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THE NATURE CONSERVANCY OF NEW MEXICO

212 E. Marcy Street • Suite 200 • Santa Fe, NM 87501 • (505) 988-3867 • Fax (505) 988-4095

January 15, 2001

Edwin Singleton
Albuquerque Field Manager
Bureau of Land Management
Albuquerque Field Office
435 Montañito Road, N.E.
Albuquerque, New Mexico 87107

Re: Draft Environmental Impact Statement of November 2000 for the proposed Santo Domingo Pueblo/Bureau of Land Management land exchange

Dear Mr. Singleton,

I have reviewed the draft Environmental Impact Statement (EIS) of November 2000 for the proposed Santo Domingo Pueblo/Bureau of Land Management land exchange, and would like to respond on behalf of The Nature Conservancy of New Mexico.

My understanding is that the proposal under consideration would involve a land exchange between the BLM and the Santo Domingo Pueblo in which: (1) 7,376 acres of BLM surface and subsurface land would be transferred to the Pueblo, subject to a conservation easement held by the federal government and managed by the Bureau of Indian Affairs; and (2) the Pueblo would transfer to the BLM lands of equal value, yet to be acquired by the Pueblo, located elsewhere in New Mexico. The latter lands would be within BLM high priority acquisition areas and would ultimately be protected through designation as Areas of Critical Environmental, Wilderness Study Areas, or other such conservation status. The federally-owned conservation easement would cover all but 1,300 acres of the transferred land. On these 1,300 acres, both subsurface and surface rights would be transferred to the Pueblo. This will allow the Pueblo to develop the sand and gravel found within this limited area.

The Nature Conservancy of New Mexico is a nonprofit membership organization whose mission is to preserve the plants and animals that represent the diversity of life on Earth by protecting the land and water they need to survive. We have been conserving biologically important lands and waters in New Mexico since the early 1970s. We have nominated and provided scientific documentation for the designation of many New Mexico sites as BLM Areas of Critical Environmental Concern, including the Ball Ranch ACEC. We have worked for years with the BLM to consolidate its holdings across New Mexico. We are pleased to have played a role —



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Response I-A - BLMs high priority acquisition areas have been identified as having resource values that would support the values BLM is managing for in adjoining lands. Frequently these are Areas of Critical Environmental Concerns (ACECs) or Wilderness Study Areas (WSAs). However, the areas could be managed for recreational or other special values. These uses may not always be considered conservation uses but they would support BLM uses on adjoining lands.

primarily scientific one — in helping the BLM protect these important conservation areas, and we hope to carry on this collaborative and productive relationship with the BLM far into the future.

Our principal concerns with the proposed exchange in the various forms it has taken over the past few years have to do with the exchange area's conservation value as habitat for rare plants and as a large, mostly unfragmented natural landscape. (Please see a copy of my letter of August 18, 1998, enclosed.) The Ball Ranch ACEC was established to protect populations of these plants (Santa Fe milk-vetch, Galisteo sand verbena and grama grass cactus). We believe it is critically important that this ACEC be managed not in isolation, but rather as part of a larger landscape, a continuous block of habitat that is unfragmented by different management regimes or intensive residential or commercial development. Moreover, we hold that BLM's management of the ACEC would be best directed at conserving the plant populations and ecological interactions for which it was established.

The draft EIS adequately addresses many of our concerns about the impact of the land exchange on the ecological integrity of the site. The Nature Conservancy therefore supports the BLM's Proposed Action Alternative (Alternative A). Retention of the Ball Ranch ACEC block by the BLM would allow for careful management by the agency for the ACEC's irreplaceable biological values. And the federally-owned conservation easement (to be managed by the Bureau of Indian Affairs) would adequately protect many of the conservation values found on the lands that are to be transferred out of federal ownership. We urge the BLM, as it sorts out the issues and determines the final details of the land exchange, to protect the biological diversity and open spaces of this singular natural landscape.

Thank you for the opportunity to comment on the Santo Domingo Pueblo/Bureau of Land Management land exchange proposal. If you have any questions about our position with respect to the exchange, please do not hesitate to call me at 505/988-1542, extension 213.

Sincerely,



William R. Waldman
State Director and Vice President

enclosure



THE NATURE CONSERVANCY OF NEW MEXICO

212 E. Marcy Street • Suite 200 • Santa Fe, NM 87501 • (505) 988-3867 • Fax (505) 988-4095

August 18, 1998

Debby Lucero
BLM Albuquerque Field Office
435 Montaña N.E.
Albuquerque, New Mexico
87107

Re: Proposed Ball Ranch land exchange

Dear Ms. Lucero,

Thank you for informing us that the Bureau of Land Management is considering a new land exchange proposal in the Ball Ranch area. We would like to provide a few comments in response to your letter dated July 15, 1998. Our understanding is that the proposal under consideration would involve a three-way land exchange: (1) transfer of 18,295 acres of federal land to the Pueblo of San Felipe and the Pueblo of Santo Domingo; (2) transfer of yet-to-be-identified lands by the Pueblos to the BLM, and subsequent transfer of these lands to the New Mexico State Land Office; and (3) transfer of certain State lands to the BLM.

The Nature Conservancy of New Mexico is a nonprofit membership organization whose mission is to preserve the plants and animals that represent the diversity of life on Earth by protecting the land and water they need to survive. We have been conserving biologically important lands and waters in New Mexico since the early 1970s. We have nominated and provided scientific documentation for the designation of many New Mexico sites as BLM Areas of Critical Environmental Concern, including the Ball Ranch ACEC. We have worked for years with the BLM to consolidate its holdings across New Mexico, and are currently negotiating such a land transaction for the Sabinoso site in San Miguel County. We are pleased to have played a role — primarily a scientific one — in helping the BLM protect these important conservation areas. We hope to carry on this collaborative and productive relationship with the BLM far into the future.

The land included in the proposed Ball Ranch exchange is geologically unusual, containing outcrops of Todilto Limestone, a rock type found in few other places in New Mexico. The outcrops on the Ball Ranch provide habitat for two plant species that are as



limited in distribution as the Todilto Limestone itself — Galisteo sand verbena (*Abronia bigelovii*) and Santa Fe milk-vetch (*Astragalus feensis*) — though only Santa Fe milk-vetch has been located on the proposed exchange land to date. The ranch supports a third species (grama grass cactus, *Pediocactus papyracanthus*) that is more widely distributed than the first two, but suffers from habitat degradation virtually wherever it occurs. Together with other, more common, plants on the ranch, they form an unusual plant community that is perhaps more amenable to conservation management here than anywhere else in New Mexico.

In mid-1997, a team of more than 90 expert scientists and land managers from New Mexico and Arizona convened specifically for the purpose of identifying critical plant and wildlife conservation areas in the Arizona-New Mexico Mountains Ecoregion. The area that the BLM has proposed for disposal, which the experts named the San Felipe-Todilto Limestone site, is one of 52 such sites whose conservation is essential to survival of the native biological diversity of the ecoregion.

Fortunately, the BLM has already designated a portion of the Ball Ranch as an Area of Critical Environmental Concern. Moreover, The Nature Conservancy retains a conservation easement over more than 11,000 acres of deeded land adjacent to the exchange lands identified in your letter. The Ball Ranch ACEC, if appropriately managed, will protect a portion of the San Felipe-Todilto Limestone site and the plant populations it contains. In the exchange proposal, the BLM would retain ownership and management of the Ball Ranch ACEC, together with several adjoining sections of land that could serve as an ecological buffer for the plant populations of concern. We strongly support retention of this land, and encourage the BLM to manage the land surrounding the ACEC as a buffer zone.

Unfortunately, the proposed exchange would result in transfer of the balance of the site out of federal ownership and management. Our recent surveys have determined that the land identified for disposal is important to the protection of the San Felipe-Todilto Limestone site, as is the previously designated ACEC. We feel that it is critically important that the ACEC be managed not in isolation, but rather as part of a larger landscape, a continuous block of habitat that is unfragmented by different management regimes or intensive residential or commercial development. Single ownership can simplify and improve management of large blocks of undeveloped land — especially land that provides habitat for species and natural communities whose survival depends on careful, restorative management, as do those of the Ball Ranch.

For these reasons, we oppose transfer of this land out of federal ownership and management. We believe that the land in question should be managed primarily for its biological values, and that the BLM already has the mechanisms and resources in place for doing so. An ACEC has already been established within the core of the site, and the landscape within which the ACEC is nested is currently managed by the same agency.

We urge the BLM to reconsider the proposed land exchange in the context of the Ball Ranch's recognized biological significance. Moreover, we urge the agency to consider formally expanding the boundaries of the Ball Ranch ACEC so that it encompasses an area large enough to allow for full protection and restoration of the San Felipe-Todilto Limestone site.

Thank you for the opportunity to comment on the Ball Ranch land exchange proposal. If you have any questions about the biological information we have provided in this letter or about our position with respect to the exchange, please do not hesitate to call me at 505/988-1542, extension 213.

Sincerely,

William R. Waldman
State Director and Vice President

January 11, 2001

Edwin Singleton, Field Manager
Bureau of Land Management
Albuquerque Field Office
435 Montano Road N E
Albuquerque, NM 87107

ES

01 JAN 17 11:10:32
BLM
010 ALBUQUERQUE, N.M.

Dear Mr. Singleton,

Having read the Santo Domingo Pueblo/ BLM Proposed Land Exchange we would like to comment. We are landowners in one the areas of possible acquisition.

2-A In order to prevent misunderstandings we would like to see map 4-D corrected to reflect the private lands that exist in the Rio Grande corridor. The map as it appears now implies that the corridor is owned by the BLM, which is not true.

Additionally we feel you have essentially omitted 1/2 of the exchange. The EIS addresses the property that Santa Domingo will receive and the EIS covers all the issues associated with this part of the exchange. What is does not address is the other 1/2 of the exchange. It only identifies that land that will be transferred by the Pueblo to BLM as "something of equal value in Rio Puerco or Taos RMP's". We want to know the exact lands identified for acquisition in the Rio Grande Corridor and Embudo Valley (Map 4-D).

Although the private lands are not specifically indicated on Map 4-D of the Santa Domingo Exchange EIS we are aware that that all the private lands along the corridor were listed for possible acquisition in the Rio Grande Corridor Final Plan January 2000. In fact several landowners have already been approached to sell their land. Would you please spell out specifically the parcels most desired and what criteria will be used for choosing which land will be acquired.

2-B The majority of the corridor land is prime river bottom agricultural land. Rio Arriba has clearly established it's intention to preserve the land that has been used for agriculture for centuries as evidenced by the new ordinance (Agricultural Protection and Enhancement Ordinance 2000, Appendix Q of the Rio Arriba County Subdivision Land Regulations). This is land that should not be used for public access and recreation.

2-C We must object to Alternative A & B until we know all the exact lands to be exchanged. Under this current draft we do not know the whole picture and are not being consulted or represented in this exchange. The draft EIS does nothing to address the impacts-- sociological, cultural and economic to our El Valle de Embudo and Dixon communities

Response 2-A- The map has been changed and should be more easily read.

Response 2-B- We have reviewed Appendix Q. We do not believe the Federal acquisition of land for uses currently proposed through the planning is contrary to the intent of the Counties Ordinance. However, this is not a critical question now since the "offered" lands have been identified and they are in Santa Fe and Taos Counties.

Response 2-C- The "offered" lands have been identified in Santa Fe and Taos Counties. Lands identified for acquisition through the Rio Grande Corridor Plan were not identified as having measurable impacts on the identified communities.

In general we can not support this policy of "exchanging" lands without full disclosure of the lands being exchanged.

Thank you for your attention to our position.

Gaywynn Cooper *Gaywynn Cooper*
Ed Cooper
Ron Rinker *Ron Rinker*
Jay Geiger
Stan Soldoski *Stan Soldoski*
Beverly Pappe *Beverly Pappe*
Judy Buffaloe *Judith Buffaloe*
Robert Stout *Rob Stout*

P O Box 99 Embudo, New Mexico ~~87531~~ 505-579-4190

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KOCH, KELLY
&
McCARTHY**
A Professional Association

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Attorneys and Counselors at Law
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Benjamin Phillips Susanne C. Odum
David F. Cunningham
Albert V. Gonzales
Janet Clow
Kevin F. Reilly
C.W.N. Thompson, Jr. Special Counsel
M. Karen Kilgore Paul L. Bloom
Sandra J. Brinck
Aaron J. Wolf
Mary E. Wallis
Rebecca Dempsey
John M. Hickey

January 11, 2001

Mr. Edwin J. Singleton
Field Manager
Bureau of Land Management
Albuquerque Field Office
435 Montano Road NE
Albuquerque, NM 87107-4935

Re: Environmental Impact Statement
Proposed Land Exchange
BLM/Santo Domingo Pueblo

Dear Mr. Singleton:

On behalf of the Estate of Edmund F. Ball, the following comments on the draft Environmental Impact Statement are submitted:

- 3-A 1. The Ball Estate is the owner of the north half of Section 1, T13N, R7E, a portion of which is within the area proposed for exchange with Santo Domingo Pueblo. This tract is unfenced and, since it is used for cattle grazing, it is not economical to fence the property. The Ball Estate is interested in exchanging this tract for other lands that adjoin other Ball properties.
- 3-B 2. The Ball Estate is the owner of a tract within the Ortiz Mine Grant that adjoins BLM properties proposed for exchange with Santo Domingo. This tract adjoins Sections 24 and 31, T14N, R7E, and Sections 6 and 13, T13N R7E. The common line between the BLM properties and the Ball Ranch is unfenced, which will create problems in the future for both the Pueblo and the private landowner, both of whom would presumably continue to use the properties for grazing cattle.
- 3-C 3. My client has made improvements on the BLM property, such as fencing, water troughs, etc., which we understand are being appraised by the BLM, and the lessee will be compensated for the value thereof.

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Response 3-A- This would have to be handled through a separate exchange proposal, otherwise the matter will require an agreement between the Ball Estate and the Santo Domingo Pueblo.

Response 3-B- This fencing would require an agreement between the Ball Ranch and the Santo Domingo Pueblo.

Response 3-C- The improvements have been identified and a valuation of the improvements has been completed. The Ball Estate will be compensated for these improvements on Federal land.

Mr. Edwin J. Singleton
January 11, 2001
Page 2

3-D 4. We have previously identified the need for access across Section 18, T14N, R7E, Section 31, T14N, R7E, and Section 6, T13N, R7E. If acceptable access cannot be established between my client and Santo Domingo Pueblo, we expect the BLM to issue a right-of-way before completing the exchange and to make the Patent subject to the right-of-way.

We have no opposition to the proposed exchange with the understanding that the Conservation Easement will be imposed upon the property so identified, and that the terms and conditions thereof will be enforced by either the BLM or the Bureau of Indian Affairs. We request that the foregoing itemized matters be addressed by the BLM in making its final decision.

Very truly yours,



John F. McCarthy, Jr.

cc: Douglas J. Foy
Bill Waldman

JFM:lg

3212-018

Response 3-D-Historical use access would be provided for.

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Santa Fe, New Mexico 87505-7502

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Ed Singleton, Field Manager
Bureau of Land Management
435 Montañño Road, NE
Albuquerque, NM 87107

*comments on Santo Domingo
land exchange DEIS*

Dear Mr. Singleton:

Thank you for opportunity to comment on your November DEIS "Santa Domingo Pueblo/ Bureau of Land Management Proposed Land Exchange." We won't object to the exchange. However, we here present for its cautionary value our reasoning about two areas of concern.

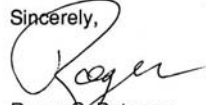
In general we like exchanges that block up important BLM lands, and this fits. However, not knowing just what lands will be offered puts a definite limit to our enthusiasm. One difficulty is that "equal value" is based on market values whereas our interest is in natural values, especially those related to biological diversity; there may be no match between these different standards. A second difficulty, based on recent nationwide experience, is that we don't trust BLM even to obtain equal market values.

Our second area of concern is that we don't know the selected lands as well as we'd like. We think that the DEIS is right and that the only special biological value present is petrified wood. We're willing to sacrifice those fossils for what's to be gained by an exchange. But we regret the seasonal timing of the DEIS which has made it difficult for us to look carefully at the land.

4-A We understand that other land exchanges in the immediate area are in the works. They will probably involve higher "special biological values." Please write DEISs that look very carefully at those values and evaluate them in relation to biological features that will not be exchanged, so that we are assured that we lose nothing unique. We will be looking more closely at the selected lands in those exchanges.

Incidentally, the Rio Grande Chapter of the Sierra Club has also considered the DEIS but won't be sending a comment. I (personally, not as a NMNHI employee) was asked to draft comments for the Club. We ran afoul of a temporary national Club policy that makes it difficult to say anything favorable about a BLM land exchange. I think that the Chapter's position would not be far from that expressed above; at least the Chapter won't object to your decision.

Sincerely,



Roger S. Peterson
Secretary

Response 4- Comment Acknowledged

EL BOSQUE PRESERVATION ACTION COMMITTEE
POST OFFICE BOX 26 • EMBUDO, NM 87531 • 505/579-4214

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 January 12, 2001
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 001 ALBUQUERQUE, N.M.

Mr. Edwin Singleton
 Albuquerque Field Manager
 Bureau of Land Management
 435 Montano Road
 Albuquerque, NM 87107

Dear Mr. Singleton:

Members of El Bosque Preservation Action Committee are residents and landowners of the lower Rio Grande gorge from the Taos County line to the Velarde diversion dam - the area that has been slated for land acquisition in the Final Rio Grande Corridor Plan 2000. We would like to make the following comments on the Santo Domingo Pueblo/BLM Proposed Land Exchange.

5-A In the Santo Domingo Draft EIS MAP 4-D "Land Identified for Acquisition" there is no clear indication of the private lands that exist in the Rio Grande corridor and in the Embudo Valley. It appears that all the land in the corridor is BLM owned. This map should be corrected to accurately reflect private land ownership in the river corridor and in the whole Embudo Valley.

Although the private lands are not specified on Map 4-D of the Santo Domingo/BLM Land Exchange Draft they are listed in the Rio Grande Corridor Final Plan of January 2000 (RGCFP2000) prepared by the the Taos Field Office of the BLM (See RGCFP2000, page 3-9 to 3-13). In fact some landowners from this table have already been contacted for purchase of their land. Consequently one half of the exchange has been omitted from the draft. The EIS addresses the property that Santo Domingo will receive. It identifies the land that will be transferred by the Pueblo to the BLM as something of equal value in Rio Puerco or Taos RMP'S, but it fail to list the lands BLM has already specified for acquisition. We request that you "put a face" on this acquisition by including in the EIS the land slated for acquisition, as specified in Chapter 3 of the RGCFP2000.

5-B The majority of the corridor land in this section of the river is prime river bottom agricultural land that has been farmed for centuries. Rio Arriba County, the county in which we live and farm, has been in the forefront in its efforts to preserve these lands as evidenced by the newly enacted "Agricultural Protection and Enhancement Ordinance 2000, Appendix Q, of the Rio Arriba County Subdivision Land Regulations". Therefore, we oppose any land sales purchases that would compromise the preservation of agricultural lands or negatively affect the tax base of this economically disadvantaged county.

5-C Under the current draft the "whole picture" of the exchange and its ramifications are omitted from the draft. Landowners in the Embudo Valley were neither notified, consulted or represented in this "exchange". The draft, which was not distributed in our area and only came to our attention through a concerned third party, does not consider the sociological, cultural, and economic impact to our communities.

Response 5-A- See response 2-A. Map has been improved.

Response 5-B- The offered lands have now been identified. Approximately 175 acres are "offered" in Taos County. These are not farm lands and the difference between the taxes and the payments in lieu of taxes will be small.

Response 5-C- The "offered" lands have been identified. Most of it is in Santa Fe County but approximately 175 acres of Taos County lands are included. These Taos County lands were identified for acquisition and analyzed in the Rio Grande River Corridor Plan and EIS. No measurable impacts were identified resulting from the proposed acquisition in that EIS.

EL BOSQUE PRESERVATION ACTION COMMITTEE
POST OFFICE BOX 26 • EMBUDO, NM 87531 • 505/579-4214

In general we cannot support this policy of "exchange" without full disclosure of the specific lands in the exchange and an opportunity for people in the affected communities to comment. We would appreciate your response to these concerns, and mailings of all future land exchanges that will affect our community.

Sincerely,

Kay Weiner
Kay Weiner, for EBPAC

LOU MALCHIE • BOX 26 • EMBUDO, NM 87531

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12 January, 2001
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DIP ALBUQUERQUE, N.M.

Mr. Edwin Singleton
Field Manager
Bureau of Land Management
435 Montano Road
Albuquerque, NM 87107

Dear Mr. Singleton:

This letter is to comment on the proposed Santo Domingo Pueblo/BLM Land Exchange. As a twenty-five year resident of Embudo I am opposed to any BLM purchase of land in the Dixon/Embudo area for the following reasons.

- 6-A 1) Property would be removed from the tax base, which is already small due to the amount of Federal lands owned in the state.
- 6-B 2) Agricultural land would be removed from production and water rights would be lost, with an overall negative effect on the health of the local acequias.
- 3) There is already a scarcity of land available for residential and agricultural use in this area as it is surrounded by BLM and Forest Service lands.
- 6-C 4) The social and cultural fabric of this very cohesive area would be severely damaged by the loss of residents and the trend toward using this area for recreation rather than agriculture and residence.

Dixon/Embudo is an old, established community. Just because we have the fortune - or perhaps the misfortune - to have beautiful surroundings, we should not have to make way for the recreational pleasures of people who have no connection to the community

Sincerely,

Lou Malchie

VOICE: 505/579-4214 • FAX: 505/579-4511

Response 6-A- BLM would be acquiring land by exchange therefore while the tax base may decrease for one county the in-lieu-of-tax payment would increase for that or some other county. The change in receipts would be small. The 175 acres of "offered" land in Taos County previously were taxed as grazing lands and would become part of the entitlement lands for in-lieu-of-tax calculations.

Response 6-B- The Taos County land "offered" were identified for acquisition and analyzed through the Rio Grande Corridor Plan/EIS (September 2000). This acquisition was not identified as having measurable impacts on water rights, acequias or the communities. It was previously grazing lands.

Response 6-C- The Taos County land "offered" in this exchange had been identified for acquisition in the Rio Grande Corridor Plan/EIS measurable impacts of this acquisition were not identified through that analysis.

ROTHSTEIN, DONATELLI, HUGHES, DAHLSTROM, SCHÖENBURG & ENFIELD, LLP*Attorneys at Law*

RICHARD W. HUGHES

TEL: 505.988.8004

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January 12, 2001

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Mr. Edwin J. Singleton, Field Manager
Albuquerque Field Office
Bureau of Land Management
435 Montañó Road, N.E.
Albuquerque, New Mexico 87107

Re: Santo Domingo Land Exchange EIS

Dear Mr. Singleton:

I am providing you, herewith, the comments of the Pueblo of Santo Domingo on the draft Environmental Impact Statement concerning the proposed land exchange between the bureau and the Pueblo of Santo Domingo for lands within the so called "Ball Ranch." We appreciate the opportunity to comment on the draft E.I.S., and also we appreciate the work of your office in preparing the E.I.S. and otherwise processing the exchange.

Our comments on the draft E.I.S. are as follows:

1. In the Summary Comparison of Alternatives, especially on page S-3, you give certain estimated values of sand and gravel projected to be developed, based upon a current price of \$1.10 per cubic yard. It is our understanding that at the present time, there is not yet a final appraisal of the minerals underlying the lands to be exchanged to Santo Domingo. The \$1.10 per cubic yard price is one that, as far as we know, has no basis in fact, and thus gives a distorted impression of values. Moreover, an appraisal that was performed on this very same property just over one year ago, commissioned by the BLM, concluded that an appropriate royalty rate \$0.85 per cubic yard. While we believe that even that figure is high (BLM approved a sand and gravel lease for a property much closer to Albuquerque in late 1998 for a royalty of \$0.67 per ton), nothing in that appraisal supported the \$1.10 figure.

7-A

Additionally, the gross figures contained in the table appear to be derived by simply adding the value of material projected to be mined, at the \$1.10 per cubic yard figure, year by year for some projected period, without discounting those numbers for present value. This, again, presents a wildly distorted impression of the value of the property being exchanged. Assuming that the forthcoming mineral appraisal will generate a more reasonable figure for the value of the minerals, having these numbers in the draft E.I.S. would lead anyone who might question this exchange to challenge it by comparing these numbers to the appraisal figures. We believe it is very much in error to set out projected mineral values in the E.I.S., unless and until a final appraisal has been arrived at, and then the figures should only be those consistent with the final approved appraisal.

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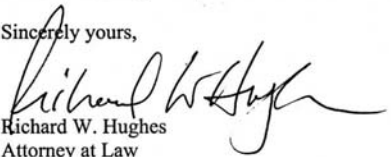
Response 7-A- The \$ 1. 10 is based on current market value and we have stated that based on that value the product available, either to be developed or not to be developed is a specific amount. You are correct we did not try to calculate a stream of income over a period of years and bring it to a net present value. Our figures are an estimate of product value at present price. Obviously, price will change as will demand and some other factors which complicate the calculation of net present value and would complicate reaching an agreement on what the mineral material production values would be over a given period.

Mr. Ed Singleton
January 12, 2001
Page 2

7-B 2. On page 4-4, under the heading "Impacts to Land Usage (Selected Lands)," the third paragraph contains the statement, "The two powerline rights-of-way currently within the existing designated corridor will be reserved in the patent and would continue to be managed by the BLM." This statement appears to be inconsistent with the description of the proposed action on page 2-1, which states, in the final sentence of the sixth paragraph, that the right of way corridor "would be included in the transfer to the Santo Domingo Pueblo." We are aware of no legitimate reason for reserving the two PNM powerline rights-of-way to the United States. As a practical matter, and as I am sure you are aware, the BLM conducts no actual "management" of a right-of-way, once it is granted, and the grantee essentially undertakes full responsibility to maintain its line and the conditions of the right-of-way corridor. Numerous major powerline easements cross Indian lands in New Mexico at the present time, including Santo Domingo land, and we are unaware of any adverse effects that have been suffered by public utilities by virtue of having their lines cross tribal lands. For the United States to reserve the easement of these two lines, but not others, would cause jurisdictional complexities that would be highly disadvantageous to the Pueblo. Particularly as a result of the Supreme Court decision in *Strate v. A-1 Contractors*, 520 U.S. 438 (1997), it has become extremely important that rights-of-way and other grants of interests in Indian lands not be burdened with jurisdictional ambiguity. To do as BLM suggests it intends to do in this portion of paragraph 4.4, however, would raise a serious question as to what interest the Pueblo is receiving in the strip of land affected by the right-of-way reserved to the United States. This would be intolerable, and would substantially diminish the value of the selected lands to the Pueblo. The Pueblo does not accept or agree to these terms, and urgently requests that BLM reconsider this aspect of the intended action, if in fact this is intended.

That concludes our comments. Otherwise, we appreciate the careful and thorough work that has gone into the draft E.I.S., and look forward to working with you in the future in order to finalize this exchange.

Sincerely yours,


Richard W. Hughes
Attorney at Law

RWH/cm

cc: Hon. Ramon Garcia, Governor
Benny Atencio, Tribal Secretary
Members of the Land Committee

Response 7-B- The corridor would be transferred except for the two specific rights-of-way which will be retained and managed by BLM.

RECEIVED
BLM
01 JAN 16 PM 3:06
DIX ALBUQUERQUE, N.M.

Sara Pene
Celeste Miller
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January 12, 2001

Mr. Edwin Singleton, Field Manager
Bureau of Land Management
Albuquerque Office
435 Montano Rd.
Albuquerque, NM 87107


Dear Mr. Singleton:

We are long-time residents of Dixon, NM who would like to comment on the proposed Santo Domingo Pueblo/BLM Land Exchange.

We believe that using the funds generated by this 'exchange' to purchase private lands in Dixon and Embudo would have severe detrimental effects on our area by destroying agricultural land and the ditches that support it; by diminishing the local tax base; and by diluting the culture of our fine community.

Thank you for your consideration of our feelings.

Yours Truly,



Sara Pene



Celeste Miller

Response 8-A-The Taos County land "offered" in this exchange had been identified for acquisition in the Rio Grande Corridor Plan/EIS. Measurable impacts of this acquisition were not identified through that analysis.

8-A

RECEIVED
BLM
01 JAN 12 AM 11:03
010 ALBUQUERQUE, N.M.

January 11, 2001

Roger Peery
5809 Tierra Viva NW
Albuquerque, New Mexico 87107

US Bureau of Land Management
Edwin Singleton
Albuquerque Field Office
435 Montano Road NE
Albuquerque, NM 87107

Re: Proposed Land Exchange between the BLM and Santo Domingo Pueblo

Dear Mr. Singleton:

Thank you taking the time to review my comments regarding the proposed land exchange between the BLM and the Santo Domingo Pueblo. My comments regarding the exchange are listed below, and presumably will also apply, at least in some instances, to the proposed land exchange between the BLM and San Felipe Pueblo. My comments refer to page numbers and headings listed in the draft Environmental Impact Statement, November 2000.

Page 1-1

NEED FOR THE PROPOSED ACTION

The need for the proposed action is unclear and ambiguous. The section specifically states "The exchange would also help reduce conflicts between public land users and private land owners, eliminate inappropriate development of private inholdings in specifically designated areas, and increase BLM's management flexibility. In addition, the Santo Domingo Pueblo would acquire lands that have been identified as having significant traditional cultural values to them."

The above statements are not explained in detail in the document, yet must be in order to prove a need for the exchange. Please provide explanations for the following:

1. What are the conflicts between public land users and private land owners?
2. What is inappropriate development of private land?
3. How is BLM's management flexibility improved?
4. When were the lands having significant cultural values identified?
5. Why is the exchange proposed solely between the BLM and the Santo Domingo Pueblo?

9-A

Response 9-A- The conflicts come when land ownership is intermingled and public land users trespass onto private lands.

Inappropriate development of private land from BLM's perspective is development on private land which is incompatible with development taking place on adjoining BLM lands. Especially if natural resource values are being destroyed or neglected.

BLM's management flexibility is improved when ownership is blocked up so that BLM does not have to develop or protect around inholdings.

Lands having significant cultural values were identified during our resource management planning.

The exchange is solely between BLM and the Santo Domingo Pueblo because the Pueblo identified lands that had special value to them and offered to acquire lands that BLM wanted to acquire to make an exchange. Procedures for exchanges are laid out in law and regulation. "bidding" is not a part of the exchange process.

9-A It is easy to understand how trading the land to the Santo Domingo Pueblo will increase BLM's management flexibility because the lands will be locked off to all people except the Pueblo members, thus freeing up BLM to manage other areas. I am not sure about the cultural resources and how they are significant to the Santo Domingo Pueblo, or some other Pueblo, or some other group of people historically not associated with any nearby Pueblo. Some explanation of this situation would be helpful.

It would be beneficial to open up the exchange to others such as ranchers or conservation groups. Bidding could be conducted and ultimately the exchange could occur between the high bidder and the BLM, with restrictions being placed on future land use, rather than an arbitrarily decided exchange between the BLM and the Pueblos.

Page 2-1

ALTERNATIVE A (Proposed Action Alternative)

9-B The next to the last paragraph on this page indicates that the BLM would acquire additional lands within Special Management Areas (SMA). Over the last 10 years, the BLM has locked off large parcels of land to public access by using the SMA, Wilderness Study Area designation. Roads have been closed and camping has been severely restricted. For example, the BLM has closed nearly all access on Mount Taylor to vehicle traffic except for a main artery road. If the BLM plans develop additional SMA areas as a result of this exchange, and lock off all, or most, road access as they have done on Mount Taylor and numerous other areas, I am against this exchange. It is better for the public to have some land that is accessible for hiking, mountain biking, hunting, and vehicular traffic than none, even if it is not as desirable to the BLM.

Page 2-2

ALTERNATIVE B (No Conservation Easement)

The above comment also applies to this section.

Page 3-2

Threatened, Endangered and Other Special Status Species (Selected and Offered Lands)

9-C This section does not address the Rio Grande Silvery Minnow. Development of the offered lands as specified in this draft EIS will require water. Since all water pumped from the ground on existing Pueblo lands and the proposed exchange lands affects flow in the Rio Grande, what are the Pueblo's drought management plans to reduce their use in order to maintain instream flow in the Rio Grande to help maintain water for the Silvery Minnow?

Response 9-B- Areas likely to be acquired through this exchange are lands identified for acquisition in the RMP. These lands were identified because they had resource values similar to those of the SMA or WSA. The protection of the resource values is the basis for restriction of access and closure of roads. Where protection of resource values does not require these measures areas are left open for multiple use.

Response 9-C- The Pueblo has not prepared a drought management plan because the selected lands proposed to be developed in the draft EIS are approximately 10 miles east of the Rio Grande River corridor. The aquifer is a 1,000 to 2,000 foot saturated thickness underlying the area. The ground water in the area would be withdrawn from very deep wells, therefore, this is not a significant withdrawal of ground water from the aquifer. Based on this analysis the withdrawal of ground water from the aquifer on the selected lands would not create a measurable effect on the Rio Grande River corridor and would result in a "No Affect" situation for the Rio Grande silvery minnow.

Pages 3-10 and -11

Socio-Economic Conditions (Selected and Offered Lands)

9-D The use of Census 2000 data would be more appropriate for this section.

Page 4-2

Threatened, Endangered and Other Special Status Species (Selected and Offered Lands)

9-E The above comments per page 3-2 also apply to this section.

Page 4-5

Impacts to Recreation

I am disturbed by the fact that the selected lands will most probably be permanently locked off to all non-Santo Domingo members. Additionally, if access were granted, fees and availability would be arbitrary.

9-F Regarding the offered lands, these are all in areas in which the BLM is trying to limit all access except by foot, horse, or bike. Please provide a balanced scientific explanation of the continued BLM pursuit of locking off vehicle access to public lands, with the exception of travel along a single main artery road, as this has, or will, occur in the offered lands areas.

I look forward to receiving your response to my comments.

Sincerely,



Roger Peery

cc: Senator Pete Domenici
Representative Heather Wilson

Response 9-D-When the document was prepared the data presented was the most recent data available. The tables have been updated to use the most recent figures available.

Response 9-E-If the land goes in to Pueblo ownership the Pueblo would control access to and use of the land.

Response 9-F- Lands identified for acquisition are generally associated with areas designated for the protection of special resource values. These areas are frequently closed to some uses for the protection of the high valued resources.



NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
AN EQUAL OPPORTUNITY EMPLOYER

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BLM
01 JAN 15 PM 2:59
D: ALBUQUERQUE, N.M.

GARY E. JOHNSON
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- Sherry Galloway
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- Albert N. Sanchez
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Member, Portales

Department

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Pete K. Rain
- General Office
P.O. Box 1149
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87504-1149
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- District One Office
P.O. Box 231
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- District Two Office
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87502-4127
505-827-9500
- District Six Office
P.O. Box 2159
Milan, NM
87021
505-285-3200

10-A

January 11, 2001

Mr. Edwin J. Singleton
Albuquerque Field Manager
Bureau of Land Management
435 Montano Road N.E.
Albuquerque, New Mexico
87107

Subject: Draft Environmental Impact Statement

Dear Mr. Singleton,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the BLM and Santo Domingo Pueblo Land Exchange. We reviewed the document for the possible effects the land exchange might have on our ability to implement the recommendations generated by our ongoing connection study (CN 9183, TPM-7543 (2)) for a route between New Mexico 14 and Interstate 25. Our intent is to ensure adequate transportation corridors exist throughout the region to provide for mobility and economic growth.

Referring to the DEIS, on page 2-1, paragraph 7, no mention is made of the width of the Right Of Way to be transferred to the County for this historic highway (CR 252 A). We recommend that enough ROW be transferred not only the existing facility but also for future possible improvements to the facility. A width, such as that currently fenced along the roadway, should be adequate in most cases. Access off and onto the roadway would have to meet the requirements of the Pueblo but also those of the County or future maintainer of the facility. These comments also apply to paragraph 7 of page 2-2, and paragraph 2 of page 3-7 of the DEIS.

On page 5-3, Table 5-3, two additional documents need to be added. I have attached our correspondence dated May 2, 2000 and May 31, 2000 for your use. If I can be of any further assistance or if you have any questions please contact me at 505-827-5122.

Sincerely,

ML
Michael Pope
Project Development Engineer

CC: George Herrera
Steve Harris

Response 10-A- It has been determined that the County has a valid existing Right Of Way. It will remain as it is.



NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT
AN EQUAL OPPORTUNITY EMPLOYER

GARY E. JOHNSON
GOVERNOR

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Member, Santa Rosa
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Member, Portales

Department

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Miami, NM
87021
505-285-3200

May 31, 2000

Ms. Debby L. Lucero
Realty Specialist
U.S. Department of the Interior
Bureau of Land Management
Albuquerque Field Office
435 Montano N.E.
Albuquerque, N.M. 87107

Re: Northeast Loop Corridor Study

Dear Ms. Lucero,

Let me begin by thanking you and Mr. Singleton for taking the time to meet with me and our consultant engineer, Parsons Brinckerhoff, regarding the coordination of the BLM proposed Land Trade Study and the Department's Northeast Loop Corridor Study. I trust that the information we provided you at that meeting (reference 5/2/00 Department letter to the BLM) has been useful in your on-going land trade analysis.

I would like to update you on two of the issues we discussed at our meeting. First, the Department has written letters to each of the area Pueblo Governors requesting the opportunity to meet with them to discuss our corridor study and to listen to their concerns and comments. We hope to be meeting with the pueblos in the very near future. Second, in recognizing the likelihood of a significant number of cultural properties throughout the project area, Parsons Brinckerhoff had a follow-up meeting with Mr. John Roney of your staff. The purpose of that meeting was to share and receive information regarding the presence of pre-historic/historic cultural properties within the common areas currently being evaluated by the BLM and the Department. Based upon available ARMS records information that we have obtained and Mr. Roney's verbal input, we are not aware of any potential sites that would in themselves preclude a future transportation corridor in the general area under consideration. As our corridor study advances, we will be conducting on the ground surveys to look for additional sites that are currently unknown and thus have not been recorded. Similarly, we will be conducting a full range of engineering and environmental investigations relating to all potential alignments under consideration.

As discussed in our earlier letter, the Department has identified the existing County Road C52A alignment and several additional properties situated along the southern and western boundaries of the San Felipe Phase I study boundary. These areas appear to have the highest potential within the BLM Phase I study area to support a possible transportation corridor at some point in the future. The properties that we have identified consist of a

combination of BLM, State, and privately owned lands. The BLM owned lands that we are evaluating represent approximately 15% of the total BLM owned lands within the phase I land trade study boundary. At this point in our study we are evaluating a number of potential alignments throughout our larger study area. We will continue to refine all potential alignments as our study progresses. We fully anticipate that as more information is gathered and evaluated, we will be in a position to better define the most feasible corridor alignments within the BLM Phase I study boundaries. It is likely that some potential corridors will be eliminated from further consideration as we advance further into our study process. The end result of our study will be to identify a preferred build or no-build alternative for the Northeast Loop study area.

In our earlier meeting we discussed in general terms how best to include the current information we have provided you into your on-going land trade analysis. You and Mr. Singleton indicated that you would further explore options that would allow the BLM to complete the land trade analysis while still providing for the possibility of a future transportation corridor within the proposed land trade boundaries. As you know, the manner in which the BLM chooses to address this matter is of critical importance to the State Highway & Transportation Department. In order to avoid any possible confusion on this topic, we respectfully request that the BLM describe to us in more complete detail the manner in which you intend to proceed on this matter. We are particularly interested in better understanding the policies and procedures that you will be following as part of your decision making process.

I would like to thank you again for your cooperation thus far in coordinating our two studies. We believe that it is extremely important that we continue to closely coordinate our efforts in order to insure that both the BLM and the Department will make the best possible decisions. We will await your reply to our request for further information. As always, if you have any questions regarding this letter or if you would like to discuss the project further with us, please feel free to call me at (505) 827-5122 or you may call Carlos Padilla with Parsons Brinckerhoff at (505) 881-5357.

Sincerely,



Paul P. Martinez, P.E.
NMSHTD- Project Development Engineer

Copy: Larry Velasquez - NMSHTD
Robert Romero - NMSHTD
Steve Harris - NMSHTD Dist. 3
Craig Conley - NMSHTD
Greg Rawlings - FHWA
Carlos Padilla - Parsons Brinckerhoff



**NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**
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Member, Portales

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May 2, 2000

Ms. Debby L. Lucero
Realty Specialist
U.S. Department Of The Interior
Bureau Of Land Management
Albuquerque Field Office
435 Montano N.E.
Albuquerque, N.M. 87107

Re: Northeast Loop Environmental Corridor Study

Dear Ms. Lucero,

This letter is in follow-up to our on-going conversations regarding the need to coordinate and exchange information on the environmental studies being conducted by your office and the Department in the area northeast of Albuquerque. As you know, the Department is currently in the "initial corridor analysis" phase of a study examining the need for a future transportation corridor that would connect Highway 14 to Interstate 25 in the area east of the Sandia Mountains. The study area under consideration is approximately bounded by the Sandia Mountains and State Road NM 165 on the west, County Road C52A on the east, Highway 14 on the south, and Interstate 25 on the north (see attached display). The proposed land exchanges with the Santo Domingo and San Felipe Pueblos that are currently being studied by the BLM are situated within the eastern-most portion of this study area.

The Department intends to complete an Environmental Assessment for the proposed project. In keeping with the Department's established procedures for corridor studies of this nature, we will follow a three phase approach to the analysis. The first phase, called the "initial corridor analysis" is currently underway. Under this phase of the study, information is gathered by the study team which is then utilized to identify all prudent and feasible alternatives to be evaluated. The second phase, called the "Detailed Evaluation of Alternatives", examines in more detail the preliminary alternatives identified as part of the initial corridor analysis. The third and final phase includes the preparation of the Environmental Assessment for the proposed project.

We understand that your proposed timetable for completing analysis of the Santo Domingo and San Felipe-Phase I exchange areas is somewhat ahead of the time frame that will be required for the Department to fully complete the Environmental Assessment for our project. We believe that it is extremely important that our two efforts are closely coordinated in order to insure that the best possible decisions can be

made by both the BLM and the Department. In consideration of your efforts to remain on schedule, and in response to your request for information sooner rather than later, we have conducted a more detailed analysis of the most probable corridor locations to be studied within the proposed BLM land exchange areas. Our analysis primarily focused on the Santo Domingo and San Felipe-Phase I proposed exchange areas as they are the subject of your current study. We understand that a separate environmental study will be conducted by the BLM for the San Felipe-Phase II area, allowing more time for the Department's study to advance in that area. The attached display indicates those lands situated within the San Felipe-Phase I exchange boundaries that have a high potential for supporting a future transportation corridor. The potentially affected lands as identified on the display are comprised of a combination of Federal, State, and privately owned lands, and are situated along the southern and western boundaries of the proposed San Felipe-Phase I exchange area. The existing County Road C52A corridor situated between the Santo Domingo and San Felipe-Phase I proposed exchange areas will also most likely be evaluated as a potential route. The conceptual corridors shown in the San Felipe-Phase II exchange area are very conceptual in nature and are shown here for general information only. More detailed analysis of this area will be completed coincident with the advancement of both the BLM and Department analysis of this area.

The Department is required by our internal procedures to complete the analysis for this project in accordance with our established three phase approach. At this time we do not know which alternative corridor if any will be recommended for implementation as a result of our study. We are confident however, that by conducting a more detailed analysis in the Santo Domingo and San Felipe-Phase I exchange areas, we have been able to provide you with the information you are seeking for inclusion in your on-going analysis. We thank you for your continued efforts to insure proper coordination between the two studies, and we look forward to the opportunity to provide further input as appropriate.

If you have any questions regarding this transmittal or if you would like to discuss the project further, please feel free to call me.

Sincerely,

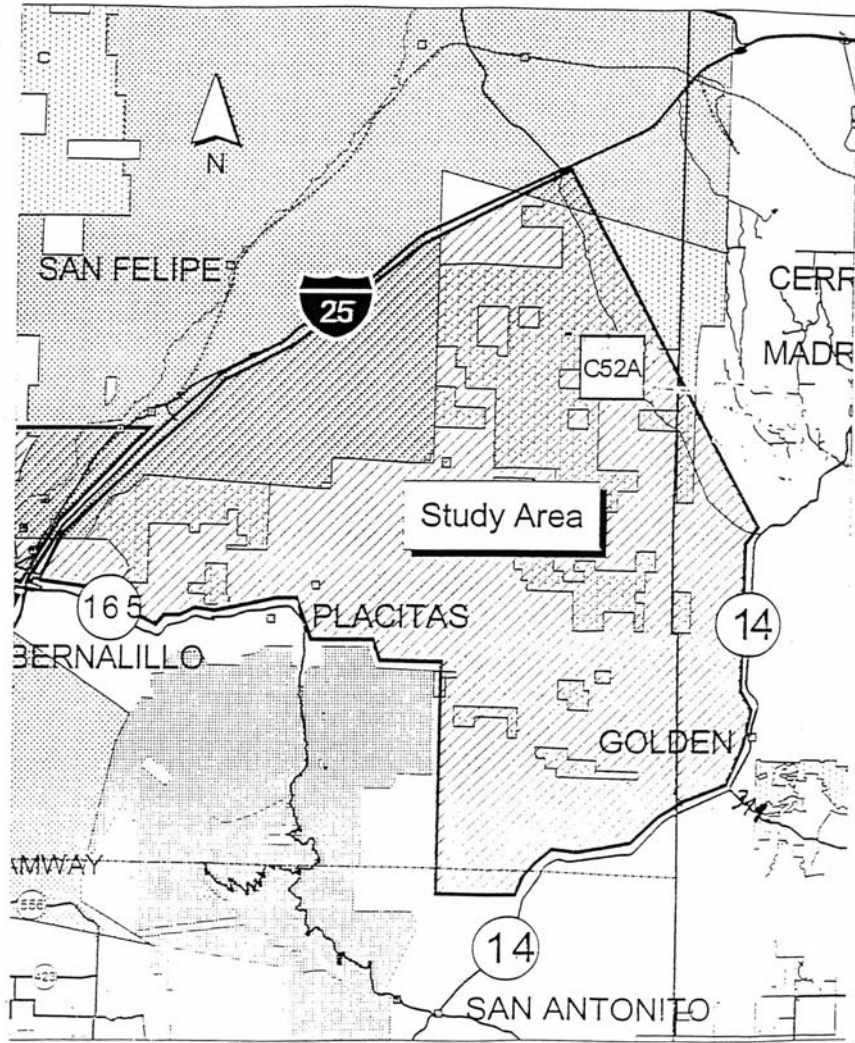


Paul P. Martinez, P.E.
NMSHTD- Project Development Engineer

Attachments: Study Area Boundaries
Potentially affected lands within proposed exchange areas

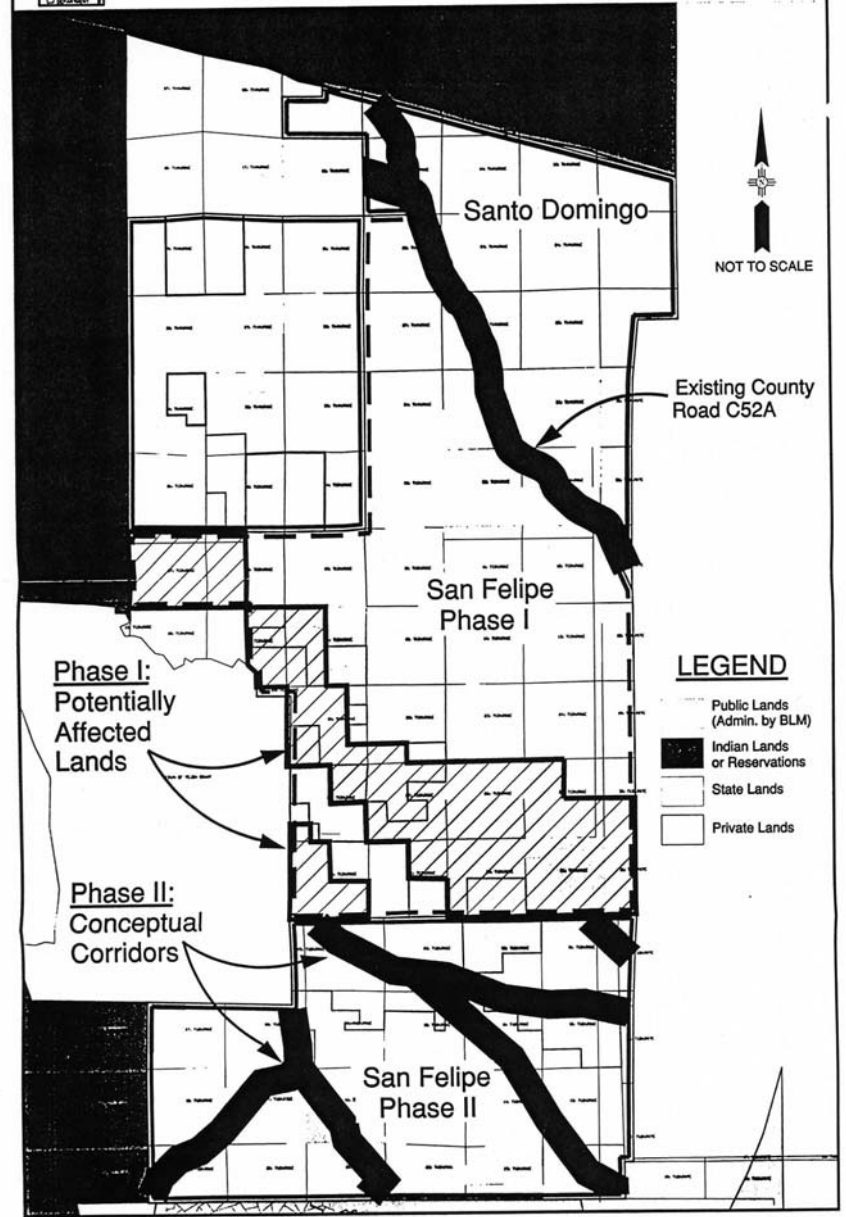
Copy: Robert Romero – NMSHTD (with attachments)
Steve Harris – NMSHTD Dist. 3 (with attachments)
K.Lynn Berry – NMSHTD (with attachments)
Carlos Padilla – Parsons Brinckerhoff (with attachments)

NE Albuquerque Study





Northeast Loop Corridor Study



LEGEND

- Public Lands (Admin. by BLM)
- Indian Lands or Reservations
- State Lands
- Private Lands

County of Bernalillo
State of New Mexico



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ORLANDO VIGIL, TREASURER

2400 BROADWAY, S.E.
ALBUQUERQUE, NEW MEXICO 87102
PUBLIC WORKS (505) 848-1500

December 1, 2000

Mr. Edwin Singleton, Field Manager
Albuquerque Field Office
Bureau of Land Management
435 Montano Road N.E.
Albuquerque, New Mexico 87107

89 DEC -4 AM 11:32
BLM
RECEIVED

Re: BLM Exchange with San Felipe and Santo Domingo Pueblos
NMNM 101521, NMNM 101522

Dear Mr. Singleton:

11

Bernalillo County is supportive of delaying the subject land exchanges until the NMSH&TD has concluded the location corridor study of the Northeast Transportation Corridor. This makes good sense from a long-range planning perspective. However, it is also important for your agency to be aware that the potential of this facility is of some concern to the County.

The alleged "purpose" of this facility is to provide a connection between N.M. 14 and I-25 that will provide an alternative to motorists when I-40 is closed through Tijeras Canyon. This only happens a couple of times a year, and it is unlikely that this facility (if it were built) would remain open if the Canyon were closed (major portions of it are at a higher elevation than the Canyon) and most motorists would have to access it by traversing N.M. 14 or potentially Mountain Valley and Frost Road.

The other alleged purpose is to provide East Mountain Area residents with "improved access" to Albuquerque. We have conducted model runs to evaluate this issue and in the twenty-year time frame it carries very little traffic. Most of the alignments are too far north to provide any benefit at all in this regard. The only alternative that even comes close to providing better access for a small portion of Sandoval County in the East Mountain Area, is the alignment that runs through Placitas which was vigorously opposed at the first set of public meetings. This facility was even excluded from the

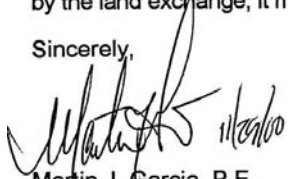
Response 11- Comment Acknowledged.

Singleton
December 1, 2000
Page 2

Middle Rio Grande Connection Study as a "strategic" corridor because it did not meet even the basic requirements of a qualitative screening process.

It is clear that the primary reason for considering a facility in this area, at this time, is to open up more land for development opportunities. Apparently this is not seen as an acceptable justification for those supporting the facility, so other justifications that have little or no technical merit (e.g., emergency relief route/improved access) are being brought to the table. There will come a time perhaps, when a facility in this area will provide some benefit to both motorists and adjacent property owners. If this study identifies a preferred alternative and related right-of-way requirements, then perhaps it will have served its purpose. Since some of the alignments would be compromised by the land exchange, it makes sense to delay the swap until this study is completed.

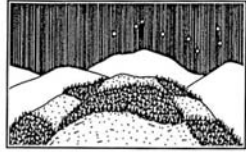
Sincerely,

A handwritten signature in black ink, appearing to read 'Martin J. Garcia', with a date '11/29/00' written to the right of the signature.

Martin J. Garcia, P.E.
Public Works Division Director

cc: Juan R. Vigil, County Manager

Chris Blewett, PW Director
Policy, Planning, & Development



Western Land Exchange Project

P.O. Box 95545 Seattle, WA 98145-2545
 (206) 325-3503 / fax (206) 325-3503 -2 AM 11: 57
 web: www.westlx.org

December 29, 2000


USDI BLM
 Albuquerque Field Office
 435 Montano Rd, NE
 Albuquerque, NM 87107

Dear BLM:

These are our comments on the Santo Domingo Pueblo proposed land exchange DEIS, dated November 2000.

- 12-A An exchange of anything between two parties is judged by the merits of the products exchanged. It is impossible to determine the benefits to either party of any given exchange without an understanding of what was given by each party. But this DEIS attempts to do just that, and asks commenters to do the same: to judge this exchange without even knowing what the public is going to receive. You are going to have to enumerate in some fashion just what it is we are getting in return for the land we are giving up. We cannot make educated comments about this exchange until we know that, and we cannot see how you can make a determination of the public interest without this information, either.
- We believe you need to get this information at least marginally defined before you can ask the public to comment on an environmental impact statement.
- 12-B The conservation easement appended to the DEIS is very restrictive. We wonder what is in this bargain for the Pueblo. Any insight you have should be included in the DEIS. Is the Pueblo making this trade solely for the gravel pit they wish to construct? If so, why are they trading for so much extra land? Is it the hunting opportunities afforded by the land that they wish to obtain?
- 12-C Finally, please give a narrative description of the nearby ACEC lands and why they are designated this way.

Sincerely,


 Erik Ryberg

Response 12-A-The lands to be “offered” have now been identified. This should alleviate your concerns. Keep in mind that the BLM has looked at each of the tracts of offered lands through our planning and NEPA process. It has been determined through this process that the acquisition of the identified tracts would improve BLM's management effectiveness and ability to protect valuable public resources without substantive harm to the environment. Therefore, we are able to determine that by acquiring lands of equal value to those being given up that we are taking steps that are in the public interest.

Response 12-B- In addition to the sand and gravel the Santo Domingo Pueblo would acquire lands that have been identified as having significant traditional cultural values to them. (See page I-I NEED FOR PROPOSED ACTION)

Response 12-C- The ACEC is outside of the scope of this NEPA analysis but the values identified in the ACEC were rare plants, geological and paleontological.



HIGH DESERT CONSERVANCY P.O. Box 520, Placitas, NM 87043

High Desert Conservancy is a nonprofit organization dedicated to the protection of wildlife native to the area, local and migratory birds, the natural landscape, water, night sky, and sites of cultural and scenic significance.

December 28, 2000

The Director
Bureau of Land Management,
435 Montano NE
Albuquerque,
New Mexico 87107

Dear Director:

Re: Land Transfer and land use of BLM holding
North of Placitas.

HDC feels that any transfer of holdings to the pueblos (San Felipe and Santo Domingo) was looked over thoroughly by your staff earlier and the pueblos. We have denied the rights of pueblos, lost what is theirs and treated them as sub-humans. The return of these holding as outlined earlier is a just and appropriate one, and warrants support.

As for the NM State Highway + Transportation Department and the Real estate market creating a fuss about wanting roads + that use of BLM holdings are ^{desperately} needed, is one based on greed and laziness. They already have NM 14 and NM 22. However, they feel it is "too far". In an age where cars can travel at 75 MPH and with ease and safety, "too far" is a lame cry. Furthermore, the common feeling amongst these groups is that working with Indians is too difficult - - -

It is not in the best interest of BLM to support racism nor further short sighted goals. Attached is additional comments.
Thanks, Ted Talbot

00 JAN 2 11:51 AM

Response 13-Comment acknowledged

Part II pg 1. - draft.

Malalle

old timers
arrroyes and flood plains, where many still remember the
intensity and suddeness of flash floods.

Additional analysis of the Loop Road demonstrates the agencies playing a game of ponce/deception. Firstly the public was never told that Parsons and Brunckerhoff purchased Avid Engineering, one of two ^{road} contractors ^{in the area} by Sandoval County. Avid's did not ^{have} a record of welcoming public input. BLM has a visual ⁱⁿ one of its early 1990's master Plans. MRGC of G's Master Plan of the mid-1990's speaks of a corridor going from Socorro to Espanole and about 30 miles either side of I-25 and no doubt ^{road} plans for either side of I-25. MRGC of G's genesis of the Loop road included the Rio Grande area ^{through} north of Placitas, NM 14 and moving to I-40 via Moriarity (The City of Albuquerque & Bernalillo County were involved ^{but not} the Town of Bernalillo or Algodones). Very soon after beginning the process MRGC of G's realized the validity of the situation, played the game of semantics ^{and} to hide the real purpose of the road by calling it a population study of the North Area Transport Study (NATS) and focusing it between I-25 and NM 14. However, MRGC of G's could not conceal its ultimate plan when it drew in the Loop road in one of its 4 scenarios of its 2020 Plan! During one review session in Bernalillo I asked who had been responsible for deciding and drawing in the Loop road. My question incurred the wrath of the consultant who caught my face in both hands, ^{and} shook my head vigorously and with her face close to mine said she'd teach me a lesson! The Albuquerque Journal for the purposes of "clarity" excluded the ^{thus depriving the general public of information} Loop road when it published the 4-part scenario. However, the Loop road was still on the MRGC of G's 4 part scenario ^{to} presented to voters! An added caviart will be scare tactics concerning Emergency evacuations and matters of Security. Both Diamond Tail Subdivision and Campbells Ranch have pledged their own sites and volunteers for Fire stations + given acreage for Sheriff's substations. Furthermore, Diamond Tail ^{has} ~~is~~ ^{its own} is a gated community with its own security by choice. As for Emergency, rather than ^{an expensive} road expensive study, questions should be raised about fire hydrants that are inoperable, drainage patterns ^{but} overburdened and altered by roads and buildings or homes in

cont. be. 28

part II pg 2 - draft

Malalla

Disclosure clauses in subdivisions indicate flooding of indeterminate heights when infact technology to calculate exists! As for the spectre of fire, if there is insufficient water to handle the matter in situ, arn't we unrealistic to expect the Loop to be the only protection for the living?

Perhaps the most troubling of statements made by partisans of the loop is the one designed to pit Placitans against the pueblos about to receive BLM holdings. The guise that these holdings are now being lost for study, as an alternate route is a mere leverage tactic. The loop road has always and only been drawn just North of Placitas!

The study has no feel nor commitment for cultural/historical preservation, visual integrity or concern for air quality, despite these being KEY components for the quality of life in New Mexico. Such subtleties are lost/ignored by Avid Engineering/Parsons and Brinckerhoff whose only vision is traffic and traffic safety.

This ~~is~~ \$250,000 study is designed to get the Loop in! For the false premises of the study and covert goals, the study is invalid and should be halted now.

Malalla

Dear Sandoval County Resident: Please take the time to read this 5 part Petition

NOTE: 244 or 14% of 1,738 responded
Lower/West Placitas = 47 or 19%

Your Voice Counts

Middle Placitas = 32 or 13%
East Placitas = 98 or 40%
P.O.Box = 67 or 28%

1) Check each petition action box you agree with. 2) Sign at bottom. 3) Return to the address at bottom of form.

Petition 1: Updating the Sandoval County planning and zoning ordinances

244 responded: We the undersigned urge the Commission of Sandoval County to:

- 217 or 89% 1. Update/revise the comprehensive plan and the County's Planning and Zoning Regulations, publicize the matter in an equitable manner throughout the county.
- 224 or 92% 2. Assess impact of growth, transportation and development on adjacent communities / land.
- 192 or 79% 3. Lower cost of obtaining, documents, and offering drafts at no cost so as to assure broad based participation.
- 210 or 86% 4. Include findings of Regional Water Plans, and regulations protective of areas cultural, historical and natural heritage, as well as acequias, irrigation ditches, farm and ranchland.
- 206 or 84% 5. Float Bonds to purchase Open Space and lands with historic, cultural, ecological and scenic value to Sandoval County/local areas, or offer tax incentives to achieve the same goals.
- 175 or 72% 6. Hire regulatory enforcement staff to maintain standards adopted.

Petition 2: Protect limited water resources

244 responded: We the undersigned strongly urge and encourage State and Local Elected Officials and the NM State Engineer to:

- 189 or 77% 1. Support the 4-county Middle Rio Grande Regional Water Plan.
- 215 or 88% 2. Develop County Water Conservation Plans, a County Water Budget, and Drought Contingency Plans.
- 209 or 86% 3. Place a limit on well permits until ground water research is more fully understood.
- 207 or 85% 4. End Water Transfers as they do not represent the actual transfer of wet water to a location of use.
- 226 or 93% 5. Protect limited & precious ground water resources from contamination.
- 231 or 95% 6. Review building permits and subdivision requests according to water availability, water conservation plans and drought contingency plans.
- 180 or 74% 7. Provide adequate funds to create a position of Water Resource Manager at the County level.

Petition 3: Task force of a broad based citizens group for road related issues

244 responded: We the undersigned urge the Commission of Sandoval County to:

- 202 or 83% 1. Set up a task force of citizens to examine the issues of roads and their impact on rural and traditional communities, area pueblos and the environment.
- 225 or 92% 2. Encourage the large Diamond Tail Subdivision to enter and exit from NM 14 on its eastern borders so as to lessen the impact of traffic on Placitas.
- 201 or 82% 3. Declare opposition to any new plans to link I-25 to NM14 or roads which could lead to the construction of a 4 to 6 lane outer-loop road linking Rio Rancho to I-40 via the East Mountains.
- 217 or 89% 4. Not impose Special Assessment Districts without fair representation and public hearings.

Petition 4: Preservation of area's history and natural heritage

244 responded: We the undersigned urge and encourage the Commissioners of Sandoval County, Elected Officials and responsible agencies to protect the County's rich cultural, historical and natural heritage through:

- 195 or 80% 1. Legislative action.
- 218 or 89% 2. Planning and zoning ordinances.
- 172 or 70% 3. Allocation of funds for research, staff and preservation/restoration activities.
- 172 or 70% 4. Educational outreach in schools and communities.
- 126 or 52% 5. A county-wide Heritage Month celebration.

Petition 5: Related to Bureau of Land Management holdings in Placitas

244 responded: We the undersigned request that the Bureau of Land Management (Rio Puerco Area) to:

- 211 or 86% 1. Update Resource Management Plan and take steps to protect the eco-cultural significance of its holdings.
- 193 or 79% 2. Removing holdings from trade list and incursion such as mining, grazing, road and trail building.
- 190 or 78% 3. Closing area to wheeled traffic except for emergencies, PNM and pipeline maintenance.
- 172 or 70% 4. Banning use of fire arms and bows and arrows for hunting or practice.

See above

Petition 5: Related to Bureau of Land Management holdings in Placitas

- 244 responded.
- We the undersigned request that the Bureau of Land Management (Rio Puerco Area) to:
- 211 or 86 1. Update Resource Management Plan and take steps to protect the eco-cultural significance of its holdings.
 - 193 or 79 2. Removing holdings from trade list and incursion such as mining, grazing, road and trail building.
 - 190 or 78 3. Closing area to wheeled traffic except for emergencies, PNM and pipeline maintenance.
 - 172 or 70 4. Banning use of fire arms and bows and arrows for hunting or practice.
 - 202 or 83 5. Declaring historic and cultural trails as historic artifacts worthy of protection.
 - 190 or 78 6. Reviewing thoroughly all recreational use to limit impacts.

Name (print)	Address (print)	Signature

Please mail completed and signed PETITION by **September 8, 1998** to PO Box 520 Placitas, NM 87043 or place it in the yellow ballot boxes at the locations listed overleaf. Thank you for participating.

This petition is sponsored by High Desert Conservancy, a not-for-profit organization that is protective of the environment and sites of cultural and scenic significance, and by Friends of Placitas. Volunteers will tabulate responses and forward information to appropriate agencies.

To mail this ballot, refold to show this face

Make Your Voice Heard.

Place
32c
stamp
here

PO Box 520
Placitas,
NM 87043

Friends of Placitas
P. O. Box 234
Placitas, New Mexico 87043
(505) 867-3889
27 December 2000

Ed Singleton
Bureau of Land Management
U.S. Department of Interior
435 Montañño Road NE
Albuquerque, New Mexico 87107

Santo Domingo Land Exchange
San Felipe Land Exchange

Dear Mr. Singleton:

We understand that a decision ingredient in the Santo Domingo Pueblo and San Felipe Pueblo land exchanges is the reservation (or not) of a highway corridor linking I-25 to SR-14. Since BLM will be involved in making that kind of decision, we think it is important that you have a good understanding of public opinion relating to the corridor issue.

14

A vast majority of the people who are affected by the decision - both Placitas residents and East Mountain residents - are strongly opposed to any new highway connecting the two routes. Being realists however, and understanding that NMSHTD might have an institutional need to build anyway, those same people voiced the opinion that the only acceptable route would be the far lower cost old State Highway 22.

We are enclosing a copy of a presentation that was given to the Sandoval County Commission, including the petition containing over one thousand names opposed to the highway. We are also enclosing copies of four letters that were sent to the NMSHTD and to its contractor in September

If in fact, any roadway right-of-way is needed, we ask that reservation of right-of-way in the land exchange allow for only the old SR-22 route. In other words, we are asking that the corridor reservation through the Placitas area, that already appears in your November 2000 draft EIS for the Santo Domingo Pueblo land exchange, continue to allow only for electric power lines - in both land exchanges, and also in any land which BLM chooses to retain.

We thank you for the opportunity to comment on this issue. If needed, please do not hesitate to contact me via the above telephone numbers.

Sincerely,

Robert M. Wessely, President
Friends of Placitas

- Encl: County Commission Presentation/Petition
- FoP/EMLDF Letter: Public Comment/Oral
- FoP/EMLDF Letter: Public Comment/Process
- FoP/EMLDF Letter: Public Comment/Petition
- LPA Letter: Public Comment

RECEIVED
BLM
00 DEC 28 AM 10:50

Response 14-Comment acknowledged

Public Service Company
of New Mexico
Alvarado Square - MS 2101
Albuquerque, NM 87158
505 241-4425
Fax 505 241-2376

RECEIVED
BLM
00 DEC 22 PM 12: 02

December 20, 2000

Debby Lucero
BLM Alb. Field Office
435 Montano N.E.
Albuquerque, New Mexico 87107



Subject: Comments on Land Exchange EIS

Dear Ms. Lucero:

Thank you for taking the time to meet with me on December 18th at the BLM open house held to discuss the draft environmental impact statement for the proposed Santo Domingo Land Exchange. This letter shall serve to document the few comments I offered on behalf of Public Service Company of New Mexico (PNM) regarding the draft EIS for the portion of the exchange dealing with the Santo Domingo Pueblo.

In the middle of page 4-4 of the EIS there is discussion concerning PNM rights of way on the exchange lands. PNM certainly supports the BLM position regarding the two existing PNM electric transmission lines that pass through the exchange lands. Specifically, it is understood from the EIS that the rights of way for the two existing power lines will "be reserved in the patent" conveyed to the Pueblo by the United States, and "would continue to be managed by the BLM" in perpetuity. PNM believes that such retention and management of these critical right of way corridors is essential.

Also, in the last sentence of the same paragraph on page 4-4, it states that the "remaining powerline will be subject to that right on the patent." You and I both agreed that the word "powerline" should be replaced by the words "natural gas pipeline." This PNM pipeline is shown on Map 3 of the EIS. It appears to cut across a very small corner of the "Selected Lands" being conveyed to the Pueblo in Section 9 T14N, R63. PNM's first preference is for this small stretch of right of way to be treated the same as the electric power line rights of way discussed above; i.e. reserved in the patent and forever managed by BLM. At the very least, prior to any transfer to the Pueblo of the Selected Lands, PNM desires that the BLM amend the term of this right of way pipeline permit to be in perpetuity, and to ensure that any payments made to the Pueblo after conveyance of the patent be in accordance with BLM land use fees in effect for the perpetual life of the permit.

One final comment on the EIS relates to PNM's interest in obtaining a right of way permit for a proposed new natural gas line that would pass through the exchange lands. Based on my discussion with you, I understand that the BLM and the Santo Domingo Pueblo would not be

Response 15- A- You are correct the words should be "natural gas pipeline". The pipeline right of way is in perpetuity and will be shown as a valid existing right on the patent in the exchange. The BLM has no authority to set future fees.

Response 15-B-An alternate route has been resolved through negotiation.

Debby Lucero
December 20, 2000
Page Two

averse to granting PNM such a permit prior to the exchange taking place, provided that the proposed pipeline basically follows the corridor identified in Map 2 of the EIS. PNM is still pursuing this idea and intends to walk the area in the very near future, weather permitting.

I understand that the draft EIS for the San Felipe Pueblo exchange lands will be provided to PNM and the general public early next year. PNM is assuming that for the San Felipe exchange, the existing major transmission line right of way corridors (electric and natural gas) will be reserved in the patents and managed in perpetuity by the BLM. PNM looks forward to reviewing the next EIS and working with the BLM in this regard.

If you have any questions, please feel free to call me at 241-2564.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Roberts", with a long horizontal flourish extending to the right.

Rob Roberts
Manager, Right of Way Department

Cc Henry Townsend
Cc Dave Kirkland

BLM
 00 DEC 20 AM 10:46
 Date Received: _____
 Comment Number: _____
 -SAN FELIPE/SANTO DOMINGO LAND EXCHANGES
 SCOPING COMMENT SHEET

SUBMIT COMMENTS BY:

Submitted by Mail () Open House, December 7, 1999 () In Person
 18, 2000

Please share your ideas, comments, and concerns in the space provided below. Fold this form and submit in the self addressed envelope. Attach postage, and return to the BLM by December 30, 1999. If you prefer, you may send a letter instead of this comment sheet by December 30, 1999. Please specify in comments which exchange is being addressed. For additional information, please contact: January 15, 2000

EDWIN Singleton
~~Debby Lucero~~, BLM Albuquerque Field Office
 435 Montano NE, Albuquerque, New Mexico 87107
 505/761-8787

I have reviewed the (EIS) for the BLM Santo Domingo land Exchange and it is in the best interest of all the people involved (State of New Mexico) that I go with alternative (C) no action.

because:

open space is disappearing (future generations)
all people have access to land
This land belongs to the public, NM, USA.

If this is sacred, historical, cultural, and traditional land to the Pueblos why is STATE ROAD an eye sore. Take a drive and you will see beer cans + beer bottles 12 pack cardboard boxes along the road, and in about 7 areas where the Indians park to get drunk, I have seen them part out on the sides of the rd. Burned trees, trash, this goes on quite every week. Can the Indians drink on the propose land exchange?

Last Name MARTINEZ First Name JOE Initial LEO
 Title (Optional) _____
 Organization Name (if applicable) LANDOWNER
 Mailing Address (Street/POB/etc) 5 CALLE VENECIA
 City SANTA FE State NM Zip Code 87505

16-A

Why was the BLM mission statement dropped from these proposals. Cater to Indians.
over.

Response 16-A- The statement was printed in both the draft and final EIS on Appendix A.

All BLM is variable no matter where it is. And should be kept for area residents (public use).

I would like to see all of the past land exchanges that have happened, proposed, present and acreage amounts.

- + Two Blue Lake.
- + Fort Wingate - Navajos
- + West face Sandias - Sandia Indians
- + Santo Domingo - proposed
- + San Felipe - proposed

Why are the native Americans getting all this land?

What about the Spanish Land Grants. I have not seen any exchanges involving Spanish people.

NO TO ALL! (ALTERNATIVE C)

Leo Martinez

December 10, 2000

RECEIVED
BLM

00 DEC 14 AM 10:36

Mr. Edwin Singleton, Albuquerque Field Manager
435 Montano NE
Albuquerque, NM 87107

Re: Santo Domingo Pueblo/Bureau of Land Management Proposed Land Exchange
NMNM 101521
2200 (010)

Dear Mr. Singleton:

Thank you for sending the copy of the draft Environmental Impact Statement (EIS) on the above proposed exchange. I also appreciated the time you took the other day to review it in the office. I have reviewed the document. I had several questions specific to the document that I will list in order of page numbers below. I also had a few comments/suggestions that I will list after the questions.

Questions Specific to the Document

- 17-A ? In the Summary Comparison of Alternatives, the surface potentially disturbed between the Proposed Action and the No Action Alternative is the same (1300 acres) but the water use for sand and gravel mining would be 5 acre feet per year in the Proposed Action and would be 10 acre feet per year in the No Action Alternative. I am unclear why the water use would be higher in the No Action Alternative when the surface disturbance would be the same.
- 17-B ? In the Summary Comparison of Alternatives, the cubic yards of sand and gravel that are not accessible due to the conservation easement is 129 million in the Proposed Alternative but is 97 million in the Alternative B which doesn't have a Conservation Easement. I am unclear why any gravel would be not accessible due to a conservation easement in Alternative B.
- 17-C ? Page 3-10, last paragraph, first sentence – I believe it should be “counties” rather than “countries”.
- 17-D ? Page 4-4, Impacts to Land Uses (Selected Lands), second paragraph, last sentence reads, “Sandoval County would be a right-of-way before the proposed exchange would be completed.” Has a word been omitted? Should it be “Sandoval County would be *granted* a right-of-way”?
- 17-E ? Page 4-1 indicates that the BIA will manage the conservation easement and that the BIA will also manage the land. In that event, I am unclear how the conservation easement would be enforced when the same entity manages both the easement as well as the land. Usually, a third party holds the easement. The third party retains the ability to enforce the easement through legal action if the

Response 17-A- The mining water use is based on use for a single mine operation. The Pueblo indicated the intent to have just a single operation. Under the No Action Alternative it was assumed that mining would occur in two operations. The 1,300 acres would be mined in less time.

Response 17-B- It is not inaccessible due to the conservation easement. It was assumed that the 1,500 acres to be developed as residential/business would not be mined for sand and gravel.

Response 17-C- You are correct. The correction has been made in the final document.

Response 17-D- This statement has been taken out of the final EIS because we discovered that Sandoval County already has a valid existing right.

Response 17-E- BLM has considered these matters including who should administer the easement and has determined that BLM will administer the easement.

landowner takes actions that are not in keeping with the terms of the easement. In this case, it appears that the same party would hold both the land and the easement. Could you please clarify how such an arrangement would function in the event that the BIA wished to modify the easement in the future? Would the BIA negotiate with itself? If the BIA took actions that were not in keeping with the easement would the BIA sue itself? It appears that the easement alternative has the purpose of addressing potential public concerns about loss of habitat and broader gravel mining than may be initially contemplated by the Pueblo. Has the BLM considered whether it should retain the easement? Has the BLM considered whether some other third party such as the Nature Conservancy would hold the easement?

17-F

? Page 4-14, last paragraph, characterizes the use of water by sand and gravel operations as follows, "The total water use for sand and gravel mining between Bernalillo and the selected land area is estimated not to exceed 25 acre feet per year." I believe this estimate is incorrect. I am enclosing a copy of some e-mails that I exchanged with Andrew Lieuwen of the New Mexico State Engineer's office in December 1998. The Lafarge Placitas Pit at that time had permit number RG-49516, which was permitted to withdraw 359 acre-feet per annum. In 1998 their total diversion was 342.49 acre-feet. Thus, the water used for that plant alone was 14 times more than the DEIS estimate for the entire area from Bernalillo to the selected land area. I am also enclosing a copy of a letter I received via e-mail from the New Mexico Environment Department that describes that air quality permit as follows: The pit has an air quality permit #732-M-1 that is limited to 850 tons per hour, 12 hours per day, 6 days per week, 4 weeks per month and 12 months per year. Thus, the annual maximum production for this plant under the current permit is approximately 2.9 million tons. You may wish to re-evaluate the impacts to water use in the selected lands for sand and gravel mining.

17-G

? Pages 4-7, 4-14 and 4-15 discuss payments in-lieu-of taxes (PILT) and the impact of this exchange on Sandoval County. On page 4-7, last paragraph, this decrease is characterized as approximately 11,000 per year and representing less than 1% of the County's recent budget. Page 4-14 characterizes the decrease in PILT as resulting from a payment of \$1.55 per acre and states that it will amount to \$11,400 for Sandoval County. However, under the Cumulative Impacts Section, starting at the bottom of page 4-14 and continuing at the top of page 4-15, it references total recent and proposed exchanges of 35,260 acres in Sandoval and Santa Fe counties. It is not stated how that acreage is distributed between Sandoval and Santa Fe counties, thus it is not possible to determine what the total cumulative impact of the decrease in PILT would be to Sandoval County. If that total acreage were to be lost to Sandoval County, the decrease in PILT would be \$54,563, or five times the amount cited as resulting from this exchange, which, I assume might amount to 5% of the County budget. It is also noted that when some of the lands are acquired, some of the PILT may be restored but possibly not to the same counties that lost it. However, whether this is an actual offset to the

Response 17-F-The concluding sentence of the paragraph quoted states " We do not have the data to estimate all water uses." We had attempted to address the water use for sand and gravel mining. In other words getting the material out of the ground. The figures you have quoted include processing the material (crushing, washing, sizing) which increase the water requirements.

Response 17-G- All of the data requested is not readily available. Because the amount of PILT payments at \$11,400 was .0005% of the Sandoval County's receipts for the year 2000. The tax on comparable private acres would likely be slightly higher but this would depend on taxable value and mil levies and they would have to be much higher before they would be meaningful in the impact analysis.

PILT loss in the affected County will depend on whether the land being acquired is currently in private hands and paying the usual real estate taxes. Could the BLM please clarify this section further to include a breakdown between Santa Fe and Sandoval Counties as to total acreage being lost for the purposes of PILT? At this point, can the BLM provide any guidance as to the general distribution by County of the Offered Lands to be acquired for the purposes of understanding the net loss in PILT to the Counties affected? Are the Offered Lands to be acquired primarily private lands? If so, how will the real estate tax payments to be lost upon federal acquisition compare to PILT payments? Do I understand correctly that unless the PILT is substantially higher than County taxes, the affected Counties will still experience a net loss of revenue as a result of these exchanges? (The exchange to the Pueblo will decrease PILT to the County but the acquisition of private lands would simply decrease real estate taxes and replace them with PILT.)

17-H ? Page 5-3 notes that Equilon Pipeline Company provided written comments about this land exchange dated December 21, 1999, received by the BLM on December 27, 1999. Can you please clarify whether the area affected by this exchange includes the right-of-way for any existing or proposed Equilon pipelines? I am also enclosing a separate FOIA request. I would appreciate receiving a copy of that correspondence.

Comments/Suggestions

17-I I am unclear about how the BLM intends to value this land for the purpose of this exchange. Is it correct that the BLM must charge fair market value for the land? You had indicated that Santo Domingo would mine only enough gravel to pay for the land. How can the BLM charge fair market value for the land (which would presumably include the fair market value of the minerals plus the value of the land) in such a way that the Santa Domingo Pueblo can mine the land to pay for the land and still keep the land? I would appreciate it if this point can be clarified further.

17-J The Draft EIS mentions on page 1-1 that this exchange is consistent with the BLM Rio Puerco Resource Management Plan. However, that plan was adopted prior to Sandoval County having a land use plan. The County did not have such a plan until 1990. While the RMP was maintained in 1992, that process requires no public input and permits no consideration of changes to the decisions reached in 1986 when the plan was adopted. As far as I have been able to determine, the BLM has never evaluated its RMP for consistency with Sandoval County's Comprehensive Plan. The BLM is required to consider whether its decisions are consistent with local plans (see page V-17 in the BLM NEPA Handbook and 40 CFR Parts 1502 and 1506). If the BLM makes decisions that are inconsistent with local plans, the BLM is required to explain its reasoning (see Council on Environmental Quality Forty Most Asked Questions, 23 a-c). I am enclosing a letter from Congresswoman Heather Wilson stating that the Rio Puerco RMP is not consistent with countywide zoning. I would suggest that the BLM should evaluate this

Response 17-H-There are no current or proposed Equilon rights-of-way in the area affected by this exchange. The area is currently segregated.

Response 17-I- The BLM must receive fair market value for the lands based on the values being exchanged. The Pueblo will need to come up with the funds required to acquire the "offered" lands.

Response 17-J- Congresswoman Wilson was not specific as to where the inconsistencies were so we can only try to point out that in our review of the Sandoval County Comprehensive Plan we believe the following inconsistencies exist.

Section I- A. POLICY: Sandoval County shall be developed in ways which take into account diverse, distinctive geographic areas within the county, the needs and desires of the people living in each geographical area, traditional land uses, and development trends, especially those resulting from the growth of the Albuquerque metropolitan area.

We believe the proposed action is consistent with the first three points in this policy and we do not feel that it is entirely possible to meet the traditional land use policy and the development trends resulting from Albuquerque's growth.

- Section I-B. POLICY: Sandoval County shall retain a prevailing rural residential character while promoting and orderly development of business and industry in appropriate locations.

We believe the Proposed action helps to retain the rural residential character and the proposed mining of sand and gravel occurs where mining of sand and gravel can occur, where it occurs in the geological formations.

- Section I-C. POLICY: Sandoval County shall seek to protect its natural resources and environmentally critical areas from destructive effects of development.

information and consult carefully with Sandoval County as to any concerns that the County may have about this exchange.

17-K

My reason for bringing up this subject is that I am not clear that BLM has adequately considered gravel mining resources that are available for the Albuquerque/Santa Fe markets. One of my original concerns about these exchanges is that a very large portion of the remaining local reserves would leave federal ownership. There is no mention in the Draft EIS as to what percentage of the gravel reserves will be in tribal hands when this exchange and the remaining exchanges are completed. I would like to see something in the Draft EIS evaluating the potential cumulative impact of the pressure to mine the BLM land in Placitas. If that will be the only material left available for these large markets, are the Pueblos in the position of charging substantially higher rates? If they were to do so, would that increase the pressure on BLM to mine the Placitas lands? Since it has been so long since the RMP was prepared, I am not sure that the priorities of that Plan would still be the same if a new Plan were prepared today. I would like to see the BLM lands in Placitas preserved for low impact recreation such as horseback riding, mountain biking, hiking and bird watching. However, if these exchanges remove so much gravel from federal ownership that pressure intensifies to mine the remaining BLM Placitas lands, that would be a grave concern. I hope that more information can be provided that will clarify whether this concern is justified.

Thank you for the opportunity to comment on this Draft Environmental Impact Statement. I look forward to receiving a copy of the final EIS when it is available.

Sincerely,



Carol M. Parker
2 Calle Ponderosa
Placitas, NM 87043
505-867-0778 (h)
505-889-2826 (w)
cmparker@att.net

cc: Debbie Hays, Sandoval County Manager
William Sapien, Sandoval County Commissioner
Congresswoman Heather Wilson

17-J Con't

We believe the proposed action with its conservation easement protects the natural resources and environmentally critical areas. Section I-D. POLICY: Sandoval County shall protect significant historic sites and preserve traditional cultural practices in the County.

A factor in the Pueblo selecting the proposed Selected Lands was to have control of the lands for use in preserving traditional cultural practices.

Section I-E. POLICY: As a large percentage of the land within the County is not subject to County Control, the county shall closely coordinate land use and development activities with incorporated municipalities, Indian pueblos, and the state and federal governments.

We agree with the County that they do not have control of what is done on lands administered by federal agencies but the BLM does try to cooperate with local and county governments to the extent possible in promoting county plans. The BLM has not received comments from Sandoval County objecting to or questioning the proposed action.

Response 17-K- BLM does not have figures on the total sand and gravel reserves accessible to the Albuquerque/Santa Fe market but it seems evident that the more of the resource out of the reach of the market the greater the demand will be on the remaining resource.

RG-49516

From Office of State Engineer

Subject: RG-49516

Date: Sat, 12 Dec 1998 16:32:00 -0700

From: "Carol M. Parker" <cmparker@worldnet.att.net>

To: Andrew Lieuwen <Lieuwen_Andrew@ose.state.nm.us>

Dear Andrew - I got your e-mail address from Rebecca Summers. Could you please update me on the water use so far this year for permit # RG-49516 - and verify that I am correct that that is the Western Mobile Placitas gravel pit. I hope at this point that you have the November 30th numbers? Also, pls tell me how many acre feet they are permitted to use. Thank you - Carol Parker

RG-49516

Subject: RG-49516

Date: Mon, 14 Dec 1998 08:30:17 -0700

From: Lieuwen_Andrew@ose.state.nm.us

To: cmparker@worldnet.att.NET

Carol,

RG-49516 is the Placitas well, permitted to divert 359 acre-feet per annum, and they have diverted 320.84 acre-feet per annum through 10/31/98. We should be receiving the November number any day now - will send to you and Rebecca when I receive it.

AL

Subject: Re: RG-49516
Date: Fri, 22 Jan 1999 15:23:03 -0700
From: Lieuwen_Andrew@seo.state.nm.us
To: cmparker@worldnet.att.net
CC: rsummer@zianet.com

Greetings Carol:

The December 1998 diversion was 3,120,400 gallons or 9.58 acre-feet.
Total for 1998 was 342.49 acre-feet.

I have not seen any applications to increase their diversion.

Andrew

out of 359 af/yr

RE: Permit #732-M-1, Western Mobile - Placitas Portable Rock Crusher

The Air Quality Bureau (AQB) received your questions regarding Western Mobile's Placitas Rock Crushing facility and appreciates your interest in this facility. The following is a summary of permit conditions and ambient air quality impacts in addition to answers to your two questions.

Facility/Permit Conditions

The facility is permitted to operate a 850 ton per hour portable sand and gravel crushing and screening plant. The facility is restricted to operate no more than 12 hours per day, 6 days per week, 4 weeks per month and 12 months per year.

Ambient Air Quality Impacts

Under the above permit conditions, air dispersion modeling shows that ambient TSP impacts are 96.3% of the annual New Mexico Ambient Air Quality Standard (NMAAQs) and 78.5% of the 24-hour NMAAQs and that PM-10 impacts are 75.6% of the annual National Ambient Air Quality Standard (NAAQS) and 65.1% of the 24-hour NAAQS.

Question #1

With a permit modification, could Western operate 24 hours per day (do you ever allow gravel crushers to work around the clock?)

This question can only be answered in the context of a permit modification application and review. In addition to air dispersion modeling of ambient impacts, the review would require an analysis of all emission points, control methods and applicable regulations. The dispersion modeling includes emission contribution from surrounding sources, such as neighboring crushers and asphalt plants.

The AQB has permitted rock crushing facilities to operate 24 hours per day.

Question #2

By looking at the existing permit language and equipment on-site, could Western Mobile do a permit mod and operate 18 or 24 hours per day (how close are they from exceeding any emission limits?)

Again, this question can only be answered in the context of a permit modification application and review. In addition to air dispersion modeling of ambient impacts, the review would require an analysis of all emission points, control methods and applicable regulations. The dispersion modeling includes emission contribution from surrounding sources, such as neighboring crushers and asphalt plants.

Considering the facility is currently at 96.3% of the annual NMAAQs for TSP, if Western Mobile wanted to significantly increase their operating hours to more than 12 hours per day, while not reducing the other operating hours limitations, they would need to install

additional control systems to reduce emission rates.

If you would like to meet with AQB staff to discuss further the details of permit #732-M-1, please contact me at 505/827-1494 (X1470) or e-mail at George_Llewellyn@nmenv.state.nm.us.

HEATHER WILSON
197 DISTRICT, NEW MEXICO

COMMERCE

SUBCOMMITTEE ON
ENERGY AND POWER
SUBCOMMITTEE ON
FINANCE AND HAZARDOUS MATERIALS
SUBCOMMITTEE ON
TELECOMMUNICATIONS, TRADE,
AND CONSUMER PROTECTION
SELECT COMMITTEE
ON INTELLIGENCE

Congress of the United States
House of Representatives
Washington, DC 20515-3101
October 17, 2000

228 CANNON BUILDING
WASHINGTON, DC 20515-3101
(202) 225-6819
FAX (202) 225-4975

825 SILVER AVE., SW
SUITE 340
ALBUQUERQUE, NM 87102
(505) 346-6181
FAX (505) 248-8723

<http://www.house.gov/wilson/>

Mr. Tom Fry
Director, Bureau of Land Management
1849 C Street NW (MS 5650-MIB)
Washington, D.C. 20240

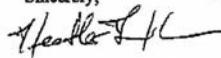
Dear Director Fry,

As you know, the Fiscal Year 2001 Interior Appropriations bill was recently signed into law. The bill contained a significant amount of funding for the Bureau of Land Management (the Bureau) to update a number of its Resource Management Plans. Although I requested funding for it, that list does not include the Rio Puerco, a river in my home state of New Mexico.

The Bureau adopted the Rio Puerco Resource Management Plan (RMP) in 1986. While the plan has been effective in many areas, it is outdated and fails to consider population and development changes that have occurred since the plan's adoption. It is also inconsistent with countywide zoning implemented in 1990, and does not include the most up-to-date preventative measures needed to protect the land and its inhabitants from the raging fires that have occurred this year.

While there is no funding specifically set aside to update this RMP, I know that the Bureau has included funding for the Rio Puerco in its base budget for soil, water, and air projects. I respectfully request that you consider allocating some funds to update the Rio Puerco's RMP. Thank you for your time and I look forward to your reply.

Sincerely,



Heather Wilson


HW:ka

under NEPA and the relevant state environmental policy act? How do they resolve differences in perspective where, for example, national and local needs may differ?

A. Under Section 1501.5(b), federal, state or local agencies, as long as they include at least one federal agency, may act as joint lead agencies to prepare an EIS. Section 1506.2 also strongly urges state and local agencies and the relevant federal agencies to cooperate fully with each other. This should cover joint research and studies, planning activities, public hearings, environmental assessments and the preparation of joint EISs under NEPA and the relevant "little NEPA" state laws, so that one document will satisfy both laws.

The regulations also recognize that certain inconsistencies may exist between the proposed federal action and any approved state or local plan or law. The joint document should discuss the extent to which the federal agency would reconcile its proposed action with such plan or law. Section 1506.2(d). (See Question 23).

Because there may be differences in perspective as well as conflicts among [46 FR 18033] federal, state and local goals for resources management, the Council has advised participating agencies to adopt a flexible, cooperative approach. The joint EIS should reflect all of their interests and missions, clearly identified as such. The final document would then indicate how state and local interests have been accommodated, or would identify conflicts in goals (e.g., how a hydroelectric project, which might induce second home development, would require new land use controls). The EIS must contain a complete discussion of scope and purpose of the proposal, alternatives, and impacts so that the discussion is adequate to meet the needs of local, state and federal decisionmakers.

 23a. **Conflicts of Federal Proposal With Land Use Plans, Policies or Controls.** How should an agency handle potential conflicts between a proposal and the objectives of Federal, state or local land use plans, policies and controls for the area concerned? See Sec. 1502.16(c).

A. The agency should first inquire of other agencies whether there are any potential conflicts. If there would be immediate conflicts, or if conflicts could arise in the future when the plans are finished (see Question 23(b) below), the EIS must acknowledge and describe the extent of those conflicts. If there are any possibilities of resolving the conflicts, these should be explained as well. The EIS should also evaluate the seriousness of the impact of the proposal on the land use plans and policies, and whether, or how much, the proposal will impair the effectiveness of land use control mechanisms for the area. Comments from officials of the affected area should be solicited early and should be carefully acknowledged and answered in the EIS.

23b. What constitutes a "land use plan or policy" for purposes of this discussion?

A. The term "land use plans," includes all types of formally adopted documents for land use planning, zoning and related regulatory requirements. Local general plans are included, even though they are subject to future change. Proposed plans should also be addressed if they have been formally proposed by the appropriate government body in a written form, and are being actively pursued by officials of the jurisdiction. Staged plans, which must go through phases of development such as the Water Resources Council's Level A, B and C planning process

should also be included even though they are incomplete.

The term "policies" includes formally adopted statements of land use policy as embodied in laws or regulations. It also includes proposals for action such as the initiation of a planning process, or a formally adopted policy statement of the local, regional or state executive branch, even if it has not yet been formally adopted by the local, regional or state legislative body.



23c. What options are available for the decisionmaker when **conflicts with such plans** or policies are identified?

A. After identifying any potential land use conflicts, the decisionmaker must weigh the significance of the conflicts, among all the other environmental and non-environmental factors that must be considered in reaching a rational and balanced decision. Unless precluded by other law from causing or contributing to any inconsistency with the land use plans, policies or controls, the decisionmaker retains the authority to go forward with the proposal, despite the potential conflict. In the Record of Decision, the decisionmaker must explain what the decision was, how it was made, and what mitigation measures are being imposed to lessen adverse environmental impacts of the proposal, among the other requirements of Section 1505.2. This provision would require the decisionmaker to explain any decision to override land use plans, policies or controls for the area.

24a. Environmental Impact Statements on Policies, Plans or Programs. When are EISs required on policies, plans or programs?

A. An EIS must be prepared if an agency proposes to implement a specific policy, to adopt a plan for a group of related actions, or to implement a specific statutory program or executive directive. Section 1508.18. In addition, the adoption of official policy in the form of rules, regulations and interpretations pursuant to the Administrative Procedure Act, treaties, conventions, or other formal documents establishing governmental or agency policy which will substantially alter agency programs, could require an EIS. Section 1508.18. In all cases, the policy, plan, or program must have the potential for significantly affecting the quality of the human environment in order to require an EIS. It should be noted that a proposal "may exist in fact as well as by agency declaration that one exists." Section 1508.23.

24b. When is an area-wide or overview EIS appropriate?

A. The preparation of an area-wide or overview EIS may be particularly useful when similar actions, viewed with other reasonably foreseeable or proposed agency actions, share common timing or geography. For example, when a variety of energy projects may be located in a single watershed, or when a series of new energy technologies may be developed through federal funding, the overview or area-wide EIS would serve as a valuable and necessary analysis of the affected environment and the potential cumulative impacts of the reasonably foreseeable actions under that program or within that geographical area.

24c. What is the function of tiering in such cases?

A. Tiering is a procedure which allows an agency to avoid duplication of paperwork through

Las Placitas Association

September 20, 2000

New Mexico State Highway and Transportation Department and
Parsons, Brinckerhoff, Quade & Douglas, Inc.
5801 Osuna Road, NE, Suite 200
Albuquerque, New Mexico 87109

Re: Public Comment
Attn: NM14 to I-25 Connection Corridor Study

Ted Garcia, NMSHTD
Carlos Padilla, PBQ&D
Dale Glass, PBQ&D
Jim Kollbaum, PBQ&D
Mike Henderson, PBQ&D

Dear Sirs:

On behalf of the Board of Las Placitas Association, I am writing to provide comments in response to the public meeting that was held in Placitas on Tuesday, August 29th. Las Placitas Association has very serious questions about the need for this project. Based on doubts about the need for the project, we have reservations about the possibility of using federal land, large amounts of tax dollars, and condemning private property in order to build the proposed road. Our detailed comments follow below.

Inconsistency with Focus 2050 Plan

The great preponderance of people at the meeting I attended were opposed to the road in general regardless of its location. If it ultimately must be built, Hwy 22 was the preferred alternative. In addition, it was stated at the meeting that that it was unlikely that the road would be built for at least ten years. The overwhelming opinion of the residents who attended the Placitas meeting was that they do not want the road, and even those who might want it can obviously expect no near term benefit whatsoever.

In the context of planning, it seems reasonable that the Highway Department would consult the Focus 2050 Plan recently prepared by the Middle Rio Grande Council of Governments. This is a laudable effort on the part of local governments throughout the Rio Grande Valley to address the issue of growth, sprawl and development in the context of available resources. Inexplicably, the Highway Department entirely omitted this plan from consideration.

The Committee for a Las Huertas Creek Nature Reserve™
is an activity of **Las Placitas Association**
P.O. Box 888, Placitas, NM 87043 505-867-0778
A tax-exempt organization under Internal Revenue Code Section 501(c)(3)

The development of this corridor road is inconsistent with the Focus 2050 plan, which portrays minimal growth for the area to be served by this road. In fact, this road will tremendously stimulate development. If the Highway Department sees a NEPA process resulting from this study, it will need to carefully document the public purpose to be served by taking an action that is inconsistent with the local Plan. This Plan has been approved by the elected representatives of the very persons this road is intended to serve. There was no evidence at the meeting that you had ever considered this issue. We hope when your study is released that careful consultation with the Focus 2050 Plan will be evident.

Furthermore, if it is the Highway Department's plan to request a right of way from the Bureau of Land Management, you should be aware that under federal law, the BLM is required to consider whether its actions are consistent with local plans (40 CFR 1502.16 (c) and 40 CFR 1506.2 (4)(d)). Numerous local and federal officials are on record stating that the BLM's existing Rio Puerco Resource Management Plan (under which the Highway Department might apply for a right of way) is inconsistent with the Sandoval County Comprehensive Plan. The reason is that the BLM Plan is so old that it was passed prior to the existence of the Sandoval County Comprehensive Plan in 1990. Now that the Focus 2050 Plan has been passed, the Bureau of Land Management would also be required under federal law to (1) consider whether an application for a highway right-of-way is in keeping with the Focus 2050 Plan, (2) evaluate the significance of any inconsistency with the Focus 2050 Plan and (3) justify the public purpose to be served in taking an action with is inconsistent with an approved local plan. Thus, the Highway Department may as well consider that issue at the front end. Please feel free to contact me if you need any further documentation of this issue.

Chicken and Egg Problem

You stated at the meeting that growth is coming and it is important to plan transportation improvements for it. No doubt. It is also important to plan to reduce sprawl. Sprawl results in development that in the long run is considerably more costly for local government to serve. Studies have shown that poorly planned development actually costs counties far more than the development brings in tax receipts. This is borne out by experience in Sandoval County. The more development that comes in, the higher taxes go to provide the needed services. If there were any net benefit to local government from additional tax dollars as a result of development, surely we would see that by now in Sandoval County but in reality the result is just the opposite.

Prudently, to control sprawl and reduce this problem, the Focus 2050 Plan was prepared. It is important to consider all plans when contemplating a highway corridor because the corridor itself will greatly stimulate development. This cannot be disputed. While it may be true that Campbell Farming has proposed thousands of lots in the east mountains, proposing lots is different than selling lots. To the extent that people have great distances to travel to employment, those lots will be less attractive and may sell quite slowly. The highway corridor would change those dynamics considerably and, therefore, this impact should be the subject of honest assessment.

When your study is released we would like to see a careful analysis of the impact of this corridor on development. The analysis should answer the following questions (at a minimum):

1) Are there net tax receipts that would accrue to Sandoval County from new development stimulated by the road or would it result in a net cost to the County, and if so how much?

2) In the acquisition of right of way, federal land (Bureau of Land Management) could be involved. This would result in a net loss of open space and recreational land to the public. What would be the appropriate mitigation to offset such a significant effect?

3) If growth occurs according to your projections and the highway corridor is needed, other needs besides transportation will come into play. If this BLM land is to be used for a highway corridor, what is the availability of areas for recreation such as hiking, mountain biking and horseback riding in the greater metropolitan area that will be needed to accommodate this growth? What is the current utilization of those areas? Is it realistic to believe that the existing recreational areas will be sufficient? From a planning standpoint, setting this BLM land aside for a highway corridor will bring this issue to the forefront.

4) What would be the impact on water utilization? Although Campbell Farms has filed applications with the State Engineer for permits to appropriate ground water in the east mountain area to serve its proposed developments, those applications have been protested by many individuals and public entities. Those applications have yet to be approved and eventually could be denied based on their potential impact to other water users. Would the approval of this corridor study (through Placitas) make county approval of lots more likely that would later find themselves without water rights?

Inconsistent and Misleading Data

At the meeting we were told that part of the justification for this road was that there are 1400 approved lots between Hwy 165 and Las Huertas Creek and another 500 approved lots north of Las Huertas Creek. It seemed to me that the point of this statement was to show that the Highway Department expects large amounts of additional growth in Placitas. You would not take questions during your presentation so I had to wait almost two hours to finally ask the following question:

How many of those lots that you mentioned are already built on and how many remain to be built on? You said you had not yet obtained that data.

Without that data, the numbers presented are not helpful to understanding the problem. Citing the numbers as you did was uninformative, not relevant to the question and misleading as it caused people to conclude that 1900 approved lots were waiting to be built upon when that number apparently included existing homes.

Further, even assuming much more growth in Placitas from the already approved lots between Hwy 165 and Las Huertas Creek, the logical transportation improvements possibly needed for those lots would seem to be on Hwy 165 and at the I-25 Interchange. However, this is a study to determine the potential location of a corridor to connect I-25 and NM 14. You stated at the outset that Hwy 165 was not being considered as a possible route. Therefore, the citation of approved lots between Hwy 165 and Las Huertas Creek seems to be entirely irrelevant to the corridor study.

Other data cited was the number of additional jobs projected for Albuquerque and Santa Fe. However, there are many places other than the east mountains for people to live who wish to work at the projected jobs. In sum, there was really very little data to support any public need for this road.

A Solution in Search of a Problem

There were several questionable statements in the meeting that attempted to address the public "need" for this road:

1) *"People need to come to Bernalillo from the east mountains to register to vote."*

According to the Sandoval Bureau of Elections, voter registration can be done by mail.

2) *"The Sandoval County sheriff has difficulty getting to the east mountains to provide effective law enforcement."*

Since the road isn't going to be built for ten years, this is a remarkably unsatisfactory solution to inadequate law enforcement. A more reasonable, lower cost and more immediate solution would be to build a substation in the east mountain area. The east mountains have had a Bernalillo County sheriff's substation for some time for precisely the same reason.

3) *"People need to get to work at Intel and along the Paseo del Norte corridor."*

It is a lifestyle choice to move a great distance from work and then choose to commute. No-one gets a job at Intel, buys a house in the east mountains and *then* discovers how far it is to Intel. If people work at Intel and want a short commute there are copious housing alternatives close by that area. There are literally thousands of existing unimproved residential lots within the Rio Rancho City limits.

Trucks and Connection to I-40

It was stated at the meeting that this will not be a truck route, nor is it the "loop road" to connect I-25 and I-40. However, it is not clear to me why trucks coming from, for example, Farmington, and going to I-40 eastbound wouldn't prefer to use this route through Placitas to get to I-40. While you denied that this would be likely to occur, when the follow up question was asked whether you would be willing to post the road to prohibit trucks you said that could not be done. In the absence of such a prohibition, it is inevitable that the proposed road will be used as a truck route. In fact, on occasion the existing dirt road coming down Las Huertas creek is even used by trucks now. In sum, there needs to be an assessment in the corridor study of the amount of truck use anticipated and how that data was developed.

Potential Segmentation Issue

This corridor study from I-25 to SR-14 appears to be a segmentation of a project to connect I-25 north to I-40 east with a loop freeway. The corridor under study lacks sufficient justification on its own and the statement that it will not be used as a truck route and yet will not be posted to prevent that from happening, is not credible. The highway must satisfy three tests to avoid an allegation of improper segmentation: independent utility, logical endpoints (for both the transportation improvement and the environmental analysis) and not foreclosing alternatives for other possible transportation improvements. There needs to be considerably more justification for this highway's independent utility and logical endpoints than what has been presented to

date. The northeast loop freeway project has been mentioned as a proposal for many years. This corridor study appears to be a device to avoid study of the entire northeast quarter loop.

Environmental Justice

It was brought up at the meeting that only 1% of New Mexicans would be able to afford the lots that Campbell Farming would propose to sell. If the corridor study approves a route that could involve condemnation of private land, how does the income of the current private property owners whose land might be condemned compare to those able to afford these expensive lots? What are the environmental justice considerations? Because of the types of maps provided, it was not possible to determine which residential areas were part of a potential corridor. We would appreciate being provided with a map that overlays the potential corridors on the existing roads in Placitas.

Las Placitas Association would like to see these questions answered when the corridor study is completed. Please make sure to put us on the mailing list to receive all future mailings.

Sincerely,



Carol M. Parker, President

Cc: William Sapien, Sandoval County Commissioner
Debbie Hays, Sandoval County Manager
✓ Robert Wessley, Friends of Placitas
Carolyn Appelman, Albuquerque Journal
Pete Rahn, Secretary, New Mexico State Highway and Transportation
Department
Ed Singleton, Bureau of Land Management
Dennis Foltz, Middle Rio Grande Council of Governments
M. "Burt" Snipes, East Mountain Legal Defense Fund

Public Service Company
of New Mexico
Right of Way
Alvarado Square MS 2101
Albuquerque, NM 87158
505 241-4425
Fax 505 241-2376

December 5, 2000

Mr. Ed Singleton
Field Manager
Albuquerque Field Office
Bureau of Land Management
435 Montano Road, N.E.
Albuquerque, New Mexico 87107

**Subject: BLM Exchange with San Felipe and Santo Domingo
Pueblos/ NMNM 101521, NMNM 101522**

Dear Mr. Singleton:

On behalf of Public Service Company of New Mexico (PNM), I have written letters to your office in the past regarding the above proposed land exchange, but due to passage of time, and due to the upcoming BLM open house on December 18th related to this matter, I believe another letter is in order to explain PNM's concerns about the planned land exchange.

PNM does not oppose the land exchange, per se, but PNM believes that it is critical that rights of way for ALL existing electric and gas transmission lines (PNM and non-PNM owned) be reserved by the BLM and remain under BLM jurisdiction for the life of each permit. This has been referred to in my past correspondence to your office as the Mid-American Pipeline Company (Mapco) exception. Precedent shows that the BLM has engaged in such land exchanges and reserved jurisdiction of right of way for utilities as it did with Mapco.

PNM believes that it is crucial to the provision of economic and reliable electric and gas service to its customers that the utility right of way corridors between Albuquerque and the Santa Fe area remain under BLM control on the proposed exchanged lands with San Felipe and Santo Domingo Pueblos. However, if for some reason the BLM refuses to retain jurisdiction over the right of way corridors that will be on lands granted to the Pueblos, then at the very least, the BLM should do the following prior to the conveyance to the Pueblos:

- 18-A | 1. Amend all right of way grants to be in perpetuity. This has already been done with some right of way corridors in the affected area.
- 18-B | 2. Mandate that all future right of way payments to the Pueblos will be made strictly in accordance with BLM right of way fee schedules, and not by any other method of calculation.



00 DEC -8 PM 1:05

Response 18-A- All rights of way are in perpetuity and will be shown as valid existing rights on the patent in the exchange.

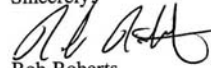
Response 18-B-The BLM does not have authority to set fees for the future on lands going out of federal ownership.

Mr. Ed Singleton
December 6, 2000
Page Two

I ask that you please give serious consideration to abide by the Mapco exception and reserve jurisdiction of the utility right of way corridors with BLM, or ensure that future right of way payments by the utility companies will be in accordance with BLM fee schedules then in effect.

If you have any questions, please feel free to call me at 241-2564.

Sincerely,



Rob Roberts
Manager, Right of Way Department

Cc Henry Townsend, PNM
Cc Melvin Christopher, PNM
Cc Ernie C'Debaca, PNM
Cc New Mexico Congressional Delegation through PNM's Governmental
Affairs Office
Cc Steve Anderson, BLM
Cc John Salazar, Rodey Law Firm

Date Received: _____

Comment Number: _____

SAN FELIPE/SANTO DOMINGO LAND EXCHANGES
SCOPING COMMENT SHEET

SUBMIT COMMENTS BY:

() Submitted by Mail () Open House, December 2, 1999 () In Person

Please share your ideas, comments, and concerns in the space provided below. Fold this form and submit in the self addressed envelope. Attach postage, and return to the BLM by December 30, 1999. If you prefer, you may send a letter instead of this comment sheet by December 30, 1999. Please specify in comments which exchange is being addressed. For additional information, please contact:

Debby Lucero, BLM Albuquerque Field Office
435 Montano NE, Albuquerque, New Mexico 87107
505/761-8787

19

I HAVE HIKEED ON THIS LAND AND
I FEEL THAT IT SHOULD REMAIN
IN PUBLIC HANDS.

01 MAR 20 11:00 AM '99

Last Name NEXT First Name ROBIN Initial E
Title (Optional) _____
Organization Name (if applicable) SIFERRA CLUB/DAPS
Mailing Address (Street/POB/etc) 424 SERENITY CT SE
City ABQ State NM Zip Code 87123

Response 19-Comment Acknowledged



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 6
 1445 ROSS AVENUE, SUITE 1200
 DALLAS, TX 75202-2733

January 16, 2001,

Mr. Edwin J. Singleton
 Field Manager
 Bureau of Land Management
 Main Conference Room
 435 Montano NE
 Albuquerque, NM 87107

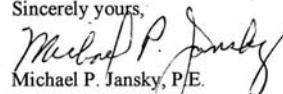
Dear Mr. Singleton:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Bureau of Land Management (BLM) Santo Domingo Land Exchange Draft Environmental Impact Statement (DEIS). Completing the proposed land exchange would enhance BLM's land ownership consolidation in this area of New Mexico. The exchange would help eliminate and/or reduce conflicts between public land users and private land owners. The Santo Domingo Pueblo would acquire lands that have been identified as having significant traditional cultural values to them.

The EPA rates your DEIS as "LO," i.e., EPA has "Lack of Objections" to the lead agency's preferred alternative. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

We appreciate the opportunity to review the DEIS. We request that you send our office one copy of the Final EIS at the same time that it is sent to the Office of Federal Activities, (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,


 Michael P. Jansky, P.E.
 Regional Environmental Review
 Coordinator

ENVIRONMENTAL COORDINATOR
U.S. FISH and WILDLIFE SERVICE
DIVISION of ECOLOGICAL SERVICES
P.O. Box 1306
Albuquerque, New Mexico 87103

Telephone: (505) 248-6668
Fax: (505) 248-6788

January 14, 2001

To: National Environmental Policy Act (NEPA) Coordinator, Albuquerque Field Office,
Bureau of Land Management, Albuquerque, New Mexico

From: David Dall, Regional Environmental Coordinator, Fish and Wildlife Service,
Albuquerque, New Mexico

Subject: Draft Environmental Impact Statement for the Proposed Santo Domingo Pueblo
Land Exchange (EC#: 01/0002)

21 | The U.S. Fish and Wildlife Service has "No Comment" on EC#: 01/0002