

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathleen Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

June 22, 2015

SANTA FE COUNTY
RFP 2015-0349-FI/MY

ADDENDUM 2

Dear Proponents,

This addendum is issued to reflect the following immediately. It shall be the responsibility of interested Offerors to adhere to any changes or revisions to the RFP as identified in this Addendum No. 2. This documentation shall become permanent and made part of the departmental files.

The County would like to release the attached information for your review concerning RFP 2015-0349-FI/MY.

Please add this Addendum 2 to the original bid documents and refer to bid documents, hereto as such. This and all subsequent addenda will become part of any resulting contract documents and have effects as if original issued. All other unaffected sections will have their original interpretation and remain in full force and effect. Bidders are reminded that any questions or need for clarification must be addressed to Marissa Yniguez, Senior Procurement Specialist at myniguez@santafecountynm.gov.



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
NORTHERN PUEBLOS AGENCY
P.O. BOX 4269-FAIRVIEW STATION
ESPANOLA, NEW MEXICO 87533



IN REPLY REFER TO
M25 - Office of the Superintendent

CERTIFIED MAIL

NOTICE TO SHOW CAUSE

DEC - 6 2013

Ms. Katherine Miller
County Manager, Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501-2061

Dear Ms. Miller:

We are formally informing you and the County of Santa Fe ("County") of the issue of trespass by the County on tribal lands of the Pueblo of San Ildefonso ("Pueblo"). Upon notification by the Pueblo and a review of our documents, we have determined that the County is in trespass on Pueblo land. This Notice provides the County information concerning the instances of trespass and notifies the County that it 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.

TRESPASS

The County of Santa Fe is in violation of the federal requirements in the use of Indian trust land. County Road 84 and side roads 84A, 84B, 84C, 84D and Sandy Way (see attached map and photo) are in trespass. No record exists to the fact that the County has an easement or rights-of-way in our files nor is there any record that the County has submitted an application for an easement or Rights-of-Way.

County Roads in Trespass:

County Road - 84 * Township 19 North, Range 8 East, NMPM within Sections 17, 8, 9 and 10

From the intersection of Povi Kaa Drive (main entrance to the Pueblo of San Ildefonso from Hwy. 502) east to the intersection of 101-D.

County Road - 84A * Township 19 North, Range 8 East, NMPM within Section 10

From the intersection with Evergreen Lane east to the reservation boundary line.

County Road - 84B * Township 19 North, Range 8 East, NMPM within Sections 8 and 9

From the end of the pavement east of the Pueblo, east to the intersection with County Road 84.

County Road - 84C * Township 19 North, Range 8 East, NMPM within Sections 5, 4, 3, 10, and 11

From the intersection with Tunyo Po east to the reservation boundary line.

Country Road - 84D * Township 19 North, Range 8 East, NMPM within Sections 10 and 11

From the intersection with Sandy Way east to the reservation boundary line.

Sandy Way *Township 19 North, Range 8 East, NMPM within Sections 9 and 10

From the intersection with 84D west to the private claim.

**Española Quadrangle, New Mexico - 7.5 Minute Series (Topographic)*

CONCLUSION

The County is in direct violation of the federal requirements governing the use of Indian trust lands. Specifically:

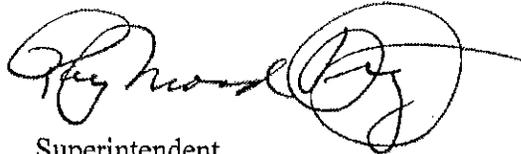
No easement or Rights-of-way exist for County Road 84 and the side roads on tribal trust land of the Pueblo of San Ildefonso, thus, the County is in trespass.

You are hereby informed that the County has thirty (30) business days from receipt of this letter to either enter into good faith negotiations to settle the current trespass and enter into a new easement for rights-of-way, or to show cause why the County's failure to pursue valid easements for the county roads should not be turned over to the U. S. Department of Justice for action against the County.

We encourage the County to enter into negotiations with the Pueblo to resolve the current trespass as quickly as possible and establish legal bases for the County's continued use of Pueblo land.

If you should have any questions or require additional information, contact my office at (505) 753-1400 or Norman Jojola, Natural Resource Manager at (505) 753-1451.

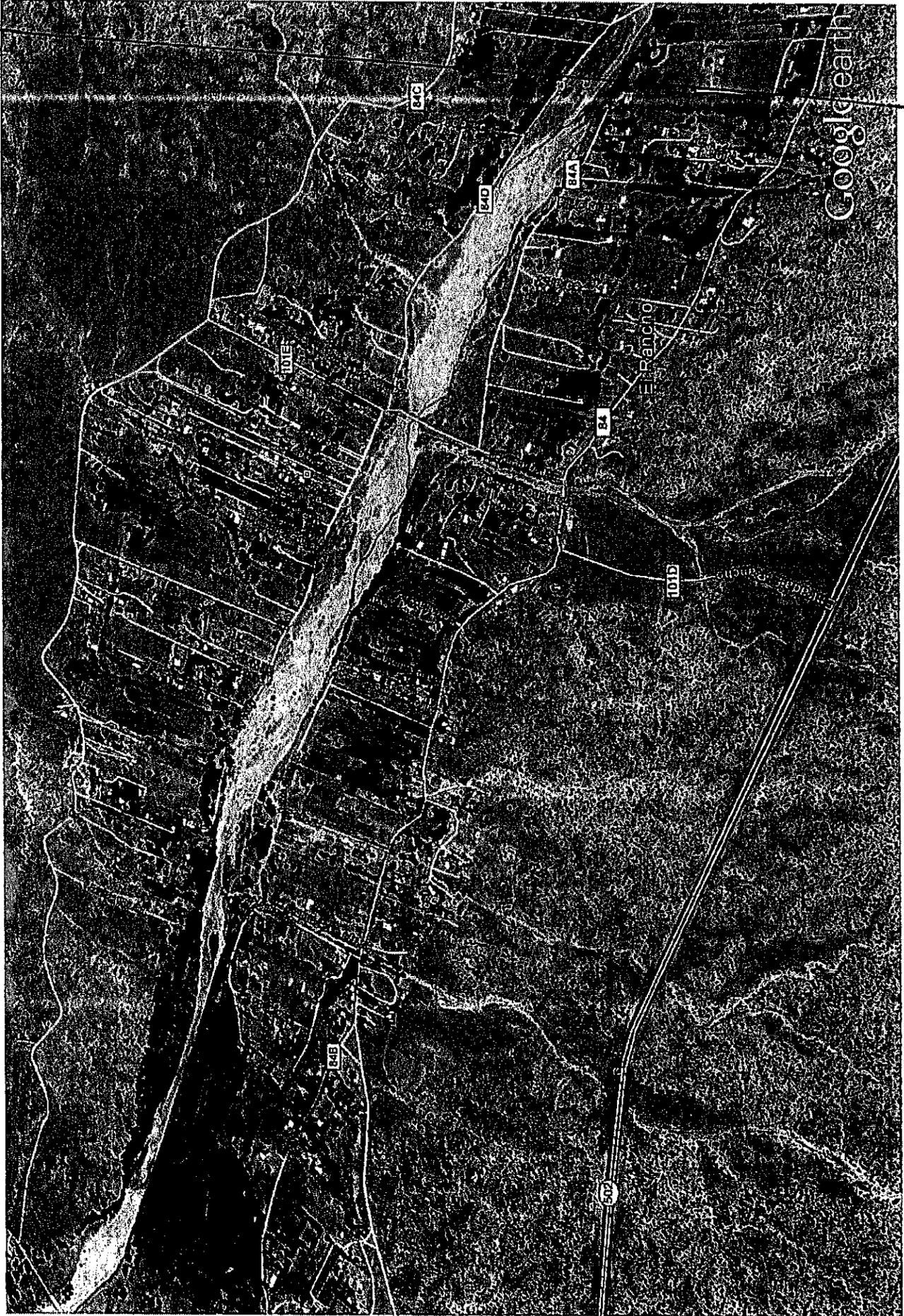
Sincerely,



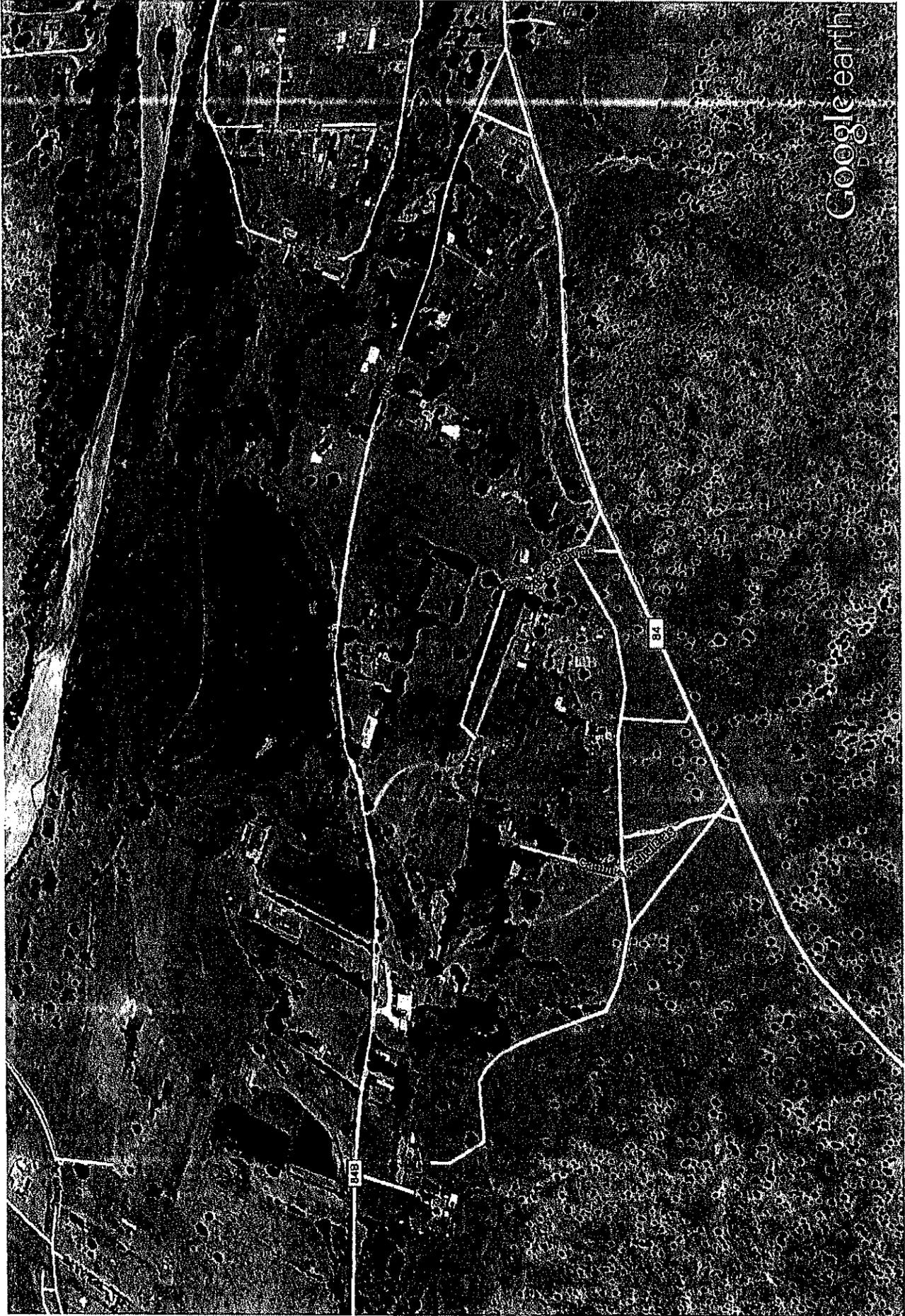
Superintendent

Enclosure

cc: William T. Walker, Regional Director, BIA-SWRO
Terry Aguilar, Governor, Pueblo of San Ildefonso
Stephen Martinez, Natural Resource Director
Carolyn Abeita, General Counsel
Peter Chestnut, Special Counsel



Google earth



feet
meters

2000

700



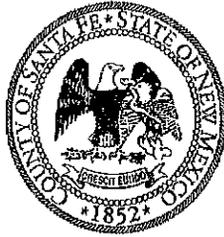
Google earth

Google earth

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefarnics
Commissioner, District 5

Katherine Miller
County Manager

Office of the County Attorney

January 7, 2014

Raymond Fry, Superintendent
United States Department of the Interior
Bureau of Indian Affairs
Northern Pueblos Agency
P.O. Box 4269 – Fairview Station
Española, New Mexico 87533

Re: Notice to Show Cause
Dated December 6, 2013

Dear Mr. Fry,

Your letter of December 6, 2013 has been forwarded to this office for response. The letter demands that Santa Fe County, New Mexico show cause why it "... should not be immediately assessed trespass damages and ... should not be evicted from the subject Pueblo lands." The "subject Pueblo lands" consist of County Roads numbered 84, 84-A, 84-B, 84-C, 84-D and Sandy Way. The letter further states that the Bureau of Indian Affairs has "determined" that the County is in fact trespassing on San Ildefonso lands.

Santa Fe County believes the assertions in the December 6 letter to be a serious overreaching on the part of the Bureau of Indian Affairs and request it be withdrawn immediately. This is far from a constructive way to renew the debate about County lands and access to non-Indian property within the Pueblos. It comes at a time when the County had already initiated discussions with all four Pueblos on this very issue. It also has the potential to shift what has been a positive and responsible discussion of the issues to a negative adversarial situation.

The most obvious problem is that the Bureau of Indian Affairs lacks any authority (statutory or regulatory) to require the County to "show cause" in this or any instance. An order to show cause is not authorized by statute. It is authorized by regulations of the Bureau only as specified in 25 C.F.R. § 141.56 (show cause order authorized to enforce compliance with business practices specified in the regulation on the Navajo, Hopi and Zuni reservation); and 25 C.F.R. § 162.006 (show cause order authorized for violations of leases and permits). Aside from these meager regulatory examples, nothing further exists. In fact, 25 C.F.R. § 162.006(b)(1) explicitly states that it *does not* apply to right of way issues, which this is. Nor is there authority in the Code of Federal Regulations for the "declaration" of trespass. 25 C.F.R. § 161.700 *et seq.* authorizes a declaration of

Raymond Fry, Superintendent
Northern Pueblos Agency
January 7, 2014
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trespass on Navajo Partitioned Lands, but not on lands of the Northern Pueblos.

The letter also failed to undertake even the most basic and rudimentary research concerning the underlying sweeping findings of trespass. For example, nowhere in the letter does the Bureau mention that Santa Fe County has maintained many of the "subject Pueblo lands" in many cases for a period in excess of one hundred years. Nowhere in the letter are the activities of the Pueblo Claims Board and the Federal Courts in the 1920s and 1930s discussed with respect to the roads in question or the adjoining property. Also not mentioned or analyzed in any way, even cursorily, is the fact that *hundreds* of non-Pueblo residents live on the roads in question and the import of the "determination" by BIA is to deprive those persons of access to their homes and businesses, title to which is derived from proceedings of the Pueblo Claims Board and the federal Courts. Also not discussed or analyzed are the many discussions between Santa Fe County and the Pueblo of San Ildefonso going back decades on these various issues.

But paramount among the failures of the Bureau to properly analyze this situation is the fact, discussed below, *that an agreement with San Ildefonso Pueblo explicitly grants the County a right-of-way on all of the roads in question.*

The agreement referred to in the previous paragraph is the "Right of Way Agreement by and Between San Ildefonso Pueblo and Santa Fe County." A copy is attached. That agreement, dated June 7, 1989, amended once on August 1, 1989, was developed to address the immediate need to construct a bridge on County Road 101-D and to pave certain County Roads within the Pueblo grant, including County Road 84 and 101-D. The agreement was supported by substantial consideration, which is recited in the agreement. The original agreement provided rights-of-way for the bridge project, and the amendment granted perpetual rights-of-way for the bridge, County Road 101-D and "County Road 84." Both the agreement and its amendment were signed by the Governor of the San Ildefonso Pueblo, a representative of the Tribal Council, and a representative of the Northern Pueblos Agency of the BIA. If you assume, as the County does, that the grant of right of way for CR-84 includes all of its respective subparts (84-A, 84-B, 84-C and 84-D), to the extent those roads pass through San Ildefonso lands (see below), the grant *expressly permits the County's activities* and no "determination" of trespass is legally sustainable. As 25 C.F.R. § 169.28 ("Public highways") permits state or local authorities to apply to "open public highways across tribal and individually owned lands in accordance with State laws, as authorized by the Act of March 3, 1901 ..." (*see also* 25 U.S.C. § 311 (1901)), the Right of Way Agreement is very clearly an exercise of the authority granted to the BIA and the Tribe by 25 U.S.C. § 311 and 25 C.F.R. § 169.28.

Unlike the Bureau, the County has thoroughly researched its rights-of-way within all of the Five Northern Pueblos, and commissioned an extensive analysis from Dr. Stanley

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Hordes, supported by a team of expert and well-qualified historians and researchers. The resulting report was provided to the San Ildefonso Pueblo many years ago. We have had brief discussions about the report with the Pueblo from time to time, but those discussions did not mature into serious discussions until Governor Aguilar initiated further discussions last year, and indicated he wanted to resolve the issue once and for all. We discussed the Governor's desire to close certain roads which had been created by the public, and the need for the County to acquire formal easements rather than rely on the previously-mentioned agreement. And we discussed with Governor Aguilar the County's concern that local residents have legal access, and the right to receive gas electric, water and other utilities through the County roads. We believe that through concentrated efforts and dedication on the part of both governments on this issue, both governments would ultimately benefit. Of overriding concern with respect to the Bureau's sweeping conclusions and directive here is the fact that the Pueblo Lands Act of 1924, in authorizing the activities of the Pueblo Claims Board and the federal Court, failed to expressly provide a process for adjudication of non-private, i.e. public land, or the issue of access to and from the many private claims and exception lots that were adjudicated by the PCB and the federal Court. This failure is a failure of Congress, and the ambiguity about these important matters continues, but it is certainly not something that is susceptible of a "declaration" by the Bureau. The Bureau's declaration is tantamount to a determination that many thousands of non-Pueblo residents in the Pojoaque no longer have legal access to their homes and businesses --- rendering those homes and businesses worthless --- and which was something that the Pueblo Lands Act was intended to avoid.

Dr. Hordes' discussion of the PCB and its work is helpful to understanding the present status of the County maintained roads in question:

"As stated above, in 1924, Congress passed the Pueblo Lands Act in an attempt to clear up title issues resulting from overlapping claims between Pueblos and non-Indians living in close proximity to Pueblo lands. The Act established the Pueblo Lands Board (PLB), which gathered testimony and issued reports based on its investigations. The PLB confirmed to the Pueblos all the lands within each of their grants, with the exception of portions of tracts of land that were patented to non-Indian settlers, as well as rights of way for utilities, railroads, and roads. The claims of the non-Indians were only partially honored by the PLB. In many cases, while the tracts claimed by the non-Indians included grazing areas located above their cultivated lands, houses and barns, extending to the hills, the PLB recognized only the cultivated lands and improvements, eliminating over half of the acreage claimed by the non-Indian settlers. This was to have a particularly significant impact on one of the roads passing through the boundaries of the Pueblo of San Ildefonso ...

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“During its proceedings for all the Pueblos, the PLB used discrete numbers that had been assigned to each of the private (non-Indian) claims, based on a survey that had been conducted in 1914 by U.S. Surveyor F.E. Joy (commonly known as the Joy Survey). These “private claim” (PC) numbers provided the order by which the PLB conducted its hearings and heard testimony of local residents, Pueblo and non-Indian alike. The site-specific information that these hearings generated provides historians with the ability to derive valuable observations with regard to the status of the lands in dispute, and more important, the nature and ownership of the roads that pass through these lands.

“The records of the PLB proceedings vary slightly from Pueblo to Pueblo in the late 1920s and early 1930s, but typically they begin with a cover sheet indicating the PC number and the name of the claimant, followed by a summary of the ownership of the tract, often extending back to the late nineteenth century, and sometimes a century and a half earlier. Typically these abstracts will contain detailed descriptions of the boundaries, sometimes referencing the existence of a *camino real*, public road, state road, or county road. In the case of most of the five Pueblos under consideration in this report, there followed a detailed plat of the tract, indicating dimensions, placement of structures, and often an indication of the existence of public roads bordering the property. Next in the file is a transcript of the hearings held by the PLB, where owners of the tract, family members, neighbors, and representatives of the adjacent Pueblo offered detailed testimony with regard to boundaries, land use and roads running by or through the property. For each of the Pueblos, the PLB prepared large comprehensive plats, showing the locations of each PC, as well as the course of the roads that passed through Pueblo and non-Indian properties.

“After the PLB considered the evidence before them, they issued a series of reports including the validity of claims to land asserted by the Pueblos and the non-Indians, the valuation of the lands, and, in some cases the status of the roads that were located within the Pueblo grant lands. Some months later the US Court of Equity issued rulings confirming or revising the PLB’s decision, and sometimes contained additional information with regard to the ownership of these roads.”

Dr. Hordes’ report contains a detailed history of County Road 84, over which you assert the County has “trespassed,” and which casts significant doubt on your ultimate

conclusion. For example:

“1. CR 84:

“County Road 84, approximates the course of the road that has connected the communities of Pojoaque and San Ildefonso for centuries. Beginning in the 1890s Santa Fe County authorities began to assert responsibility for maintaining this thoroughfare, which runs through the grant lands of both Pojoaque and San Ildefonso Pueblos. In response to petitions from local residents, the BCC in 1892 instructed the county road overseer to “put in good condition the public road known as the road from Jacona to San Ildefonso on the south side of the river as soon as possible . . .” A 1913 map shows a “wagon road” running near the same route as today’s CR 84 and 84B. Six years later, the BCC again responded to the request of local residents, and resolved to investigate the possibility of constructing a new road between San Ildefonso and Pojoaque, “so that it may be made in such condition that it may be used for the public, and for the regular mail route from the above towns to Santa Fe.” Apparently no action was taken immediately, since the journals of the BCC did not reflect any such implementation.

“In 1925, however, the State Highway Engineer revived these plans in a preliminary letter to the Northern Pueblos Agency. The Engineer articulated the antiquity of the highway, indicating that “the road now in existence and being traveled through the Pueblo of San Ildefonso on the east side of the Río Grande is the old original trail which has been in use for an indefinite period.” He acknowledged that the 1919 plans still remained unfulfilled, stating that “[w]hile this route was made a part of the State Highway System by act of the State Legislature in 1923, it has not yet been improved by the State Highway Department.” Thus, the State Highway Engineer not only linked CR 84 to the old camino real, but asserted that it was now an official part of the state network of highways.

“The PLB’s Report No.1, as cited above, exempted certain roads from Pueblo ownership, including FAP No. 14-B, the highway that “extends in a westerly direction to and across what is known as the Jacona Grant and to and across the west boundary of the said Pojoaque Grant, and is known as State Highway Project No. 4,” clearly referring to today’s CR 84. The Report acknowledges the absence of a formal right of way from the Pueblo of Pojoaque, but cites the fact that

Raymond Fry, Superintendent
Northern Pueblos Agency
January 7, 2014
Page 6

the roads or highways through said grant have been in use by the public for more than 50 years, and the Board has determined, and hereby determines, that the Territory and State have acquired by such use an easement in and over said lands, subject only to a reverter to the Pueblo, whenever said land shall no longer be used by the public or the State as a highway, or shall be abandoned for a new location across said grant.

“Over the next seventy years the documentary record reflects consistent acknowledgment of ownership and/or maintenance of the road by state or county authorities. In 1947 the BCC responded to a request from one of its constituents that “the road [from Pojoaque to San Ildefonso] belongs to the State and should be taken care of by the State.” The following year the BCC asserted that the road was in bad repair, and they would refuse to take it over as a county road unless proper repairs were made. By 1966 it appears that the County had assumed control of the road, as that year the BCC reported abandonment of a small segment of then State Road 4 adjacent to Pojoaque High School, no longer needed for road purposes. The land was deeded to the Board of Education. BCC minutes from 1988 to 2000 reflected action by County officials relating to paving and repairs to CR 84.”

Note that italicized language that recites that the Pueblo Claims Board, assigned to address conflicting claims with the Northern Pueblo boundaries, explicitly determined with respect to County Road 84 that: “... the Territory and State have acquired by such use an easement in and over said lands, subject only to a reverter to the Pueblo, whenever said land shall no longer be used by the public or the State as a highway, or shall be abandoned for a new location across said grant.”

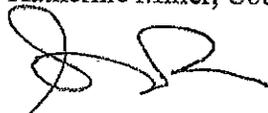
The County has always been interested in reaching a more permanent solution to the claims of the San Ildefonso Pueblo concerning these roads. We are aware that this matter, even though the subject of express right-of-way agreement, is still unsettled in the view of the San Ildefonso Pueblo. The present uncertainty is made even more complex by the *Aamodt* settlement, in which the Pueblo has agreed to provide rights-of-ways for the public water system and an accompanying wastewater system. These matters are best the subject of a negotiated resolution by the County and the Pueblo, without intervention by the Bureau of Indian Affairs. Certainly, the Bureau’s finding of a trespass and the *ultra vires* declaration of a responsibility of the County to “show cause” are completely unhelpful to a resolution of these issues, which have persisted for 80 or more years.

Raymond Fry, Superintendent
Northern Pueblos Agency
January 7, 2014
Page 7

Please withdraw the letter immediately, or consider this to be an appeal of the determination pursuant to 25 C.F.R. Part 2.

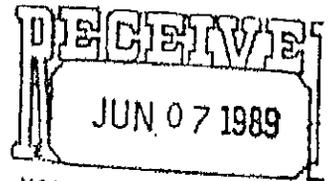
Sincerely,


Katherine Miller, County Manager



Stephen C. Ross, County Attorney

Cc: Daniel W. Mayfield, Chair, Board of County Commissioners
Robert A. Anaya, Vice Chair
Miguel M. Chavez, Member, Board of County Commissioners
Kathy Holian, Member, Board of County Commissioners
Liz Stefanics, Member, Board of County Commissioners
Terry Aguilar, Governor, San Ildefonso Pueblo
John Utton Esq., Attorney for Santa Fe County
Peter Chestnut, Esq., Attorney for San Ildefonso Pueblo



RIGHT OF WAY AGREEMENT

BY AND BETWEEN

SAN ILDEFONSO PUEBLO AND SANTA FE COUNTY

Lease No. 8700628999

THIS AGREEMENT, is entered into by and between the County of Santa Fe, a political subdivision of the State of New Mexico, by and through its Board of County Commissioners (hereinafter referred to as "the County"), and the Pueblo of San Ildefonso, a federally recognized Indian tribe, by and through its Governor and Tribal Council (hereinafter referred to as "the Pueblo")

WHEREAS:

ARTICLE 1. The Pueblo owns, subject to federal restrictions, a tract of land situated within the geographical boundaries of the County, known as the San Ildefonso Pueblo Grant. The Pueblo has ownership rights and governmental jurisdiction over and within such lands, defined and protected by federal law;

ARTICLE 2. The County wishes to replace a bridge on County Road 101-D within The Pueblo Grant; (Exhibit A)

ARTICLE 3. The County wishes to pave a portion of County Road 84 (Exhibit B). The County also wishes to develop plans for the paving of County Road 101-D from its intersection with County Road 84 to its intersection with County Road 84C. All projects in articles two (2) and three (3) are described in Exhibits C-1, C-2, and C-3;

NOW THEREFORE, The parties agree as follows:

A. For all right-of-way and temporary construction

easements needed to complete the projects referred to in Articles 2 and 3 the County will:

1. Install a gate at the end of County Road 84B which leads into the Pueblo. This gate will be part of the construction project on County Road 84. This gate will be closed during Pueblo ceremonies and festivities at the discretion and direction of the Pueblo.

2. The County will sponsor the Pueblo with the New Mexico Department of Energy and Minerals, Land and Water Conservation Division in a cooperative effort to obtain lights for the baseball field. Sponsorship shall include application for funding.

3. The County will clean up illegal dump sites on Pueblo Land and bury the trash on Pueblo Land.

4. The County will hire one summer youth to be employed at the Pueblo's Visitor Center. The youth will be hired at minimum wage for eight (8) to ten (10) weeks during 1989.

5. The County will pay the Pueblo \$20,000.00.

6. The County will install four (4) lights at the entrance roads into the Pueblo at their intersection with State Road 502. The installation of the lights will be part of the County Road 84 Paving Project. Once installed the operation and maintenance for the lights will be provided by the County.

7. The County will give a high priority to funding requests from the Pueblo for advertising monies from Lodger's Tax Revenues specifically earmarked for such purposes. This agreement does not create any obligation for any payment out of property tax revenue.

8. The County will give to the Pueblo title to and possession of a 1969 Ford Van currently in the County's possession.

9. The County will give to the Pueblo title to and possession of a new 1989 Chevrolet 3/4 ton 4X4 Pick-up truck. The vehicle will be purchased by the County and the County shall obtain the approval of the State Board of Finance and deliver the vehicle to the Pueblo upon the notice of approval from the State Board of Finance.

10. The County will, on an annual basis and in co-operation with the Pueblo, clean up any illegal dumping that has taken place on Pueblo lands. The time of the annual clean up will be decided upon by mutual agreement between the parties. Additional "clean-ups" of illegal dumping on Pueblo Lands shall also be mutually agreed upon by the parties.

B. Right-of-way for the bridge project on County Road 101-D is shown in Exhibit A.

1. The Pueblo consents to the Grant by the Secretary of the Interior to the County of a right-of-way for the construction of a bridge across the Rio Pojoaque and public highway, together with approaches, abutments, temporary

construction easements and construction maintenance easements.

2. The right-of-way, as shown by Exhibit A, shall extend from a tract of non-Indian land in the vicinity of the El Rancho Bar to a tract of non-Indian land approximately one hundred eighty two and eighty one-hundredths (182.81) feet north of the bridge.

3. The right-of-way shall be sixty (60) feet in width, the roadway shall be thirty (30) feet in width but the bridge structure shall not be less than twenty-five (25) feet in width.

C. Improvements to existing development. The alignments will necessarily follow the existing roadways adjusted to meet minimum Highway Department standards.

1. Construction Plans have been developed for the County Road 84 Project and will be supplied to the Pueblo.

2. As of the date of execution of this agreement, plans for the paving of County Road 101-D have not been developed. While plans are in design, the Pueblo will be informed and shall have the right of review and approval of said plans.

D. The County agrees to indemnify and hold harmless the Pueblo from property damage and personal injury caused by the acts or omissions of the County and/or its employees, agents or representatives.

Agreed to by action of the Santa Fe County Board of County Commissioners this 12 day of MAY 1989.

10 3 57

Nancy Rodriguez
Nancy Rodriguez, Chairman

Agreed to by the San Ildefonso Pueblo Tribal Council
this day 6th of June 1989.

Dennis P. Martinez
Dennis Martinez, Governor

APPROVED BY
THE BUREAU OF INDIAN AFFAIRS

BY: James M. Aheir

JUN 12 1989

Authority: 10 BIAM, SECTION 2.14
Amendment No. 2
AAO Redelelegation Order #2

APPROVED AS TO FORM

Norman Osborne
Norman Osborne, County Attorney

713-2 -89

AMENDMENT

This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following:

1. The " El Rancho Bridge ".
2. County Road 101-D.
3. County Road 84.

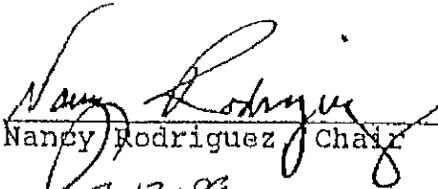
All rights-of-way are as presented in the agreement dated June 6, 1989 and addressed in San Ildefonso's Resolution # SI-008 dated June 6, 1989.

The purpose of this amendment is to specify the term of the rights-of-way.

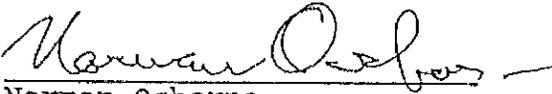
It is hereby agreed to by all parties that the rights-of-way for items 1,2 and 3 in this amendment are granted in perpetuity by San Ildefonso Pueblo to Santa Fe County.

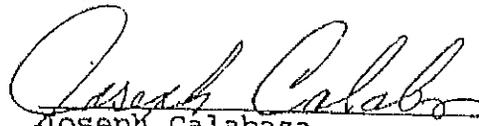
Santa Fe County

San Ildefonso Pueblo

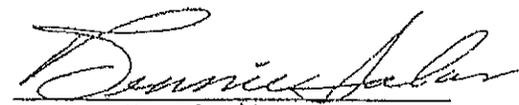

Nancy Rodriguez, Chair
7.12.89
Date


Dennis Martinez, Governor
7/18/89
Date


Norman Osborne
County Attorney


Joseph Calabaza
Secretary, Tribal Council

Approved By:
The Bureau of Indian Affairs
Authority: BIAM Section 2.14
Amendment # 2
AAO Redelegation
Order # 2

By  AUG 01 1989
James M. Abeita
Acting Superintendent
BIA/Northern Pueblos Agency

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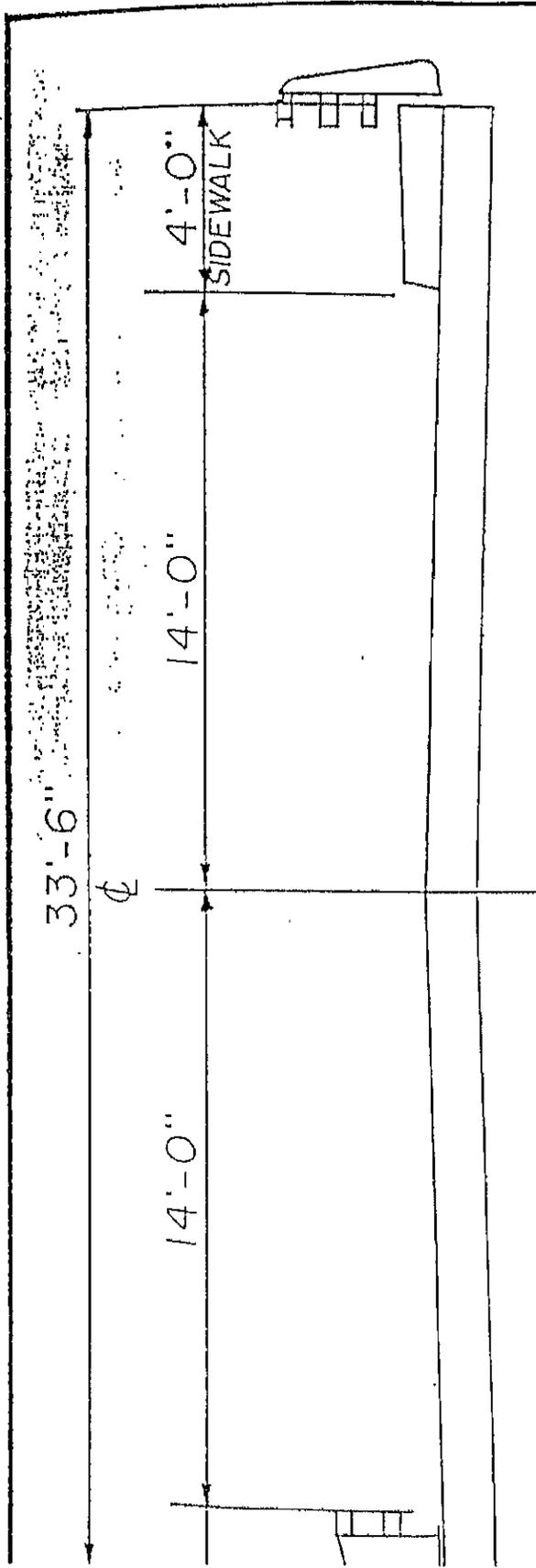
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713-2 -89

EXHIBIT C-1

BRIDGE PROJECT

The new bridge will be replacing the existing one-lane wooden structure. The bridge is located on County Road 101-D. The present bridge is 200 feet long + or -. The new structure will be 185 feet long with approximately the same channel width but with steeper abutment slopes. Pre-stressed concrete beams will form the base for the poured (concrete) deck. The deck will have two fourteen (14) foot drive lanes, a four (4) foot sidewalk and guardrails. The approaches will be base coursed and paved. A typical section is attached. A temporary detour will be used during construction. The detour will be located within the construction boundaries.



 <p>TEC TUDIA ENGINEERING CONSULTANTS P.C. 10000 E. 1st Avenue, Suite 100 Denver, Colorado 80231 Tel: (303) 751-1100 Fax: (303) 751-1101</p>	<p>EL RANCHO BRIDGE</p>
<p>TYPICAL SECTION NOT TO SCALE</p>	

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Approved

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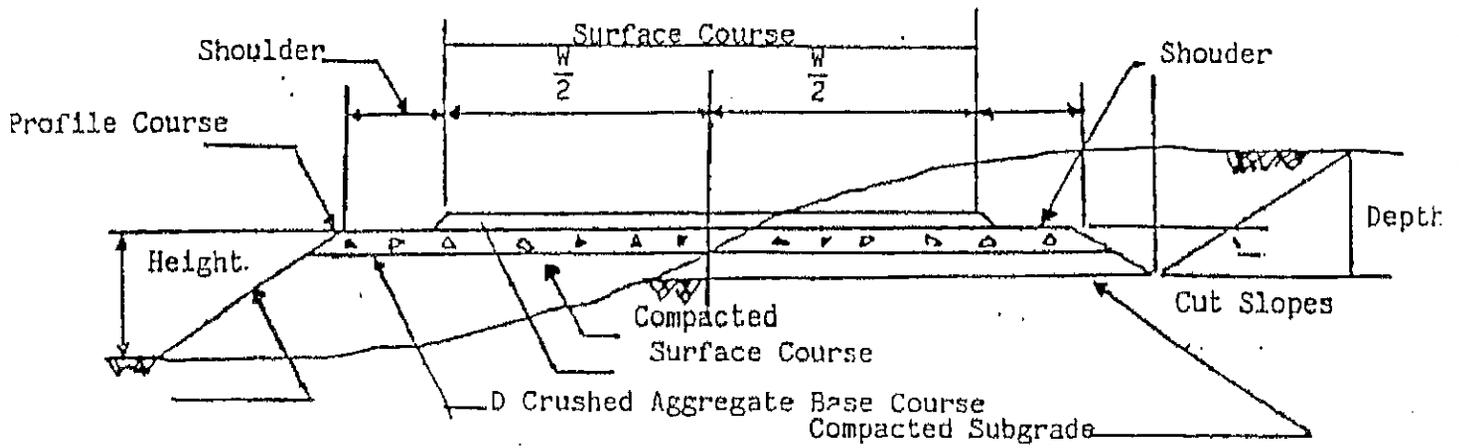
EXHIBIT C-2

COUNTY ROAD 84 PAVING PROJECT

As shown on Exhibit B the alignment of the existing roadway will be followed. The road will be bladed and shaped. Base course will be installed to a depth of four (4) inches. A minimum of two and 5 tenths (2.5) inches of hot mix paving shall then be installed. The width of the paving will vary from nineteen (19) feet to approximately twenty four (24) feet. Drainage will be handled with culverts and low water crossings where appropriate. The termination of the project spans two and two tenths (2.2) miles and is the prioritized length. The County's goal is to pave the entire two and two tenth (2.2) miles if funds allow.

A typical section is attached.

TYPICAL SECTION



10.1. 83:54

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EXHIBIT C-3

COUNTY ROAD 101-D PAVING PROJECT

The County will be receiving funds for this project, however until monies are in place plans will not be developed. When the money is available the design will follow the existing roadway adjusted to meet minimum Highway Department standards.

The existing alignment will be bladed and shaped (sub-grade preparation). Base course will be installed. The depth to be based on soils test results. Paving will be a minimum of two and five tenth (2.5) inches, again based on test results. Width will be approximately twenty (20) to twenty four (24) feet. Culverts and/or low water crossings will be used for drainage purposes.

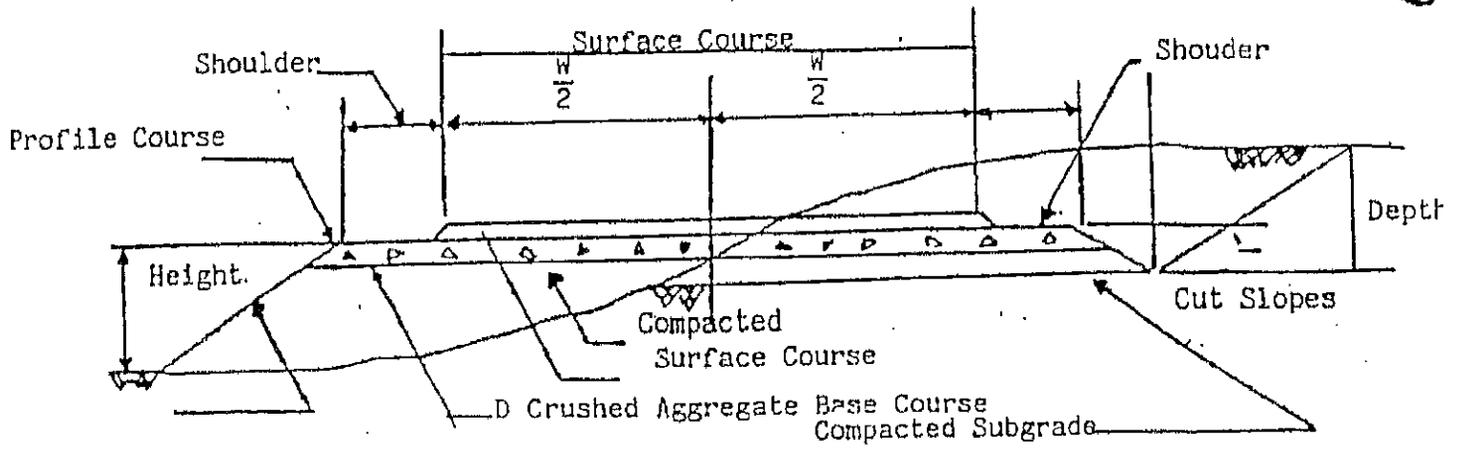
A typical section is attached.

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-87

TYPICAL SECTION

ALM 3.1.1

713-2 -89



ENVIRONMENTAL STATEMENT

This statement will address the proposed bridge project on County Road 101-D and the proposed paving projects on County Roads 101-D and 84.

The bridge project will entail the replacement of an existing bridge. The land area involved will be essentially the same for the new structure as for the old structure. The project is compatible within the parameters of the present use.

The road projects will entail the paving of existing dirt roads already being used by the public. The improvements will be limited to existing alignments adjusted to meet minimum Highway design standards.

- . None of the projects will require relocation and/or displacements.
- . All of the projects will improve the public safety.
- . The road projects, and to some degree the bridge project, will improve the air quality by significantly reducing the present dust pollution.
- . Water quality and supply will not be affected.
- . There will be no increase in energy consumption.
- . The projects are in compliance with applicable laws and regulations.
- . An EIS is not required.

Our research and planning of the projects indicate that a finding of no significant impact (FONSI) can be made. The projects will not adversely affect the quality of the human environment.

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NORTHERN PUEBLOS AGENCY

30 AUG 1989 SI-89-0354
RESOLUTION
SI - 008

ALBUQUERQUE, N.M.

(505) 455-2273

DENNIS P. MARTINEZ
GOVERNOR

EDMUND GONZALES
1st LT. GOVERNOR

WHEREAS, the Pueblo of San Ildefonso is a federally recognized tribe with sovereign powers and authority to conduct and determine the business of Tribal Government, and

WHEREAS, the Pueblo wishes to participate in the "Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County."

WHEREAS, the Pueblo agrees to all terms and conditions set forth in said agreement.

NOW THEREFORE BE IT RESOLVED THAT, the Pueblo of San Ildefonso hereby enters into the Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County.

BE IT FURTHER RESOLVED THAT, the Governor of San Ildefonso Pueblo or his designated representative is authorized to negotiate and execute the contract and any amendments.

CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called meeting of the San Ildefonso Pueblo Tribal Council on the 6th day of June, 1989, at which time a quorum was present with 0 voting in favor, 0 opposed and 0 abstaining.

ATTEST:

Joseph Calabro
Secretary, Tribal Council

Dennis P. Martinez
Governor, San Ildefonso Pueblo

713-2 -89

AMENDMENT NO. 1

This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following:

1. The " El Rancho Bridge ".
2. County Road 101-D.
3. County Road 84.

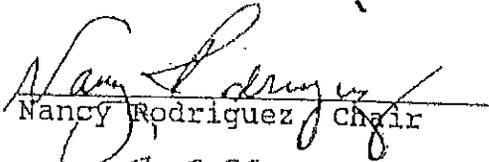
All rights-of-way are as presented in the agreement dated June 6, 1989 and addressed in San Ildefonso's Resolution # SI-008 dated June 6, 1989.

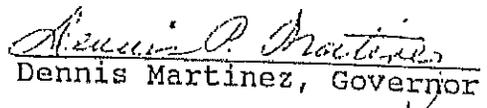
The purpose of this amendment is to specify the term of the rights-of-way.

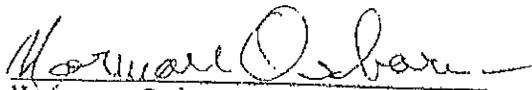
It is hereby agreed to by all parties that the rights-of-way for items 1,2 and 3 in this amendment are granted in perpetuity by San Ildefonso Pueblo to Santa Fe County.

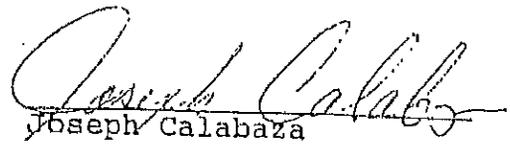
Santa Fe County

San Ildefonso Pueblo

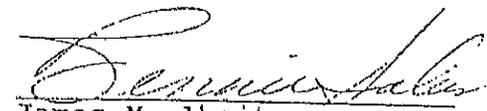

 Nancy Rodriguez Chair
7.12.89
 Date


 Dennis Martinez, Governor
7/18/89
 Date


 Norman Osborne
 County Attorney


 Joseph Calabaza
 Secretary, Tribal Council

Approved By:
 The Bureau of Indian Affairs
 Authority: BIAM Section 2.14
 Amendment # 2
 AAO Redelagation
 Order # 2

By  AUG 01 1989
 James M. Abeita
 Superintendent
 BIA/Northern Pueblos Agency

113-2
-87



UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs
Northern Pueblos Agency
P.O. Box 4269 – Fairview Station
Española, New Mexico 87533



IN REPLY REFER TO:
M25 – Office of the Superintendent

FEB 14 2014

Ms. Katherine Miller
County Manager, Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501-2061

Dear Ms. Miller:

The purpose of this correspondence is to serve as a follow up to the thirty (30) day Notice to Show Cause letter issued by the Bureau of Indian Affairs (BIA), Northern Pueblos Agency (NPA) on December 6, 2013, to you as the Santa Fe County Manager.

In researching all records/files in our Branch of Realty, all indications are that the Pueblo of San Ildefonso has been requesting numerous meetings and assistance from both the Santa Fe Public Works officials and the BIA for a number of years to address the trespass issue(s) for the County Roads crossing Pueblo lands.

Toward this resolution, the BIA involvement in this matter is based on a formal request from the Pueblo of San Ildefonso leadership per their letter to the NPA Superintendent, dated November 13, 2013. The Tribe's continued contention was that the County of Santa Fe had historically and continues to be in Trespass on tribal lands via County Roads identified as 101D, 84 (84A, 84B, 84C, 84D) and Sandy Way, situated within the boundaries of the Pueblo.

The last official document titled "RIGHT AWAY AGREEMENT BY AND BETWEEN SAN ILDEFONSO PUEBLO AND SANTA FE COUNTY", was approved by the County of Santa Fe, the Pueblo of San Ildefonso, and lastly the NPA Superintendent on June 12, 1989, and was further amended on August 1, 1989.

This Right-of-Way Agreement as amended, identifies and approves Santa Fe County to construct a new bridge across the Pojoaque River (the El Rancho Bridge), to pave and maintain County Roads 101D and 84 (84A, 84B, 84C, and 84D) and Sandy Way in perpetuity, but does not approve any Grant of Easement for Right-of-Way for these County Roads for egress or ingress.

This limited use agreement translates to the County of Santa Fe having minimal rights except to provide only maintenance to aforementioned County Roads and no other legal authorization to be present on Pueblo lands for any other purpose or services to private landowners or businesses.

With the advent of the important meeting that took place on January 31, 2014, where the following parties were in attendance: Congressman Lujan; other legislative representatives; The New Mexico State's Department of Indian Affairs; The Department of Interiors' Bureau of Indian Affairs; Tribal Governor for the Pueblo of San Ildefonso and their legal counsel; Representatives from the County of Santa Fe and their legal counsel, there were certainly clarifications brought forth by all involved parties as to the extent of the land issues. One other important outcome of this meeting was that the information brought forth by Santa Fe County regarding the land issues with the Tribe were more than sufficient enough to initiate the good faith negotiations requisite within the timeframe established, per provisions of the Show Cause letter issued by the BIA, which in part states as follows:

"You are hereby informed that the County has thirty (30) business days from date of receipt of this letter to either enter into good faith negotiations to settle the current trespass and enter into a new easement for rights-of-way, or to show cause why the County's failure to pursue valid easements for the County Roads should not be turned over to the U.S. Department of Justice for action against the County".

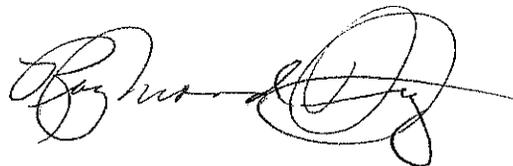
This does not mean that the trespass issues raised by the Tribe were resolved at the January 31, 2014 meeting, but rather was in fact a positive initial step by all parties toward mediation of such issues.

The BIA looks forward to continuing to be an active party throughout this important dispute resolution process.

I would like to take this opportunity to thank you for your assistance in this matter and for participating so well in this initial meeting.

If you have any questions in this matter, please contact Raymond D. Fry, Superintendent, Northern Pueblos Agency at (505)753-1400.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond D. Fry", written in a cursive style.

Superintendent