



## Resolution Concerning the Pueblo of Sandia Boundary Dispute

The Board of Directors of the Sandia Heights Homeowners Association (SHHA), having considered the matter at its regularly scheduled meeting on February 13, 2002, by vote of Board Members then present, hereby resolves as follows:

“Notwithstanding any actions to the contrary taken in the past by this Association, it is in the best interest of all its members that this Association declare that it does not oppose the settlement agreed to by the Pueblo of Sandia, the United States, and the Tram Company. This Association strongly favors and encourages the efforts to effect a settlement and urges that this matter be brought to a timely conclusion.”

### *Background behind the resolution.*

The current SHHA Board of Directors has listened to the positions of the parties involved in the Pueblo of Sandia boundary dispute and concluded that the SHHA should remain neutral in this dispute.

However, over the years, the SHHA has provided financial support to a group opposing the settlement agreement and published articles authored by this group. Since these actions may have implied that the SHHA was opposed to a settlement agreement, the board voted in favor of the resolution above in order to clarify its position in this matter.

It is the belief of the Board that allowing this matter to continue without resolution and therefore revert back to the courts in November 2002 for resolution will not be in the best interests of Sandia Heights homeowners, property owners and residents. The Board is therefore strongly encouraging the efforts of our elected officials to work for a satisfactory resolution to this matter.

## A Brief History

The Sandia Pueblo boundary dispute has its origins in historical events that go back to the original grant in 1748. There are many different documents, translations, and interpretations of events. To someone who isn't familiar with all of the history, the dispute can be confusing.

The Grit staff has compiled an event timeline (see inside) based on information in publicly available documents that can be found online. Source documents providing information for the timeline can be found on the Internet using the links shown below. Additional paper documents are available in a variety of government and university libraries including the University of New Mexico for those wanting even more information.

[http://www.sandiapueblo.nsn.us/mountain/mtn\\_settlement.html](http://www.sandiapueblo.nsn.us/mountain/mtn_settlement.html)

<http://www.ll.georgetown.edu/Fed-Ct/Circuit/dc/opinions/98-5428a.pdf>

<http://www.doi.gov/sol/M37000.pdf>

<http://www.doi.gov/sol/M37002.pdf>

<http://pacer.cadc.uscourts.gov/common/opinions/200011/98-5428a.txt>

<http://home.sprintmail.com/~sanchezj/sandia.htm>

We believe that providing information on factual events and how to access source documents on issues of concern to our readers is a service that helps them to make informed decisions.

## Grit Submissions

The March Grit will be produced and printed between March 15 and March 25. Due date for articles, letters, and other submissions is 3:00pm March 11, 2002.

Submissions to the Grit must be received by 3:00pm of the second Monday of the publication month. For the remainder of 2002 the publication months are: May, July, September, and November.

Submissions received after the due date will be considered for publication in the following Grit assuming the material is still timely and relevant.



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### Sandia Pueblo Boundary Dispute – Event Timeline

May 20, 1748	Bustamante's Act of Possession document describing the boundaries of the Pueblo of Sandia. Claim is that the document established the "main ridge" of the Sandia Mountains as the Eastern Boundary.
Feb 2, 1848	Treaty of Guadalupe Hidalgo ending the war between the United States (US) and Mexico. Treaty stipulated protection of property and civil rights of Mexican nationals, including Indian Pueblos, within the new US borders.
Jul 22, 1854	President Franklin Pierce signs bill creating the office of Surveyor-General of New Mexico who was charged with investigating Spanish and Mexican land grants assumed by the US through the Treaty of Guadalupe-Hidalgo.
Nov 30, 1856	New Mexico Surveyor-General report with translation "on the east the main ridge called Sandia" submitted to Congress.
Dec 22, 1858	Act of Congress confirmed the Sandia Pueblo grant.
Jun 13, 1859	General Land Office Surveyor General, William Pelham awarded contract to John Garretson to survey Pueblo lands.
Sep, 1859	Garretson informed Pelham that four surveys, including Sandia Pueblo, could not be completed by winter.
Sep 21, 1859	Pelham contracted with Reuben Clements to complete the four surveys by Jan 1, 1860.
Nov 8-12, 1859	Clement's survey set eastern boundary in the foothills thereby excluding about 10,000 acres on the Eastern Boundary, which was to become the "contested area".
Jan 12, 1860	Clement's survey approved by the New Mexico Surveyor General.
Nov 1, 1864	President Lincoln issued patent to Sandia Pueblo based on the 1859 survey.
1875	Commissioner of General Land Office set aside one of the other three Clement surveys as defective. The other two Clement surveys were ruled to be in error and were the source of other litigation in later years.
1906	President Theodore Roosevelt established a National Forest in most of the contested area using the authority granted by Congress in the March 3, 1891 Act authorizing the President to reserve public lands.
1914	General Land Office attempted to retrace the Sandia survey using Clement's notes and was unable to duplicate the Clement survey.
1978	Endangered American Wilderness Act redesigned much of the contested area as the Sandia Mountain Wilderness.
1983	Sandia Pueblo made formal claim to the Secretary of the Interior for the contested area contending that the 1859 survey and 1864 patent are erroneous.
Dec 1988	DOI Solicitor's Opinion upheld the boundary established by the 1859 survey rejecting Sandia Pueblo claim that Eastern Boundary was on the main ridge.
Dec 7, 1994	Sandia Pueblo sued Secretaries of Interior and Agriculture to uphold eastern ridge as the eastern boundary. <i>Pueblo of Sandia v. Babbitt, No. 94-2624</i> on the docket of the Washington, DC US District Court.
July 18, 1998	Washington DC District Court ruled in favor of Sandia Pueblo. Held that upholding the 1859 survey breached the Government's trust responsibility by presuming that US Government surveys are always correct.
Aug 13, 1998	Sandia Mountain Coalition (SMC) filed an appeal to the July 18, 1998 ruling in Washington DC Federal District Court.
Sep 15, 1998	Federal government filed an appeal to the July 18, 1998 ruling. Court combined the two appeals.
Oct 29, 1998	Joint motion made by the appellants to hold appeals in abeyance pending settlement negotiations.
Aug 1999	SMC and City of Albuquerque withdrew from mediation. US Government, Sandia Peak Tram Company, and Sandia Pueblo continued mediation.
Apr 4, 2000	Sandia Pueblo, US Government, and Sandia Peak Tram Company signed a Settlement Agreement.
Aug 21, 2000	New Mexico Conference of Churches unanimously voted to urge Senator Pete Domenici, and Representative Heather Wilson to make every effort to speed a fair and just settlement of the Sandia Pueblo claim to the West face of the Sandia Mountains.
Sep 29, 2000	Appeal to the July 18, 1998 ruling argued.
Nov 17, 2000	Appeal to the July 18, 1998 ruling dismissed by the Court.
Nov 21, 2000	Bernalillo County and SMC letter to the Secretary of the Interior contended 1859 survey is erroneous and additional lands should be excluded from the Sandia Pueblo reservation.
Nov 30, 2000	Sandia Pueblo letter to the Secretary of the Interior renewed Pueblo's position to resurvey boundary along the crest of the mountain and repeated disclaimers of any right, title, or interest in any private inholdings.
Dec 5, 2000	DOI Solicitor overruled prior Solicitor's Dec 1988 opinion that Secretary of the Interior didn't have authority to resurvey Indian reservations. Solicitor sent letters to interested parties advising that DOI was again considering the question of the Sandia Pueblo's Eastern Boundary and additional information was to be submitted by Jan 5, 2001.
Dec 22, 2000	Bernalillo County and SMC filed petition for rehearing with the Court of Appeals.
Jan 11, 2001	Petition for rehearing denied by the Court of Appeals.
Jan 19, 2001	DOI Solicitor's Opinion on the Eastern Boundary of the Sandia Pueblo Grant concluded that the Clement's Survey of the Eastern Boundary was erroneous and should be set aside and if necessary, a resurvey should be conducted.
Nov 15, 2002	Settlement Agreement in effect until this date but must be ratified by Congress to become effective and permanent. If the agreement is not ratified, the issue is likely to return to the courts.

**March Board Meeting  
Change of Location**

The regularly scheduled meeting of the SHHA Board of Directors will be held At Futures for Children, 9600 Tennyson (across from the County Line) Instead of the William Sibrava Sheriff's Substation.  
The Board Meeting will be held at the regularly scheduled date and time  
March 13 at 7:00 pm.

Sandia Heights Homeowners Association  
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www.sandiahomeowners.org

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**WINE AND COFFEE TASTING RESERVATION:**

Saturday, March 16<sup>th</sup>, 5-7pm. at Futures for Children, 9600 Tennyson (across from the County Line).  
*Please return by extended deadline of March 11*

List of who will attend:

Name \_\_\_\_\_ Name \_\_\_\_\_

Name \_\_\_\_\_ Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

I certify that each person is over 21.

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