New Mexico State Senate

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SENATOR LIDIO G. RAINALDI
D-Cibola & McKinley-4

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January 24, 2006

Mr. David Albright
Ground Water Office Manager
US Environmental Protection Agency
75 Hawthorne Street
Mail Code: WTR-9
San Francisco, CA 94105

Re: Notice of Prospective Determination of Indian Country Status for Purposes of Underground Injection Control Program Permitting

Dear Mr. Albright:

I am a member of the New Mexico State Senate, representing District 4, which includes McKinley and Cibola Counties. I am a member of the Senate Indian & Cultural Affairs and Judiciary Committees. I am writing because I recently learned that the Environmental Protection Agency (EPA) is considering a determination of Indian country status of 160 acres of private checkerboard land located near Churchrock, New Mexico for purposes of underground injection control program permitting.

Underground injection control program permitting is one factor to consider im making your determination, but I urge you to consider the potential difficulties such a decision could cause for the entire region. Checkerboard land ownership tends to hinder development in this area due to already existing jurisdictional issues and other related complex procedural requirements.

More importantly, we rely on county taxes to build our local economy and provide fundamental services and resources in this area. The property in question is private land that has always been taxed by the County in the same manner that all private land is taxed in the County. This land has never been treated as Indian country by McKinley County. A determination of this fee land as

Indian country would be completely disruptive to combined efforts to build our communities . Please advise me if my information is correct or incorrect.

I appreciate your consideration.

Sincerely,

Senator Lidio G. Rainaldi
State of New Mexico