

MANUEL LUJAN, JR.
1ST DISTRICT, NEW MEXICO.

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Congress of the United States
House of Representatives
Washington, D.C. 20515

August 9, 1971

Mr. Eliot Porter
Route 4, Box 33
Santa Fe, New Mexico 87501

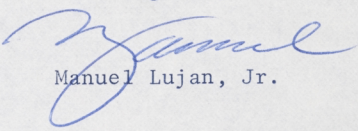
Dear Eliot:

Enclosed is copy of correspondence received from
the Department of the Interior in response to my inquiry
in your behalf.

I believe the letter is self-explanatory and I have
also enclosed a copy of a previous letter on this subject
which will provide you with additional information.

If I can be of further assistance in this or any
other matter, please do not hesitate to let me know.

Best regards,


Manuel Lujan, Jr.

ML:dm



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

AUG 5 1971

Honorable Manuel Lujan, Jr.
House of Representatives
Washington, D. C. 20515

Dear Mr. Lujan:

The Secretary has asked me to respond to your letter of July 14, 1971, expressing the concern of Mr. Eliot Porter over the land developments on the Pueblo of Tesuque.

Sangre de Cristo Development Company Inc., has leased certain tribal lands of the Pueblo of Tesuque for 99 years for the purpose of subleasing residential and commercial lots to interested purchasers. In regard to the water supply in the vicinity of Santa Fe, the aforementioned lease does, of course, contemplate the use of water by Sangre de Cristo on the Pueblo of Tesuque lands. Any use of the Pueblo's water right by Sangre de Cristo will be governed by the lease. An adjudication of the Pueblo's water right is now being sought in the case entitled New Mexico, ex rel. Reynolds v. Aamodt, Civil Nos. 6639, 7488, 7896, 7939 and 7941, Consolidated, United States District Court, District of New Mexico, in which the United States is also a party. The United States has intervened as a party-plaintiff in this action, together with the Pueblos of San Ildefonso, Pojoaque, Nambe and Tesuque, asking for an adjudication of their water rights.

In regard to the application of New Mexico platting and planning laws to the leased premises, the City and County of Santa Fe believe that the developer must comply with these laws in developing this area. Sangre de Cristo believes that these laws should not apply to developments on lands held in trust for the Pueblo by the United States. On May 27, 1971, Sangre de Cristo filed suit against the City and County of Santa Fe in the Santa Fe County District Court asking that the city and county be permanently enjoined from exercising platting and planning jurisdiction over the leased lands. On June 21, 1971, the city and county filed a petition in the United States District Court for the District of New Mexico asking the Federal court to have the case removed from the state court. This was accompanied by a motion for leave on the part of the city and county to join as parties to the action the Secretary

of the Interior, the Commissioner of Indian Affairs, and the Albuquerque Area Director of the Bureau of Indian Affairs. The petition for removal and motion to join the Secretary, et al. were denied by the Federal court, and the case was remanded to the state court.

Presently, the Secretary is not a party to the action in state court. However, the City and County of Santa Fe are attempting to have him brought in as a necessary party. There have been no further developments in the state court action at this time.

We appreciate your having brought Mr. Porter's views to our attention.

Sincerely yours,

Raymond C. Coulter

DEPUTY Solicitor



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

Real Prop. Mgmt.
Ten. & Mgmt.
BCCO 5136

AUG 4 1971

Honorable Manual Lujan
House of Representatives
Washington, D. C. 20515

Dear Mr. Lujan:

We now have a report from our Albuquerque Area Office regarding Mr. Rudy Rodriguez's recent letter to you inquiring about the 99-year lease between the Pueblo of Tesuque and the Sangre de Cristo Development Company, Inc.

The Area Director's report, in which we concur, is as follows:

Our basic interest in this lease, as the trustee, is to promote the development of the tribe's land for the benefit of all the Tesuque Indian people in line with their interests and consistent with the preservation and protection of their land for future generations. With these criteria in mind, the subject lease was negotiated and approved. We are informed by the Tesuque tribal official who executed the lease on behalf of the Pueblo that the negotiations required a period of approximately four (4) years before the lease was finally consummated.

In the development of the lease every effort was made to provide the best professional advice and assistance possible to the Pueblo. This expertise was provided by Real Property Management, Appraisers, and Land Use Planners from the Bureau. A private consultant was employed by the Bureau to assist in these negotiations; input was also supplied by interested members of the Tesuque Pueblo and the Developer. Advice and assistance were not limited to these sources but utilized from all available sources. The lease recognizes the growing need for developing new housing areas and services for the growing population of the nation and this region. At the same time it recognizes and emphasizes the Tesuque Indians' right to utilize their lands according to their desires and to realize a monetary return from such utilization.

In reply to the specific questions posed to Congressman Lujan by Mr. Rodriguez, we submit the following information:

Question: Where will the children go to school and to whom will go the taxes to pay for it?

The execution of the lease did not change the status of the land. This is land that can be classified as a federally impacted area eligible for PL 815 and PL 874 funds to build and operate schools if and when the population of school age children warrants such action. In the interim, public schools are located in Santa Fe and Pojoaque -- both locations being within reasonable bussing distance.

Question: Who will collect the taxes if the residents are not under the jurisdiction of the local government, being residents of Indian lands and not subject to local control?

The only taxes which the leased area will not be subject to are ad valorem property taxes. All other taxes will presumably be collected by the local county and state.

Question: Who is suppose to provide law enforcement?

The lease agreement provides for this in Article No. 8D which states as follows: D. It is understood and agreed by the parties that the Lessee will create or cause to be created a new municipality or municipalities or like political subdivisions or cause to be created property owner's associations or like entities for residents of the leased premises. Such municipalities, political subdivisions or associations must, of necessity, provide any and all municipal services normally and usually provided by municipal corporations. These services shall include, but shall not necessarily be limited to water services, streets, utilities, schools, parks, police and fire protection and any and all other normal and usual municipal services.

Question: What about fire protection?

The lease agreement also provides for this in Article No. 8D.

Question: How about road maintenance? Who's going to take care of all these roads after a few years, to say nothing of 99 years?

Again the provision of Article No. 8D were written to take care of problems relating to street maintenance and upkeep. The lease rental provisions call for a basic sales price for each residential lot and an additional annual rental payment, (Article No. 5A). The Pueblo receives a percentage of said payments and the Developer will presumably use the balance for their operations and further development.

In reply to Mr. Rodriguez' editorial statements titled "It Doesn't Make Sense," we have this comment. At the present time, there is no planned development adjacent to the Tesuque Pueblo lands. It is hoped that the development of a high-quality, first-class residential, commercial and recreation area such as the one planned will influence development commensurate with these ideals of the Tesuque Pueblo and the Sangre de Cristo Development Company, Incorporated.

Sincerely yours,

John O. Crow
Commissioner

Deputy

