

**APPENDIX F**

**Indian Trust Assets and Other Tribal Resources– Consultation Letters  
To The Pueblos And Tribes**

**APPENDIX F**

**CORRESPONDENCE WITH TRIBAL GOVERNMENTS**



Isaac P. Herrera  
Governor



Andrew Quintana  
Treasurer

Cippy Crazyhorse  
Lt. Governor

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Alena Chalan  
Secretary

Mayor Jim Baca  
City of Albuquerque  
PO Box 1293  
Albuquerque NM 87103

February 15, 1999

RE: City of Albuquerque Water Resources Strategy Implementation, (WRSI)

Dear Mayor Baca,

In behalf of the Six Middle Rio Grande Basin Pueblo Water Rights Coalition, (Coalition), I am submitting our preliminary comments relative to the WRSI. The Coalition is a regular attendee at WRSI Interagency briefings and workshops through Coalition official representatives and will remain active throughout the WRSI implementation. Thank you for your cooperation.

Yours truly,

  
Isaac Herrera, Governor  
Pueblo de Cochiti

Cc: Lawrence Rael CAO  
Larry Blair, Director, PWD  
John Stomp III, P.E., Water Resources Manager

**PRELIMINARY COMMENTS OF THE SIX MIDDLE RIO GRANDE BASIN  
PUEBLOS TO THE CITY OF ALBUQUERQUE, NEW MEXICO  
WATER RESOURCES MANAGEMENT STRATEGY**

**I INTRODUCTION**

The Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta are federally recognized Indian nations whose sovereign governments and peoples have resided in the middle Rio Grande basin since time immemorial. Since that time we have lived in close harmony with the resources of the basin, carefully using and protecting our lands, minerals, wildlife and water. In order to continue to do so, we have formed a coalition (Coalition) to quantify, plan for and protect our water rights and water quality. In that regard we offer these preliminary comments regarding the City of Albuquerque's (the City) Water Resources Management Strategy.

These comments cover issues and concerns that are common to all of our Pueblos. However, each of the individual Pueblos that are members of the coalition reserve the opportunity to comment more fully and specifically as to the impacts of Albuquerque's Water Resources Strategy on their particular resources and communities.

**II. GROUND WATER DEVELOPMENT, STORAGE AND PROTECTION FROM  
GROUND WATER MINING**

**A. Ground Water Development**

The Coalition is very concerned with the City's continued ground water withdrawals, especially as they affect and impair our ground water reserves. While we recognize that part of the purpose of the City's Water Resources Management Strategy is to reduce the levels of its ground water dependency, we need to be assured that, as part of the City's plan, production wells sited close to Pueblo boundaries are shut down or regulated so that our ground water is not diminished, depleted or otherwise negatively affected.

**B. Ground Water Storage and Recovery Act**

As part of any ground water management strategy, ground water storage and recovery may have beneficial near term and long term benefits. Accordingly, the City is actively supporting passage of the proposed New Mexico Ground Water Storage and Recovery Act (the Act)<sup>1</sup> by the New Mexico Legislature. The Coalition understands the positive potential of such activities, but is troubled by several provisions of the Act.

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<sup>1</sup>See, Proposed NMSA 1978 § 72-20-1 (xxxx).

First, it is unclear how senior reserved rights will be protected from impairment by potential participants in a water bank. Three of the proposed alternatives in the City's Water Management Strategy use some form of aquifer recharge and storage as key components. Economies of scale suggest that the most efficient water banking cost/benefit ratios are achieved when ground water storage facilities acquire large amounts of water from willing participants.

However, the Act as currently drafted, works against the Coalition members' interests in several ways. First it impliedly rejects any opportunity for Indian Tribes and Pueblos to deposit their senior Indian reserved water rights in a water bank because it limits participation in a water bank to those who hold water rights deemed to be "valid."<sup>2</sup> Validity is acknowledged for non-Indian parties who do as little as file a declaration of a water right with the State Engineer. Meanwhile, Indian nations, as holders of federally reserved water rights are not considered to have "valid" rights, because there has been no formal adjudication of their rights. Thus the Act elevates non-Indian water rights claimants over holders of federally reserved water rights, despite the fact that the declarations filed with the State Engineer also have never been formally adjudicated consistent with the concurrent federal and state jurisdiction over water rights established by the McCarran Amendment.<sup>3</sup>

Second, the Act provides protections to junior non-Indian water rights holders who participate in the water bank, even where they otherwise would have forfeited or abandoned their water rights due to extensive periods of non-use.<sup>4</sup> The failure of the Act to adequately consider the nature of Indian water rights impairs Coalition members from bringing valid forfeiture and abandonment protests against junior water appropriators, and keeps Indian nations from realizing the full value of their reserved water rights.

The City should work with Indian Tribes and Pueblos to amend the Act so that Coalition members are not prevented from participating fully in ground water storage and recovery and Indian water rights are fully protected.

### **C. Ground Water Mining**

The Indian and non-Indian communities of the middle Rio Grande in conjunction with the federal government and others have correctly determined that the aquifer underlying the middle Rio

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<sup>2</sup>See, Proposed NMSA 1978 § 70-20-7 A(2) (xxxx).

<sup>3</sup>43 U.S.C. § 666 (1952). The McCarran Amendment, waives the sovereign immunity of the United States from lawsuits initiated by the states, but only in suits, "for the adjudication of rights to the use of water of a river system or other source." *Id.* The clause consents only to the joinder of the United States in a general adjudication of all of the rights of various users on a given stream, rather than in a private suit involving only some claimants. *Dugan v. Rank* 372 U.S. 609 (1963).

<sup>4</sup>See, Proposed NMSA 1978 § 72-20-9 B (xxxx).

Grande basin is not as expansive as was once believed. As a whole these entities are also correct in their concerns regarding the mining of the ground water resources of the basin. We share those concerns, with particular interest in the location and operations of City wells that are located near Coalition members' boundaries.

Cones of depression created by the City's ground water mining indicate the extent of the detrimental impacts of City ground water pumping on several of the Coalition's members. It is crucial to us that the City's ground water usage and infrastructure not diminish our ground water quantities or quality, and urge that these issues be adequately reviewed and addressed in any National Environmental Policy Act Review (NEPA) that is conducted related to the City's Water Management Strategy.

### **III. SURFACE WATER DIVERSION, STORAGE AND NEW CLAIMS FOR NATIVE WATER**

#### **A. The City's Conjunctive Use Proposals for its San-Juan Chama Diversion Allocation and Continued Ground Water Use**

The City has contracted and is paying for approximately 48,200 acre-feet per year, less conveyance losses, of San Juan Chama Project (SJCP) water. This water is diverted out of the San Juan basin in southwestern Colorado and conveyed via the Rio Chama through northwestern New Mexico to the mainstem Rio Grande where it eventually makes its way to Albuquerque.

While the Coalition recognizes the right of the City to divert and use this water, we are very concerned about the alternatives that the City proposes, because those choices could have direct and significant impacts on our water rights, usage, and environment.

The City's Water Management Strategy identifies three methods by which the SJCP surface water may be combined with ground water use to meet the City's present and future needs. The first of the proposed alternatives is to divert the surface water from the Rio Grande, treat it and inject it into the aquifer. This alternative uses SJCP water to restore ground water levels to allow for continued pumping from the City works. The second proposed alternative is a modified version of the first alternative. Under this option, the City proposes to divert the SJCP water, treat it to drinking water standards and inject "excess" water into the aquifer through existing wells. This water again will help to maintain the availability of ground water to later be recovered to meet peak demands. The final proposed conjunctive use alternative is to divert the SJCP water, treat it to appropriate levels and pump it to arroyos or spreading basins for recharge into the aquifer. This option allows for early use of SJCP water while also recharging the aquifer.

All of these options must be investigated thoroughly for their environmental affects to the Rio Grande and riparian corridor, for their technical feasibility, for additional burdens to and diminishment of historic, current and future Indian water rights, infrastructure and municipal, domestic and agricultural development.

For example, several of our member Pueblos have undertaken or are planning to implement bosque rehabilitation and other natural habitat restoration along the Rio Grande corridor. The location and timing of the City's diversion of its SJCP water could seriously affect the viability of these efforts and the health and survival of several avian and aquatic species currently listed as threatened or endangered under the Endangered Species Act. We have, in good faith, initiated these programs to assist and complement our overall ability to use our water now and in the future for our sovereign purposes. As mentioned above, the location of the City's proposed diversions and the timing of those diversions may negatively affect our efforts and lead to regulatory restrictions on our use of our reserved water rights. We should not be asked to curtail plans for necessary and appropriate economic development because of a failure, during this process, to adequately review and consider the impacts of the City's diversion and conjunctive use of surface and ground water.

### **B. Diversion and Direct Use of Surface Water**

The City also proposes alternatives to divert the SJCP water, treat it and add it directly to its municipal delivery works to supply its customers located in: 1) the City's service areas east of the Rio Grande (47,000 acre-feet diversion); 2) the City's service areas west of the Rio Grande (47,000 acre-feet diversion); or 3) citywide (94,000 acre-feet diversion with a return flow of 47,000 acre-feet of effluent).

The Coalition incorporates its above listed concerns with regard to these proposed alternatives. As mentioned above, the location and timing of the diversions may have significant negative effects upon our water rights, quantities and quality throughout the middle Rio Grande basin depending upon the proposed alternative and the source and timing of the diversion or water use.

Of special concern to us is the citywide direct use option. Under that alternative, 47,000 acre-feet of effluent would be released into the mainstem of the Rio Grande above Isleta Pueblo. It is imperative that the quality of that effluent meet the water quality standards set by Isleta Pueblo and that the releases and environmental effects of such releases be carefully monitored and controlled so that no harmful by-products from the City's uses contaminate the water supplies of Isleta Pueblo.

### **C. Reclaimed Wastewater**

The Coalition is similarly concerned with the seven reclaimed wastewater alternatives proposed in the City's Water Management Strategy. All have the danger, if not adequately implemented and regulated, to harm the surface or ground water of several member Pueblos of the Coalition. The Coalition urges extreme care and consideration of these options related to the treatment technologies and subsequent uses and applications of treated effluent in the surface and ground water systems of the middle Rio Grande basin.

Further, it is the position of the Coalition that our water rights are to be met from the native flows of the Rio Grande and are not to be satisfied, without our consent, by delivery of reclaimed wastewater or treated effluent.



#### **D. Storage**

On May 21, 1998 the City submitted a Notice of Intent for conservation storage in Abiquiu Reservoir pursuant to the City's Water Management Strategy. The City's stated reason for this application is that the evacuation of its SJCP water from the reservoir will leave space, which may be filled with native water in excess of water claims of downstream water rights holders including those under the Rio Grande Compact.

As a general matter, the Coalition believes that the Federal Trust Responsibility that the U.S. Army Corps of Engineers, the Bureau of Reclamation, and other federal agencies owe to Indian nations precludes an award of conservation storage in the absence of an offer of similar storage opportunities in Abiquiu Reservoir being made available to Indian nations. More specifically, it is of great interest to the Coalition how the City's approximate SJCP annual diversion of 94,000 acre-feet of water (including transportation losses) will be accommodated in Abiquiu Reservoir storage. See discussion below.

#### **E. The City's New Claims for Native Water**

In the same May 21, 1998 Notice of Intent, the City made known its desire to appropriate native water as available over and above the needs of downstream water rights holders including those under the Rio Grande Compact.


The Coalition vigorously objects to the City's assertion that there is any native water available for the City's appropriation when Indian reserved water rights claims have not been addressed and satisfied. It is our position that all available native water, water that remains outside of the scope and obligations of the Rio Grande Compact, is primarily federally reserved water and should not be subject to non-Indian appropriation until all Indian and other federally reserved water rights have been fully quantified and satisfied.

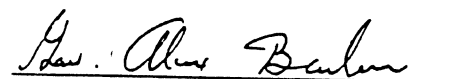
### **IV. CONCLUSION**

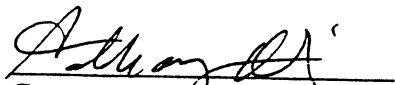
The Coalition has significant and ongoing interest in the City's Water Management Strategy. We have an abiding commitment to ensure that safe, clean and abundant water is available for our future generations. In that light, we remain concerned with City's plans regarding ground water usage and its potential effects on our ground water reserves, as well as the City's plans to divert surface water and the impacts of those diversions on our domestic and municipal water supplies as well as the middle Rio Grande and riparian corridor.

We are troubled by the proposed alternatives contained in the Strategy and the City's intention to seek new applications for native water and storage space in federally operated facilities may threaten our ability to reach full and fair settlement of our historic, current and reserved water rights. These concerns must be addressed and satisfied if a truly cooperative relationship is to be engendered and maintained between our communities.

We offer these comments in the spirit of constructive concern, and hope that we can come together as governments to satisfy all of the needs of our people. But, while we do not seek an adversarial relationship with the City, we can not and will not stand by and watch our rights and interests be damaged or diminished by the City's actions.

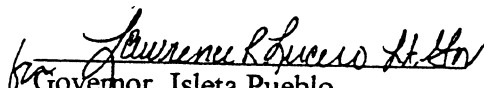
  
Governor, Pueblo de Cochiti

  
Governor, Santo Domingo Pueblo

  
Governor, San Felipe Pueblo

  
Governor, Santa Ana Pueblo

  
Governor, Sandia Pueblo

  
Governor, Isleta Pueblo

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ALB-153  
ENV-1.10

To: All on Enclosed List

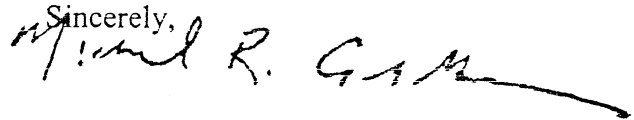
Subject: Solicitation Of Interest For Participation In National Environmental Policy Act  
(NEPA) Compliance Processes For City of Albuquerque's Water Resources Projects

The U.S. Bureau of Reclamation (Reclamation) is currently the NEPA lead federal agency for several projects associated with the City of Albuquerque's (City) Water Resources Management Strategy. In an effort to curb its reliance on unsustainable use of ground water, the City has plans to import and use its San Juan-Chama Diversion Project water for drinking water supply, and implement several water reclamation and reuse projects for non-potable water demands like turf irrigation.

Reclamation is serving as the NEPA lead because of specific federal involvement in the projects. For the water reuse projects, Reclamation is providing some funding. For the drinking water supply project, the City must obtain a license agreement with the Middle Rio Grande Conservancy District (MRGCD) to install or use any proposed diversion features. Reclamation is a party to these licenses, and NEPA must be completed prior to Reclamation concurrence on a license. In addition, there are other associations between Reclamation and the City's proposals. The City's drinking water supply project intends to make use of its contracted water provided by the San Juan-Chama Project which is a federal Reclamation Project. Reclamation prepared the "Middle Rio Grande Water Assessment" (Assessment) with funding and close coordination of the City, and many of the recommendations made by Reclamation in the Assessment are components of the City's proposals.

As currently envisioned, Reclamation intends to oversee Environmental Assessments (EAs) for the reclamation and reuse projects and an Environmental Impact Statement (EIS) for the Drinking Water Supply Project. As part of these processes, Reclamation will address potential effects to Indian Trust Assets, and cultural resources including sacred sites and traditional cultural properties. We would like to consult with your Pueblo or organization to help us determine if these types of resources/trust assets would be significantly affected by the City's proposals. At this early stage, Reclamation would like to learn more about issues that may be of concern to you and your Pueblo or your organization. If you are interested in participating during the NEPA processes, we respectfully request that you provide us with the name(s) of the appropriate contact/coordination person(s) to represent your interests.

If you have any questions about this solicitation, please contact Ms. Lori Robertson of my staff at (505) 248-5326. I am looking forward to your response. Thank you for your time and consideration.

Sincerely,  


Michael R. Gabaldon  
 Area Manager

cc: Bureau of Indian Affairs  
 Albuquerque Area Office  
 Area Manager  
 Attention: Mr. Bob Baracker  
 PO Box 26567  
 Albuquerque NM 87125-6567

Bureau of Indian Affairs  
 Albuquerque Area Office  
 Branch of Water Rights  
 Attention: Mr. Omar Bradley  
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 Albuquerque NM 87125-6567

Governor Lloyd Tortalita  
 Pueblo of Acoma  
 PO Box 309  
 Acoma NM 87034

Governor Isaac Herrera  
 Pueblo of Cochiti  
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 Cochiti NM 87072

Pueblo of Acoma  
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Governor Malcolm Bowekaty  
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Pueblo of Zuni  
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PO Box 339  
Zuni NM 87327

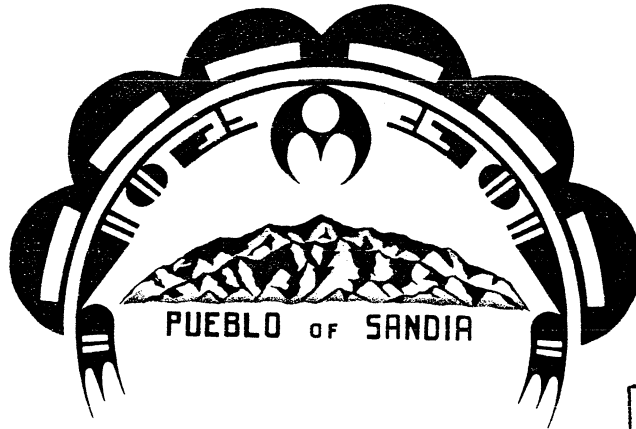
Bureau of Indian Affairs  
Northern Pueblos Agency  
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Española NM 87533

Bureau of Indian Affairs  
Southern Pueblos Agency  
PO Box 1667  
Albuquerque NM 87103

Mr. Don Diego Gonzales  
Six Middle Rio Grande Pueblo Coalition  
DDG and Associates  
843 Old Santa Fe Trail  
Santa Fe NM 87501

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Governor  
 Inez Baca  
 Lt. Governor  
 Victor Montoya  
 Treasurer  
  
 Lucia C. Trujillo



Box 6008  
 Bernalillo, New Mexico 87004  
 (505) 867-3317

ALBUQUERQUE AREA OFFICE  
 RECEIVED FOR  
 APR 2 1999

DUE: \_\_\_\_\_  
 Classification \_\_\_\_\_  
 Project \_\_\_\_\_  
 Control No. \_\_\_\_\_  
 Folder No. \_\_\_\_\_  
 Subject \_\_\_\_\_

DATE	INITIALS	TCDE
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4/8	mg	150
4/8	mg	153

March 25, 1999

Michael R. Gabaldon  
 Area Manager  
**U.S. DEPARTMENT OF THE INTERIOR**  
 Bureau of Reclamation  
 Albuquerque Area Office  
 505 Marquette NW, Suite 1313  
 Albuquerque, NM 87102-2162

Re: Solicitation of Interest For Participation in National Environmental Policy Act (NEPA)  
 Compliance Processes for City of Albuquerque's Water Resources Projects

Dear Mr. Gabaldon:

The Pueblo of Sandia would like to be an active participant in the NEPA consultation process during the City of Albuquerque's Water Resources Management Strategy.

Ms. Beth Janello, Environmental Director for the Pueblo, will be our contact person for this effort. Please direct correspondence to Governor Inez Baca, with a copy to Ms. Janello, at Box 6008, Bernalillo, NM 87004.

Sincerely,

*Inez Baca*  
 Inez Baca  
 Governor

ESJ/ ddt

cc: Malcolm Montoya, Lands Director  
 Beth Janello, Environmental Director



SEP 03 1999

ALB-153  
ENV-1.10

Honorable Lloyd Tortalita  
Pueblo of Acoma  
P. O. Box 309  
Acoma NM 87034

Subject: Coordination Regarding City of Albuquerque's Proposed Drinking Water Project

Dear Governor Tortalita:

The U.S. Bureau of Reclamation (Reclamation) is serving as the National Environmental Policy Act (NEPA) lead federal agency for evaluating the City of Albuquerque's (City) proposed Drinking Water Project. This project is a major element of the Water Resources Management Strategy (AWRMS) adopted by the City in 1997. The AWRMS is based on optimizing the City's use of existing water resources and developing new surface water supplies for the City of Albuquerque. The strategy is intended to provide a safe and sustainable water supply for the City by minimizing the continued pumping and sole reliance on ground water resources. This project would reduce the amount of ground water pumping by the City and private users by using the City's contracted San Juan-Chama Project allotment as the primary drinking water supply for the customers served by the City.

Reclamation is overseeing NEPA compliance activities for the proposed project because of specific federal involvement in the process. The City must obtain a license agreement with the Middle Rio Grande Conservancy District (MRGCD) to install or use any proposed diversion features. Reclamation is a party to these licenses, and the NEPA process must be completed prior to Reclamation concurrence on a license. In addition, there are other associations between Reclamation and the City's proposed project. The City's proposed project intends to make use of its contracted water provided by the San Juan-Chama Project, which is a federal Reclamation project. Reclamation prepared the *Middle Rio Grande Water Assessment* (Assessment) with funding and in close coordination with the City, and many of the recommendations made by Reclamation in the Assessment are incorporated in the City's AWRMS.

To date, several interagency and stakeholder workgroup meetings have been conducted to present and discuss the City's water resources projects, including the preliminary planning and design of the Drinking Water Project. These meetings will continue as a primary forum for presenting project concepts and designs, and to receive agency and stakeholder feedback regarding resource issues and concerns.

An environmental impact statement (EIS) will be prepared under the direction of Reclamation to assure that the project meets all applicable environmental requirements of NEPA, the State of New Mexico, and the City. As part of the regulatory compliance analysis, potential effects to Indian trust assets, tribal health and safety, and cultural resources will be determined. To fully analyze potential effects, Reclamation would appreciate your Pueblo's input regarding possible concerns related to Indian trust assets, tribal health and safety, or other aspects of the Pueblo's cultural heritage that may be associated with the proposed project. Reclamation is specifically required to make findings regarding these topics.

At this time, the primary components of the City's proposed project are expected to include a diversion of surface water, conveyance of the diverted water to a surface water treatment facility, treatment of the water for drinking and other uses, conveyance into the City's distribution system, and ensuring return flows to the Rio Grande. An aquifer storage and recovery component is also expected to be included, to give the City flexibility in fully utilizing their available water supplies and meeting water demands. Some alternatives include diversion or conveyance on Pueblo lands.

**Water Diversion:** Both surface and subsurface diversion structures are currently being evaluated for applicability for the City's project. Surface diversion options include using the existing Angostura, Atrisco, and Isleta diversions, or constructing a new surface diversion in the Albuquerque area.

Options for a subsurface diversion that are being evaluated include infiltration galleries paralleling the river and horizontal wells drilled beneath the river. Both would require subsurface construction of diversion facilities between the river and the riverside drain.

**Water Treatment:** The water treatment process selection and configuration will be designed to meet all Safe Drinking Water Act requirements. Several treatment trains are currently being evaluated based on different potential combinations of source water quality, type of diversion to be implemented, and customer quality requirements. An area of approximately 110 acres will be required to meet process design needs and to treat the volume of water to meet projected City demands. Several sites in the Albuquerque area are currently being considered.

**Conveyance:** Conveyance facilities would be required to move water from the selected diversion to the water treatment facility, and from the water treatment facility to the existing City water distribution system. Conveyance options will consider using existing facilities or the construction of new facilities. Using existing conveyance facilities may require improvements to meet projected volume demands, maintain operational requirements for diversion and conveyance of irrigation supplies, and to address environmental considerations.

**Distribution:** Treated water will be conveyed from the treatment facility into the City's existing distribution system to serve their customers. Some improvements to the existing distribution system will likely be needed to efficiently serve customers on both sides of the Rio Grande.

Improvements may include construction of new pipelines and pump stations in the City's service area and bridge crossings to connect eastside and westside systems.

**Aquifer Storage and Recovery (ASR):** The ASR component will allow the City to store water in the local ground water basin when additional surface supplies are available or during reduced demand (i.e., winter months). The City could then use this stored water to supplement surface water supplies during periods when surface supplies cannot completely meet demands. The City would modify existing wells or construct new wells to extract the ground water and to inject treated-surface water into the ground-water basin for storage and recharge.

Technical studies regarding the potential structure, configuration, and alignments of these facilities are ongoing. Feedback from interested agencies and stakeholders during the planning process will ensure that the proposed project meets the City's objectives and addresses environmental and other resource-related concerns.

Technical analyses will address how flows in the Rio Grande between Heron Dam and Elephant Butte Lake may change, as the City releases and uses its allotment of San Juan-Chama water as the supply for the project. The City's current planning approach is to divert its full annual San Juan-Chama allotment of approximately 47,000 acre-feet per year (ac-ft/yr.), as well as an equivalent volume of approximately 47,000 ac-ft/yr. of native Rio Grande flows. Assuming a consumptive use of 50 percent of the diverted amount (equivalent to the volume of San Juan-Chama Project water diverted), the native Rio Grande flow would effectively be returned to the river at the City's Southside Water Reclamation Plant discharge.

Reclamation invites your Pueblo's involvement on a government-to-government basis to identify the project concerns of your Pueblo relative to your trust assets and resources and tribal health and to assure that potential effects of the proposed project are fully addressed. Specifically, we would like to identify your concerns and questions regarding trust resources or trust assets that could potentially be affected by the proposal and how those resources/trust assets or tribal health and safety might be evaluated.

To facilitate your identification of questions and concerns about the proposed project, Reclamation will gladly provide any additional project information needed by you or your staff as it becomes available. We would welcome an opportunity to meet with you and your staff to describe the project in further detail and discuss other technical aspects. In addition, representatives from your Pueblo are invited to participate in interagency workgroup meetings held monthly to exchange information with interested parties on the various projects associated with the City's Water Resources Management Strategy.

Public scoping meetings for the proposed project are scheduled to be held September 23, 1999, in Albuquerque at the Albuquerque Convention Center, Cimarron/Dona Ana rooms from 6:00 p.m. to 8:00 p.m., September 28, 1999, in Socorro at New Mexico Tech, Macy Center from

6:00 p.m. to 8:00 p.m., and September 30, 1999, in Española at the Northern New Mexico Community College, Joseph Montoya Building from 6:00 p.m. to 8:00 p.m. Further notices regarding the dates, times, and locations of these meetings will be published in the Federal Register and in local newspapers, and notices will be sent to interested stakeholders and the public, including your Pueblo. Representatives of Reclamation and the City will be at the scoping meetings to answer questions regarding the purpose, siting, design, construction, and operation of the proposed project. Information regarding the EIS process will also be available. Individuals and agencies are invited to view the displayed information, to ask questions regarding the planning for the proposed project, and to make comments regarding environmental concerns about the proposed project that should be addressed in the EIS.

We look forward to further communication. Please let us know your level of interest in Albuquerque's Drinking Water Project and please identify which individual(s) we should be in contact with.

Reclamation is very interested in assuring that you and other Pueblo members have the opportunity to be involved in this process. Please contact Ms. Lori Robertson of my staff at (505) 248-5326 for additional information or to arrange a meeting. Thank you for your time and consideration.

Sincerely,



FOR Michael R. Gabaldon  
Area Manager

cc: Pueblo of Acoma

Attn: Natural Resources Office

P. O. Box 309

Acoma NM 87034

WBR:LRobertson:tjp:09/02/99:248-5326:acoma.eis.wpd

Letters with similar content were sent individually to tribal leaders on September 3 and September 8, 1999 to the following Tribes and to agencies:

Pueblo of Acoma  
Pueblo of Cochiti  
Pueblo of Isleta  
Pueblo of Jemez  
Pueblo of Laguna  
Pueblo of Nambé  
~~Pueblo of Picuris~~  
Pueblo of Pojoaque  
Pueblo of Sandia  
Pueblo of San Felipe  
Pueblo of San Ildefonso  
Pueblo of San Juan  
Pueblo of Santa Ana  
Pueblo of Santa Clara  
Pueblo of Santo Domingo  
Pueblo of Taos  
Pueblo of Tesuque  
Pueblo of Ysleta del Sur  
Pueblo of Zia  
Pueblo of Zuni  
Jicarilla Apache Nation  
Mescalero Apache Tribe  
Ramah Navajo Chapter  
Ute Mountain Ute Tribe  
Bureau of Indian Affairs Regional Office  
Bureau of Indian Affairs Northern Pueblos Agency  
~~Bureau of Indian Affairs Southern Pueblos Agency~~



# United States Department of the Interior

BUREAU OF RECLAMATION  
Albuquerque Area Office  
505 Marquette NW, Suite 1313  
Albuquerque, New Mexico 87102-2162

IN REPLY REFER TO:

ALB-153  
ENV-1.10

DEC 07 1999

Lt. Governor Victor Montoya  
Pueblo of Sandia  
Box 6008  
Bernalillo NM 87004

Subject: Consultation Regarding City of Albuquerque's Proposed Drinking Water Project  
and Water Reclamation and Reuse Projects

Dear Lt. Governor Montoya:

I am writing to thank you, Mr. Frank Chaves, and Ms. Beth Janello of your staff for allowing the Bureau of Reclamation (Reclamation) and the City of Albuquerque's (City) consultants to present information, on November 29, 1999, describing the City's projects. As the NEPA lead federal agency for review of the projects, we appreciate the opportunity to consult with the Pueblo of Sandia (Pueblo) on a government to government basis. Thank you for your interest and initial comments. My staff and I welcome any additional input the Pueblo may have with respect to identifying potential impacts to Indian trust assets, traditional cultural properties and other cultural resources, sacred sites, Pueblo health and safety, or any other resources of concern.

Both Reclamation and the City are available to further discuss the projects at your convenience. Please feel free to contact me at (505) 248-5357.

Sincerely,

Michael R. Gabaldon  
Area Manager

cc: Mr. Frank Chaves  
Pueblo of Sandia  
Economic Development  
Box 6008  
Bernalillo NM 87004

Ms. Beth Janello  
Pueblo of Sandia  
Natural Resources Office  
Box 6008  
Bernalillo NM 87004

Mr. John Stomp  
City of Albuquerque  
Water Resources Management  
PO Box 1293  
Albuquerque NM 87103

Mr. Mike Bitner  
CH2M HILL  
6001 Indian School Road NE  
Suite 350  
Albuquerque NM 87110-4140

Mr. Joe Chwirka  
CH2M HILL  
6001 Indian School Road NE  
Suite 350  
Albuquerque NM 87110-4140

Mr. Chris Viramontes  
Parsons Engineering Science  
3150 Carlisle Boulevard, Suite 210  
Albuquerque NM 87110



Governor

Inez Baca  
Lt. Governor

Victor Montoya  
Treasurer

Lucia C. Trujillo



Box 6008  
Bernalillo, New Mexico 87004  
(505) 867-3317

December 8, 1999

Michael Gabaldon, District Manager  
**US BUREAU OF RECLAMATION**  
Albuquerque District  
505 Marquette NW  
Albuquerque, NM 87102

Dear Mr. Gabaldon:

Thank you for meeting with the Pueblo of Sandia regarding the City of Albuquerque's proposed water resource projects. We recognize the City's efforts to conserve and reuse precious water resources through industrial water recycling and wastewater effluent reuse. However, we are very concerned about the City's plans to divert substantial quantities of water from points upstream of our Reservation, and the impacts of such diversions on our Pueblo. Such diversions will reduce current instream flows in the Rio Grande, which in turn will adversely impact our use of the River for traditional and cultural purposes. Specifically, reduced flows may cause a degradation of surface water quality and may adversely impact the health of the river and riparian ecosystem within our Reservation. We are also concerned about the means by which the City proposes to divert the water from the Rio Grande and the location of diversion and conveyance facilities.

In short, we remain quite concerned about the City's plans to divert and use surface water from the Rio Grande and will be closely monitoring developments in this regard.

If you have any questions, please contact Beth Janello, Environmental Director of my staff, at (505) 867-4533.

Sincerely,

Inez Baca  
Governor

/esj

ALBUQUERQUE AREA OFFICE  
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Subject \_\_\_\_\_

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12/17	MM	100
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12-29	MM	150
		400
		130
12-29	MM	153
		154

ACTION



cc: The Honorable Mayor Baca, City of Albuquerque  
John Stomp, Water Resources Manager, City of Albuquerque  
Frank Chaves, Economic Development Director, Pueblo of Sandia  
Beth Janello, Environment Director, Pueblo of Sandia  
Rhea Graham, Water Resources Manager, Pueblo of Sandia  
File/Chrono



# United States Department of the Interior

FEB 03 2000  
2482

BUREAU OF RECLAMATION  
Albuquerque Area Office  
505 Marquette NW, Suite 1313  
Albuquerque, New Mexico 87102-2162

IN REPLY REFER TO:

ALB-153  
ENV-1.10

FEB 02 2000

Governor Stuart Paisano  
Pueblo of Sandia  
Box 6008  
Bernalillo NM 87004

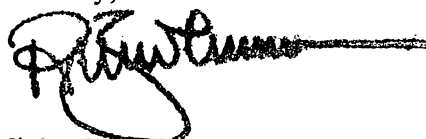
Subject: Summary of Meeting and Consultation Regarding City of Albuquerque's Proposed Drinking Water Project and Water Reclamation and Reuse Projects

Dear Governor Paisano:

I am writing to followup on our November 29, 1999 meeting with Lt. Governor Victor Montoya, Mr. Frank Chaves, and Ms. Beth Janello of your staff. At the meeting, the City of Albuquerque's (City) consultants, myself and my staff described and discussed the City's water projects. As the NEPA lead federal agency for review of the projects, we appreciated the opportunity to consult with the Pueblo of Sandia on a government to government basis. Enclosed is a summary of the meeting and a copy of the slides which were presented. Following the meeting, I received the Pueblo of Sandia's December 8, 1999 letter (enclosed for your reference) that identified the Pueblo's issues and concerns regarding the City's projects. Most notably, the Pueblo is concerned about the City's plans to divert and use surface water and the potential effects that diversion may have on the riverine ecosystem, water quality and quantity, and traditional and cultural uses of the Rio Grande.

Thank you very much for these comments and the Pueblo's continued interest in the City's projects. The environmental analyses that are currently underway will address your areas of concern. The Bureau of Reclamation (Reclamation) remains committed to encouraging the Pueblo's participation throughout the process and welcomes additional input as the projects develop. The City continues to host interagency work group meetings where new information regarding the projects is shared. We are appreciative that members of your staff are usually able to attend. If you or the Tribal Council would like additional information as the projects develop, Reclamation and the City are both available to have further discussions at your convenience. Please feel free to contact me at (505) 248-5357.

Sincerely,

FOR 

Michael R. Gabaldon  
Area Manager

Enclosure

cc: Lt. Governor Victor Montoya  
Pueblo of Sandia  
Box 6008  
Bernalillo NM 87004

Mr. Frank Chaves  
Pueblo of Sandia  
Economic Development  
Box 6008  
Bernalillo NM 87004

Ms. Beth Janello  
Pueblo of Sandia  
Natural Resources Office  
Box 6008  
Bernalillo NM 87004

bc: Mr. John Stomp  
City of Albuquerque  
Water Resources Management  
P.O. Box 1293  
Albuquerque NM 87103

Mr. Mike Bitner  
CH2M HILL  
6001 Indian School Road NE  
Suite 350  
Albuquerque NM 87110-4140

Mr. Joe Chwirka  
CH2M HILL  
6001 Indian School Road NE  
Suite 350  
Albuquerque NM 87110-4140

Chris Viramontes  
Parsons Engineering Science  
3150 Carlisle Boulevard, Suite 210  
Albuquerque NM 87110

Regional Director, Salt Lake City UT  
Attention: UC-726

ALB-130, ALB-158

ALB-153  
WTR-1.10

JAN 24 2002

Governor Cyrus J. Chino  
Pueblo of Acoma  
P.O. Box 309  
Acoma, NM 87034

Subject: Request for Consultation Regarding proposed City of Albuquerque Drinking  
Water Project Environmental Impact Statement

Dear Governor Chino:

The U.S. Bureau of Reclamation (Reclamation) is serving as the National Environmental Policy Act (NEPA) lead federal agency for evaluating the City of Albuquerque's (City) proposed Drinking Water Project. This project would reduce the City's sole reliance on ground water resources by using the City's contracted San Juan-Chama Project allotment as the primary drinking water supply.

An Environmental Impact Statement (EIS) is being prepared under the direction of Reclamation to assure that environmental factors are considered in project planning and decision-making. As part of the NEPA analysis, potential effects to Indian trust assets, tribal health and safety, and cultural resources will be determined. We expect the EIS document to be available for comment and review later this spring or in early summer.

In letters dated March 1999 and September 1999, Reclamation requested consultation with your Pueblo to discuss the City's Drinking Water Project. The purpose of today's letter is to reiterate our desire to make sure that all concerns are identified and addressed. Reclamation invites your Pueblo's involvement on a government-to-government basis to identify possible concerns related to Indian trust assets, tribal health and safety, or other aspects of the Pueblo's cultural heritage that may be associated with the proposed project.

Reclamation would welcome an opportunity to meet with you, and your staff to describe the

A

project in further detail and discuss other technical aspects.

For additional information or to arrange a meeting, please contact Ms. Lori Robertson of my staff at (505) 248-5326. Thank you for your time and consideration.

Sincerely,

---

~~Kenneth G. Maxey~~

Kenneth G. Maxey  
Area Manager

cc: Lt. Governor Gregory T. Ortiz  
Pueblo of Acoma  
P.O. Box 309  
Acoma NM 87034

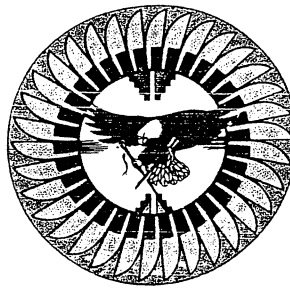
WBR:LRobertson:jdr:01/17/02:(505) 248-5326:G:\SecFiles\Envi\Lori R\PuebloEISletter.doc

Identical letters sent to

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Letters with similar content were sent individually to tribal leaders on January 23 and January 24, 2002 to the following Tribes and to agencies:

Pueblo of Acoma  
Pueblo of Cochiti  
Pueblo of Isleta  
Pueblo of Jemez  
Pueblo of Laguna  
Pueblo of Nambé  
Pueblo of Picuris  
Pueblo of Pojoaque  
Pueblo of Sandia  
Pueblo of San Felipe  
Pueblo of San Ildefonso  
Pueblo of San Juan  
Pueblo of Santa Ana  
Pueblo of Santa Clara  
Pueblo of Santo Domingo  
Pueblo of Taos  
Pueblo of Tesuque  
Pueblo of Ysleta del Sur  
Pueblo of Zia  
Pueblo of Zuni  
Alamo Navajo Chapter  
Jicarilla Apache Nation  
Mescalero Apache Tribe  
Navajo Nation  
Ramah Navajo Chapter  
Southern Ute Tribe  
Ute Mountain Ute Tribe  
Bureau of Indian Affairs Regional Office  
Bureau of Indian Affairs Northern Pueblos Agency  
Bureau of Indian Affairs Southern Pueblos Agency  
Six Middle Rio Grande Pueblos Coalition  
New Mexico State Historic Preservation Office  
New Mexico Interstate Stream Commission  
U.S. Fish and Wildlife Service



# PUEBLO OF ISLETA

P.O. BOX 1270 ISLETA, NM 87022

February 22, 2002

Mr. Kenneth G. Maxey  
Area Manager  
United States Department of the Interior  
Bureau of Reclamation  
Albuquerque Area Office  
505 Marquette N.W., Suite 1313  
Albuquerque, NM 87102-2162

ALBUQUERQUE AREA OFFICE  
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FEB 26 2002

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Folder No. 35734

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3/6	400	

**Re: Your Letter of January 24, 2002 Requesting Consultation Regarding the Proposed City of Albuquerque Drinking Water Project Environmental Impact Statement**

Dear Mr. Maxey:

This letter responds to your above-referenced letter requesting government-to-government consultation on the City of Albuquerque's Drinking Water Project. The Pueblo of Isleta believes that government-to-government consultation directly with you is necessary and appropriate, and we appreciate your effort to initiate consultation.

In fact, the Pueblo's hydrologist, John Sorrell, has previously asked Lori Robertson of your staff for the opportunity to review the preliminary draft of the Environmental Impact Statement for this Project. Ms. Robertson did not indicate whether she would comply with that request, but did offer to give a presentation on the Project to the Pueblo administration and Tribal Council.

A briefing by the Bureau of Reclamation would be a good way to start the government-to-government consultation process. We request that the briefing be conducted by Reclamation, without the participation of the City of Albuquerque. Several members of the Council, Mr. Sorrell and the Pueblo's Special Water Counsel have received a general briefing from the City. The Pueblo will undoubtedly have further discussions with the City about the Project. However, you will certainly understand that it would not be appropriate for the City to participate in the consultation between the Pueblo and its trustee, the Bureau of Reclamation.

The Pueblo has significant concerns about how the Project will affect the Pueblo and its trust resources. Many of our concerns are reflected in our Protest of the City's application for a surface

water diversion filed with the New Mexico Office of the State Engineer. A copy of our protest is attached for your reference.

We would like to consultation with a meeting with the Tribal Council on March 18<sup>th</sup> or 20<sup>th</sup>, 2002, at 6:00 p.m., in the Council Chambers in the Pueblo Government Office Tribal Road 40, #117A. Please contact Mr. Sorrell and our Special Water Counsel, Les Taylor and Susan Jordan, to confirm the meeting. Contact information is provided below. We look forward to meeting with you.

Sincerely,



Governor Alvin Lucero  
Pueblo of Isleta

encl.

cc: Lt. Governor Lawrence Lucero, Pueblo of Isleta  
P. O. Box 1270  
Pueblo of Isleta, NM 87022  
(505) 869-3111  
fax: (505) 869-4236

Ben Lucero, Council President, Pueblo of Isleta  
P. O. Box 850  
Pueblo of Isleta, NM 87022  
(505) 869-0457  
fax: (505) 869-0454

John Sorrell, Pueblo of Isleta  
Hydrology Department  
P. O. Box 1270  
Pueblo of Isleta, NM 87022  
(505) 869-9623  
fax: (505) 869-6895



Lester K. Taylor, Nordhaus Law Firm  
**Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP**  
500 Marquette Avenue, N.W., Suite 1050  
Albuquerque, NM 87102  
(505) 243-4275  
fax: (505) 243-4404

Susan G. Jordan, Nordhaus Law Firm  
**Nordhaus, Haltom, Taylor, Taradash & Bladh, LLP**  
200 W. de Vargas Street, Suite 9  
Santa Fe, NM 87501  
(505) 982-3622  
fax: (505) 982-3622

ORIGINAL

DIAMOND RASH GORDON & JACKSON, P.C.

Attorneys at Law  
300 E. Main Street  
Seventh Floor  
El Paso, Texas 79901-1379

Tel.: 915-533-2277  
Fax: 915-545-4623

Tom Diamond  
Norman J. Gordon\*  
Ronald L. Jackson  
John R. Batoon  
Robert J. Truhill  
Josette Flores

Alan V. Rash  
Of Counsel

March 5, 2002

Board Certified - Civil Trial Law  
Texas Board of Legal Specialization

FIRST CLASS & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7001 2510 0000 5168 4604

Mr. Kenneth G. Maxey, Area Manager  
Bureau of Reclamation  
Albuquerque Area Office  
505 Marquette N.W. Suite 1313  
Albuquerque, NM 87102-2162

ALBUQUERQUE AREA OFFICE  
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MAR 7 2002

Classification: SAV-6 00  
Project: 5  
Contract: 2000843  
Folder: 38774

DATE	FILE	CODE	ACTION
3/7	<i>[Signature]</i>	100	
3/11	<i>[Signature]</i>	105	
3/12	<i>[Signature]</i>	158	
3-12-02	-WL	153	
		130	

510  
158

Re: Request for Consultation Regarding Proposed City of Albuquerque  
Drinking Water Project Environmental Impact Statement

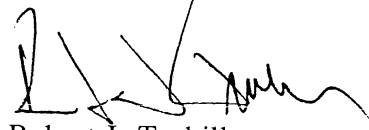
Dear Mr. Maxey:

This firm represents the Ysleta del Sur Pueblo, (the "Pueblo"), a federally recognized Native American Indian Tribe located in El Paso County, Texas.

This will acknowledge receipt of your letter dated January 24, 2002 in which the Bureau of Reclamation has invited the Ysleta Del Sur Pueblo's involvement on a government-to-government basis to identify possible concerns relating to Indian trust assets, Tribal health and safety, or other aspects of the Pueblo's cultural heritage that may be associated with the proposed project. Please be advised that the Pueblo wishes to be consulted on a government-to-government basis in connection with this project. Accordingly, enclosed herewith, please find a copy of the Pueblo's Consultation Policy and the Cultural Affiliation Position Paper of the Ysleta Del Sur Pueblo.

Please continue to provide information with regard to this project to Governor Alvidrez and to my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Truhill", written over a horizontal line.

Robert J. Truhill

RJT/mrc  
Enclosures

cc: Governor Albert Alvidrez  
Lt. Governor Carlos Hisa  
Rick Quezada, Tribal War Captain  
Adolph Greenberg, Ph.D., Tribal Ethnographer

# CONSULTATION POLICY

## Ysleta Del Sur Pueblo

**Preface:** This document formalizes the existing procedures for consultation (government to government, or otherwise) between the Pueblo of Ysleta del Sur and the United States federal government including any and all agencies/offices/departments/bureaus therein. This policy statement reflects completely the procedures followed and adhered to by this federally recognized Indian tribe during previous consultations and therefore the procedures to be followed and adhered to in future consultations.

**Consultation:** Consultation is the formal, bilateral process of negotiation, cooperation and policy-level decision-making between two sovereign entities: the Tigua Tribe of Ysleta del Sur Pueblo and the United States Government or its designate. Consultation, therefore, is a process that leads ultimately to a decision. Consultation is not just a process or a mean to an end. As such, it should not be viewed by others and is not viewed by the Pueblo of Ysleta del Sur as a mere formality during the stages of any project. Consultation is not notifying our Tribal Council that an action will occur, requesting written comments on the action or alternative actions, and then proceeding with the action or one of the a priori alternatives. Such authoritarian, top-down procedures do not constitute consultation because a decision is not affected bilaterally between two sovereign entities.

### **Consultation Objectives:**

- 1) Assures that the Tribal Council and its designates understand fully the technical and legal issues, implications, and probable impacts involved in and resulting from an action or alternatives so that an informed policy-level decision can be made.
- 2) Improved policy-level decision-making of both the Tribal Council and the federal government.
- 3) Bilateral decision-making between and among sovereigns leading to co-managerial structure.
- 4) Protection of Ysleta del Sur Pueblo's cultural and natural resources, cultural tradition, economy and lifestyle.

- 5) Compliance with and respect for Tribal laws and Tribal integrity.
- 6) Full compliance with federal Indian law, federal statutes, and federal policy.
- 7) Develop and achieve mutual decisions through working relationships.
- 8) Improve the integrity and efficacy of decisions over time.
- 9) Recognition that the Tribe is both a stakeholder and regulator in projects that have potential or real impacts on tribal resources, culture, and lifestyle.

### **Consultation Procedures:**

The consultation venue works or proceeds in much the same way that federal agencies typically operate. This means a series of technical meetings followed by a series of policy meetings. The technical meetings provide opportunities for consultation by and with the appropriate technical staff of both entities. The policy meetings provide opportunities for the resolution of those issues left unresolved at the technical level and for the resolution of those issues that are clearly policy grounded. The outcome of this procedure is the development of a common understanding of the technical and legal issues affecting or are affected by a decision. It is this common understanding in a democratized context that provides the basis for decision-making. The Tigua Tribal Council will address more cooperatively those issues with which they had been thoroughly consulted with prior to a decision.

Consultation requires that federal agencies and the Tribal Council fully understand their roles in the context of the federally-mandated government-to-government relationship and the responsibilities which devolve upon the federal government under the Trust doctrine. In this environment, both the Tribal Council and the federal agency will benefit from the perspectives each brings to the table. This means personal communication, which is one of the foundations for meaningful consultation. To make this process work, the following series of activities should guide consultation:

1. Federal agency contacts the Governor of the Pueblo of Ysleta del Sur to inform him of an impending project or to conduct an activity which may or may not impact a tribal resource or tribal concern.
2. The Governor, after meeting with the Tribal Council and/or it designates, responds back to the federal agency that this issue is or is not important. If it is important, the Governor will communicate to the federal agency that the Tribe will initiate consultation.
3. Consultation is initiated through technical staff meetings which will inform the respective staffs in a comprehensive way so that each can brief and/or make recommendations to their

respective policy level entities in an informed way.

4. After the technical staff has briefed the Tribal Council, the Council will define the consultation protocol it wishes to follow, which will typically entail additional technical and policy level meetings, research activities, and a final policy level meeting to make a decision. These are then transmitted in written form to the federal agency. The outcome here should be a memorandum of agreement to establish a working relationship between entities.

5. The consultation protocol is followed.

6. A decision couched in bilateral cooperation between the federal agency and the Tribal Council is formulated. This decision will be fully compliant with federal and tribal laws and policies. The decision will protect the resources to which the Tigua Tribe of Ysleta del Sur Pueblo has specific aboriginal and Spanish land grant reserved rights. The decision will protect the cultural tradition and the religious practices of the Tribe.

This consultation policy will insure that Tribal Council and the federal government have not only communicated but have developed mutual understanding and trust. Within this context, policy level decision-making can and must work.

# **Cultural Affiliation Position Paper: Ysleta del Sur Pueblo**

## **Introduction**

The following statement is the official position of Ysleta del Sur Pueblo regarding its cultural affiliation to so-called prehistoric and historic areas, sites, locales, monuments and/or traditions. Tribal Council approached this report as a way of expediting any and all consultations pursuant to NAGPRA, AIRFA, NEPA, and the NHPA. Archaeological and ethnographic data, oral tradition, historic documentation and linguistic evidence were collected and analyzed in the development of this statement.

## **Position**

### **1. The Tigua Tribe of Ysleta del Sur Pueblo is a Federally-Recognized Indian Tribe.**

The Tribe received federal recognition on 12 April 1968 when President Johnson signed Public Law 90-287. The law stated that "the Indians now living in El Paso County, Texas, who are the descendants of the Tiwa Indians of Ysleta (Isleta) del Sur Pueblo, settling in Texas at Ysleta in 1682, shall from and after the ratification of this act be known and designated as the Tiwa Indians of Ysleta, Texas..." The bill also transferred the Tribe to the jurisdiction of the State of Texas. In 1987, the Ysleta del Sur Restoration Act transferred the Tribe to the jurisdiction of the United States government, as a dependent sovereign nation.

### **2. The Tigua Tribe of Ysleta del Sur Pueblo is a Pueblo Indian Nation.**

The Tigua are "Pueblo Indians." As the Spanish pushed northward during the 16<sup>th</sup> century, they encountered a vast majority of indigenous peoples who were living in sedentary communities characterized by compact, multi-chambered structures situated around central plazas. The Spanish called these villages or settlements *pueblos* and the people living there, "Pueblo Indians." An important distinction emerged for the Spanish and other colonial powers between agricultural, village dwelling Pueblo Indians and other "roving" or "hostile" Indians, such as the Apache, who lived a more nomadic, foraging way of life. Virtually all European colonial powers recognized settled indigenous groups as more "civilized" compared to those "dissident" groups with nomadic inclinations. Therefore, Ysleta del Sur is culturally affiliated with all known Puebloan groups including the 19 New Mexico Pueblos, the Hopi Tribe in Arizona, and all Ancestral Puebloan groups including so-called Anasazi peoples and sites.

### **3. The Tigua Tribe of Ysleta del Sur Pueblo is affiliated with all "Ancestral Pueblo" or so-called "Anasazi" sites.**

Broadly speaking, all Pueblos have a basis for claiming cultural affiliation from all

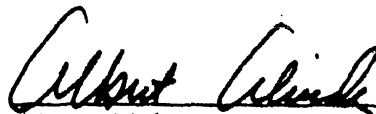
Anasazi sites in the San Juan region. Clan migrations, intermarriage and regroupings of people into communities as they are known today makes this statement possible. As a Tanoan speaking group, Ysleta del Sur maintains the same oral tradition which states that Tanoan speaking groups lived in the Four Corners region prior to the arrival of Keresan speakers. This affiliation is probably more substantial among some Tiwa speakers more than others.

**4. The Pueblo of Ysleta del Sur is affiliated with all Jornada Mogollon, Piro, Suma, Manso and Jumano sites.**

Broadly speaking, this affiliation is based on the fact that the Pueblo has ancestral ties to the Saline Province of New Mexico, an area of overlap between "Anasazi" and "Jornada Mogollon" cultural areas. Ysleta del Sur Pueblo consists of people who are descendants of the Tiwa of Isleta Pueblo, New Mexico, and the pueblos of the New Mexico Saline Province which includes the Tiwa pueblos of Quarai, Chilili, Tajique and Tompiro-speaking pueblos of Abo, Las Humanas (Gran Quivira) and Tabira. Ysleta del Sur Pueblo also has descendants from and hence affiliation with all archaeologically and historically known Piro communities found south of Isleta, New Mexico. Subsequent to the 1680 relocation to the El Paso area, the Tigua intermarried with Piro, Manso and Suma Indians. The Manso and Suma were part of the Jumano tradition and like the Jumano, were Tanoan speakers. Over time, the Tigua absorbed all these cultural traditions and today represents the only federally-recognized tribe having cultural affiliation with Piro, Suma, Manso and Jumano traditions.

**5. The Pueblo of Ysleta del Sur is culturally affiliated with all prehistoric, protohistoric, and historic indigenous cultural traditions found in the Tribe's Spanish Land Grant areas as well as its aboriginal claim area.**

The aboriginal claim area, including the Ysleta and Socorro Grants, covers the Texas counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio and Brewster. Within this vast area are a number of religious shrines, historic sites, spiritual activity areas and biotic cultural resources of continuing critical importance to the Tribe's well-being.

  
Albert Alvidrez, Governor



Governor  
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 Taos, NM 87571  
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War Chief  
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April 3, 2002

Mr. Kenneth G. Maxey  
 Area Manager  
 United States Department of the Interior  
 Bureau of Reclamation  
 Albuquerque Area Office  
 505 Marquette N.W., Suite 1313  
 Albuquerque, NM 87102-2162

**Re: San Juan-Chama Water Contract Amendments; City of Albuquerque  
 Drinking Water Project Environmental Impact Statement**

Dear Mr. Maxey:

I have recently received letters from you requesting government-to-government consultations on the above referenced matters. The Pueblo scheduled the meeting with you today to begin government-to-government consultation on these matters.

The War Chief and I are here today as the sovereign representatives of Taos Pueblo with ultimate responsibility to protect the Pueblo's welfare and resources. Because of the potential for these proposed actions to impact our water rights, Nelson Cordova, Taos Pueblo's Water Rights Coordinator, Mr. Gil Suazo, a member of the Pueblo's Water Rights Task Force, and our attorneys, Les Taylor and Susan Jordan, will also represent us. Your future correspondence on these matters should be addressed to me and copied to all of them.

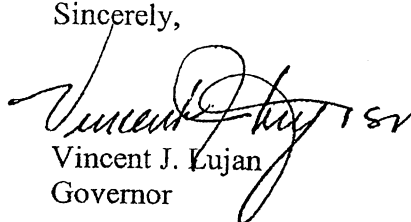
Taos Pueblo's primary concern in both of these matters is to protect our water rights. The adjudication of our water rights on tributaries to the Rio Grande in the Taos Valley is pending in federal district court. State of New Mexico, ex rel. State Engineer, et al. v. Eduardo Abeyta, et al., Nos. CIV-69-07896-JC and CIV-69-07939-JC (consolidated) (D.N.M. filed February 4, 1969) (Rio Pueblo de Taos and Rio Hondo). The Pueblo, and the United States as our trustee, are actively pursuing a negotiated settlement of this litigation. The Bureau of Reclamation has allocated 2,990 acre-feet of San Juan-Chama Project water for this settlement.

We expect you to ensure that your proposed San Juan-Chama contract amendments and proposed actions relating to the City of Albuquerque's project will not interfere with our ability to exercise our native Rio Grande Basin water rights or the continued allocation of 2,990 acre-feet of San Juan-Chama Project water for a Taos Valley water rights settlement. With regard to the San Juan-Chama contract amendments, especially, we believe that your proposed action cannot be taken

without adversely affecting Taos Pueblo's interests. We urge you to give serious consideration to the alternative of not amending the contracts, and to leaving open the possibility of not renewing them upon expiration.

We request that you provide us a preliminary draft of the environmental assessment or environmental impact statement for each of these proposals so that we can have a meaningful consultation about how to protect the Pueblo from any adverse effects. We also request that you commit to complete government-to-government consultation with Taos Pueblo before making a final decision on either proposal.

Sincerely,



Vincent J. Lujan  
Governor

cc: Nelson Governor, Water Rights Coordinator, Taos Pueblo  
Gil Suazo, Member, Water Rights Task Force, Taos Pueblo  
Louis Romero, War Chief  
Lester K. Taylor, Esq.  
Susan G. Jordan, Esq.



**ORIGINAL**  
**MESCALERO Apache TRIBE**  
 Sara Misquez, President Mescalero, New Mexico 88340

ALBUQUERQUE AREA OFFICE  
 TRIBAL HISTORIC PRESERVATION OFFICE  
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 Fax: 505/464-9191  
 FEB 20 2002

Classification: ELV-3-00  
 Project: ELV  
 Control No.: 30010600  
 Folder No.: 38922

DATE	INITIALS	COUNT
2/21	AM	100
2/21	AM	105
	AM	150
		154
		153

ACTION

Mr. Kenneth G. Maxey  
 USDOI-BOR  
 Albuquerque Area Office  
 505 Marquette NW, Suite 1313  
 Albuquerque, NM 87102-2162

(X) The *Mescalero Apache Tribe* has determined that the proposed "City of Albuquerque Drinking Water Project Environmental Impact Statement" **WILL NOT AFFECT** any objects, sites, or locations important to our traditional culture or religion.

( ) The *Mescalero Apache Tribe* has determined that the proposed \_\_\_\_\_ project by \_\_\_\_\_ **WILL AFFECT** objects, sites, or locations important to our traditional culture or religion. We request that the \_\_\_\_\_ undertake further consultations to evaluate the effects of the project on these sites.

In the future, we request that you minimally provide us with the following items to aid in our determination:

- Cultural Resource Survey Reports
- Site Forms
- Maps (Both General and Site Specific)
- Research Designs (If Applicable)
- Data Recovery Plans (If Applicable)
- Photographs

Thank you for providing the Mescalero Apache Tribe the opportunity to comment on this project. We look forward to reviewing and commenting on future USDOI-BOR Projects.

CONCUR:

Donna Stern-McFadden

Name

*Donna Stern-McFadden*

Signature

2/13/02

Date

Tribal Historic Preservation Officer

Title

COMMENTS:

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