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Office of the Governor

VIA EMAIL AND CERTIFIED MAIL

October 10, 2017

Sandoval County
P.O. Box 40
1500 Idalia Road
Bernalillo, NM 87004

RE: Follow up from our October 4, 2017 meeting

Dear Sandoval County Commissioners:

We appreciate that Chairman Chapman, Commissioner Eichwald, Director Springfield and County Attorney Smallwood were able to finally meet with the Pueblo on October 4, 2017. At that time we communicated to you some of our concerns about the proposed Oil and Gas Ordinance, as written.

Our concerns include:

1. Lack of inclusion or mention in the proposed ordinance of the 12 Pueblos and Tribes in Sandoval County, comprising nearly 50% of the County.
2. Lack of tribal consultation in the process.
3. We know the population growth in the County strains water resources, and downstream to upstream water rights transfers are ongoing to fulfill Rio Rancho's growing water needs. How is the willingness to jeopardize ground and surface water compatible with the water resources needs in the County?
4. There are over 25 known areas where County residents are encroaching onto Pueblo of San Felipe land, including improvements on which the County is collecting tax revenue. How can we be assured you will not issue oil and gas permits that also encroach onto Pueblo land?
5. There are set backs described for churches and schools, but no setbacks from tribal boundaries. This is unacceptable.
6. Emergency Response plans must be filed with Pueblos and Tribes that could be effected by oil and gas development. This is not mentioned in the proposed Ordinance.
7. The Ordinance describes compliance with state and federal water regulations, but neglects the fact that at least 5 Pueblos and Tribes in the County have their own approved Tribal Water Quality Standards which are enforceable, and should be included in the Ordinance.
8. Pueblos and tribes have inhabited this area from time immemorial. To exclude the Native American Graves Protection and Repatriation Act (NAGPRA) from the laws listed, demonstrates willful indifference to cultural protection, and lack of foresight and planning for issues that will arise with ground breaking activities.
9. There is no description how variances will be considered when there are cultural and historic preservation concerns with a permit, or how tribal consultation will occur. From the exclusion

of the Pueblo in this process we can only infer the County and its Commission does not meaningfully consider the cultural resources of the Pueblo to be a priority.

At the conclusion of our meeting on October 4th, it was requested that the Sandoval County Commission consider the Pueblo's concerns, delay the vote until amendments are made to the Ordinance to include tribes, cultural and NAGPRA concerns, and address the other concerns listed. The Pueblo acknowledged that there was public outcry against this Ordinance, and suggested that delaying the vote and amending the Ordinance to include our concerns may show the Public that the County is taking a thoughtful approach to this matter.

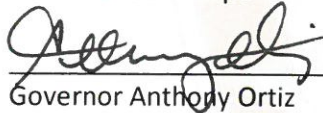
It was then a surprise to us when Chairman Chapman announced publically that the Pueblo of San Felipe was in agreement with the Ordinance as written. We do not appreciate this public misrepresentation of our conversation.

We again suggest the Sandoval County Commissioners delay the vote, amend the Ordinance to include recognition of the tribes in the County, and to include stronger water and cultural protection provisions.

We also request that a public retraction of the misstatement implying San Felipe's support for the Ordinance as written be made at the next meeting.

We are committed to building a good government to government relationship with Sandoval County. We look forward to a correction of the record at the next Commissioner's meeting; and our next meeting November 6, 2017. For any questions or further communication please contact Daryl Candelaria, Tribal Administrator at 867-3381.

Sincerely,
Pueblo of San Felipe


Governor Anthony Ortiz


Lt. Governor Carl Valencia