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REGIS PECOS\*

## The History of Cochiti Lake from the Pueblo Perspective

### ABSTRACT

*In the last 30 years, Cochiti Pueblo has been in a fight for their survival culturally, politically, legally, economically, and environmentally. The construction of Cochiti Lake, one of the largest man made lakes in the United States, built by the U.S. Corps of Engineers, devastated nearly all of the available agricultural lands, destroyed the majority of traditional summer homes, drastically changed the ecosystem, and desecrated cherished places of worship. To make matters worse, a few years after closure of the gates that created Cochiti Lake, seepage occurred and put under water the remaining agricultural lands of the Pueblo, creating wetlands and transforming the world of Cochiti overnight. The Cochiti lost their agricultural way of life and have suffered profound consequences as a result.*

*This article is a summary of a presentation for the Utton Trans-boundary Resources Center, Rio Grande Reservoir Symposium on April 22, 2006, where firsthand experiences of those challenges faced by the Cochiti Pueblo during the last 30 years were shared. From the lawsuit against the U.S. Corps of Engineers and the U.S. government to hold them liable for the destruction, desecration, and devastation, to congressional oversight hearings, the threat of hydro-electric power development, and the debates of religious and cultural protection in Congress, the impacts of the ill-advised development of Town of Cochiti Lake and the 99-year master lease creating the community, to the struggles of management of Cochiti Lake, the long struggle to restore lands destroyed, and the ultimate reconciliation of the Cochiti Pueblo and the Corps of Engineers. The past legal battles, policy debates, rights lost, rights regained, a newly defined relationship between the Corps of Engineers and the Pueblo dictate the present and future mitigation, management issues, and decisions pertaining to Cochiti Lake. Just as the Cochiti Pueblo has regained standing, the issues of the silvery minnow and the drought raise new and equally difficult challenges for the future. In many ways, it is like peeling away a scab and it bleeds all over again.*

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Good morning. I first want to take this opportunity to thank Susan Kelly and others for extending this invitation to me to share the story of the Cochiti people. It creates one of those rare opportunities to provide insight into one pueblo along the Rio Grande River, to gain an understanding of the complexity and the kinds of challenges that pueblo peoples, their communities, and their nations have to deal with and the challenges they face today. I will share with you the experiences of four major issues that the Cochiti people have faced over the last 30 years.

I want to begin by dedicating this presentation to two elders from Cochiti who passed on in the early spring of 2006. One gentleman, Cresencio Suina, who was ninety-five, represented the vision and the wisdom of his generation and was very instrumental in providing the leadership in the early discussions of the challenges that I share in this presentation. The latter gentleman, Daniel Chalan, was a former governor who served several terms over the last 30 years, during a very critical time. He represented the generation that articulated the transitional strategies as the Cochiti people faced and addressed these awesome challenges. I want to honor both of them, because if it were not for the incredible courage of individuals like them I probably would not be here before you sharing what we have overcome. These two individuals were part of a group who led the effort to overcome the challenges in a beautiful courageous way. Many people never gave us much chance of ever overcoming the challenges that we faced beginning with the construction of one of the largest man-made lakes<sup>1</sup> in the United States built by the Corps of Engineers, and the subsequent issues that complicated our circumstances such as the threat of hydro-electric power on Cochiti Lake, and the development of one of the first non-Indian residential community development projects<sup>2</sup> in the United States on tribally owned land.

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1. The Flood Control Act of 1960 authorized the construction of Cochiti Lake. Construction began in 1965 and the water was impounded in 1973. *See* Flood Control Act of 1960, Pub. L. No. 86-645, 74 Stat. 488 (codified as amended in scattered sections of 33 U.S.C.) ("Authorizing construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."); Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act of 1963, Pub. L. No. 87-843, 76 Stat. 1080 ("Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1963, and for other purposes."); Act of March 26, 1964, Pub. L. No. 88-293, 78 Stat. 171 ("To authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project.").

2. The Town of Cochiti Lake was constructed on land owned by the Cochiti Pueblo under a 99-year lease in the early 1970s. The Town of Cochiti maintains a website, [www.cochitilake.org](http://www.cochitilake.org), regarding the history of the demographics of the town. The website states that there are approximately 400 people living there and that the pueblo will not release any additional land for development. However, they still have room to build 60 more homes.

Construction of Cochiti Lake is not a single, isolated issue. It was complicated by a number of other circumstances, which all converged and culminated in ways that were just incredibly devastating and in the most tragic way led to our fight for survival.

Discussions about the need for the construction of a reservoir somewhere along the river began in the 1930s. One discussion was to completely condemn the Cochiti and Santo Domingo Pueblos and relocate "the Indians" as they said. But many times in these discussions prior to the 1960s the elders of the Cochiti always stood strong in opposition of the construction of a reservoir along the river on our land and they prevailed.

A number of historical events are important to share to provide a proper context and appreciation of the challenges at Cochiti to the people and to the government of Cochiti. First, we need to consider the history of the United States over the last 120 years of federal policies regarding Indians as a backdrop. The federal policy in the 1890s was to create boarding schools to educate the Indian children in this country in an attempt to assimilate them into mainstream society in hopes of making us invisible by abandoning our way of life forever. It was the government's effort to rid itself of the Indian problem. One of the first boarding schools created was just north of us, the Santa Fe Indian School, established in 1890. About the time New Mexico became part of the union, the religious crimes code prohibiting the practice of our religion was still in effect. In 1934, the Wheeler-Howard Act (Indian Reorganization Act)<sup>3</sup> was fully effectuated in an attempt to completely reorganize the traditional governance and our jurisprudence systems. These changes and policies were felt deeply especially among the pueblo people during that period.

Next came the prohibition of native languages in the 1940s and into the 1950s during the time I was in grade school in my own community on our lands. The forced integration of Indian children into public schools resulted in severe racism and discrimination that shaped the minds and lives of many during that time. The policies of termination of federally recognized Indian Tribes followed in the 1950s. The policies of relocation, referred to as self termination or individual termination as some defined it, were established to convince the Indians to abandon their ways and follow the "American Dream" with the relocation programs uprooting entire families to urban America, giving birth to the American nightmare, the birth of Indian ghettos and the "urban Indian." For many the American Dream turned into a nightmare as the experiences of abandonment bred the beginnings of a vicious cycle of self destruction.

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3. Wheeler-Howard Act of June 18, 1934, Pub. L. No. 383, 48 Stat. 984-988 (codified as amended at 25 U.S.C.A. § 461 et. seq. (West 2007)).

I share this background with you because everyone living today has been impacted by all these policies in one way or another. Many times the perspectives that come with trying to express our disgust with the treatment of certain issues comes with so many mixed emotions brought on by the effects of the outrageous historic trauma as part of a personal set of experiences. How these emotions play into discussions of unrelated issues in the present sometimes make for some confusion without this context to put them into perspective. The discussions we are dealing with in the present circumstances with the silvery minnow and all the issues brought on by the drought get complicated with the snowball effect in the minds and eyes of many Indian people that not much has changed. Without understanding this backdrop, it is hard to fully appreciate why the emotions run so deeply for us. One of the really interesting things, in retrospect, is understanding the way that life in our community has been affected by these different federal policies that have intersected the lives of our people.

The last 100 years are part of a very personal experience for the people in our families and our communities. For the elders, they experienced being uprooted from the safety of their homes and taken off to boarding schools. They saw firsthand the policies leading to the persecution of religious practitioners, the implementation of constitutions and usurping of powers and authorities of religious leaders, the relocation of family members, and the prohibition of speaking their mother tongue and seeing their children and grandchildren subjected to the same. Without their mother tongue they used to say, "how can they be meaningful participants in our way of life?" Yet, for this generation of people, they still believed in the ideals of America, volunteering to defend the United States in all of the recent wars. That too plays into the present context in the discussions of issues challenging our communities.

During the early discussions regarding construction of a flood reservoir prior to the 1960s, Cochiti Pueblo was successful in holding strong in preventing the construction of Cochiti Lake. Thirty years later, some very interesting circumstances developed that unknowingly weakened that position. I still think these circumstances are not well understood by everyone involved, even by members of our own community to this day. The gentlemen that I spoke of earlier who passed on represented a group of people who enlisted and left Cochiti during World War I, World War II, and the Korean conflict. When they returned, some would have an unknowing impact.

As we moved into the 1960s, the Pueblo would see the impacts of affirmative action brought on by the Civil Rights movement in the United States. This created a whole new policy shift toward Indian people and Indian country. The new policy resulted in the development of federal programs that attempted to address the future of Indian communities in a

drastically different way. In the creation of these programs, what began to happen was the conscious effort to recruit young men from Indian communities by the various schools of business and management programs. These newly educated Indians would lead the way to economic development. They would become the instruments of the government and fulfill what the federal policies and the federal government failed to do. Together with a few men (primarily veterans) who had seen the world, they unconsciously would become the change agents. Those interested in developing the reservation would rely heavily on them, saying to them, "you understand the things that those who never left do not. You are smart to catch on to how business works." This was a heavy psychological game they played with them and so they became the Trojan horse.

These business schools, along with the federal government, were promoting a new federal policy, the promotion of economic development on Indian lands by private investors. That created a set of really interesting circumstances because some of the young men who had left and had come back were now advocates of promoting economic development models. Their thinking was that it was inevitable that the "ole ways" would soon be a thing of the past. Unfortunately, these economic development models proposed for our reservations were not defined by members of our community. They were economic development models never intended for reservation communities.

Before this time, the concept of private investment for development on reservations was unprecedented anywhere in Indian country. The goal of this new policy was to create employment on the reservation by having private investors exploit the undeveloped reservation lands. Where there was no vision conceived by our tribal people, we were vulnerable for the worst kind of economic exploitation. In our case, it was developing "a playground for the affluent." This entailed leasing half of our remaining homelands, already reduced significantly by the forced construction of Cochiti Lake, to create an unheard of non-Indian government, with the full powers and authorities as our own, on our sovereign lands. In the process, the Pueblo would concede the power and authority over management of our lands to a non-Indian government created within the confines and jurisdiction of our reservation. The case with the Cochiti Pueblo involved development of the Town of Cochiti Lake on one-half of our reservation for the period of 99 years – proposed community of 40,000 non-Cochiti people with all the amenities of a "seven-day weekend." And guess who would serve these people? In this case the people of Cochiti Pueblo had very little to no experience with such a proposed development proposal of that magnitude. It became in time "the best, worst example of economic development." It would be a form of genocide led by our people.

The new economic development policies creating the community combined with the construction of Cochiti Lake was needless to say

overwhelming for our people. A lot of external dynamics played heavily into the construction of Cochiti Lake. In the midst of our fight legally on one development project, we found out that these were related projects. One was not in isolation of the other. As we would find out later, the construction of Cochiti Lake and the development of the Town master plan were contemplated by many beyond Cochiti and for the benefit of people well beyond Cochiti. It seemed that we were part of a larger scheme and what was planned was not at all for our benefit.

The Cochiti Pueblo area was attractive for this development because it was part of the area defined as "the golden triangle," where the population boom would occur in New Mexico between Santa Fe, Los Alamos, and Albuquerque. The location of where to build a large water recreation area was heavily discussed by business people and politicians alike and the political power in time shifted to Albuquerque. As those discussions were taking place, other discussions were renewed with regard to the construction of a flood reservoir, now complicated, at least in our perspective, with what was being proposed by developers. These circumstances were very difficult for us and as the elders resisted any proposal for construction of a reservoir, it was complicated by the further discussion about development of the Town of Cochiti Lake. Internally there was a new set of dynamics that would break from the past unified stronghold to resistance.

Those experiences were valuable lessons with regard to the way in which development proposals by external forces became a reality. Under such circumstances, communities are most susceptible and vulnerable. There was an incredible set of psychological dynamics at play that began to play members and leaders against one another. It became a classic example of external interests using those internally to break down resistance. This form of exploitation came at great cost culturally, socially, politically, and economically to a small undeveloped and underdeveloped tribal community. Without a clearly articulated vision, the proposed development tore apart our once tightly knit village. It caused a great deal of divisiveness that no economic development benefit could ever make up for. This all led up to the classic story about brother against brother, brother against sister, and father against grandfather. It was a very painful part of our experience. I can remember discussions between my father and my grandfather about what was to happen to our little community of less than 1,000 people. And I imagine that in every other home similar discussions were taking place with respect to resisting the development and construction of the reservoir to be known as Cochiti Lake and those advocating for the development producing incredible pain internally in our community.

One of the most painful experiences that I will never forget, that has largely defined my own professional career, happened very early in the construction process of Cochiti Lake. As issues of resistance were met with

the threat of condemnation, the elders conceded to the construction of Cochiti Lake but pleaded that if it was going to happen that a single request be adhered to. The one request was that, if no other areas could be protected, the only place that we wanted protected was an area very important to many pueblo people, one of the most revered places of worship. As the elders conceded and succumbed to the incredible political pressure of condemnation of the land and construction of the lake, it was painful to see the elders, members of our community, full of emotion, full of tears, and reflections of a sense of helplessness in their eyes and faces. They spoke with a deep sense of hurt that they had failed as the stewards and the protectors of this incredible, beautiful, and sacred place to our pueblo people. It was the heart of what gave meaning to our lives. It was very painful for me to witness this helplessness. All my life I had seen these same men with a sense of wisdom and vision, strong spirited, always acting with a sense of certainty and assuredness. Now they were reduced to this helplessness. I had never witnessed such hopelessness. It was frightening. The future seemed uncertain. This was one of the most tragic episodes in recent history for the people of Cochiti.

This land is the only homeland we have ever known as told to us in the songs and in the myths, legends, and stories by our elders. This was not supposed to happen. The Indian wars were over. Our people were fighting for this country. To see this construction proceed before our eyes; sacred space and place defined by all those who had gone before violated before our eyes was very hurtful. Unimaginable pain. It was piercing the hearts of our people daily. One of the most emotional periods in our history was watching our ancestors torn from their resting places, removed during excavation. The places of worship were dynamited, destroyed, and desecrated by the construction. The traditional homelands were destroyed. When the flood gates closed and waters filled Cochiti Lake, to see the devastation to all of the agricultural land upon which we had walked and had learned the lessons of life from our grandfathers destroyed before our eyes was like the world was coming to an end. And all we could do was watch.

Everyday, on my way to school, we saw the earth ravaged by bulldozers. Every night we would see the lights equal to several football fields lit up and would hear the trucks make the funny beeping sounds. We went to sleep hearing the destruction of our heartlands. We would wake up to this for more days and weeks and months than I care to remember. In retrospect, I represent the generation who may have been the last to have grown up alongside of our grandfathers, grandmothers, and our parents working the land while learning about our way of life in that kind of traditional agricultural community. To see those places where we had played, the places that had nurtured us through all of our life experiences to that point, destroyed was traumatic. When the gates closed, we watched



the remainder of the available agricultural lands become flooded by the seepage from Cochiti Lake. When we look and study the degree of agricultural activity for Cochiti, pre-Cochiti Lake construction, you can see from historical aerial maps in the 1930s, 100 percent of all of the available agricultural lands were utilized and under cultivation. This was our way of life. Life as the Creator had given us, to have and to cherish in perpetuity. Post-Cochiti Lake, as seepage occurred, livestock were rotting in the increased high water table, farm machinery was rusting; what used to be a paradise was now totally abandoned. The remaining agricultural lands were lost to us forever. No more lands of the Pueblo would ever be under cultivation. Comparatively speaking, we lost our way of life literally overnight. A way of life our people had known since time immemorial was now gone. Our entire ceremonial calendar was tied to it.

The construction of Cochiti Lake is only one part of the incredible tragic experience that will haunt us forever. The next major issue as mentioned before that complicated our lives and divided our community was the development of the Town of Cochiti Lake, a master plan for a "seven day weekend." As I mentioned earlier, these projects were moving forward simultaneously. When we began the discussions of what to do to save ourselves from the devastation of the construction of Cochiti Lake, the elders decided that we should establish a committee to develop a strategy, a plan to slay the two-headed monster. Cochiti was blessed with legal counsel who would help to articulate our plan. We were advised that we would have to engage in a legal battle against the Corps of Engineers and against the United States government. When we went out external to the community to talk with people at the Bureau of Indian Affairs and at the congressional level, no one really gave us much hope that we would overcome this challenge. In the classic sense this was a David and Goliath battle, the little community of Cochiti with less than 1,000 people going against one of the oldest and most powerful institutions, the United States Corps of Engineers represented by one of the most powerful countries in the world, the United States of America. It was the desire of the elders that we do all that was necessary to regain and restore the lands lost and that was our mission to pursue. They would say, if it takes every last penny, do what is necessary so that those children yet to be born might inherit from our efforts a place they can call home. We are old and cannot be of much help but we will be there to support you and offer our prayers for you to be guided by all those who have gone before. They will not fail us, they said.

When I was 22 years of age and fresh out of Princeton, I was called to service in the traditional way, and I dedicated my life to this cause. I still get emotional talking about this, regardless of how many times that I have shared this story over the last 30 years, because it represented a challenge of sheer survival. It would be a fight to protect the people, those who had gone before us, those here today, and those yet to be born. It would be a

fight to protect the lands given to us by the Creator and the altars that had provided the people the connections of this world and that world beyond. It was to save the heart of a way of life little understood by others to be appreciated. It is as the elders taught us during the worst times, that sometimes enemies are the greatest teachers of compassion, and through the worst of the challenges, the heart of our prevailing in the greatest challenges was to hold strong to the principles and philosophies of trying to do things in the manner that respected people in that process. Do not treat people the way we have been mistreated the elders would say. And the elders said that along the way there will be many from other walks of life who will join you because they share the same values and principles. So welcome them and together carry forth our prayers, they would constantly remind us. And along the way, many joined us as they said people would. We would never have prevailed in all the challenges that we faced if it were not for people from all walks of life who joined us in this effort along the way.

That is just part of the story. With the development of the Town of Cochiti, we realized that leasing half of our reservation and potentially seeing 40,000 people added to our reservation with their own government would in time result in our people losing control and becoming a minority on our own reservation. So began another set of strategies to undo this mess. We were aided fortunately with the reckless nature of the marketing of this "seven-day weekend paradise," as it was being advertised. Early troubles resulted in a series of legal and financial problems for the developers. Long story short, the developers were caught up in having to divest their real estate holdings to stay afloat, complicated with false advertising resulting in a class action suit that led to a fortunate bankruptcy filing. We quickly moved to create a corporation called the Cochiti Community Development Corporation and put several million dollars up for investment and petitioned the Court to allow us to step in as the developer. In essence, our plan was to buy back the master plan and prevent any other developer from stepping in to develop the master plan. Our master plan would be to reduce the scope of this development. Who ever heard of investing money to purposefully reduce development?

In reducing the scope of economic development, we were fully cognizant that we would never make money. But that was not our goal. Our goal of the master plan was to reclaim control, to become the landlord of our own land as a way to force the developers out and to mitigate in whatever way we possibly could to reduce the size of that area known today as the Town of Cochiti Lake to a manageable size. We convinced the Judge and the Judge bought the plan to reduce the scope of the master plan. I remember during this process traveling with delegations of elders from our community at sunrise for bankruptcy proceedings in Dallas and flying back at the end of the day several times a week, because our people did not want these tribal representatives away from our community overnight.

No one gave us a chance that we could do that, but again, holding strong to the wisdom and the direction of our elders over many, many years, we were able to achieve that. This investment reduced the leased area to less than 1,000 acres, which resulted in a town that would not grow beyond the boundaries of what we see there today. But in the process, many innocent people were caught up in that fight. The elders would always tell us to be mindful and to be respectful of the innocent people caught up in our fight. And in a fight no one gave us a chance we could ever accomplish, we prevailed. We now became the landlords of our own lands, having bought back the leased area. We will never completely undo the town but it will never have 40,000 people there. The elders would say, however, that as long as the town is there, it would consume a lot of our energy. And true to their words, it has. I guess it should remind us to never make the same mistakes.

I see some of the representatives from the Corps of Engineers here today. There was a time early on in this process when the Corps of Engineers and the Cochiti Tribal Council could not stand to be in the same room together. They knew very little about us and we knew very little about them. Through the legal challenges we were forced by the federal court to go jointly (the Pueblo of Cochiti and the Corps of Engineers) to Congress to secure the necessary resources that would lead to a settlement. The result was securing resources to provide the reconnaissance study to research and evaluate what would be the best system that might be implemented to reduce the water table, to have a chance to restore the land, and to do necessary amendments to those lands so that someday the wishes and desires of the Cochiti leaders might be realized and we would be able to plant our crops again. We eventually became friends. The forced relationship provided opportunities for learning and working together. After years of litigation and the worst kind of an adversarial and antagonistic relationship, we were working together. Through this process we would write a different ending. Together we achieved the impossible.

When it seemed as though we would never achieve our goal of securing congressional support and even when our own congressional delegation was reluctant, we were blessed with the support of Senator Daniel Inouye from Hawaii. Senator Inouye had just become the Chairman of the U.S. Senate Committee on Indian Affairs. When we took our story to him, that we were facing a reluctant Congress, he promised to change that. He came to Cochiti as the first official visit of his chairmanship. There he was embraced by the veterans of the Pueblo. From that visit, together with Senator Domenici and Senator Bingaman he would organize a rare oversight hearing. He vowed to the veterans that the United States of America, who they fought to defend, would not fail them. He would enter our cause into the record and hold them liable for their devastation. No

more dark chapters in American history he said. And with that, a turn of historic proportions toward our ultimate victory began.

Over time we were able to accomplish that, but in the midst of that fight was yet another one brewing. The next fight involved the energy shortage and the opportunities for growth and development at the Los Alamos National Laboratories resulting in a whole new proposal for hydro-electric power. Hydro-electric power was the proposal at the same site that had been desecrated during the construction of Cochiti Lake. Hydroelectric, Inc. out of Littleton, Colorado, I remember, and will forever remember, raised a whole other set of challenges simultaneously to our fight with the U.S. Corps of Engineers, our lawsuit against the developers, and the bankruptcy proceedings. This was the third head of this monster that we had to slay. Incredible challenges were brought by the proposal to produce hydro-electric power at the mouth of the lake. For example, clean energy and an extraordinary opportunity for revenue streams for the community and for the tribe would be tempting. But it was at the same site that had been the cause of one of the most painful experiences for the people. One elder stated that to contemplate this proposal would be like throwing the sacred cornmeal with one hand and reaching out with the other hand for cash. His point was, how do you justify that contradiction? And so started a whole other set of legal strategies to confront this proposal because Hydroelectric Power would not back down. Hydroelectric Power took us all the way to the highest administrative level with the Federal Energy Regulatory Commission (FERC) and its process to issue permits. Even as we were trying to stop hydro-electric power on our own reservation, the law and the manner in which dollars were appropriated to construct Cochiti Lake meant that for any other beneficial use we would not have a right to stop such a potential public benefit as it was being defined.

The greatest of these challenges that came with this proposal was the realization that the American jurisprudence and the constitutional framework that affords protection and freedom of religion to all citizens of this country, we would unfortunately find out, did not hold true for us, the Cochiti people. The Department of Justice who was supposed to be our guardian defined for us the interpretation that our religion and our efforts to protect our place of worship could not be protected under the constitution or using the American Indian Religious Freedom Act because our native religion was defined as an "unorthodox religion" that did not have the protections under the United States Constitution. We, rather than the developer, would have to bear the full burden of proof to protect the site by sharing the reasons as to why it needed protection. As we moved through the entire administrative process, we tried to secure a private hearing to protect a fundamental tenet to our religion. One of the most fundamental tenets to the principles and philosophy of pueblo religion is the prohibition of divulging any aspect of our religion, which would force

us into a situation and an inability to make the necessary arguments to meet the burden of proof to protect our place of worship against a proposal for the public good. This was a complete flipside to what otherwise would be the case in any other set of circumstances or any other orthodox religion where the developer would bear the burden of proof as to why the project was necessary in the face of potential destruction of a religious site. Building a road through St. Francis Cathedral to the ski basin would never happen, right? But the burden that we faced and held would result in an effort to try to secure a private hearing. We prevailed and secured a private administrative hearing. However, as the Tribal Council deliberated on who would best articulate the necessary points for us, they concluded that whoever would be charged with that duty, that by achieving its goal, they would have to excommunicate that individual because he would have broken a vow to save the place from further desecration. At the end of the day, the elders decided that we would be forced to walk away because they could not find within them the heart to sacrifice someone in this process. So painfully, they decided that once again we would fail in our sacred trust to protect that place of worship. So after an exhaustive effort to secure the private hearing to make our case we consciously made a decision to walk away, because in that process we would have sacrificed someone from our community to make the necessary arguments in that private hearing to prevent the issuance of a permit by FERC to Hydroelectric Power. In the process of championing the cause to protect that place of worship, someone would lose the very essence of their being and would necessarily be ostracized from their own community. The elders felt that it was not something they could do and we walked away. But in the eleventh hour, then Congressman Richardson, now Governor Richardson, who took up our cause, introduced legislation and after a long battle with members of Congress who felt that if we were accommodated it would set a dangerous precedent that tribes would use the same arguments to hold up major water projects in the west, legislation passed in dramatic fashion one evening, five minutes before midnight, before adjournment, to prevent hydro-electric power at that site. Once again, our prayers were answered and we prevailed in yet another classic David and Goliath battle.

The fourth issue to all of this arose in the discovery process during the *Aamodt* water rights proceedings. Research by the attorneys on that case led to the discovery in Guadalajara that would result in producing the document that the Pueblo of Cochiti did not have in its final effort to present its case for the wrongful taking of 25,000 acres known as the Santa Cruz Springs before the Land Claims Commission. After years of tireless effort, Congressman Richardson, Senator Domenici, and Senator Bingaman championed the cause to regain 25,000 acres that we purposely defined in legislation as land that would be maintained in its pristine nature forever, not just for us to enjoy, but also for the public to enjoy. This was the sweet

culmination of our fight for survival that gave us a second chance that most never get. We are grateful for that opportunity.

In closing, I just simply want to say that the Corps of Engineers has been a part of this dialogue with the Pueblo for many, many years, and we now are good friends for a common cause. In this process we felt strongly enough, even though we could not stand to be in the same room at one point, that it was important for the future that we engage in a necessary facilitated dialogue to resolve the past. In order for us to go forward in the newly defined and articulated relationship and partnership for the management of Cochiti Lake and as stewards of Cochiti Lake there needed to be a reconciliation of the past. We have moved forward in these discussions and at that very site for the first time in history the Corps of Engineers publicly apologized for what it had done to the people of Cochiti. We have begun a whole new chapter by working together to define a common agenda and a common purpose.

One of the first examples of working together was when a call was made to address the desperate circumstances with the silvery minnow. The issue was potential increased storage at Cochiti that would threaten cultural sites and places of worship upstream. This concern resulted in an unprecedented position that the Corps would take, that it would not move forward in making any decision without their partner, the Pueblo of Cochiti, they publicly stated. So for us, for all the worst experiences that we could be subjected to, here was the first blessing of what the elders always taught us, that someday our good deeds in our treatment of others no matter how difficult would be returned when we were most in need of similar treatment. If we are mindful in our life experiences and can look at the mistakes of the past and recognize how we learn from them together, that good things will always come about. And in this process sometimes as we view one another as enemies, that enemies often are the greatest teachers of compassion they would always remind us. I firmly believe that all of the prayers and the wisdom of the elders is why we prevailed in our challenge against the Corps of Engineers and the United States government, the challenge to the developers and the challenges faced with potential hydro-electric power. Today we are given a whole new opportunity after 30 years of struggling with a new relationship with the Corps and with control over the development of our area.

I share with you these four major issues over the course of the last 30 years that have been an incredible set of experiences for our people. It is an example of circumstances that every tribal community has experienced in some similar fashion to some degree or another. I hope that what it does is provide you with just a very small window of opportunity to realize the challenges our communities have overcome that create the context of perspectives in our discourse over issues of mutual concern and interests that absent this opportunity to learn from one another can never be

appreciated to understand the emotion we speak with on current issues. It is this immediate past that makes responses to issues so emotional. All of you in your respective capacities deal only with water. Appreciate that those who come to the table on behalf of these tribal governments and their people come with extraordinary loads of responsibility with a similar historical perspective. These are all issues intricately tied and related to one another. Discussions on water, the sacredness of its spirit, the source of all life is at the heart of our sacred trust. I thank the people for the opportunity and I wish we had more time because this is a really incredible story, not just of the people of Cochiti Pueblo, but of their incredible will, incredible courage, and the spirit to maintain the course, to believe, and to have hope and faith that this government of the United States can be an example of what an incredibly extraordinarily profound country we live in. In the midst of the kinds of competing interests that we all face, if only we could create opportunities for dialogue, for understanding that there are ways that we can work out the most complex of issues. As these examples that Cochiti was able to overcome demonstrate, we can be successful. Cochiti did not overcome this without the support of people at the State level and without the support within the executive, judicial, and legislative branches of government. Without the support of the many organizations like the Sierra Club, the Conservation Alliance, and people from all walks of life who came to join us in these fights because they were fights about principles and values worth preserving, our accomplishment would not have been possible. Our fight became their fight. It was ultimately not about winners or losers. It was about how we strike a balance and work toward accommodations without violating or compromising principles. It was moving issues toward a common agenda and working in a spirit of cooperation.

I thank you for the opportunity for this kind of dialogue because this is what will get us beyond the most difficult times in the future with the opportunity for this kind of understanding that can only come from an engaged dialogue over something that is so precious, as we all know water is — the source of all life for all of us. Thank you very much.