

APPENDIX A

Public and Agency Correspondence

Cippy CrazyHorse
Governor

J. Leroy Arquero
Lt. Governor



P.O. Box 70
255 Cochiti Street
Cochiti Pueblo, New Mexico 87072-0070
PH # (505) 465-2244 Fax # (505) 465-1135

Andrew Quintana
Treasurer

I285

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DEC 23 '06

Class		Action
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Date	Initial	To
1/9	CR	100
1/11	JH	105
1/11	MC	150
		184

December 15, 2006

Connie Rupp, Area Manager
Bureau of Reclamation
555 Broadway NE, Suite 100
Albuquerque, NM 87102

RE: River Maintenance NEPA requirements

Dear Ms. Rupp:

The Pueblo de Cochiti would like to address the Biological Assessment issues relative to the NEPA requirements for the river maintenance projects early next year. The Pueblo has worked toward gaining the capacity to perform various surveys independently including wildlife surveys for management purposes. Pueblo staff has performed the training "Southwestern Willow Flycatcher Survey Protocol Training" conducted by the New Mexico Ecological Services Field office of the US Fish and Wildlife Service in coordination with the New Mexico Department of Game and Fish. The two species addressed in this letter are the Southwestern Willow flycatcher and the Rio Grande Silvery minnow.

The most recent Pueblo surveys for the flycatcher were performed in July of 2005. The survey revealed no nesting flycatchers or presence of flycatchers during these surveys. Prior to the 2005 surveys there were two reports written by the Bureau of Indian Affairs and the USDA Rocky Mountain Research Station in 2001. No Willow Flycatchers were detected in all five surveys performed on four sites, however, single incidental sitings occurred on three of the sites. In conclusion the flycatcher or its subspecies may be using some sites during migration. Suitable breeding habitat on the sites is uncommon, and the majority of the potentially suitable breeding habitat is below minimum patch size requirements (Lehmann, Walker and Finch 2001).

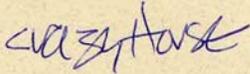
The Rio Grande silvery minnow has not been observed in the Cochiti Reach in at least the past 15 years. The most recent electrofishing survey (2002) conducted by the Bureau of Reclamation under the supervision of the Pueblo staff sampled 150 fish without finding any silvery minnows. The pueblo concurs that the silvery minnow has been extirpated from the Cochiti reach of the Rio Grande.

176
186



The Pueblo de Cochiti would like to remain involved in the project details as it moves forward. We would like to thank you for your time and effort and please contact Mr. Jacob Pecos at 465-3123 should you have any questions on this matter or inquiries from other agencies.

Sincerely,



Cippy Crazyhorse, Governor
Pueblo de Cochiti

Cc: Robert Maxwell, Bureau of Reclamation
Richard Pecos, Tribal Administrator
Jacob Pecos, DNRC Director
DNRC/Tribal File



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

July 11, 2007

Operations Division
Regulatory Branch

Mr. Robert H. Maxwell
Environmental Protection Specialist
USBR-Albuquerque Area Office
555 Broadway Boulevard NE
Albuquerque, New Mexico 87102-2352

Dear Mr. Maxwell:

Enclosed is a copy of a letter which we received from the New Mexico Department of Game and Fish (NMDGF) regarding your Section 404 Permit Application No. 2006 00525 for your proposed bank stabilization work in the Rio Grande at River Miles 231.3 and 228.9, associated with the Cochiti Priority Sites Project, within the Pueblo of Cochiti, Sandoval County, New Mexico.

This letter is sent to inform you of the comments to your project. Please be advised that the Corps alone is responsible for reaching a decision on the merits of your application.

If you have any questions regarding the processing of your application, please feel free to contact me at (505) 342-3280 or by e-mail at james.a.wood@usace.army.mil.

Sincerely,

James A. Wood
Regulatory Project Manager

Enclosure

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JUL 11 '07		
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GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson, Ph.D.

Tod Stevenson, Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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July 5, 2007

Mr. Jim Wood,
Regulatory Branch, Albuquerque District
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109-3435

RECEIVED
10 Jul 07
REGULATORY BR.
CORPS OF ENGINEERS

2006 00525

Re: Bank stabilization and channel work on the Rio Grande within Cochiti Pueblo; Sandoval County
NMGF No. 11511

Dear Mr. Wood,

In response to the Public Notice for Permit Application No. 2006 00525, the Department of Game and Fish (Department) wishes to communicate our support for the mitigation measures proposed for this project. The Department would like the Corps of Engineers to consider adding a condition to the permit that the applicant monitor the planted native vegetation to determine survival and establishment. Monitoring results showing successes or failures of restoration plantings would be valuable in supporting and informing similar efforts under similar conditions elsewhere.

Thank you for the opportunity to review and comment on the Permit Application No. 2006 00525 for bank stabilization and channel work on the Rio Grande within Cochiti Pueblo. If you have any questions, please contact Randy Floyd, Aquatic Habitat Specialist, at (505) 476-8091 or randy.floyd@state.nm.us.

Sincerely,

Jan Ward, Assistant Chief
Conservation Services Division

JW/rlf

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Marcy Leavitt, Chief, Surface Water Quality Bureau
Brian Gleadle, NW Area Operations Chief, NMGF
Mark Olson, NW Area Habitat Specialist, NMGF





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
 1445 ROSS AVENUE, SUITE 1200
 DALLAS, TX 75202-2733

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Date	Initials	To
		sites 228.9 and 231.3

Mr. Robert Maxwell
 U.S. Bureau of Reclamation
 Albuquerque Area Office
 555 Broadway Blvd. NE, Suite 100
 Albuquerque, New Mexico 87102-2352

RE: Clean Water Act §401 Water Quality Certification for Cochiti Priority

Dear Mr. Maxwell:

The Marine and Wetlands Section of the Environmental Protection Agency, Region 6 (EPA) has reviewed the application for authorization of the project indicated above under §404 and §401 of the federal Clean Water Act. The project purpose involves protecting a levee from river migration and bank protection from erosion and sinkhole activity. The project is located along the Rio Grande on the Pueblo of Cochiti, at river mile 228.9 and 231.3, Sandoval County, New Mexico. The U.S. Army Corps of Engineers (USACE) will regulate this project under Individual Permit 2006-0525.

It is EPA's understanding that the work would be accomplished during low-flow periods. At this time, the Pueblo of Cochiti has not adopted water quality standards under the federal Clean Water Act. Water quality standards have been adopted by the state of New Mexico, which apply to adjacent areas within this watershed. Although the state's standards do not apply to the Pueblo of Cochiti waters, these standards can provide a technical basis for evaluation of potential projects. To see the complete list of state water quality standards, refer to the *State of New Mexico Standards for Interstate and Intrastate Surface Waters*, New Mexico Water Quality Control Commission, 20.6.4 NMAC (amended February 16, 2006). These standards are available at the following address: <http://www.nmenv.state.nm.us/swqb/Standards/>. EPA has coordinated with the Pueblo of Cochiti's Department of Natural Resources and Conservation staff to determine the appropriateness of the New Mexico standards for assessment of this project. The Tribal staff concurred with EPA's approach for §401 certification of the project.

§401 Water Quality Certification with Conditions:

Pursuant to §404 of the Clean Water Act, EPA hereby issues §401 Water Quality Certification for this project. This certification is subject to conditions to ensure that the project will comply with water quality standards and the Antidegradation Policy.

Therefore, this Certification is not valid unless the following conditions are adhered to:

1. The permittee shall conduct all work in such a manner as to comply with all USACE 404 permit conditions.

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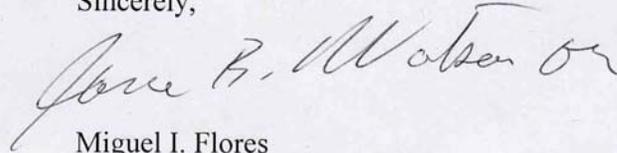


2. Work in a stream channel should be limited to periods of no flow when practicable, and must be limited to periods of low flow.
3. When working in a stream channel, flowing water must be temporarily diverted around the work area to minimize sedimentation and turbidity problems. Acceptable diversion structures are non-erosive and include (but are not limited to) sand bags, water bladders, concrete barriers lined with plastic, and flumes.
4. Culverts at stream crossings must be properly designed and installed to prevent erosion problems or diversion of the stream from its natural channel in the event of culvert failure.
5. Prior to beginning construction, erosion control measures must be installed to prevent the movement of disturbed soil or other contaminants into surface water. Temporary protective mats are required for heavy equipment working in wetlands to minimize impacts to soil and vegetation. Temporary access roads must be restored to pre-project conditions. All areas adjacent to the watercourse that are disturbed because of the project must be replanted with native vegetation. Native riparian and/or wetland species must be used in areas that support such vegetation.
6. All asphalt, concrete, and other construction materials must be properly handled and contained to prevent releases to the stream channels. All concrete that is to be poured must be fully contained in mortar-tight forms to prevent accidental releases to surface water or ground water. No discharge of any concrete to surface water or ground water may occur. Dumping of waste materials near watercourses is strictly prohibited.
7. All heavy equipment used in the project area must be steam cleaned before the start of the project and inspected daily for leaks. A written log of inspections and maintenance must be completed. Leaking equipment must not be used in or near any watercourse. Park equipment outside of channel when not in use.
8. Spill clean-up materials such as booms and absorbent pads must be available on-site at all times during construction. Report all spills immediately as required.
9. Fuel, oil, hydraulic fluid, or substances of this nature must not be stored within the normal floodplain, and must have secondary containment systems to prevent spills if the primary storage container leaks. Refuel equipment at least 100 feet from surface water or watercourse.
10. Prior to commencement of each project, the permittee shall contact the Pueblo of Cochiti to obtain a list of emergency response personnel. The permittee shall provide this list to all staff, contractors and subcontractors.

A copy of this §401 certification must be kept at the project site during all phases of construction. All contractors involved in this project must be provided a copy of this certification and made aware of the conditions prior to starting construction.

EPA reserves the right to amend or revoke this §401 certification at any time to ensure compliance with water quality standards. If you have any questions regarding this §401 Water Quality Certification please feel free to contact Tom Nystrom of my staff at (214) 665-8331. Thank you for your cooperation in maintaining the water quality of the Pueblo of Cochiti.

Sincerely,



Miguel I. Flores
Director
Water Quality Protection Division

cc: Honorable Ray H. Trujillo, Governor, Pueblo of Cochiti
Mr. Lee Suina, Programs Manager, Pueblo of Cochiti - DNRC
Jim Wood, U.S. Army Corps of Engineers