

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PUEBLO OF SANDIA

Plaintiff,

v.

BRUCE H. BABBITT, et al.,

Defendants.

Civ. No. 1:94CV02524
Judge Harold H. Greene

**PLAINTIFF'S RESPONSE TO
BERNALILLO COUNTY'S PROPOSED UNCONTROVERTED FACTS**

1. Plaintiff disagrees with this proposed finding.
2. Plaintiff agrees that the 1748 Decree has been translated in that fashion but states that that statement does not establish that the eastern boundary of the Pueblo's reservation is limited to one league from the Pueblo plaza. Plaintiff states that the decree, read as whole, confirms that the eastern boundary should extend to the "Sierra Madre de Sandia," i.e., the "main ridge called Sandia."
3. Plaintiff disagrees with this proposed finding.
4. Plaintiff states that the Whiting translation speaks for itself, and states further that that translation, when read as a whole, makes clear that the Pueblo's eastern boundary should extend to the main ridge of the Sandia mountains.
5. Plaintiff disagrees with this proposed finding.
6. Plaintiff disagrees with this proposed finding.

7. Plaintiff disagrees with this proposed finding. Plaintiff further states that Whiting's translation of the eastern boundary as the "main ridge called Sandia" is based on language that is indisputably in the original 1748 Decree.

8. Plaintiff disagrees that the Whiting translation is a "mistranslation," and asserts, in any event, that as the official translation of the government subsequently adopted by Congress, it is controlling.

9. Plaintiff disagrees with this proposed finding.

10. Plaintiff disagrees with this proposed finding.

11. Plaintiff agrees that the Elena Gallegos grant did not explicitly refer to a formal pueblo but states that this omission is not material for the purposes of this litigation.

12. Plaintiff disagrees, as the Forest Service -- not the County -- currently has control over recreational trails running through the Sandia Mountains.

13. Plaintiff agrees that the County exercises police powers on private lands within the claim area. Plaintiff states further that the exercise of those police powers will be unaffected in the event the claim area is transferred from the Department of Agriculture to the Department of Interior.

14. Plaintiff agrees that it has always, as it has done here, vigorously enforced its rights.

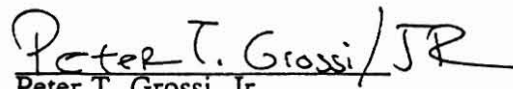
15. Plaintiff agrees that it did not object and states that that fact has no bearing on any material issue in this litigation.

16. Plaintiff agrees that it did not object and states that that fact has no bearing on any material issue in this litigation.

17. Plaintiff agrees that Associate Solicitor Vollman did not address the applicable statute of limitations and states, as this Court has held, that this

action is governed by the six year statute of limitations applicable to actions under the Administrative Procedure Act.

Respectfully submitted,



Peter T. Grossi, Jr.

Bar No. 201517

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