P.O. Box 264
Crownpoint, NM

January 23, 2006

David Albright
Groundwater Office Manager
U. S. Environmental Protection Agency
Region 9
75 Hawthorne Street, Mail Code: WTR-9
San Francisco, CA 94105

Re: Safe Drinking Water Act Determination, Underground Injection Control Program, Determination of Indian Country Status for Purposes of Underground Injection Control Program Permitting – FRL-7992-9

Dear Mr. Albright:

My name is Leonard Arviso. I am a member of the Navajo Tribe, and I live on fee land at Bluewater Lake, located within what is known as the "checkerboard area", on New Mexico State Highway 12. I am also part owner of allotted lands near Church Rock, within three miles of Hydro Resources (HRI) Section 8 property, and allotted lands near Mariano Lake, which is about nine miles from the HRI property. I believe my fee property is similar to Hydro Resources Section 8 property since it is within the "checkerboard area", and located near state land, United States Forest Service land, allotted land, and tribal trust land. My fee property is located within the Baca Chapter of the Eastern Navajo Agency, although my wife and I are members of the Crownpoint Chapter.

As an owner of fee property, I pay property taxes to Cibola County. I get all of my services for road maintenance, fire, emergency medical service and police protection from Cibola and McKinley Counties. I am also subject to county zoning.

My four children attended public schools in Window Rock, Arizona. Although, Window Rock, AZ is the capitol of the Navajo Nation, the Navajo Nation has no schools of their own, and my children attended State-run public schools. I have five grandchildren currently attending the State-run public schools in Crownpoint, McKinley County, New Mexico.

Because I own my property in fee in the "checkerboard area", I do not receive any services or benefits from either the Baca or Crownpoint Chapters, or the Navajo Tribe. Neither the Chapters nor the Navajo Nation can afford to assume the cost of public services now provided by McKinley or Cibola Counties, or the State of New Mexico. It is my firm position that my fee land is not Indian Country by any definition. I believe that a finding that Section 8 is Indian Country would be incorrect under the law and as a factual matter. Private property in McKinley or Cibola County has never been treated as Indian Country by the counties or the Navajo Tribe. Like my property, HRI's fee property is taxed and serviced by the county. I believe that a decision that Section 8 is Indian Country would adversely impact fee landowners such as myself in the checkerboard area that receive no benefits from the Navajo Tribe.

As noted above, I also am the owner of allotted lands. It is my understanding that these lands have been determined to be Indian Country, although I would point out that as an allotment owner, I receive little, if any, benefit or services from the Navajo Tribe. McKinley County provides fire and EMS protection, and the State and McKinley County maintain the roads that access my allotted properties. McKinley County also provides the schools and bus transportation to individuals residing on these allotted lands.

As a fee landowner in the checkerboard area, I see no benefit to any declaration that any fee land is Indian Country because the Navajo Tribe provides no services or benefits to the owners of fee property. I am not dependent on the Crownpoint Chapter or Navajo Tribe. Thank you for the opportunity to submit my comment on this important issue.

Navajo allottees like other citizens of New Mexico and the United States aspire to own their land with full rights of alienation. Finding that fee land such as Section 8 is Indian Country would establish bad precedent for other Indian or non-Indian fee owners in the checkerboard region.

Sincerely yours,

Leonard Arviso