

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

Viola Miller, being duly sworn, deposes and states:

1. I reside at 548 Black Bear Road NE, Albuquerque, New Mexico, 87122, which is in Sandia Heights South Subdivision and is not within the area claimed by the Pueblo of Sandia in this lawsuit.

2. Because of my interest in preservation of Open Space in the Albuquerque region, I am a member of the Sandia Mountain Coalition.

Exhibit #9
Motion to Intervene
Pueblo of Sandia v. Babbitt
No. 1:94CV02624HHG
U.S.D.C. for the District of Columbia

3. I was the Chairman of the Albuquerque Open Space Task Force between 1986 and 1988, and was a member of that Task Force since 1980. I continue to be a member. The Albuquerque Open Space Task Force worked with the City's Planning Department to identify Major Public Open Space for the City as part of the City's comprehensive planning process in the 1970's. In 1982, the Task Force was responsible for the creation of the Albuquerque Open Space Advisory Board, appointed by the Mayor. The Task Force continues to serve as an activist group, advocating preservation of Major Public Open Space. It was the instigating force behind the acquisition by the City of the Elena Gallegos Land Grant and the Rounds Estate, which were the last private holdings on the western slope of the Sandias.

4. In 1982, the Task Force facilitated the acquisition of the Elena Gallegos Land Grant, which is immediately to the south of and adjacent to the area presently claimed by the Pueblo of Sandia. This acquisition was accomplished through a purchase and land exchange which involved participation by the private owner of the land, the City, the United States Forest Service and the Bureau of Land Management. The easterly portion of the Elena Gallegos Tract was added to the Cibola National Forest and is managed by the United States Forest Service. Approximately 600 acres of the tract are managed by the City of Albuquerque. The trails in both the City and National Forest sectors of the Elena Gallegos are linked with other trails along the Sandia Crest and Forest trails to the north and south, including trails in the area claimed by the Pueblo of Sandia, forming an unbroken Major Public Open Space and trail

system along the entire western face of the Sandias, and, indeed, in the entire Sandia Mountain area of the Cibola National Forest and Sandia National Wilderness. In the near future, this Open Space will be linked to an entire Open Space network which will cover the entire Albuquerque region.

5. Albuquerque is nationally known and respected for its Open Space system. It is unique in that it has conserved a significant natural and visual resource for the enjoyment of the city's growing population.

6. There is a total of 65,000 acres of Forest Service land in the Sandia Mountains to the north of Tijeras Canyon, on both sides of Sandia Crest. Within this area, there are 37,200 acres of designated National Wilderness. The Pueblo claims 9,500 acres of this land, of which 8,875 acres are in the Wilderness. All of the land claimed is on the western face of Sandia Mountain and extends to the the Crest. It includes the communications towers, the Crest House and overlook area, and the Kiwanis Shelter. It also includes the La Luz Trail and the Piedra Lisa Trail. This is the U.S. Forest Service-managed area of the Sandias which is adjacent to the Elena Gallegos and which is most accessible to residents of the City of Albuquerque. Considering the growing population of the Albuquerque area, loss of 9,500 acres of accessible Major Public Open Space would be of major significance.

7. This area also serves as a buffer for wildlife, whose habitat is vanishing because of the encroachment by development on the east side of the Sandias.

8. I advocate continued management of this highly sensitive

