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Congress of the United States

House of Representatives

Washington, DC 20515

January 15, 2014

The Honorable Kevin K. Washburn
Assistant Secretary – Bureau of Indian Affairs
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Assistant Secretary Washburn:

I write to request your assistance in resolving an issue of critical importance to both tribal and non-tribal communities in northern New Mexico. More specifically, I want to bring your attention to letters (enclosed) sent by the Superintendent of the Northern Pueblos Agency of the Bureau of Indian Affairs (BIA), notifying Santa Fe County and private land owners in El Rancho, NM that they are in “trespass” on San Ildefonso Pueblo lands (the Pueblo). According to a letter dated December 6, 2013 sent by the Superintendent of the Northern Pueblos Agency to Santa Fe County Officials, Santa Fe County “must show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands.”

The Pueblo of San Ildefonso and the community of El Rancho, NM have co-existed for well over a century and the BIA must consider the historical dynamics of these communities as well as the legally-binding commitments they have made to each other. Local roads, including County Road 84 (a focal point of BIA’s letter), now lay in place of historical wagon trails that have been common ingress and egress for the community for over a century. As federal, state and local governments modernized and land claims were adjudicated, many of the land claims in the area were resolved by the Pueblo Lands Act and the Pueblo Claims Board.

Over the past several decades, residents of El Rancho, NM and San Ildefonso Pueblo have relied on services provided by Santa Fe County, paid for at taxpayers’ expense, including road paving and maintenance, and access to local residences for ambulances, firefighters and first responders. In their response to the BIA, the County asserts that it has a long history of working with the Pueblo and utilizing the roads in question. Further, the County details the many agreements and commitments made by tribal leaders, elected officials, and BIA officials. Due to the BIA’s assertion that the County must “show cause” for its use of these roads within 30 days of its letter, I urge the BIA to respond with great urgency before the situation escalates further.

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In addition, I have several questions that I would like for BIA to directly answer as a matter of transparency and fact finding as we work together to resolve this issue:

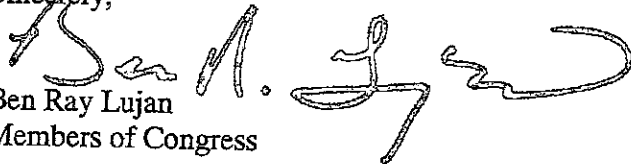
- 1) Are you aware that the Northern Pueblos Agency (Superintendent Raymond Fry) has sent letters to the County of Santa Fe and local residents living within the exterior boundaries of San Ildefonso Pueblo, stating that the county and individuals are in "trespass" of the Pueblo boundaries?
- 2) Where did this effort originate? Did San Ildefonso Pueblo request the BIA get involved or is this something the BIA has decided to engage in on its own without notifying the Congressional delegation?
- 3) Is it a new initiative or new policy by the BIA, to insert themselves into easement issues relating to communities in New Mexico who have historical checkerboard issues where non-tribal private property intermingles with tribal lands?
- 4) What is the legal basis for BIA to make a determination of "trespass" or demand that the County "show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands" as it did in its December 6, 2013 letter? Is there a legal basis for the BIA and/or San Ildefonso Pueblo to close roads, enforce trespass, or charge people to access their private land via County roads?
- 5) Does the BIA recognize the Pueblo Lands Act and the proceedings of the Pueblo Claims, which previously resolved many of these issues?
- 6) What legal definition and evidence is the BIA Northern Pueblos Agency using to prove "trespass"?
- 7) Is BIA aware of the previous agreements made on June 12, 1989 by San Ildefonso Pueblo officials and the County of Santa Fe, granting easements for access to private homes and businesses in exchange for the paving and maintenance of County Road 84?
- 8) Will BIA recognize and respect previous agreements made by San Ildefonso Pueblo allowing for the paving and maintenance of County Road 84 and all of its arterials in exchange for a perpetual easement for non-tribal residents to access their private homes and businesses?

- 9) What can BIA do to resolve this issue and is BIA willing to make a public commitment to stop San Ildefonso Pueblo from shutting down access to private homes and businesses until this issue can be permanently resolved?

Finally, I am extremely concerned that the aforementioned letters sent by the BIA have begun to unravel the fabric of the local community. Community members are in fear of losing access to their homes and businesses. There have also been assertions that the Pueblo has begun to contact individuals asking for payment to utilize local county roads. I appreciate your assurance that you will work to prevent any harms to be inflicted upon the effected communities as the BIA, San Ildefonso Pueblo, and Santa Fe County work to resolve these issues.

I thank you in advance for your attention to this critical matter and I look forward to working with you to resolve this issue so that community members of El Rancho, NM can have access to their homes, businesses and private property.

Sincerely,


Ben Ray Lujan
Members of Congress