

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Nos. 98-5428, 98-5451 (consolidated)

PUEBLO OF SANDIA,

Plaintiff-Appellee

v.

BRUCE BABBITT, et al.,

Defendants-Appellants,

SANDIA MOUNTAIN COALITION and COUNTY OF BERNALILLO, NEW MEXICO,

Intervenor-Defendants-Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEDERAL APPELLANTS' STATEMENT OF ISSUES TO BE RAISED ON APPEAL

Pursuant to this Court's order of September 18, 1998, the federal appellants state that they may raise the following issues on appeal:

- Whether the district court erred in holding that it had subject matter jurisdiction over the Pueblo of Sandia's (the "Pueblo's") suit due to the characterization of the suit as one for review of administrative action, thereby purporting to avoid the jurisdictional bars of the Quiet Title Act and the Indian Claims Commission Act;
- Whether the district court erred in holding that the Department of the Interior's decision not to resurvey the disputed area was reviewable under the

Administrative Procedure Act:

- Whether the district court erred in holding that the Department of the Interior's decision not to resurvey the disputed area was arbitrary and capricious;
- Whether, to the extent that the district court's Order and Opinion of July 20, 1998, may be understood as granting the Pueblo any relief other than remand to the Department of the Interior for reconsideration of its decision not to resurvey the disputed area, the district court exceeded its authority.

Respectfully submitted,



Marta Hoilman
Attorney, Department of Justice
Environment and Natural Resources Division
Appellate Section
P.O. Box 23795
L'Enfant Plaza Station
Washington, D.C. 20026
Counsel for the federal appellants

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90-2-4-1743