

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PUEBLO OF SANDIA
P.O. Box 6008
Bernalillo, N.M. 87004
(505) 867-3317,

Plaintiff,

v.

BRUCE H. BABBITT,
in his official
capacity as
Secretary of the
Interior,
1849 C. Street, N.W.
Washington, D.C. 20240
(202) 208-7351, and

MIKE ESPY,
in his official
capacity as
Secretary of Agriculture,
14th and Independence, SW
Washington, D.C. 20250
(202) 720-3631

CASE NUMBER 1:94CVO2624
JUDGE: Harold H. Greene
DECK TYPE: Civil
General

Defendants.

AFFIDAVIT

Anita Miller, being duly sworn, deposes and states:

1. My husband, Ned Miller, and I own a home at 223 Spring Creek Lane, N.E., in Sandia Heights North, Unit 2, which is within the area claimed by the Pueblo of Sandia, as depicted at Exhibit A of the Complaint filed in Pueblo of Sandia in this matter, No. 1:94CVO2625 in the United States District Court of the District of Columbia.

2. We selected our lot in 1980 because of its accessibility to the Cibola National Forest and Sandia National Wilderness via

Exhibit #8
Motion to Intervene
Pueblo of Sandia v. Babbitt
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U.S.D.C. for the District of Columbia

minor trails, maintained by the United States Forest Service, which connect private land adjoining Forest land to the major trails in the claim area--the Tramway, La Luz and Piedra Lisa Trails. We also selected our lot because it was in a community of residents who share values of respect for and appreciation of the adjoining public lands.

3. I walk the Forest trails virtually every weekend, enjoying their beauty and solitude.

4. In the spring of 1994, the Forest Service-maintained "minor" trail closest to my home, which provides access to the "major" trails in the area, was closed at the request of an adjoining property owner.

5. I represented the approximately 20 families who utilized that access trail, contacting the Sandia District Ranger, Floyd Thompson, and requesting assistance in locating alternate access to the major Forest Trails. Ranger Thompson assisted us in locating an easement over private property which could be developed as an access trail to connect with Trail 182, an existing Forest Trail which provides public access to the Tramway Trail.

6. On July 2, 1994, approximately twenty area residents worked for several hours, with the help of Ranger Thompson and another Ranger, to open a new access trail, named "Spring Creek Trail," which joins Trail 182. We also did some necessary maintenance work on Trail 182. We affirmed a cooperative relationship between area residents and the U.S. Forest Service, with the subdivision residents, Albuquerque citizens and Forest Service benefitting from what proved to be a delightful community

weekend activity. The new trail and the improved Forest Service Trail 182 are now a major community amenity.

7. I sincerely believe that public access to the Forest and Wilderness would be restricted if the Pueblo were to acquire the public lands adjacent to private property. I also believe that the alleged "religious" interests of Pueblo members can be accommodated under Forest Service management, in the same cooperative manner with which the Forest Service has accommodated the interests of other citizens.

8. As an attorney specializing in land use law, I personally have reviewed all of the documentation upon which the Pueblo of Sandia relies in this claim, and do not believe that the Pueblo has produced sufficient evidence to prove that its original grant included the area claimed. The interests of private property owners, and indeed, all of the citizens of the entire Albuquerque region, should not be compromised in any way unless the Pueblo of Sandia can prove that it has a legitimate interest in the claim area.

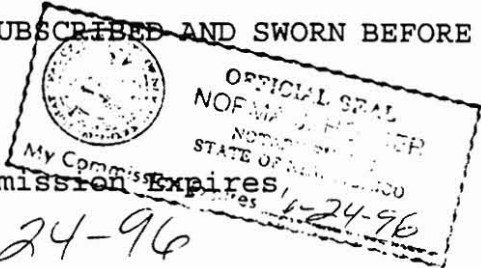
Further Affiant sayeth naught.

Anita P. Miller
Anita P. Miller

STATE OF NEW MEXICO)
) SS.
COUNTY OF BERNALILLO)

SUBSCRIBED AND SWORN BEFORE ME THIS 5 DAY OF JANUARY, 1995, ~~1994~~

Maria J. Haldin
Notary Public



My Commission Expires
6-24-96