

*Everett P. Herrera*  
Governor

*Kai-t L.V. Blue-Sky*  
Lt. Governor



P.O. Box 255  
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December 11, 2023

Tracy Stone-Manning  
Director  
Bureau of Land Management  
Department of the Interior  
1849 C Street NW, Washington, DC

Nada Wolff Culver  
Principal Deputy Director  
Department of the Interior  
1849 C Street NW, Washington, DC

Subject: Cochiti's Effort to Reacquire the Caja del Rio

Greetings, Director Stone-Manning and Director Wolff Culver:

I hope this correspondence finds you and your week off to a good start.

Our team and I would like to express our gratitude for the time and attention you and your team have given to our Pueblo's concerns and priority issues. We appreciate the sincere intention to be not only in a good faith partnership with BLM but further our long-term relationship with you all. Further, we appreciate your willingness to thoroughly understand Cochiti's position regarding the following:

- The spiritual/cultural/religious significance of the Caja del Rio to our current modern day ongoing way of life and our need to ensure our generations yet to come will have sustainable undisturbed access to this critical landmass.
- Cochiti's opposition to the potential Land Grant Mercedes legislation. Multiple times Cochiti has provided feedback and suggested language to better guarantee the Tribe's areas of concern are addressed. We have yet to see a version of this bill that includes these protections. While this legislation has not yet been reintroduced, we have been

assured by Senator Lujan that it will be as it is a "legacy" item for him. Cochiti's primary concerns of the bill are:

- the contradictory language such as funding for water infrastructure construction versus "traditional historical uses,
  - language that intentionally ties Land Grant Mercedes Communities to lands "adjacent" to these respective communities,
  - the likelihood of confusion, lack of communication, and lack of regulation and enforcement around elements of this legislation make an already complex and inconsistent tribal Consultation process more obscure, and
  - ultimately this legislation may easily be interpreted to elevate the status of Land Grant Communities to that of sovereign Tribal Nations or at the very least be misinterpreted to allow activities and practices that are detrimental to our Pueblo's way of life.
- Lastly, Cochiti's opposition to any further development on the Caja including the Electrical Power Capacity Upgrade (EPCU) project and Recreational Shooting Ranges. As expressed in our meeting with you, both developments create a different type of danger to our community. Specifically, the EPCU's purpose is to support an increase in the production of plutonium. The proposed route has already uncovered several traditional cultural properties. The feedback and concerns for the route by Cochiti's Tribal Monitors, hired by a subcontractor of Los Alamos National Labs (LANL), has regularly been dismissed, defeating the purpose of collecting Pueblo feedback. Our hope is that Cochiti's most sacred sites will no longer be deemed the pathway of "least harm" and a re-route or alternative option for power is further explored.

In summary, we hope to continue the conversation and request your support in working toward the following intermediate protections for the Caja del Rio, while we strive in the long run for the return of this land to its rightful stewards:

- Designation as a Traditional Cultural Property,
- Mineral withdrawal legislation,
- Legislation that prohibits any further development, and
- Advocacy among other agencies and congressional leaders for these same actions.

We understand that you hear multiple perspectives about the impact of your work on other communities, peoples, and agencies and that it is a huge responsibility of yours to balance these multiple perspectives while ensuring your professional duties are met. We hope to assure you that our perspective is born from an ancient responsibility to our people, language, and land, land that our people have continued to be nurtured from since time immemorial. It is our traditional obligation to protect and cement our way of life for our future generations and our time with you and requests of you and your team helps us in doing so. Again, we thank you for your going attention to our most urgent matters.

Please feel free to reach out to us at (505) 629-4284.

Sincerely,

A handwritten signature in cursive script, reading "Everett P. Herrera", is written over a horizontal line.

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December 20, 2023

**SENT VIA EMAIL**

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**Re: The Pueblo de Cochiti Response to the Proposed Electrical Power Capacity Upgrade Project Draft Environmental Assessment**

On behalf of the Pueblo de Cochiti, we provide this letter to the Department of Energy National Nuclear Security Administration ("DOE NNSA") and the Santa Fe National Forest Service ("SNFS") in response to the recently published draft environmental assessment ("EA") for the proposed Electrical Power Capacity Upgrade Project ("EPCU"). The project proposes a three-phase, overhead, 115 kV electric power transmission line approximately 14 miles long to originate at the Norton Substation and cross approximately 2.5 miles on Bureau of Land Management ("BLM") administered land, then cross approximately 8.6 miles on National Forest System land and ultimately span White Rock Canyon onto DOE NNSA-managed lands at the Los Alamos National Laboratory ("LANL") for approximately 3 miles. Once the transmission line reaches LANL, the project would expand to include a host of additional electrical transmission, distribution, and system upgrades and electrical construction activities across the campus.

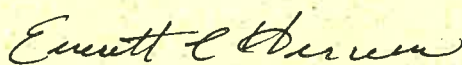
As you know, the proposed project area is embedded within the Caja del Rio traditional cultural landscape, a sacred and vast region containing archaeological, cultural, and natural features of critical importance to the Pueblo de Cochiti. It extends throughout the Caja del Rio Plateau to the existing Pueblos of today and is home to a dense concentration of thousands of sacred sites, ceremonial structures, petroglyphs, irrigation systems, and other cultural resources important to the Pueblo de Cochiti as well as other Pueblos and Tribes. Our Pueblo still maintains deep connections to this place through story, song, pilgrimage, prayer, and many other traditional uses. The entirety of the Caja del Rio traditional cultural landscape, including individual sites,

are central to the maintenance and revitalization of the Pueblo de Cochiti's cultural knowledge, histories, and practices. Protection of the ecological and spiritual relationships as well as the traditional context and setting of this landscape is central to the longevity of our identity as Cochiti Pueblo people and remains a priority in our legacy preservation efforts.

While the Pueblo has invested significant resources including the time of leadership and staff, and contributed expertise through meetings, consultations, and on-site assessments, the Pueblo maintains the tenants of meaningful tribal consultation in accordance with the National Environmental Policy Act ("NEPA") and National Historic Preservation Act ("NHPA") — as a comprehensive, responsive, and ongoing process in which federal agencies and partner agencies work together to ensure assessment, development, and subsequent project decision-making protects tribal interests—were not achieved in development of the EPCU draft EA. The lack of addressing our Pueblo's concerns has been verbally discussed and conveyed in multiple meetings between our Pueblo's leadership and NNSA, US Forest Service, BLM, and other LANL officials. The Pueblo finds the draft EA is severely inadequate in reflecting the Pueblo de Cochiti's input, in its assessment of the project area as part of a living multi-layered Pueblo cultural landscape, and in its protections for the Pueblo de Cochiti's traditional cultural properties, cultural resources, and sacred sites, including those natural resources (soils, wildlife, and vegetation), visual resources, and scenic resources which are also cultural resources. Due to the short-term and long-term direct, indirect, and cumulative impacts to natural and cultural resources, which are insufficiently assessed with proposed mitigation measures in the draft EA, the Pueblo opposes amendment to the SNFS Forest Plan for development of the transmission line paralleling the existing Reeves line, additional corridor construction, permanent spur roads, and vegetation removal through the Caja del Rio Wildlife and Cultural Interpretive Management Area. Development of requisite project infrastructure will cause irreversible damage and destruction to this Pueblo traditional cultural landscape and our cultural resources, which are invaluable and non-renewable resources.

For the reasons discussed above and the Pueblo's solemn and inherent responsibility to maintain the integrity of this cultural landscape and our traditional cultural connections, the Pueblo de Cochiti fully opposes the Electrical Power Capacity Upgrade Project. While the Pueblo remains opposed to the project, the Pueblo supports other Pueblos and Tribes requests for a 60-day extension to the current January 17, 2024 deadline for public comment to allow for sufficient Tribal review and consultation on the draft EA and associated special use permit from the United States Department of Agriculture Forest Service and right-of-way grant request from the Bureau of Land Management. Thank you and we look forward to continue working with DOE NNSA and the SNFS to ensure consideration and decision-making on this project that is reflective of the critical need to preserve this sacred and irreplaceable cultural landscape for generations to come.

Respectfully,



Everett P. Herrera  
Governor

CC:

APCG Governors

Kristen Dors, NEPA Compliance Officer

Don Ami, DOE NNSA Intergovernmental Affairs Program Specialist

Steve Fong, DOE NNSA Los Alamos Site Office Project Manager

Cycler Conrad, Triad

The Honorable Secretary Debra Haaland

The Honorable Senator Martin Heinrich

The Honorable Senator Ben Ray Lujan

The Honorable Representative Teresa Leger Fernandez

Secretary Designate James Mountain, NM Indian Affairs Department

Commissioner Stephanie Garcia Richards, NM State Land Office