



Elephant Butte Irrigation District

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In Partnership with:



United States Department of Agriculture
Natural Resources Conservation Service

Dear Neighbor,

Thank you for your interest and your comments regarding the scope of the Supplemental Watershed Plan and Environmental Assessment for the Tortugas Arroyo Watershed Dam No. 1 Rehabilitation Project following the public meeting on December 14, 2021. Slides from the meeting presentation are not available; however, the meeting recording can be accessed at the NRCS New Mexico YouTube Channel: <https://www.youtube.com/watch?v=BF5K2j-itiE>. Upon reviewing the thirty-three written comments, including yours, we noticed some themes we would like to address.

As a reminder, the Tortugas Dam was designed and constructed by NRCS in 1962 for the sole purpose of flood control. The dam has degraded over time to a poor condition and has adopted increased risk to public safety as development in the area has grown. EBID, the local sponsor, requested NRCS assistance in building the dam and is working with NRCS to evaluate rehabilitation options. NRCS has contracted GENTERRA Consultants, Inc. as a consultant for this project.

We recognize that the area surrounding the dam has developed significantly and is continues to grow. We acknowledge that members of the public enjoy the many benefits of the dam, including recreation, habitat, art, safety, and development control. While the public enjoys these benefits, the only purpose of the dam is flood and sediment control. The dam was not designed for these extra uses, particularly public access and recreation. Legally, any access to the dam by members of the public is considered trespassing. Public members are trespassing on the property for various reasons, including recreation, artistry, and vandalism. The dam was built for the purpose of flood protection and was not designed for recreational use. The project funding is for the dam's rehabilitation to ensure that the dam meets current State and Federal dam safety standards. It does not allow for recreation purposes.

EBID may consider the opportunity in the future to plan for public recreation use if the public requests it, and if a partnership can be made with other agencies (for example, the City of Las Cruces, New Mexico State University, Dona Ana County, etc.) to take on the expense, responsibility, liability, safety, and planning that would be involved in having the public interact with that infrastructure.

As you may be aware, the artwork on the auxiliary spillway was moved to a new location across Herb Wimberly Drive from the NMSU Golf Clubhouse, where the public may continue to enjoy the creation. Unfortunately, the artwork was installed without EBID's authorization. Like recreational opportunities, EBID will entertain requests to install art secondary to the primary purpose of the dam – flood control. This will require other agencies to partner with EBID for funding, planning, and adopting the liability associated with the art installation. Any installations must be secondary to the mission of the dam to protect the safety and welfare of the public.

In the spirit of collaboration, EBID will write to the City of Las Cruces Manager, the Dona Ana County Manager, and the New Mexico State University President, to invite collaboration for art and recreation on the future dam.

We appreciate your respect for public safety and hold safety paramount to all other benefits of the dam. We also strive for fiscal responsibility for the project funding and will weigh the costs and benefits of different materials, including natural earthen materials and imported materials such as concrete and riprap. This study will evaluate reinforcement/rehabilitation measures for the dam, as well as decommissioning and no-action measures. Each alternative will be assessed in cost-benefit analyses, effects on built and natural environments, and the ability to control flood and sediment flows.

Thank you again for your comments and interest in this project. EBID, NRCS, and their consultant (Genterra) are working on collecting the data and evaluating different rehabilitation designs that will ensure the dam keeps protecting the safety of the public and lands downstream. These options will be presented in the Draft Supplemental Watershed Plan – Environmental Assessment document, which will be available for public review at the NRCS website when available and before the next public input meeting to be held at a later date. The meeting notice will be published in at least one local newspaper, no later than one week before the meeting. No further dissemination has been discussed at this time. Please direct any responses to this letter to Doug Harriman, P.E., of GENTERRA Consultants, Inc. Doug can be reached at (949) 753-8766 and ginfo@genterra.com.

Very respectfully,

Gary Esslinger, Treasurer- Manager
Elephant Butte Irrigation District

Elias Gnann, P.E., NM State Conservation Engineer
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