the pipeline is a voluntary hookup. If approved septic systems were actually leaking - new septic tanks could have been installed free of charge for less than the cost of condemning our lands.

The company working for El Valle, advertises themselves in their website that an area of their expertise is in Subdivision Approval and Design. <http://www.abeytaengineering.com/home.html> The 4 mile trunk line they are referring to in their website - does not exist yet. It is not planned to go along a country road as they state, instead is planned to go between the river and the roads - following the entire length of the Talpa / Ranchos valley - through all lands north of the stream. Beginning along Camino de Abajo de La Loma East, then Valerio Road, the map ends here - only gravity flow is allowed the pipeline must continue along the river following it to Los Cordovas Rd. This makes the 4 miles they are advertising.

This condemnation of farmlands automatically changes the lot size from 1 acre to 1/4 acres allowing for 4 times the saturation of maximum growth potential while the state supplies the funds for the infrastructure supporting such growth. This allows for overnight, large scale, outside investors and subdivision development of

these agricultural properties. It is my understanding that whatever the acreage is between the river and the road - multiply this acreage by four and you will have the number of houses allowed to be built, 4 houses per acre on all lands the pipeline runs through.

The plan is to go the entire length of the valley through the floodplain and agricultural land acquired either through the purchase of easements or through condemnation for those property owners who refused to sell - (but then required to pay us anyway). I am currently being sued by El Valle for not cashing their check which I believe to be blood money - money on the backs of the future generations - money ignoring all history of past generations. Blood money that I am being sued to accept.

It is a FLOODPLAIN. Next to a stream. We are in climate change. El Valle is planning on channeling sewage from the surrounding hills into a FLOODPLAIN, through flood irrigated fields, into and /or just above the WATER TABLE, through soft loamy rarified soils. Just even trying to access a spill through flood irrigated fields - is the pipeline going to phone El Valle ahead of time and tell them to stop all irrigation because a spill or break is about to happen? It wont be like a spill on the mesa that the sands, gravels, and caliche contain and one can do a remedial cleanup. There will be no 'cleanup' of the flood irrigated fields - of the floodplain soils from a pipeline spill. Before it was even fully operational the Dakota Pipeline had its first of many spills. Pipelines break, leak, and spill.

What is the life of a sewer line? Thirty years? At some point it will fail. Add in the additional stress of a high water table, soft loamy soils, flood irrigated fields, and poor design of 8 right angle turns within a couple thousand feet of very small elevation change, it is a bad design and some one will have to clean up the mess.

The state believes pumps are "technically unfeasible." They refuse to use pumps, lift stations, transfer stations - where needed to assist in any problems existing homes may have within the valley, protecting the valley - safely containing, controlling growth. Protecting our ground water, agriculture, and water rights.

We lose our property rights: the safety of livestock, individual privacy on our land, the integrity of our fields, and all the work it takes to keep them healthy, we lose that forever. Instead of managing our own decisions we now are responsible for the errors, omissions, accidents, and stress on fields (weeds, soil contamination and damage from vehicles), from El Valle.

The mitigation measures for El Valles damage, is to give me \$200 dollars to buy some seed and give me the responsibility of cleaning up El Valle's damage. I am then supposed to till the area, plant it, haul water to it (irrigation is monthly), and spray the aggressive invasive weeds only manageable with Roundup every month for the lifetime of the pipeline. That is THE "mitigation measure" for the invasive weeds that will be contaminating my field. \$200 - that is the plan for El Valle taking responsibility. My fields are pristine and have zero invasive weeds currently.

If not one of these things matter: Bald eagle habitat, wildlife corridor along stream frontage, Taos 2020 plan valuing agriculture and wildlife, soils classified as rare, neighboring invasive weed problems, historical use going back hundreds if not thousands of years, artifacts, flood irrigation, water rights, flood plane susceptible to flooding due to drought, fire, rain cycles of climate change, compromised value for continuing agriculture instead shifting emphasis toward development with lot size change - if not one of these things matters and I have all of them, then what matters? Even going through my husbands cremains does not matter.

I have been told they are allowed to destroy anything of historical significance or any artifact - they just have to document it while destroying it. I have also been told by the state that they are working with the indigenous populations which have signed off on / approve of the pipeline by the stream and destruction of their artifacts. Which is very hard to believe maybe it was in the fine print and really not an informed consent.

If none of these things matter on my land then none of them matter anywhere. It sets a precedence for Taos Valley and all of Northern NM. What I have been going through the last year and a half - each and every one of you will possibly go through depending on which 'projects' are slated for your areas. A holding reservoir, treatment plant, sewage plant, tanks. I believe much of this has already been planned yet all is hidden. If deemed to be for 'the greater good' by the powers that be, then anyones home, lands can be forced into sale and demolished.

This is what one of their projects actually looks like: Hookup is voluntary, the pipeline could sit there empty - rotting in the ground - never intended to be used - the only purpose being to condemn agricultural lands OR be channeling exponentially times the amount of sewage into the valley from the surrounding hills with new subdivisions going in. There has also been talk that there is not enough fluid to make the pipeline functional and it was never discussed if the water from mitigation wells will then be used to flush sewer pipe lines to actually make them flow.

The map leaves out the area below the Ranchos church where the line would be in the narrow wetlands between the river and the road - no one has addressed this. Pretending it isn't a problem does not make it so. Pretending there are no consequences does not make it so. Pretending the pipeline goes nowhere is absurd. Instead of working their way backward from the sewer plant they are starting at the far end, condemning our lands then pretending there are no issues further down.

They / this settlement / this power grab / these projects: are creating fields of ambiguity to manipulate the community. They are destroying a system that has worked for hundreds of years and at the same time saying they are doing us a favor.

In 20 months I have yet to find an entity / office / person who is accountable. There is no one to recognize our voices. To the best of my knowledge they can act with impunity and immunity.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:44 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Requesting EIS for Abeyta Settlement

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Elsbeth Atencio <elsbethatencio@gmail.com>
Sent: Monday, November 18, 2019 6:59 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Requesting EIS for Abeyta Settlement

November 18, 2019

Rebecca Braz
Bureau of Reclamation
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Dear Ms. Braz,

I am writing to request that a complete Environmental Impact Statement for the Abeyta Settlement in Taos County be conducted to address the impacts of the proposed mitigation wells.

When the agreement was first drafted, it was at a time when the impacts of the agreement to domestic wells were not considered, as there were very few in the area. That situation has changed, and as one of the hundreds – if not thousands – of private domestic well permit holders, I am seriously concerned at the lack of scientific data about the potential impacts to the quantity and quality of the groundwater resources in this region.

In addition, there are number of other questions that should be addressed through the full EIS process:

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs?
2. How will discharging over 300 gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences

found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.

4. How will the addition of pumped well water into the Acequias affect their legal status?
Acequia communities are by definition irrigated with only diverted stream water.

Both the indirect and cumulative impacts of the entire, comprehensive proposal (including the mitigation wells) must be determined through the EIS process.

And, in the language of the Abeyta Settlement (PROJECT MODIFICATION OR FAILURE), it is clearly stated that if any of these projects "...fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures..."

Therefore, a thorough EIS of the Abeyta Settlement is needed to gather facts based in science to give all concerned a clear picture of the consequences to the natural resources that all residents of Taos depend on.

Thank you for your consideration,
Elsbeth Atencio
PO Box 537
Arroyo Hondo, NM 87513

Guardians of Taos Water
PO Box 297
Arroyo Hondo, NM 87513

Clifton Bain
Co-Chair
cliftonbain33@gmail.com

NEPA Scoping Comment
11/20/2019

Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, SUITE 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Guardians of Taos Water is a citizen group organized to help inform and involve the people of this community in water policy related to the Taos Indian Water Rights Settlement Act, aka Abeyta Settlement, of which I am an officer. This is my personal comment to the NEPA scoping phase.

The Abeyta Settlement of the Abeyta Adjudication Suit, filed in 1969 grew out of negotiations between Taos Pueblo, Taos Acequia Association and Acequias of the Taos Valley, Town of Taos, El Prado Water and Sanitation District and Mutual Domestic Water Districts to apportion and manage surface and subsurface water rights and use. It is a complex scheme to access increased water for domestic and industrial use while maintaining flows to the Rio Grande watershed.

Funded in large part by federal funds, it is subject to provisions of National Environmental Policy Act. Implementation of the Settlement commenced with Categorical Exemptions and Environmental Assessment relating to EPWD exploratory wells as well as disbursement of funds to Taos Pueblo. I object to the decision to allow implementation before conducting the analysis and study of the comprehensive and cumulative environmental, socioeconomic and cultural impacts of the terms of the Settlement and Alternatives.

EPWSD has drilled 3 exploratory wells and provided funding for acquisition of water rights; Taos Pueblo has received funding for projects and acquisition of San Juan Chama Water and other parties are being funded for siting of supply and mitigation wells and acquisition of water rights.

I call for a suspension of implementation until a Programmatic Environmental Assessment and Environmental Impact Study has been conducted and decision issued and appeals adjudicated.

The BOR announced it would conduct an Environmental Assessment study of an Alternative of full implementation and a No Action Alternative. As 2 of the EPWSD exploratory wells have been completed and will likely become supply wells, I ask for an Alternative of supply wells without Mitigation Wells be studied, ie an Alternative of capping aquifer pumping at below levels that trigger need for Mitigation Wells combined with capping pumping from existing wells that negatively impact Taos Pueblo Buffalo Pasture.

The Abeyta Settlement involves substantial extraction of water from the shallow aquifer above 1000 ft offset by extraction of water from below 1000 ft. to be piped to and released into

steams and acequias to maintain flows a Rio Grande, as well as the ASR project to store irrigation water through injection or impoundment of surface water in the Arroyo Seco area. The availability of this increased water may accelerate growth and development in the Taos Valley so the environmental, socioeconomic and cultural impacts must be studied.

In the study of impacts of the Action Alternative of full implementation:

Impacts on existing domestic wells.

Impacts on in-stream flows and spring flows.

Impacts of deep aquifer water released into streams and acequias.

Fiscal impacts on the Parties to the Settlement of long term operation and maintenance of mitigation wells and ASR project on respective parties and long term assurance of water treatment to maintain water quality.

Impacts of introduction of deep aquifer water with radon, fluoride and other contaminants into streams and acequias and analysis of technologies and costs of treatment.

Thank you,

Clifton Bain

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: Ari Barrett
Name: October 21, 2019
Organization (if applicable): _____
Email Address: _____
Street Address: 129 La Posta Rd
City/State/Zip: TAOS NM 87571

Comments:

leave Taos alone !!!

No drilling until after a Full environmental
impact study

Water is Life

Leave our Future alone.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

10 / 21 / 19

Name:

Charles Barrett

Organization (if applicable):

Email Address:

Street Address:

129 La Posta

City/State/Zip:

Taos NM 87571

Comments:

No drilling. Water is life.

I demand a full environmental impact
study on the Akeyta Settlement

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: October 21 2019
Name: Dusty Barrett
Organization (if applicable): _____
Email Address: _____
Street Address: 129 La Posta rd.
City/State/Zip: TAOS NM 87571

Comments:

No Drilling

End Abeyta Settlement

NO MORE WORK until

Full Study Done !!!

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 10-21-19

Name: Rain Barrett

Organization (if applicable): _____

Email Address: _____

Street Address: 134 LA Poma RD

City/State/Zip: Taos NM 87571

Comments:

No Drilling the Aquifers

We are in a mass Extinction

We should be Protecting the environment

Instead of Exploiting it

Stop Stealing our future

No more drilling until a full environmental
Study done



WHEREAS; we are concerned about our future and our human life; and

WHEREAS: it is time for nation to nation, all people to people, unite; and

WHEREAS: this globe is our House and Alter; and

WHEREAS: it is time for human consciousness to change to develop a global peace environmental economy culture; and

WHEREAS: it is time to create global relations to protect the earth water fire air and global community; and

WHEREAS: it is important for the citizens and members of Taos community to protect and preserve the natural systems upon which all life depend; and

WHEREAS: water is life and healing; and

WHEREAS: the use of nuclear power is against all life; and

WHEREAS: our collective human resolve is to protect all living beings and future generations;

NOW THEREFORE: I Dan Barrone, Mayor of Taos do proclaim the Town of Taos as a Global Peace Walk as a symbol of peace for all our relations.


Dan Barrone, Mayor



April 8, 2019
Date

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Thursday, November 7, 2019 7:14 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] We need an EIS for Taos Mitigation Wells

----- Forwarded message -----

From: **Per Bjorkman** <PerGBjorkman@msn.com>
Date: Wed, Nov 6, 2019 at 1:23 PM
Subject: [EXTERNAL] We need an EIS for Taos Mitigation Wells
To: BOR-sha-AAOTaosNEPA@usbr.gov <BOR-sha-AAOTaosNEPA@usbr.gov>

Dear Rebecca Braz,

I am a Taos County Resident. The Mitigation wells that are being drilled in our county as part of the Abeyta settlement have the potential for grave consequences, both economically and environmentally. Any project of this magnitude should have a full Environmental Impact Study (EIS) of the Mitigation Wells.

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

We need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully,

Per Bjorkman MD

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 12, 2019 8:50 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Abeyta

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **rose Bauhs** <rose_bauhs@icloud.com>
Date: Sun, Nov 10, 2019 at 9:24 PM
Subject: [EXTERNAL] Abeyta
To: <bor-sha-aaotaosnepa@usbr.gov>

Hello,

I am requesting that any further implementation of the Abeyta Settlement be suspended until an EIS is conducted.

This is critical for the health of our community.

Respectfully submitted,
Rose Blair Bauhs

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: October 27, 2019
Name: Carol Brown
Organization (if applicable):
Email Address: caroltokle.brown@earthlink.net
Street Address: 414 Chamisa Rd
City/State/Zip: Taos, N.M. 87571

Comments:

I am a Taos Co. Resident. We have a private well and are on the acequia, which we use to irrigate our garden and trees. I am concerned about the provisions of the Akeyta Settlement, especially the drilling of mitigation wells. My concern is that these wells will draw down the aquifer, resulting in our well going dry. Also, the waters from the mitigation wells are to be pumped into the acequias, which can result in arsenic + fluoride being pumped into our acequia - which would not be good for watering gardens or trees. Due to my concerns, I urge you to do a Cumulative Environmental Study that looks @ the environmental impact of all the wells in our valley. Also, conservation efforts would be helpful.

PUBLIC SCOPING COMMENT CARD

Date November 16 2019

Name Rick Brown

Organization(if applicable)

Email Address rick.brown@earthlink.net

Street Address 414 Chamisa Road

City/State/Zip Taos, New Mexico 87571

Comments:

I live in Taos County just south of the Taos town limits and before Ranchos de Taos, in a small valley that drains toward the Rio Pueblo de Taos. I am on a private well as is everybody in my neighborhood, and we do not presently have access to municipal water in this area of the county. I am also on an acequia, and am a parciante and active user of the Acequia Madre del Rio Chiquita. I am very concerned about the "Mutual Benefits projects" (very misnamed in my opinion because they benefit very few people) for several reasons. As I mentioned I am on a private well which I depend on like everyone around me and in other parts of Taos County as well. The "Mutual Benefits Projects" call for drilling several new water supply wells into the deep aquifer which will have very large pumps to draw out a large amount of water. This has the potential to draw down the water table so that we would lose our wells. We have learned that our well was drilled too recently for us to have legal recourse if we were to lose our well. In the short term this would leave us with no access to running water for drinking, washing, and for our radiant heating system. If the town were to extend water lines to us I have reason to believe that our water would be much more expensive.

The deep aquifer water is known to be highly mineralized which would require expensive treatment, the cost of which of course would be passed on to us. This would not be just an economic impact but a cultural impact to the area as well because many of the people whose families have been here for generations are struggling to make ends meet as it is and having to pay higher water bills could be the last straw forcing people to leave, **who would likely be** replaced by people moving in who are more affluent and used to a higher cost of living, or property being used as short term rental to tourists which we are already seeing. And the fact is that we do not need new water supply wells with such a large capacity. The Town of Taos is consistently meeting its current water needs with its existing wells which have much smaller capacity, with the few disruptions we have had due to mechanical problems, not lack of water. If some wells need to be moved due to impacts to the Taos Pueblo land they could be replaced with wells of similar capacity, sited to have a minimum impact to domestic wells.

My other concern is the impact of these wells to the acequias that many of us use to water crops and gardens and which also serve a vital function to recharge the shallow aquifer in the Taos Valley. The model which is the basis for the Abeyta Settlement predicts that when the "Mutual Benefits Projects" are fully implemented the water table will be lowered to the extent that there will no longer be springs to feed the rivers that come down from the mountains and water our valley and feed our acequias, including the Rio Chiquita on which we depend. The Abeyta Settlement has proposed an answer to this which is Mitigation Wells. **These** are another series of wells into the deep aquifer which would be used to pump water uphill to put into the streams or acequias near the base of the mountains. There are many problems with this idea. One is that, as noted previously, the deep aquifer water has high concentrations of minerals which would make it unfit to put into streams

as-is because the water could be toxic to fish and wildlife that depend on the streams, and would also be detrimental to agricultural use because the minerals could build up in soil over time and damage the fertility of the soil. Treatment would be necessary and likely required for putting this water into streams. The cost of such treatment is not covered under the Abeyta Settlement and would have to be borne by mutual domestic water suppliers or acequia organizations that would be responsible for the wells. Operation and maintenance of the pumps and treatment systems would again be very expensive, and this would change the whole character of the acequia system if it could continue to exist at all. This would be a huge cultural impact. **We are mostly small growers, few big operations or people with a lot of money are using the acequias.** It is a very simple low-tech system maintained mostly with mattocks and shovels that uses natural gravity flow to bring water from the mountain streams to our fields following historic channels. We don't have to pay much for water from the acequias, on ours we can earn most of our annual dues by participating in the yearly ditch cleaning. If we had to pay for expensive treated water and maintenance of the pumps and treatment system very few of us could afford to continue using the acequia. Continued agriculture in the Taos Valley would be limited to a few big operations that could afford to pay for the water, if that would be economical. The result would be that more and more former agricultural land would be sold off for residential to newcomers, more descendents of the original families would have to leave, and the community that presently exists around the acequias would be lost. And if there is much less agriculture using irrigation water we would lose the aquifer recharge that we are getting from it. And even our deep aquifer, which is finite, would eventually be drained. To summarize, I request that the Programmatic Environmental Assessment be comprehensive, to cover the long term cumulative effects of all planned wells, not just the

relatively small impacts of each one individually, and include all environmental, economic, and cultural impacts. My recommendation is that the 'no action" alternative be chosen, that no federal dollars be appropriated for any part of the "mutual benefit projects" as currently conceived, and that new studies be done to develop ways to meet actual needs under a limited growth scenario that employs conservation first before developing additional water supplies.

Formatted: Font: 14 pt, Not Bold, Underline

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 2:16 PM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Green Party of Taos County comments on "Mutual Benefits" projects under Abeyta Settlement
Attachments: Green Party Comments for BOR.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Rick Brown <rick.brown@earthlink.net>
Sent: Wednesday, November 20, 2019 1:20 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Green Party of Taos County comments on "Mutual Benefits" projects under Abeyta Settlement

Attached please find the comments on the Mutual Benefit Projects under the Abeyta Settlement endorsed by the Green Party of Taos County.

PUBLIC SCOPING COMMENT CARD

Date November 19 2019

Name Rick Brown, Secretary

Organization(if applicable) Green Party of Taos County

Email Address info@greenpartytaos.org

Street Address P.O. Box 329

City/State/Zip Taos, New Mexico 87571

Comments:

I live in Taos County in an area where, like many other parts of the county, everyone is on a private well and does not presently have access to municipal water. I am also on an acequia, and I am a parciante and active user. I am very concerned about the "Mutual Benefits projects" (very misnamed in my opinion because they benefit very few people) for several reasons. As I mentioned I am on a private well which I depend on like everyone around me and in other parts of Taos County as well. The "Mutual Benefits Projects" call for drilling several new water supply wells into the deep aquifer which will have very large pumps to draw out a large amount of water. This has the potential to draw down the water table so that we would lose our wells. We have learned that people like us who drilled their wells in recent years have no legal recourse if we were to lose our well. In the short term this would leave us with no access to running water for drinking, washing, and for our radiant heating system. If the town were to extend water lines to us I have reason to believe that our water would be much more expensive. The deep aquifer water is known to be highly mineralized which would require expensive treatment, the cost of which of course would be passed on to us. This

would not be just an economic impact but a cultural impact to the area as well because many of the people whose families have been here for generations are struggling to make ends meet as it is, and having to pay higher water bills could be the last straw forcing people to leave. They would most likely be replaced by people moving in who are more affluent and used to a higher cost of living, or property being used as short term rental to tourists which we are already seeing. And the fact is that we do not need new water supply wells with such a large capacity. The Town of Taos is consistently meeting its current water needs with its existing wells which have much smaller capacity, with the few disruptions we have had due to mechanical problems, not lack of water. If some wells need to be moved due to impacts to the Taos Pueblo land it should be possible to replace them with wells of similar capacity, sited to have a minimum impact to domestic wells.

My other concern is the impact of these wells to the acequias that many of us use to water crops and gardens and which also serve a vital function to recharge the shallow aquifer in the Taos Valley. The model which is the basis for the Abeyta Settlement predicts that when the "Mutual Benefits Projects" are fully implemented the water table will be lowered to the extent that there will no longer be springs to feed the rivers that come down from the mountains and water our valley and feed our acequias. The Abeyta Settlement has proposed an answer to this which is Mitigation Wells. These are another series of wells into the deep aquifer which would be used to pump water uphill to put into the streams or acequias near the base of the mountains. There are many problems with this idea. One is that, as noted previously, the deep aquifer water has high concentrations of minerals which would make it unfit to put into streams as-is because the water could be toxic to fish and wildlife that depend on the streams, and would also be detrimental to agricultural use because the minerals could build up in soil over time

and damage the fertility of the soil. Treatment would be necessary and likely required for putting this water into streams. The cost of such treatment is not covered under the Abeyta Settlement and would have to be borne by mutual domestic water suppliers or acequia organizations that would be responsible for the wells. Operation and maintenance of the pumps and treatment systems would again be very expensive and this would change the whole character of the acequia system if it could continue to exist at all. This would be a huge cultural impact. We are mostly small growers, few big operations or people with a lot of money are using the acequias. It is a very simple low-tech system maintained mostly with mattocks and shovels that uses natural gravity flow to bring water from the mountain streams to our fields following historic channels. We don't have to pay much for water from the acequias, on ours we can earn most of our annual dues by participating in the yearly ditch cleaning. If we had to pay for expensive treated water and maintenance of the pumps and treatment system very few of us could afford to continue using the acequia. Continued agriculture in the Taos Valley would be limited to a few big operations that could afford to pay for the water, if that would be economical. The result would be that more and more former agricultural land would be sold off for residential to newcomers, more descendants of the original families would have to leave, and the community that presently exists around the acequias would be lost. And if there is much less agriculture using irrigation water we would lose the aquifer recharge that we are getting from it. And even our deep aquifer, which is finite, would eventually be drained.

To summarize, I request that the Programmatic Environmental Assessment be comprehensive, to cover the long term cumulative effects of all planned wells, not just the relatively small impacts of each one individually, and include all environmental, economic, and cultural impacts. My recommendation is that the "no action" alternative be

chosen, that no federal dollars be appropriated for any part of the “mutual benefit projects” as currently conceived, and that new studies be done to develop ways to meet actual needs under a limited growth scenario that employs conservation first before developing additional water supplies.

Endorsed by the Green Party of Taos County.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Thursday, November 7, 2019 7:14 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Taos County EIS

----- Forwarded message -----

From: **ELIZABETH** <ecbee63@msn.com>
Date: Wed, Nov 6, 2019 at 6:40 PM
Subject: [EXTERNAL] Taos County EIS
To: BOR-sha-AAOTaosNEPA@usbr.gov <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca Braz,

We are concerned citizens of Taos County and we are writing in regard to the Mitigation Wells proposed for the Taos Valley. We strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells.

An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
2. What are the costs of operating, insuring, and maintaining these wells?
Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Will mixing these very different chemistries be harmful to fish and wildlife?
5. Acequias not only recharge our aquifer, but also the Rio Grande when groundwater emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
6. If deep well water used for irrigation infiltrates into our shallow aquifer how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
6. What hydrologic models is the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long-term water needs.
We need more information. We need an EIS in order to make informed choices for our collective future.

Respectfully,

Elizabeth Burns & Andrew Cox
Talpa, NM

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Miguel W. Carboneras

Shadow Mountain Bldg 11/16/19
EL PRADO

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

NOV 18 2019

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

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- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
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In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,



JASON CESARZ
11-16-19

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 10-21-19
Name: Mr. Corey H.
Organization (if applicable):
Email Address: bstabw@gmail.com
Street Address: 145 Ray Rd.
City/State/Zip: Taos

Comments:

I recommend the complete eradication of projects and corporate private interests in Taos Valley aimed at the theft of the water living in any part of the sky, the earth, or any other place.

I demand a complete removal of all deep water drills and an abolishment of all practices causing harm to this planet and all the life upon her.

Any time water is dammed, piped, or manipulated in any way out of its proper form and placement, there is an ecological effects. When water is dammed, the life the waterway fed on its normal course becomes draught. When water is piped from its normal placement, condition, motivation, and sent to other places, the land becomes draught.

The practice of stealing water from its normal condition as is happening here with deep water drills from Cooper Drilling, LLC, is a practice of death and corruption in its most vile form. All in support of such acts are so out of ignorance or greed. There is no adformed, sane, and healthy person who would support acts of violence directed toward the very land that feeds, houses, and clothes them.

The human like all life is fundamentally responsible to the elements, especially the water as we are constituted by a vast majority of that element. When these fundamental laws of nature are contorted and abused by corporate, governmental, and human malfeasance, all of life cries out in suffering.
We Demand The Rights of the Water be Observed!

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-18-19
Name: Geraldine Chacon
Organization (if applicable): _____
Email Address: _____
Street Address: 118 Rio Lucero Rd
City/State/Zip: El Prado, NM, 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Geraldine Chacon

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11/18/19

Name:

Edward C. Cosa

Organization (if applicable):

Email Address: ecoca95@gmail.com

Street Address: 630 Witt Rd

City/State/Zip: Taos, NM 87571

Comments:

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11/18/19

Name:

Kaelynn Coca

Organization (if applicable):

Email Address:

rcoca85@gmail.com

Street Address:

630 Witt Rd

City/State/Zip:

Taos NM 87571

Comments:

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:04 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Public Scoping response attached
Attachments: BOR scoping.docx

Follow Up Flag: Follow up
Flag Status: Flagged

From: Petra Quintana <elpradowater@qwestoffice.net>
Sent: Wednesday, November 20, 2019 3:41 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Public Scoping response attached

Date: November 20, 2019

Name: Dr. Tessa Cordova

Email Address: tessacordova@unm.edu

Street Address: P.O. Box 3

City, State, Zip: El Prado, New Mexico 87529

Forty years ago when negotiations were ongoing, I was 18 years old. Back then, there were no homes in the Blueberry Hill area. There were limited homes, (very limited) in Upper and Lower Colonias and the same with homes off of Highway 64 going toward the Gorge Bridge, as compared to what is in these areas now. In the last 40 years there has been a population surge in the above mentioned areas. This population surge has meant there are now multiple domestic wells and septic systems that are now in place and in use, without any oversight. These wells may and will eventually either dry each other out if we continue to experience droughts OR the septic systems, if not properly maintained, will begin to leech into some of these wells. Again, this is dependent on whether we have drought or a wet season, which is unknown. A majority of these wells are not monitored by anyone nor do a majority of them have any water rights tied to them. So in an actual instance, those who do have water rights tied to an Acequia, the Acequia is at more of a risk of drying up because if these wells are in constant use then the Acequia's are unable to recharge. AND because these wells are not monitored there are huge green trees growing in an area where there was nothing but desert sagebrush. What happens as this begins to happen? What recourse do these homes with domestic wells have? Has the New Mexico Office of the State Engineer allocated more permits than there is water? These are important and serious questions that the people who have domestic wells don't think about. These are questions that domestic well owners fail to address when protesting the future wells proposed in the Abeyta Settlement. Another thing that is never addressed is the fact that water rights here in the State of New Mexico are based on priority of which domestic well owners are last in line. Unfortunately, whether they want to or not either the above mentioned group will have to spend a large amount of money to drill their wells deeper or eventually see if it would be possible to hook up to an established production well.

There has been one instance that I know of because I am a parciante on this particular Acequia here in the Town of Taos proper where the Town was given a permit to drill production well #5 in the early 70's. By 1977, the parciantes on the Spring Ditch Acequia noticed there was less water running in the ditch and by the mid-80's, there was a trickle in wet years and nothing during the drought. After a long and expensive court battle between the Spring Ditch Acequia and the Town of Taos, it was proven, by four separate Hydrologists from four different Hydrology firms that the Town's well #5 was the reason that the springs that fed the Spring Ditch Acequia dried and are no longer producing the amount of water required to supply the Acequia nor the parciantes water. If this has had an effect on this particular acequia, then there are others that will and unfortunately have also been affected. In most cases excess runoff from one Acequia will feed into another until eventually it all ends up in the Rio Grande. Well #5 is continuously pumping on a daily basis in order for the Town to produce the amount of water required to supply their water users, which means the ground water table is not able to recharge, therefore causing peril to all the surrounding Acequias, (Spring Ditch Acequia, Acequia Madre del Rio

Pueblo) streams (Rio Fernando) and rivers (Rio Pueblo, Rio Grande.) This is one of the reasons why it was determined in the Abeyta Settlement that the Town should drill their future wells away from the area of the acequias, streams and rivers.

As these Acequias, streams and rivers continue to be placed in peril and when the water stops flowing, then the use of them is no longer an option and once that happens, then the "rights" that are affiliated with them will also be lost.

If the parties were to go back to the negotiating table, then another 40 years can go by and by then all will be lost or pretty close to it. We cannot go back to the bargaining table every time someone moves in and feels that they should have been a part of the negotiation. If this is/was the case, then the parties would be forever at the negotiation table while our water supply dwindles to nothing.

If everyone is so concerned about water in this Community, then I think the Office of the State Engineer needs to be brought to task and answer the big question, "Have you allocated more water than is available?" and "Have you issued permits that are affecting water rights holders?" These questions to me is a possibility but I feel more a probability and while the actual water rights holders are battling amongst each other, the New Mexico Office of the State Engineer is absent and unresponsive.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 7:56 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Re: Abeyta Settlement / October 21,22 2019 Public Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

From: Elise Covlin <elise@ecovlin.com>
Sent: Tuesday, November 19, 2019 11:58 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Re: Abeyta Settlement / October 21,22 2019 Public Meeting

Re: Abeyta Settlement / October 21,22 2019 Public Meeting 11/19/2019

We live with the world population at 7.7 billion people. The greatest 'greater good' is about what we leave for the future not our momentary gain. Like so many other things - the phrase 'for the greater good' has been corrupted and now used as an excuse for short term gain, large profits for a few, on the backs of children not born yet. We have to think more about the future not just throw it all away just because we can and need another new external validation of who we are. Creating bogus jobs, creating projects that further undermine existing problems, compounding and convoluting issues, where the job / salary / new trucks / new buildings are the end unto itself - this needs to end.

In dealing with the Abeyta Settlement / El Valle issues for almost 2 years now please consider implementing the following standards going forward.

Accountability, consequences, checks and balances, enforce existing laws, transparency. Clear concise information available to the public online, in the library. And if one of the local archeologists, scientists, geologists, elders, historians, any other community members, finds something of concern or relevance, that it is not automatically thrown out on a technicality. Being dismissed because they did not attend a meeting nor comment during a time frame throws away a thousand years of collective knowledge, experience, care and concern. I understand the state and federal government need limits yet to then use these limits as the reason to throw out legitimate concerns shoots everyone in the foot. It sets a community up to fail.

There is so little transparency in the Abeyta Settlement, it takes a while to get up to speed on what something really means and how it might affect an individual, family, or community. My personal experience is instead of El Valle taking the small amount of time needed to convey relevant information - it has taken a year and a half to unwind the mess of lying through omission, bullying, misdirections, evasion, misinformation, and irrelevant information. For the people who have children, jobs, are care givers, are elderly, have more pressing responsibilities, this system is impossible to navigate, much less devote the hundreds of hours it takes to unravel this level of manipulation. It is set up to fail. It is like a lawyer inundating someone with a million pages of court documents hiding the relevant sentence somewhere in the middle. This needs to stop.

For example at the October 21, 2019 meeting one of the bulletin points was 40 acre well spacing combined with saying the state can do what they want, they do not have to let the community know anything i.e. the 3 mitigation wells already drilled. What does that even mean?

My off the cuff estimate of the Taos Valley being 10 miles x 18 miles equates to 2880 wells, plus 12 deep water mitigation wells, the Ski Valley defined area is entitled to 38 wells depending on drill-ability with terrain, the Town of Taos 85 wells, and every project needs the infrastructure that goes with it. Just enough information was given at the meeting to make us guess and extrapolate. Was this the minimum requirement for informing the public? It is so minimal as to be nearly meaningless. Is water considered a mineral and 40 acre well spacing is an oil and gas term, does this mean like oil and gas - these wells can be drilled anywhere regardless of who owns the surface property? This is all being hidden. We are all supposed to guess, then connect the dots, then comment in an intelligent and relevant way during a limited time frame - and in this the state has met their legal responsibility.

Whoever it is in the state that wants to use the deep water mitigation wells to pump from the aquifer and make surface holding reservoirs - instead needs to lose their job for gross incompetence. It is an absurd waste of job position, other peoples time, water and financial resources - another example of an ill thought out project that will possibly be signed off on and funded as long as the paperwork is in order. Please, this must stop - it cannot be our standard as a state / country going forward.

Please consider implementing:

Please stop pre-approving FONSI's. This cannot be the states standard. "The FONSI is not predetermined, however we know that it will be approved."

Transparency. We have many gifted, talented, intelligent people within our community, who have no agenda other than to give back and leave a legacy behind for those yet to come. They honor the past and pave a way for the future with no vested interest in themselves. Serve everyone by having projects held to the highest standards instead of throwing away, even one individual, much less the collective away due to bureaucracy and selected group interests meant to exploit and capitalize on our community.

If funding is an issue then change the time frame. If skill is an issue then get the skill. We as a country have technology, intellect, ability, please use it to our advantage instead of undermining us and our future.

This idea of "use it or lose it" then throwing money away, or good money after bad has to change. It is just stupid. We as individuals, as a community and country are better than that.

Require websites where the community can be fully informed of projects and the consequences, be able to look at complete maps, complete information. Not lying through omission, not skewing data to support an agenda. Not hiding data in so much legalese it is impossible to decipher. Not blindsiding the public and then running over the top of them because a project leader / organization / Settlement Party / outside investor - knows they will not be held accountable and permits are signed off on blindly.

Consequences in contracts so if those in charge of signing off on permits are found to be negligent, derelict in their duties - they lose their positions. As in El Valles case, the state biologist does not know how to even identify invasive weeds so even though the biologist is in an infested area, they cannot

recognize the weeds so ignorantly say White Top and Russian Knapweed aren't there, and then that is good enough for the state. Even though I personally showed contaminated areas to the environmentalist, wrote about them, sent a letter to the soil scientist, photographed the contamination - the states position is if the biologist says the weeds don't exist then they don't exist.

Why is there even a job position if the basics are not required? Why is there even an environmental department if the state knows ahead of time you are throwing out every environmental concern? That you know ahead of time all projects are finalized before there is even a proposal. If there is no accountability within your department or for contractors why do any of you have jobs?

Please create accountability. An actual process instead of employing the double speak of saying it is a 'process' or 'proposal' when it has already been finalized and known it will be signed off on. So that the laws in place to protect us are upheld. Where the goal isn't to find loopholes to serve an agenda that is so convoluted it is a full time job to unwind. This level of deceit serves no one other than those directly profiting. Follow the money and expect the highest of standards. We are a great country on the backs of so much sacrifice. Let this be our 'sacrifice' high standards, good designs that look as far out as we can possible see. See what the failures will look like and plan for those.

Please require respect for the elders of the Hispanic and Puebloan communities. What do they want for their children and grandchildren? Do they want their fields to become 'theme park subdivisions' with a little monument to them in the middle? Or fields, cattle, crops left intact supported by the community so their future generations know the privilege of irrigating under the moonlight, smelling the dry earth soak up the water from the mountains and know their place in time? Work with elders to ensure their history and cultures are respected and protected. Not sold out because someone knows how to double speak, manipulate, say one thing do something else, and is protected by permits that are rubber stamped.

Enforce existing laws. They are there for a reason. If someone locally cannot or will not for any reason they need to lose their job - bring someone in from the outside. If someone locally is distorting the laws to create opportunities for extortion, there need to be consequences.

Watching El Valle run over the top of elders who just cannot fight for their fields anymore has been one of the most heartbreaking aspects in my involvement with an Abeyta Settlement Party so far. It goes directly against The Taos 2020 plan - the vision Taos has for itself valuing agriculture, wildlife corridors, the aesthetics of the regions uniqueness, it goes against the culture and heritage. Running over people regardless of what they want, regardless of what a community wants, taking their land, their rights for bogus projects - then suing them for not cashing the checks that represent something they vehemently opposed - that is your legacy.

Homeland security is in charge of our flood plains - I still do not know if 'homeland security' means protecting ground water and protecting flood plains from contamination. Is 'homeland security' long term aquifer storage and protection of fertile soils, water and food for future generations? Or does 'homeland security' mean development at any cost? Short term gain to stimulate the economy of a few, where ground water does not matter - the idea being people can drink anything if boiled, filtered, or with enough chemicals to kill bacteria. Is this the goal?

El Valles sewer pipeline proposal is to be placed in and through 4 miles of the ground water, will never be checked for the leaks - all pipes leak. This one is designed with 8 right angle turns in half a mile

intentionally making the pipeline vulnerable and prone to failure. Contamination will be washed throughout the water table, never making its way to the surface so no one will be able to find nor trace it. The contamination will not be localized around the leaks / breaks in the line because of being placed in flood irrigated fields or in sub irrigated fields and directly in the water table. The pipeline is designed to fail. Yet the FONSI was rubber stamped without ever actually looking at the design or impact. It will create more problems than it solves. It is not for human health nor the 'greater good' it is for some new trucks, job security and "use it or lose it" funding. Are the mitigation wells of this area to be used to flush the sewer lines of the voluntary hookup pipeline? This would be equally as stupid as suggesting building above ground reservoirs to store water pumped out of the aquifer.

The plan / goal for our country, communities cannot be figuring out clever ways to break laws free of accountability. It is a waste of humanity, waste of the planet, waste of the future, waste of resources.

Please consider a higher standard going forward.

When the state does not do its job this is what the consequences look like:

Within 2 months of finding my field surveyed for a pipeline "proposal" with no notice, a card was stuck in my gate to contact El Valle. When I did I was told that public meetings were tokens, I was too small to sue El Valle, and the project was finalized. They knew regardless of how many environmental concerns there were, not one of them would be recognized - all paperwork was pre-approved. In going to the El Valle office I asked who their boss was, the person they answered to - and instead was given the environmentalist. I met with the environmentalist, emailed my concerns, was told I met the deadline for public input. I was told that any archeological sites, historical sites, artifacts could be destroyed as long as El Valle documented while destroying. Then for a year I was jerked around and told all concerns were thrown out because I did not meet the public input requirements.

On my property I have every one of these environmental issues: Bald eagle habitat, wildlife corridor along stream frontage, Taos 2020 plan valuing agriculture and wildlife, soils classified as rare, cremlins, neighboring invasive weed problems, historical use going back hundreds if not thousands of years, artifacts, flood irrigation, protecting water rights, floodplain susceptible to flooding due to drought, fire, rain cycles of climate change, and /or compromised value for continuing agriculture. Then it was clear every environmental concern had been thrown out years ago and this project finalized before it was ever made clear to land owners. Then I was told the states and federal hands were tied because all permits had been signed. Then I was told weed contamination was not an issue because the state biologist was lacking the ability to identify invasive weeds therefore the weeds must not exist despite photographs, and despite physically showing them to the environmentalist.

Thank you for your time and consideration.

Elise Covlin

(This is what the state sets into motion by not doing your jobs at the most basic level.)

Elise,

Wrong! Wrong! Wrong!

We will file for a right of entry to build the project and will condemn the easement through your land!
The FONSI is not predetermined, however we know that it will be approved.

You just do not want to understand that the green belt trunk line has to be built, it is the sewer truck main that serves the green belt all the way to the Talpa Community Center. It will also serve the homes built and properties located along the green belt and below or downhill from Camino Abajo de La Loma and the Acequia. No excuses, the compaction when properly performed is not a problem. The Camino Abajo de La Loma sewer Lateral will serve homes/properties located uphill from Camino Abajo de La Loma. The Camino Abajo de La Loma sewer line connects to the green belt line and cannot carry the sewer from the green belt homes. The green belt sewer trunk main is way lower in grade than the Camino Abajo lateral sewer main over the majority of the reach, we have elevations!

I have no further information for you other than all the documents will be available for your review at the El Valle Office.

The Public Information Meeting will be advertised. It is clear that you do not wish to meet and get an understanding of the project!

Thanks,Alex R. Abeyta, P.E.
(575) 770-2651

DAIBUTSUJI: ZEN CENTER OF LAS CRUCES

[HOME](#)

[ABOUT US](#)

[SCHEDULE](#)

[RETREATS](#)

[TEACHINGS](#)

[MEMBERSHIP](#)

[FORMAL ZEN STUDENT](#)

參同契

Sandokai

The Harmony of Difference and Equality)
Sekito Kisen (700-790 Common Era)

From west to east, unseen, flowed out the mind

Of India's greatest sage, and to the source

Kept true as an unsullied stream is clear.
Although by wit and dullness the true way
Is varied, yet it has no patriarch
Of south or north. Here born, we clutch at things
And then compound delusion later on
By following ideals. Each sense gate and
Its object all together enter thus
In mutual relations and yet stand
Apart in a uniqueness of their own,
Depending and yet non-depending too.
In form and feel component things are seen
To differ deeply, and the voices in
Inherent isolation, soft and harsh.
Such words as "high" and "middle" darkness match;
Light separates murky from the pure.
The properties of the four elements
Together draw just as a child returns
Unto its mother. Lo! The heat of fire,

The moving wind, the water wet, the earth
All solid; eyes to see, sounds heard, and smells;
Upon the tongue the sour, salty taste.
And yet in each related thing, as leaves
Grow from the roots, and "high" and "low"
Are used respectively. Within all light
Is darkness, but explained it cannot be
By darkness that one-sided is alone.
In darkness there is light, but here again
By light one-sided it is not explained.
Light goes with darkness as the sequence does
Of steps in walking.
All things herein have Inherent, great potentiality;
Both function, rest, reside within. Lo! with
The ideal comes the actual, like a box
All with its lid. Lo! with the ideal comes
The actual, like two arrows in mid-air
That meet.

Completely understand herein

The basic truth with these words. Lo! Hear!

Set up not your own standards. If, from your

Experience of the senses, basic truth

You do not know, how can you ever find

The path that certain is not matter how

Far distant you may walk. As you walk on,

Distinctions between near and far are lost,

And should you lost become, there will arise

Obstructing mountains and great rivers.

This I offer to the seeker of great Truth:

Do not waste time.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: NEPA
Attachments: Public Scoping .pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Christine Dimas <cmtz@elpradowater.com>
Sent: Wednesday, November 20, 2019 5:47 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] NEPA

Christine Dimas
El Prado Water and Sanitation District
P O Box 1110
El Prado, NM 87529
575-751-3335 Telephone
575-751-0354 Fax
cmtz@elpradowater.com



Date: 11/20/2019
Name: WILLIAM ESPINOZA
Organization (if applicable):
Email Address: WILLIAM.ESPINOZA1322@GMAIL.COM
Street Address: 46 LOS CORDOVA RD
City/State/Zip: TUCSON NM 85711

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha:
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11/1/19

Name:

Christian Dumas

Organization (if applicable):

EPWSD

Email Address:

cmtz@elpradowater.com

Street Address:

13 Dona Amanda Nitz Rd

City/State/Zip:

El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

This project must move forward as soon as possible. The protestors have not shown proof that they are water right owners nor do they provide input of what a better plan for the future.

EPWSD having to provide water for the Town of Taos has proven they have leadership and abled responsibility for this community.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/2/19
Name: Gabino Dimas
Organization (if applicable):
Email Address: gabinodimas3@gmail.com
Street Address: 226 Lower Las Colonias Rd
City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

[illegible]



Date:

Nov 19, 2019

Name: _____

George Dumas

Organization (if applicable):

Email Address: mdinas409@gmail.com

Street Address: 7 Verdolaga Rd

City/State/Zip: El Prado NM 87529

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

Nov 19, 2019

Name:

Maria Duran

Organization (if applicable):

El Prado Water and Sanitation District

Email Address: mduran409@gmail.com

Street Address: El Prado, NM

City/State/Zip: 87529

Comments:

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Ditto



Date:

11 | 2 | 19

Name:

Raelynn Dings

Organization (if applicable):

Email Address: gabirondinas3@gmail.com

Street Address: 226 Lower Las Colonias

City/State/Zip: El Prado NM 87529

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:04 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] NEPA scoping comment
Attachments: BOR scoping.docx

Follow Up Flag: Follow up
Flag Status: Flagged

From: Petra Quintana <elpradowater@qwestoffice.net>
Sent: Wednesday, November 20, 2019 3:46 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] NEPA scoping comment

Date: November 20, 2019

Name: Curtis and Melissa Drury

Email Address: melldrury@yahoo.com

Street Address: 230 Peralta Lane

City, State, Zip: Taos, New Mexico 87571

Forty years ago when negotiations were ongoing, there were no homes in the Blueberry Hill area. There were limited homes, (very limited) in Upper and Lower Colonias and the same with homes off of Highway 64 going toward the Gorge Bridge, as compared to what is in these areas now. In the last 40 years there has been a population surge in the above mentioned areas. This population surge has meant there are now multiple domestic wells and septic systems that are now in place and in use, without any oversight. These wells may and will eventually either dry each other out if we continue to experience droughts OR the septic systems, if not properly maintained, will begin to leech into some of these wells. Again, this is dependent on whether we have drought or a wet season, which is unknown. A majority of these wells are not monitored by anyone nor do a majority of them have any water rights tied to them. So in an actual instance, those who do have water rights tied to an Acequia, the Acequia is at more of a risk of drying up because if these wells are in constant use then the Acequia's are unable to recharge. AND because these wells are not monitored there are huge green trees growing in an area where there was nothing but desert sagebrush. What happens as this begins to happen? What recourse do these homes with domestic wells have? Has the New Mexico Office of the State Engineer allocated more permits than there is water? These are important and serious questions that the people who have domestic wells don't think about. These are questions that domestic well owners fail to address when protesting the future wells proposed in the Abeyta Settlement. Another thing that is never addressed is the fact that water rights here in the State of New Mexico are based on priority of which domestic well owners are last in line. Unfortunately, whether they want to or not either the above mentioned group will have to spend a large amount of money to drill their wells deeper or eventually see if it would be possible to hook up to an established production well.

There has been one instance that I know of because I am a parciante on this particular Acequia here in the Town of Taos proper where the Town was given a permit to drill production well #5 in the early 70's. By 1977, the parciantes on the Spring Ditch Acequia noticed there was less water running in the ditch and by the mid-80's, there was a trickle in wet years and nothing during the drought. After a long and expensive court battle between the Spring Ditch Acequia and the Town of Taos, it was proven, by four separate Hydrologists from four different Hydrology firms that the Town's well #5 was the reason that the springs that fed the Spring Ditch Acequia dried and are no longer producing the amount of water required to supply the Acequia nor the parciantes water. If this has had an effect on this particular acequia, then there are others that will and unfortunately have also been affected. In most cases excess runoff from one Acequia will feed into another until eventually it all ends up in the Rio Grande. Well #5 is continuously pumping on a daily basis in order for the Town to produce the amount of water required to supply their water users, which means the ground water table is not able to recharge, therefore causing peril to all the surrounding Acequias, (Spring Ditch Acequia, Acequia Madre del Rio

Pueblo) streams (Rio Fernando) and rivers (Rio Pueblo, Rio Grande.) This is one of the reasons why it was determined in the Abeyta Settlement that the Town should drill their future wells away from the area of the acequias, streams and rivers.

As these Acequias, streams and rivers continue to be placed in peril and when the water stops flowing, then the use of them is no longer an option and once that happens, then the "rights" that are affiliated with them will also be lost.

If the parties were to go back to the negotiating table, then another 40 years can go by and by then all will be lost or pretty close to it. We cannot go back to the bargaining table every time someone moves in and feels that they should have been a part of the negotiation. If this is/was the case, then the parties would be forever at the negotiation table while our water supply dwindles to nothing.

If everyone is so concerned about water in this Community, then I think the Office of the State Engineer needs to be brought to task and answer the big question, "Have you allocated more water than is available?" and "Have you issued permits that are affecting water rights holders?" These questions to me is a possibility but I feel more a probability and while the actual water rights holders are battling amongst each other, the New Mexico Office of the State Engineer is absent and unresponsive.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:04 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] NEPA Public comment attached
Attachments: BOR scoping.docx

Follow Up Flag: Follow up
Flag Status: Flagged

From: Petra Quintana <elpradowater@qwestoffice.net>
Sent: Wednesday, November 20, 2019 3:44 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] NEPA Public comment attached

Date: November 20, 2019

Name: Sonya Drury

Email Address: sonyadrury@msn.com

Street Address: 232 Peralta Lane

City, State, Zip: Taos, New Mexico 87571

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From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:09 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Re: Taos Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Jenuine Systrum <headovroses@gmail.com>
Date: Sun, Nov 17, 2019 at 9:49 AM
Subject: [EXTERNAL] Re: Taos Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Greetings Rebecca Braz,

I am sending this along as an email version in the event my posted letter does not arrive by the Nov 20th deadline.

I am a concerned Taos county citizen and I am writing you in regard to the mitigation wells proposed for the Taos Valley. I strongly support a full Environmental Impact Study (EIS) of the mitigation wells to see how implementing the Abeyta Settlement will impact residents of this county and future generations of Taosenos. An EIS is absolutely necessary to address a number of issues and concerns that could impact the long term environmental, economic, and overall health of our valley:

- 1) How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of ground water deep in Taos to have a pH levels and concentrations of arsenic and fluoride to exceed EPA standards.
- 2) What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- 3) How will the addition of pumped well water into the Acequias affect their legal status. Acequia communities are by definition irrigated only from diverted stream water.
- 4) How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be extremely harmful to the fish and wildlife populations of the directly affected and indirectly affected watersheds

in the Taos area.

5) Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges through springs along the river. How will the mitigation wells affect Acequia recharge, and potentially, the greater Rio Grande watershed?

6) If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will the added arsenic and flouride and potential other toxic materials be introduced into our municipal well water?

7) What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In section 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to be unfeasible, then alternatives must be actively pursued and the negotiating parties will reconvene and negotiate a mutually beneficial solution.

Mitigation wells are not suitable to the Taos valley's long term water or agricultural needs. We need more information and we must have an EIS in order to make informed choices for our collective future and the future of generations to follow.

Sincerely,

Jennifer Eichler-Stuart
212 Peralta Ln
Taos, NM 87571

Hello, this is a citizen of the El Prado Water District in the Taos area concerning the Abeyta Settlement Projects that are going on out there. As a resident of the county, I would like to voice my extreme concern and discontent with the Abeyta Settlement Water Mitigation System that is being planned and implemented currently in Taos, and we would like to see a halt to all drilling until further studies can be conducted on environemntal and human impacts, wildlife, everything in the area...It's time to put the environment and the people before corporate interest and collusion with government agnecies, and we would like to see that cease immediately. Thank you.

Public Input on the Environmental Impact of
The Abeyta Water Settlement Implementation
October 21, 2019
Sagebrush Inn and Suites, Taos, NM

We are residents of the Taos area and would like you to listen to some of our fears and questions about the implementation of the Abeyta Water Settlement. Thank you for the opportunity to be heard. The questions were inspired by Pat McCabe.

Request: With the exception of question #1, please answer these questions within a week, by October 28, in a public posting for all to see. And, please include all your names in the posting so that we can know who is responding.

- 1. Can you commit today to doing this for the Taos area residents?
Please raise your hand if you will commit to doing this.**

El Prado Water District gained 20X the amount of water they had before this agreement.

- 2. Can you assure us that this water will not be used to further
“develop” the Taos Valley in ways that harm the environment and the
rich cultural identity of this area?**

When the aquifers are tapped, private wells will undoubtedly be impacted. Private wells may run dry because of this deep water extraction, and it may be necessary to connect to municipal water lines to have water.

- 2. If there is no money in the Abeyta Settlement to pay for this, will
individuals have to pay the upfront costs, and then continue paying
for future water use?**

Some of our neighbors in Llano Quemado are being encouraged to sell property for waterlines easement.

- 4. Is this happening in order to prepare for future developments?**

Acequias are by legal definition surface fed waters.

- 5. Will feeding the acequias with deep aquifer water change their legal
status and parameters?**

It is known that drilling can fracture bedrock.

- 6. What is the plan if water drains down the cracks created from
drilling in the bedrock?**

Experts have said that often deep aquifer water can contain naturally occurring, non-potable, toxic water. The deep aquifer water may not be suitable for human

consumption and agriculture. The deep aquifer water may need to be treated before it can be used.

7. If the water that comes up has to be treated before we can use it, who will pay for the treatment plant operation?

If residents are expected to pay, but can't afford these costs, corporations or rich folks will see this as an opportunity to step in to finance it. If that happens our water will be controlled by them. This is privatizing our water and we cannot let this happen.

8. Can you assure us that this will not happen?

Thank you in advance for your answers to these eight questions. We look forward to your public answers.

Daniel Escalante
47 Vista del Valle Rd.
Ranchos de Taos, NM 87557
720-987-8148
ifnot@mac.com

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-19-19
Name: KENNETH ESKEBACK
Organization (if applicable): ESKE'S PARADISE BALLOONS
Email Address: Ken@taosballooning.com
Street Address: PO BOX 308
City/State/Zip: EL PRADO NM. 87529

Comments:

HI REBECCA BRAZ

I'VE OWNED + OPERATED PARADISE BALLOON SINCE
2000. I'VE WATCHED THE TAOS AREA GROW.

I DO NOT SEE HOW YOU PLAN TO DRILL
AT LEAST 5 MITIGATION WELLS WITHOUT AN
ENVIRONMENTAL IMPACT STATEMENT (EIS).

THIS IS ABSURD.

I SUPPORT AN EIS AND DEMAND ONE FOR
THE POTENTIAL CONSEQUENCES OF IMPLEMENTING
THE ABEYTA SETTLEMENT!

SINCERELY,

Kenneth R. Eskeback

KENNETH R. ESKEBACK

CONCERNED
CITIZEN

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

10/21/19

Name:

ROSE FERNANDEZ

Organization (if applicable):

Email Address: ROSEFERNANDEZ1136@OUTLOOK.COM

Street Address:

City/State/Zip: TAOS, NM 87571

Comments:

SINCE THE TAOS PUEBLO IS THE ENTITY THAT IS BENEFITTING
THE MOST FROM THE ABQTA SETTLEMENT, WHY ARE THE
GOVT NOT PROTESTING AGAINST THEM?

I BELIEVE THAT IF THE TAOS PUEBLO LEADERS
GET INVOLVED, A LOT OF THE ISSUES WILL BE
ANSWERED.

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

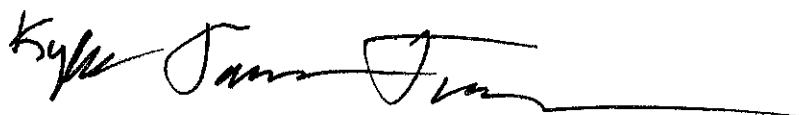
I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
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- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kyle James", followed by a long horizontal line.

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

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- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Joseph Fresquez
SPACE 34-A
Shadow Mtn Rd
EL Prado, NMex

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha:
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: Nov 17 2019
Name: H. FRIEDMAN
Organization (if applicable): TAOS SPORTS ALLIANCE
Email Address: FRIEDMAN@NEWHEX.COM
Street Address: PO Box 1145
City/State/Zip: TAOS, NM

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

PUBLIC SCOPING COMMENT CARD



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/8/19
Name: Cindy R. Gallegos
Organization (if applicable):
Email Address: cindyrosegallegos@gmail.com
Street Address: 42 Camino de Llano Quemado Sur
City/State/Zip: Rancho de Taos NM 87557

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:45 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] EIS for Abeyta Settlement Impletation

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Susannah Gelb <pitaya13@yahoo.com>
Sent: Monday, November 18, 2019 9:02 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] EIS for Abeyta Settlement Impletation

Hello Rebecca Braz-

I am a concerned citizen of Taos County and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. **I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells.** An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated? What happens if the proposed stewards of these wells can no longer afford to maintain the wells, who becomes liable or who is able to then buy the rights to use/maintain?
3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
5. Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
6. If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?
8. Why hasn't there been an option to lease the needed water from the Taos Pueblo opposed to drilling so many deep wells with unknown consequence?
9. Why can't we propose a cap on supply well usage to deem the mitigation wells unnecessary? The newly acquired water rights are many fold greater than the current supply which more than appropriately meets the needs of water users.
10. How can we be assured that the mitigation wells are solely for the purpose of offset from supply wells? Are these wells vulnerable to outside interests when water needs become greater

downstream? What assurance do concerned citizens and lovers of our watershed have that this water doesn't have further agendas towards development?

Please commit to performing a complete, comprehensive and cumulative Environmental Impact Statement for the entirety of this implementation which would include the breadth of possibilities for water depletion, pollution to ground and surface waters and cost for our historically low income community. This is a pivotal moment for the Bureau of Reclamation and our small, land based community in Taos. The love we have for our home is tied directly to the pristine and abundant resources that offer so much to our bodies and souls. Taos is an extremely unique and special place that deserves to be honored and respected for the preciousness which has been maintained over millennia.

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Thank you for your consideration and time in keeping the beautiful place we call home safe from unnecessary exploitation and potentially dangerous environmental impacts...

Respect,
Susannah Gelb

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,



PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

10/30/19

Name:

Telesfor R. Gonzales

Organization (if applicable):

EPWSD

Email Address:

guendolyng172@gmail.com

Street Address:

PO Box 1018

City/State/Zip:

El Prado NM 87529

Comments:

The Abeyta ^{Water} Judication Settlement Agreement took 20 yr. In those yr El Prado lost Access to a vital well - The Sheep Skin Water, limits of usage in the Torreon Well, the Colinas well limited use, ~~was~~ in exchange for those loss we negotiated with All parties involve for ~~the~~ Two additional well to meet present and future use - The well were suppose to be located outside the influence of the Indian Properties/Buffalo pasture And to mitigate any potential influence on Acequias - Therefore the outline a drilling zone on highway 64 toward the airport. And that where we are know.

Telesfor Gonzales

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:03 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Abetya Settlement Mitigation Wells

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jim Granger <bodytranscendent@gmail.com>
Sent: Wednesday, November 20, 2019 4:33 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Abetya Settlement Mitigation Wells

Hello Rebecca Braz

My partner, Holly Difani, and I, Jim Granger, are in support of doing a full Environmental Impact Study regarding the proposed implementation of Mitigation Wells. There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs?
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to

obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you Rebecca,
Jim Granger
Holly Difani
145 El Salto Rd.
Arroyo Seco, NM 87514

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:10 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Environmental Impact Study of Mitigation Wells Needed

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **Kristin Graziano** <docgratz@gmail.com>
Date: Sun, Nov 17, 2019 at 6:01 PM
Subject: [EXTERNAL] Environmental Impact Study of Mitigation Wells Needed
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Rebecca Braz,

I am writing to you to express my concern regarding the Mitigation Wells proposed for the Taos Valley. I am a home owner in Arroyo Seco and am deeply troubled by the potential long term environmental, economic and cultural health of our valley that these Mitigation Wells pose. As one who lives in Arroyo Seco and depends on water from my individual well and on my water rights from the acequia, I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS on the Mitigation Wells was never conducted; therefore the consequences of implementation have not been adequately investigated. We need more information, as there are potentially significant harms from these deep water wells.

I feel there are many unanswered questions. Specifically:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
- How will discharging hundreds of gallons per minute of deep well water into freshwater streams affect their ecology? Will mixing these very different chemistries be harmful to fish and wildlife?
- When deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will arsenic and fluoride and other toxic minerals be added to our well water? In what quantities?
- What hydrologic models are the BOR using to calculate the impact of these wells on the shallow aquifer of the Taos Valley?
- How will the mitigation wells affect acequia recharge?
- What are the costs of operating, insuring and maintaining these wells? How will the Acequias and Mutual Domestics handle these costs?
- The Abeyta Settlement was drafted at a time prior to the risks of Climate Change were known. Is it possible that given our current understanding of Climate Change, the Abeyta Settlement is no longer viable or wise?
- How will the addition of pumped well water into the Acequias affect their legal status?

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

As such, I strongly support a full Environmental Impact Study to be conducted. Additionally, further implementation of the Abeyta Settlement should be suspended until an EIS is completed and we are more informed.

Respectfully,

Dr. Kristin Graziano

To whom it may concern,

Enclosed are a hundred plus signatures against the water drilling into the aquifer to support new development project of Taos. We, the local residence, will be prepared to take legal action and stand against the drilling.

guardiansoftware@gmail.com

Please Sign to Protect the Beautiful Land, People, and Wildlife of Taos!

The water supply of Taos is being threatened. The Abeyta Settlement promotes drilling into the aquifer, tapping into this water supply will completely dry up all wells and water beds above it. There is no denying the science behind the importance of an aquifer and the consequences that come from tapping it and draining it. This is how ignorant and careless the corporations that run the world are. The locals and admirers of Taos who appreciate this special land will not stand to have the water depleted and then sold back at an outstanding financial and environmental cost. For more information on the industry that is threatening the water in the town of Taos, watch the Netflix series, "Rotten" episode: Troubled Water. "The explosive growth of the bottled water industry has driven corporations to dip into public water supplies and left vulnerable citizens thirsty."

Name:

Address or email (opt.):

- | | |
|----------------------|--|
| 1) James Boccelli | jamesin taos@gmail.com |
| 2) Adrian Flory | |
| 3) Cheryl Sharp | Taos |
| 4) [Signature] | P.O. Box 1436 El Prado |
| 5) [Signature] | TAOS - |
| 6) Alfred B. Johnson | Alfred B. Johnson |
| 7) [Signature] | TAOS |
| 8) Isla Roch | Isla Roch 09@gmail.com |
| 9) Stacy Quinn | PO Box 3680, Taos, NM |
| 10) Wes Patterson | PO Box 3680 Taos |
| 11) Ken Thal | PO Box 714 TAOS SKI VALLEY
NM 87525 |
| 12) David Sims | Box 965 Taos NM 87571 |
| 13) Keni Chase | KAC.nm01@gmail.com |
| 14) B. Korsberg | |
| 15) Bill Moore | science@gmail |
| 16) Mary Potts | |
| 17) DAVOR SALTER | PO Box 1828, EL PRADO 87529 |
| 18) Connie Thompson | Connie Thompson@gmail.com (over) |

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Name:

Address or email (opt.):

- | | |
|-------------------------|---|
| 36) Frank E. Murchison | 215 Lund St TAOS, NM |
| 37) Georganna Robinett | 11 11 11 87571 |
| 38) William [Signature] | |
| 39) Sarah Jacobson | sarahbeth.jacobson@gmail.com & Calle Angelina Arroyo Seco, NM 87514 |
| 40) Elizabeth Williams | |
| 41) Michelle Gray | HStappa@gmail.com |
| 42) CRIS DUNHAM | CRISDUNHAM@CS.COM |
| 43) Linda Fair | |
| 44) Randy Thorne | |
| 45) Elton McChuan | |
| 46) Vanessa Fortin | |
| 47) Mrs Morgan Solt | morgansolt@yahoo.com |
| 48) Stephanie Maras | landofgallieswaters@yahoo.com |
| 49) Auguste Fernandez | AugusteFernandez17148@gmail.com |
| 50) | |

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Name:

Address or email (opt.):

- | | |
|---------------------------|-----------------------------|
| 19) Claudia Turner | claudia constance@gmail.com |
| 20) BUTCH FAIRLEY | |
| 21) AUDREY FAIRLEY | |
| 22) DANA MILLER | |
| 23) William A. Potter | |
| 24) MARIKA SVAZQUEZ-WATTS | |
| 25) Jeannie Keretti | |
| 26) YAGUAK GONZALEZ | |
| 27) Kacey Monson | |
| 28) Victoria Hulsinger | |
| 29) Aaron Kyle Black | aaron.kyle.black@gmail.com |
| 30) Ron Wuma | |
| 31) Mark Goodman | HANDSURG1@YAHOO.COM |
| 32) James M. | |
| 33) Duane Cord | Taos Pueblo |
| 34) Suann Davin | Taos Pueblo |
| 35) Pete Hail | Sunshine Valley |

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Name:






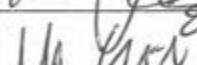

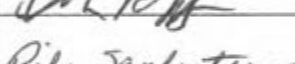


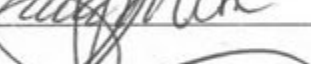

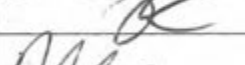




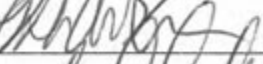

Address or email (opt.):

David Shipley 10/18/19 davidshipley@gmail.com
Sundara Heart 10/18/19 SundaraHeart@gmail.com
J. Paul R. Lieberman 11/5/19 paulr@paulr.com
Cyril Shipley 11/5/19 cyrilship@gmail.com

CONCERNED CITIZENS AND TAOS COUNTY RESIDENTS OPPOSED TO THE TARLETON RANCH "ECO-VILLAGE" DEVELOPMENT IN UPPER LAS COLONIAS, TAOS COUNTY, NM

The Tarleton Ranch "Eco-Village" Development is a Planned Unit Development (PUD) Subdivision that will contain 400+ New Homes and 90+ Commercial Spaces, thus withdrawing large quantities of water reserves from the aquifers of the Taos Valley. A development of this size sets a precedent for larger developments to follow suit, thus endangering the natural resources we treasure in the Taos Valley and affecting the unique character of our tri-cultural, rural landscape that still has abundant open space and a healthy hydrological system.

We speak on behalf of the protection and restoration of the Taos Valley Watershed and the Next Seven Generations.

FULL NAME	SIGNATURE	ADDRESS (AT LEAST ZIP CODE)	PHONE/EMAIL
SAM BURKE-FAVERO		87577	575 751-4202
Emily Claire Marcus		87571	b3ar.3mc@gmail.com
Tara Somerville		87529	575 741 5103
Norman Collins		706 Siler 87571	505-670-5442
Kathy Carmichael		P.O. Box 1395	575-770-3890
Justin Carmichael		P.O. 1395	575-770-3890
Charlie Rafferty		PO Box 2148 El Prado 87529	575-741-0878
Rita Santistevan		POB 2758 87557	575-737-0334
Mike Miller			
Gail Mika		87571	20470 4795
Ann Myerles		87552	505-692-3084
Sebastian Koga		87571	505-423-3756
Nan Laney		88062	360 420-2185
John Donovan		87514	779-8349
John Nettles		87529	770 5790
Meenapski Jim		87571	770-0839
Brock Anderson		87564	834 609-9113
Mel Saulty		87571	779-2721
Anna Gonce		87577	575 244 8597

PETITION SPONSORED BY: GUARDIANS OF TAOS WATER (GOT WATER)

taoswaterprotectors.org

guardiansoftaoswater@gmail.com



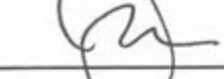


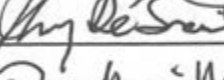


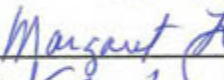

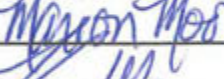
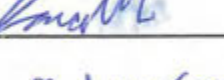


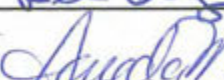


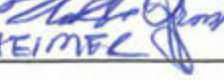

CONCERNED CITIZENS AND TAOS COUNTY RESIDENTS OPPOSED TO THE TARTLETON RANCH "ECO-VILLAGE"
DEVELOPMENT IN UPPER LAS COLONIAS, TAOS COUNTY, NEW MEXICO

FULL NAME	SIGNATURE	ADDRESS (AT LEAST TOWN, STATE, ZIP CODE)	PHONE/EMAIL
Catherine R. M.		San Cristobal	richla@taosnet.com
FORREST DAULDEN		TAOS 87571	forrestdaulden@gmail.com
Janet Boudi		P.O. Box 887 El Prado	janetintaos@gmail.com
David Dean		80401	david@seoul.net
André A. Perry		Arroyo Seco 87514	andreperry@hotmail.com
Johnny DeSaulle		TAOS 87571	MTN BOWMAN@QATCOM.COM
H. Selig		TAOS 87571	Hselig13@gmail.com
J.C. SORG		TAOS 87529	N/A
Edward H. Camp		Red River 87558	
Trina C. Camp		Red River NM 87558	
NEYSA CLAYTON		21 St. Rd. 302 Apt 3 Ranchos NM 87557	
Page Thissell		Quartz NM 87556	575 586 2074
Cindy Grossman		619 Don Nicholas Rd. Taos NM 87571	575-741-1946
Bruce Grossman		" " " "	575-741-0888
Carole Jackson		PO 2297, EL PRADO, NM 87529	505-699-4672
Terence Ireland		87558	
Bri Golden		Taos 87571	
Emily Soren		Seco, 87514	
Sean Carpenter		Taos 87571	seancarp27@gmail.com
Theresa G. Grier		25 W. 1st El Rito 87571	scarpone27@gmail.com

"WE SPEAK ON BEHALF OF THE PROTECTION AND RESTORATION OF THE TAOS VALLEY WATERSHED
AND THE NEXT SEVEN GENERATIONS"

PETITION SPONSORED BY: GUARDIANS OF TAOS WATER

CONCERNED CITIZENS AND TAOS COUNTY RESIDENTS OPPOSED TO THE TARTLETON RANCH "ECO-VILLAGE"
DEVELOPMENT IN UPPER LAS COLONIAS, TAOS COUNTY, NEW MEXICO

FULL NAME	SIGNATURE	ADDRESS (AT LEAST TOWN, STATE, ZIP CODE)	PHONE/EMAIL
Hank Cervenka		226 Kit Carson J2 Taos NM 87571	wingedpen@yahoo.com
IAN T. SIMS		El Prado NM	
Justin Simpson		2 Po Box 253 El Prado NM 87529	nbdtaos@gmail.com
Connie Taylor	Connie Taylor	P.O. 1994 El Prado, NM 87529	
June D		P.O. Box Taos Puc 616	
Michael Muehlenberg		P.O. Box 2791 Taos Pueblo	575 224-4595
Johnny De'Scovich		816 Hill Dr Taos NM	505 692-9422
Jane Marie Messing	Jane Marie Messing	P.O. Box 1634, Taos, NM 87571	jane@innerresources.info
btrack		Box 992 Taos, NM 87571	btrackt@gmail.com
Gallegos		P.O. Box 113 Amarillo, NM 87512	
MARGARET LOTZ		P.O. Box 395 El Prado 87529	409-250-530
Young Herrera		309 Tompkins Ave 2A Brooklyn 11216	571-386-8748
Marian Moore		P.O. Box 54 Taos	575-770 5847
Kenneth		P.O. Taos 87571	Ko
Andrea Szekes		P.O. Box 784 Arroyo Seco 87614	szekesand312@gmail.com
Patricia Jynther		21 DAY LAKE EL PRADO 87529	
Rae Collignon		406 Montaner, Taos	
Ananda M Sundar		1103 Arroyo del Pueblo N. 108, El Prado NM	ananda.m.sundar@fastmail.com
Doug Pickett		322 N Trapper Rd Taos 87571	
Karen Caporin		2615 E Hwy 64, Taos 87571	
NIKOLAS OPPEN		400 CALLE DE LA VINA, TAOS 87571	GRAN FIRE DOG@gmail.com

"WE SPEAK ON BEHALF OF THE PROTECTION AND RESTORATION OF THE TAOS VALLEY WATERSHED

AND THE NEXT SEVEN GENERATIONS"

PETITION SPONSORED BY: GUARDIANS OF TAOS WATER

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Friday, November 8, 2019 8:56 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Mitigation Well System

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **adriana guerrero** <ags4175@sbcglobal.net>
Date: Thu, Nov 7, 2019 at 1:36 PM
Subject: [EXTERNAL] Mitigation Well System
To: BOR-sha-AAOTaosNEPA@usbr.gov <bor-sha-aaotaosnepa@usbr.gov>

Hello Rebecca Braz

There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestic handle the costs?
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
- 4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.**

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights.

The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you

Adriana Guerrero

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] EIS needed for Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

From: Philip Handmaker <ph.handmaker@gmail.com>
Sent: Tuesday, November 19, 2019 9:42 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] EIS needed for Abeyta Settlement

Hello Ms. Braz,

I am writing as a resident and concerned citizen of Taos to express my support for undertaking an Environmental Impact Study (EIS) as regards the mitigation wells and other hydrological aspects of the Abeyta water settlement.

As you know better than most, the Settlement calls for radical measures, pumping hundreds of gallons per minute of water from deep aquifers with unknown chemistry into streams and acequias. Without a thorough EIS, we have no way of knowing quite how this process will impact the ecology and hydrology of these precious waterways. There is even reason to question whether it will change the legal status of our cherished acequias, which by definition are fed by diverted stream and river flows.

An EIS is needed that will:

- Update Hydrological Models on the Impact to the Shallow Water Aquifer

There is much concern that the decades-old hydrology underlying the Abeyta settlement is flawed and does not incorporate reduced snowpack, early runoff, and drought caused by climate change. It must be shown by an EIS that the hydrology of the Taos Valley can support the Abeyta project not just now but into the future. This means that not only will water be provided for consumptive uses, but also that surface waters in streams, acequias, and the Rio Grande will not be compromised by the Abeyta Settlement's proposed replumbing of the Taos Valley. An EIS must address current recharge by acequias and how the shallow water aquifer will be affected by a changed regime in acequia source, flow, and use.

- Assess pumped water contamination, treatment scenarios, costs for treatment, bearers of costs, and ecological impact

There is concern that water from supply wells and mitigation wells will contain heavy metals and other contaminants that will require costly treatment and that this treatment will have a negative ecological impact on streams, acequias and farming. There is concern that this could also contaminate the shallow water aquifer.

- Detail the costs, ecological impacts, potential and limits of conservation as an alternative to the Abeyta Settlement

- Address the sustainability of the Abeyta Settlement over a 50, 100, and 200-year period in terms of

water availability, well maintenance, and continuation of the acequia tradition There is general concern that the increase in water rights to the Town of Taos and the El Prado Water and Sanitation District will foster unsustainable water use and growth in the Taos Valley. An EIS is needed that provides data on the carrying capacity of the Taos Valley based on updated hydrological models, the impacts of climate change, and scenarios with and without water conservation measures. For how long can the new supply wells provide water and maintain continued growth? In the San Luis Valley in Southern Colorado, wells are being retired across the valley because the shallow and deepwater aquifers have been overpumped in a matter of decades. The EIS must provide information on the short versus long term projections of water availability and aquifer recharge under the Abeyta Settlement and its alternatives.

In section 13.3 of the Abeyta Settlement, it is clearly stated that if any project is determined to be unfeasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions. An EIS is absolutely necessary to determine the feasibility of the projects proposed prior to their construction and implementation. If the Abeyta Settlement is based on full-proof hydrological models and sound engineering, then the EIS will clearly demonstrate this. If it is not, then the EIS will draw attention to the aspects of the Abeyta Settlement that need to be reexamined and inform alternatives that are supported by the EIS data. To proceed on such an extensive replumbing of Taos Valley in the absence of the EIS data is negligent and not a reflection of the BOR's great tradition of civic-minded works based on superb science and engineering.

Many thanks for your service to our nation and community.

Best regards,
Philip Handmaker
205 Beimer St
Taos, NM 87571

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Comments on Taos IWRS Settlement Scoping of PEA

Follow Up Flag: Follow up
Flag Status: Flagged

From: Mark Henderson <markscotthenderson@gmail.com>
Sent: Wednesday, November 20, 2019 9:23 PM
To: NEPA, Taos
Cc: Mark Henderson
Subject: [EXTERNAL] Comments on Taos IWRS Settlement Scoping of PEA

Please accept these comments on the PEA from
Mark Henderson
1416 Conejo Road
El Prado, New Mexico 87529-7405

The PEA should pay special attention to clarifying the accuracy of the hydrologic model, particularly in the context of climate projections for the life of the project.

There should be provisions for monitoring water usage of the Mutual Benefits Projects and all other projects within the settlement area (Rio Hondo Watershed on North-Rio Grande del Rancho Watershed on south, and everything in between). As projects are installed there needs to be reliable quantitative information on effects on all domestic and irrigation wells in the basins (direct impacts) and beyond (indirect impacts) particularly on the Rio Grande itself. A good map of the boundaries of the basin is critical.

The hydrologic model claims some disconnect between the shallow aquifer and the deep aquifer where community supply wells (Taos, El Prado and Mutual Domestics) and "mitigation wells" for select Acequias may be placed. The consequences of not implementing the Acequia mitigation wells which can also be used for mutual domestic supply wells needs to be assessed.

The impacts on socio-economic growth are of great concern. Maximum build out of the production-supply wells have had estimates of increasing the current residential population of the Taos Valley from approximately 25000 to 100000 people. The actual current population using the water supply in the Taos Valley needs to be defined and the amount of water depletion including individual residential-domestic and agricultural wells needs to be inventoried. There needs to be an inventory of unregistered wells and some method of determining that individuals are not using more water than their residential or irrigation wells are permitted for. Impacts of depletion of implementation of the mutual benefit projects on individual wells must be assessed and the current unlimited permitting of by the OSE on these wells needs to be analyzed as a maximum build-out based on the potential number of wells that could be permitted based on acreage allowed per residential well.

We need to have measurements of the age of the water being accessed in the deep aquifer under the hydrologic model.

We need audits of all water users in the Settlement Area, so that the depletion predictions of the hydrologic model are verified.

There needs to be an assessment of non-resident water use given that 40% of the economy of Taos County is currently from tourism and visitors and commercial lodgings are now the largest water users in the county. Effects of more commercial lodging, including vacation rentals need to be assessed. It is estimated that 40% of the residences of Taos County are not full time, so seasonal effects of water use need to be considered. A related issue is whether vacation rentals are domestic-residential or commercial permits?

Water availability leading to increased population will cause geometric increase of water demand and building of infrastructure is water intensive. This needs to be estimated.

There needs to be a good explanation of the San Juan Chama allocation of water and how this fits into the maximum build out scenario of imported water under the Mutual Domestic projects. Offsets need to be explained.

Failure to build mutual domestic projects may cause allegations that the settlement is being violated, even if water conservation reduces demand. Effects of water conservation need to be analyzed under the terms of the settlement.

In short water budgets need to be developed showing high growth, low growth models and effects of not building out individual Mutual Benefit projects.

A good explanation of the hydrologic cycle and conservation, diversion storage and recycling need to be considered. Recycling of water from treatment plants is apparently not considered in the Settlement Model. This is currently a substantial part of the water budget that is not considered in the settlement. Pumping water which goes to treatment and then is just put back into the Rio Grande has a different effect than water that is pumped from wells and put into individual septic systems. The trend to construction of treatment plants with wastewater systems is not considered in the settlement model and as trends continue for residents to be put on water and sanitation systems needs to be assessed.

In short the implementation of the Mutual Benefit projects will have a significant impact on the quality of the human environment and must be subject to an EIS. Segmenting individual approvals would appear to be a violation of the National Environmental Policy Act.

Thank you for the opportunity to comment. /s/ Mark Henderson

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: October 21, 2019

Name: Carol Hesselgren

Organization (if applicable):

Email Address: community.and.arts@gmail.com

Street Address: 1520 3th St NW

City/State/Zip: Albuquerque, NM 87102

Comments:

The water of this land needs to stay in the ground. If it affects the local water table and compromise the land and livelihood, health of this land it should not be done. It is the water of this land, that should stay on this specific land. On a energetic + spiritual level, it would definitely create an imbalance. Not because it cant be 'pract' does not mean its not REAL. The native people of this land should have the LAST say. It is their land. It needs to be protected. If it harms the culture and ecology it should not be implemented. What are ALL the impacts? They should be FULLY stated and shared and agreed upon before moving forward. There must be an accumulative impact study, on how this will affect ALL life. Especially, the long-range (ex. 100 year) effects need to be recognized + evaluated in regards to the ecological health of this land, for all its inhabitants.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

Name:

Organization (if applicable):

Email Address:

Street Address:

City/State/Zip:

10/22/19
John Robbins
the one and only jrobbins@gmail.com
250 Calle Libertad / PO Box 711 Taos NM 87571
Taos NM, 87571

Comments:

After Reading the Abeyta Settlement, I must request that the State of NM complete the Environmental Impact Study to determine the effects of these wells, especially the mitigation wells. These mitigation wells are going to destroy the water rich pockets of Taos County. For short term goals of developers. Not for the public good; for the development of un-sustainable communities. Look at the Owens River Valley in California. (A similar water management project that completely destroyed the river, the valley and the aquifer.)

Please, consider conservation methods before we go taking more and more and more while putting nothing back.

This agreement contains provisions within it for modification of the agreement. Please, once these wells are drilled, there is no going back. We have the chance to make a huge difference before the damages are done. Please Stop. Please consider protecting the environment.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:08 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Mitigation Wells in Taos County

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: John Hughes <johnnymichelleak@gmail.com>
Date: Sat, Nov 16, 2019 at 9:16 AM
Subject: [EXTERNAL] Mitigation Wells in Taos County
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. **I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells.** An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
5. Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
6. If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Johnny Hughes

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Wednesday, November 13, 2019 7:31 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Taos County Environmental Impact Statement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Ian <ipwmail@gmail.com>
Date: Tue, Nov 12, 2019 at 5:18 PM
Subject: [EXTERNAL] Taos County Environmental Impact Statement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca;

I support a full Environmental Impact Statement before development of Mitigation Wells in Taos County. Why wouldn't everybody agree with that?

Thank you, Ian

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'John' or similar, written in a cursive style.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 10-21-19
Name: Steve Jackman
Organization (if applicable):
Email Address: 11ghostave@msn.com
Street Address: POB 1401
City/State/Zip: Ranches 87557

Comments:

I would like to see Taos County slow way down on development and tourism. Excessive growth is damaging the affordability and sustainability of our community. I've lived in Taos over 40 years and the growth continues to make life more challenging for older residents. As a mayor I signed the Abeyta agreement. What I didn't agree to was water for second homes, more tourist infrastructure and corporate franchises. This agreement has been hijacked by corporate greed.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Taos and El Prado Water - Abeyta

Follow Up Flag: Follow up
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From: Johannes <jocatjo@aol.com>
Sent: Tuesday, November 19, 2019 10:12 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Taos and El Prado Water - Abeyta

Subject: Environmental impact study request
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

RE: Abeyta Settlement and Best Practices

Hello Rebecca Braz,

Please do not allow the inconclusive or otherwise unexplored or un documented portions of the Abeyta settlement to permit government representative approval to proceed with potentially irrevocable environmental damage.

I am writing to you today concerning the implications of the portions of the Abeyta settlement that concern the mitigation and supply wells. I'm very concerned that the full environmental impact study has not yet been completed, and to my understanding, the Bureau of Reclamation is considering skipping this incredibly important part of the implementation of the Abeyta

Green lighting or otherwise promoting and approving proposals or practices where environmental safeguards are ignored is not legal, and also really not cool. Anyone one with a conscience, children, or knowledge of the existence of children and possibly baby Panda cubs knows and feels this.

My major concerns are related to the Mitigation wells and their intended use to replenish the surface waters using water from our deep aquifer in Taos County. My concerns include the following:

- there is no environmental precedent for using deep aquifer mitigation wells to replenish surface water (this fact alone should be sufficient to require the full study)- All work in progress should be shit down until findings are established and pathway to approval to proceed are established, and made public.
- initial testing has already shown unhealthy levels of uranium, arsenic, lead and flouride as well as heavy mineral content and unbalanced ph levels in the deep aquifer waters (we do not want contaminated water in our drinking water supply. All work should be shut down until Mitigation plan for contamination and funding for such mitigation be in place)
- the water from the supply and mitigation wells will require extensive treatment before it's introduced into the domestic water supply, or streams and rivers; so do the mutual domestic water suppliers and the acequias have all of the funding and facilities to handle all of these new requirements?

No work on producing contaminated water into the domestic supply should proceed until appropriate facilities to treat and dispose responsibly of the contaminants is designed, approved and passed into state regulations with appropriate funding.

- how will using this water from our deep aquifer impact the flow of the natural springs which supply the streams and rivers in our area?
- how will the use of this deep aquifer water affect the ecology of the streams and rivers?
- how will the use of this deep aquifer water impact the health of the soils, produce and livestock where the waters are used to irrigate?
- will the use of the supply and mitigation wells deplete the aquifer at a rate that cannot be replaced?
- conservation methods were never addressed in any part of the Abeyta settlement before the plan to extract the deep aquifer waters was set in motion
- Will the money that my family already invested into a clean, state engineer approved water well be lost due to cross contamination or over reach from well in question. If So, what rights to compensation will my elected representative propose?

Section 13.3 of the Abeyta settlement that is labeled "Project Modification or Failure" sets out the process to change the settlement in the event that portions of the settlement are unacceptable. Please, if you are able, exercise the power of your office to begin the procedure to start the full environmental impact study and also the modification

Please do right by the electorate as mandated by your position. Ask the questions, prevent irrevocable damage.

- Johannes
575-779-1357

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 2:18 PM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Taos NEEDS an EIS before any further ABEYTA SETTLEMENT IMPLEMENTATION

Follow Up Flag: Flag for follow up
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From: Satrupa Kagel <satrupakagel@gmail.com>
Sent: Wednesday, November 20, 2019 2:07 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Taos NEEDS an EIS before any further ABEYTA SETTLEMENT IMPLEMENTATION

Ms. Braz,
I reside at 36 Rabbit Valley Road, in Taos.
About 10 years ago, when developers on the mesa behind Rabbit Valley were putting in well after well for homes with 3 bathrooms, my well went dry.
There is no access to "city" water here. But fortunately for me at the time, the building boom slowed and my well came back.
I have very hard water, but pure and drinkable.

I have been concerned about the Abeyta Water Settlement since that time. I kept waiting to for an EIS to be done, for explanations of hydrologic models covering issues such as water quality, effect on the shallow aquifer that my well and others draw from, effect on soil and vegetation, etc.

I am ASTONISHED that an EIS has never been done, and that in this day and age, when we really understand the imminent affects of Climate Change, our government could be so ignorant as to allow a project with such a scope to go forward without thorough investigation of SCIENTIFIC data.

The extreme problems of Taos Valley and its need for water cannot be solved by haphazard, ill conceived, LEGAL maneuvers created long ago, before many of our current conditions were taken into account.

For these reasons and more, I ADD MY VOICE TO THOSE OF MY NEIGHBORS, DEMANDING A COMPLETE EIS OF THE MITIGATION WELLS OF THE ABEYTA SETTLEMENT.

Thank you,
Satrupa Kagel
36 Rabbit Valley Rd
Taos, NM

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:44 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Abeyta Settlement

Follow Up Flag: Flag for follow up
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From: Joan Kandel <docjoansie@yahoo.com>
Sent: Monday, November 18, 2019 3:01 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Abeyta Settlement

Rebecca Braz,

I am writing to you to express my concern regarding the Mitigation Wells proposed for the Taos Valley. I am a home owner in Arroyo Seco and am deeply troubled by the potential long term environmental, economic and cultural health of our valley that these Mitigation Wells pose. As one who lives in Arroyo Seco and depends on water from my individual well and on my water rights from the acequia, I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS on the Mitigation Wells was never conducted; therefore the consequences of implementation have not been adequately investigated. We need more information, as there are potentially significant harms from these deep water wells.

I feel there are many unanswered questions. Specifically:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
- How will discharging hundreds of gallons per minute of deep well water into freshwater streams affect their ecology? Will mixing these very different chemistries be harmful to fish and wildlife?
- When deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will arsenic and fluoride and other toxic minerals be added to our well water? In what quantities?
- What hydrologic models are the BOR using to calculate the impact of these wells on the shallow aquifer of the Taos Valley?
- How will the mitigation wells affect acequia recharge?
- What are the costs of operating, insuring and maintaining these wells? How will the Acequias and Mutual Domestics handle these costs?
- The Abeyta Settlement was drafted at a time prior to the risks of Climate Change were known. Is it possible that given our current understanding of Climate Change, the Abeyta Settlement is no longer viable or wise?

- How will the addition of pumped well water into the Acequias affect their legal status?

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

As such, I strongly support a full Environmental Impact Study to be conducted. Additionally, further implementation of the Abeyta Settlement should be suspended until an EIS is completed and we are more informed.

Respectfully,

Dr. Joan Kandel

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Thursday, October 31, 2019 11:15 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] comments about Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Joaquin Karcher <joaquin@zeroedesign.com>
Date: Wed, Oct 30, 2019 at 12:55 PM
Subject: [EXTERNAL] comments about Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>
Cc: Agnes Chavez <learn@sube.com>

To whom it may concern,

I would like to take the opportunity to voice my concerns within the public comments period about the wells being drilled right now and the proposed wells of the Abeyta Settlement.

As home owners in close proximity of the well being drilled right now at US Hyw. 64 we are strongly opposed to those wells. We own private wells along Cielo Dulce Road that were very expensive to drill and in fact the single most expensive item of building homes. Those wells are in jeopardy. There is no assurance that our wells would never be negatively affected in any way. It is unfathomable that under those circumstances the proposed wells would have ever been permitted knowing the uncertainty of those wells affecting privately owned wells in the area. What these Abeyta wells effectively could do is to privatise water and we are very strongly opposed to this.

Furthermore the effects of those wells are entirely unknown. Similar to playing Russian Roulette is the uncertainty of cone effects and bad water mixing with good and healthy water suitable for consumption.

Water is life and should not be tampered with!

Sincerely,

Joaquin Karcher
Agnes Chavez

Joaquin Karcher
Dipl. Ing. Architekt
zero e design, LLC
575.758.9741

www.zeroEdesign.com
joaquin@zeroedesign.com

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 10/21/2019
Name: Pavandeep Khalsa
Organization (if applicable): Rise in Love Foundation
Email Address: p.vandee@riseinlovefoundation
Street Address: 129 La Posta Rd
City/State/Zip: Taos NM 87571

Comments:

No further work UNTIL a Full Environmental Impact
Study is COMPLETED.

Water is LIFE

People BEFORE Profits

From: Braz, Rebecca D <rbraz@usbr.gov>
Sent: Thursday, November 21, 2019 8:53 AM
To: Katie Patterson; Megan Stone
Subject: Fw: Taos Area Aquifer Reports

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nemeth, Mark S <MNemeth@usbr.gov>
Sent: Thursday, November 21, 2019 7:19 AM
To: Braz, Rebecca D <rbraz@usbr.gov>
Subject: Fw: Taos Area Aquifer Reports

Rebecca,

I received the email below, which I think should be included in the Taos NEPA public comments.

-Mark

From: Yount, Kristin <kyount@livenmhu.onmicrosoft.com>
Sent: Wednesday, November 20, 2019 5:10 PM
To: Nemeth, Mark S <MNemeth@usbr.gov>
Subject: Re: Taos Area Aquifer Reports

Here is my limited synthesis of the material. Fun!! Thank you so much for your help and I hope you get lots of input.

Dear Ms. Braz,

I want to thank you in advance for reading my comment. I am a graduate student at Highlands University, my thesis project requires me to have a somewhat working knowledge of surface hydrology and to some extent, the geomorphology of this region. I urge the BOR to postpone any more deep aquifer test wells until an Environmental Impact Study is performed. We understand that the test wells being drilled right now are exempt from NEPA. Since this is the case an EIS would be an alternative.

The test wells are being carried out with information generated from the OSE Taos Area Calibrated Groundwater Flow Model T17.0. This was commissioned by the parties involved with the Abeyta settlement, though it is was created with the NM state engineers office, the documentation of the model states that the OSE Groundwater Model does a "relatively good job" given the "complexity" of the Taos hydrogeology. This casual sentence says a lot,

actually. The Rio Grande rift valley is enormous with an extensive fault system presenting in the lower San Luis Valley. The complexity and delicate business of drilling into areas that have so many geologic inconsistencies should be done with surgical precision.

According to a New Mexico Geological society article, the lower San Luis valley has been already evaluated with deep test wells. The research shows that the faults associated with the surface hydrology of the area create zones where permeable barriers are present. In areas the layers are offset and the alluvium that holds the ground water and the Servilleta formation (aqua azul aquifer) come into contact with each other. Considering the intermingling of different subterranean geoformations that are not well understood, there needs to be an EIS that takes the fault arrays into better consideration. The NMGS report mentions that a leaky boundary was found at the Town Yard fault. If water from the deep aquifer is released into the upper layers and that water is overly toxic what is the contingency plan? If Taos already has trace minerals in the drinking water and no surface sources or non-point sources for the minerals that may be harmful to human health, then the trace could be coming from the permeable boundary created by the slip of the fault walls.

As one looks south from Blueberry Hill Rd, the faults are visible. Along Los Cordovas road there is visible evidence of sinking from over pumping. The "complexity" of the Lower San Luis Valley is appreciable to the naked eye. The impact of the spreading of the Rio Grande Rift into the shield of the Sangre de Cristos creates stress and subsequent N/S faulting. We are so fortunate to have relatively safe drinking water here given all the naturally occurring mineralogy associated with heavily plutonic areas. It is a mistake to pierce our protective layers without much more knowledge.

We should also know what the recharge rate of the deep aquifers are, if they recharge at all. Is it possible that the water is an ancient, finite, discreet bolson. I have attended lectures given by Dr. Kate Ziegler expressly about aquifers in the upper Sangre De Cristo Mountains. I have not seen a similar study of aquifer recharge in association with these drilling projects aside from the model, the one model.

On a policy level, Section 6.2.4.2. of the Abeyta Settlement only mentions arsenic treatment for water, only when the NMGS has noted far more than arsenic in related waters, could an EIS recommend further protection protocols based on known mineralogic components of the water in the deep aquifer.

Best,

Kristin M. Kinic

From: Nemeth, Mark <mnemeth@usbr.gov>
Sent: Wednesday, October 23, 2019 11:10 AM
To: Yount, Kristin <kyount@livenmhu.onmicrosoft.com>
Subject: Taos Area Aquifer Reports

Here are a couple of papers addressing the hydrogeology of aquifers in the Taos area. I'm also including the documentation of the groundwater model developed for the settlement, which has information about the various aquifer layers.

-Mark

--

Mark Nemeth • Bureau of Reclamation • Civil Engineer • 505-462-3629

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-


I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Alex Kingakakis


From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 2:18 PM
To: Katie Patterson; Megan Stone
Subject: Fw: Comments of the Acequia Madre del Rio Lucero y Arroyo Seco
Attachments: 112019 - Acequia Madre Comments to BOR.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: David M. Lerwill <dml@lrpa-usa.com>
Sent: Wednesday, November 20, 2019 2:04 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Cc: Christina J. Bruff <cjb@lrpa-usa.com>; Bradley.S.Bridgewater@usdoj.gov
<Bradley.S.Bridgewater@usdoj.gov>
Subject: [EXTERNAL] Comments of the Acequia Madre del Rio Lucero y Arroyo Seco

Good afternoon,

Please find attached Comments submitted by our office on behalf of the Acequia Madre del Rio Lucero y Arroyo Seco relating to the Taos Indian Water Rights Settlement Mutual Benefit Projects.

David Lerwill
Paralegal

LAW & RESOURCE PLANNING ASSOCIATES, P.C.
Attorneys at Law



Albuquerque Plaza
201 Third Street NW, Suite 1750
Albuquerque, New Mexico 87102
Direct: (505) 346-0998
Facsimile: (505) 346-0997
Email: dml@lrpa-usa.com
Website: www.lrpa-usa.com

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**LAW & RESOURCE
PLANNING ASSOCIATES**

A Professional Corporation

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www.lrpa-usa.com

November 20, 2019

U.S. Bureau of Reclamation
Attn: Ms. Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

**Re: Taos Indian Water Rights Settlement Mutual Benefit Projects –
Comments of the Acequia Madre del Rio Lucero y Arroyo Seco**

VIA ELECTRONIC MAIL

Dear Ms. Braz,

Law & Resource Planning Associates, P.C. (“LRPA”) has been retained by Acequia Madre del Rio Lucero y Arroyo Seco (“Acequia”) as counsel regarding the Taos Pueblo Indian Water Rights Settlement (“Settlement”). LRPA has been made aware of the current Programmatic Environmental Assessment comment period and submits these comments and concerns on behalf of the Acequia.

The Acequia has three main concerns with the Arroyo Seco Arriba Aquifer Storage and Recovery Project (“ASR”) and the Settlement Implementation Project as a whole: 1) environmental concerns; 2) legal ramifications; and 3) economic feasibility.

1. Although the U.S. Bureau of Reclamation has begun the NEPA process by committing to an Environmental Assessment on the mitigation wells, a small portion of the Settlement Implementation Project, the Acequia believes that this is wholly inadequate. A comprehensive feasibility study must be completed on the **entire** Settlement Implementation Project to ensure that all necessary precautions are taken to protect the vital and historical Acequia, its water and its parciantes. This feasibility study must include economic, environmental and cultural impacts of the ASR as well. Furthermore, the Acequia requests that all implementation of the ASR and Settlement Implementation Project is halted until a full comprehensive feasibility study is completed to avoid present and future environmental, economic and cultural injury.

The Settlement Implementation Project also involves injecting treated surface water from the Rio Lucero at 330 gallons per minute 1,000 feet down into the aquifer that our community relies on for its drinking water. The Acequia is concerned that the treated injection water will react in unpredictable ways with the groundwater resulting in compromised water quality for both irrigation and domestic use. The Bureau of Reclamation must fully understand the environmental impacts of such pumping, injecting and treatment, which can only be accomplished through a comprehensive feasibility study.

The Acequia is concerned that any and all aspects of the Project, including pumping, piping, drilling, constructing and operating, may injure the water supply, water quality, soil health, ecology, and fish and wildlife health. Each of these concerns must be addressed in a full comprehensive feasibility study by the Bureau of Reclamation.

Finally, the Acequia is concerned with the environmental impacts of all ASR infrastructure construction, maintenance, and operation in and around the Acequia. These impacts could destroy the vital and delicate water supply the Acequia provides to the land and to the community. Many of these impacts could be irreversible as the historical and cultural nature of the Acequia could be wiped away with no way to bring it back. Due to these pressing concerns, the Acequia wholly opposes the implementation of the ASR.

2. In a letter to the Bureau of Reclamation dated April 19, 2017, the Acequia made it clear that it does not want any ASR wells, pipelines or reservoirs in or around the area of the Acequia. This includes disturbance of original Acequia ditches or use of the Acequia easement outside the scope of the original easement. This includes any use of the easement for a pipeline or road.

The ASR seeks to alter and transform the Acequia's historic and legally protected ditches into a pipeline. This disturbance(s) is clearly contrary to New Mexico law that gives special status to acequias and their ditches. These acequia laws, which predate New Mexico statehood, are essential for the survival of these historic communities and their livelihoods. The status of an acequia is inextricably connected to the use and presence of an historic ditch course and the ASR pipeline would sever this and risk the Acequia's status under New Mexico law. For this reason, the Acequia forbids the ASR pipeline or any project-related disturbance of the Acequia ditches.

Finally, deep water mining through nearby mitigation wells will likely affect the shallower wells as a cone of depression is created, injuring Acequia members and the community who rely on shallow domestic wells. The Acequia's water right priority date is 1815 and many parcientes use domestic wells that have been in operation for many years. The Acequia is concerned about injury to its water rights caused by pumping and fluctuation in the water table as well as injury to its parcientes' domestic wells.

3. The Taos Pueblo Indian Water Rights Settlement only covers operation and maintenance costs of the ASR for a limited period of time. If the ASR well and infrastructure are placed within the area of the Acequia, the Acequia and its parcientes will be financially unable to bare the burden of operation and maintenance. According to Schlumberger Water Services Inc., the operation of the proposed ASR well would cost the Acequia an estimated \$49,100 annually. Any operating and maintenance costs would likely bankrupt the Acequia. However, even if another entity manages the ASR, the Acequia opposes its entire implementation.

The Acequia is also concerned with the economic feasibility of the project as a whole, which risks leaving the Acequia with shouldering the economic burden. According to the Taos Pueblo Indian Water Rights Settlement, if a project is not feasible, the Settlement parties must convene and seek alternative solutions. The Acequia believes that this is currently the case, and therefore, the parties must seek alternatives rather than continuing with the projects as they are planned. Any other action would violate the Settlement.


The Acequia respectfully requests that the Bureau of Reclamation consider its comments and concerns and suspend implementation of the Settlement Implementation Project until a comprehensive feasibility study has been completed on the economic, environmental and cultural impacts of the Settlement Implementation Project and ASR. Finally, the Acequia remains deeply troubled by the proposed ASR infrastructure in and around the Acequia and once again respectfully demands that all plans involving the Acequia and the ASR cease immediately pending a comprehensive feasibility study of all impacts and legal ramifications.

We look forward to discussing the foregoing issues with you further.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

By: _____



Christina J. Bruff
James E. Grieco
Attorneys at Law

cc: Acequia Madre del Rio Lucero y Arroyo Seco
Mr. Bradley Bridgewater (Bradley.S.Bridgewater@usdoj.gov)

JIM LEVY
POBox 282
Arroyo Hondo, NM 87513
jimlevy40@gmail.com
575 776 5763

November 4, 2019

To: Bureau of Reclamation
Attn. Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

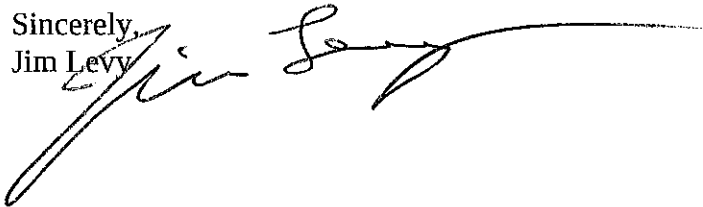
To all whom it may concern:

In regard to the Abeyta Settlement, I am a concerned citizen who has lived in Arroyo Hondo, NM since 1969. Although I do not pretend to understand the intricacies of the Settlement, I have studied the idea of proposed mitigation well(s) in Arroyo Hondo and I see several major reasons for not having them. I fear that the wells might reduce the amount of water available in surface water, streams and wells. Also, I worry that the maintenance of the wells will be too great a burden on our community, both in terms of labor and/or costs. I have heard that if in fact that becomes the case, the wells might be taken over by outside parties. That could be a disaster, for those parties would probably not have the best interests of the community in mind.

I do not know what can be done at this late date to revise or scrap the Settlement, but I have heard that some people are asking for an Environmental Impact Study. If such a study is feasible, I encourage you to do one.

In short, I am strongly opposed to mitigation wells in Arroyo Hondo.

Sincerely,
Jim Levy

A handwritten signature in black ink, appearing to read "Jim Levy", with a long, sweeping horizontal line extending to the right.

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In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

Name:

Organization (if applicable):

Email Address:

Street Address:

City/State/Zip:

Life Form In Taos

Comments:

W/ CON

W/ CON

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 4, 2019 7:13 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Comments

Follow Up Flag: Follow up
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From: elana & chris <muddnflood@gmail.com>
Date: Sat, Nov 2, 2019 at 1:11 PM
Subject: [EXTERNAL] Comments
To: <bor-sha-aaotaosnepa@usbr.gov>

Hello Rebecca Braz

There are a number of reasons that the mitigations wells proposed for Taos require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestic handle the costs?
2. How will discharging deep well water into the streams affect the ecology? Stream water has a very different chemistry from deep well water.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it

fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

--

Elana Lombard
Christopher Pieper
Mudd N Flood Mountain Shop
103A Bent St
Taos, NM 87571
575-751-9100

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 4, 2019 7:13 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] EIS for mitigation wells proposed for Taos County

Follow Up Flag: Follow up
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----- Forwarded message -----

From: Mountain Skills <donna@climbingschoolusa.com>
Date: Sat, Nov 2, 2019 at 2:44 PM
Subject: [EXTERNAL] EIS for mitigation wells proposed for Taos County
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca Braz,

There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestic handle the costs?
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation

Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you,
Donna Longo

Hello Rebecca Braz,

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Will mixing these very different chemistries be harmful to fish and wildlife?
5. Acequias not only recharge our aquifer, but the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
6. If deep well water used for irrigation infiltrates into our shallow aquifer how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
7. What hydrologic models is the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long-term water needs.

We need more information.

We need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully Yours -

Karen Lubliner & George Schurman
Residents of El Prado

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] scoping comment

Follow Up Flag: Follow up
Flag Status: Flagged

From: jmac <jmac@laplaza.org>
Sent: Wednesday, November 20, 2019 7:11 AM
To: NEPA, Taos
Subject: [EXTERNAL] scoping comment

From: John MacArthur, chairman, Acequia del Monte del Rio Chiquito
575-758-8366

We consider the Abeyta solution to aquifer draw-down (mitigation wells) to be self-evidently unsustainable. When deep aquifer water is gone, it will be obvious that a better solution would have been watershed improvement, conservation, and better water management practices. Of course by that time it may be too late.

The rest of this comment deals specifically with Rio Chiquito's issues.

A. The mitigation well assigned to us was located in the Penitente camposanto (cemetery), leading us to suspect it might have been a state engineer afterthought.

B. Any NEPA consideration of this area must include an extensive archeological and cultural survey. Human remains have been found during normal trenching in the immediate vicinity. The proposed pipeline alignment passes very close to the penitente cemetery and crosses a penitente trail to a shrine. This is considered to be a 17th century village, and the alignment is along a one lane road, originally a wagon track, in which there are already utilities. The residents here are unanimously against any trenching through the village.

C. If we were to drill a well in a slightly different location, would it not be sensible to inject the water into the acequia system (Acequia del Monte and Acequia Madre del Rio Chiquito) at the nearby reservoir input? We have proposed this, and the response was that it would preclude up-ditch parciales from making use of the water. We propose that we could allow them extra time of use for the existing water in the ditch. We wish that we could discuss this with the other parties.

D. Several wells in the vicinity, at depths 500-600 feet deep (Ruckendorfer, Maestas x 2) have been abandoned due to extreme sulphur, iron, and other mineral content. The Peggy Barroll report for the state engineer finds that in the BOR test wells near fault zones in the valley, there was very little water produced. The Bauer/Johnson updated report shows that the foothills area of Talpa has among the highest concentrations of faulting in the valley. These in combination lead us to believe that the "drill until you find water" approach would be unsuccessful, if not preposterous.

E. Our acequia (Acequia del Monte del Rio Chiquito) has an annual budget income of around \$7500, almost all of which is spent annually. There have been several estimates of cost to run a mitigation well, ranging near \$20k/per yr, which we obviously would have no way to meet. The mutual domestics, according to the settlement, are supposed to bear these costs; however, we are extremely skeptical of this.

Thank you, John MacArthur

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

10/21/19

Name:

Pascualito Maestas

Organization (if applicable):

Email Address:

Street Address:

City/State/Zip:

Comments:

It is a major concern of mine that the total quantification of water does not include (to my knowledge) the private use of water through private wells. Surely, there are private wells using more than the amount allotted by the CSE when they applied for a private well permit.



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/19/19
Name: Alfonso Martinez
Organization (if applicable):
Email Address: No Email USPO only
Street Address: 12 Wheeler Peak Rd
City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

[illegible]

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/17/19
Name: Gerald Martinez
Organization (if applicable):
Email Address: santana_mtz@icloud.com
Street Address: 1119 Paseo del Pueblo Norte
City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/1/19

Name: Maria E Martinez

Organization (if applicable): _____

Email Address: 13 Dona Amenda miz Rd

Street Address: mem0102300@gmail.com

City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Public Scoping Comment Card

Date: 11/19/2019

Name: Reuben Martinez

E-mail address: reubenjmtz@hotmail.com

10 Cedar Rd

Taos, NM 87571

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 year. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Sincerely,

Reuben J. Martinez

PUBLIC SCOPING COMMENT CARD

**Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102**

Date: 11-18-19
Name: Santana, A Martinez
Organization (if applicable):
Email Address: santana_mtz@yahoo.com
Street Address: 13 Amanda mtz Rd
City/State/Zip: El Prado, NM 87529

Comments:

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[illegible]

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/19/19
Name: Teddye Martinez
Organization (if applicable):
Email Address: No email USPO only
Street Address: 12 Wheeler Rd
City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

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[illegible]

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

October 21, 2019

Name:

Wendy Hagan-Shaw

Organization (if applicable):

Email Address:

Street Address:

City/State/Zip:

69 Old Santa Fe Rd.

ROD, N.M. 87537

Comments:

It is my understanding that the Alveyto Settlement's projects have potential to cause irreversible damage to the land and water systems of Taos, NM, North America. Many people in the community are very concerned and want to feel confident that any developments to our community be an example of responsibility as peaceful stewards of our home planet. We are responsible to ensure humanity be a wonderful part of this Global Community. We as a human race must rise to be responsible advocates and an integral role in the healing and maintenance of Earth's environment both physically and Spiritually.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:45 AM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Taos Pueblo Water Rights Settlement Programmtic NEPA document

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Kay Matthews <kmatthews1018@gmail.com>
Sent: Monday, November 18, 2019 10:30 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Taos Pueblo Water Rights Settlement Programmtic NEPA document

November 16, 2019

Kay Matthews
162 El Valle Road
Chamisal, NM 87521

Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

The BOR's intent to analyze the mutual benefits projects—groundwater wells, water storage, and stream gage—involved in the Taos Pueblo Water Rights Settlements, fails to address the need, feasibility, and sustainability of the settlement itself. An Environmental Impact Statement should have been promulgated *before* the agreement was signed. Additionally, the settlement was promulgated without adequate representation from the acequia and domestic water associations, although they are parties to the agreement. The Taos Valley Acequia Association and lawyers representing some of the domestic water associations failed to adequately represent the terms of the settlement to their constituents, and many of the signatories to the agreement do not currently represent their associations and have been challenged.

These failures include:

1. The water projects in the settlement were based on a faulty water model propagated by the Office of the State Engineer that had to be reconfigured with more current information regarding hydrogeology. Redesigning the individual mitigation or supply wells does not adequately address this model failure when the overall concept itself should have been reconsidered.

2. Instead of assuring protection of surface water supply with the pumping of mitigation wells the settlement encourages overuse and discourages sustainable use of our water resources, particularly in a time of drought and climate crisis.
3. Water rights from outside the Taos Valley were transferred to implement this settlement without oversight from the communities affected by the loss of those water rights. How much of that water will end up being paper water rights in a time of drought and climate crisis?
4. There was inadequate investigation as to the legal status of acequias once their naturally occurring surface water flows are co-mingled with piped water. What will be the ecological effects of this co-mingling?
5. Focusing the analysis on the individual mitigation wells as to their location and supply is inadequate. Limiting the alternatives in an EA or EIS to either a No Action Alternative or Full Implementation of the settlement negates any public input regarding the project's need, feasibility, or sustainability.
6. Millions of federal and state dollars have been designated for this project without any economic feasibility study conducted. What entities will be responsible for the longterm maintenance of these wells?

Submitted as comments by Kay Matthews

Bureau of ReclamationAttention

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?

3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.

5. Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?

6. If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?

7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Friday, November 8, 2019 8:57 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Environmental Impact Statement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Machei Matysiak <legpmachei@gmail.com>
Date: Fri, Nov 8, 2019 at 7:58 AM
Subject: [EXTERNAL] Environmental Impact Statement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Bureau of Reclamation
Albuquerque, NewMexico

My family owns three acres of land in TaosValley. We have planted over 2500 small trees & shrubs along the 1500ft perimeter of this parcel. (Participating in NMStateForestry SeedlingConservationProgram.) Each of the 12 different species we have planted has been chosen for their compatability with current soil & water conditions.

In addition, our drinking water comes directly from a drilled well accessing groundwater at 100ft below surface. Without any filtration, this water is as good as any we have ever tasted.

Please understand that I am very concerned that any further implementation of the AbeytaSettlement will jeopardize the quality & availability of this excellent groundwater that lies directly below our feet. I respectfully request that your office do everything in your power to suspend all further implementation of this AbeytaSettlement, at least until such time as a full Environmental Impact Study is conducted, and presented to the public for our review & consideration.

Machei Matysiak
572 CaminoMondragón
Ranchos de Taos

I am U.S.Citizen & permanent full-time resident of TaosCounty.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] re: comments / Abyeta

Follow Up Flag: Follow up
Flag Status: Flagged

From: peter merscher <pmersch@newmex.com>
Sent: Tuesday, November 19, 2019 9:33 PM
To: NEPA, Taos
Subject: [EXTERNAL] re: comments / Abyeta

The settlement lacks full EIS study for the safety of our waters.
Expensive pumping is not the answer. Note that the agreement allows for changes if parties agree.

peter merscher, commissioner Acequia de la Plaza, Arroyo Hondo, NM 87513

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-18-19
Name: Daniel Mierra
Organization (if applicable): _____
Email Address: d_mierra@hotmail.com
Street Address: PO Box 2433
City/State/Zip: Taos, NM, 87571

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

D - M -

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-18-19
Name: Jennifer Miera
Organization (if applicable): geric romero@yahoo.com
Email Address: jenniera@gmail.com
Street Address: 226 Santistevan Ln
City/State/Zip: Taos, NM, 87574

Comments:

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I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Jenifer M-

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 7:56 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] EIS for Abeyta Settlement Implementation

Follow Up Flag: Follow up
Flag Status: Flagged

From: John Miles <snag.1@icloud.com>
Sent: Tuesday, November 19, 2019 12:26 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] EIS for Abeyta Settlement Implementation

Dear Rebecca Braz:

As a resident of El Prado, New Mexico, I am writing you regarding the absolute necessity of conducting a full EIS of the mitigation wells that are part of the Abeyta Settlement. If ever there was a project that met the requirement of NEPA for such a study, this is it. The potential impacts of drilling at least five mitigation wells, then pumping well water into the Acequia system here in the Taos Valley, are significant, not only to the physical environment but to the socio-cultural environment as well. The acequias are remarkable and very important to parts of our community, and any threats to them should be thoroughly investigated. Damage to, or potential elimination of the acequia system will be a significant blow to a community that has been here for centuries. As a rural resident dependent upon a well drawing from an aquifer, I am very concerned about the potential disturbance to the aquifers here. Obviously we are not the only people around here who have wells, and disturbance of aquifers would have significant economic and social impacts on us. A thorough EIS would be reassuring and provide us with information we need to be full participants in momentous decisions about our future.

Important questions have been raised by citizens of this community that might be addressed by an EIS:

- The very nature of Acequias is as a cooperative management of water resources in a semi-arid region by diversion of stream waters. What are the legal ramifications to Acequia communities of pumping water from wells rather than diverting it from streams? A fairly complex social and legal system has evolved over the centuries Acequias have served the water needs of this community and region. What will be the impacts of a new source of water requiring expensive maintenance be on this system?
- Will irrigation with deep well water, which is likely to be chemically different than the water that has irrigated agricultural fields for over 150 years, have effects on soils that grow various crops for humans and livestock?

- Drilling wells proposed in the settlement to depths of 800 to 1000 feet will be expensive, but what happens after the wells are in? Who will pay the considerable cost of maintaining the wells which presumably will be in use for the foreseeable future? What will these costs be? Can entities like Acequia Associations afford the maintenance costs? Have the costs of maintenance been calculated over the presumed life of the wells?
- Moving large amounts of water across the land will require pipelines, and what will the impacts of pipeline installation and maintenance be? Will the cost of inspecting and maintaining the pipelines fall to the recipients of the water, the Acequia associations and Mutual Domestics like us? And have those costs been calculated over the life of the wells and pipelines?
- Removing water seasonally from streams and then pumping it back into streams will inevitably have significant effects on the ecology of the streams and surrounding upland areas? What studies of potential ecological impacts have been done? How will stream chemistry be affected, which it inevitably will as well water sits 800-1000 feet below the surface for considerable periods and leaches minerals from surrounding rock, and is then pumped to the surface?
- Of special concern to me as a well user drawing from an aquifer at 300-400' is what the effect of infiltration of deep well water into shallow aquifers might be. What is the potential for toxic minerals to be added to our well water?
- Of special concern also is what disruptions of aquifer recharge might be caused by drilling deep wells. I and many others in our community, quite far from community-supplied water, would be in dire straits if the deep wells disrupted aquifer recharge rates to the degree that we suffered loss of water supply. How has this potential disruption been addressed?
- I watch the Rio Grande fluctuate and know that there is ground water draining into the river. This is not a large volume, but reduction of drainage of groundwater recharge by acequias will affect springs along the river around here with ecological impacts on rare oases that provide pockets of riparian vegetation and wildlife habitat. What assessment of this has been made?
- If I understand the project correctly, flows of tributaries of the Rio Grande in Taos Valley like the Rio Hondo, Rio Lucero, and Rio Pueblo, among others, will be affected, with all sorts of

ecological effects on those streams. What assessment of these effects has been done? I should note also that these streams generate considerable economic value to this community through recreation, and what economic assessment has been done on this front?

- What projections of the impact of climate change on this semi-arid region have been made and impacts of the project over a period of warming and increased aridity studied? Has hydrologic modeling taken scenarios of climate change into consideration? Is the project based on assumptions that the future will be like the past as to climate and hydrologic factors? If so, the modeling must be questioned.

I am sure there are many additional unanswered questions raised by others in the Taos Valley, but these are some of my concerns. I am appalled that the solution to the Taos Valley's long term water needs is a huge engineering project that will be of great economic, social, cultural, and ecological cost, and no EIS has been done to determine those costs. The costs must be calculated and the Taos Valley Community fully informed so that it can participate in decisions that will surely affect its long-term viability.

Thank you for considering my comments.

Yours,

John C. Miles, PhD
50 Leroux Rd.
El Prado, NM 87529

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 5, 2019 8:09 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] FAO: Rebecca Braz

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Christina Molyneux <Tina@skylarkins.com>
Date: Mon, Nov 4, 2019 at 8:29 AM
Subject: [EXTERNAL] FAO: Rebecca Braz
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Rebecca - I shall be brief as I do not know if my testimony counts.

I have been advised that you are the person to whom I should register my disapproval of the pipeline at Taos. I tried to do this on line but needed an American post code in order to complete the electronic form. Since I am English,. I do not have one. I could choose UK - but my home code would not be accepted.

For as long back as I can remember (and I am 70) I've been an eco-conservationist by nature. Whilst a WOOFER (working on organic farms as a volunteer) back in the late 70s/early 80s I met an American friend and her English husband - both artists. We lived in an eco-community in a large country estate on the border with Wales. It had a big walled garden as a lot of stately homes did and we aimed to show how people can live a more natural way of life without harming the planet. Obviously, we failed!

We are now all scattered all points of the globe all except for one family.

By co-incidence, my artist friend moved to Taos and that is where she still lives. She has internet and is on FB but she is worse at IT than me. I knew more about the protest than she did, strangely. Another friend, who is from Wounded Knee (a Native American) is there in Taos and keeping me advised.

What is there to say? Water is sacred. We all need clean, pure water for the good of our bodies and the planet. I second all that the experts say. I speak only as a lay human who is concerned.

If we stand by and let governments put money over people, we are not

supporting a basic Human Right.

Please let me know if you receive this and it is valid. I've put my full name and title on the email and my home post code. I have a couple of other knowledgeable friends - including one an eco-biologist with his own water wells on his property in Spain. The other person I believe may be interested in emailing is an Indian friend, who has worked on water conservation projects in India.

Kind regards

Christina (Tina)
Nightingales
Milford-on-Sea
Hants
SO41 0NE
Christina Rebecca Molyneux (Dr

--

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 12, 2019 8:50 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Public Comment for Taos Abeyta Settlement
Attachments: BOR- Nepa article RE EPWSD allegations.rtf; BOR Nepa statement.rtf

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **ALIS Itlatol** <liveolakhota@gmail.com>
Date: Sat, Nov 9, 2019 at 9:54 AM
Subject: [EXTERNAL] Public Comment for Taos Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

To: Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Dear Rebecca Braz,
Attached are 2 documents in response to BOR's request for public comment.
Thank you,
April Mondragon
Lower Las Colonias, within District 4 of EPWSD
Taos County, New Mexico
575-751-1962

--

"Another world is not only possible, she is on her way.
On a quiet day, I can hear her breathing." ~Arundhati Roy

To: BOR-sha-AAOTaosNEPA@usbr.gov
Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

RE: Taos IWRS Mutual Benefits Projects (MBPs), Programmatic Environmental Assessment (PEA)
to provide recommendations to the U.S. Bureau of Reclamation on the following topics:

- i. Relevant Topics to be analyzed in the PEA**
- II. Potential mitigation measures for anticipated impacts of the MBPs**
- iii. People who are interested in the PEA Process**
- IV. data Gaps and information needs**
- V. New Data or information**

i. Relevant Topics to be analyzed in the PEA

a) Re: District 1 and 4 of the El Prado Water and Sanitation District (EPWSD). Faulty and unconstitutional process of reaching the “settlement”.

While we were informed at the Oct. 21-22 meeting in Taos, NM that the Abeyta Settlement Signatories claim that the settlement will not be revisited or re-opened. If you do not consider the following how then how can you insure that the PEA, NEPA is legitimate, truthful or accurate, and insure that harm is not inflicted by the “MBPs” on water, environment, culture and all the families that will be adversely effected for generations to come?

EPWSD acquired approximately **20 times more water** than what they had before the settlement.

This acquisition was done without free, prior and informed consent of all the water rights holders of

District 1 and 4. EPWSD does not use this amount water now, nor does EPWSD need this amount of water to sustain the urban and agricultural residents of El Prado proper, which is a far smaller area than the total of District 1 and 4.

Please provide the documentation about how, what and why it was determined that EPWSD is entitled to such a shocking increase in water consumption, while everyone else is told to conserve, conserve, conserve.

Investigate: Please read attached Taos News Article: BOR-Nepa article RE: EPWSD alleged corruption.

- If EPWSD asserted consent of District 1 and 4 via the Las Colonia/West Mesa Preservation Association (LC/WMPA), Taos Valley Acequia Association (TVAA), and/or the Taos County Commissioners of said districts, please be informed that the LC/WMPA has not and does not hold meetings inclusive of all residents of District 1 and 4, does not communicate via phone, email or in person with residents, does not include all

residents in membership of the LC/WMPA, even after contacting them. Similarly the Taos County District 1 and 4 Commissioners do not respond nor reply to residents in or out of commission meetings.

TVAA under the prior Abeyta signatory leadership, would not inform me of whom my water commissioner is, would not add me to their contact list, would not include me in TVAA meetings.

The meetings between the Abeyta Signatories and the US Government and their agencies acting as Taos Pueblo "trustee", were also not inclusive of ALL Taos County water rights holders.

This behavior has been consistently exclusionary for more than 30 years.

Therefore, free prior and informed consent of all water rights holders was not acquired, and infringes on the Fifth Amendment and Fourteenth Amendment to the United States **Constitution** which declares that governments cannot deprive any person of "life, liberty, or property" without due process of law.

Therefore:

- Can ALL the Abeyta Settlement Signatories (AASS) guarantee, in writing, that the approximately 6-8,000 homeowners with water rights in District 1 and 4, that their wells will not go dry as a result of or caused by the implementation of the Deep Aquifer Mitigation and Supply wells and infrastructure (DAMSWs) am guessing meaning Mutual Beneficial Projects (MBPS)?

- Will AASS, including EPWSD sign a liability agreement to insure that should our domestic wells go dry in District 1 and 4 from the EPWSD DAMSWs-MBPS, that money will be put into a trust for the specific purpose to compensate for damages, and losses relating to diminished real estate value, agricultural losses, water rights losses, cost of being forced to "hook up" to EPWSD water lines, and loss of health caused by chemical additives to water disbursement infrastructure and practices?

b) Related Science

USGS.GOV Water Science:

https://www.usgs.gov/special-topic/water-science-school/science/groundwater-decline-and-depletion?qt-science_center_objects=0#qt-science_center_objects

- drying up of wells
- reduction of water in streams and lakes
- deterioration of water quality
- increased pumping costs
- land subsidence

Additional articles:

<https://www.nationalgeographic.com/magazine/2016/08/vanishing-midwest-ogallala-aquifer-drought/>

<https://www.nationalgeographic.com/news/2014/8/140819-groundwater-california-drought-aquifers-hidden-crisis/>

b) Feasibility BOR Manual CMP 09-02, 6.b

Provide an Independent Feasibility Study that includes, the cost of:

- * drilling the DAMSWs -MBPs

* cost of the proposed EPWSD Water Disbursement Plant, and pipeline infrastructure. and the projected cost including inflation of cost to residents and land owners after government funding ends.

* cost of maintenance and utilities to run the EPWSD Water Plant

* cost of “hook up” to EPWSD and the cost to home/land owners per AFY for home AND agricultural water needs, that will be charged by EPWSD for agricultural needs.

* includes the impact on:

A Significant number of people in Taos County live BELOW the poverty line.

21.3% of the **population** for whom **poverty** status is determined in **Taos**

County, NM (6.94k out of 32.6k people) live below the **poverty** line, a number that is higher than the national average of 13.4%. The largest demographic living in **poverty** are Males 55 - 64, followed by Females 45 - 54 and then Females 55 - 64. (google search)

“Social Security is the sole source of income for one in three New Mexico seniors, yet the average benefit is only about \$13,900 a year. Meanwhile, the average annual cost of food, housing and health care for older Americans is nearly twice as high: about \$28,000, according to the U.S. Department of Labor.” :

<https://www.taosnews.com/stories/repeal-new-mexicos-tax-on-social-security-benefits,60263>

It is harmful negligence to approve any county Deep mitigation and supply wells -MBPs when there is substantiated water contamination risk, well water loss risk, and unnecessary and financial burden on this population.

c) Natural and un-naturally occurring contaminants in “tap water”

Can EPWSD and the AASS guarantee that none of the following contaminants will be in the water that is piped onto the land and into homes for human, animal and plant consumption?

Contains a link about each of these contaminants and harm to health:

<https://www.wqa.org/learn-about-water/common-contaminants>

Moreover: “Arsenic is a common contaminant since it's found naturally in the earth's crust. Reuters reports that southwestern cities like Los Angeles, Albuquerque, Scottsdale, and Tucson get their drinking water from sources containing arsenic levels that exceed what's allowed by the EPA.”

<https://www.businessinsider.com/toxic-chemicals-tap-drinking-water-2019-4>

II. Potential mitigation measures for anticipated impacts of the MBPs (otherwise known as Deep Mitigation and Supply Wells and infrastructure)

“anticipated impacts” acknowledges that the BOR, OSE and All the Abeyta Settlement Signatories KNOW that there would be potentially grave impacts if you implement the proposed MBPs.

Insure that there will be no loss to the existing domestic well water and water rights.

Insure that these water rights are protected. That these domestics are not contaminated from potential mixing of deep aquifer with the upper aquifer waters.

Insure that the water rights for our agricultural needs are protected.

Insure that the domestics never have imposed financial burdens from the exploitation of our water by others.

a) Stop any allocation of funds for “MBPs” where water and the water rights prior to the Abeyta Settlement, exceeds their current consumption and limit the consumption to a 1% increase over the next 100 years.

*** Allocate funding for repair, upgrades, and maintenance of EPWSD current water facility, infrastructure and residential water lines.**

*** Allocate funding for Regenerative Aquifer, Water and Soil Rejuvenation infrastructure and Practices (RAWSRIP) for Couse pasture, as well as placement of these types of RAWSRIP though out the county, including El Prado and Lower Las Colonias areas.**

<https://www.epa.gov/green-infrastructure/green-infrastructure-and-ground-water-impacts>

By using methods of regenerative agriculture, it is possible not only to increase the amount of soil organic carbon (SOC) in existing soils, but to build new soil. This has the effect of drawing down carbon from the atmosphere, while simultaneously improving soil structure and soil health, soil fertility and crop yields, water retention and aquifer recharge - thus ameliorating both flooding and drought, and also the erosion of soil further.

Watch Dirt Rich <http://www.dirttrichthemovie.com/>

Energy production and enriching soil and increasing water retention with BioChar Technologies

<https://en.wikipedia.org/wiki/Biochar>

*** Allocate funding for Compostable potties. Create a “retro-fit” program for homeowners.**

This will insure that building for population growth, schools and commercial development will decrease potential septic contamination, as well as create jobs, and decrease or eliminate the need for costly sewage treatment plants.

b) Environmental Economics: People not come to Taos to visit another urban environment.

People come here for our clean mountains, water, skies, agriculture and foods. They come to experience our culture and arts.

Taos currently has everything it needs to transition to being a totally environmentally sustainable area, as it was in the past. It is not that we are opposed to development, we are opposed to development that does not nourish and rejuvenate our aquifer, development that does not responsibly meet the needs of locals but rather caters to play grounds for the rich, development that does not support and nourish our culture, development that chooses to use our water for, for example: “trendy” liquor development, rather than a local corn tortillaria, or compost-soil building farms, or a

county canning and food preservation center.

Our government and agencies are antiquated because they are not funding what we need.

c) Culture: The “Acequia Culture” extends far beyond the ditches that run through Taos Valley.

The original peoples, and those that subsequently came and settled here, come from thousands of years of living sustainably with land, water, and agriculture. These peoples are not limited to Taos Pueblo, we are also the genizaro indigenous of State of NM recognition.

To infringe on, exploit and endanger my and my community’s water rights and domestic wells is a violation of my right to practice my religion under the Freedom of Religion Act. Water, Earth, Air and Fire are sacred.

iii. People who are interested in the PEA Process

Am not sure what you mean by this.

It is not enough to limit your scoping process to 2 evenings.

I encourage you to be thorough with your outreach to people.

Because of the aforementioned systemic exclusion of people in this community you can not depend on the existing neighborhood associations and TVAA to give you accurate information.

Have more public meetings, with a different format, meaning sit down with the public and have Q and A sessions. Invite everyone.

IV. Data Gaps and information needs

Science: Tell the truth to the Peoples of Taos

What happens when a cup is filled 1/2 way with earth, pebbles, stones and then filled to the top with water and then too much water is sucked out from the bottom of the cup? First the top becomes drought dry dust, then the small plants die, and tree roots grow deeper, and still the water is being taken, then the trees die, and then all the animals leave in search for water or die.

Thank you,
April Mondragon
Taos County, New Mexico

John Painter EPWSD corruption

Oct 9th 2011

By J.R. Logan

<https://taosnews.com/stories/el-prado-water-denies-alleged-corruption,8841>

A contractor hired by El Prado Water

and Sanitation District is alleging that the district misspent public funds and funneled money into projects to benefit board members and their families.

The district's board adamantly denies the claims of wrongdoing, though its members admit they skipped a couple of bureaucratic requirements when they went ahead with a water line extension to homes of board member Chris Cisneros' family without an approved change order. The district also acknowledges that board member John Painter and former district manager Joy García altered an official project report using Wite-Out to change payment amounts related to the job.

In response to the lawsuit, the district contends that the contractor overcharged for several projects and caused unnecessary delays that are still costing taxpayers money. As for the allegations of corruption, Painter told The Taos News that the district always intended to include the Cisneros line extension in a future change order. He also said the

changes made to the payment report were to fix “mistakes” made by the project’s contractor and engineer.

Though the district sees these as a minor blunders, they’ve attracted some negative attention recently.

An apparent lack of external financial oversight and a tangled web of board member/landowner/customer relationships are raising questions about how El Prado Water and Sanitation District operates.

The accusations of fraud come as the district is in the midst of final negotiations with Taos Pueblo and the town of Taos related to the massive, \$124 million Abeyta Water Rights Settlement approved by Congress last year. Future state funding is frozen to finish projects already behind schedule as the district tries to clear its name and resolve the lawsuit.

In addition, El Prado board member Fernando Miera died last week, leaving a vacancy on the five-member committee.

‘Shoestring budget’

El Prado Water and Sanitation District was created in 1981 to provide water and sewer service to a growing population north of Taos. The district currently serves just over

1,000 customers and operates on a \$400,000 annual budget.

Since 2005, the district has received

more than \$5.1 million in taxpayer money to buy water rights, improve its pipeline system and finish a well started a decade ago.

The district stands to receive another \$15 million and about 22 times its existing water rights under the terms of the Abeyta Water Rights Settlement approved by Congress last year.

Despite massive amounts of money and water at stake, the only external audit of the district was done for fiscal 2006 (and turned in two years late). The district is now being ordered to conduct an audit after the state auditor's office became aware of what it calls "questionable transactions" between the district and the New Mexico Finance Authority.

Board president Telesfor Gonzales told

The Taos News the district has not conducted an external audit in five years because it operates on a "shoestring budget." He said the district is understaffed, employees are overworked, and an audit is an unmanageable burden.

The millions of dollars coming in from the state and federal governments for infrastructure improvements cannot be redirected to pay for an audit. Those funds were,

however, used to buy a million-dollar ranch and water rights in northern Taos County, and to buy the \$450,000 El Torreón property in which the district is now headquartered.

To complicate its financial matters, board member John Painter said the district is saddled with about \$1,260,000 in debt, including a \$500,000 loan it took to pay attorney James Brockman for legal work related to the Abeyta settlement. Painter said about \$100,000 of the district's \$400,000 annual budget goes to debt payments each year.

In spite of its mounting financial obligations, the board voted to reduce its tax rate by 1/4 mill this year, meaning even less money coming in for administrative costs. Gonzales said the decision to lower the mill rate was part of a commitment the district made to its customers, many of whom live on tight budgets.

But with pressure coming down from the state, the board now says it will have to find the money for regular external audits. District manager Christine Martínez said the 2006 audit cost \$18,000.

Martínez said there has been some financial oversight even without an outside audit because the

district must submit quarterly statements to the New Mexico Department of Finance and Administration.

Tim Korte, a spokesman for the Department of Finance and Administration, said the agency has the authority to double-check financial information provided by districts, but he said close analysis of reported numbers only happens in certain instances. Over the last fiscal year, Korte said El Prado Water and Sanitation District had been timely in its reports and the department had no reason to be concerned.

'Push the envelope'

In 2005, El Prado Water and Sanitation District hired Farmington contractor Frank Santoro and his company, FS Enterprises, to start work on a looping line project that would add water lines from the district's storage tanks to higher-density service areas.

The original contract amount was for around \$337,000. A few years and several change orders later, the contract price went up to \$2,022,000.

In a lawsuit filed in July, Santoro accuses El Prado Water and Sanitation of failing to pay for work his company did under the contract. The district's attorney, Frank

Coppler, counter-claims that Santoro botched some of the work and is overcharging for the job.

The suit from Santoro also alleges that El Prado board members Gonzales and Cisneros, and Painter's son, Christopher Painter, personally benefited from work done by Santoro using public money.

An easement for more than a mile of pipeline runs across property owned by board chairman Gonzales and his family. The board insists that the property was a perfect location for the looping line project. Gonzales said he and his family granted the easement in exchange for just four water taps, saving the district significant land costs.

Public records show Christopher Painter and two partners bought 5 acres along the path of a proposed pipeline in August 2007. John Painter, who has a real estate license, said he helped broker the deal, but he says he didn't suggest that his son buy the property.

As for the charge that the Cisneros' family got special treatment when the board approved a water line extension without an OK from the state, the board denies wrongdoing. They say it was part of their mandate to help the

community, though they acknowledge many properties within the district pay the extra tax but are without service.

Board members explain they are related to most of the people who live within their district; conflicts of interest are nearly impossible to avoid. Painter says the district has been lucky to accomplish as much as it has given the interconnected relationships.

But Painter's hackles come up when asked about the board's decision to flout state law. He gruffly curses the ever-increasing mountain of paperwork that must be filled out to get anything done, and he said the district will sometimes "push the envelope" of what's allowable to get a job finished and avoid what he considers wasteful administrative time and costs.

2016 financials

https://www.saonm.org/media/audits/4019_El_Prado_Water__Sanitation_District_FY2016.pdf

This article says that it will not be EPWSD that will fund the mega well, but private funds of Tarleton Ranch Developers Mark Yaravitch and Glen Michael Tarleton

<https://www.pressreader.com/usa/the-taos-news/20180906/281651075990428>

“ First phase calls for the building the backbone of the water line extension, a 350,000 gallon storage tank and pumping station”

“ the water line extension also adheres to the principles of the Abeyta Settlement, which call for lessening the demand on the shallow aquifer near Taos Pueblo in favor of deeper wells located closer to the Rio Grande, that would be operated by public entities such as EPWSD or the Town of Taos.”
...”and use 200 aww per year if fully built out” (additional to the current 100- 130 afw? or in total ?)

EPWSD wants Taos County to withdraw their objections

http://taosacequias.org/pressroom/2015/TaosNews_150129a.pdf

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha:
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

Novemer 19, 2019

Name:

Melene Montano

Organization (if applicable):

El Valle de Los Ranchos W45 District

Email Address:

melenem@guestoffice.net

Street Address:

P.O. Box 2797

City/State/Zip:

Rancho de Taos, NM 87557

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Melene Montano
Business Manager

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Pauline A. Martinez
P.O. Box 563
E2 Prada, N.M. 87521

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

From: stella montoya <stellamon88@yahoo.com>
Sent: Tuesday, November 19, 2019 2:53 PM
To: NEPA, Taos
Subject: [EXTERNAL] Abeyta Settlement

Hello Rebecca Braz, The mitigation's Wells proposed for TAOS County require a full EIS. We need to know what the costs of operating, insuring and maintaining these wells. We cannot handle the costs whatever they are. We also need to know what the ecological effects to the streams will be. We do not want to harm fish and wildlife. Also we need to protect the health of soils used to grow food for humans and livestock. How will pumped well water affect the Acequias legal status?

Thank You,
Stella Montoya
stellamon88@yahoo.com
Sent from my iPad

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] EIS for Abeyta Settlement Implementation

Follow Up Flag: Follow up
Flag Status: Flagged

From: Susan Morgan
Sent: Tuesday, November 19, 2019 1:56 PM
To: NEPA, Taos
Subject: [EXTERNAL] EIS for Abeyta Settlement Implementation

November 19, 2019

Dear Rebecca Braz,

As a resident of El Prado, I am writing to ask the Bureau to conduct a full EIS of the mitigation wells proposed for Taos Valley, which are a part of the Abeyta Settlement, and which are definitely not a viable solution for our water needs. So much is at stake for the Taos community that further implementation of the Abeyta should be halted for this EIS process. We, personally, are low water users but nevertheless rely on our well and are concerned about the likely disturbance of the aquifers in this area.

In the bigger picture, everyone wants the water, and we are concerned that this important historical culture would be destroyed by the replumbing of Taos valley by outside interests, negotiated in a Settlement behind the scenes, sending water south for development purposes. Mitigation wells would be the first unfortunate step in this direction.

- Removing water seasonally from streams and then pumping it back into streams will inevitably have significant effects on the ecology of streams and surrounding upland areas. What studies have been done on the ecological impacts, such as how stream chemistry will be affected? What studies have been conducted about the legal status of violated acequias?
- I am concerned about the effects of deep well water upon soils and food grown in them, chemically different from water that has irrigated fields for over a century.
- If these wells were to be implemented, how would they be financed, inspected, and maintained?
- What about pipelines? How would they be financed, inspected, and maintained, and what ecological impacts would they have?
- What research has been done to address aquifer recharge? What effects would this have, not only on water quantity but also on water quality? Would well water be potable, or is there the possibility of toxic minerals entering our aquifer and well?
- As I read it, flows of tributaries of the Rio Grande in Taos Valley such as the Rio Hondo, Rio Lucero, and Rio Pueblo, among others, will be adversely affected, disrupting stream ecology. Have assessments been made of ecological and economic disruptions upon the land and the economy that are dependent on reliable water resources?
- Has hydrologic modeling taken scenarios of climate change into consideration?

We need more information about this project that would have a great economic, social, cultural, and ecological cost to the entire valley. An EIS must be conducted, and the community must be given an opportunity to assess the results and participate in life-changing decisions.

Thank you.
Respectfully,
Susan Morgan, PhD
50 Leroux Rd.
El Prado, NM 87529

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Thursday, November 14, 2019 8:10 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Re: Instructions for Submitting Public Comments on Abeyta Settlement in Taos NM

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **todd wynward** <toddwynward@gmail.com>
Date: Wed, Nov 13, 2019 at 3:37 PM
Subject: [EXTERNAL] Re: Instructions for Submitting Public Comments on Abeyta Settlement in Taos NM
To: Benjamin Mortensen <ben.mortens@gmail.com>
Cc: <BOR-sha-AAOTaosNEPA@usbr.gov>

Good job! Thanks!

On Wed, Nov 13, 2019 at 3:15 PM Benjamin Mortensen <ben.mortens@gmail.com> wrote:

Hello,

I am a concerned citizen who has recently become aware of the Abeyta Settlement happening in Taos New Mexico. While reading more about this settlement in the Taos News, I found out that a comment period is open until the 20th of this month. I would like to comment myself but I want to make sure I do so in a format that you all at the BOR are looking for.

I read in the Taos News that this email address is where I am able to send my comments, but I also read that the Bureau of Reclamation stated that instructions for submitting public comments would be presented during the public scoping meetings. I was not present at these meetings, so I am reaching out to you to find out exactly what your instructions for submitting comments are.

Would you please send me instructions on how you wish to have comments submitted?

Thank you for your time, it is appreciated

-Ben Mortensen

--

Todd Wynward
Exec Director, TiLT [Taos Initiative for Life Together] taostilt.org
Author, *Rewilding the Way: Break Free to Follow An Untamed God*
575.770.8681

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOT@osNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11-19-2019

Name:

My

Organization (if applicable):

Tarleton RANCH DEVELOPMENT

Email Address:

MPY@TAOSACT.COM

Street Address:

630 PRADO CDR PUEBLO SUR SUR 14

City/State/Zip:

TAOS, NM 87571

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:01 AM
To: Megan Stone; Katie Patterson
Subject: Fw: Environmental Impact Study

Follow Up Flag: Follow up
Flag Status: Flagged

From: Kan Namba <nambak@unm.edu>
Sent: Tuesday, November 19, 2019 5:47 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Environmental Impact Study

Kan Namba
PO BOX 2998
Taos, NM
87571

Dear Rebecca Braz,

I am writing in regards to the mitigation wells, supply wells and aquifer storage and recovery projects planned in the Taos Valley. Please do not proceed with these wells without an Environmental Impact Study. Water is precious in northern New Mexico. We must be absolutely sure that it not be mishandled.

Respectfully,
Kan Namba

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Taos Mitigation Wells/Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

From: Elaine Nelson <elainenelson01@gmail.com>
Sent: Wednesday, November 20, 2019 7:54 PM
To: NEPA, Taos
Subject: [EXTERNAL] Taos Mitigation Wells/Abeyta Settlement

Dear Ms. Bratz,

I am a resident of Taos County and Appreciate your department allowing of input regarding the Abeyta water settlement and the current implementation of that settlement. in regard to mitigation wells proposed for the Taos Valley, I strongly support the call for a full environmental impact study of the mitigation wells. The studies are necessary and important to Determine potential impact of these deep wells on the long-term environmental Sustainability of our water supplies for the years to come.

irrigating with deep well water could affect the health of the soils and the costs of operating and maintaining these wells is exorbitant . The actual costs Are going to be way higher than the projected costs. Article 13 of the Abeyta settlement states that the federal government and other entities will not be involved with these costs which will increase because of the rise in the cost of production in the past 19 years. Because of the depth of the wells and the unknown Boundary's geologic composition of these wells, the deep aquifers there is a high possibility of there being heavy metal contamination Or uranium or arsenic being pumped into the water supply. The projected six or 800 gallon hundreds of gallons per minute Is unrealistically large By a factor of 1000% for traditional wells in New Mexico.How will the mitigation wells affect acequia and stream recharge? . how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water? What hydraulic models is the BOR using to calculate the impact these wells will have on shallow aquifer of the Taos Valley?

13.3 of the Abeyta settlement clearly stated if any of these projects are determined not to be feasible then alternatives will be actively pursued and then negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to Taos valleys long term water needs.

We need an environmental impact study in order to make informed choices for the future.

Respectfully submitted,
Elaine Nelson
Taos New Mexico

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Suspend Taos Mitigation Wells-Full Environmental Impact Study must be first.

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jan Nelson <jantnelsonart@gmail.com>
Sent: Wednesday, November 20, 2019 9:26 PM
To: NEPA, Taos
Subject: [EXTERNAL] Suspend Taos Mitigation Wells-Full Environmental Impact Study must be first.

- > To Ms. Rebecca Bratz,
- > I am a resident of Taos County and Appreciate your department allowing of input regarding the Abeyta water settlement and the starting of current implementation the agreement.

- > My greatest concern is land unified for a Mitigation well that already has 200+ Arroyo Hondo residenical water system in place, with levels exceeding state standards for uranium arsenic and other heavy metals, that takes millions of dollars to implement a drinkable water system.
- > This pumped up water is a repeat of Pojoaque and Laguna as here underneath the Taos plateau produce the same results in nearby Arroyo Hondo.
- > I strongly support the call for a full environmental impact study of the mitigation wells. The studies are necessary and important to determine potential impact of these deep wells on the long-term environmental Sustainability of our water supplies for the years to come.
- > Irrigating with deep well water could affect the health of the soils and the costs of operating and maintaining these wells is exorbitant . The actual costs Are going to be way higher than the projected costs of 19 years ago. Article 13 of the Abeyta settlement states that the federal government will not be helping with the costs of electricity bill, maintenance,and pumping of these unnecessary deep water extractions and they will bankrupt our many community a ascequa associations.
- > It's just the limits of growth in our northern New Mexico.
- > Because of the depth of the wells and the unknown Boundary's geologic composition of these wells, the deep aquifers there is a high possibility of there being heavy metal contamination of uranium or arsenic being pumped into the water supply. The projected 600 or 800 gallons per minute is unrealistically large By a factor of 1000% for traditional wells in New Mexico.
- > How will the mitigation wells affect acequia and stream recharge? . how will the water quality be affected?
- > Will this add arsenic, fluoride, uranium and other toxic minerals to our well water?
- > What hydraulic models is the BOR using to calculate the impact these wells will have on shallow aquifer of the Taos Valley?
- > 13.3 of the Abeyta settlement clearly stated if any of these projects are determined not to be feasible then alternatives will be actively pursued and then negotiating parties will reconvene and negotiate mutually beneficial solutions.

- > Mitigation wells are not the solution to Taos valleys long term water needs.
- > We need an environmental impact study in order to make informed choices for life in the future.
- >
- > Respectfully submitted,
- > Jan Nelson
- > Taos, New Mexico

NOV 18 2019

1

John Nichols
P.O. Box 1165
Taos, NM 87571

The Bureau of Reclamation
Attention: Rebecca Braz
555 Broadway NE
Suite 100
Albuquerque, New Mexico 87102

Dear Rebecca Braz:

I attended the October 21, 2019, scoping meeting in Taos to "allow public comment" on the NEPA part of the Abeyta Adjudication Water Rights Settlement, a meeting in which Katie Patterson was quoted in the Taos News as saying "NEPA will not be reopening the provisions of the settlement."

This suggests that the Bureau of Reclamation, State Engineer, et al, have no interest in considering public protests at this stage of the settlement. So asking for our input is just a sham.

Nevertheless: Having been active in the 1970s Taos fight against a conservancy district and the Indian Camp Dam, this (NEPA and ARTICLE 6) all seems like Deja Vue All Over Again.

Reading ARTICLE 6 about MUTUAL-BENEFIT PROJECTS of the Abeyta Settlement (pages 29-48) I believe covers the relevant information NEPA was concerned with in that October 21st meeting.

I made comments on every sub-paragraph of ARTICLE 6 but will try to sum them up as succinctly as I can.

On almost every well mitigation and deep well drilling, pipeline laying, site purchasing, storage reservoir creation, and infrastructure development plan (often "subject to the dollar limit posed in ARTICLE 10"), I wrote "Who pays? What is the dollar limit? How are cost overruns dealt with? How do acequia parciantes deal with maintenance costs far above what Federal and State monies provide? What if the town population and water demands grow far beyond expectations of the Abeyta Settlement? This document essentially places a sort of "conservancy district" on the Taos Valley, threatening the survival of community-based acequias. It seems geared to increasingly place non-pueblo water rights in the hands of a few power brokers to the detriment of the general population of water

users. How much will we all be taxed if the costs of this adjudication run wild? Who takes over if "we" can't pay for runaway maintenance costs or toxic invasion of surface waters by deep well drilling? There are so many "ifs," "ands," or "buts" in what reads like a futuristic Rube Goldberg out-of-control operation with no guarantees it will "work," that a majority of current traditional water user will be rubbed out in a future being aimed toward unreasonably commodified water being aimed, basically, toward urban development.

For example: how much will the San Juan Chama Water mentioned in 6.3.1.7. really cost?

I mention here that in the 1970s Taos irrigators rejected a conservancy district and the San Juan-Chama Water to fill the Indian Camp dam because they: 1. Realized that the "minor" maintenance costs they'd be forced to pay were entirely unknown. 2. The conservancy district could initiate a hundred other projects not mentioned alongside the Indian Camp Dam. And, 3. That the Bureau of Reclamations "Cost-Benefit Analysis" basically defined "Benefit" as development that would destroy their culture, history, take away their control of community acequias, and eventually run them off their own land.

Reading this complicated ARTICLE 6 aspect of the Abeyta Settlement reminds me of Regional Conservator, Hugh Calkins' 1936 analysis called *A Reconnaissance Survey of Human Dependency on Resources in the Rio Grande Watershed*. Calkins' study outlines how irrigation and conservancy projects from Elephant Butte northward displaced the current subsistent land tenants with larger developments and agribusiness operations that displaced most of the original inhabitants.

It seems obvious in ARTICLE 6 that nobody is seriously considering climate change, drought, inevitable smaller future snowpacks and increased water shortages that will occur (actually are occurring) in the face of human overdevelopment that will obviously be made easier by the Abeyta Settlement.

I won't comment further on subparagraphs of ARTICLE 6, since most of my comments are redundant.

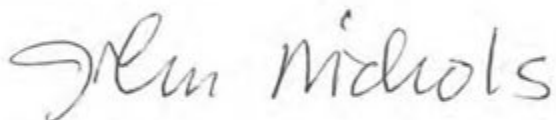
When I looked up the MUTUAL-BENEFIT PROJECTS FUNDING in ARTICLE 10, it all seems like a pipe dream, when it states, for example, right at the start, that federal financial costs will be 75% of the total cost, "but not to exceed \$36,000,000." Right here you have to start cringing. And

keep cringing at who pays the other 25% "not to exceed 12,000,000." And the statement that "Nothing therein is intended to limit the ability of any party to seek other sources of funding for 'Mutual-Benefit Projects', however, any such additional funding is not the subject of the provisions of this ARTICLE 10."

It should be clear to anyone that costs projected in 2012 to 2016 will be so overblown by the time these NEPA associated projects actually get underway, hit snags, have to be changed for environmental, human, political reasons, that the projected costs for the MUTUAL-BENEFIT projects in ARTICLE SIX will be seriously higher than those stated in ARTICLE TEN. They'll be a total free-for-all.

To me, it seems that the NEPA process needs to listen seriously to public protests, instead of considering them irrelevant to a process, already outlined in the Abeyta Settlement, that is obviously skewed *not* to be to the "Mutual-Benefit" of most of the Taos population involved in this process.

Sincerely,

A handwritten signature in cursive script that reads "John Nichols". The signature is fluid and written in dark ink.

John Nichols
(address above)

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Mailing

Date: Nov. 20, 2019

Name: Whitney M. Nieman

Organization (if applicable): Honda Mesa Community Association

Email Address: wniema@taosnet.com

Street Address: P.O. Box 359

City/State/Zip: El Prado, NM

87534

physical address: 73 Los Rios Rd
Arroyo Hondo, NM 87513

Comments: Attn: Rebecca Braz

After reviewing the many articles and letters in the Taos News and hearing public comments at your scoping session (Oct. 21) regarding concerns about the Abeyta Water Settlements plan for drilling deep wells, I can only conclude that an E.I.S. along with an updated hydrologic model is a necessity for informed decision-making BEFORE taking action, if any.

From my understanding, there are 3 main areas of concern:
#1) Contamination #2) Cost #3) Culture

Re: #1. Please assure the public before drilling the mitigation wells that our acequia/irrigation/aquifer system and natural waterways of streams and rivers will NOT be contaminated by uranium, arsenic, lead, fluoride and/or other unknown toxic minerals. Such contamination will have serious ill-effects on our agriculture, wild life - plants, animals, birds - the interconnected ecosystem of our Taos Valley.

Re: #2. Please draw up a detailed long-term cost analysis for maintenance of the mitigation and supply wells with extensive pipelines, the possible drying up of existing private wells - costs that could be shouldered by Acequias, Mutual Domestics, current private well owners. Since the United States and State of New Mexico wrote themselves out of responsibility to pay for future costs, a thorough long-term cost analysis is a necessity.

Re: #3 Please include in your analysis a thoughtful overview of our centuries-old rural cultural identity of practical and sacred connection to the Land which can be irreparably disrupted by 'modern' mechanized water system and its extensive pipelines.

Thank you for considering the above 3 areas of concern with the wisdom, knowledge and heart.

Sincerely, Whitney M. Nieman

P.S. Marc Carlson at BOR assured me that comments postmarked Nov. 20 would be accepted.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Public Scoping Comments

Follow Up Flag: Follow up
Flag Status: Flagged

From: Linda Romo <lindaromo2002@yahoo.com>
Sent: Wednesday, November 20, 2019 6:13 PM
To: NEPA, Taos
Cc: Gabriel Olguin
Subject: [EXTERNAL] Public Scoping Comments

Attn: Rebecca Braz
Dear Ms. Braz:

We are life-long residents of Taos. Our family has owned land in Taos County for seven generations. Our family, through the generations, have farmed the land, owned livestock and have utilized the acequias as a source of water through each season.

We are opposed to the Mitigation wells for the following reasons:

1. We know that after these mitigation wells are completed, the up-keep and operation of these wells will be extremely costly and would bankrupt Acequia Associations. The Abeyta Settlement does not provide funds for up-keep and operation.
2. Acequia Associations have the right to decide whether or not to fund mitigation wells.
3. Acequias, as a community-operated watercourse, has been in existence in Spain and brought to Northern New Mexico by the Spanish. Acequias with their historic nature have worked for three hundred years or more to sustain the needs of the people of this valley. We feel the Mitigation wells are a threat to the Acequias and will alter the nature of every acequia in the Valley. We feel the acequias would become pump stations after the mitigation wells are completed.
4. Water quality is poor from deep wells and treatment for the water would be required. This treated water would be harmful for animals, fertile soils and humans. Our food would become a security risk. Our stand is: HEALTHY WATER- HEALTHY SOILS-MEAN HEALTHY FOOD - HEALTHY PEOPLE.
5. Deep drilling for these wells could upset the fragile geology and cause tectonic plates to shift causing earthquakes.
6. Taos Valley is a wealth of archaeological sites. The deep drilling and pipelines would be disruptive to prehistoric history that surrounds us.
7. We have a great concern that the drilling of the Mitigation Wells beneath the Taos Basin with its fragile and complicated geology will present a great risk of depleting shallow aquifers.
8. Acequias not only recharge our aquifer, but the Rio Grande when ground water emerges as the springs along the river. We demand to know: How will the Mitigation wells affect acequia recharge?

9. We are very concerned about water right leasing and to whom the water is leased. We demand transparency on this topic.

10. Acequia communities are by definition irrigated with only diverted stream water. We demand to know how the pumped well water into the acequias affect their legal status.

We strongly feel that other alternatives to these Mitigation wells need to be discussed and considered as viable solutions. In Section 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

One solution, which we strongly support, is the leasing of Taos Pueblo water to make up for future depletions should depletions occur.

We demand a Comprehensive Environmental/Feasible Study that is Comprehensive and Cumulative to look at the project as a whole.

Note: the highest beneficial use of water is Agriculture and the highest beneficial use gets priority according to state engineers.

Mitigation Wells are not the solution to the long term water needs of the Taos Valley AND WE STRONGLY OPPOSE THEM.

HEALTHY WATER-HEALTHY SOILS MEAN HEALTHY FOODS-HEALTHY PEOPLE !!!!!

Sincerely,

Parciantes of:

Arroyo Seco Abajo: Lower Manuel Andres Trujillo and Juan Manuel Lucero Ditches

Linda M. Romo
Mary Ann Romo
Gabriel Olguin

P.S. Please acknowledge that you received and read this email.
Thank you.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:02 AM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Abeyta

Follow Up Flag: Follow up
Flag Status: Flagged

From: Natalina Designs <natalinatunes@gmail.com>
Sent: Wednesday, November 20, 2019 7:17 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Abeyta

I am writing to insist you perform a complete environmental impact study before continuing with this project.

Natalina Oliverio
Taos Citizen
2197183115

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 10/21/19

Name: Mitchell Olson

Organization (if applicable):

Email Address: mtoz1223@gmail.com

Street Address: 1222 Denton St NE

City/State/Zip: Alb, NM 87106

Comments:

I am a sustainable builder^{+ gardener/landscaper} with a passion for permaculture, a sense of building with and working with the land in a regenerative and responsible way. I have extended family in Taos who rely on waterways + a sufficient water table for their livelihoods, and this extensive well proposal will drastically influence availability of water from sources that have sustained peoples in this area for centuries. The draining of aquifers that support entire ecosystems will also have effects on the land that will eventually lead to the collapse of those ecosystems, and make a future for the people of Taos impermanent. The purpose of these wells is to make urban developments possible, which the water available in the Taos valley cannot sustain, and to provide business opportunities for outsourcing water investors outside of Taos, which it also cannot sustain. The impact these developments^{will have} on the land is considerable as well. Not only will the thousands of people housing developments are planned for be using water, ~~and~~ but the corporations that will come to fill the "needs" of those people will be, as well as creating a need for resources - fuel for trucking food, concrete for building, paving over the land - that the Taos Valley cannot support. The actual drilling of these wells can have impacts that are unknown without proper studies: bringing radon to surface waters, creating fissures in the land. I ask that the Bureau of Reclamation put the necessary resources into studying all of the environmental impacts the people of Taos are fearful of, as stated in all of our public comments, and to honor protective agencies^{and stop the development} if found there will be negative impact. I know indeed there will be, but ask that the NEPA analysis be conducted in the fullest as is being demanded by the people of Taos.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 4, 2019 7:14 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Water Issues in Taos

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Kim Pelton <kimsellsit@hotmail.com>
Date: Sun, Nov 3, 2019 at 8:21 AM
Subject: [EXTERNAL] Water Issues in Taos
To: BOR-sha-AAOTaosNEPA@usbr.gov <BOR-sha-AAOTaosNEPA@usbr.gov>

I want to first apologies for forwarding on something that I myself didn't "write" but fully ENDORSE! I live not more than 2 miles from where these wells are being drilled. I am on a well myself. I worry about how all of this will effect me personally, but also the environment of the community that I have spent the last 40 years enjoying. Please, PLEASE help slow the roll up here and make sure what is being done is 'right!'

Rebecca Braz

There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs?
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in

Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you

Kim Pelton

575-758-5565 phone

866-511-4695 fax

https://www.instagram.com/kim_sells_it/

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,



Dustin B. Petkau
Concerned Citizen

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

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Respectfully submitted,



From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Taos Indian Water Rights Settlement
Attachments: Public Scoping Comment.edited.docx; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

From: Bruce Popham <brucepopham@me.com>
Sent: Wednesday, November 20, 2019 5:21 PM
To: NEPA, Taos
Cc: brucepopham@me.com
Subject: [EXTERNAL] Taos Indian Water Rights Settlement

Public Scoping Comment Taos Indian Water Rights Settlement/Abeyta Settlement 2013

Date: November 20, 2019

Name: Bruce Popham

Email address: brucepopham@me.com

Address: PO Box 2449

City/State/Zip: Taos, NM 87571

Bureau of Reclamation Attn: Rebecca Braz

The Abeyta Settlement was finalized by Congress and President Obama in 2013. Since that time Federal EPA has identified what impact of Climate Change means for New Mexico with a summary August 2016. (EPA 430-F-16-033)

This report identifies significant impacts to the state of New Mexico in multiple areas, heat waves are more common, snowmelt is earlier, decrease in water flows in all rivers, threatening the health of livestock, increase the frequency and intensity of wildfires and converting some rangelands to desert. None of these issues are adequately addressed or considered within the Abeyta Settlement finalized in 2013.

The EPA report addresses explicitly water availability due to Climate Change will increase the need for water and reduce the supply. Warmer temperatures increase evaporation from air, soil, plants, and surface waters. Irrigated farmland will need more water, and 95% of all water used in the Taos Basin is agriculture. Less water will be available, and precipitation is unlikely to increase. Annual rainfall is more likely to decrease, making soils drier and periods without rain are likely to be longer, making drought more severe.

More concerning is the decline in Snow Pack that will further limit the supply of water and recharge the natural reservoirs. Over the last 50 years, the snowpack is melting earlier, leaving little release of water in the summer months. Also, the recent expansion and development of the Taos Ski Valley, with significant increases in water demand, was not taken into consideration when evaluating the headwaters to the significant waterways affected by this settlement

The impact in the following areas is extremely concerning:

Agriculture, livestock grasslands, irrigated fruits, vegetables, pecans and other crops.

Wildfires and changing landscapes will increase in frequency and severity.

Pests like bark beetles that infested 200,000 acres.

Extreme heat dangerously affecting elderly, children the sick and the poor

Tribal Communities are significantly affected.

With regard to all of the facts outlined above by EPA with Climate change in New Mexico, **I object to the Settlement going forward without a detailed National Environmental Impact Study (EIS) as per NEPA. The entire project, including all wells, both supply and mitigation, should be included.**

Also, as per section 13.3, "if any projects....are determined to be infeasible....the parties shall reconvene and negotiate....on modified or alternate projects.

Sent from my iPad

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 10:32 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Public Scoping Comment Taos Indian Water Rights Settlement
Attachments: Public Scoping Comment.edited.docx
Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Sherry Popham <sherry.popham@me.com>
Sent: Wednesday, November 20, 2019 10:27 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Cc: sherry.popham@me.com <sherry.popham@me.com>
Subject: [EXTERNAL] Public Scoping Comment Taos Indian Water Rights Settlement

Comments for Public Scoping of Taos Indian Water Rights Settlement Mutual-Benefit Projects NEPA Compliance are attached. Thank you for this opportunity.

Public Scoping Comment Taos Indian Water Rights Settlement/Abeyta Settlement 2013

Date: November 20, 2019

Name: Sherry Popham

Email address: sherry.popham@me.com

Address: PO Box 2449

City/State/Zip: Taos, NM 87571

Bureau of Reclamation Attn: Rebecca Braz

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Also, as per section 13.3, "if any projects....are determined to be infeasible....the parties shall reconvene and negotiate....on modified or alternate projects."

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 12, 2019 8:50 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **Kristen** <kristen.0827@gmail.com>
Date: Sun, Nov 10, 2019 at 7:22 PM
Subject: [EXTERNAL] Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca Braz-

I am a concerned citizen of Taos County and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. **I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells.** An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
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Respectfully submitted,
Dr. Kristen Precht-Byrd
925 Paseo del Pueblo Sur
Taos, NM 87571
kristen.0827@gmail.com



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11/3/19

Name: _____

Corteiz Quintang

Organization (if applicable):

Email Address: corineding58542@gmail.com

Street Address: 226A Lower Las Colonias

City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

[illegible]

PUBLIC SCOPING COMMENT CARD



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: Dec 2019
Name: 11/3/19
Organization (if applicable): _____
Email Address: corineding58542@gmail.com
Street Address: 226A Lower Las Colonias
City/State/Zip: El Prado NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

[illegible]

From: Katie Patterson
Sent: Wednesday, October 30, 2019 2:40 PM
To: Megan Stone
Subject: FW: [EXTERNAL] Public Scoping Comment
Attachments: BOR scoping.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Katie Patterson, JD

EMPSi Environmental Management and Planning Solutions, Inc.
3005 Center Green Drive, Suite 205
Boulder, CO 80301
tel: 303-495-2975 main: 303-447-7160 fax: 866-625-0707
www.EMPSi.com Twitter: EMPSInc Facebook: EMPSi

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From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Wednesday, October 30, 2019 10:40 AM
To: Katie Patterson <katie.patterson@empsi.com>; David Batts <david.batts@empsi.com>
Subject: Fwd: [EXTERNAL] Public Scoping Comment

----- Forwarded message -----

From: <daverael@newmex.com>
Date: Tue, Oct 29, 2019 at 12:29 PM
Subject: [EXTERNAL] Public Scoping Comment
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Attached you will find my comments. Thank you and have a good day.

Date: October 29, 2019

Name: Petra Quintana

Email Address: daverael@newmex.com

Street Address: 228 Peralta Lane

City, State, Zip: Taos, New Mexico 87571

Forty years ago when negotiations were ongoing, I was 18 years old. Back then, there were no homes in the Blueberry Hill area. There were limited homes, (very limited) in Upper and Lower Colonias and the same with homes off of Highway 64 going toward the Gorge Bridge, as compared to what is in these areas now. In the last 40 years there has been a population surge in the above mentioned areas. This population surge has meant there are now multiple domestic wells and septic systems that are now in place and in use, without any oversight. These wells may and will eventually either dry each other out if we continue to experience droughts OR the septic systems, if not properly maintained, will begin to leech into some of these wells. Again, this is dependent on whether we have drought or a wet season, which is unknown. A majority of these wells are not monitored by anyone nor do a majority of them have any water rights tied to them. So in an actual instance, those who do have water rights tied to an Acequia, the Acequia is at more of a risk of drying up because if these wells are in constant use then the Acequia's are unable to recharge. AND because these wells are not monitored there are huge green trees growing in an area where there was nothing but desert sagebrush. What happens as this begins to happen? What recourse do these homes with domestic wells have? Has the New Mexico Office of the State Engineer allocated more permits than there is water? These are important and serious questions that the people who have domestic wells don't think about. These are questions that domestic well owners fail to address when protesting the future wells proposed in the Abeyta Settlement. Another thing that is never addressed is the fact that water rights here in the State of New Mexico are based on priority of which domestic well owners are last in line. Unfortunately, whether they want to or not either the above mentioned group will have to spend a large amount of money to drill their wells deeper or eventually see if it would be possible to hook up to an established production well.

There has been one instance that I know of because I am a parciante on this particular Acequia here in the Town of Taos proper where the Town was given a permit to drill production well #5 in the early 70's. By 1977, the parciantes on the Spring Ditch Acequia noticed there was less water running in the ditch and by the mid-80's, there was a trickle in wet years and nothing during the drought. After a long and expensive court battle between the Spring Ditch Acequia and the Town of Taos, it was proven, by four separate Hydrologists from four different Hydrology firms that the Town's well #5 was the reason that the springs that fed the Spring Ditch Acequia dried and are no longer producing the amount of water required to supply the Acequia nor the parciantes water. If this has had an effect on this particular acequia, then there are others that will and unfortunately have also been affected. In most cases excess runoff from one Acequia will feed into another until eventually it all ends up in the Rio Grande. Well #5 is continuously pumping on a daily basis in order for the Town to produce the amount of water required to supply their water users, which means the ground water table is not able to recharge, therefore causing peril to all the surrounding Acequias, (Spring Ditch Acequia, Acequia Madre del Rio

Pueblo) streams (Rio Fernando) and rivers (Rio Pueblo, Rio Grande.) This is one of the reasons why it was determined in the Abeyta Settlement that the Town should drill their future wells away from the area of the acequias, streams and rivers.

As these Acequias, streams and rivers continue to be placed in peril and when the water stops flowing, then the use of them is no longer an option and once that happens, then the "rights" that are affiliated with them will also be lost.

If the parties were to go back to the negotiating table, then another 40 years can go by and by then all will be lost or pretty close to it. We cannot go back to the bargaining table every time someone moves in and feels that they should have been a part of the negotiation. If this is/was the case, then the parties would be forever at the negotiation table while our water supply dwindles to nothing.

If everyone is so concerned about water in this Community, then I think the Office of the State Engineer needs to be brought to task and answer the big question, "Have you allocated more water than is available?" and "Have you issued permits that are affecting water rights holders?" These questions to me is a possibility but I feel more a probability and while the actual water rights holders are battling amongst each other, the New Mexico Office of the State Engineer is absent and unresponsive.

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:44 AM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Public Scoping
Attachments: BOR scoping.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: daverael@newmex.com <daverael@newmex.com>
Sent: Monday, November 18, 2019 2:02 PM
To: NEPA, Taos
Subject: [EXTERNAL] Public Scoping

Public scoping Attached

Date: November 18, 2019

Name: David Rael

Email Address: daverael@newmex.com

Street Address: 232 Peralta Lane

City, State, Zip: Taos, New Mexico 87571

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From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:45 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Public Scopint comment Attn: Rebecca Braz

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: teodororael@aol.com <teodororael@aol.com>
Sent: Monday, November 18, 2019 12:21 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Public Scopint comment Attn: Rebecca Braz

I feel as well as the rest of my family that maintenance and operation of this project would likely bankrupt the associations. We do not like the idea of the irrigation system being controlled by out-siders who do not share our values. Also, the drawn-down affect which will ultimately deplete the upper acquifer is troubling. We object to this project. Our land is on Arroyo Seco Rd., Arroyo Hondo, NM

Teodoro Rael
2522 Calle Delfino
Santa Fe, NM 87505

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 7:55 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Environmental impact study request

Follow Up Flag: Follow up
Flag Status: Flagged

From: John Robbins <theoneandonlyjrobbins@gmail.com>
Sent: Tuesday, November 19, 2019 8:17 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Environmental impact study request

Hello Rebecca Braz,

I am writing to you today concerning the implications of the portions of the Abeyta settlement that concern the mitigation and supply wells. I'm very concerned that the full environmental impact study has not yet been completed, and to my understanding, the Bureau of Reclamation is considering skipping this incredibly important part of the implementation of the Abeyta settlement. My major concerns are related to the Mitigation wells and their intended use to replenish the surface waters using water from our deep aquifer in Taos County. My concerns include the following:

- there is no environmental precedent for using deep aquifer mitigation wells to replenish surface water (this fact alone should be sufficient to require the full study)
- initial testing has already shown unhealthy levels of uranium, arsenic, lead and flouride as well as heavy mineral content and unbalanced ph levels in the deep aquifer waters
- the water from the supply and mitigation wells will require extensive treatment before it's introduced into the domestic water supply, or streams and rivers; so do the mutual domestic water suppliers and the acequias have all of the funding and facilities to handle all of these new requirements?
- how will using this water from our deep aquifer impact the flow of the natural springs which supply the streams and rivers in our area?
- how will the use of this deep aquifer water affect the ecology of the streams and rivers?
- how will the use of this deep aquifer water impact the health of the soils, produce and livestock where the waters are used to irrigate?
- will the use of the supply and mitigation wells deplete the aquifer at a rate that cannot be replaced?
- conservation methods were never addressed in any part of the Abeyta settlement before the plan to extract the deep aquifer waters was set in motion

Section 13.3 of the Abeyta settlement that is labeled "Project Modification or Failure" sets out the process to change the settlement in the event that portions of the settlement are unacceptable. Please, if you are able, exercise the power of your office to begin the procedure to start the full environmental impact study and also the modification of the settlement agreement immediately.

Thank you for your time and efforts to help our community,
John Robbins
PO Box 477
Taos, NM 87571

LOIS RODIN

PO BOX 3115 TAOS NM 87571
322 TUNE DRIVE EL PRADO NM 87529
575.770.0731 575.758-7444
lois@newmex.com

6 November 2019

TO: Bureau of Reclamation
Attention: Rebecca **Braz**
555 Broadway NE, Suite 100
Albuquerque, N.M. 87102
BOR-sha=AAOTaosNEPA@usbr.gov

As a resident of the Stagecoach Neighborhood Association (SNA), I am very concerned about the deep well drilling of mitigation and supply wells facilitated by the Abeyta Water Settlement.

These concerns include the following projected outcomes:

- drying up or depletion of tributary waters feeding our private wells
- health risks from mixing chemically and bio-contaminated water into our private wells and acequias
- unsustainable residential and commercial growth in the Taos area
- distribution of our water to other parts of the State
- an environmental impact study is not planned to protect us from long-term, irreversible consequences.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lois Rodin', written over a large, light-colored circular mark.

Lois Rodin
SNA Board of Directors

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Mitigation Wells in Taos Valley

Follow Up Flag: Follow up
Flag Status: Flagged

From: Lydia Ruffin <lydiaruffin@gmail.com>
Sent: Tuesday, November 19, 2019 9:48 PM
To: NEPA, Taos
Subject: [EXTERNAL] Mitigation Wells in Taos Valley

Dear Rebecca Braz,

I am a resident of Taos County and I strongly support the call for a full Environmental Impact Study regarding the Mitigation Wells proposed for the Taos Valley. I am requesting that any further implementation of these deep aquifer wells be suspended until an EIS is conducted.

There is too much at stake for the environmental, economic, and cultural health of our valley to not answer crucial questions, such as:

1. How will irrigating with deep well water affect the health of soils?
2. What are the costs of maintaining these wells? Who is responsible for attendant costs?
3. How will additional waters affect Acequia communities?
4. How will the discharge of pumped water affect streams?
5. How will the wells affect the Rio Grande?
6. How will deep water impact the quality of our drinking water quality?
7. What are the hydrologic models used to calculate impact of deep water wells?
8. How will the deep wells affect our wells and the amount of water they render?

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

We need more information. We need an Environmental Impact Study to be able to make informed choices.

Respectfully submitted,

Lydia Ruffin
PO Box 1843
El Prado, NM 87529

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:04 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] updated comment with contact info from Bridgers and Salazar
Attachments: Comment to BOR - Mitigation Wells from Doug Bridgers and Roberta Salazar.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Roberta Salazar <salazarroberta27@gmail.com>
Sent: Wednesday, November 20, 2019 3:50 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] updated comment with contact info from Bridgers and Salazar

Hello please ignore my last email and use the attachment below of our citizen comment concerning the proposed Abeyta Mitigation Wells.

Thank you!

November 19th, 2019

U.S. Department of the Interior Bureau of Reclamation Albuquerque Area Office

RE: Taos Indian Water Rights Settlement (i.e., "Abeyta Settlement")
Programmatic Environmental Assessment

Via email: BOR-sha-AAOTaosNEPA@usbr.gov

Please accept my comments below to your environmental assessment of the impacts of the Abeyta Settlement's planned mitigation wells.

The mitigation wells were included as a key part of the Abeyta Settlement. The purpose of these mitigation wells is to offset the surface water depletion effects resulting from Future Groundwater Diversions that may happen. It seems that there is an urgency by the State Engineer's Office to implement the mitigation wells as soon as possible - even though there are no current depletions to the Rio Grande from our valley. These mitigation wells pose too many risks to our community and its water to serve the best interests not only of our community but of the greater Rio Grande Corridor.

During the settlement negotiations Taos Pueblo claimed all water in the Taos Valley (Aboriginal rights). To respond to this claim, the water rights owning parties resorted to a simplified model of the hydrology of the Taos Valley (Shoemaker model) which suggested free, fossil, non-tributary water, assumedly, not connected to the Rio Grande River Basin (adjacent to the federally sensitive Rio Grande Wild and Scenic River), could be accessed through a series of deep wells without detrimental effects to the existing shallow aquifers. This claim is highly speculative and possibly untrue. Access to these deep water aquifers represent a form of magical thinking: a highly technical solution through pumping and treatment which results in "free" water not hydrologically related to the Upper Basin of the Rio Grande to offset local water depletions to the Rio Grande.

This flawed architecture presents a number of problems, which must be addressed:

- 1) The simplified hydrologic model (Shoemaker model) used by the parties to assess the impact of these mitigation well is inadequate and probably inaccurate. More comprehensive and robust hydrologic computer models are available which would more accurately depict the likely integrative impacts of these deep wells to Taos Valley's water sources. (see Paul Bauer/Peggy Johnson 2017). We urge you to consider a more accurate model should be developed and employed in your alternatives to help assure a sustainable water outcome.
- 2) The assumption that heavy pumping of deep water aquifers will not affect either shallower aquifers or return flows to the Rio Grande is untested and likely untrue. The hydrology of the Taos Valley is integrated and balanced

in complex ways which no one fully understands. Deep well pumping will draw up water of unknown quality and ph which will need to be treated. These "mitigation" wells will create a new and complex diversion of our water without any certainty of the eventual result. Right now we have no depletions to the Rio Grande from the Taos Valley. There is no such thing as "free" water. How do you propose to eliminate depletions to the Rio Grande from the deep supply well water pumping aside from the expensive and risky proposed mitigation wells?

- 3) Funding for the long term operation and maintenance of these wells is currently not guaranteed within the settlement. Long-term operation and maintenance of these wells represents a significant and potentially catastrophic financial

commitment for small governing entities with no guarantee of future funding. Operation of a pumping station and treatment facility with requirements for technical support, technician's labor, filtration, chemical treatment, and electrical power and equipment which far exceeds the budget of a typical acequia or small MDWA is a radically different proposition from a water conserving, low budget, community-run acequia. How does the settlement seek to address this issue within the settlement design?

Treatments costs alone would be unbearable for acequia communities. In Arroyo Hondo, addressing a high level of uranium in the community well has resulted in years of work to upgrade the treatment facilities and a 6 to 7 times increase in costs to water users. The settlement proposes a deep well here for a MDWA with only 67 families to bear the costs. The financial burdens to maintain this technological "solution" will quickly bankrupt a proven community water conservation system that builds human community, slows water run off, regenerates shallow aquifers and allows for local agricultural productivity.

- 4) Water quality from these wells is uncertain. Based on previous deep wells drilled in our area, the deep well water is likely to require expensive treatment (reverse osmosis) and be heavily mineralized – uranium, arsenic, cadmium, fluoride, and calcium are likely to be present in quantities that would require filtration. The deep water will need to be PH balanced to match that of naturally occurring mountain runoff. Who will bear the financial burden of water quality treatments (the citizens? and what compensation will be offered?)

- 5) The Taos Valley is geologically complex with many faults along the edges of the valley and along the foothills of the Sangre de Cristo mountains. According to highly respected Geologist Paul Bauer, there is no place on Earth with a more complex geology than that of Taos County. It is unknown what effects deep drilling and heavy pumping may have on these geologic features. Increased seismic activity associated with drilling/pumping has occurred elsewhere in our region.

What assurance is given that impactful seismic shifts will not be an outcome of water drilling? What plan is there to compensate citizens and governments in the event of property and personal damage related to seismic shifts?

- 6) Many acequias have priority dates which predate the United States and the State of New Mexico. These ditches were hand dug by the ancestors of the people of the Taos Valley and as such are historic features. The legal concept of water priority was not introduced into the New Mexico Territorial Legislature until 1907 whereas the water rights of the acequias are guaranteed under the Treaty of Guadalupe Hidalgo. Acequias have a centuries old system of repartimiento by which water is shared and which predates the legal concept of priority. The acequia system is a proven wise water conservation system which builds the fabric of a community, promotes agricultural productivity, creates riparian habitat, recharges shallow aquifers steadily recharging water delivery to the Rio Grande corridor throughout the year. It behooves us to maintain and honor the sustainability of these low tech inexpensive acequia system to ensure sustainable water quantities for future generations. Once you start pumping water into an acequia, it is no longer technically considered an historic gravity fed acequia water system. How does the Settlement propose to improve and protect the proven water conservation effectiveness of our local historic acequias in the Taos Valley which promote sustainable water recharge for the Rio Grande?
- 7) The proposed ASR wells in El Salto include the proposed installation of a mile long pipeline for water delivery from the Rio Lucero. This will eliminate shallow aquifer recharge on Taos Pueblo lands from acequia seepage below this area which will result in a loss of wetland habitats below the pipeline. This will be a long lasting disappointment for those Taos Pueblo neighbors who now enjoy the benefits of those wetlands. How does the settlement address this loss of water recharge to Taos Pueblo wetlands below?
- 8) Some proposed well sites are near archeological sites and may require archeological surveys or clearances. How does the Settlement propose to protect and not disturb or negatively impact these archaeological sites such as those near the Rio Chiquito Ditch?
- 9) The Rio Grande Wild and Scenic River was enacted in 1968. It is a federally sensitive area adjacent to the proposed Abeyta Settlement projects. How the Abeyta Settlement ensure that this wild and scenic river is not depleted and that its ecology (including many springs) along its shore is not damaged?

These highly technological, expensive and potentially negatively impactful mitigation wells are not an efficient nor a practical solution to potential future depletions to the Rio Grande. Future water depletions to the Rio Grande are not likely to come from the practice of acequia irrigation but rather from the proposed supply wells that will serve Taos Pueblo, the Town of Taos and El Prado Mutual Water Domestic Association. Yet our acequia community with proven centuries of inexpensive conservation techniques that have provided water resilience even in times of drought will now be penalized.

We propose your consideration of a preferred alternative: simply allow acequias and other party members to lease water from Taos Pueblo to offset depletions if and when they occur in lieu of the deep mitigation wells. This eliminates detrimental impacts resulting from deep drilling for mitigation wells.

This proposed alternative offers a simple, more feasible, and less costly alternative to address potential future depletions. Taos Pueblo would benefit from income generated from leasing. Taos Valley, as well as the greater Rio Grande corridor, would benefit by avoiding harm resulting from this unwise and intrusive mitigation well scheme that is poised to damage water quality and potentially result in greater water discharge and depletions to the Rio Grande. Besides, at this point, with the diminishment of the size of our Taos Valley acequia system (due to an Abeyta Settlement mandate that includes funding requiring Taos Pueblo to purchase 677 acre feet of acequia water rights within the Taos Valley) it is now much less likely that our acequias will have depletions to the Rio Grande in the future. Our acequias predate federal, state and town governments and should have priority for leasing water should depletions from our acequias ever happen. We urge you to give this full consideration in your alternatives for this Environmental Assessment.

Thank you for your serious consideration of these comments in your environmental assessment of the proposed Abeyta Settlement mitigation wells.

Sincerely,

Doug Bridgers and Roberta Salazar
PO Box 820
Arroyo Seco, NM 87514

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 7:55 AM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Mitigation wells

Follow Up Flag: Follow up
Flag Status: Flagged

From: LynnSalm-Smith <lynnsalmsmith@gmail.com>
Sent: Tuesday, November 19, 2019 8:45 AM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Mitigation wells

Ms Rebecca Braz,

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Thank you for your time and efforts to help our community,
Madelyn Salm-Smith
El Prado, NM

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha:
AAQTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11/18/19

Name:

Jessica Sanchez

Organization (if applicable):

Email Address:

jessica.sanchez@taos.com

Street Address:

104 Tolane Rd unit 4A

City/State/Zip:

Taos NM 87571

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-18-19
Name: BETTY SANGER
Organization (if applicable): CROSSROADS REALTY
Email Address: or Betty.sanger@hotmail.com
Street Address: 630' PASEO del Pueblo Sur Suite 160
City/State/Zip: TAOS NM 87571

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Betty Sanger

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:02 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] NEPA Taos

Follow Up Flag: Follow up
Flag Status: Flagged

From: chrislsayler <chrislsayler@aol.com>
Sent: Wednesday, November 20, 2019 5:56 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] NEPA Taos

To Whom it Concerns:

As I resident of Arroyo Hondo, NM, I would like to request an Environmental Impact Study of the Abeyta Settlement mitigation deep aquifer wells before any new wells are begun. We live on the Acequia Madre del Llano, and are deeply troubled about the impact of deep aquifer water being added to the surface water that is so much a part of our communities' life blood. It is of huge cultural significance to so many of our neighbors, and I know that our local mayordomos are very concerned about these proposals. I think you should listen to their cultural concerns.

I am also very concerned about the effect of these mitigation wells on the water so many of us rely on with our wells. What is the long term impact if draining deep aquifers on the more shallow water tables we all rely on? What will climate change and future drought conditions do to our very important water supplies? Who will take responsibility if shallower wells dry up as a result of the deep aquifer drainage? Many other cities and regions have just now started to see devastating effects from similar deep water wells. I believe Tuscon, AZ is facing many ground water issues from the draining of deep aquifers, and that massive fissures have begun to arise. Scientists at Arizona State University have been raising alarm bells about their concerns relating to deep aquifer draining.

This seems a short term solution that may get us into trouble in the future. What happens when these aquifers are drained completely? It seems unlikely these will replenish themselves, and are highly unsustainable. We must think carefully about not over developing the area based on the finite resource that the deep aquifers would provide.

Please provide an EIS and put a moratorium on further drilling until it is completely studied.

Thank you for your attention,
Christina Sayler
PO Box 82
El Prado, NM 87529

Sent from my Verizon, Samsung Galaxy smartphone

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:03 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Taos Valley Water Rights Settlement Agreement NEPA Comments
Attachments: BOR NEPA Comments 11-2019.docx
Follow Up Flag: Follow up
Flag Status: Flagged

From: Mark Schuetz <nmwatershed@gmail.com>
Sent: Wednesday, November 20, 2019 4:25 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Taos Valley Water Rights Settlement Agreement NEPA Comments

Hello Rebecca Braz,

Thank you in advance for considering my comments. I have given years of thought and study to this effort. Though I was not involved in the original Settlement, I am now, and plan to be for the coming years.

I have a lot of appreciation for the efforts of those who came before me, and hope to complement their work, with my contributions.

My Comments are attached below.

In Stewardship,

Mark Schuetz

Good Morning Rebecca Braz,

November 19, 2019

Please find below my comments on the proposed “Mutual Benefits Projects, that are part of the Taos Valley Water Rights Settlement. (SA)

I signed the SA in 2012 on behalf of the Acequia Madre de la Otra Banda because I agreed and still agree with the bargain that was negotiated between the Settlement Parties. In my capacity as a Board Member of the Taos Valley Acequia Association (TVAA) and its Bi-Lateral Committee with Taos Pueblo, I work diligently to advance the terms of the agreement.

I understood when I signed and still do today, that there would be many specific details to be worked out. I recognized that the strategy of supplying water to acequias by mining water from layers 6 and 7 was not sustainable, cost efficient, or of genuine usefulness to the farming community. I recognized that the Aquifer Storage and Recovery (ASR) project near Arroyo Seco was not likely to be accepted by the community there, because it is a highly industrial project involving chemicals that are required to be added to the otherwise pristine waters there. Both schemes I recognized as likely to be injurious to a great treasure we have here in the Taos Valley – delicious, chemical free well water derived from an abundant shallow aquifer.

When I asked the author of these plans about the risk to the shallow aquifer, John Shoemaker said, “We will have to just try it and see”. He also said in a public meeting, “I am sorry if you can’t hear me. Hydrologists tend to mumble because we are wrong a lot”. Both statements describe a lack of awareness or respect for The Precautionary Principle, which says that “When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.” Another way of saying this is that the burden of responsibility for demonstrating the safety and financial viability of this proposed project should fall upon the author of that project, and should be verified by independent analysis...and if there is risk, more benign strategies that achieve the same goal should be investigated.

Fortunately, the Settlement Agreement provided for this contingency within Chapter 13 on page 92, where it states “If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, **are**

determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain...If the [Mitigation Well System] fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Of course it appears to be easier on paper to just go ahead and implement the so-called “Mutual Benefits Projects” in order to address the perceived lack of adequate irrigation water on the Acequia Madre del Rio Lucero y Arroyo Seco and to provide the offsets required for future groundwater diversions. However, there are a host of problems with deep water mining, as indicated by numerous studies in the US and around the world:

- 1) <https://therevelator.org/shrinking-groundwater/>
- 2) https://uanews.arizona.edu/story/us-groundwater-peril-potable-supply-less-thought?fbclid=IwAR0FTOyiTd230pDuNVmuy09hcKR15qJdkwGzQsujQ0cWLoH50uFd_ag5HJw
- 3) https://www.nationalgeographic.com/science/2019/10/groundwater-pumping-killing-rivers-streams/?fbclid=IwAR1YNlvd_dYR45D-Nri8f3vvRTQliWw02o4QE1Lvn9lJD23y9LCzwPCXBKw

One of the errors in John Shoemaker’s extractive ‘solution’ to the perceived need for more water, is that it assumes there is no limit to water availability, so that all that is needed is to more aggressively pursue the supply. This error is spelled out in detail in the citations above. Without considering conservation of water at the point of use, partnered with active replenishment of the aquifer, the so-called “Mutual Benefits Projects” are a threat to the values that the Parties bargained for,

because they will eventually contribute to the exhaustion or contamination of the precious groundwater we all depend on in the Taos Valley.

The reasons the so-called “mitigation wells” are a threat to the existing water supply include:

- 1) The plan is to tap un-adjudicated water from the “confined aquifer”, presuming that draw down will have no effect on surface water supplies. Traces of radioactive tritium from nuclear testing beginning in the early 1950’s demonstrate that the shallow aquifer is indeed connected to the deep aquifer. <https://www.scidev.net/global/pollution/news/pollutants-groundwater-fossil-aquifer.html>

More than half of some 6,000 wells studied around the world by the researchers showed traces of tritium, a radioactive isotope of hydrogen that has been marking [water](#) since 1953 when nuclear weapons testing became widespread. As tritium released by nuclear tests shows up in rainfall, it has become a handy tool in studying hydrological cycle.

“This is a matter of concern because fossil groundwater is non-renewable and won’t be recharged in human time scales.”

- 2) Therefore, the cone of depression created by deep well pumping could lower the surface aquifer below existing wells that homes, businesses, municipalities, and water districts depend on. This has already occurred in Taos where the Monte Sagrado’s 1000’ well dried up the wells that supplied 12 nearby homes.
- 3) Boring holes through the water and rock layers increases the mixing the waters between the aquifers. Dr. Paul Bauer, recent Principal Geologist at the NM Bureau of Geology and Mineral Resources at NM Tech, who worked Hydrologist Dr. Peggy Johnson on the Southern Taos Valley Geology and Hydrogeology Study cautioned his audience at the El Valle de Los Ranchos annual meeting to “beware of mixing deep and shallow waters”. <https://www.taosnews.com/stories/mineral-monsters-skanky-rocks-and-crazy-egg-cartons-welcome-to-taos-aquifers,22322> Bauer cautioned that major water development should include an experienced hydrogeologist, and that there was much more work to be done before the “mitigation well” plan should be implemented. He described how the 3200’ Town of Taos well plugged up completely with a mineral thought to be zinc carbonate, most likely because of mixing of waters. A farmer in the audience asked about the effect of fossil water on the production of crops. Dr. Bauer emphasized that because the ancient water flows through complex subterranean rock

formation, it picks up the particular chemistry found there and that would be brought to the surface and potentially bind with surface water, making nutrients unavailable to plants or animals.

- 4) Treatment of the brackish water to remove the minerals is expensive, and generates hazardous waste, which is dangerous and expensive to dispose of.
- 5) The BOR Technical Review Committee in Denver did a feasibility study on the cost of implementing and maintaining the “mitigation wells” and determined there was nowhere near enough money appropriated to implement that plan. An inquiry went out to John Shoemaker on this point, and he responded that “the Technical Committee included a lot of unnecessary costs that invalidate their position”. If we are trying to do a good job with the precious resource of water, why are we continually going back to the same single source, the gentleman who developed the plan, who naturally has a vested interest in defending it? I have no doubt John Shoemaker is well-intentioned, but on the question of the well-being of the Taos Valley water quality and quantity, many feel that more expert review of the strategy would be valuable.
- 6) Local contractor Bill Woodall did a feasibility study on the so-called “mitigation wells” and determined that the funding available comes nowhere near meeting the long-term maintenance costs associated with their operation.
- 7) Dr. Bauer explained that deep water pumping can draw water from miles away. Many of the acequias in the Taos Valley are supplemented by, or are entirely dependent, upon springs and wetlands where water flows to the surface and is then utilized to maintain summer flows after the snowmelt has diminished. Of course, we know what will happen eventually – a depletion will show up somewhere in the system as it did in Albuquerque, in the San Luis Valley where groundwater was reduced to 28% of its original stock, and in many areas in California.
<https://www.nrc.gov/docs/ML1423/ML14237A691.pdf> Then we will have a man-caused water emergency, whereas now we do not. Dr. Bauer’s advice was “Make good decisions. Maximize what you have. Don’t be bold and stupid.”
- 8) New Mexico’s ongoing water dispute with Texas hinges most recently on the effect of groundwater pumping on the flow in the Rio Grande. Groundwater pumping in the Taos Valley could be a target for litigation over a diminishing

resource as climate change advances and population and demand increases.
<https://www.abqjournal.com/1116605/supreme-court-hears-nmtexas-water-dispute.html>

- 9) Kit Carson Electric Cooperative is the electrical provider for the Taos region. They have established and are well on their way to establishing “100% daytime solar by 2022.” The power demanding “mitigation wells” would be a setback to this local effort to reduce demand on fossil fuel use, in a time where we are grappling with a need to moderate climactic change driven by the release of carbon into the atmosphere.
- 10) There is almost no support for the “mitigation wells” in the Taos Valley. Irrigators do not think they will be of any tangible benefit and will likely be harmful. The opposition to the “mitigation wells” can be measured by the fact that few if any acequias have volunteered to request for assistance to implement them or volunteered to maintain them. If implementation proceeds, opposition to the drilling of deep wells and the construction of pipelines across private property will be formidable. The Membership of the Acequia Madre del Rio Lucero y Arroyo Seco voted almost unanimously against both the ASR Project as well as the Surface Storage Project. Objections cited included:
 - a) Concern about chemicals being added to the water to inject the water and to withdraw the water from the ASR Project.
 - b) Inability of the acequia to afford the long-term maintenance.
 - c) Lack of desire to pipe the acequia across the tribal land because it could compromise the legal standing of the acequia.
 - d) Concern about the legal requirements and maintenance costs for establishing a large Surface Storage Project in a residential neighborhood.
- 11) The “mitigation well” plan does not provide for conservation and so an increasing population will eventually outstrip the limited resource, no matter how much additional pumping is provided for.
- 12) The plan does not provide for pro-active aquifer recharge, which would increase the availability of water to the Parties and the ecosystem which supports us all.
- 13) The “mitigation well” plan fails in total because it is based on an outdated model that worked in what economist Herman Daly calls the “empty world” of the 1950’s, where there were only about 3 billion people on Earth. His analogy describes the ‘empty world’ where if you wanted to

catch more fish, it was a simple matter of building more fishing boats because the oceans teemed with fish. Now, in a 'full world' where the population is more than 7 billion, building more fishing boats is a pointless endeavor because the ocean's fisheries are all significantly over fished. The only place we can turn to meet our needs is to limit use (conservation) and to enhance the resource (replenishment). The "mitigation well" plan fails on both these counts. Daly says we cannot keep on pretending that natural capital, resources, ecosystem-services are infinite, because they are not, and we are rapidly approaching and, in many cases have already surpassed, the tipping point where ecosystems cannot continue to provide surpluses.

[http://steadystate.org/wp-content/uploads/Daly_SciAmerican_FullWorldEconomics\(1\).pdf](http://steadystate.org/wp-content/uploads/Daly_SciAmerican_FullWorldEconomics(1).pdf)

The "mitigation wells" are akin to the fishing boats in the example. They will draw up every last drop and run it down the river, but where we will be then?

There are viable alternatives to the "mitigation well" plan.

- 1) "Water conservation is the easiest means of ensuring a future water supply" -from the Albuquerque-Bernalillo County Water Authority (ABCWA) SEPT. 30, 2019 -- Water Authority customers have used 812 million gallons less this year than during the same period last year, according to a report delivered this week to the utility's governing board. That translates into savings of about four gallons per person per day, putting the community on track to meet its annual conservation goal.
- 2) ABCWA is a flagship for water conservation in the Southwest. Per-capita water consumption has decreased there from 250 gallons per day to about 130 per day and continues to decrease annually, as described in the bulletin above. These reductions on demand save money, energy, and help protect the limited water resource. The savings are a product of planning, education, incentives, and improvements in efficiency. Water conservation and planning in Albuquerque has reached a threshold where Director Kathryn Yuhaus confidently explained recently that the ABCWA has committed to purchase no more surface irrigation rights.

<http://www.abcwua.org/education/>

- 3) Tremendous progress toward water efficiency is being made in Santa Fe, with an annual event held and collaborations as described below:

<http://www.nextgenerationwatersummit.org/news/>

The Green *Builder*® Coalition, in cooperation with Build Green New Mexico (BGNM), *Santa Fe Area Home Builders Association* (SFAHBA), and members of the City of *Santa Fe Water Conservation Committee* (SFWCC) have created water modeling software that generates a *Water Efficiency Rating Score* (WERS)®. <http://www.wers.us/>

It will be wise for these conservation and replenishment strategies to be considered in Taos and incorporated in addressing the need to meet the objectives of the Settlement Parties.

- 4) As the Settlement seeks to comply with the State Engineer's requirement to provide offsets, a consideration not included in the original strategy is the work of Net Blue :

<https://www.allianceforwaterefficiency.org/resources/topic/net-blue-supporting-water-neutral-growth>

These strategies address the predicted water demand of new development and provide for them to be offset with water efficiency measures that create a neutral impact on the overall service area.

- 5) The Albuquerque-Bernalillo County Water Authority has a \$450 million aquifer replenishment program that pumps San Juan-Chama water from the Rio Grande up to the Bear Canyon infiltration gallery. It has successfully recharged their aquifer, and continues to do so, reversing a trend of loss due to deep water pumping, that had gone on for decades before the aquifer recharge program initiated in 2008. The Taos Valley has a built-in aquifer recharge program utilizing acequia irrigation. Improvements in acequia infrastructure and the incentive provided by the Special Methods Valuation tax discount, which is administered by the Taos County Assessor will likely encourage water rights owners to flood irrigate as much land as they can each year. More incentives would help offset the cost of planting and maintenance and further encourage aquifer recharge. The presence of abundant underground moisture in the Taos Valley is due in great part to the fact that acequia irrigation has prevailed over the landscape for hundreds of years here. We would do well to perpetuate that.

<https://aces.nmsu.edu/academics/waterresearch/documents/hydrologicalimpacts.pdf>

- 6) The San Luis Valley also discovered its aquifer was being compromised by agricultural pumping, resulting in a low measurement of 28% of historic levels in 2012. The State of Colorado threatened to enforce a moratorium on pumping, so the community joined to create the Sub-District Project in 2013. The program self-imposes fees per acre feet of water pumped from the aquifer and credits per acre feet of water utilized for surface irrigation, because of course, the acequias replenish the aquifer. Gains were realized until the drought of 2018, but then a rebound was achieved during the wet year of 2019. The San Luis Valley almost waited too long to implement replenishment activities. The Taos Valley should learn from that experience.

<https://www.tandfonline.com/doi/abs/10.1080/08941920.2014.970736?journalCode=usnr20>

- 7) Brad Lancaster has extensive experience conserving and infiltrating water in an urban environment. His work in Tucson and in other western communities is described in his books and lectures, and results in significant water savings and increased water infiltration. These are strategies that feed into the Net Blue plan to increase offsets and achieve water neutral growth while at the same time increasing the beauty and resilience of the urban setting where many people live.

<https://www.harvestingrainwater.com/>

- 8) Biological processes moderate climactic extremes. The historic plant and animal communities optimized water infiltration across the landscape and they are seriously compromised on the mesas and in the forest. Multiple strategies for enhancing water availability are described here:

https://www.huffpost.com/entry/water-climate-change_b_8689890?fbclid=IwAR3gRooqtMbOvQp9NLrqLLZqUs4_zCc_68eN8Uw_r6BfVn4eKp4_6h-Wo0E and
https://www.fs.fed.us/rm/pubs/other/rmrs_2009_parmenter_r001.pdf

In Conclusion:

- The “mitigation well” or more accurately ‘depletion well’ plan is based on an outdated premise that does not hold up well in the context of the rapid population growth that is likely in the Intermountain West in response to climate disasters on the coasts and elsewhere.
- It is based on the idea of “just take more”, where ecosystem services are already under duress due to climate fluctuations locally.
- It does not take advantage of the pulsing of climactic extremes where surplus precipitation can be infiltrated into the aquifer during wet years to help carry local communities and meet the needs of the Settlement Parties through the dry years.
- Multiple water conservation and water infiltration strategies have evolved and benefited neighboring communities over the years since the Settlement was signed and should be incorporated into a Resilient Water Plan for the Taos Valley.
- The “Mutual Benefits Projects” should be deemed infeasible and unable to meet the goals of the Settlement Parties on their face, and Article 13.3 should be invoked based on that analysis.
- The Settlement Parties should reconvene, not to address the negotiated bargains that the Parties agreed to, but to consider innovative strategies that address the conservation and reuse of the resource and the enhancement of the ecosystem services and the recharge mechanisms that provide the water resource to the Taos Valley.
- I recommend that those entities within the Taos Valley that have a direct bearing or responsibility for administering, or potential of administering water use in the Taos Valley should be invited to the table to weigh in and help contribute to the discussion.
- Those include: Taos County because it is bound by ordinance to protect the Public Welfare and administers land use by way of its Land Use Code.
- The El Valle de Los Ranchos Water and Sanitation District.
- A representative on behalf of the private well owners in the Taos Valley.
- Perhaps a representative of the Acequia Madre del Rio Lucero y Arroyo Seco, because that Acequia figures so prominently in the Settlement.

Thank you for considering my comments,

Mark A. Schuetz POB 2529 Ranchos de Taos, NM 87557

Chairman of the Commission, Acequia Madre de la Otra Banda

Taos Valley Acequia Association, Board Member

Bi-Lateral Committee for Surface Water Rights as per Settlement with Taos Pueblo,
Member Representing the Rio Pueblo

Taos County Water Advisory Committee, Chair

Taos County Community Wildfire Protection Plan Core Team, Member

Taos Valley Watershed Coalition, Member

New Mexico Acequia Association, Member

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

NOV 18 2019

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,



Adam Saytanides
PO Box 1448
Rd 1

October 22, 2019

To

Bureau of Reclamation
Attention: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

From

David R. Shoemaker
Chairman, Anderson Ditch
P. O. Box 1564
Taos, NM 87571

Subject: Comments on the location and pumping of the Rio Lucero/Rio Pueblo de Taos mitigation well.

1. Stream Flow in the Rio Pueblo at the Anderson Ditch point of diversion: The Anderson Ditch is located in Lower Ranchitos and is one of the last acequias on the Rio Lucero/ Rio Pueblo stream system. In low water years all Rio Lucero/Rio Pueblo stream flow is captured by upstream acequias. At our point of diversion the Rio Pueblo is located in volcanics and becomes a gaining stream. Because the Rio Pueblo is now a gaining stream, we always have water available for diversion. I am very concerned that pumping from the Rio Lucero/Rio Pueblo mitigation well will stop the flow of water, in the Rio Pueblo, at our point of diversion.

2. Amount of additional water available for irrigation in 2059 and 2119: Based on estimated new depletions the Rio Lucero/Rio Pueblo stream system will have 154 ac-ft available in 2059 and 183 ac-ft available in 2119 (John Shoemaker). In 2019 zero ac-ft is available.

Calculation of additional water available for a 5 month irrigation season in 2059. 154 ac-ft/year equals 0.52 cubic feet/ second split between the Rio Pueblo and the Rio Lucero, is equal to 117 gallons/minute for each stream. One acequia needs about this amount of water. In practice the amount of additional water is not sufficient to help with irrigation in low water years. In addition a good portion of the water will be lost in the stream system. In 2119, 138 gallons/minute will be available for each stream.

3. Impact of the Rio Lucero/Rio Pueblo mitigation well on river flow and domestic water wells and why the well needs to be relocated: From the Taos Regional Ground Water Flow Model. The model, "simulates a shallow unconfined alluvial aquifer system in the eastern part of the Taos valley, underlying the Town of Taos and most of the irrigated lands, and deep generally confined aquifers consisting of older Santa Fe Group deposits and layers of basalt which underlie the shallow system and extend westward to the Rio Grande." Also from the model, "The model is a simplified representation of complex regional hydrogeologic conditions of the Taos Valley described in Bauer et al,(1999)."

The proposed location of the Rio Lucero/Rio Pueblo mitigation well is in the eastern part of the Taos Valley near or in the Rio Grande Rift eastern fault zone. The Astronaut Geophysical Training Taos New Mexico Summer, 1999 said the Rift continues to be active. The well location is south of the Rio Lucero/Rio Pueblo junction and just east of the Rio Pueblo. The area is mostly irrigated with many houses which have their own water wells.

John Shoemaker in his March 4, 2017 presentation assumed the well is in a confined aquifer with no surface drawdown. Because of the complex geology and the well's location near or in an active fault zone the well is most likely located in an unconfined aquifer. In this case there would be a large cone of depression.

The only reason for the well location is because it was to be operated by the Upper Ranchitos MDWCA. They refused to own, operate, and maintain the well. With the Upper Ranchitos MDWCA out of the picture, there is no reason the well couldn't be located on the mesa west of Taos. This location would keep the well out of the Rio Lucero/Rio Pueblo stream and groundwater system. There is 6,000 feet of pipe budgeted for the well.

Summary: In John Shoemaker's March 4, 2017 presentation he said, " One of the technical goals of the settlement was to protect acequias from depletion of flows due to future groundwater development". The amount of water available from the mitigation wells will provide only a very small amount of water to only a very few acequies. The mitigation wells could cause irreparable damage to the Taos Valley stream and groundwater system.

David R. Shoemaker, Anderson Ditch Chairman.

A handwritten signature in cursive script, appearing to read "David - Shoemaker".

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

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- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
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In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Rev. Lar C Short

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Friday, November 8, 2019 8:57 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Anne Silver <annebsilver@gmail.com>
Date: Thu, Nov 7, 2019 at 3:41 PM
Subject: [EXTERNAL] Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Dear Rebecca,

I have grave concerns about the Abeyta Settlement. I live in Arroyo Seco and fear the drilling of the proposed deep wells will have a detrimental affect on my private well and those of my neighbors.

I would like to request that a full EIS be conducted. If not satisfactory then I request that the Settlement be reviewed and conducted in an open and honest review. It is important to ensure that we as a community are not making hasty decisions that will affect the future of Taos and surrounding areas for the convenience of the few who were involved in the original settlement agreement.

There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestic handle the costs?
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain,

including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you

Anne Silver

Att: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, N.M. 87102

NOV 18 2019

11/14/2019

Hello Rebecca Braz,

I am making comment on the Abeyta Settlement implementation proposal for water supply and mitigating wells. There a number of significant reasons to require a full Environmental Impact Investigation and Statement. Some factors that need attention are:

- 1- Obtaining accurate geological information to ascertain the dynamics of the water tables, faults and undulations that exist. Understanding the true underlying forces would help to reveal the best locations to place supply wells, especially with consideration to potential interruption of the water flow and effects on neighboring residential and business wells.
- 2- In regards to mitigation wells and local deep well history, consideration needs to be given that there is a high possibility that those waters will contain higher levels of trace elements (e.g.-arsenic, fluoride, uranium, zinc) above EPA limits. Mixing these waters directly with the shallow aquifers and acequias may have a harmful consequence on the health and ecology of our water supply, and a ripple effect on the wildlife, residential/business well water, agriculture, food sources, humans and livestock. To prevent such a threat, a consequential requirement to build water treatment facility(s) would need to be employed before recharging acequias and shallow water systems.
- 3- What is the cost for developing the infrastructure for recharging; building treatment facilities; insurance and the maintenance of these operations? Who pays for them and any unforeseen damaging impact to local residents, businesses, farmers, environment, etc.?
- 4- Reconsideration needs to be made to projected population growth potential, with regards to Taos Ski Valley development, local projects, and increased migration from other states.
- 5- The EPA posited influences of climate change and related factors to our locality also need to be considered.

Suggested Proactive Considerations

- A- The mountain front is the main source for recharging our waters. Rain on the surface in the valley is subject to evaporation.
- B- Suggest using high resolution magnetic equipment that provides high-low readings to acquire better accuracy of the geological, fault and basalt structure information in the area
- C- Instead of using mitigation wells for recharging shallow water systems and acequias, there is less environmental, health and economic risk in supporting and restoring the use of acequias for farming and as well as using other conservation methods that are more efficient at recharging the water table in this area. Acequias are quite helpful in recharging the water table. They recharge 50% to the water table and when water is released for farming irrigation, 95% enters the ground for a second recharge, while 5% of the irrigation water evaporates. This is a more efficient, economical and less risky way to recharge the water table.

D- Use of meters - to monitor ongoing water levels

- 1- Use of continuous meters throughout area by mutual domestic associations (should not use near acequias) and preferably used on wells not used much or vacant.
- 2- Use of meters on acequias as well.

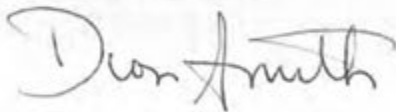
Due to the preceding information and factors, I object to the Settlement going forward without a detailed National Environmental Impact Study (EIS) as per NEPA. The entire project including all wells both supply and mitigation should be included.

In addition, as per section 13.3 "if any projects....are determined to be infeasible....the parties shall reconvene and negotiate.....on modified or alternate projects.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you,

Dion Smith
El Prado, NM 87529

A handwritten signature in cursive script that reads "Dion Smith". The signature is written in dark ink and is positioned below the typed name and address.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Thursday, November 7, 2019 7:14 AM
To: Megan Stone; Katie Patterson
Subject: Fwd: [EXTERNAL] Deep well drilling

----- Forwarded message -----

From: **Tara Somerville** <tarasomerville5@gmail.com>
Date: Thu, Nov 7, 2019 at 6:30 AM
Subject: [EXTERNAL] Deep well drilling
To: <BOR-Sha-AAOTaosNEPA@usbr.gov>

Tara Somerville
58B Camino Ovejeros
El Prado, NM 87529

To Whom it May Concern,

My name is Tara Somerville and I've lived in the Taos area for 15 years. I am a music teacher and freelance writer for The Taos News.

I am writing to request that an environmental impact study be conducted before further deep well drilling is done in our area. There are grave concerns that once the drilling is done, our acequia associations will be responsible for pumping and filtering the water and that this is something that would not be financially viable for more than a few months before the acequia associations become bankrupt.

I think a pause or stop to the drilling is necessary so we do not participate in irreparable damage to our water systems and community.

Please help facilitate an environmental impact study.

Thanks so much for your time.

Sincerely,
Tara Somerville
575 741-5103

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Wednesday, November 20, 2019 8:00 AM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Re: Abeyta settlement reclamation wells

Follow Up Flag: Follow up
Flag Status: Flagged

From: Stella <stellamon88@yahoo.com>
Sent: Tuesday, November 19, 2019 1:55 PM
To: NEPA, Taos
Subject: [EXTERNAL] Re: Abeyta settlement reclamation wells

Sent from my iPhone

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:01 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Public Scoping comments

Follow Up Flag: Follow up
Flag Status: Flagged

From: Linda Stokas <linderatz@gmail.com>
Sent: Wednesday, November 20, 2019 8:28 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Public Scoping comments

To whom it may concern:

My concerns as a Taos area resident about the future of water in this delicate ecosystem are for both the exorbitant costs of running & maintaining mitigation wells, as well as the demands these wells will put on an already sensitive water table, that has been in a drought pattern for more than a decade. The very idea that tapping so deeply into the earth to reach water that may or may not be potable, seems both dangerous & ludicrous. The costs of implementing & maintaining a project of this magnitude in an economically challenged area such as Taos, based solely on theory makes no sense. Tapping into the water table expecting it to yield to the unrealistic expectations of a pumping system no local association or government can afford to maintain doesn't seem like a solution to anything. The Native Peoples of this area have managed & maintained the delicate balance of water systems here through acequias and by recognizing the limitations that exist in this high desert country. That system is not broken; though it may be challenged by the influx of others with less understanding of this dry ecosystem. It appears the risks outweigh the benefits of the mutual benefit projects.

I ask that based on the real concerns of residents for the health & safety of private wells, streams, acequias, & other natural waterways that a full & proper analysis be done to see how the proposed mitigation wells will impact our communities environmentally, economically, and socially. It was noted at the meeting at the Sagebrush on October 21st that programs in both Albuquerque & San Luis where water conservation by local residents with incentives, has shown significant positive effects on helping the aquifer to naturally recover & replenish. It's time for us to realize the only way to maintain a realistic future with water to sustain all of us, is to work with nature, rather than make unrealistic demands of her.

Thank you for this opportunity to voice my concerns & request that proper & thorough impact studies & analyses be done before the implementation of any mitigation wells.

Sincerely,
Linda Stokas
19 Vista Del Mar
El Prado, NM 87529

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

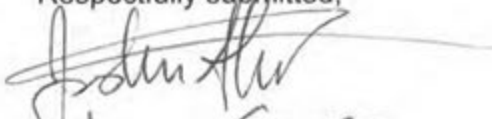
I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,


JOSHUA STUART
212 PERMIT LN
TAOS NM 87571

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:09 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Taos Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Joshua Stuart <joshua.r.stuart@gmail.com>
Date: Sun, Nov 17, 2019 at 9:44 AM
Subject: [EXTERNAL] Taos Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Greetings Rebecca Braz,

I am sending this along as an email version in the event my posted letter does not arrive by the Nov 20th deadline.

I am a concerned Taos county citizen and I am writing you in regard to the mitigation wells proposed for the Taos Valley. I strongly support a full Environmental Impact Study (EIS) of the mitigation wells to see how implementing the Abeyta Settlement will impact residents of this county and future generations of Taosenos. An EIS is absolutely necessary to address a number of issues and concerns that could impact the long term environmental, economic, and overall health of our valley:

- 1) How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of ground water deep in Taos to have a pH levels and concentrations of arsenic and fluoride to exceed EPA standards.
- 2) What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- 3) How will the addition of pumped well water into the Acequias affect their legal status. Acequia communities are by definition irrigated only from diverted stream water.
- 4) How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be extremely harmful to the fish and wildlife populations of the directly affected and indirectly affected watersheds

in the Taos area.

5) Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges through springs along the river. How will the mitigation wells affect Acequia recharge, and potentially, the greater Rio Grande watershed?

6) If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will the added arsenic and flouride and potential other toxic materials be introduced into our municipal well water?

7) What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In section 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to be unfeasible, then alternatives must be actively pursued and the negotiating parties will reconvene and negotiate a mutually beneficial solution.

Mitigation wells are not suitable to the Taos valley's long term water or agricultural needs. We need more information and we must have an EIS in order to make informed choices for our collective future and the future of generations to follow.

Sincerely,

Joshua Stuart
212 Peralta Ln
Taos, NM 87571

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
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- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,



PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

10/21/19

Name:

John Swift Blvd

Organization (if applicable):

Email Address:

Street Address:

129 La Posta Rd

City/State/Zip:

100 S NM 87571

Comments:

"We are in a drought apocalypses in
the West"

NASA

No more work Until a full environment
Impact Study is completed

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 10-21-2019
Name: Tatanka Sha Win Swift Bird
Organization (if applicable):
Email Address: tswwsSwiftBird@gmail.com
Street Address: 129 La Posta
City/State/Zip: Taos, NM 87571

Comments:

NO Drilling the Aquifer

Stop Stealing Our Future!!!

No more work until a Complete environmental
assessment is COMPLETED

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-18-19
Name: Thomas Tafaya
Organization (if applicable): _____
Email Address: chubytafaya@yahoo.com
Street Address: 226 Sastisueva Ln
City/State/Zip: Taos, NM 87571

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 12, 2019 8:51 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Mitigation Wells

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Anne Taft <annectaft@gmail.com>
Date: Tue, Nov 12, 2019 at 8:25 AM
Subject: [EXTERNAL] Mitigation Wells
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

att: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Hello Rebecca Braz

There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS.

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestic handle the costs?
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in

this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you

Anne Taft
Arroyo Seco, NM

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 19 November 2019
Name: Glen M Tarleton
Organization (if applicable): Tarleton Engineering, Inc.
Email Address: tarletoninc@gmail.com
Street Address: 11 Tarleton Lane
City/State/Zip: El Prado, NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Glen M. Tarleton

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 19 November 2019
Name: GLAD M. TARBETON
Organization (if applicable): DEL NORTE PROPERTIES, LLC
Email Address: G.M.TARBETON@TADINET.COM
Street Address: 81 Tarbeton Lane
City/State/Zip: 34 Prado, NM 85529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Thomas J Tarbeton

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:45 AM
To: Megan Stone; Katie Patterson
Subject: Fw: [EXTERNAL] Environmental Impact Study: Abeyta Settlement

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Bonnie Taylor <bbtaylor50@mac.com>
Sent: Monday, November 18, 2019 10:13 AM
To: NEPA, Taos
Subject: [EXTERNAL] Environmental Impact Study: Abeyta Settlement

Dear Ms. Braz,

I am a concerned citizen of Taos County and am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils?
2. What are the costs of maintaining these wells? Who is responsible for attendant costs?
3. How will additional waters affect Acequia communities?
4. How will the discharge of pumped water affect streams?
5. How will the wells affect the Rio Grande?
6. How will deep water impact the quality of our drinking water quality?
7. What are the hydrologic models used to calculate impact of deep water wells?
8. How will the deep wells affect our wells and the amount of water they render?

We are deeply concerned about the impact and costs these deep water wells will have on the area where we live on the Mesa and do not feel enough information has been provided to us. We need an Environmental Impact Study to reassure residents.

Thank you for considering this request,

Bonnie Taylor
3 Comienzo Bello, off Calle Feliberto
El Prado NM

7 Beauty Way
El Prado, NM 87529

November 17, 2019

Bureau of Reclamation
U.S. Dept. of the Interior
555 Broadway N.E., Suite 100
Albuquerque, NM 87102

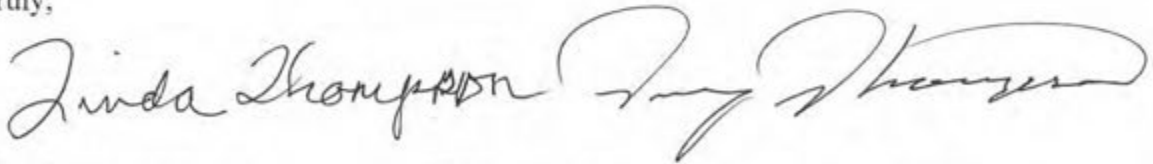
Attention: Rebecca Braz

We are writing as residents and landowners in Taos County to protest implementation of the Abeyta Settlement's plan to take over control of the groundwater we rely upon as our only source of water for domestic use. In 2001, we moved to Taos from California, bought land, built a home, and had a well drilled for approximately \$21,000. This well has been the only source of our water and has provided water of excellent quality for 18 years.

The National Environmental Policy Act (NEPA) requires the Bureau of Reclamation to consider cumulative impacts of well drilling on the environment and on local residential and business use of groundwater. We object to any aspects of the Abeyta Settlement being implemented without a detailed Environmental Impact Study (EIS) of proposed supply and mitigation wells. The EIS needs to consider the geology of Taos Valley, including the many faults that can affect the water table; the possible growth of the population here with increased need for domestic wells; arsenic and other harmful chemicals that exist in deeper wells and could contaminate the shallow water resource; the economic impacts on existing residents of possible water treatment facilities and other measures to offset these detrimental changes; the impacts on agriculture, farm animals, and wildlife; and consequential negative impacts on our real estate values.

The supply and mitigation wells currently planned or underway must be terminated until such an EIS is completed. We strongly object to the Abeyta Settlement going forward until the environmental effects are properly evaluated and, where damaging impacts are found, acceptable alternative solutions are devised.

Yours truly,

Handwritten signatures of Linda and Terry Thompson in black ink. The signature for Linda is on the left and for Terry is on the right.

Linda and Terry Thompson
575 751 0051

lindat@taosnet.com

terryt@taosnet.com

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
- What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Ross Thompson

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: _____
Name: _____
Organization (if applicable): _____
Email Address: _____
Street Address: _____
City/State/Zip: _____

Comments:

I Campio Tams member of
the Asegua ditch in Bunkers
The asaguas de medio member.

I have enjoy the Asegua very much,
They help our Farmer & wella next
to our land. I think an Asegua
should be used well, because the Asegua
have been here for over 200 years
so I think they should stay the
way they have been for long time

Campio Tams

PUBLIC SCOPING COMMENT CARD



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-19-19
Name: Anthony Trujillo
Organization (if applicable): _____
Email Address: _____
Street Address: 112 Ardmore Ln
City/State/Zip: El Paso, NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

[illegible]

November 15, 2019

NOV 18 2019

Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Dear Rebecca,

As a concerned citizen of Taos County I am writing to stand together as a valley to protect and responsibly steward our water upon which all life in our Taos valley depends.

There are at least five mitigation "extraction wells planned for the Taos Valley. The wells range in depth from 800 to 1000 feet and are projected to pump from 130gpm to 520gpm into both the Acequia systems and the stream systems via 3,000 to 7,000 foot pipelines.

An Environmental Impact Study (EIS) on the mitigation wells was never conducted. The consequences of implementation have not been adequately investigated.

I am requesting that any further implementation of the Abeyta Settlement be suspended until an EIS is conducted.

I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
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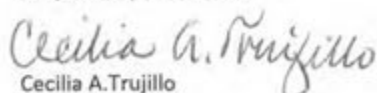
In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long-term water needs.

We need more information.

We need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,


Cecilia A. Trujillo

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11-17-19

Name:

Elaine Trujillo

Organization (if applicable):

Email Address:

elaine.trujillo82@icloud.com

Street Address:

1112 Cardenas Ln.

City/State/Zip:

El Prado, NM 87529

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Hello Rebecca Braz,

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
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7. What hydrologic models is the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long-term water needs. We need more information.

We need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted, ~~[your name]~~ Olivia Valencia Johnson
12 Vista del Ocaso, Rancho - NM 87557

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:44 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] Environmental Impact Study
Attachments: img033.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: rvknitter@aol.com <rvknitter@aol.com>
Sent: Monday, November 18, 2019 5:47 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Environmental Impact Study

Dear Ms. Braz,

Please read attached letter in reference to the Abeyta Settlement. Thank you.

Respectfully,

Rhonda Vanderhoff
El Prado, NM 87529

November 18, 2019

Ms. Braz:


The purpose of this letter is to express our serious concerns about the Mitigation Wells as outlined in the Abeyta Settlement. As Taos County residents we understand that there are at least 5 mitigation wells that are planned for our area. We also understand that there was no Environmental Impact Study done. This study must be done in order to understand the environmental impacts on humans, plants and wildlife. We also need to understand the impacts on our culture and economy. It will not take much to disrupt the ecosystem of our area. We think we can all agree that there are many examples where human intervention on the environment has had severe and lasting damage.

So here are our specific concerns:

1. Is there more arsenic, fluoride and other minerals in the water from these mitigation wells? How will this water affect the soil if used for irrigation? How will it affect the crops that humans and livestock will consume? How will the runoff affect the aquatic life and plants in nearby streams?
2. What are the costs of operating and maintaining these wells? Who is going to pay?
3. How does the use of these wells affect the Acequias? Their legal status? Acequia water recharge?
4. What hydrologic model is the BOR using to calculate the impact the wells will have on our aquifer in the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible then alternatives will be pursued. The negotiating parties will reconvene and negotiate a better solution. We strongly believe that it is everyone's duty to go forward with an Environmental Impact Study. Will a governmental agency do what is right for the sake of people, plants, animals, and the environment? Here is your chance!

Sincerely,



Rhonda Vanderhoff and Douglas Daubert

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Friday, November 15, 2019 9:46 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Environmental Impact Study (EIS) needed on the Abeyta Settlement.

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **Susan Varon** <susanintaos@gmail.com>
Date: Fri, Nov 15, 2019 at 9:42 AM
Subject: [EXTERNAL] Environmental Impact Study (EIS) needed on the Abeyta Settlement.
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

1200 Camino de la Cruz, Apt.
A6

Taos. NM 87571
November 15, 2019

Dear Rebecca Braz:

I am a concerned citizen of Taos County and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
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7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

[Rev.] Susan Varon

Rev. Susan Varon

Ordained Interfaith Minister

www.TaosWeddings.Org

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 12, 2019 8:50 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **linda velarde** <lindamvelarde@gmail.com>
Date: Fri, Nov 8, 2019 at 1:13 PM
Subject: [EXTERNAL] Abeyta Settlement
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Dear Rebecca Braz:

I am a concerned citizen of Taos County and Rio Arriba County and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address several important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
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7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued, and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,
Linda M Velarde

--

Abrazos,

Linda M. Velarde
PO Box 386
Taos, NM 87571
575 776 0303
575 741 1368

Cada cabeza es un mundo

Anything written in this email is confidential and is specifically for the person receiving the email. Please do not forward or use this email without my express permission.

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

NOV 18 2019

Hello Rebecca Braz-

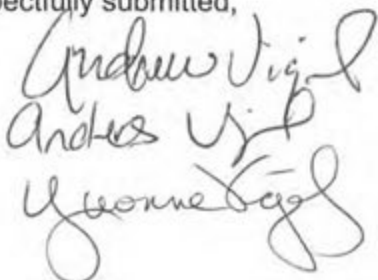
I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

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In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,


Andrew Vigil
Andres Vigil
Yvonne Vigil

From: Katie Patterson
Sent: Wednesday, October 30, 2019 2:40 PM
To: Megan Stone
Subject: FW: [EXTERNAL] Public Scoping Comment
Attachments: Comments re Abeyta Settlement NEPA.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Katie Patterson, JD

EMPSi Environmental Management and Planning Solutions, Inc.
3005 Center Green Drive, Suite 205
Boulder, CO 80301
tel: 303-495-2975 main: 303-447-7160 fax: 866-625-0707
www.EMPSi.com Twitter: EMPSInc Facebook: EMPSi

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From: NEPA, Taos <bor-sha-aataosnepa@usbr.gov>
Sent: Wednesday, October 30, 2019 10:40 AM
To: Katie Patterson <katie.patterson@empsi.com>; David Batts <david.batts@empsi.com>
Subject: Fwd: [EXTERNAL] Public Scoping Comment

----- Forwarded message -----

From: maryann wasiolek <mwhydrosci@yahoo.com>
Date: Tue, Oct 29, 2019 at 11:31 AM
Subject: [EXTERNAL] Public Scoping Comment
To: <bor-sha-aataosnepa@usbr.gov>

I was present at the Taos NEPA scoping meeting last week, and am providing comments re the process in an attached pdf. Thank you.

Maryann Wasiolek

Maryann Wasiolek, President Hydrosience Assoc., Inc. P.O. Box 1994 Corrales, NM 87048 (505) 301-7583

Public Scoping Comment Card

Taos NEPA

10/27/2019

Maryann Wasiolek

Hydroscience Assoc., Inc

mwhydrosci@yahoo.com

P.O. Box 1994

Corrales, NM 87948

As hydrologist for El Prado Water and Sanitation District, I participated in the last four years of negotiations which resulted in the Abeyta Settlement Agreement. I am therefore familiar with the enormous amount of work that went into developing the technical bases for the Settlement, and the technical data and information incorporated in the Settlement. Contrary to the assertions of some of the non-Parties who now express opposition to the Settlement, many technical studies were done, and much data considered. Some of the documents considered during, or directly incorporated into, the Abeyta Settlement negotiations include, in no particular order:

1. The groundwater flow model attached to the Settlement as Attachment 3, Parts 1 and 2. This model was developed by the NMOSE with the participation of the hydrologists for each of the Settlement parties. The model was used to simulate the potential impact on local streams of the Parties operating water supply wells.
2. Information regarding the deep test wells drilled for the Town of Taos and Taos Pueblo specifically to provide hydrogeologic information to inform the Abeyta Settlement negotiations (BOR1, BOR2A, B, and C, Rio Pueblo 2000, Rio Pueblo 2500, BOR 3, BOR 4, BOR 5, BOR 6, BOR 7, Karavas 2, 3, National Guard wells). The geological and geophysical logs for these wells, as well as the aquifer test and chemistry reports were available to all parties and the data were incorporated in the groundwater flow model.
3. Studies of water availability done by the BIA for the purpose of quantifying the availability of water to the acequia systems. These include "Taos Valley stream discharge measurements and acequia seepage analysis," by Smith, Olson, and Mitchell (6/15/2000); "Summary of discharge measurements performed on Taos Valley streams and canals in 1983, 1989, 2000, and 2001 by the USBOR (2002); and "Analysis of Taos Valley stream discharge measurements and canal seepage," by the USBOR (2001).
4. Hydrographic Survey of the acequias and lands in the Taos area, done by the NMOSE.
5. Inventory of wells in the Settlement area, compiled by the NMOSE.
6. "Historical water supply on the Arroyo Seco and Rio Lucero Taos, New Mexico," NMOSE (1997)
7. "Rio Grande seepage study report" prepared for the USBOR by Tetra Tech, Inc. (2003)
8. El Prado Water and Sanitation District "40-year Water Development Plan," by Hydroscience Assoc., Inc. (2008);

9. Preliminary Engineering Report Water System Improvements, El Prado Water and Sanitation District by Cheny Walters Echols, Inc. (2005);
10. NMGS 55th Annual Fall Field Conference Guide "Geology of the Taos Region," Brister, Bauer, Reed, ed. (2004). One article from this Conference Guide, "Hydrologic characteristics of basin-fill aquifers in the southern San Luis Basin, New Mexico" (Drakos, Lazarus, White, Banet, Hodgins, Riesterer, and Sandoval (2004) was included as Appendix C to Attachment 3 of the Settlement;
11. "Taos County Regional Water Plan," by John Shomaker & Assoc. (preliminary 2005; final 2016). This document contains extensive information and data regarding the hydrogeology of Taos County, water demand, water supply, surface water supply, water quality, and projections of population and water use.
12. USGS WSP 93-4107, "Water Resources of Taos County," by Garrabrant (1993).
13. Aeromagnetic surveys flown and interpreted by the USGS, particularly researchers Bankey and Grauch (2004) provide insight into the sub-surface structure of the area. Published reports (available on-line) include USGS OFR 2004-1229A and USGS OFR 2007-1248.
14. A number of reports that cover the hydrogeologic resources of the Taos area were published over the last 20 years by the New Mexico Bureau of Geology and Mineral Resources as Open File Reports. These are available on line and include OFR 501, OFR 505, OFR 544, and OFR 581.

This information, and more not listed, is all available to the USBOR. Its use should greatly shorten the NEPA process.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Monday, November 18, 2019 7:08 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] EIS For Taos County Watershed

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **Untitled Fine Art** <bast@laplaza.org>
Date: Sat, Nov 16, 2019 at 3:06 PM
Subject: [EXTERNAL] EIS For Taos County Watershed
To: <bor-sha-aaotaosnepa@usbr.gov>

Dear Ms. Braz,

I strongly support a full Environmental Impact Study of the proposed Mitigation Wells. An EIS is required to address serious concerns about the impact of the deep wells on the fragile ecosystem here in Taos county.

Thank you.
Sincerely,

K. Webber

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTAosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date:

11/19/19

Name: Marsha Webb

Organization (if applicable):

Email Address: Marsha @ Marsha Webb.com

Street Address: P.O. Box 544, 24 Coyote Loop

City/State/Zip: Arroyo Honda, NM 87133

Comments:

Mr. Braz,
I am writing with regard to the Bureau of
Reclamation going forward with the drilling of the
wells provided for on the Aboyes Settlement.
My concerns are about the lack of precise
information about these very deep wells. There has
been no EIS to study how these wells will affect
our aquifers. I own a couple of parcels of land
and need more information + clarification that these
wells will not negatively affect my well + potentially
drain water from my own + my neighbors wells.
A complete EIS is needed before any of this
drilling ~~commences~~ commences.

Thank you,

Marsha Webb



Date: Elisa Welch
Name: 11/21/19
Organization (if applicable): _____
Email Address: elisa414@yahoo.com
Street Address: 228 Lower Las Colonias
City/State/Zip: El Prado NM 87529

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Thursday, November 14, 2019 8:09 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Fwd: Fwd: Fw: Abetya letter

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Francis White <felipo@kitcarson.net>
Date: Wed, Nov 13, 2019 at 11:39 AM
Subject: [EXTERNAL] Fwd: Fwd: Fw: Abetya letter
To: <BOR-sha-AAOTaosNEPA@usbr.gov>

To Whom It May Concern:

We, Arroyo Hondo parcientes of 15 years, did not grow up here working the acequias and linderos as did most of our neighbors, and therefore do not know them as intimately as they do. However, we have been to every one of our meetings on this Abeyta settlement issue, and we believe we have watched their disbelief, confusion and ultimately alarm and sense of betrayal as this 'settlement' was 'railroaded' and forced upon them (us). We do not believe the settlement as it stands today is a fair or practical long term solution, especially for the Arroyo Hondo community. We have long hoped someone impartial would look into this.

Respectfully,

Francis & Sarah White

----- Forwarded Message -----

Subject: Fwd: Fw: Abetya letter
Date: Wed, 6 Nov 2019 16:49:44 -0700
From: Madre del Llano Acequial ASSC <madredelllanoacequia@gmail.com>

----- Forwarded message -----

From: lori stiles <muddnflood@hotmail.com>
Date: Wed, Nov 6, 2019 at 1:39 PM
Subject: Fw: Abetya letter
To: Madre del Llano Acequial ASSC <madredelllanoacequia@gmail.com>

From: jai cross <jaiscross@gmail.com>
Sent: Tuesday, November 5, 2019 7:34 AM
To: lori stiles <muddnflood@hotmail.com>; peter <pmersch@taosnet.com>
Subject: Abetya letter

from Chris Pieper, in response to meeting last week re the next phase of abeyta: the Bureau of Reclamation review of feasibility of the selected sites for the wells.

They are open to comment from all of us for a month or so.

Taosenos~ The implementation of the Abeyta Settlement is *not* a done deal!

NOW is the time for us to stand together to protect and responsibly steward our water, upon which all life in this valley depends.

We respectfully ask you to join us in demanding an Environmental Impact Study (EIS) on the potential consequences of implementing the Abeyta Settlement.

The settlement itself was obtained without public participation and scrutiny, the initial implementation has proceeded without full support from the Acequia community leadership and the mutual domestics. Further, an Environmental Impact Study (EIS)* on the mitigation wells was never conducted and thus the consequences of implementation have not been adequately investigated. Finally, an economic feasibility study has not been conducted to determine the long term economic viability of maintaining these wells.

There are at least five mitigation "extraction" wells planned for the Taos Valley. The wells range in depth from 800 to 1000 feet and are projected to pump from 130gpm to 520gpm into both the Acequia systems and the stream systems via 3,000 to 7,000 foot pipelines.

Taosenos - please email or write the Bureau of Reclamation requesting that any further implementation of the Abeyta Settlement be suspended until an EIS is conducted.

Below, is a sample letter detailing some of the key reasons why an EIS is critical at this time:

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. **I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells.** An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.

5. Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?

6. If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?

7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

[your name]

Submissions will be accepted until November 20

you can email BOR-sha-AAOTaosNEPA@usbr.gov or mail letters to:

attn: Rebecca Braz

555 Broadway NE, Suite 100

Albuquerque, NM 87102



Virus-free. www.avast.com

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

Hello Rebecca Braz-

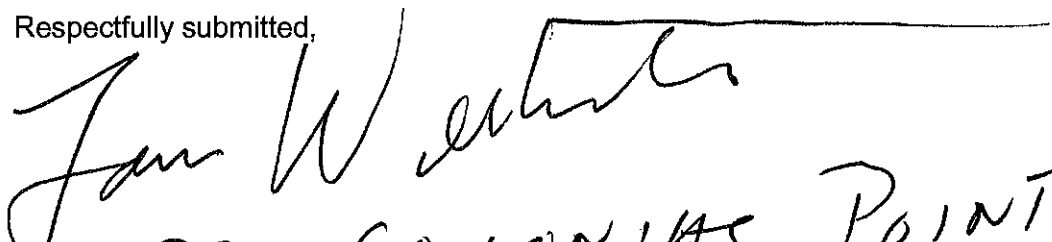
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- How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
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- How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
- How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
- Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
- If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
- What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,


22 COLONIAS POINTE
11/16/19

attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102
BOR-sha-AAOTaosNEPA@usbr.gov

NOV 18 2019

Hello Rebecca Braz-

I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

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In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,

Elizeth Woodbury
630 Jose Francisco Rd.
Taos, NM 87571

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:03 AM
To: Katie Patterson; Megan Stone
Subject: Fw: [EXTERNAL] From Todd Wynward re Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

From: todd wynward <toddwynward@gmail.com>
Sent: Wednesday, November 20, 2019 5:00 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] From Todd Wynward re Abeyta Settlement

Dear Rebecca Braz,
From 13.3 of the Abeyta Settlement: If any of these proposed well drilling projects are determined to not be feasible, alternatives will be actively pursued. The negotiating parties will reconvene to negotiate mutually beneficial solutions.
It's time to reconvene. It's time to re-negotiate. It's time to reconsider.

Why? Because these proposed well drilling projects are absolutely not feasible. You can read **many others' letters, I am sure, to understand why they are not feasible, why they are a terrible solution to our community's possible concern, why they are like using a jackhammer in a garden** when all we need is a handtool.

The entire alleged reason to drill mitigation wells—meaning spend millions of dollars to **do something that's never been done before** and not been comprehensively assessed in a complex hydrogeologic location, i.e. penetrate 16 holes through an extremely fragile and inconsistent aquifer, construct a complex and trouble-prone infrastructure of machinery that must be maintained by experts, create a permanent bankrupt-prone financial burden for tiny rural acequia associations to maintain them, and attempt to grab non-tributary water of poor quality and mix it into tributary water within our ditch system, something that may have incredibly dire consequences-- is to simply provide enough water *from Taos County for Taos County, in the theoretical event of possible depletion* in an unknown future.

I have a far better idea: if and when there ever is a water need by a specific community in Taos County in **the future, why don't we do what we've always done: lease or borrow existing water** from another community? Taos Pueblo has an outrageous amount of surplus water rights, which could easily be leased by other communities.

I think you can see plainly: If the idea is to provide water *from Taos for Taos* in times of future **possible water depletion, then this proposal is just better. It's far easier, cheaper, simple, communal, more adaptive, less destructive, far more supportive of traditional lifeways and the rural, agrarian culture of the Taos Valley.**

If the decision-makers insisted on going ahead with rapid drilling of sixteen mitigation wells as planned despite the myriad of reasons not to do so, I urgently demand: please complete thorough Environmental Assessments for all sixteen potential well projects. Take that information and look at its impacts comprehensively and cumulatively for all of Taos County, not just piece by piece—for we are a whole integrated bioregion, not sixteen independent pieces.

Conduct this as a feasibility study, evaluating the practicality and impact of all sixteen components as a whole on all of Taos County. A comprehensive impact assessment is the only kind that would actually assess the true **impact of this project's scope**.

Thank you for your time and attention.

Regards,

Todd Wynward

toddwynward@gmail.com

El Rito de La Lama Acequia Association

PUBLIC SCOPING COMMENT CARD



In Person at Scoping
Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11-15-19
Name: MARK YARAUTZ
Organization (if applicable): _____
Email Address: mpy@taosnet.com
Street Address: PO Box 1145
City/State/Zip: TAOS, NM 87571

Comments:

The El Prado Water and Sanitation District has been working on the Taos Pueblo Water Rights Project Settlement for over 20 years. I feel they have fought and worked long and hard toward making sure the District is able to serve this Community now as well as in the future.

I believe that El Prado Water and Sanitation District takes all measures necessary to guarantee the health and safety of our Community. They also take the environmental aspects of this project seriously and strive to make sure they are met.

I wholeheartedly support El Prado Water and Sanitation District in their efforts in regards to the Taos Pueblo Water Rights Project.

Mark Yarautz

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Friday, November 8, 2019 8:57 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Abeyta Settlement

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: **Jim Yates** <taoshomes@yahoo.com>
Date: Thu, Nov 7, 2019 at 2:40 PM
Subject: [EXTERNAL] Abeyta Settlement
To: BOR-sha-AAOTaosNEPA@usbr.gov <BOR-sha-AAOTaosNEPA@usbr.gov>

Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Hello Rebecca Braz

There are a number of reasons that the mitigations wells proposed for Taos County require a full EIS. In its present form the Abeyta settlement is not functional

1. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? I am sure you will discover the Acequias can not afford to do this and this settlement will destroy several hundred years of farming in the Taos area.
2. How will discharging deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
3. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock?
4. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.

In 13.3 of the Abeyta Settlement it is clearly stated that if any of these projects are determined to not to be feasible then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

13.3. PROJECT MODIFICATION OR FAILURE. If, after the Enforcement Date, any of the projects or other measures set forth in Articles 5.2.3.1, 6, 7.3.1, or 7.3.3 fail, are determined to be infeasible, do not receive necessary permits, or for any other reason fail to meet the objectives of the Parties as reflected in the terms of this Settlement Agreement, the Parties shall reconvene and negotiate in an attempt to agree on modified or alternative projects or measures that are otherwise consistent with this Settlement Agreement and secure to the Parties the benefits of their bargain, including the permit exemptions and the waiver of protests, objections, or opposition in any manner to any applicable permits that are consistent with the Settlement Agreement and that are necessary for the construction and operation of the modified or alternative projects or measures contained in this Settlement Agreement. In addition, if, after the Enforcement Date, EPWSD, TVAA, or the MDWCAs receive funding from 93 the State that is not adequate to acquire and transfer the water rights set forth in Articles 6.1.2, 6.3.1.8, and 6.4.4, the Water Rights Owning Parties shall reconvene and negotiate in an attempt to obtain funding sufficient to complete the acquisition and transfer of those water rights. The Mitigation Well System is an integral part of this Settlement Agreement. If it fails or is not used as the means of providing surface water offsets required by the Water Rights Owning Parties' Future Groundwater Diversions as set forth in Article 7.3.3.1.10, then a critical part of the Settlement Agreement which all Parties have bargained for will be removed. Under such circumstances, the Water Rights Owning Parties shall reconvene and negotiate terms and provisions which will provide mutually acceptable alternative solutions.

Thank you
Jim Yates
PO box 282 Arroyo Seco
NM 87514

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Thursday, November 21, 2019 8:03 AM
To: Katie Patterson; Megan Stone
Subject: Fw: Public Comment RE: Drilling in Lower San Luis Valley/Taos,

Follow Up Flag: Follow up
Flag Status: Flagged

From: Yount, Kristin <kyount@livenmhu.onmicrosoft.com>
Sent: Wednesday, November 20, 2019 5:08 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: Public Comment RE: Drilling in Lower San Luis Valley/Taos,

Dear Ms. Braz,

I want to thank you in advance for reading my comment. I am a graduate student at Highlands University, my thesis project requires me to have a somewhat working knowledge of surface hydrology and to some extent, the geomorphology of this region. I urge the BOR to postpone any more deep aquifer test wells until an Environmental Impact Study is performed. We understand that the test wells being drilled right now are exempt from NEPA. Since this is the case an EIS would be an alternative.

The test wells are being carried out with information generated from the OSE Taos Area Calibrated Groundwater Flow Model T17.0. This was commissioned by the parties involved with the Abeyta settlement, though it is was created with the NM state engineers office, the documentation of the model states that the OSE Groundwater Model does a “relatively good job” given the “complexity” of the Taos hydrogeology. This casual sentence says a lot, actually. The Rio Grande rift valley is enormous with an extensive fault system presenting in the lower San Luis Valley. The complexity and delicate business of drilling into areas that have so many geologic inconsistencies should be done with surgical precision.

According to a New Mexico Geological society article, the lower San Luis valley has been already evaluated with deep test wells. The research shows that the faults associated with the surface hydrology of the area create zones where permeable barriers are present. In areas the layers are offset and the alluvium that holds the ground water and the Servilleta formation (aqua azul aquifer) come into contact with each other. Considering the intermingling of different subterranean geoformations that are not well understood, there needs to be an EIS that takes the fault arrays into better consideration. The NMGS report mentions that a leaky boundary was found at the Town Yard fault. If water from the deep aquifer is released into the upper layers and that water is overly toxic what is the contingency plan? If Taos already has trace minerals in the drinking water and no surface sources or non-point sources for the minerals

that may be harmful to human health, then the trace could be coming from the permeable boundary created by the slip of the fault walls.

As one looks south from Blueberry Hill Rd, the faults are visible. Along Los Cordovas road there is visible evidence of sinking from over pumping. The "complexity" of the Lower San Luis Valley is appreciable to the naked eye. The impact of the spreading of the Rio Grande Rift into the shield of the Sangre de Cristos creates stress and subsequent N/S faulting. We are so fortunate to have relatively safe drinking water here given all the naturally occurring mineralogy associated with heavily plutonic areas. It is a mistake to pierce our protective layers without much more knowledge.

We should also know what the recharge rate of the deep aquifers are, if they recharge at all. Is it possible that the water is an ancient, finite, discreet bolson. I have attended lectures given by Dr. Kate Ziegler expressly about aquifers in the upper Sangre De Cristo Mountains. I have not seen a similar study of aquifer recharge in association with these drilling projects aside from the model, the one model.

On a policy level, Section 6.2.4.2. of the Abeyta Settlement only mentions arsenic treatment for water, only when the NMGS has noted far more than arsenic in related waters, could an EIS recommend further protection protocols based on known mineralogic components of the water in the deep aquifer.

Best,

Kristin M. Kinic

PUBLIC SCOPING COMMENT CARD



In Person at Scoping Meeting



BOR-sha-
AAOTaosNEPA@usbr.gov



Bureau of Reclamation
Attn: Rebecca Braz
555 Broadway NE, Suite 100
Albuquerque, NM 87102

Date: 11/20/19

Name: Tony L. Zamora

Organization (if applicable): Historic Spring Ditch

Email Address:

Street Address: 224- Box #2 peralta

City/State/Zip: TAOS N.M 87571

NOV 18 2019

Comments:

To Whom It May Concern, I AM a Commissioner of the Spring Ditch (Historic) here in Taos, New Mexico And Have Seen the affect of well pumping. Are Accidia has gone dry from pumping Done. 400 Gallons per minute By the town of TAOS. According to Hydrogeist Hired By the association the report done said the reason to impairment to Historic Ditch is because of well #5 owned By the town of TAOS. are ditch is Suppose to have 22.2 acre ft. per annum year they use to be a fish hatchery near are point of Diverision hard to believe what has happend to a wetlands are ditch has a priority date from 1800's and has always had lot of water until town started pumping (with no water Rights only a lease on water from TAOS people and drying up Senior water Rights with no respect I am asking for you to look into this adjudicated water rights for the Historic Spring Ditch and Save the wetlands here in TAOS a Gem of the Rockies (Bread Basket) Important part of History for over 1000 years Thank You Tony L. Zamora

FAVOR Y CONTRA

MY TURN

A parciante comments on the Abeyta water rights settlement

By Phaedra Greenwood

I am a resident of Arroyo Hondo and have been a parciante for many years on the Acequia de Atalaya. I am deeply concerned about the impacts of future development on Taos Valley, especially the acequias. The Abeyta Settlement acknowledges that the hydrologists are well aware that the proposed mitigation wells will draw down the streams, natural springs and subsurface water. The mitigation wells are planned to mitigate the drawdown from the

mitigation wells? I've got a better idea.

Last winter in Taos we enjoyed the most abundant precipitation we have had in a long time – 219 inches. It followed, back-to-back, a dry winter/spring season in 2017, of 78 inches. We are not out of this long-term drought because of one good winter/summer season.

Historic markers at Wolf Creek Pass at the headwaters of the Río Grande say that 40 years ago they usually had up to 30 feet of snow every winter. Last year they had 19 feet. The previous season they had only 8 feet. Reservoirs at the headwaters of South Fork are

almost completely exhausted. We find ourselves living in uncertain times, in the midst of climate change when global temperatures are soaring around the globe and wildfires burn out of control. This is no time to plan for massive development in Taos, watered by mitigation wells in Taos that could draw down water from private wells, springs and rivers.

We cannot afford to jeopardize our water table or drain shallow aquifers that would normally be replenished by irrigation. We need to sustain our complex aquatic ecosystems, our lush wetlands and hundreds of species of plants,

insects and animals that depend on them.

If we were to accept these mitigation wells, many of our domestic water associations, already financially strapped, would go bankrupt. The vast majority of residents in Arroyo Hondo have voted against these mitigation wells and are not willing to allow developers to take over and pay for the maintenance of them, knowing that the water would be used for large-scale development in the Taos Valley.

To my knowledge there has not been any environmental impact study done on this proposed

"Mutual Benefits Project" that plans to bless us with mitigation wells that would affect everyone in the valley. Why not? For a project this size and scope, we deserve a full EIS. The decisions we make today we are making for future generations. Let's get it right!

Phaedra Greenwood lives in Arroyo Hondo.

Editor's note: Find out more about the Abeyta Settlement and past reports online at taosnews.com. Click on Abeyta Settlement in upper left corner of the home page.

Local water protectors speak up

BY BUCK JOHNSTON

Greetings fellow Taoseños! I would like to introduce our organization, Guardians of Taos Water, to the broader Taos community and clarify our intentions. We are a group comprised of local water protectors, farmers and community service personnel. Our primary focus is preserving local water systems that provide life and abundance for the inhabitants of this very special and unique place we call home.

We recognize the indigenous people of Taos Pueblo to be the original caretakers and protectors of this valley's land and water. We also recognize the Hispanic community's beneficial contributions and close relationship with our watershed.

GOT Water is here humbly on behalf of those that have no voice, such as the willows and cottonwood trees, the trout and the elk, as well as the generations of grandchildren who are not yet born into this world we are creating.

As water protectors, we understand there are many

good people and organizations that have put in an incredible amount of work to preserve, protect and provide water for the people of Taos; and we give our most sincere thanks for all these efforts.

But there is a problem. All the major decisions about water in our community are based on a "40-year" water plan. That is about half of the life expectancy of those living in Taos. We are here to insure the vitality of the natural water systems for the next 500 years and beyond, as they have been kept healthy for many thousands of years before us. We refuse to be the generation that fails the water, and allows the viability of our sacred valley to be compromised.

The largest and most immediate threat to our future, locally, comes with the implementation of the Abeyta Settlement. Although the settlement solves some problems, it also puts

us at risk in many ways. After meeting with several parties of the Abeyta Settlement, we understand that the effects of the supply and mitigation wells are uncertain and potentially disastrous. Note that the supply and mitigation wells are directly tied to each other, in that it is acknowledged in the settlement that the supply wells will decrease flow to the Rio Grande through subsurface water systems. This decrease in flow can be offset through a transfer of water rights to mitigation wells where deep aquifer water can be poured into ditches, streams and rivers.

The entire web between the agreeing parties and the allocated water is incredibly complex. One thing is for sure: written into the Abeyta Settlement is funding for a full NEPA (National Environmental Policy Act) study for each individual well, and some of these wells would be capable of withdrawing up to 1,800 gallons of water per minute. A full NEPA study includes an in-depth environmental and hydrological study

considering impacts on wildlife and wetlands, and a full cultural impact study would look at our historical farming and acequia culture that is held so dearly to the people of Taos. The NEPA study also requires a public comment period that will allow the community to be properly informed and heard.

At this point, we are asking the parties involved voluntarily to initiate the NEPA process with a "cumulative and comprehensive" overview of all wells planned in the valley to avoid a court injunction. The implementation of the Abeyta Settlement is 25 percent state funded and 75 percent federally funded, which requires the NEPA process. Along with this letter, we will be submitting individual requests to each signing party to initiate the NEPA process. We need the effects of this settlement to be considered fairly for the sake of all life in this valley.

Buck Johnston is a Taos Valley resident.

LAND WATER PEOPLE TIME

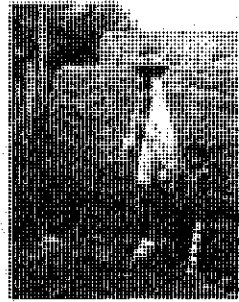
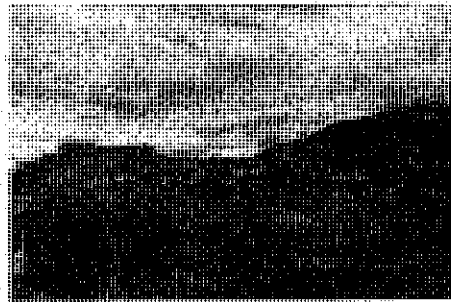
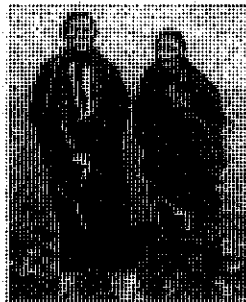
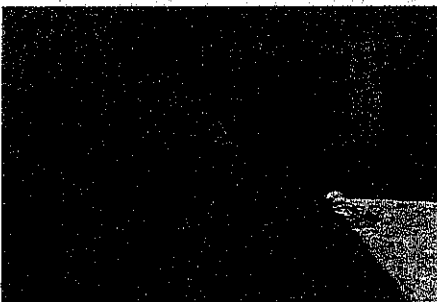
YOUR CULTURAL GUIDE TO NORTHERN NEW MEXICO
2018-2019

In this edition of *Land Water People Time* we explore
“Acequias, The Lifeblood of El Norte.”

And we delve into “Dichos, Old Spanish Folk
Words and Phrases” that succinctly evoke the
character of Northern New Mexico while cleverly
capturing the foibles of human nature.

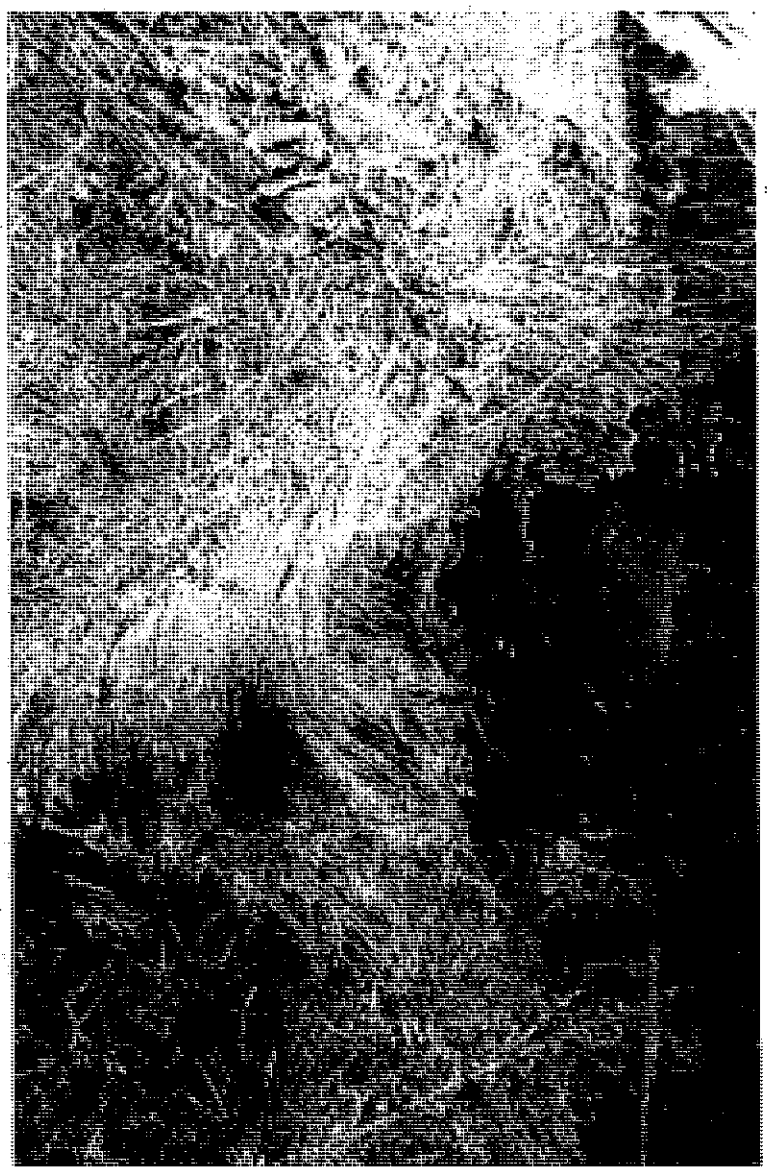
 THE TAOS NEWS

Read the entire magazine online at
taosnews.com/landwaterpeopletime



We cherish the lives of our ancestors for their perseverance,
Through their valor we, as a people, have a place in this world.

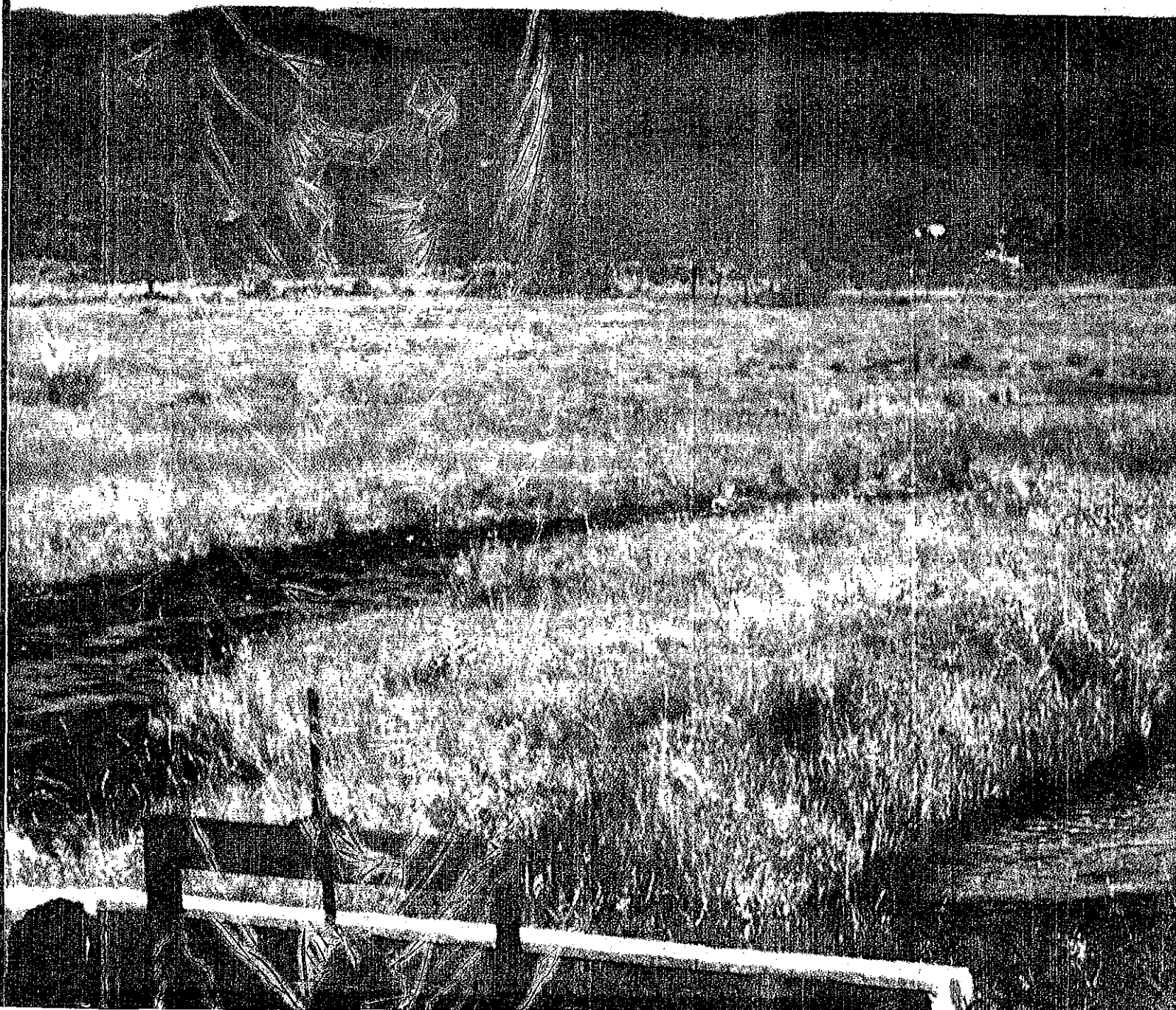
Taos Pueblo
over 1000 years of Tradition.



New Mexico Statute: 72-4-19
water rights priority

ACEQUIA

Water Sharing, Sanctity, and





New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

CHAIRMAN:

- Conservation

MEMBER:

- Corporations & Transportation
- Committees' Committee

SENATOR CARLOS R. CISNEROS

D-Los Alamos, Rio Arriba,
Santa Fe & Taos-6

P.O. Box 1129
Questa, NM 87556

Cell: (505) 670-5610

E-Mail: carlos.cisneros@nmlegis.gov

March 10, 2008

Donald Gallegos, District Attorney
8th Judicial District
920 Salazar Rd., Suite A
Taos, NM 87571

Dear District Attorney Gallegos:

During the past legislative session, I introduced Senate Memorial 64 requesting that the State Engineer investigate the impairment of the water rights of the Spring Ditch in Taos. Enclosed is a copy of the final version of Senate Rules Committee Substitute for Senate Memorial 64 which unanimously passed the Senate.

Though the memorial requests the State Engineer to investigate, I am asking you to intervene and help the acequia community to address this egregious situation by moving forward with direct legal action.

Please feel free to contact me should you need additional information.

Sincerely,

Carl R. Jones

Carlos R. Cisneros
State Senator

Enclosure

cc: David E. Rael, Mayordomo, Spring Ditch

From: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Sent: Tuesday, November 19, 2019 7:42 AM
To: Katie Patterson; Megan Stone
Subject: Fw: Taos NEPA Comment
Attachments: BOR letter for EIS on Abeyta Settlement_2019.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Brooke Zanetell <zanetell@unm.edu>
Sent: Monday, November 18, 2019 11:00 PM
To: NEPA, Taos <BOR-sha-AAOTaosNEPA@usbr.gov>
Subject: [EXTERNAL] Taos NEPA Comment

Please see the attached public comment requesting an EIS of the projects described in the Abeyta Settlement.

Thank you,

Brooke Zanetell, Ph.D.

Brooke Zanetell, Ph.D.
205 Beimer St.
Taos, NM 87571
575-770-6830

Rebecca Braz, Civil Engineer
555 Broadway NE, Suite 100
Bureau of Reclamation
Albuquerque, NM 87102

RE: NEPA -- Request for EIS of mitigation/supply wells & ASR projects in the Abeyta Settlement
November 15, 2019

Ms. Braz,

I'm writing to request that an EIS (Environmental Impact Study) be conducted of elements in the Abeyta Settlement including the 5 mitigation wells, 11 supply wells, and 2 aquifer storage and recovery projects.

An EIS is needed that will:

- **Update Hydrological Models on the Impact to the Shallow Water Aquifer**

There is much concern that the decades-old hydrology underlying the Abeyta settlement is flawed and does not incorporate reduced snowpack, early runoff, and drought caused by climate change.

It must be shown by an EIS that the hydrology of the Taos Valley can support the Abeyta project not just now but into the future. This means that not only will water be provided for consumptive uses, but also that surface waters in streams, acequias, and the Rio Grande will not be compromised by the Abeyta Settlement's proposed replumbing of the Taos Valley. An EIS must address current recharge by acequias and how the shallow water aquifer will be affected by a changed regime in acequia source, flow, and use.

- **Assess pumped water contamination, treatment scenarios, costs for treatment, bearers of costs, and ecological impact**

There is concern that water from supply wells and mitigation wells will contain heavy metals and other contaminants that will require costly treatment and that this treatment will have a negative ecological impact on streams, acequias and farming. There is concern that this could also contaminate the shallow water aquifer.

- **Detail the costs, ecological impacts, potential and limits of conservation as an alternative to the Abeyta Settlement**

Denver Water (<https://www.denverwater.org/your-water/water-supply-and-planning/efficiency-plan>) in Colorado has used conservation and water efficiency to reduce water use by 22%. Conservation must not be overlooked as options are considered for how to provide water for Taos Valley's current and future growth.

- **Address the sustainability of the Abeyta Settlement over a 50, 100, and 200-year period in terms of water availability, well maintenance, and continuation of the acequia tradition**

There is general concern that the increase in water rights to the Town of Taos and the El Prado Water and Sanitation District will foster unsustainable water use and growth in the

Taos Valley. An EIS is needed that provides data on the carrying capacity of the Taos Valley based on updated hydrological models, the impacts of climate change, and scenarios with and without water conservation measures. For how long can the new supply wells provide water and maintain continued growth? In the San Luis Valley in Southern Colorado, wells are being retired across the valley because the shallow and deepwater aquifers have been overpumped in a matter of decades. The EIS must provide information on the short versus long term projections of water availability and aquifer recharge under the Abeyta Settlement and its alternatives.

In 13.3 of the Abeyta Settlement, it is clearly stated that if any project is determined to be unfeasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions. An EIS is absolutely necessary to determine the feasibility of the projects proposed prior to their construction and implementation. **If the Abeyta Settlement is based on full-proof hydrological models and sound engineering, then the EIS will clearly demonstrate this.** If it is not, then the EIS will draw attention to the aspects of the Abeyta Settlement that need to be reexamined and inform alternatives that are supported by the EIS data. **To proceed on such an extensive replumbing of Taos Valley in the absence of the EIS data is negligent and not a reflection of the BOR's great tradition of civic-minded works based on superb science and engineering.**

Sincerely,

A handwritten signature in black ink that reads "Brooke Zanetell". The signature is written in a cursive, flowing style.

Brooke Zanetell, Ph.D.

From: NEPA, Taos <bor-sha-aaotaosnepa@usbr.gov>
Sent: Tuesday, November 12, 2019 8:50 AM
To: Katie Patterson; Megan Stone
Subject: Fwd: [EXTERNAL] Mitigation Wells in Taos

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded message -----

From: Alice Zorthian <azorthian@hotmail.com>
Date: Fri, Nov 8, 2019 at 9:20 AM
Subject: [EXTERNAL] Mitigation Wells in Taos
To: BOR-sha-AAOTaosNEPA@usbr.gov <BOR-sha-AAOTaosNEPA@usbr.gov>

Hello Rebecca Braz-

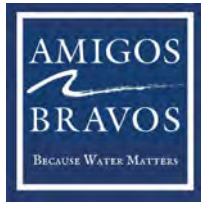
I am a concerned citizen of Taos County [or elsewhere] and I am writing in regard to the Mitigation Wells proposed for the Taos Valley. I strongly support the call for a full Environmental Impact Study (EIS) of the Mitigation Wells. An EIS is necessary to address a number of important questions concerning the potential impact of these deep wells on the long term environmental, economic, and cultural health of our valley, such as:

1. How will irrigating with deep well water affect the health of soils used to grow food for humans and livestock? The Drakos water quality study conducted by Glorieta Geosciences found the majority of deep ground water in Taos to have high pH levels and concentrations of arsenic and fluoride that exceed EPA standards.
2. What are the costs of operating, insuring, and maintaining these wells? Can the Acequias and Mutual Domestics handle the costs? How have these projected costs been calculated?
3. How will the addition of pumped well water into the Acequias affect their legal status? Acequia communities are by definition irrigated with only diverted stream water.
4. How will discharging hundreds of gallons per minute of deep well water into the streams affect their ecology? Mixing these very different chemistries may be harmful to fish and wildlife.
5. Acequias not only recharge our aquifer, but also the Rio Grande when ground water emerges as the springs along the river. How will the mitigation wells affect Acequia recharge?
6. If deep well water used for irrigation infiltrates into our shallow aquifer, how will the water quality be affected? Will this add arsenic and fluoride and other toxic minerals to our well water?
7. What hydrologic models are the BOR using to calculate the impact these wells will have on the shallow aquifer of the Taos Valley?

In 13.3 of the Abeyta Settlement, it is clearly stated that if any of these projects are determined to not to be feasible, then alternatives will be actively pursued and the negotiating parties will reconvene and negotiate mutually beneficial solutions.

Mitigation wells are not the solution to the Taos valley's long term water needs. We need more information – we need an Environmental Impact Study in order to make informed choices for our collective future.

Respectfully submitted,
Alice Zorthian



WATER IS LIFE.
It's Our Duty to Protect It.

October 31, 2019

U.S. Department of the Interior
Bureau of Reclamation
Albuquerque Area Office

RE: Taos Indian Water Rights Settlement (i.e., "Abeyta Settlement") Programmatic
Environmental Assessment

Via email: BOR-sha-AAOTaosNEPA@usbr.gov

Pursuant to the public comment period for the PEA for the Taos Indian Water Rights Settlement, Amigos Bravos offers the following comments:

- Handout materials made available at the public meetings in Taos on October 21st and 22nd specify sixteen possible "projects," including supply wells, mitigation wells, and a possible surface storage reservoir. Twelve of these sixteen projects have "indeterminate" locations. The handout materials state that "further NEPA analysis would need to be performed for such locations once identified and proposed." What would the "further NEPA analysis" consist of?
- Will an overall project management plan be drafted and specified, or will each of these individual projects be handled on a piecemeal basis? It seems as though the approach is "piecemeal" (definition: characterized by unsystematic partial measures over a period of time) since the unsuccessful Rio Grande Well and the Midway test wells have already been drilled using "categorical exclusions" under NEPA. If the approach is indeed piecemeal how will the full cumulative impacts of the project be determined and analyzed?
- The development of alternatives in the PEA should provide a lot of detail, given the interaction between shallower wells, deep mitigation wells, and surface water. It is unclear how this amount of detail can be developed when 12 of 16 projects have "indeterminate locations."
- The New Mexico Environment Department (NMED) should be thoroughly consulted during the development of the PEA. In particular, the NMED should ensure there are provisions in the PEA as to measures that must be taken if adverse impacts to surface and ground water should occur as a result of these projects. For example, there must be provisions in the PEA to lay out a process to determine whether there are constituents in the water from the deep mitigation wells (e.g., radionuclides, arsenic, etc.) that exceed water quality standards, and if so, how these exceedances will be monitored,

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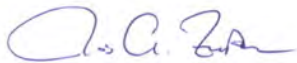
instagram.com/amigosbravos

documented, treated if necessary and permitted. If water from any of these wells exceeds New Mexico's water quality standards or has the potential to cause or contribute to an exceedance of water quality standards, National Pollutant Discharge Elimination System (NPDES) permits would have to be obtained prior to allowing discharges into surface waters. In addition, if water from these wells are to be discharged on the ground, groundwater discharge permits from the state of New Mexico will be required.

- In the event that any of the sixteen projects result in a decrease to the springs that feed the Rio Grande or its tributaries, this could potentially be construed as a new "diversion" from a listed Wild & Scenic river. How will protection from such adverse impacts be guaranteed? What will be the plan to monitor the flows of the surface water to compare to baseline conditions? How will this data be documented, and by which agency?
- The amount of state and federal funding is finite and is decreasing in real terms as time goes by due to the fact that there is no provision in the settlement for inflation. What happens if the funding runs out before all project elements are complete?
- It has been stated that if the water from deep mitigation wells requires treatment prior to discharge, this will be handled by parties to the agreement. Given that settlement parties all run on very tight budgets, how will all O&M costs (including possible treatment costs) be funded going into the future? What is the financial assurance for the project in the event costs escalate or remedial measures are required?

We look forward to a response from BOR regarding these concerns.

Sincerely,



Joseph A. Zupan
Executive Director