



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SOUTHWEST REGION
P.O. BOX 26567
Albuquerque, New Mexico 87125-6567

IN REPLY REFER TO:
101-Office of the Regional Director

SEP 11 2008

Mr. George Johnson
The Santa Fe Review
P.O. Box 1442
Santa Fe, New Mexico 87504

Dear Mr. Johnson:

Thank you for your inquiry of August 22, 2008, regarding the Santa Fe Indian School buildings. The Santa Fe Indian School, all real property and buildings, was declared to be held in trust for the 19 Pueblos of New Mexico in December 2000 under Public Law 106-568. That legislative action was initiated by the 19 Pueblos and Congress did not include a requirement for the Pueblos to comply with Section 106 of the National Historic Preservation Act (NHPA) or the National Environmental Policy Act (NEPA). Because no federal agency undertaking or action was required and Congress imposed no compliance requirements on the Pueblos, there was no requirement to put protections into place for the historic buildings at the Indian School.

To further clarify a point in your letter, the buildings at the Santa Fe Indian School were not transferred through a trust to the All Indian Pueblo Council, but the land, the buildings, and structures that comprise the Santa Fe Indian School were declared to be held in trust by the Federal Government for the 19 Pueblos of New Mexico. The 19 pueblos are the owners; the federal government is the trustee. This is the same arrangement as for nearly all other tribal lands in the United States. The tribes and tribal owners are free to use those lands for their own needs and purposes. Federal environmental compliance requirements are only triggered by activities that are performed, assisted, funded, approved, licensed, or permitted by the federal government, and in those cases compliance responsibilities fall upon the lead federal agency for that particular activity. The actions and undertakings at the Santa Fe Indian School property are not those of any federal agency, but are activities performed and funded by the Pueblos themselves. Therefore, NHPA and NEPA are not applicable.

If you have any further questions, please let us know.

Sincerely,


Regional Director