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**Statement of Governor Nicholas Garcia
Pueblo de Cochiti
Before the
Senate Committee on Indian Affairs
on
S. 2643
The Pueblo de Cochiti Self-Governance Act**

April 13, 2016

Chairman Barrasso, Ranking Member Tester and Members of the Committee, on behalf of the Pueblo de Cochiti, I thank you for holding this hearing and providing us with the opportunity to discuss the Pueblo de Cochiti Self-Governance Act. This legislation reflects the positive evolution and healing process that follows a difficult history of cultural and economic harm to the Pueblo de Cochiti from the adverse impacts caused by the Cochiti Dam.

To fully understand the importance of this legislation to our people and the valuable objectives it achieves, you must first know a bit about Cochiti Pueblo and our experience with the Cochiti Dam.

The Pueblo de Cochiti is a federally recognized tribe of approximately 1500 members located in New Mexico approximately 50 miles north of Albuquerque. Our ancestors have resided in this area for more than a thousand years. We once occupied the lands that are now the site of the Bandolier National Monument.

The cultural life of the Pueblo revolves around our land. Our economy has historically been based on agriculture. Many of our rituals and ceremonies are tied to events in the agricultural calendar.

Congress authorized the construction of the Cochiti Dam in the Flood Control Act of 1960 and the Dam was completed in 1975. Built by the US Army Corps of Engineers on Cochiti lands, the Dam is one of the largest earthen dams in the United States. Cochiti Dam and its surrounding waters occupy 11,000 acres of the Pueblo's ancestral land.

While those downstream have benefitted from the dam's protection from Rio Grande flooding as intended, the construction of the Dam imposed great hardship on our Pueblo. The whirlpool rock that is sacred to Cochiti and other Pueblos is within the Dam area. Despite promises from the engineers that the rock would not be affected by the Dam, it was one of the sites destroyed by the Dam, impeding our religious practices and those of our neighboring Pueblos. Additionally, for over two decades, groundwater seepage from under the Dam flooded Cochiti agricultural fields making them unusable, causing the Pueblo to cease farming more than a generation.

The seepage problem and the damage it caused was not corrected by the United States until our Pueblo brought a lawsuit, which was originally filed in 1980. Known as the Cochiti Wetfields litigation, the lawsuit was settled in 1990 when the United States agreed to build a drainage system to channel groundwater seepage from the Dam to points beyond our fields. The settlement also provided \$4.5 million for the operation and maintenance of that drainage system.

The Pueblo has administered, operated and maintained the Cochiti Dam drainage system for three decades pursuant to agreements under the Indian Self-Determination Act. Despite the loss of farming in our community for more than a generation, through an agricultural restoration program, fields are today productive and many of our members maintain a livelihood or supplement their income through cultivating traditional crops of beans, corn and squash as well as alfalfa and grains.

S. 2643 endorses the 2015 amendment of the Wetfields Settlement Agreement that the Pueblo, the Corps and BIA executed in order to accomplish three objectives:

- Promote Cochiti self-determination by transferring responsibility for the operation and maintenance of the Cochiti Dam drainage system to the Pueblo;
- Release the United States from any and all liability associated with the drainage system; and
- Expand the authorized uses of accumulated drainage system reserve funds for the acquisition of ancestral lands known as the Cañada de Cochiti (Cochiti Canyon).

This third objective reflects the development of an exceptional opportunity for the Pueblo to reacquire culturally significant ancestral homelands adjacent to the Cochiti Reservation at no expense to the United States, or any state or local government. The Pueblo's ancestral villages and numerous sacred sites are located in the Cañada de Cochiti. For 75 years, the Pueblo has sought to restore these historically and culturally significant lands to its reservation.

The land is owned by the State of New Mexico. Several years ago, the Las Conchas fire ravaged the area, destroying all productive activities on that land. The Pueblo entered into a lease agreement with the State with an option to acquire the parcel through a land exchange agreement. If the Pueblo purchases property of equivalent value for the State, the State will transfer its ownership of the Cañada to the Pueblo.

Our challenge, however, is obtaining funding needed to purchase lands of equivalent value for the exchange with the State. The Pueblo de Cochiti is not involved in gaming and has limited economic development programs. The Cañada de Cochiti was appraised at approximately \$5 million.

The Pueblo will be able to purchase real property of equivalent value only if it were authorized to utilize a portion of its accumulated reserve funds in the Cochiti Dam drainage system operations and maintenance fund. The amendment to the Wetfields Settlement Agreement executed in 2015 transfers to the Pueblo the authority and responsibility for the administration of that drainage system and will modify the purpose of that to include this acquisition of land.

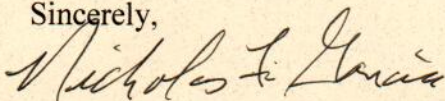
The acquisition involves no controversy with other landowners or governments and will not be used for gaming purposes. The exchange will provide a direct benefit to the State of New Mexico because it will allow the State to acquire more productive, income-generating land. Meanwhile, the Pueblo will use the Cañada de Cochiti lands for cultural purposes.

The Pueblo has conducted an engineering and cost analysis of the drainage system's operation, maintenance and replacement costs over time in order to ensure the effectiveness of that system for our agricultural needs. The Pueblo, the Department of Interior and the Army Corps of Engineers worked closely to develop the mutually acceptable terms to amend the Wetfields Settlement Agreement to establish binding terms for the transfer of responsibility to the Pueblo and to release the United States from liability associated with the drainage system. The relevant federal agencies support the Pueblo's objectives and the amendment has been executed by all parties. In order to go into effect, however, Congress must endorse the amendment.

We thank Senators Udall and Heinrich for introducing this bill and we encourage this Committee to approve this legislation and clear the way for a vote by the entire Senate. The legislation has the support of the State of New Mexico, the bi-partisan endorsement of the New Mexico congressional delegation, the backing of the relevant federal agencies and the blessing of our neighboring Pueblos.

Thank you for your consideration. I am happy to answer any questions you may have.

Sincerely,



Nicholas F. Garcia, Governor
Pueblo de Cochiti