

**Settlement Land Transfers:
Pueblo de San Ildefonso and Los Alamos County,
Santa Fe National Forest
Los Alamos County/Rio Arriba/Santa Fe County, New
Mexico
Scoping Document
June 8, 2007**

Lead Agency: USDA Forest Service
Santa Fe National Forest
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Summary:

The US Forest Service (FS) has published a notice of intent (NOI) to prepare an environmental impact statement (EIS) on a proposed action that implements certain aspects of the Pueblo de San Ildefonso Claims Settlement Act of 2005 (PL 109-286). Portions of the Act considered in this analysis include mandated transfer of certain National Forest System lands to the Pueblo of San Ildefonso (about 7,058 acres), the Pueblo of Santa Clara (about 740 acres), and Los Alamos County (about 631 acres). Lands would be conveyed in exchange for an appraised monetary value.

The legislation also requires the Forest Service to offer for purchase six parcels of National Forest System lands to Los Alamos County near the community (totaling about 324 acres), and to reconstruct Forest Road (FR) 416v to a high-clearance, Level 2 standard. Although these proposed actions have been mandated by the Act, the Santa Fe National Forest will conduct a National Environmental Policy Act environmental analysis to disclose the impacts of these actions, and to fully describe any discretionary actions that may also be included as part of the land transfers called for in the Act. However, under the Act, discretion is limited. A map of the area is attached.

Comments concerning the project must be received no later than 30 days after the notice of intent is published in the Federal Register (published June 15, 2007). The draft environmental impact statement is expected in September 2007 and the final environmental impact statement is expected in November of 2007.

Please send written comments to Sandy Hurlocker, District Ranger, US Forest Service, Espanola Ranger District, P.O. Box 3307, Espanola, New Mexico, 87533. Electronic mail (e-mail) may be sent to comments-southwestern-santafe-espanola@fs.fed.us and FAX may be sent to (505) 753-9411.

For further information contact: Sandy Hurlocker, District Ranger, Española, Espanola Ranger District, (505) 753-7331.

Background:

On September 27, 2006, the Pueblo de San Ildefonso Claims Settlement Act of 2005 was signed into law. The purpose of the Act is to resolve title claims asserted against the United States by the San Ildefonso Pueblo under the proceedings of the Indian Claims Act (Docket No 354). Other purposes of the Act related to this analysis are (1) the authorization of the Pueblo to acquire and the Forest Service to convey National Forest System lands as identified in the San Ildefonso Settlement Agreement (Settlement Area Lands), and (2) the authorization of the Secretary of Agriculture to convey other lands out of the National Forest System in order to comply with an inter-Pueblo Agreement and the Los Alamos Agreement, which has been incorporated by the San Ildefonso Settlement Agreement and ratified by the Act. These additional lands include the Water System Lands, the Northern Tier Lands (to be acquired by the Santa Clara Pueblo), and the Los Alamos Townsite Lands.

The Act provides that the Settlement Area Land and the Northern Tier Lands shall be

**Settlement Land Transfers:
Pueblo de San Ildefonso and Los Alamos County
June 8, 2007**

held by the Secretary of the Interior in trust for the benefit of each Pueblo. Lands acquired by Los Alamos County as Water System Lands become San Ildefonso Pueblo tribal lands if they were no longer needed for Los Alamos County's water facilities. Most of the Los Alamos Townsite lands are currently used for Los Alamos County water facilities, including Los Alamos Reservoir and dam, as well as water tanks. Except for the restrictions and reservations identified above, the Secretary of Agriculture does not propose to place any restrictions on future use of the Townsite lands, Settlement Area lands, Water System lands, or Northern Tier lands.

The Act also calls for reservation of a number of road easements to assure public access to lands that would otherwise be inaccessible to motorized vehicles once the conveyance takes place. For most of these reservations, existing roads provide adequate access and so only an administrative action is expected. However, as part of the Los Alamos Agreement, road improvement work must be completed to improve public access to the National Forest System lands adjoining the Settlement Area Lands prior to conveyance. The Act allows for reconstruction of FR 416v to a high clearance, Level 2 to provide this access.

Even though the Act requires these actions and so discretion is limited, the Santa Fe National Forest will study and disclose in an environmental impact statement the effects of the actions described in the Act that relate to the Secretary of Agriculture's authority to transfer lands and reconstruct Road 416v. Other actions to be undertaken by the Department of Interior, the Pueblo of San Ildefonso, or Los Alamos have not been included in the scope of this proposal because they can be accomplished separately.

Proposed Action:

The Santa Fe National Forest proposes the following:

- Convey the Settlement Area lands to the Pueblo of San Ildefonso (approximately 7,058 acres) located in: Township 20 north, Range 7 east, sections 19, 20, 21, 28, 29, 30, 31, 32, 33; and Township 19 north, Range 7 east, sections 4, 5, 6, 7, 8, 9; New Mexico Principal Meridian.
- Convey the Water System lands to Los Alamos County (approximately 631 acres) located in Township 20 north, Range 7 east, section 31; Township 19 north, Range 7 east, sections 4, 5, 6, 7, 8, 9; Township 19 north, Range 6 east, section 1; New Mexico Principal Meridian.
- Convey the Northern Tier Lands to the Pueblo of Santa Clara (approximately 740 acres) located in Township 20 north, Range 7 east, sections 17, 18; New Mexico Principal Meridian.
- Offer for conveyance the Los Alamos Townsite lands to Los Alamos County. These six parcels total approximately 324 acres of National Forest System lands located in Township 19 north, Range 4 east, section 13; Township 19 north, Range 5 east, sections 3, 4, 5, 18; New Mexico Principal Meridian.
- Reconstruct FR 416v to a high clearance, Level 2, standard, following the existing route as much as practical. Reconstruction will require grading, culvert placement, and possibly relocation of short segments.
- Ancillary actions that may be implemented along with the land transfers and road

**Settlement Land Transfers:
Pueblo de San Ildefonso and Los Alamos County
June 8, 2007**

reconstruction. Examples include fence construction along boundary lines and road closures where roads no longer serve a purpose to the management of National Forests.

Other Information:

Decision Framework: The NEPA decision to be made is limited by the Act. Transfer or offering for sale of lands is mandated. Reconstruction of FR 416v is also mandated as an action that must be completed before the land conveyance can occur. However, the Forest will evaluate effects and develop mitigation measures and best management practices to implement during the road reconstruction and, where applicable, in the land conveyance.

Scoping Process: The scoping process will include appropriate public involvement activities during June/July 2007. Other appropriate public involvement will occur once the Draft EIS is available for review, which is expected to occur in the late summer of 2007.

Preliminary Issues: Because the conveyance of land will not significantly change the expected land use of the transferred lands, no significant issues have been identified. Reconstruction of FR 416v has the potential to affect known cultural resource sites located within the existing roadway. Because the sites and road occupy land between a canyon wall and steep ground, options to avoid these sites are limited, and so data recovery is the likely method for mitigating impacts. No threatened or endangered species—or Region 3 sensitive species—of animal or plant are known in the project area. Likewise, no Region 3 sensitive species are known. Because the National Forest System lands would be closed to the general public once conveyed to the Pueblos, a change in recreational use patterns is likely. A closed pumice mine exists on the land to be conveyed to the San Ildefonso Pueblo, with reclamation underway. Any unfinished reclamation will pass to the Secretary of Interior pursuant to the Act, Section 7(f).

Comment Requested: The publication of the notice of intent initiates the scoping process that guides the development of the environmental impact statement. The Forest Service invites written comments and suggestions on the proposed action, including any issues to consider, as well as any concerns relevant to the analysis.

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Settlement Land Transfers: Pueblo de San Ildefonso and Los Alamos County

